

## **TOWN PLANNING BOARD**

### **Minutes of 435th Meeting of the Metro Planning Committee held at 9:00 a.m. on 28.1.2011**

#### **Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),  
Transport Department  
Mr. David To

Assistant Director (Environmental Assessment),  
Environmental Protection Department

Mr. C.W. Tse

Assistant Director/Kowloon, Lands Department  
Ms. Anita K.F. Lam

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Professor P.P. Ho

Mr. Laurence L.J. Li

Dr. Winnie S.M. Tang

Professor Joseph H.W. Lee

Mr. Maurice W.M. Lee

Assistant Director(2), Home Affairs Department  
Mr. Andrew Tsang

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 434th MPC Meeting held on 14.1.2011

[Open Meeting]

1. The draft minutes of the 434th MPC meeting held on 14.1.2011 were confirmed without amendments.

[Prof. S.C. Wong and Ms. Maggie Chan arrived to join the meeting at this point.]

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 1 of 2011  
Temporary Open Storage of Construction Materials  
for a Period of 2 Years in the “Open Space” (“O”) zone  
Lot No. 908 RP in D.D.125, Ha Tsuen, Yuen Long  
(A/YL-HT/674)

2. The Secretary reported that an appeal dated 17.1.2011 was received by the Town Planning Appeal Board (TPAB) against the decision of the Town Planning Board (TPB) on 5.11.2010 to reject on review an application for temporary open storage of construction materials for a period of two years at the application site in the “Open Space” (“O”) zone on the approved Ha Tsuen OZP No. S/YL-HT/10. The application was rejected by the TPB for the following reasons:

- (a) the development was not in line with the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB Guidelines No.13E) in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments and the development would have adverse environmental impacts on the surrounding areas; and

- (b) approval of the application would set an undesirable precedent for similar open storage uses in the subject “O” zone, the cumulative effect of which would result in a general degradation of the environment of the area.

3. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 12 of 2008  
Temporary Car Trading for a Period of 2 Years  
in “Village Type Development” zone, Lot 582 RP (Part) in D.D. 111  
and Adjoining Government Land, Fan Kam Road, Pat Heung  
(Application No. A/YL-PH/563)

4. The Secretary reported that the subject appeal was lodged by the Appellant on 16.12.2008 against the decision of the Town Planning Board to reject on review an application (No. A/YL-PH/563) for temporary car trading for a period of 2 years. The appeal site was zoned “Village Type Development” (“V”) on the approved Pat Heung Outline Zoning Plan No. S/YL-PH/11. On 24.11.2010, the appeal was heard by the TPAB. On 17.1.2011, the appeal was dismissed by the TPAB mainly for the following reasons:

Ground of appeal: The site had been used only as a showroom and sales office for left-hand drive cars and not as open storage

- (a) the TPAB considered that the site had in substance been used as an open storage for left-hand drive vehicles rather than as a showroom and sales office;

Grounds of appeal: The site was located next to Fan Kam Road and nobody would want to build a house right next to the road. There was a large water pipe next to the site which made it not possible to build a house there. Moreover, there did not appear to be a need for housing sites in the area

- (b) the TPAB found that there were many village houses built right by the roadside on various stretches of Fan Kam Road. Despite the presence of the concerned water pipe, it would still be possible to build one or two village houses on the site. Moreover, there was a need for more housing land in the area;

Ground of appeal: The Appellant had tried to look for an alternative site for his business but had been unsuccessful

- (c) the TPAB was not convinced that the Appellant had made any serious effort in looking for alternative accommodation;

Other reasons

- (d) most important of all, the TPAB considered that the applied use was against the planning intention of the subject “V” zone which was for village housing development;
- (e) according to the TPB Guidelines No. 13E for ‘Applications for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’, the site was located within the Category 4 areas within which applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances;
- (f) the Appellant had made a previous application (No. A/YL-PH/541) for temporary open storage for private cars prior to sale at the site. This application was rejected by the TPB on review. He then made the present application for “temporary car trading use” at the site. This was just changing the label without changing the substance.

[Mr. Clarence Leung arrived to join the meeting at this point.]

(iii) Appeal Statistics

5. The Secretary reported that as at 28.1.2011, a total of 24 cases were yet to be heard by the ABP(TP). Details of the appeal statistics were as below :

Allowed	:	27
Dismissed	:	115
Abandoned/Withdrawn/Invalid	:	147
Yet to be Heard	:	24
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	313

**Tsuen Wan and West Kowloon District**

[Mr. C.K. Soh, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

**Agenda Item 3**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/194            Proposed Massage Establishment in “Residential (Group A)” zone,  
12/F, Wai Wah Commercial Building,  
109-113 Portland Street, Kowloon  
(MPC Paper No. A/K2/194)

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Presentation and Question Sessions

6. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed massage establishment;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the statutory publication period, one public comment from a representative of the Incorporated Owners for 104, 104A and 106 Portland Street was received. The commenter objected to the application for the reasons of possible nuisance to the nearby residents and adverse impacts on the security of the neighbourhood; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The premises was located in a mixed neighbourhood with commercial/residential, commercial/office and other commercial developments, and there were 6 similar applications approved by the Committee within the same building, which was an existing commercial/office building. The proposed massage establishment was considered not incompatible with the surrounding developments and with the existing uses within the same building, and could meet the planning criteria as laid down in TPB PG No.14B. Regarding the public comment concerning the possible nuisance and adverse impact on public security, it should be noted that the premises was located in a mixed commercial/residential neighbourhood having similar uses and other commercial uses in the same building and in the vicinity.

7. Members had no question on the application.

#### Deliberation Session

8. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

9. The Committee also agreed to advise the applicant to note :

- (a) Commissioner of Police’s comments on the submission of an application for a massage establishment licence to his office for consideration after planning permission was obtained; and
- (b) Director of Environmental Protection’s comments that the operator of the proposed use should ensure compliance with the requirements under relevant environmental pollution control ordinances.

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/535                      Proposed Flats in “Residential (Group E)” zone,  
7 Arran Street, Mong Kok (KIL No. 8075)  
(MPC Paper No. A/K3/535)

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10. The Secretary reported that the application was submitted by the Hambrook Investments Limited, which was a subsidiary of Sun Hung Kai Properties Ltd (SHKP). Mr. Felix Fong and Mr. Raymond Chan had declared interests on this application as they had current business dealings with SHKP. Ms. Julia Lau had also declared an interest in this item as she was a former employee of SHKP from November 1994 to November 2008. Members noted that Mr. Fong and Ms. Lau had not arrived at the meeting yet.

[Mr. Raymond Chan left the meeting temporarily at this point.]



