

## **TOWN PLANNING BOARD**

### **Minutes of 443rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 3.6.2011**

#### **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

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(2), Home Affairs Department  
Mr. Andrew Tsang

Principal Environmental Protection Officer (Metro Assessment),  
Environmental Protection Department  
Mr. Ken Y.K. Wong

Assistant Director/Kowloon, Lands Department  
Ms. Olga Lam

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

Secretary

**Absent with Apologies**

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

**In Attendance**

Assistant Director of Planning/Board  
Mr. C.T. Ling

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

Town Planner/Town Planning Board  
Mr. Wallace W.K. Tang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 442nd MPC Meeting held on 20.5.2011

[Open Meeting]

1. The draft minutes of the 442nd MPC meeting held on 20.5.2011 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

Approval of Outline Zoning Plans

2. The Secretary reported that on 3.5.2011, the Chief Executive in Council (CE in C) approved three draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance :

- (i) The Peak OZP (renumbered as S/H14/11);
- (ii) Aberdeen & Ap Lei Chau OZP (renumbered as S/H15/27); and
- (iii) Tuen Mun OZP (renumbered as S/TM/28).

The approval of these OZPs was notified in the Gazette on 20.5.2011.

**Hong Kong District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H10/6                      Application for Amendment to the  
Approved Pok Fu Lam Outline Zoning Plan No. S/H10/15  
by rezoning an area shown as 'Road' to "Open Space" and incorporating  
the area not covered by the Pok Fu Lam Outline Zoning Plan into the  
Outline Zoning Plan and zoning it as "Open Space",  
Road reserve for Route 4, Tin Wan Praya Road, Hong Kong  
(MPC Paper No. Y/H10/6)

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3.                      Ms. Maggie M.K. Chan being a Central Committee Member of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) had declared interests in this item as the application was submitted by a Member of DAB. Mr. Felix W. Fong being a member of DAB had also declared interests in this item for the same reason. The Committee agreed that Ms. Chan should leave the meeting temporarily and noted that Mr. Fong had not yet arrived at the meeting.

4.                      The Committee noted that a letter was received from the applicant before the meeting requesting the application site be rezoned for open space use. The letter was tabled at the meeting.

Presentation and Question Sessions

5.                      The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Brenda K.Y. Au                      -    District Planning Officer/Hong Kong (DPO/HK)  
Mr. K.S. Ng                                      -    Senior Town Planner/Hong Kong (STP/HK)

6.                      The following applicant's representatives were also invited to the meeting at this point :

Mrs. Mak Tse How Ling

Mr. Wong Choi Lap

7. The Chairman extended a welcome and explained the procedures of the hearing. Mr. K.S. Ng was then invited to brief Members on the background of the application. Mr. Ng did so as detailed in the Paper and made the following main points with the aid of a powerpoint presentation :

Background

- (a) the applicant proposed to rezone the northern part of the application site from an area shown as 'Road' (as a road reserve for Route 4) on the approved Pok Fu Lam OZP No. S/H10/15 to "Open Space" ("O") and to incorporate the southern part of the site which was currently not covered by the OZP into the OZP boundary and zone it as "O";
- (b) the application site included a piece of vacant land covered by vegetation, a football field and a basketball court in the north-eastern part, and a section of Tin Wan Praya Road. A large part of it was under the management by the Housing Authority as a landscaped area;
- (c) the applicant had submitted an indicative Master Landscape Plan showing an indicative design of the proposed open space as the "Kellett Bay Waterfront Park" to serve the needs of the local residents;
- (d) the Transport and Housing Bureau had advised that the need for Route 4 was not imminent and its timing for implementation could be deferred to 2026 or beyond. Even if Route 4 was to be pursued in future, it would not take the coastal alignment as shown on the OZP. In this regard, the Kennedy Town & Mount Davis OZP and Aberdeen & Ap Lei Chau OZP had already been amended to delete the obsolete road alignment in 2010. The Pok Fu Lam OZP would be comprehensively reviewed later in 2011 and suitable land uses in association with the deletion of the obsolete road alignment would be proposed;

- (e) a major part of the application site would be used as “Temporary Works Area” for the railway scheme of the South Island Line (East) (SIL(E)). The Mass Transit Railway Corporation Ltd. (MTRCL) had proposed to use it as a temporary plant nursery for transplanting trees affected by the works of the SIL(E). MTRCL would provide facilities and convert it into an open space for public use. MTRCL would also bear the maintenance costs for ten years, and was currently working on the preliminary design of the open space;

Comments from Relevant Government Departments

- (f) concerned government departments had no objection to or adverse comments on the application, which were detailed in paragraph 8 of the Paper. The key comments were summarized below :
  - (i) the Director of Housing advised that the application site included a portion of Tin Wan Praya Road which was an existing vehicular access to Wah Kwai Estate. Should the rezoning proposal be implemented, a public vehicular access to Wah Kwai Estate would need to be maintained during and after the conversion works;
  - (ii) the Chief Engineer/Hong Kong & Islands, Drainage Services Department (DSD) opined that there was a Drainage Reserve Area in the site. Neither planting nor structure, including temporary or movable, should be erected on top or within the Drainage Reserve Area. DSD should have free access to the Drainage Reserve Area for repairing and maintaining drains and sewers; and
  - (iii) the Director of Agriculture, Fisheries and Conservation advised that there were existing trees on the eastern portion of the site and thus tree preservation should be taken into account in the master landscape plan;

Local Views

- (g) the District Officer (Southern) advised that in the 19th meeting of the Southern District Council (SDC) held on 18.11.2010, SDC members were very concerned about the use of the reserved site of Route 4. They had unanimously agreed to develop the site as “O” and requested that the Leisure and Cultural Services Department should apply for funding for the provision of a park catering for the needs of the community at the site. SDC members also opined that the site should be opened for public use as early as possible prior to the funding approval for provision of the amenities;

