

## **TOWN PLANNING BOARD**

### **Minutes of 461st Meeting of the Metro Planning Committee held at 9:00 a.m. on 24.2.2012**

#### **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

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. Wong

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

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

Mr. Felix W. Fong

Dr. Winnie S.M. Tang

Ms. L.P. Yau

Assistant Director(2), Home Affairs Department  
Mr. Eric Hui

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Miss H.Y. Chu

Town Planner/Town Planning Board  
Ms. Karen K.W. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 460th MPC Meeting held on 10.2.2012

[Open Meeting]

1. The draft minutes of the 460th MPC meeting held on 10.2.2012 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Approval of Development Permission Area Plan

2. The Secretary reported that on 7.2.2012, the Chief Executive in Council (CE in C) approved the To Kwa Peng and Pak Tam Au Development Permission Plan (DPA) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the DPA Plan was notified in the Gazette on 17.2.2012.

(ii) Reference Back of Approved Outline Zoning Plans

3. The Secretary reported that on 7.2.2012, the CE in C referred the following five approved OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance and reference back of the OZPs were notified in the Gazette on 17.2.2012 :

- (a) approved Central District (Extension) OZP No. S/H24/6;
- (b) approved the Peak Area OZP No. S/H14/11;
- (c) approved Lung Yeuk Tau and Kwan Tei OZP No. S/NE-LYT/14;
- (d) approved Tsuen Wan OZP No. S/TW/28; and
- (e) approved Kwun Tong (South) OZP No. S/K14S/16.

(iii) Town Planning Appeal Decision Received

Town Planning Appeal No. 19/2010 (19/10)

Proposed House (New Territories Exempted House- Small House) (Private Garden Ancillary to House) in “Green Belt” zone

A Piece of Government Land to the South of House No. 86

Cheung Muk Tau Village, Sai Kung North, Ma On Shan

Sha Tin

(Application No. A/MOS/81)

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4. The Secretary reported that the subject appeal was against the Town Planning Board’s decision to reject on review an application (No. A/MOS/81) for a proposed private garden ancillary to house at a site zoned “Green Belt” (“GB”) on the Ma On Shan Outline Zoning Plan (OZP). The appeal was heard by the Town Planning Appeal Board (Appeal Board) on 31.10.2011 and dismissed on 20.12.2011 mainly on the following grounds:

- (a) the proposed development was not in line with the planning intention of “GB” zone which was to preserve natural vegetation and the natural environment. Although the appellant was not seeking planning permission to construct any building structure and had planted flowers and plants on the site, it was not desirable to replace natural vegetation and natural environment by a private garden. Even though the natural vegetation had already been removed when the Appellant bought the site, it did not change the fact that the proposed private garden was still not in line with the planning intention of the “GB” zone;
- (b) the proposed development did not comply with TPB Guidelines No.10 for ‘Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development would cause adverse landscape impact on the natural environment. In addition, “passive recreational uses” mentioned in TPB Guidelines No. 10 referred to passive recreational uses for public purpose. The private garden was, however, a private garden for private use;

- (c) the Appeal Board considered that the security ground submitted by the appellant did not have much relevance as the user of the site as a private garden was not conducive to crime prevention;
- (d) although the appellant claimed that there was another private garden adjacent to House No. 85 within the same “GB” zone, the Appeal Board noted that it was an unauthorized use without planning permission;
- (e) although the management of land within the “GB” zone might need to be improved, the Appeal Board considered that converting such land into a private garden was not a desirable solution;
- (f) no other government departments raised objection to the proposed development because preserving the planning intention of the site fell exclusively within the jurisdiction of the PlanD;
- (g) the claim that the appellant had been misrepresented by the estate agent over the possible use of the site was not a relevant consideration for the appeal board to take into account; and
- (h) every application had to be considered in the light of its own facts and individual merits. In the present case, there was, however, insufficient individual merits or site-specific circumstances to justify a departure from the planning intention of the “GB” zone.

5. The Chairman remarked that according to paragraph 34 of the judgement of the subject appeal case, every application for planning permission had to be considered in light of its own facts and individual merits and the setting of an undesirable precedent was not included as a ground for dismissing the appeal. Members noted.

(iv) Appeal Statistics

6. The Secretary said that as at 24.2.2012, a total of 24 cases were yet to be heard by the Appeal Board. Details of the appeal statistics were as follows :

Allowed	:	28
Dismissed	:	121
Abandoned/Withdrawn/Invalid	:	155
Yet to be Heard	:	24
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	329

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

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K3/4                      Application for Amendment to the Draft Mong Kok Outline Zoning Plan No. S/K3/29 from “Residential (Group E)” to “Other Specified Uses” annotated “Business” zone, Famous Horse Industrial Building, 1145-1153 Canton Road Mong Kok  
(MPC Paper No. Y/K3/4)

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Presentation and Question Sessions