Presentation and Question Sessions

11. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed flats;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the statutory publication period, two public comments were received. One comment was submitted by the Vice-Chairman of Yau Tsim Mong Area North Committee. He supported the application as the proposed development could help meet the demand for small-unit flats. The other comment was submitted by Designing Hong Kong Ltd., which objected to the application as it was not in line with the planning intention for the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed residential development was in line with the planning intention of “R(E)” zone which was to encourage the phasing out of industrial use through redevelopment for residential use. A previous application for residential development had been approved by the Committee (No. A/K3/476-2). The proposed development was similar to the approved scheme under Application No. A/K3/476-2 except that the number of flats, flat size, building height and the layout had been modified. It was considered that these changes would not have a significant adverse impact on the surrounding areas. Although a public comment against the application was received for the reason that the proposed development was not in line with the planning intention for the area, it should be noted that the proposed residential development was in fact in line with the planning

intention of the “R(E)” zone as it encouraged the phasing out of industrial use through redevelopment to residential use.

12. In response to a question from a Member, Mr. Soh said that the previous planning permission had expired because the proposed development was not commenced during the validity period of the planning permission. It was probably because of the changes in market conditions that the previously approved scheme had not been taken forward.

13. The same Member asked why the building height could be reduced without changing the total gross floor area (GFA) of the proposed development as compared with the previously approved scheme. Mr. Soh said that one of the reasons was that the applicant had reduced the floor-to-floor height so that the overall building height could be reduced without affecting the GFA of the proposed development.

#### Deliberation Session

14. Referring to paragraph 1.3 of the Paper, the Secretary said that besides the reduction in floor-to-floor height, the applicant had also deleted a sky garden from the current scheme and therefore the overall building height was further reduced to meet the building height restriction stipulated for the “R(E)” zone on the OZP.

15. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of the Fire Services or of the TPB.

16. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that the proposed gross floor area (GFA) concession for the proposed development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If GFA concession was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note Director of Lands' comments that the owner should check if the proposed development would contravene any existing lease conditions. Any application for lease modification to implement the approval given by the Board, would be processed by Lands Department acting in the capacity as landlord at its sole discretion. If it was approved, it would be subject to such terms and conditions including, among others, payment of premium and administrative fee, as might be imposed by Lands Department;
- (c) to note Chief Building Surveyor/Kowloon, Buildings Department's comments that :
  - (i) the applicant should ensure the provisions of access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008 for the whole building; and
  - (ii) the applicant was reminded that the recreational facilities on G/F should be for the exclusive use of the owners and residents and their bona fide visitors only and such area should not be used for any other purpose or by any other persons without the prior consent of the Building Authority. The area should also be designated as common area in Deed of Mutual Covenant;
- (d) to note Commissioner for Transport's comments that he had the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or

any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the proposed development; and

- (e) to note Chief Engineer/Mainland South, Drainage Services Department's comments that the applicant should compare the change of wastewater generation due to the change of usage and assess the sewerage impact on both the upstream and downstream pipes.

[The Chairman thanked Mr. C.K. Soh, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. Felix Fong arrived to join the meeting at this point.]

[Mr. Philip Y.L. Chum, STP/TWK, was invited to the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/701                      Proposed Eating Place (Restaurant)  
in "Government, Institution or Community" zone,  
G/F, Wai Oi Block, West Wing, Caritas Medical Centre,  
111 Wing Hong Street, Sham Shui Po  
(MPC Paper No. A/K5/701)

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#### **Presentation and Question Sessions**

17.            Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place (restaurant);

- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the statutory publication period, one public comment from a Sham Shui Po District Council Member was received. He did not object to the application but considered that the oily fumes and the environmental hygiene issues of the proposed restaurant should not affect other users of the hospital; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The application was for the conversion of an existing staff canteen to a restaurant so that it could serve both the hospital staff and the general public. One of the justifications provided by the applicant was that the conversion was requested from the visitors and relatives of the patients. As the proposed restaurant could support the hospital services, it was generally in line with the planning intention. The proposed conversion from staff canteen to restaurant was not incompatible with the uses of Wai Oi Block of Caritas Medical Centre which mainly accommodated a nurses' training school, hospital offices and nurse quarters. Regarding the commenter who had no objection to the application but expressed concern on the environmental hygiene of the proposed restaurant, relevant departments including the Food and Environmental Hygiene Department, Environmental Protection Department and Drainage Services Department had no objection to the application.

18. In response to a question from a Member, Mr. Chum said that the existing canteen served mainly the hospital staff and the proposed restaurant would serve both the staff and the general public.

#### Deliberation Session

19. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

20. The Committee also agreed to advise the applicant to note :

- (a) the District Lands Officer/Kowloon West, Lands Department's comment on application for a temporary waiver or a lease modification to permit the applied use; and
- (b) the Director of Food and Environmental Hygiene's comment that relevant food licence/permit should be obtained for conducting relevant food business.

[The Chairman thanked Mr. Philip Y.L. Chum, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting]

A/TW/420                      Proposed Public Utility Installation (Package Substation)  
in "Open Space" zone,  
Government Land in D.D. 451,  
Sheung Kwai Chung Tsuen Road, Sheung Kwai Chung, Tsuen Wan  
(MPC Paper No. A/TW/420)

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21. The Committee noted that the applicant's representative had requested on 10.1.2011 for deferment of the consideration of the application for two months in order to allow time to prepare additional information at the request of Planning Department.

22. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

### Agenda Item 7

#### Section 16 Application

[Open Meeting]

A/TWW/101 Proposed House Development at Plot Ratio of 0.75  
in “Residential (Group C)” zone,  
Lot. 253 s.AR.P., 261 and 388, D.D. 399, Ting Kau, Tsuen Wan  
(MPC Paper No. A/TWW/101)

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23. The Committee noted that the applicant’s representative had requested on 13.1.2011 for deferment of the consideration of the application for two months in order to allow sufficient time for preparation of further information and responses to address the comments received.

24. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

**Hong Kong District**

**Agenda Item 8**

**Section 16 Application**

[Open Meeting]

A/H1/93                      Proposed Hotel in “Residential (Group A)” zone,  
No. 10-12 Yat Fu Lane, Shek Tong Tsui  
(MPC Paper No. A/H1/93)

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25.            The Committee noted that the applicant’s representative had requested on 20.1.2011 for deferment of the consideration of the application to 18.2.2011 (i.e. the next meeting of the Committee) in order to allow enough time for the applicant to prepare a consolidated reply to address the comments from relevant government departments.

26.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Ms. April K.Y. Kun, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]



**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/398                      Proposed Flats in “Commercial” zone,  
G/F, Upper Part of G/F, 1/F to 6/F (4/F Omitted) and 29/F,  
No. 119-120 Connaught Road West  
(MPC Paper No. A/H3/398)

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**Presentation and Question Sessions**

27.            Ms. April K.Y. Kun, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed flats;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period. The District Officer (Central & Western) (DO(C&W)) reported that the Central & Western District Council was in general concerned about the development intensity in the district, in particular the possible impacts on traffic flow and air ventilation brought about by high intensity developments; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application premises were located within an area of mixed commercial and residential developments with commercial uses on ground floors. The application sought planning permission to convert the lowest seven floors for residential use with the four lower floors (2/F, 3/F, 5/F and 6/F) and one

additional storey at the top of the existing building for 'flat' use. The proposed conversion was considered not incompatible with the surrounding developments in terms of use. Although the proposal involved an increase in the building height from 75.85mPD to 78.65mPD, it was well within the building height restriction of 120mPD stipulated on the OZP, and would not result in a significant increase in the physical bulk of the building. The proposed development would unlikely generate adverse environmental, traffic and sewerage impacts on the surrounding areas. Regarding DO(C&W)'s comments, relevant departments including Transport Department and Environmental Protection Department had no in-principle objection to the application.