Public Comments

- (h) a total of 762 public comments were received during the first three weeks of the statutory publication period, including one from Designing Hong Kong Ltd. and the remaining 761 from the local residents, with 755 comments in standard letters supporting the application. Designing Hong Kong Ltd. and the local residents supported the application mainly because the rezoning proposal would be beneficial to the residents and the environment, and would solve the problems created by the existing vacant site. A local resident objected to the application for reasons that no detailed design and information of the proposed open space had been provided and the variety of functions provided by the open space would cause noise nuisance due to improper management while another local resident commented that the existing natural setting of the open space should be kept and worried that noise nuisance and air pollution would be generated during construction; and

Planning Department (PlanD)'s Views

- (i) PlanD supported the application in principle but considered it pre-mature to incorporate the proposal into the OZP based on the assessment made in paragraph 10 of the Paper, which was summarized as follows :
- (i) the Route 4 alignment shown on the OZP had become obsolete. The Pok Fu Lam OZP would be comprehensively reviewed and

suitable land uses in association with the deletion of the obsolete road alignment would be proposed for the Committee's consideration;

- (ii) the 23 ha of existing open space was more than adequate to meet the open space requirement of about 15.96 ha in the Pok Fu Lam area. According to the current proposals, there would be an additional provision of about 11.9 ha of planned open space in the area, should the rezoning application be approved by the TPB. Nevertheless, given that the site was a piece of flat land on the waterfront adjoining the Waterfall Bay Park to the northwest and was easily accessible to the residents of Wah Fu and Wah Kwai Estates, and a major part of the site would be used by MTRCL as temporary plant nursery and public open space, PlanD supported more open space provision in this location; and
- (iii) arising from the deletion of the obsolete Route 4 alignment, the OZP would need to be comprehensively reviewed for recommending suitable zoning amendments. Moreover, the boundary of the "O" zone as proposed by the applicant included a section of Tin Wan Praya Road which was an existing vehicular access to Wah Kwai Estate. The exact boundary of the "O" zone would need to be examined in detail in the forthcoming review. Therefore, amending the OZP to rezone the application site to "O" ahead of the comprehensive land use review was considered pre-mature at this stage.

8. The Chairman then invited the applicant's representatives to elaborate on the application. Mrs. Mak Tse How Ling, with the aid of a powerpoint presentation, made the following main points :

- (a) there were six public rental housing estates and four home ownership scheme developments in the area. The rezoning application was made to meet the urgent needs of the local residents particularly the ageing



population in the Pok Fu Lam area and the congested living environment;

- (b) given the alignment of Route 4 had become obsolete, it was proposed to rezone part of the Route 4 reserve which was shown as 'Road' on the OZP to "O" and develop it as the "Kellett Bay Waterfront Park", which included facilities like viewing platform, children's playground, jogging trail, multi-function open area, fitness equipment and theatre, etc.;
- (c) the justifications for the proposed rezoning were as follows :
  - (i) efficient use of land resources – the site had been left vacant for more than 20 years. As the Government had decided that Route 4 would not adopt the original alignment as shown on the OZP, it should be rezoned to "O" as soon as possible to cater for the needs of the local residents;
  - (ii) comprehensive development of Kellett Bay waterfront – the site could be connected to the Waterfall Bay Park at Wah Fu Estate. Rezoning the site to "O" would help preserve the coastal environment at Kellett Bay, and provide a green living environment and open space for the local residents;
  - (iii) aspirations of local residents – the local residents were very concerned about their living environment. In the past few years, actions had been taken by the residents against the development of a concrete batching plant and the use of Telegraph Bay as the construction waste dumping site for SIL(E) in 2009. Request had also been made to develop "Kellett Bay Waterfront Park" since 2010. About 760 supporting letters from local residents on the development of the "Kellett Bay Waterfront Park" had also been collected; and
  - (iv) development of SIL(E) project – a major part of the site would be used by MTRCL as a temporary plant nursery for transplanting the

trees affected by the works of SIL(E). It was learnt that MTRCL had agreed to provide suitable facilities at the temporary nursery site and convert it into a public open space. MTRCL would also bear the maintenance cost of the open space for ten years. In this regard, the subject site should be rezoned to “O” on the OZP to reflect the planned land use for the site; and

- (d) as MTRCL would submit in mid-June this year the design of the site to SDC for consultation, the current rezoning application could be agreed by the Committee prior to the overall land use review to be undertaken.

9. In response to the enquiry of a Member, Ms. Brenda K.Y. Au explained that under the SIL(E) project, MTRCL would use a major part of the application site as a temporary plant nursery for transplanting the trees at the ex-Wong Chuk Hang Estate site. Upon the request of SDC members, MTRCL had, apart from using the site as temporary plant nursery, agreed to provide suitable open space facilities at the site for the use of the local residents.

10. Noting that the railway scheme of SIL(E) had been authorized by the Chief Executive in Council in November 2010 under the Railways Ordinance, which should be deemed to have been approved under the Town Planning Ordinance, a Member asked what the legal status of the subject site was and whether MTRCL had any rights over the use of this piece of government land. In reply, Ms. Brenda K.Y. Au explained that part of the application site was designated as “Temporary Works Area” of the SIL(E) approved scheme. MTRCL had proposed to use it as a temporary plant nursery for transplanting the trees affected by the project and would also provide suitable facilities and convert the site into a public open space. MTRCL would bear the maintenance costs of the open space for ten years, after which the management and maintenance of the area would be returned to the Government.

11. A Member asked whether it was the intention of the applicant to propose closure of the existing vehicular access to Wah Kwai Estate as the access road was included in the rezoning proposal. That Member also asked about the urgency for rezoning the application site to “O” on the OZP.