7. Mr. C.K. Soh, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point:

Mr. Chan Tat Choi  
Mr. Johnny Ng  
Mr. Daniel Wei  
Ms. Kwok Wai San  
Mr. K.K. Chan  
Mr. Chin Kim Meng  
Mr. Paul Chan

8. The Chairman extended a welcome and explained the procedures of the hearing. Mr. C.K. Soh, STP/TWK, Planning Department (PlanD) was then invited to brief Members on the background of the application. With the aid of a Powerpoint presentation, Mr. C.K. Soh presented the application as detailed in the Paper and made the following main points:

Proposed Rezoning

- (a) the applicant proposed to rezone the application site, with an area of about 592m<sup>2</sup>, from “Residential (Group E)” (“R(E)”) to “Other Specified Uses” annotated “Business” (“OU(Business)”) on the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/29 to facilitate the proposed conversion of the existing 14-storey industrial building i.e. Famous Horse Industrial Building into an office development with ‘shop and services’ uses on the ground floor of the building;
- (b) as shown in the applicants’ indicative scheme in the Paper, the proposed office development with ‘shop and services’ uses would have a total gross floor area (GFA) of about 6,303.357m<sup>2</sup> and a plot ratio (PR) of 10.647 with a building height of about 52mPD. The applicant proposed one loading/unloading bay with a turntable on the ground floor of the converted building. The applicant also indicated in the submission that no parking space would be provided in the converted office building;

Background

- (a) the application site was located at the junction of Canton Road and Bute Street which was currently occupied by a 14-storey industrial building.

The building was completed in 1980. The ground floor of the existing building was used for 'shop and services' use;

- (b) the applicant had submitted two previous planning applications on application site. One application was to rezone the application site from "R(E)" to "OU(Business)" under Application No. Y/K3/3, which was subsequently withdrawn by the applicant. The other application was for 'shop and services' use in units A to F on the ground floor of the existing building under Application No. A/K3/498, which was approved with conditions by the Committee on 2.11.2007;
- (c) a similar application (No. Y/K3/2) at Bute Street was rejected by the Committee on 15.10.2010 for the reason that there was insufficient information in the submission to demonstrate that the proposed development arising from the zoning amendment would not cause any adverse impact on the adjoining service lane;

#### Departmental Comments

- (d) the Commissioner for Transport (C for T) did not support the application. C for T did not accept the traffic impact assessment (TIA). C for T also did not agree with the applicant's justifications, including that on-street loading/unloading operations would result in insignificant traffic obstructions as local commercial and industrial establishments had relied heavily on on-street loading/unloading spaces. Moreover, the proposed conversion into 'office' and 'shop and services' uses with the provision of only one loading/unloading bay could not meet the minimum requirement of three loading/unloading bays as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG);
- (e) other concerned government departments had no objection to or no adverse comment on the application;

#### Public Comments

- (f) during the statutory publication period on the rezoning application, one



comment was received. During the subsequent publication period on the further information submitted by the applicant, no comment was received. The commenter supported the proposed revitalization of the subject industrial building as it had not increased the number of parking spaces on the site. The commenter considered that it was better to convert the building for office use, rather than redeveloping the site into a residential building; and

PlanD's views

- (g) PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarized below:
- (i) the site was situated among a cluster of industrial developments opposite to some tenement buildings at Canton Road in the western part of Mong Kok. While the planning intention of the “R(E)” zone was to phase out existing industrial use through redevelopment (or conversion) for residential use, the proposed ‘office’ and ‘shop and services’ uses at the application site through wholesale conversion of the existing building would also help to phase out industrial uses in the area. From a land use planning point of view, the proposed ‘office’ and ‘shop and services’ uses were not unacceptable;
  - (ii) the proposed conversion of the building into ‘office’ and ‘shop and services’ uses, however, would only be provided with one loading/unloading bay which could not meet the minimum requirement as stipulated in HKPSG. In this regard, C for T had reservation on such provision. C for T also did not accept the TIA and the justifications provided by the applicant and did not support the application. It should be noted that the applicant had yet to respond to clarifications on the TIA as requested by C for T; and
  - (iii) the two street blocks bounded by Arran Street, Canton Road and Mong Kok Road were rezoned from “Industrial” (“I”) to “R(E)” in

2001. The intention was to phase out the residual industrial uses in Tai Kok Tsui area at the western part of Mong Kok, which was predominantly residential in character. Rezoning of the site on a piecemeal basis would affect the integrity of the whole “R(E)” zone. In this regard, it should be noted that ‘office’ and ‘shop and services’ were Column 2 uses under the “R(E)” zone, the applicant could submit a planning application for the proposed uses to the Board for consideration under section 16 of the Town Planning Ordinance.

[Mr. David To arrived to join the meeting at this point.]

9. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr. Johnny Ng made the following main points :

- (a) the applicant had purchased the subject building and operated a garment manufacturing factory at the application site for twenty years. In view of the decline of manufacturing industry in Hong Kong, most of the factory units in the existing building were currently vacant except for a few storeys used for ‘office’, ‘warehouse’ and ‘shop and services’ uses on the ground floor;
- (b) it was the applicant’s intention to redevelop the subject industrial building into office development with retail shops. However, the premium required for the change of use of the application site and the construction cost for redevelopment were too high, thus making redevelopment of the application site not viable;
- (c) in his 2009-10 Policy Address, the Chief Executive announced new measures to promote revitalisation of old industrial buildings through encouraging redevelopment and conversion of vacant or under-utilised industrial buildings. The applicant intended to undertake the wholesale conversion of the existing industrial building at a nil waiver fee under the revitalization of industrial buildings policy. However, as nil waiver fee for conversion of industrial building was only applicable to sites covered

by “Industrial” (“I”), “Commercial” (“C”) and “OU(Business)” zones on the OZPs, the existing “R(E)” zoning of the application site would render the site not eligible for application for a nil waiver fee. The applicant thus submitted the application to rezone the application site to “OU(Business)” so that he could entitle the nil waiver fee for conversion of the subject industrial building; and

- (d) in addressing Transport Department’s (TD) concern that only one loading/unloading bay was proposed for the converted office development with retail shops, the applicant had submitted a revised proposal with two loading/unloading bays for TD’s consideration.

10. With the aid of the visualizer, Mr. Chan Kim Meng made the following main points :

- (a) there was an existing loading/unloading area (9m in length x 6m in width) on the ground floor of the building. However, it did not provide sufficient space for goods vehicles to turn around, resulting in reversing of vehicles when they left the building. This was not acceptable from traffic safety point of view;
- (b) in order to improve the existing situation, the applicant had proposed to enlarge the existing loading/unloading area to accommodate one loading/unloading bay for goods vehicle by removing a non-structural beam on the ground floor. Moreover, to facilitate the manoeuvring of the goods vehicle, a turntable with a 8m- diameter clearance was proposed;
- (c) according to the traffic study, there were six lay-bys on both sides of Canton Road, Bute Street and Arran Street, which were in the vicinity of the application site. These laybys could be used for the loading/unloading activities of the proposed office development. It was also observed that on-street loading/unloading activities in the vicinity of the application site had not caused major vehicle queues and obstruction to traffic;

- (d) there was a multi-storey carpark with 900 car parking spaces near the site. It was observed that two-third of the parking spaces i.e. 600 spaces were vacant. These parking spaces could help meet the car parking demand generated from the proposed office development and retail shops;
- (e) because of the site constraints, the applicant could not meet the minimum requirement for the provision of loading/unloading bay as set down in HKPSG. Nevertheless, as the provision of one loading/unloading bay would not cause traffic problems in the area, TD could exercise flexibility in accepting a lower standard provision for loading/unloading bays; and
- (f) notwithstanding the above, in order to address TD's concern, the applicant had further revised the proposal to provide two loading/unloading bays within the application site by demolishing the existing retail shops and re-arranging the access to the lobby area on the ground floor of the subject building.

11. With the aid of the visualizer, Mr. Chan Tat Choi made the following main points :

- (a) many factory units in the subject industrial building were currently vacant. The owner was looking for more suitable use for the building. However, the premium that would be required for a change of use of the existing industrial building and the construction cost for a redevelopment were high. The owner considered that it was not viable to redevelop the building into residential use in the short term;
- (b) the applicant had previously submitted a section 16 application for wholesale conversion of the subject industrial building for office development under the "R(E)" zoning. Subsequently, the application was withdrawn by the applicant, as it was advised by the Lands Department (LandsD) that the proposed office use was in breach of the user restriction under the lease and the owner had to pay for a premium for modifying the lease so as to effect the proposed office use. It was also advised by Lands

D that under the revitalization of industrial buildings policy, only those industrial buildings covered by “I”, “C” or “OU(Business)” zones on the OZPs were eligible for applying for a special waiver at a nil wavier fee (‘special waiver’) for wholesale conversion of the industrial building for non-industrial uses. In order to apply for a special waiver, the applicant submitted the application to rezone the site from “R(E)” to “OU(Business)”;

- (c) the proposed rezoning of the site from “R(E)” to “OU(Business)” should be acceptable from land use planning point of view. The reasons were:
  - (i) the planning intention of the “R(E)” zone was primarily for phasing out existing industrial uses through redevelopment or conversion for residential use on application to the Board. As the application site was adjoining other industrial buildings, the conversion of the existing industrial building into residential use was not feasible for the time being. The application site had been rezoned from “I” to “R(E)” since 2001. Over the past decade, no residential developments took place in the “R(E)” zone;
  - (ii) many factory units within the subject building were currently vacant. The proposed conversion of the subject building into office development could increase the supply of commercial floor space, which would be beneficial to Hong Kong’s economy;
  - (iii) should the rezoning application be approved, the applicant could convert the industrial building into office use in a short period of time. Moreover, the proposed office development would act as a desirable precedent to encourage redevelopment/wholesale conversion of other industrial buildings within the “R(E)” zone; and

[Professor P.P. Ho arrived to join the meeting at this point.]