28. A Member asked why the proposed conversion into flat use would result in a reduction in the total GFA. By referring to Drawing A-3, Ms. Kun said that an existing structure on 2/F to 6/F of the building, which was formerly used as a restaurant but was currently vacant, would be demolished. The total GFA would therefore be reduced.

#### Deliberation Session

29. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

- (d) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

30. The Committee also agreed to advise the applicant :

- (a) that the proposed gross floor area and site coverage of the scheme under application might not be achievable under the Buildings Ordinance. The applicant should approach the Buildings Department to obtain the necessary approval. If there was any major change to the current scheme, a fresh application to the Board might be required; and
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 9.1.7 of the Paper regarding the provision of more greenery and improvement of the local landscape quality and landscape planting on podiums or flat roofs.

[The Chairman thanked Ms. April K.Y. Kun, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Ms. Julia Lau arrived to join the meeting at this point.]

[Mr. Louis K.H. Kau, STP/HK, was invited to the meeting at this point.]

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/391                      Proposed Hotel (Conversion of Existing Office Building)  
   in "Residential (Group A)" zone,  
   8-12 Hennessy Road, Wan Chai  
   (MPC Paper No. A/H5/391)

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31. The Secretary reported that the application was submitted by Timing Land Ltd.,

which was a company related to Sino Land Company Limited (Sino) represented by Raymond Chan Surveyors Ltd. (RCS). Mr. Felix Fong had declared an interest in this item as he had current business dealings with Sino. Mr. Raymond Chan had also declared an interest in this item as he had current business dealings with Sino and he was the director of RCS.

[Mr. Felix Fong and Mr. Raymond Chan left the meeting temporarily at this point.]

### Presentation and Question Sessions

32. Mr. Louis K.H. Kau, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (conversion of existing office building);
- (c) departmental comments – the Commissioner for Transport (C for T) had no objection to the application subject to the conditions that the number of guest rooms be limited to 88, the loading/unloading of passengers and goods be carried out at Anton Street and any future request for alteration of traffic arrangement would not be approved. The Chief Town Planner/Urban Design and Landscape, Planning Department commented that landscape planting along the edges of podium and flat roof should be proposed as far as practicable for improving the greenery of the building and landscape quality of the local environment;
- (d) during the statutory publication period, three public comments were received. They were submitted by a Member of the Wan Chai District Council (WCDC), Designing Hong Kong Limited and a member of the public. Designing Hong Kong Limited and the member of the public objected to the application on the grounds that the development was excessive and would further worsen the traffic congestion in the area. The WCDC Member was concerned whether there would be any increase in GFA

and traffic arising from the proposed development. He recommended that some off-street loading/unloading and stopping areas should be provided, a traffic assessment including on-site parking facilities or parking space in the nearby area should be undertaken, and an evaluation of the premium for the change of use from commercial use to hotel should be undertaken. The District Officer (Wan Chai) reported that while most of the local personalities consulted supported or had no objection to the application, a few people worried that the conversion would worsen the current traffic congestion problem in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. As compared with the previously approved scheme (Application No. A/H5/368), the proposed site coverage, plot ratio, building height of the proposed hotel development remained unchanged. The current application mainly involved the change of internal layouts to provide 88 hotel rooms, as compared with 68 rooms in the previously approved scheme, and a reduction in average size of the guest rooms from 36m<sup>2</sup> to 28m<sup>2</sup>. While the proposed hotel would have a plot ratio of 15, it was an in-situ conversion of an existing commercial/office building and all the back-of-house facilities had been included in the GFA calculation. It would unlikely generate adverse environmental, traffic, sewerage and drainage impacts on the surrounding areas. To ensure that the proposed conversion would not result in an increase in the bulk of the existing building, an approval condition stipulating the maximum GFA has been recommended. To minimize the traffic impact of the proposed hotel, a condition limiting the maximum number of guest rooms to 88 was also recommended. Regarding the public concern on excessive development, it should be noted that there would be no change in the physical bulk of the existing building. As for the concern on possible adverse traffic impact, a TIA has been undertaken to demonstrate that the proposed development would not have adverse traffic impact. As regards the evaluation of land premium, it was not a planning-related issue and would be dealt with at the lease modification stage.

33. A Member asked if a plot ratio of 15 would be acceptable for a redevelopment to hotel use. Mr. Kau replied that the proposed hotel with a plot ratio of 15 was allowed as it was an in-situ conversion of an existing commercial/office building of the same plot ratio. For a new development or redevelopment to hotel use, the Committee had only approved such developments with a maximum plot ratio up to 12 in the Wan Chai district.

34. In response to another question from the same Member, Mr. David To said that TD's comment as indicated in paragraph 9.1.3(c) of the Paper was to remind the applicant that picking up/setting down of passengers and loading/unloading of goods should be carried out at Anton Street as stated in the applicant's TIA report and any request for loading/unloading activity at Hennessy Road in future would not be approved by TD.

#### Deliberation Session

35. A Member asked whether the comments of C for T should be incorporated as an approval condition or advisory comment. The Chairman said that the comments of C for T had been incorporated as advisory clause (d).

36. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the proposed hotel development was subject to a maximum gross floor area (GFA) of 5,695.4m<sup>2</sup>. Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in GFA calculation;
- (b) the number of guest rooms in the proposed hotel development should not exceed 88;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction

of the Director of Environmental Protection or of the TPB;

- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

37. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that the non-domestic plot ratio of the proposed hotel development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession, in particular the non-domestic plot ratio of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding the provision of access and facilities for persons with disability requirements under Regulation 72 of the Building (Planning) Regulations;
- (c) to apply to the District Lands Officer/Hong Kong East, Lands Department for the lease modification to permit any proposed use (e.g. restaurant) contravening the non-offensive trades clause as contained in the relevant leases and the change of use to hotel by way of conversion of the existing building;
- (d) to note the comments of the Commissioner for Transport, Transport

Department regarding the picking up/setting down of passengers, loading/unloading of goods and no alteration of traffic arrangement in the vicinity of the application site;

- (e) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance;
- (f) to note the comments of the Director of Fire Services regarding the arrangement on Emergency Vehicular Access to comply with the Code of Practice for Means of Access for Firefighting and Rescue; and
- (g) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

[Mr. Felix Fong and Mr. Raymond Chan returned to join the meeting at this point.]

[The Chairman thanked Mr. Louis K.H. Kau, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. Tom C.K. Yip, STP/HK, was invited to the meeting at this point.]