12. Mrs. Mak Tse How Ling said that there was no intention to close the vehicular access to Wah Kwai Estate. The objective of the rezoning proposal was to develop the obsolete Route 4 road reserve and its adjoining area into a public open space and connect it to the Waterfall Bay Park at Wah Fu Estate to cater for the needs of the local residents. At present, a major part of the site was under the management of the Housing Authority and the residents were not allowed to enter the site. The site should not just be used as a plant nursery but an open space with suitable facilities for the local residents. Regarding the urgency of the rezoning proposal, Mrs. Mak said that the local residents hoped that the long-term planning intention for open space use could be confirmed as early as possible. It was undesirable environmentally if the trees planted there would need to be moved elsewhere upon the completion of SIL(E) project.

13. Mr. Wong Choi Lap supplemented that it was learnt that the works of SIL(E) would commence in mid-June this year and the affected trees at the ex-Wong Chuk Hang Estate site would soon be transplanted at the application site. The local residents would like to be certain on the long-term planning intention of the site.

14. A Member asked if the application site was opened for public use at present. Ms. Brenda K.Y. Au said that the site was currently fenced off for management by the Housing Authority. Nevertheless, it was noticed that some local residents could enter the site for exercises in the morning. As the site would only be used by MTRCL as a plant nursery, the site could be opened to the local residents for leisure and amenity purposes. With respect to the same Member's question on the management and maintenance responsibilities of the site, Ms. Au said that it was currently managed by the Housing Authority. When the site was used by MTRCL as a temporary plant nursery under SIL(E) project, it was likely that the management and maintenance responsibilities would be handed over to MTRCL. However, the actual arrangement was not known yet.

15. Mrs. Mak Tse How Ling said that the application site was fenced off by the Housing Authority but some residents would still cross the fences and enter the site for exercises. This might cause danger to the local residents and hence the site should be rezoned for open space use as early as possible.

16. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

17. A Member supported in principle the intention to rezone the application site for open space use but considered it pre-mature to agree to the rezoning proposal as the information included in the submission was not sufficient. Another Member said that as MTRCL had agreed to convert part of the application site into open space for public use, there was no urgent need for the proposed rezoning. PlanD should take this into account in undertaking the comprehensive land use review for the area. One other Member shared the view that it was pre-mature to incorporate the zoning proposal at this stage.

18. A Member asked if MTRCL would need to apply for planning permission for the use as temporary works area. The Secretary explained that in urban OZPs, temporary uses of any land or building for not more than five years, open space (including plant nursery) were always permitted and no permission from the Board was required.

19. The Chairman concluded that Members agreed to the application in principle but considered it pre-mature to incorporate the rezoning proposal into the OZP pending the comprehensive land use review to be undertaken by PlanD. The exact boundary of the "O" zone would need to be examined in detail in the forthcoming review.

20. After further deliberation, the Committee decided to agree to the application in principle but considered it pre-mature to incorporate the proposal into the Outline Zoning Plan (OZP) for the following reason :

- Planning Department would review the Pok Fu Lam OZP comprehensively and propose suitable land uses in association with the deletion of the obsolete road alignment for Route 4. Amending the OZP to rezone the

application site to “Open Space” ahead of the comprehensive land use review for the area was considered pre-mature at this stage.

#### **Agenda Item 4**

##### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/H10/7                      Application for Amendment to the  
Approved Pok Fu Lam Outline Zoning Plan No. S/H10/15  
by rezoning an area shown as ‘Road’ to “Open Space” and incorporating  
the area not covered by the Pok Fu Lam Outline Zoning Plan into the  
Outline Zoning Plan and zoning it as “Open Space”,  
Road reserve for Route 4, Tin Wan Praya Road, Hong Kong  
(MPC Paper No. Y/H10/7)

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21.            Ms. Maggie M.K. Chan and Mr. Felix W. Fong, being members of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), had declared interests in this item as the application site was similar to that of another application (No. Y/H10/6) to be discussed at this meeting which was submitted by a member of the DAB. The Committee noted that Ms. Chan had left the meeting temporarily and Mr. Fong had not yet arrived at the meeting.

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

22.            The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Brenda K.Y. Au        -    District Planning Officer/Hong Kong (DPO/HK)  
Mr. K.S. Ng                    -    Senior Town Planner/Hong Kong (STP/HK)

23.            The following applicant’s representatives were also invited to the meeting at this point :

Ms. Yeung Siu Pik

Mr. Chai Man Hon

24. The Chairman extended a welcome and explained the procedures of the hearing. Mr. K.S. Ng was then invited to brief Members on the background of the application. Mr. Ng did so as detailed in the Paper and made the following main points with the aid of a powerpoint presentation :

Background

- (a) the applicant proposed to rezone the northern part of the application site from an area shown as 'Road' (as a road reserve for Route 4) on the approved Pok Fu Lam OZP No. S/H10/15 to "Open Space" ("O") and incorporate the southern part of the site which was currently not covered by the OZP into the OZP boundary and zone it as "O";
- (b) the application site included a piece of vacant land covered by vegetation and a section of Tin Wan Praya Road. A large part of it was under the management by the Housing Authority as a landscaped area;
- (c) the Transport and Housing Bureau (THB) had advised that the need for Route 4 was not imminent and its timing for implementation could be deferred to 2026 or beyond. Even if Route 4 was to be pursued in future, it would not take the coastal alignment as shown on the OZP. In this regard, the Kennedy Town & Mount Davis OZP and Aberdeen & Ap Lei Chau OZP had already been amended to delete the obsolete road alignment in 2010. The Pok Fu Lam OZP would be comprehensively reviewed later in 2011 and suitable land uses in association with the deletion of the obsolete road alignment would be proposed;
- (d) a major part of the application site would be used as "Temporary Works Area" for the railway scheme of the South Island Line (East) (SIL(E)). The Mass Transit Railway Corporation Ltd. (MTRCL) had proposed to use it as a temporary plant nursery for transplanting trees affected by the works of the SIL(E). MTRCL would provide facilities and convert it into an

open space for public use. MTRCL would also bear the maintenance costs for ten years, and was currently working on the preliminary design of the open space;