- (d) the applicant had made efforts to address TD’s concern on traffic aspects.

According to the HKPSG, the proposed office development should provide three loading/unloading bays at the application site. However, the HKPSG were only guidelines. Given the site constraints of the building, TD could exercise flexibility in accepting a lower standard provision for loading/unloading bays.

12. In response to a Member's enquiries, Mr. Chan Tat Choi said that the building age of the subject building was over 25 years. The proposed conversion of the industrial building into office development with retail shops would act as a catalyst to encourage owners of the other industrial buildings within the "R(E)" zone to redevelop or convert the existing industrial buildings for non-industrial uses. Moreover, the conversion of the subject building into office development, which would reduce the 'industrial/residential' interface problem to the adjacent sites within the "R(E)" zone, could facilitate the residential use of the adjacent sites.

13. The Chairman said that according to the information provided by PlanD, the subject industrial building was completed in 1980. Thus, the building age of the subject building was about 30 years.

14. The Chairman asked about when the "I" sites in the Mong Kok planning area were rezoned to "R(E)" or "OU(Business)". Mr. C.K. Soh referred to Plan Z-2 of the Paper and said that all the sites under the "I" zones in the Mong Kok planning area were rezoned to "R(E)" or "OU(Business)" on the Mong Kok OZP in 2001 following the recommendations of the Area Assessments of Industrial Land 2000 (Area Assessment 2000), with a view to phasing out the remaining industrial buildings in the area. As recommended by the Area Assessment 2000, sites which were surrounded mainly by residential developments or at the fringe of an existing industrial area, and were suitable for residential development with environmental mitigation measures or sensitive building design, were rezoned to "R(E)". Sites which were not suitable for residential development mainly due to insurmountable environmental problems were rezoned to "OU(Business)". In view of the traffic noise impacts of Tong Mi Road, the sites along this road were rezoned to "OU(Business)" for general business uses. Other "I" sites, which were closer to residential developments along Canton Road, were rezoned to "R(E)" for residential use.

15. For Members' reference, Mr. C.K. Soh said that the Board had recently rezoned part of an "OU(Business)" zone at Elm Street within the Mong Kok planning area to "R(E)" zone. However, the planning considerations for the rezoning at Elm Street were different from the subject application. In the case of Elm Street, the main reason for rezoning the sites in the eastern portion of the "OU(Business)" zone to "R(E)" was that there were two hotel developments located in the western portion of the "OU(Business)" zone (with one completed and the other under construction). As these two hotels would serve an environmental buffer to mitigate the traffic noise problem of the West Kowloon Corridor/ Tai Kok Tsui Road, the sites in the eastern portion of the "OU(Business)" zone would no longer be susceptible to insurmountable traffic noise impacts and could be rezoned to "R(E)" for residential development to attain the original planning intention. For the subject application, the application site was located within a larger "R(E)" zone, which was bounded by Arran Street, Canton Road, Bute Street and Arran Lane. The applicant's proposal to rezone the application site to "OU(Business)" on a piecemeal basis would affect the integrity of the whole "R(E)" zone and adversely affect the long-term planning intention for residential use in that area. Hence, PlanD did not support the application.

16. In response to the Chairman's further enquiry, Mr. C.K. Soh said that no residential or commercial developments took place in the "R(E)" and "OU(Business)" zones on both sides of Arran Lane. Mr. C.K. Soh also pointed out that to the north west of the application site within the same "R(E)" zone, a planning application (No. A/K3/535) for residential development was previously approved by the Committee. According to the record, the residential development had yet to be taken forward by the owner.

17. In response to a Member's enquiry, Mr. C.K. Soh said that according to the revitalization of industrial buildings policy, the lot owner could apply for a special waiver for conversion of an entire existing industrial building if the building was covered either by "OU(Business)", "I" or "C" zones on the OZPs. Since the application site was situated in "R(E)" zone, the owner was not eligible for application for wholesale conversion at a nil waiver fee. Mr. C.K. Soh also said that according to the Notes of for "R(E)" zone, 'office' and 'shop and services' were Column 2 uses and the applicant had previously submitted a section 16 planning application for the proposed office development with retail shops. However, the applicant had withdrawn that application as the applicant was advised by LandsD that should the planning permission be granted for wholesale conversion for office

development, the owner had to apply for a lease modification and payment of premium was required.

18. In response to a Member's enquiry, Ms. Olga Lam, the Assistant Director/Kowloon of LandsD, said that according to the revitalization of industrial buildings policy, the lot owners might apply at a nil waiver fee for wholesale conversion for change of use of existing industrial building for the lifetime of the building or the current lease period, whichever was earlier. Such conversion work had to be completed within three years after issue of the waiver. Upon redevelopment of the site, a lease modification to effect the proposed use and the payment of premium would be required.