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/407                      Proposed Minor Relaxation of Building Height Restriction  
for a Proposed Church Development  
in "Government, Institution or Community" zone,  
11 Cheung Hong Street, North Point  
(MPC Paper No. A/H8/407)

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**Presentation and Question Sessions**



38. Mr. Tom C.K. Yip, STP/HK, informed the meeting that two replacement pages (p. 2 and 10 of the Paper) mainly to revise the development parameters had been tabled at the meeting for Members' reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction for a proposed church development;
- (c) departmental comments – the Commissioner for Transport (C for T) commented that the relaxation of building height restriction was not supported as there was no provision of loading/unloading facilities at the proposed development. Cheung Hong Street was the only egress of the Fort Street and Kin Wah Street area. Additional on-street loading/unloading activities might have further impact on the traffic circulation in the area. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that the proposed additional floors would not create unacceptable visual impact. However, “G/IC” sites in the built-up urban area could serve as visual relief and breathing space. Any relaxation in the building height restriction had to be fully justified;
- (d) during the statutory publication period, 730 public comments were received. Two commenters had no comment on the application. 721 comments supporting or providing favourable views on the application were submitted by North Point Methodist Church Hong Kong and members of the public. They considered that more space was required for the church to continue their quality services. The lack of space could pose health hazards to children, and the proposed development would not pose adverse visual, environmental, lighting and traffic impacts on the surrounding areas. Some commenters also requested the Board to allocate another piece of land in the vicinity or at the ex-North Point Estate site for the church if the application was rejected. Another 7 commenters, including Designing

Hong Kong, the Incorporated Owners of an adjacent residential building and members of the public, objected to/had reservation on the application. They considered that the proposed relaxation of building height restriction was not in line with the planning intention of the “G/IC” zone. The proposed development would lead to adverse visual and air ventilation impacts in the area. Approval of the application would overload the existing road network due to increase in students and church attendees; and

(e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The assessments were summarized as follows:

(i) The proposed minor relaxation of building height

As stated in the Explanatory Statement of the OZP, the clause for minor relaxation of building height restrictions was to provide incentive for developments/redevelopments with design merits/planning gains. For the “G/IC” site, there was also a planning intention to provide visual and spatial relief for the high-density environment of the area. Any development that exceeded the stipulated BH restriction had to be fully justified. However, notwithstanding the site constraints and the operational need of the church, the applicant had not demonstrated any design merits and planning gain of the proposed scheme to justify the relaxation of the building height restriction. Hence, approval of the application would set an undesirable precedent for similar applications, the approval of which would result in a cumulative loss of the much needed breathing space in the densely developed area;

(ii) Traffic impact

as regards the traffic impact, the Transport Department had pointed out that any additional on-street loading/unloading activity on the street might cause further impact on the traffic circulation in the area, and did not support the proposed extension unless there would be proper loading and unloading facility in the proposed development.

It was envisaged that the proposed 6-storey building for use mainly as activity rooms and assembly hall would generate additional activities and induce additional traffic to the local road networks; and

(iii) Public comments

regarding the public comments supporting the application, it should be noted that the expansion need of the church should be weighed against the acceptability of the proposal from planning and transport viewpoints. PlanD agreed with some of the comments that the existing low-rise building at the site provided visual relief in the area and the proposal would set a precedent effect. Regarding the request for another piece of land for the proposed extension, it should be noted that there was no “G/IC” site available in the area for such purpose.

39. Members had no question on the application.

Deliberation Session

40. In response to the Chairman’s question on the possible adverse impacts of the proposed development on traffic circulation, Mr. David To said that the proposed church extension, with an increase of GFA of over 4,000m<sup>2</sup> and used mainly as a church assembly hall and activity rooms, would lead to more traffic flow to and from the church. Though he was of the view that the increase in GFA alone would not lead to unacceptable traffic conditions, the lack of loading/unloading facilities at the existing church building might result in on-street loading/unloading activities which would then cause adverse impact on traffic circulation in the area, especially when Cheung Hong Street was a one-way sloping street. As such, he considered that rejection reason (b) proposed in the Paper was appropriate.

41. The Vice-Chairman said that the applicant’s survey indicated that most people went to the church on foot or by public transport. However, as public transport included taxis, the proposed church extension could lead to more on-street loading/unloading activities.

42. In response to a Member's question on the different interpretation on the number of storeys of the proposed development between the applicant and government departments, Mr. Yip explained that the proposed extension involved an addition of a 6-storey structure (Phase 3) on top of the existing Phase 1 block. Although the applicant claimed that the proposed Phases 1 cum 3 block would have only 9 storeys, the Buildings Department advised that the entire church development should be treated as a single building and there would be 14 storeys in total (i.e. from LG3 to LG1 and G/F to 10/F).

43. The Secretary said that the Buildings Department's advice had been sought in determining the number of storeys of a building. However, in determining whether the proposed relaxation of building height restriction was "minor", Members should not only consider the absolute number of storeys involved but the impact, consequence and implications of the proposed relaxation. Also, the main criterion for assessing such kind of application was whether there were planning and design merits to justify the proposed relaxation.

44. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) there were no strong justifications in the submission, particularly in respect of the planning and design merits of the proposed development, for the proposed minor relaxation of building height restriction;
- (b) the proposed development would generate additional on-street loading/unloading activity along Cheung Hong Street. The non-provision of loading/unloading would cause adverse traffic impact on the circulation in the area; and
- (c) the approval of the application would set an undesirable precedent for similar applications, the approval of which would result in adverse traffic impact on the area and cumulative loss of the much needed breathing space and visual relief in the densely developed areas.

[The Chairman thanked Mr. Tom C.K. Yip, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. David C.M. Lam, STP/HK, was invited to the meeting at this point.]

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**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/242            Proposed Gas Governor Kiosk in “Green Belt” zone,  
Government Land near 11 Yip Hing Street, Wong Chuk Hang  
(MPC Paper No. A/H15/242)

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45.            The Secretary said that the application was submitted by the Hong Kong & China Gas Ltd., which was a company related to Henderson Land Development Co. Ltd (HLD). Mr. Raymond Chan had declared interests on this application as he had current business dealings with HLD. Mr. Clarence Leung had also declared interests on this application as he was the director of a NGO that had recently received a private donation from a family member of the Chairman of HLD. As Mr. Leung's NGO had received donations from many other parties, it had been previously agreed by the Board that his interest was remote and indirect. Members agreed that Mr. Leung could stay in the meeting.

[Mr. Raymond Chan left the meeting at this point.]