Comments from Relevant Government Departments

- (e) concerned government departments had no objection to or adverse comments on the application, which were detailed in paragraph 8 of the Paper. The key comments were summarized below :
- (i) the Director of Housing advised that the application site included a portion of Tin Wan Praya Road which was an existing vehicular access to Wah Kwai Estate. Should the rezoning proposal be implemented, a public vehicular access to Wah Kwai Estate would need to be maintained during and after the conversion works;
  - (ii) the Chief Engineer/Hong Kong & Islands, Drainage Services Department (DSD) opined that there was a Drainage Reserve Area in the site. Neither planting nor structure, including temporary or movable, should be erected on top or within the Drainage Reserve Area. DSD should have free access to the Drainage Reserve Area for repairing and maintaining drains and sewers; and
  - (iii) the Director of Agriculture, Fisheries and Conservation advised that there were existing trees on the eastern portion of the site and thus tree preservation should be taken into account in the master landscape plan;

Local Views

- (f) the District Officer (Southern) advised that in the 19th meeting of the Southern District Council (SDC) held on 18.11.2010, SDC members were very concerned about the use of the reserved site of Route 4. They had unanimously agreed to develop the site as “O” and requested that the Leisure and Cultural Services Department should apply for funding for the provision of a park catering for the needs of the community at the site.

SDC members also opined that the site should be opened for public use as early as possible prior to the funding approval for provision of the amenities;

Public Comments

- (g) two public comments supporting the application were received during the first three weeks of the statutory publication period. Designing Hong Kong Ltd. (DHKL) considered that the rezoning proposal would be beneficial to the residents of Wah Fu and Wah Kwai Estates, who would enjoy walking close to the water from Aberdeen to Kennedy Town. DHKL requested that this application be considered together with another similar application (No. Y/H10/6) submitted by another SDC member. The Wah Kwai Estate Owners' Corporation supported the application without giving any reason; and

Planning Department (PlanD)'s Views

- (h) PlanD supported the application in principle but considered it pre-mature to incorporate the proposal into the OZP based on the assessment made in paragraph 10 of the Paper, which was summarized as follows :
  - (i) the Route 4 alignment shown on the OZP had become obsolete. The Pok Fu Lam OZP would be comprehensively reviewed and suitable land uses in association with the deletion of the obsolete road alignment would be proposed for the Committee's consideration;
  - (ii) the 23 ha of existing open space was more than adequate to meet the open space requirement of about 15.96 ha in the Pok Fu Lam area. According to the current proposals, there would be an additional provision of about 11.9 ha of planned open space in the area, should the rezoning application be approved by the TPB. Nevertheless, given that the site was a piece of flat land on the waterfront adjoining the Waterfall Bay Park to the northwest and was easily accessible to the residents of Wah Fu and Wah Kwai Estates, and a



major part of the site would be used by MTRCL as temporary plant nursery and public open space, PlanD supported more open space provision in this location; and

- (iii) arising from the deletion of the obsolete Route 4 alignment, the OZP would need to be comprehensively reviewed for recommending suitable zoning amendments. Moreover, the boundary of the “O” zone as proposed by the applicant included a section of Tin Wan Praya Road which was an existing vehicular access to Wah Kwai Estate. The exact boundary of the “O” zone would need to be examined in detail in the forthcoming review. Therefore, amending the OZP to rezone the application site to “O” ahead of the comprehensive land use review was considered pre-mature at this stage.

25. The Chairman then invited the applicant’s representative, Mr. Chai Man Hon, to elaborate on the application. Mr. Chai made the following main points :

- (a) the application was made due to the unclear standpoint of the Government over the use of the site. At a meeting of the Focus Group on South Island Line Scheme under SDC held on 10.3.2011, a representative of the THB said that open space use might not be allowed under the current zoning of the application site. The applicant had therefore submitted the current application to rezone the site to “O”;
- (b) though the applicant understood that public open space use was always permitted under the current zoning of the site, a rezoning to “O” would be necessary to ensure the certainty for open space development in the long term;
- (c) owing to the small scale of the OZP, the boundary of the application site as included in his submission might not be totally accurate and thus a small section of Tin Wan Praya Road was included. He would like to clarify that the rezoning application should only refer to the Route 4 road reserve

area; and

- (d) by referring to paragraphs 11.1 and 11.2 of the Paper, he considered that Members could partially agree to the application. In this regard, Members were invited to agree to the rezoning of the Route 4 road reserve area to “O” as no adverse comments or objections were received from concerned government departments.

26. As the applicant’s representatives had no further points to raise and there were no questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairman thanked the applicant’s representatives and PlanD’s representatives for attending the hearing. They all left the meeting at this point.

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

#### Deliberation Session

27. In response to a Member’s enquiry on the comment made by the representative of THB at the SDC meeting as quoted by the applicant’s representative, the Secretary explained that as the application site was shown as road, the planned use on the OZP was still a road reserve. There was a possibility that the site would not be used for open space purpose though open space use was always permitted. If the site was rezoned to “O” after the comprehensive land use review, it would definitely be reserved for open space purpose.

28. After further deliberation, the Committee decided to agree to the application in principle but considered it pre-mature to incorporate the proposal into the Outline Zoning Plan (OZP) for the following reason :

- Planning Department would review the Pok Fu Lam OZP comprehensively and propose suitable land uses in association with the deletion of the obsolete road alignment for Route 4. Amending the OZP to rezone the application site to “Open Space” ahead of the comprehensive land use

review for the area was considered pre-mature at this stage.

[Ms. Olga Lam and Mr. Felix W. Fong arrived to join the meeting at this point. Ms. Maggie M.K. Chan returned to join the meeting at this point.]

### **Tsuen Wan and West Kowloon District**

#### **Agenda Item 5**

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

[Open Meeting]

A/K1/228                      Proposed Minor Relaxation of Non-Building Area  
for Commercial Development in “Commercial (6)” zone,  
Nos. 31 & 31A Granville Road, Tsim Sha Tsui  
(MPC Paper No. A/K1/228)

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29.            The Committee noted that the applicant’s representative had requested on 18.5.2011 for a deferment of the consideration of the application for two months in order to allow time to address comments raised by the Chief Town Planner/Urban Design and Landscape, Planning Department.