19. In response to a Member's question, Mr. Johnny Ng said that the applicant also owned another industrial building, namely Lucky Horse Industrial Building, at the junction of Bute Street and Tong Mi Road.

20. The Chairman said that the applicant indicated that the applicant had revised the loading/unloading bay provision for the proposed office development. Instead of providing one loading/unloading bay, the applicant now proposed to provide two loading/unloading bays within the application site. The Chairman asked whether TD had any comment on the revised proposal. Mr. David To, the Assistant Commissioner for Transport (Urban), said that the revised proposal for loading/unloading bay provision was received by TD one day before the meeting. Hence, more time was required to assess the revised proposal.

21. In response to a Member's enquiry, Mr. Johnny Ng said the industrial building adjacent to the subject building, namely Henley Industrial Centre, was not owned by the applicant.

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



Deliberation Session

23. In response to the Chairman's enquiry, Mr. David To said that as his department received the applicant's revised proposal on loading/unloading facility only one day before the meeting, more time was needed to assess the revised proposal. However, his preliminary view on the proposed layout plan presented by the applicant at the meeting was that the proposed provision of two loading/unloading bays was not practical as there was no sufficient area for the manoeuvring of goods vehicles into the loading/unloading bays. Hence, he could not render support to the application at this stage.

24. Mr. To said that TD could not accept the provision of loading/unloading bays lower than that required in HKPSG for the proposed conversion of industrial building as it would set an undesirable precedent for other similar application to follow.

25. The Chairman said that that every planning application had to be considered in light of its own facts and individual merits. As regards the subject application, the applicant had pointed out that there would be practical difficulties in meeting the prescribed standard for provision of loading/unloading bay, the Committee could consider whether the application could be supported based on its own circumstances and planning merits.

26. A Member said that the purpose of offering a special waiver was to provide incentive for the owners to convert the existing industrial buildings into other non-industrial uses, such that the industrial buildings could be better utilized. This Member enquired about the reasons why the revitalization of industrial buildings policy did not apply to sites situated in "R(E)" or "Comprehensive Development Area" ("CDA") zones. This Member was concerned whether the approval of the subject rezoning application would encourage similar rezoning applications, which was not in line with the original planning intention of the specific zones.

27. The Secretary said that as a result of the structural changes in the industrial sector, industrial activities in Hong Kong had shifted from manufacturing and production oriented to more management/ service oriented and information based. To cope with the changes, the Board had, in the early 2000s, had introduced planning measures such as rezoning industrial

sites to other uses such as “OU(Business)” which could accommodate a wider range of economic activities. In view of the slow progress of achieving the planning intention, the Government had in 2009, introduced the revitalization of industrial building policy whereby conversion at a nil waiver fee was proposed to encourage the lot owners to convert the existing industrial buildings within “I”, “C” and “OU(Business)” zones, to speed up the realization of the planning intention. Sites that were zoned “R(E)” or “CDA”, which had specific planning intention for residential use or comprehensive development, were not eligible to apply for a special waiver under the revitalization of industrial buildings policy as the planning intentions were different.

28. A Member opined that from a land use planning perspective and on environmental aspect, the principle of rezoning some “I” sites along major trunk road to “OU(Business)” and rezoning other “I” sites closer to residential developments to “R(E)” was appropriate. Another Member agreed and said that the rezoning of the site from “R(E)” to “OU(Business)” would be against this principle. This Member opined that the sole purpose of subject rezoning application was to apply for a special waiver under the revitalization of industrial buildings policy. This justification alone would not warrant a change of the current “R(E)” zoning.

29. The above views were shared by another Member. This Member said that it was not possible to phase out the existing industrial uses in one go. As the intended residential development under the “R(E)” zone would take time to materialize, the proposed ‘office’ and ‘shop and services’ uses at the application site through wholesale conversion could be considered appropriate in the interim. Nevertheless, the applicant could submit a section 16 planning application for such conversion under the current “R(E)” zoning. This Member also said that a rezoning of the site to “OU(Business)”, as proposed by the applicant, was to enable the application site to be eligible to apply for special waiver was not a relevant planning consideration for the current application.

30. A Member said that as compared with the industrial uses, a proposed commercial development on the site would receive more sympathetic consideration as it would be compatible with the neighbouring residential developments. This Member also opined that if the site was rezoned to “OU(Business)” and the applicant did not implement the wholesale conversion of the industrial building for office use, the always permitted uses, under the

“OU(Business) zone might create problem to the existing residential developments in the vicinity.

31. The Chairman agreed with this Member that as compared with industrial uses, a commercial development would be more compatible with the neighbouring residential developments. The Chairman said that as the building had been vacant for many years, the wholesale conversion for proposed redevelopment could better utilize scarce land resources. This was in line with the objective of the revitalization of industrial buildings policy. Nevertheless, the Chairman agreed with other Members’ views that whether the site would be eligible to apply for a special waiver for a change of use under the revitalization of industrial buildings policy was not a relevant planning consideration.