**Presentation and Question Sessions**

46.            Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed gas governor kiosk;
- (c) departmental comments – no objection from concerned government

departments was received;

- (d) during the statutory publication period, two public comments were received. Both commenters objected to the application. The grounds of objection were that the proposed gas governor kiosk would be dangerous to the nearby properties, affect the existing situation, cause adverse visual impact and damage the trees; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed gas governor kiosk was an essential facility to maintain a stable gas supply in the area, and the relocation site had to be in close proximity to the existing gas governor kiosk for operational reasons. As relocation to the south of Wong Chuk Hang Road would require excavation works and the surrounding areas along Yip Hing Street mainly comprised hill slopes, footpaths and private lots, the applicant had demonstrated that no suitable alternative site was available. The proposed gas governor kiosk was small in scale and would be located at a piece of formed land behind the fence of the existing footpath. It would unlikely create adverse impacts on the natural landscape, the adjacent slope, visual amenity and pedestrian flow of the surrounding areas. The application was considered generally in line with TPB PG-No. 10. As regards the public comments objecting to the application, it should be noted that relevant government departments had no objection to the application. The Director of Electrical and Mechanical Services had advised that the proposed gas governor kiosk should be constructed in compliance with the Gas Safety Ordinance. An approval condition on landscaping was recommended to enhance the screening and greening effect. The applicant had also proposed an anti-crash barrier to prevent potential damage from vehicles.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

49. The Committee also agreed to advise the applicant to :

- (a) note the comments of Director of Electrical and Mechanical Services regarding provision of protection measures and selection of vegetation for the proposed gas governor kiosk;
- (b) note the comments of Head, Geotechnical Engineering Office, Civil Engineering and Development Department regarding the need to avoid adversely affecting the adjoining slope by trench excavation works; and
- (c) apply to the District Lands Officer/Hong Kong West and South of Lands Department for an Excavation Permit for laying of the gas main and installation of aboveground gas governor kiosk.

[The Chairman thanked Mr. David C.M. Lam, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. Raymond Chan returned to join the meeting at this point.]

**Agenda Item 13**

**Section 16 Application**

[Open Meeting]

A/H15/243                      Proposed Hotel in “Residential (Group A) 3” zone,  
150 Aberdeen Main Road, Aberdeen  
(MPC Paper No. A/H15/243)

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50.            The Committee noted that the applicant’s representative had requested on 13.1.2011 for deferment of the consideration of the application for two months in order to allow time for preparation of additional information to address the comments of the Architectural Services Department.

51.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 14**

**Section 16 Application**

[Open Meeting]

A/H14/64                      Proposed Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.55  
for House Development in “Residential (Group C) 2” zone,  
77 Peak Road  
(MPC Paper No. A/H14/64)

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52.            The Secretary reported that the application was submitted by HKRT Peak Properties Ltd., which was a subsidiary of Wharf (Holdings) Ltd. Mr. Roger Luk had declared an interest in this item as he was a member of the Board of Directors of Wharf T&T



and a former member of the Board of Directors of Wheelock Properties Ltd., both of which were companies related to Wharf (Holdings) Ltd.

[Mr. Roger Luk left the meeting temporarily at this point.]

53. The Secretary said that the applicant's representative had requested on 11.1.2011 for deferment of the consideration of the application for two months in order to allow more time for the applicant to address the comments from relevant government departments. After the deferment paper had been issued to Members, two letters objecting to the request for deferment had been received. The first letter, dated 24.1.2011, was submitted by Mr. Paul Carolan on behalf of the Owners' Committee of Stewart Terrace, while the second letter dated 26.1.2011 was submitted by Professional Property Services Limited (PPS) on behalf of the Owners of Stewart Terrace. Both Mr. Carolan and PPS were commenters objecting to the application. The letters had been tabled at the meeting for Members' reference.

54. The Secretary continued to say that Mr. Carolan and PPS objected to the request for deferment as any deferment would potentially prejudice the interests of the Owners of Stewart Terrace (ST) to collectively dispose of their property. Mr. Carolan pointed out that in accordance with TPB PG-No. 33, an application could only be deferred if it would not affect the right or interest of the concerned parties and ST owners were a directly concerned party that would be adversely affected by the deferment of the application. PPS stated that the ST owners were in the course of negotiating a collective sale of the property and the deferment would have an adverse effect and create uncertainty which could potentially prejudice the outcome of these negotiations.

55. The Secretary further explained that according to paragraph 2.2 of TPB PG-No. 33, the pre-requisites for the consideration of deferment were that reasonable grounds had to be provided to support the request and the proposed deferment period should not be indefinite. In considering a request for deferment, the Board would take into account all relevant factors including whether the right or interest of other concerned parties would be affected. In assessing the subject request for deferment, the Planning Department considered that the two pre-requisites for deferment had been satisfied. The Committee was invited to consider whether the request for deferment should be acceded to noting that claim by the ST owners that their interests would be adversely affected by a deferment of the

application.

56. A Member said that according to the letter submitted by PPS, the subject application involved an emergency vehicular access (EVA) through ST to serve the new development. As consent from the ST owners had not been obtained, the proposed scheme under the subject application would unlikely be feasible. In view of the unresolved problem of the scheme, this Member did not support the request for deferment. The Secretary said that the provision of EVA was a matter for the Committee to consider when the planning application was considered. However, at this meeting, Members should only consider the request for deferment rather than the merits of planning application itself.

57. A Member asked whether the claim by Mr. Carolan and PPS that the EVA of the proposed scheme would affect ST was correct. The Secretary said that the proposed scheme under application did include an EVA through ST.

58. In response to a question from the same Member, the Secretary said that if the Committee agreed to defer consideration of the application for a period of two months as requested by the applicant, the applicant should submit further information to the Secretary within the two-month period. The planning application would then be submitted to the Committee for consideration within two months from the date of the receipt of the further information.

59. The Chairman said that if the Committee decided not to agree to the deferment, the planning application would be considered by the Committee at its next meeting on 18.2.2011. If the Committee agreed to the deferment, it could decide to allow a period shorter than two months for the applicant to submit further information, as it deemed appropriate.

60. A Member asked whether the Committee would not be acting in accordance with TPB PG-No. 33 if it agreed to the request for deferment. The Secretary said that according to TPB PG-No. 33, the pre-requisites for deferment were that reasonable grounds had to be provided to support the request and the proposed deferment period should not be indefinite. Whether the right or interest of other concerned parties would be affected was not a pre-requisite but a factor to be considered in assessing a request for deferment.

61. In response to a question from a Member, the Secretary said that there were some previous requests for deferment where public comments against the concerned applications had been received. A recent case was an application for rezoning the site occupied by Ebenezer School & Home For The Visually Impaired. In that case, the Committee agreed to the request for deferment although there were public comments against the rezoning application.

62. In response to a question from a Member, the Secretary said that this was the first time that the applicant had requested for deferment of consideration of the subject application. Another Member asked why the applicant had requested for deferment. The Secretary replied that more time was needed for the applicant to address the comments from relevant government departments including those from the Urban Design and Landscape Section of the Planning Department.

63. A Member supported the request for deferment as it was only the first request for deferment and the justification that the applicant needed more time to address departmental concerns was considered valid. Another Member also supported the request for deferment and considered that the applicant should liaise with ST owners to address their concerns on the EVA during the deferment period.

64. Two Members were of the view that the letters from ST owners had not clearly indicated why their effort for a collective sale of their property would be prejudiced by the request for deferment. The Vice-Chairman asked whether the Committee could postpone the consideration of the proposed deferment to allow the ST owners to submit more evidence. The Secretary said that the Committee could postpone consideration of the request for deferment if Members considered that more information was required before they could make a decision.

65. A Member supported the request for deferment and considered that since the Committee would usually agree to accept the request for deferment for the first time if good reasons were given, the subject request for deferment was in line with the established practice of the Committee. Two other Members shared the same view and agreed that the request for deferment should be acceded to.