30.            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 for its 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 6**

**Section 16 Application**

[Open Meeting]

A/K2/195                      Proposed Minor Relaxation of  
Plot Ratio and Building Height Restrictions  
for Permitted Composite Commercial/Residential Development  
in “Open Space” and “Residential (Group A)” zones,  
Nos. 93-105 Parkes Street, Yau Ma Tei  
(MPC Paper No. A/K2/195)

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31.            The Committee noted that the applicant’s representative had requested on 27.5.2011 for a deferment of the consideration of the application for two months in order to allow time to address comments raised by various government departments.

32.            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 for its 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. Raymond Y.M. Chan returned to join the meeting and Mr. Andrew Tsang left the meeting at this point.]

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

## **Agenda Item 7**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/525                      Proposed Hotel in “Residential (Group A)” zone,  
Nos. 58-66 Boundary Street, Mong Kok  
(MPC Paper No. A/K3/525C)

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33.            The Secretary said that the application was made by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Y.M. Chan declared an interest in this item as he had current business dealings with Henderson. Mr. Chan left the meeting temporarily at this point.

### **Presentation and Question Sessions**

34.            Mr. C.K. Soh, STP/TWK, informed Members that there was a typo error in approval condition (f) in the Paper which should be amended to read as “the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (e) above .....”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments were received from two private individuals during the first three weeks of the statutory publication period, which ended on 28.5.2010. One commenter objected to the application because of possible adverse visual impact while one commenter supported the application. During the first three weeks of the second statutory public inspection period, which ended on 13.8.2010, five public comments from private individuals and one comment from the Owners’ Incorporation of

Boundary View, the adjoining development, were received. Five out of the six commenters objected to the application mainly on the grounds of adverse traffic, landscape and visual impacts, waste and noise nuisance during the construction period, danger to the students nearby, and land use incompatibility with the surrounding residential developments. During the first three weeks of the third statutory public inspection period, which ended on 29.10.2010, three public comments from private individuals and one comment from the Vice Chairman of Yau Tsim Mong North Area Committee were received. While two commenters objected to the application mainly because the proposed hotel would have adverse environmental and visual impacts on the area, and the application had not taken a comprehensive assessment on its impacts on the surrounding area, the other two commenters supported the application but opined that possible impact on the traffic capacity should also be considered. During the first three weeks of the fourth statutory public inspection period, which ended on 7.2.2011, one public comment from Green Sense was received. The commenter proposed to reduce the site coverage of the hotel and to provide openable windows facing north so as to avoid using air conditioning. The District Officer (Yau Tsim Mong) advised that the Chairman of Yau Tsim Mong North Area Committee supported the application; 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 redevelopment of a hotel developed under a previously approved scheme (Application No. A/K3/150). The proposed hotel was not expected to have any significant effect on the mixed commercial/residential nature of the area. When compared with the previously approved scheme, the number of guestrooms was reduced from 176 to 160 (about 9%) whilst the plot ratio was increased from 8.29 to 9 (about 8.56%) which was within the limit of the “Residential (Group A)” (“R(A)”) zone. Relevant government departments consulted had no adverse comment or no objection to the application. Although the proposed hotel development at a building height of 95.8mPD was higher

than the existing residential buildings (21.5mPD to 67.6mPD) in its immediate surroundings, it was within the building height restriction (i.e. 100mPD) stipulated in the OZP for “R(A)” zone. Nevertheless, approval conditions requiring the applicant to provide set-back from the site boundary fronting Boundary Street for in-ground landscape planting and to reduce the roof-top structure of the proposed development, as suggested by the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD, had been recommended. Regarding the public comments on the possible adverse landscape, visual and air ventilation impacts of the proposed hotel on the surrounding area, it was noted that the proposed building height of 95.8mPD was in compliance with the building height restriction stipulated on the OZP and CTP/UD&L of PlanD considered the proposed development acceptable from the urban design and landscape perspectives. As for the public comments on the possible traffic impact, the Commissioner for Transport had advised that the proposed development would not have significant adverse traffic impacts on the surrounding area and sufficient car parking and loading/unloading spaces would be provided. For the comments on the possible environmental nuisance, the Director of Environmental Protection had no adverse comment on the application. On the public comment suggesting to lower the site coverage of the lower floors and to provide openable windows, it was considered that the details of the proposed development could be addressed during the building plan submission stage.

35. Members had no question on the application.

#### Deliberation Session

36. 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 3.6.2015, 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 a set-back of not less than 1.5m from the site boundary fronting Boundary Street for in-ground landscape planting to the satisfaction of the Director of Planning or of the TPB;
- (b) the reduction of the height of the roof top structures of the proposed development to the satisfaction of the Director of Planning 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;
- (d) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of the Fire Services or of the TPB;
- (e) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (f) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (e) above to the satisfaction of the Director of Drainage Services or of the TPB.

37. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Director of Environmental Protection that the Sewerage Impact Assessment should be prepared and submitted as early as possible in view of the time required for the implementation of any required sewerage works;
- (b) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department (BD);
- (c) to note the comments of the Chief Town Planning/Urban Design and Landscape, Planning Department regarding the provision of greening



measures, such as roof greening and vertical greening for the proposed development; and

- (d) the approval of the application did not imply that the proposed building design elements to fulfill the Sustainable Building Design Guidelines, the proposed bonus plot ratio and gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach BD direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required.