32. A Member said that as compared with the “R(E)” zoning, the “OU(Business)” zoning for the area might provide more incentive and facilitate a higher implementation rate of the revitalization of the existing industrial buildings as their owners would apply for a nil waiver fee under the “OU(Business)” zone. Nevertheless, this Member said that it might be worthwhile to consider adopting the “OU(Business)” zone for all “R(E)” sites in two street blocks i.e. sites bounded by Arran Street, Canton Road, Mong Kok Road and Arran Lane. This Member also pointed out that only rezoning the application site to “OU(Business)” was not supported.

33. The Chairman concluded that Members had no objection to the wholesale conversion of the existing industrial building into office development with retail shops in the short term. However, upon redevelopment of the application site, the proposed use should conform with the planning intention of the “R(E)” zone which was for residential use in the long term. The Chairman also said that Members were generally of the view that the rezoning application could not be supported as the proposed internal transport facilities provisions were not acceptable to TD. The applicant’s intention to rezone the application site to “OU(Business)” such that the application site could be eligible to apply for a special waiver was not a relevant planning consideration, and there was no strong planning justification for a departure from the planning intention of the “R(E)” zone. The Chairman then invited Members to consider whether the rejection reason (b) as stated in paragraph 12.1 of the Paper was appropriate.

34. In response to the Chairman's question regarding rejection reason (b) in paragraph 12.1 of the Paper, a Member said that as the application site formed part of a larger "R(E)" zone which was bounded by Arran Street, Canton Road, Bute Street and Arran Lane, the rezoning of the application site to "OU(Business)" on a piecemeal basis would affect the integrity of the "R(E)" zone and the long-term planning intention of the "R(E)" zone in the area. Hence, this Member considered that the second rejection reason was substantiated. Another Member shared the same view and considered that the "R(E)" zoning of the application site should be retained as it was more compatible with the surrounding residential development in the area. The Chairman summarized that Members considered that the rejection reasons as stated in paragraph 12.1 of the Paper were appropriate.

35. After further deliberation, the Committee decided not to agree to the application. The reasons were:

- (a) there was insufficient loading/unloading facilities provided in the proposed development arising from the proposed zoning amendment which would result in adverse traffic impact on the surrounding areas; and
- (b) piecemeal rezoning of the site to "Other Specified Uses" annotated "Business" would affect the integrity of the "Residential (Group E)" zone in the area.

[A short break of 5 minutes was taken at this point.]

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

[Ms. Fannie F.L. Hung, STP/TWK, was invited to the meeting at this point.]

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/385                      Shop and Services (Local Provisions Store) in “Other Specified Uses”  
annotated “Business” zone, Factory A (Portion)  
G/F, Kwai Fong Industrial Building, 9-15 Kwai Cheong Road  
Kwai Chung  
(MPC Paper No. A/KC/385)

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**Presentation and Question Sessions**

36.                      With the aid of a visualizer, Ms. Fannie F.L. Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (local provisions store);
- (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 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 assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the ‘shop and services’ use would not induce adverse fire safety and environmental impacts. The ‘shop and services’ use under application at the application premises was considered not incompatible with the uses of the subject industrial building, which mainly comprised a factory canteen

and a building materials company on the G/F and industrial-related offices on the upper floors. The 'shop and services' use at the application premises complied with the Town Planning Board Guidelines No. 22D for 'Development within the "OU(Business)" Zone' in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to the application. Should the Committee approve the application, the total commercial floor area of G/F would remain unchanged since the applied 'shop and services (local provisions store)' use was regarded as ancillary to the industrial activities in the industrial/I-O building, which was excluded from the calculation of the maximum permissible commercial floor area limit.

37. Members had no question on the application.

#### Deliberation Session

38. 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 a means of escape completely 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 24.8.2012; 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.

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

- (a) to remind the applicant that prior planning permission should have been

obtained before commencing the development at the subject premises;

- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department that the temporary waiver application, if approved by the Lands Department acting in the capacity as landlord at its discretion, would be subject to such terms and conditions as should be considered appropriate by the Lands Department including inter alia, payment of waiver fee and administrative fee. There was no commitment that the Government would approve the temporary waiver application;
- (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, in particular: (i) the application premises should be separated from the remainder of the building with enclosures achieving fire resistance period of not less than 2 hours; and (ii) an Authorised Person should be appointed to coordinate building works except the exempted works as defined in Buildings Ordinance section 41; and
- (d) to note the ‘Guidance Notes on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ issued by Town Planning Board for further information on the fulfilment of the approval conditions herein.

[The Chairman thanked Ms. Fannie F.L. Hung, STP/TWK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/KC/377

Proposed Public Utility Installation (Electricity Package Package) in “Green Belt” zone, Government Land in D.D. 445, Shing Mun Road near Wo Yi Hop Village Expansion Area, Kwai Chung  
(MPC Paper No. A/KC/377A)

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40. The Secretary reported that on 10.2.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to sort out the issues raised by the concerned parties.

41. 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 the further information, and no further deferment would be granted unless under very special circumstances.