66. A Member noted that the letters only stated that the deferment could “potentially” prejudice the outcome of the negotiations concerning the collective sale of ST, and after balancing the applicant’s reasons for deferment and the concerns raised by the ST owners, that Member considered that there was not a strong reason for the Committee to reject the request for deferment.

67. To conclude, the Chairman noted that Members generally agreed to the request for deferment as the request met the criteria set out in the TPB-PG No. 33. He said that the applicant should be advised that no further deferment would be granted by the Committee unless under very special circumstances.

68. After further deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Roger Luk returned to join the meeting at this point.]

[Ms. Maggie Chan left the meeting at this point.]

[Ms. Kitty S.T. Lam, STP/HK, was invited to the meeting at this point.]

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/170            Shop and Services  
                          in “Other Specified Uses” annotated “Business” zone,  
                          Workshop 1, G/F, Trend Centre, 29 Cheung Lee Street, Chai Wan  
                          (MPC Paper No. A/H20/170)

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Presentation and Question Sessions

69. Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Eastern); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The ‘shop and services’ use was in line with the planning intention of the “OU(Business)” zone and was considered not incompatible with the uses in the same building and the surrounding developments. The application premises was on the ground floor with separate access at the junction of Cheung Lee Street and Kut Shing Street. As there was no other premises on the ground floor of the subject building, the application premises, with an area of about 88.4m<sup>2</sup>, was within the maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. The development also complied with TPB PG-No. 22D as it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the provision of means of escape separated from the industrial portion and fire service installations and equipment in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

72. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Hong Kong East, Lands Department for lease modification or a temporary waiver to permit the use under application at the subject premises; and
- (b) note the comments of Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding building plan submission for any building works in connection with the use under application for approval under the Buildings Ordinance.

[The Chairman thanked Ms. Kitty S.T. Lam, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

**Kowloon District**

**Agenda Item 16**

**Section 12A Application**

[Open Meeting]

Y/K9/7

Application for Amendment to the  
Approved Hung Hom Outline Zoning Plan No. S/K9/24  
from “Other Specified Uses” annotated “Business”  
to “Other Specified Uses” annotated “Mixed Use”,  
9-13 Hok Yuen Street, 18-28 Man Lok Street and 37-53 Man Yue Street,  
Hung Hom  
(MPC Paper No. Y/K9/7)

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73. The Secretary reported that the application was submitted by Global Coin Ltd, which was a subsidiary of Cheung Kong (Holdings) Ltd (CKH) with Ove Arup & Partners Hong Kong Ltd (OAP) as a consultant. Prof. P. P. Ho declared an interest in this item as he had current business dealings with CKH. Mr. Felix Fong also declared an interest in this item as he had current business dealings with Hutchison Whampoa Ltd., a company related to CKH. Prof. S.C. Wong had declared an interest in this item as he had current business dealings with OAP. Prof. P.P. Ho had tendered apologies for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, Mr. Fong and Prof. Wong could be allowed to stay in the meeting.

74. The Committee noted that the applicant’s representative had requested on 14.1.2011 for deferment of the consideration of the application for two months in order to allow sufficient time to address issues raised by concerned departments, in particular Environmental Protection Department and Transport Department.

75. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further

information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Vincent T.K. Lai, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/276            Proposed Minor Relaxation of Building Height Restriction  
to Allow for One Storey of Basement for Two Car Parking Spaces  
and Ancillary Plant Room Use in a Proposed Residential Development  
in “Residential (Group C) 1” zone,  
6 Lincoln Road, Kowloon Tong (NKIL 703)  
(MPC Paper No. A/K18/276)

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#### **Presentation and Question Sessions**

76.            Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no in-principle objection to the application. As the proposed building height relaxation was for the provision of a basement floor, adverse visual impact to the surrounding area was unlikely. The overall development was not



incompatible with the existing landscape environment and significant landscape impact was not anticipated with the proposed greening measures. However, should the Board decide to approve the application, approval conditions on the submission and implementation of a landscape proposal including a tree preservation scheme were recommended;

- (d) during the statutory publication period, three public comments were received. One commenter supported the application but requested the applicant to comply with the building safety requirements. The other two commenters objected to the application mainly for the reasons of degradation of living environment, adverse visual impacts and tree felling; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The provision under the Notes of the OZP for minor relaxation of building height restriction in the “Residential (Group C)1” zone for one storey of basement for use as car park and/or ancillary plant room, was to allow design flexibility for developments with special design merits/planning gains. The proposed house had incorporated building setbacks and special design elements including ‘green’ rooftop, vertical green screening and collection of rainwater for reuse. It was considered that the proposed development would help improve the streetscape and amenity of the locality. The existing trees would not be affected and the implementation of the landscape proposal would also help enhance the visual and environmental amenity of the area. Although two public comments objecting to the application for the reasons of degradation of living environment, adverse visual impacts and tree felling had been received, relevant government departments had no adverse comment on these aspects.

77. Members had no question on the application.

78. A Member said that it was important to ensure that the basement floor space would not be converted for uses other than car parks and plant rooms. The Secretary said that in considering planning applications for basement floor, the Committee had paid due regard to the possibility of abuse and subsequent conversion. Buildings Department would be consulted on whether the floor space for car park and/or plant room use was excessive. The Committee had rejected similar applications in the past because of excessive basement floor space. The Chairman said that for the subject application, the proposed layout and floor space was acceptable.

79. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB.

80. The Committee also agreed to advise the applicant to note that :

- (a) approval of the application did not imply that the proposed gross floor area exemption in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) there were existing trees within the site which might be affected by the construction and excavation works. Appropriate design and construction measures should be taken to avoid any damage to the existing trees on site; and

- (c) fresh water from government mains should not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes might be given on concessionary supply basis if an alternative supply was impracticable and evidence to that effect was offered to and accepted by the Water Authority. Such permission would be withdrawn if in the opinion of the Water Authority the supply situation required it.

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/277                      Proposed Conversion of the Garage  
for School (Tutorial School) and Minor Relaxation of Plot Ratio  
in “Residential (Group C) 6” zone,  
2-8 Ho Tung Road, Kowloon Tong (NKIL 2506 s.A)  
(MPC Paper No. A/K18/277)

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#### **Presentation and Question Sessions**

81.            Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed conversion of the garage for school (tutorial school) and minor relaxation of plot ratio;
- (c) departmental comments – the Commissioner for Transport (C for T) objected to the application because that the existing residential parking spaces in the building plans approved in 1959 would be deleted. The District Lands Officer/Kowloon East, Lands Department (DLO/KE,

LandsD) commented that the proposed conversion of the garage into a tutorial school was not acceptable as it constituted a fundamental breach of the user restriction under lease and also rendered the existing building in breach of other lease conditions;

- (d) during the statutory publication period, 14 public comments were received. They were submitted by the Incorporated Owners of the subject building, the owners of the subject building, the property management company of an adjoining residential building, a Kowloon City District Council member, an adjoining school and the nearby residents/general public. All of them objected to the applications for the reasons of traffic congestion, insufficient residential car parking spaces, nuisance caused to the residents, adverse impacts on pedestrian safety, building safety, security, electricity supply and private interests/property rights; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed conversion of the carport to school use would result in a loss of 11 car parking spaces for the subject residential development. Both C for T and the owners of the subject building objected to the application regarding the deletion of these parking spaces. The proposed tutorial school did not comply with the main assessment criteria of the TPB PG-No. 40 as the proposed development was considered not compatible with the surrounding area and there were local objections against the application. There were no planning and design merits to justify the proposed relaxation of plot ratio restriction. Approval of the application would set an undesirable precedent for similar applications, the cumulative effect of which would change the residential character of the area.