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

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/357                      Proposed Commercial Use  
including Shop and Services/Eating Place/Office in "Industrial" zone,  
High Fashion Centre, 1-11 Kwai Hei Street, Kwai Chung  
(MPC Paper No. A/KC/357D)

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

38.            Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed commercial use including shop and services/eating place/office;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, which ended on 15.6.2010, one public comment was received from a property agency company, raising no objection to the application provided that the proposed development would not adversely affect the local vehicular traffic. During the first three weeks of the second statutory public inspection period, which ended on 30.7.2010, no public comment was received. During the first three weeks of the third statutory public inspection period, which ended on 17.9.2010, one public comment was received. The commenter was the same as the previous one and its comments were similar; 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 development was considered not incompatible with the surrounding uses. Being situated at the periphery of an existing industrial area, the proposed development would also serve as a buffer separating the existing industrial area from the major sports and cultural facilities in Kwai Chung. The proposed conversion would also improve the visual amenity of the area. The proposed development was considered in line with the Government policy to encourage wholesale conversion of industrial buildings in “Industrial” (“I”) zone. In this regard, the Director General of Trade and Industry had no objection to the application. The proposed development would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. It was generally in line with TPB Guidelines No. 25D on ‘TPB Guidelines for Use/Development within “I” Zone’ and concerned government departments consulted had no objection to/adverse comments on the application.

39. Members had no question on the application.

Deliberation Session

40. 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 3.6.2015, 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 design and provision of vehicular access, car park and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the implementation of the drainage proposal and the sewerage upgrading works as proposed in the Drainage and Sewerage Impact Study Report submitted by the applicant to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

41. The Committee also agreed to advise the applicant of the following :

- (a) the approval of the application did not imply that the proposed building design elements to fulfill the Sustainable Building Design Guidelines, the proposed bonus plot ratio and gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements

and the GFA concession were not approved/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 District Lands Officer/Tsuen Wan & Kwai Tsing to apply to the Redevelopment and Conversion of Industrial Buildings Team of the Lands Department (LandsD) for a lease modification or a temporary waiver of the lease to facilitate the proposal. The said modification or a waiver, if granted, would be subject to such terms and conditions as considered appropriate by the Government, including payment of administrative fee and premium (if applicable). There was no guarantee that modification or waiver would be approved. Furthermore, it was noted that some of the proposed parking spaces would be provided by way of stack-up mechanical system. The applicant should accompany his application with the information required under Lands Administration Office Practice Note No. 2/2000;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD on paragraph 11.2 of Means of Escape Code where appropriate, and provisions of access and facilities for the disabled including disabled lift which could comply with the current statutory requirements, and so did fireman's lift;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department to consult with LandsD on the works design and implementation of the proposed sewerage upgrading works; and
- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Escape for Firefighting and Rescue which was administered by BD.

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/367                      Proposed Shop and Services (Fast Food Shop)  
in “Other Specified Uses” annotated “Business” zone,  
Workshop No. 33, G/F, Man Lee Industrial Building,  
10-14 Kin Chuen Street, Kwai Chung  
(MPC Paper No. A/KC/367)

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### **Presentation and Question Sessions**

42.            Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (fast food shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwai Tsing); 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 use at the premises was considered not incompatible with the uses of the subject industrial building. The small scale of the proposed use would unlikely generate adverse traffic or environmental impacts on the surrounding area. It also complied with TPB Guidelines No. 22D in terms of fire safety, land use, traffic and environmental impacts. As the applicant advised that the loading/unloading activities for the proposed use would be carried out inside the subject industrial building, the

Commissioner for Transport had no objection to the application. Although the subject industrial building was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the G/F, the Director of Fire Services indicated that the proposed fast food shop use, which should only be licensed and operated as 'food factory' or 'factory canteen', was not accountable towards the aggregate commercial floor area and had no objection to the application subject to the provision of fire service installations to his satisfaction.

43. Members had no question on the application.

#### Deliberation Session

44. 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 3.6.2015, 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 fire service installations proposal in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 3.12.2011;
- (b) in relation to (a) above, the implementation of fire service installations in the application premises within nine months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 3.3.2012; and
- (c) if any of the above planning conditions (a) or (b) 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.

45. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Director of Fire Services that the proposed fast food shop should only be licensed and operated as 'food factory' or 'factory canteen' and the licensing and operating of the premises as a 'general restaurant' or 'light refreshment restaurant' would not be accepted;
- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing to apply for a lease modification or short term waiver to effect the proposed use at the subject premises;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the compliance with the provisions of the Buildings Ordinance; and
- (d) to note the comments of the Commissioner for Transport that loading/unloading activities should only be conducted within the subject building so as to make sure that the proposed use would not induce unacceptable traffic impact to the surrounding road network.

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

[Professor S.C. Wong left the meeting temporarily at this point.]

**Hong Kong District**

**Agenda Item 10**

Section 16 Application

[Open Meeting]

A/H15/244                      Proposed Flat (Government Staff Quarters)  
in “Government, Institution or Community” zone,  
Ex-Housing Department Staff Quarters site,  
Tin Wan Street, Tin Wan, Aberdeen  
(MPC Paper No. A/H15/244)

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46.            The Committee noted that the applicant’s representative had requested on 20.5.2011 for a deferment of the consideration of the application for two months in order to allow time to address the comments of various government departments.

47.            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 for its 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. Kitty S.T. Lam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]



## **Agenda Item 11**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/173            Temporary Shop and Services (Retail Shop and Photographic Studio)  
for a Period of 1 Year  
in “Other Specified Uses” annotated “Business” zone,  
Workshop 5, G/F, Cheung Tat Centre, 18 Cheung Lee Street, Chai Wan  
(MPC Paper No. A/H20/173)

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### **Presentation and Question Sessions**

48.            Ms. Kitty S.T. Lam, STP/HK, said that replacement page 8 for the Paper had been sent to Members before the meeting. She then presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (retail shop and photographic studio) for a period of one year;

[Professor S.C. Wong returned to join the meeting at this point.]

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view 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 temporary use under application was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. Similar applications had been approved for other ground floor units of the subject

industrial building and in other industrial buildings in the vicinity. The subject shop and services use was considered not incompatible with the uses in the same building and with the surrounding developments. The application premises was on the ground floor of an existing industrial building with separate access at junction of Cheung Lee Street and Chui Hang Street. If the application premises (158.7m<sup>2</sup>) and the premises under Application No. A/H20/174 (15.8m<sup>2</sup>) to be considered at the same meeting were both included, the aggregate commercial floor area would still not exceed the maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. The subject retail shop with photographic studio complied with TPB No. 22D in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the subject building and the adjacent area. Relevant government departments consulted had no objection to or adverse comments on the application.