### **Hong Kong District**

#### **Agenda Item 6**

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

[Open Meeting]

Y/H13/1                      Application for Amendment to the Approved Jardine's Lookout and Wong Nai Chung Gap Outline Zoning Plan No. S/H13/12 from "Government, Institution or Community" to "Government, Institution or Community (1)" to Incorporate Development Restrictions on (i) Building Height (ii), Gross Floor Area or Plot Ratio and (iii) Site Coverage to Reflect the Existing Development Parameters of the Site, and to Add a Minor Relaxation Clause on the Development Restrictions Imposed for the "Government, Institution or Community (1)" zone, Clementi Road, Hong Kong (Inland Lot 7883)  
(MPC Paper No. Y/H13/1A)

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42. The Secretary reported that Mr. Roger K.H. Luk had declared an interest in this item as he owned a flat at Cavendish Heights in Happy Valley, which was close to the application site. As the Planning Department (PlanD) had recommended a deferment of consideration of the application, the Committee agreed that Mr. Luk could stay in the meeting.



43. The Secretary said that the applicants were the Incorporated Owners (IOs) of five residential developments near the application site. They proposed to amend the approved Jardine's Lookout and Wong Nai Chung Gap Outline Zoning Plan (OZP) by rezoning the application site from "Government, Institution or Community" ("G/IC") to "G/IC(1)" and to incorporate development restrictions on (i) building height, (ii) gross floor area (GFA) or plot ratio (PR), and (iii) site coverage to reflect the existing development parameters of the application site which was currently occupied by the Sheng Kung Hui Kindergarten Hong Kong (Mount Butler). The applicants also proposed to add a minor relaxation clause for the imposed development restrictions so that development proposal exceeding the development restrictions under the "G/IC(1)" zone would have to make an application to the Town Planning Board.

44. The Secretary said that the application site was involved in the "Preservation-cum-development of Hong Kong Sheng Kung Hui (HKSKH) Compound in Central" project. In connection with HKSKH's agreement to preserve four historic buildings in its Central site as part of the "Conserving Central" initiatives announced by the Chief Executive in his 2009-10 Policy Address, some of the HKSKH facilities originally planned to be accommodated by redevelopment of the Central site had been proposed to be provided on the subject "G/IC" site at Clementi Road currently only occupied by a kindergarten.

45. The Secretary said that HKSKH was refining the design of the redevelopment scheme at the subject site with a view to addressing the concerns raised by the local residents. Such revised scheme would take account of the local views and the comments of the relevant government bureaux/departments. It was therefore premature to stipulate the appropriate development restrictions for the site on the OZP at this moment. In view of the above, PlanD proposed to defer the consideration of the application until HKSKH had submitted a revised scheme for the application site to the Government later this year. She then invited the Committee to consider whether to agree to defer a decision on the subject application.

46. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee also agreed that the application would be submitted for its consideration when HKSKH submitted a revised redevelopment scheme for the site to Government.

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/H7/159                      Proposed Minor Relaxation of Building Height Restriction for Residential Development in “Residential (Group B)” zone  
7C-7F Shan Kwong Road, Happy Valley  
(MPC Paper No. A/H7/159)

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47.            The Secretary informed Members that replacement page for page 2 of the Paper had already been sent to Members before the meeting.

48.            The Secretary said that the application site was the subject of outstanding adverse representations yet to be submitted to the Chief Executive in Council (CE in C) for consideration. One of the adverse further representations in respect of the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/14 was submitted by the Beverly Hill (Estate Management) Ltd.. The Secretary continued to point out that she had declared an interest in this item as she had a property at Beverly Hill. Members considered that as the Secretary had to serve the Committee, she had to remain in the meeting for operational reason.

49.            The Secretary reported that on 18.1.2008, the draft Wong Nai Chung OZP No. S/H7/14, incorporating amendments to impose building height restrictions for various development zones and some zoning amendments, was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the two-month exhibition period, a total of 50 representations were received. Among them, 24 representations were against, among other matters, the imposition of the building height restrictions of the OZP in general, including the application site. After giving consideration to the representations on 8.8.2008, the Board decided to partially uphold some of the representations by amending, among others, the building height restrictions for the “Residential (Group B)” (“R(B)”) sites to the south of Village Road and to the east of Shan Kwong Road (including the application site) from 100mPD to 115mPD. The proposed amendments were published for inspection under section 6C(2) of the Ordinance on 29.8.2008. During the 3-week exhibition period, a total of six further representations were received. Among them, three further representations were related to the application site, of which two were against the revised building height restriction of 115mPD. The remaining representation supported the revised building height

restriction. After giving consideration to the further representations on 14.11.2008, the Board decided not to uphold the further representations and confirmed the amendments to the OZP.