82. Members had no question on the application.

#### Deliberation Session

83. In response to a question from the Chairman, Mr. Lai said that the application

premises was owned by the applicants. There was a long planning history associated with the application premises. The site was previously zoned “Residential (Group B)” (“R(B)”) on the Kowloon Tong OZP. Under the “R(B)” zoning, the Committee/Board had considered 11 applications involving the application premises between 1980 and 1992 for various types of shop and services uses including fast food shop, barber shop, retail shop, showroom, beauty salon etc. Ten of them were submitted by one of the applicants (Rotary Enterprises Limited) as in the subject application. They were all rejected by the Committee/Board for the reasons that the proposed commercial uses were not compatible with the general character of the area; the loss of parking spaces was not acceptable; and the approval of the applications would set an undesirable precedent for other applications.

84. Mr. Lai continued to say that on 24.12.1993 and 24.2.2006, the street block covering the subject building was rezoned from “R(B)” to “Residential (Group C)” (“R(C)”) and “R(C)6” respectively. Since 1993, there had been two previous applications covering the application premises/application site. The first application (No. A/K18/230), which was submitted by the same applicants as in the subject application, involved the proposed conversion of the carport at the application premises for medical consulting room, and was rejected by the Committee on 9.9.2005 mainly on the grounds that the proposed development was not compatible with the surrounding area; the loss of parking spaces was not acceptable; and the approval of the application would set an undesirable precedent for other similar applications. The second application (No. A/K18/273), submitted by a different applicant, involved the minor relaxation of plot ratio restriction to facilitate a proposed extension of a residential unit on G/F at the application site. It was rejected by the Committee on 15.10.2010 on the grounds that there were no planning and design merits to justify the proposed relaxation of plot ratio and the approval of the application would set an undesirable precedent for similar applications.

85. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed tutorial school was not in line with the Town Planning Board Guidelines No. 40 in that it was considered not compatible with the surrounding predominantly low density residential neighbourhood;

- (b) deletion of residential car parking spaces was considered not acceptable from traffic point of view;
- (c) there were no planning and design merits to justify the proposed relaxation of plot ratio for the proposed development; and
- (d) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving similar applications would change the residential character of the predominantly residential neighbourhood in the vicinity and jeopardize the intention of imposing the plot ratio restriction.

[The Chairman thanked Mr. Vincent T.K. Lai, STP/K, for his attendance to answer Members' enquiries. Mr. Lai left the meeting at this point.]

[Mr. Silas K.M. Liu, STP/K, was invited to the meeting at this point.]

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/635            Temporary Eating Place for a Period of 3 Years  
in "Comprehensive Development Area (1)" zone,  
Ground Floor, Shop 4A, Kwong Fai Building,  
24-40 Mut Wah Street, Kwun Tong  
(MPC Paper No. A/K14/635)

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86.            The Secretary reported that the application site fell within the Urban Renewal Authority (URA) Kwun Tong Town Centre – Main Site Development Scheme Plan. The following Members had declared interests in this item:

Mr. Jimmy Leung                            -    being a non-executive director of the URA  
as Director of Planning

- Mr. Maurice Lee - being a former non-executive director of the URA with the term of office ended on 30.11.2008
- Mr. Raymond Chan - being a Member of the Home Purchase Allowance (HPA) Appeals Committee
- Ms. Maggie Chan - being a Member of the HPA Appeals Committee
- Ms. Anita Lam - being an assistant to the Director of Lands who was a non-executive director of the URA  
as Assistant Director of Lands Department
- Mr. Andrew Tsang - being an assistant to the Director of Home Affairs who was a non-executive director of the URA  
as Assistant Director of the Home Affairs Department
- Professor P. P. Ho - having current business dealings with the URA

87. The Committee noted that Mr. Andrew Tsang and Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Mr. Maurice Lee had not arrived at the meeting yet. As the HPA Appeals Committee was not appointed by or under the URA, the Committee had agreed that the interests of Mr. Raymond Chan and Ms. Maggie Chan were indirect and they could stay in the meeting. As the Chairman had declared an interest and needed to leave the meeting, the Committee agreed that the Vice-Chairman should take over and chair the meeting for this item. The Vice-Chairman chaired the meeting at this point.

[Mr. Jimmy Leung and Ms. Anita Lam left the meeting temporarily at this point.]

#### Presentation and Question Sessions

88. Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary eating place for a period of 3 years;
- (c) departmental comments – no objection from concerned government

departments was received;

- (d) during the statutory publication period, two public comments were received. One commenter supported the application, while the other commenter had no objection to the application provided that (i) the use under application did not contravene the lease conditions; (ii) the applicant should comply with the requirements of relevant government departments including Buildings Department and Fire Services Department; and (iii) to meet the residents' wishes to speed up the implementation of the redevelopment of Kwun Tong Town Centre, a clause should be included for early termination of the lease on the basis of 2 years fixed plus one year optional lease terms;
- (e) comments of the Urban Renewal Authority (URA) – the subject premises fell within Development Area 3 (DA3) of the proposed development package, which was scheduled for site clearance in 2012 and for completion by 2017-2019. In order to tie in with the resumption and clearance schedule for the Kwun Tong Town Centre (KTTC) redevelopment project, URA had no objection to the temporary use of the subject premises as an eating place until 31.12.2012.
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application premises was located in the KTTC and the proposed eating place use was compatible with the surrounding commercial uses. In order to maintain the vibrancy of the town centre prior to the implementation of the URA's KTTC redevelopment project by phases, the proposed temporary eating place was considered appropriate. However, as the proposed use of the application premises as temporary eating place for 3 years until January 2014 would likely affect the implementation programme of the URA's KTTC redevelopment project, it was recommended that the planning permission should be granted on a temporary basis up to 31.12.2012, instead of 3 years as proposed by the applicant.



89. Members had no question on the application.

### Deliberation Session

90. A Member supported the application but considered that the application should be approved on a temporary basis for a period of three years as requested by the applicant, so that the applicant could have more time to recoup his investment. The Member said that the applicant could be asked to close down the eating place when the site was required by the URA. In this regard, the temporary permission of three years would not affect the site clearance schedule of the URA.

91. Another Member considered that it was important to respect the implementation programme of the KTTC redevelopment project, which was a large-scale and important project for the Kwun Tong area. Another Member shared the same view and considered the temporary planning permission should end on 31.12.2012 so as not to affect URA's implementation programme.