49. Members had no question on the application.

#### Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 3.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of means of escape separated from the industrial portion and fire service installations 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 3.12.2011; 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.

51. The Committee also agreed to advise the applicant of the following :

- (a) to apply to the District Lands Officer/Hong Kong East for lease modification or a temporary waiver to permit the use under application at the subject premises;
- (b) to note the comments of the 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 and provision of disability facilities under the Buildings Ordinance; and
- (c) to note the comments of the Director of Fire Services regarding the compliance with the requirements as stipulated in Code of Practice for Fire Resisting Construction.

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/174            Temporary Shop and Services (Money Exchange) for a Period of 3 Years in “Other Specified Uses” annotated “Business” zone,  
Workshop 2B, G/F, Cheung Tat Centre, 18 Cheung Lee Street, Chai Wan  
(MPC Paper No. A/H20/174)

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### **Presentation and Question Sessions**

52.            Ms. Kitty S.T. Lam, STP/HK, said that replacement page 9 for the Paper had been sent to Members before the meeting. She then presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (money exchange) for a period of three years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view 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 applicant had previously applied for planning permission for shop and services (money exchange) use at the application premises for a period of three years under application No. A/H20/166, which was approved by the Board on 25.6.2010. Although the permission of the application was revoked for failing to comply with the approval condition, the applicant had undertaken some fire service installation works including fire sprinklers and exit sign for compliance with the condition. The temporary use under application was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. Similar applications had been approved for other ground floor units of the subject industrial building and in other industrial buildings in the vicinity. The subject money exchange shop was considered not incompatible with the uses in the same building and with the surrounding developments. The application premises was on the ground floor of an existing industrial building with separate access at junction of Lee Chung Street and Chui Hang Street. If the application premises (15.8m<sup>2</sup>) and the premises under Application No. A/H20/173 (158.7m<sup>2</sup>) to be considered at the same meeting were both included, the aggregate commercial floor area would still not exceed the maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. The subject money exchange shop complied with TPB Guidelines No. 22D in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the subject building and the adjacent area. Relevant government departments consulted had no objection to or adverse comments on the application. Nevertheless, to

ensure early and satisfactory provision of fire service installations, a shorter compliance period together with revocation clause was recommended.

53. Members had no question on the application.

#### Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 3.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of means of escape separated from the industrial portion and fire service installations in the subject premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 3.9.2011; 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.

55. The Committee also agreed to advise the applicant of the following :

- (a) to note 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 by the Committee to any further application;
- (b) to apply to the District Lands Officer/Hong Kong East for lease modification or a temporary waiver to permit the use under application at the subject premises;
- (c) to note the comments of the 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 and provision of disability facilities under the Buildings Ordinance; and

- (d) to note the comments of the Director of Fire Services regarding the compliance with the requirements as stipulated in Code of Practice for Fire Resisting Construction.

[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 13**

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

[Open Meeting]

A/K11/202                      Proposed Columbarium  
in "Government, Institution or Community" zone,  
Block A, Tsz Wan Kok Temple,  
150 Tsz Wan Shan Road, Tsz Wan Shan, Kowloon  
(NKIL 6005 and Extension thereto (Part))  
(MPC Paper No. A/K11/202)

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56.            The Secretary reported that the TPB Secretariat had received a petition letter against the application before the meeting. As the letter was submitted by Ms. Maggie M.K. Chan, as a District Council Member of Wong Tai Sin District Council and a member of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), the Committee agreed that she should leave the meeting temporarily. Mr. Felix W. Wong had also declared an interest in this item as he was a member of DAB. The Committee agreed that he should also leave the meeting temporarily.

[Ms. Maggie M.K. Chan and Mr. Felix W. Fong left the meeting temporarily at this point.]

57. The Secretary reported that the letter had indicated Ms. Chan's objection to the application and her concerns on the impact on the local traffic and pedestrian flow, air pollution and environmental hygiene problems to the surrounding area. The letter had included 382 objections and 29 supports from the residents of Tsz Oi Court Phase 3 to the application. The letter, together with the 411 comments from the local residents, was tabled at the meeting for Members' information.

58. The Committee noted that the applicant's representative had requested on 6.5.2011 for a deferment of the consideration of the application for two months in order to allow time to address the departmental comments.

59. 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 for its 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. Richard Y.L. Siu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

[Ms. Maggie M.K. Chan and Mr. Felix W. Fong returned to join the meeting at this point.]

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K8/43                      Proposed Religious Institution (Church)  
in "Residential (Group A)" zone,  
Levels 3, 4 and 5 (Roof) of the Commercial Complex,  
Tsui Chuk Garden, 8 Chui Chuk Street, Wang Tau Hom  
(MPC Paper No. A/K8/43)

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Presentation and Question Sessions

60. Mr. Richard Y.L. Siu, STP/K, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (church);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, four public comments against the application were received from four private individuals. The commenters considered that the proposed church would lead to noise nuisance and aggravate the traffic problem of Tsui Chuk Garden and the application premises should be used for elderly facilities. The District Officer (Wong Tai Sin) (DO(WTS)) had no objection to the application but suggested that big ‘cross’ wall decoration should be avoided and the increased traffic flow should not lead to traffic jam at Chui Chuk Street; 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 current application was to rectify the floor area of the application premises and was a technical amendment to the previously approved scheme under Application No. A/K8/41 for the proposed church. The proposed conversion from kindergarten to church would not lead to an increase in non-domestic GFA. Given that the application premises (i.e. Levels 3 to 5) was a free-standing building on top of the 2-level car park and was accessible directly via Chui Chuk Street, it was unlikely that the proposed church would cause nuisance to the residents and users of the adjacent shopping centre. The applicant indicated that the church activities were mainly taking place on three days (Sunday mornings,



Saturday afternoons and Friday evenings) and the Commissioner for Transport (C for T) had no adverse comments on the application. Other relevant government departments consulted had no objection to the application. Regarding DO(WTS)'s view and the public comments on traffic impact of the proposed church, C for T had no adverse comment on the application. As for the commenter's suggestion on using the application premises for elderly facilities, it should be noted that the use of the application premises was a commercial decision and elderly facilities were being provided in the nearby public housing developments.