92. The Vice-Chairman said that the planning permission should be granted on a temporary basis up to 31.12.2012 so as to minimize the risk of affecting the implementation of the KTTC redevelopment project. If the implementation programme of the KTTC project slipped, the applicant could always apply to the Committee to extend the planning permission. There was a previous case in which the Committee approved a planning application to extend the planning permission for a temporary golf driving range for a period of two months to tie in with the schedule for returning the site to the Government for the development of the Guangzhou - Shenzhen - Hong Kong Express Rail Link West Kowloon Terminus.

93. The Secretary said that normally the Committee would not approve a planning application for temporary approval that would be in conflict with/affect the implementation of a permanent use, not to mention approved infrastructural projects or approved development schemes.

94. A Member said that as the approval of the temporary eating place was intended to maintain vibrancy of the town centre prior to the implementation of the KTTC redevelopment project, the termination of the temporary planning permission should tie in with the project

programme. If there was a slip in the KTTC redevelopment programme, the applicant could apply for an extension of the planning permission.

95. To conclude, the Vice-Chairman said that Members generally agreed that the application should be approved on a temporary basis up to 31.12.2012.

96. After further deliberation, the Committee decided to approve the application on a temporary basis up to 31.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations, in the subject premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

97. The Committee also agreed to advise the applicant to note :

- (a) a shorter period was granted for the application to tie in with the implementation programme for the redevelopment of the site by the Urban Renewal Authority; and
- (b) the Drainage Services Department's comments that any proposed foul drainage connection from the individual units/shops should be made towards the building's terminal foul manhole and that proper grease trap/tank should be provided for use to satisfy the current requirements of Environmental Protection Department and Food and Environmental Hygiene Department for any shop to be used for food processing.

[Mr. Jimmy Leung and Ms. Anita Lam returned to join the meeting at this point.]

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/638            Shop and Services (Bank)  
                          in “Other Specified Uses” annotated “Business” zone,  
                          Unit A2, G/F, Block 1, Camelpaint Building,  
                          62 Hoi Yuen Road, Kwun Tong  
                          (MPC Paper No. A/K14/638)

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98.            The application was submitted by Dah Sing Bank, Limited (DSB). Mr. Clarence Leung declared an interest as his father was an independent non-executive director of DSB. Mr. Raymond Chan also declared an interest in this application as he was involved in a project concerning the subject building.

[Mr. Clarence Leung and Mr. Raymond Chan left the meeting temporarily at this point.]

**Presentation and Question Sessions**

99.            Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – a previous application (No. A/K14/553) for shop and services (bank) use was approved by the Committee on 28.9.2007. However, the planning permission was revoked on 28.9.2009 as the approval condition on fire safety measures had not been complied with;
- (b) the shop and services (bank);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the statutory publication period, one public comment was received. The commenter had no objection to the application provided that (i) the use

did not contravene the lease conditions; and (ii) the applicant should comply with the requirements of relevant government departments including Buildings Department, Fire Services Department and Hong Kong Monetary Authority; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The shop and services (bank) use at the application premises was considered generally in line with the planning intention of the “OU(Business)” zone. It also complied with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. The total commercial floor area for the shop and services use approved by the Committee on the G/F of the subject building was 469.84m<sup>2</sup>. Should the Committee approve the subject application, the total commercial floor area would remain unchanged since the shop and services (bank) use was regarded as ancillary to the industrial activities in the industrial/industrial-office building and was excluded from the calculation of the maximum permissible commercial floor area limit. The previous planning permission (No. A/K14/553) was revoked as the approval condition on fire safety measures had not been complied with. Should the application be approved, the applicant should be advised that if he failed to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application. A shorter compliance period of 3 months was proposed to monitor the fulfillment of the approval conditions.

100. Members had no question on the application.

#### Deliberation Session

101. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of suitable fire resisting construction and design completely separated from the industrial occupancies, and fire service installations and equipment in the subject premises, within 3 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2011; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

102. The Committee also agreed to advise the applicant that :

- (a) shorter compliance period was granted in order to monitor the fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (b) apply to the District Lands Officer/Kowloon East for a temporary waiver for the shop and services (bank) use at the subject premises; and
- (c) note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit building plans for the change of use/alteration works to demonstrate compliance with the Buildings Ordinance, in particular: (i) provision of adequate means of escape in accordance with Building (Planning) Regulation 41(1); (ii) provision of 2-hour fire resisting separation wall/slab between the application premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90 and paragraphs 8 & 9 of the Code of Practice for Fire Resisting Construction 1996; and (iii) provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free

Access 2008.

[Mr. Raymond Chan returned to join the meeting at this point.]

**Agenda Item 21**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/639            Proposed Shop and Services (Showroom)  
                          in “Other Specified Uses” annotated “Business” zone,  
                          Unit L, G/F, Everest Industrial Centre,  
                          No. 396 Kwun Tong Road, Kwun Tong  
                          (MPC Paper No. A/K14/639)

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Presentation and Question Sessions

103.            Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (showroom);
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application. Showrooms not ancillary to the main industrial use of the subject building should be permissible but bounded by the maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on G/F of an industrial building (with sprinkler systems) from a fire safety point of view. As the existing commercial floor area had already exceeded the maximum permissible limit even without the subject application, no further relaxation would be entertained;
- (d) during the statutory publication period, one public comment supporting the application was received; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. As the applicant had not demonstrated that the proposed showroom was ancillary to the industrial activities in the building, the floor area of the proposed shop and services (showroom) use was included in the calculation of the maximum permissible limit. The total commercial floor area (i.e. the sum of total approved floor area and the floor area of the subject application,  $475\text{m}^2 + 71.64\text{m}^2 = 546.64 \text{ m}^2$ ) would exceed the maximum permissible limit of  $460\text{m}^2$ . The proposed shop and services (showroom) did not comply with the TPB PG-No. 22D. The D of FS had raised objection to the proposed shop and services (showroom) use as the maximum permissible commercial floor area for the subject building had already been exceeded, and considered that no further relaxation should be entertained.

104. Members had no question on the application.

#### Deliberation Session

105. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed shop and services (showroom) use did not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone as the total floor area accountable for the aggregate commercial floor area had exceeded the maximum permissible limit of  $460\text{m}^2$ ; and
- (b) the Director of Fire Services had raised objection to the proposed shop and services (showroom) use from fire safety point of view.

[The Chairman thanked Mr. Silas K.M. Liu, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. Clarence Leung returned to join the meeting at this point.]

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting]

A/K15/105            Eating Place (Restaurant) in "Village Type Development" zone,  
G/F and 1/F, No. 41 Lei Yue Mun Praya Road, Lei Yue Mun  
(MPC Paper No. A/K15/105)

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106.        The Committee noted that the applicant's representative had requested on 13.1.2011 for deferment of the consideration of the application for two months as the applicant needed some more time to confirm the connection points of the drainage system.

107.        After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 23**

### **Any Other Business**

108.        There being no other business, the meeting was closed at 11:00 a.m.