61. Members had no question on the application.

#### Deliberation Session

62. 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 3.6.2015, 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 to the satisfaction of the Director of Fire Services or of the TPB before operation of the proposed church; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

63. The Committee also agreed to advise the applicant of the following :

- (a) to obtain a temporary waiver or lease modification from the District Lands Officer/Kowloon East;
- (b) to appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with Buildings Ordinance, in

particular, the provision of means of escape and the provision of access and facilities for persons with a disability; and

- (c) to note the comments of the Director of Environmental Protection that the potential traffic noise impact from Chuk Yuen Road should be taken into account when designing the layout of the church and to follow the Hong Kong Planning Standards and Guidelines in providing practicable noise mitigation measures as far as practicable.

### **Agenda Items 15, 16 and 17**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/270            Shop and Services in “Other Specified Uses” annotated “Business” zone,  
Workshop No. B4 (Portion), Ground Floor of Block B,  
Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/270)

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A/K13/271            Shop and Services in “Other Specified Uses” annotated “Business” zone,  
Workshop No. B5A, Ground Floor of Block B,  
Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/271)

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A/K13/272            Shop and Services in “Other Specified Uses” annotated “Business” zone,  
Workshop No. B5 (Portion), Ground Floor of Block B,  
Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/272)

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64.            Noting that the three applications were similar in nature, the application premises were located within the same industrial building and in close proximity to each other, and two of them (Applications No. A/K13/270 and 271) were submitted by the same applicant, Members agreed that they could be considered together.

Presentation and Question Sessions

65. Mr. Richard Y.L. Siu, STP/K, presented the applications with the aid of a powerpoint presentation and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the shop and services at each of the application premises;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applications;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Papers. The “Other Specified Uses” annotated “Business” zone was intended for general business uses and allowed for greater flexibility in the use of the existing industrial or I-O buildings. The ‘shop and services’ use at each of the application premises was considered generally in line with the planning intention and not incompatible with the other uses within the same building. The applications complied with TPB Guidelines No. 22D in that they would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. If the application premises under the three applications were included, the aggregate commercial floor area would be 394.46m<sup>2</sup>, which was still within the maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. In this regard, concerned government departments had no objection to the application. The previous approvals (Nos. A/K13/257, 258 and 260) were all revoked on 30.1.2011 due to non-compliance of planning condition on fire safety measures. In the current submissions, the applicants of Applications No.

A/K13/270 and 271 indicated that an Authorized Person and fire service contractor had been appointed to prepare building plans for approval by the Government while the applicant of Application No. A/K13/272 indicated that fire service installations had been in place for approval by the Government. In this regard, the Director of Fire Services had no in-principle objection to the application. Nevertheless, a shorter compliance period of three months was proposed for the applications to monitor the fulfillment of the approval conditions.

66. Members had no question on the applications.

#### Deliberation Session

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

#### Application No. A/K13/270

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 3.9.2011; 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.

#### Application No. A/K13/271

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 3.9.2011; 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.

Application No. A/K13/272

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 3.9.2011; 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.

68. The Committee also agreed to advise each applicant of the following :

Application No. A/K13/270

- (a) to note 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) to apply to the District Lands Officer/Kowloon East for a temporary waiver or lease modification; and
- (c) to appoint an Authorized Person to submit Alterations and Additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
  - (i) adequate means of escape in accordance with Building (Planning) Regulation 41(1);

- (ii) separation for the subject premises from the remaining portion of the premises with walls having 2 hours fire resistance period pursuant to Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9; and
- (iii) access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.

Application No. A/K13/271

- (a) to note 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) to apply to the District Lands Officer/Kowloon East for a temporary waiver or lease modification;
- (c) to appoint an Authorized Person to submit Alterations and Additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
  - (i) separation for the subject premises from the remaining portion of the premises with walls having 2 hours fire resistance period pursuant to Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9; and
  - (ii) access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings

Department that that all unauthorized building works/structures should be removed and granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in future.

Application No. A/K13/272

- (a) to note 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) to apply to the District Lands Officer/Kowloon East for a temporary waiver or lease modification; and
- (c) to appoint an Authorized Person to submit Alterations and Additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
  - (i) adequate means of escape in accordance with Building (Planning) Regulation 41(1);
  - (ii) separation for the subject premises from the remaining portion of the premises with walls having 2 hours fire resistance period pursuant to Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9; and
  - (iii) access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.

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

**Agenda Item 18**

Section 16 Application

[Open Meeting]

A/K15/104            Proposed Wholesale Conversion of an Existing Industrial Building  
for Hotel and Shop and Services Uses for the Life-time  
of the Building with Public Waterfront Promenade and Landing Steps  
in “Comprehensive Development Area” zone,  
428 Cha Kwo Ling Road, Yau Tong  
(MPC Paper No. A/K15/104B)

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69.            The Secretary reported that Professor S.C. Wong had declared an interest in the application as he had current business dealings with Ove Arup & Partners Hong Kong Ltd., which was one of the consultants for the applicant. As the case was for deferral, the Committee agreed that Professor Wong could be allowed to stay in the meeting.

70.            The Committee noted that the applicant’s representative had requested on 26.5.2011 for a deferment of the consideration of the application for two months in order to allow time to discuss with various government departments to resolve the future management and maintenance of the proposed waterfront promenade and landing steps.

71.            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 for its 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 19**

Any Other Business

72.           There being no other business, the meeting was closed at 10:25 a.m..