50. The Secretary continued to report that the draft OZP was the subject of a judicial review (JR) application, which was lodged by the Hong Kong Sanatorium and Hospital Limited (HKSH) against the Town Planning Board's (the Board) decision on 8.8.2008. On 27.9.2010, the court granted leave to HKSH's application to discontinue the JR. Subsequently, the draft Wong Nai Chung OZP was amended twice and exhibited for public inspection under section 7 of the Ordinance on 30.9.2010 and 26.8.2011 respectively.

51. The Secretary said that the application site was subject to outstanding adverse representations yet to be submitted to CE in C for consideration and the substance of the representations was relevant to the subject application. The Committee should consider whether to defer a decision on the subject application, taking into account the fact that the revised building height restriction of 115mPD for the "R(B)" zone covering the application site was the subject of two adverse further representations and the draft OZP together with the representations and further representations were yet to be submitted to and considered by CE in C.

52. After deliberation, the Committee decided to defer a decision on the application. The application would be submitted to the Committee for consideration upon CE in C's final decision on the draft OZP.

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/H8/414                      Proposed Comprehensive Hotel, Residential and Public Open Space  
Development in "Comprehensive Development Area" zone  
12 Oil Street, North Point (Inland Lot 8920)  
(MPC Paper No. A/H8/414)

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53. The Secretary reported that on 10.2.2012, the applicant requested for a deferment

of the consideration of the application for two months in order to allow time for the applicant to resolve outstanding issues with relevant government departments.

54. 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 the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting]

A/H9/67                      Proposed Minor Relaxation of Building Height Restriction for Residential Development in “Government, Institution or Community” and “Residential (Group A)” zones, 31-69 Chai Wan Road  
Shau Kei Wan  
(MPC Paper No. A/H9/67A)

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55. The Committee noted that on 10.2.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments from relevant government departments.

56. 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 a further period of two months were allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

## **Kowloon District**

[Mr. Silas K.M. Liu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

### **Agenda Item 10**

[Open Meeting]

Proposed Amendments to the

Approved Kwun Tong (South) Outline Zoning Plan No. S/K14S/16

(MPC Paper No. 4/12)

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### **Presentation and Question Sessions**

57. Mr. Silas K.M. Liu, STP/K, informed that replacement pages for page 3 and 4, page 15 of Appendix II, page 9 and 10 of Appendix III of the Paper had already been sent to Members before the meeting. With the aid of a Powerpoint presentation, Mr. Liu then presented the proposed amendments and covered the following aspects as detailed in the Paper :

#### **Background to the Proposed Amendments**

- (a) the “Government, Institution or Community” (“G/IC”) site at Sau Ming Road had been identified as suitable for public rental housing (PRH) cum community hall development to (i) address the shortage of land supply for public housing development; and (ii) meet the request from Kwun Tong District Council (KTDC) and local community for reprovisioning of the existing sub-standard Sau Mau Ping (Central) Estate Community Centre (SMPCC);
  
- (b) the application site was currently used as SMPCC and a temporary open carpark. The existing 6-storey SMPCC building had a community hall and activity room on the G/F. For the remaining upper floors, there were four different non-government organization community facilities;

- (c) since 2008, there had been repeated requests from KTDC members and local residents for an early implementation of a new community hall to replace the substandard SMPCC, and the provision of library and study area facilities to meet the local needs in Sau Mau Ping area. At the same time, there was an urgent need to find suitable sites to develop public rental housing to address the public housing demand. The Housing Department had taken this opportunity to pursue an in-situ reprovisioning of SMPCC cum public housing development on the site so as to better utilize land resources;
- (d) development restrictions of a maximum plot ratio (PR) of 6 (with a maximum domestic PR of 4.5 and a maximum non-domestic PR of 1.5) and a maximum building height of 150mPD were proposed for the site. The proposed public rental housing would accommodate about 325 flats including 120 one to two person units. The gross floor area (GFA) of a community hall with 450 seats, a library and a study area would be 1,300m<sup>2</sup>, 550m<sup>2</sup> and 100m<sup>2</sup> respectively. It was considered that the development restrictions were compatible with those of the surrounding areas and tallied with those for the adjacent “Residential (Group A)” (“R(A)”) zones;
- (e) the proposed development was included as a potential PRH project for completion in 2017/2018. To facilitate the implementation of the proposed development, rezoning of the site was required. To achieve a better planning control on the development intensity and building bulk, it was proposed to stipulate appropriate development restrictions, including building height and plot ratio (PR) for the site;
- (f) to provide design/architectural flexibility, the provision for application for minor relaxation of GFA/ PR restrictions had been incorporated into the Remarks of the Notes for the “Commercial” (“C”), “Residential (Group A)” (“R(A)”), “R(B)”, “R(C)” and “R(E)” zones on most of the Outline Zoning Plans (OZP) in the Metro Area. Such provision would be included in the remaining OZPs when opportunity arose. In this regard, technical amendments to the Kwun Tong (South) OZP for incorporating the

provision for minor relaxation of GFA/PR restrictions into the Notes for the “C(1)”, “R(A)”, “R(A)1” and “R(B)” zone was proposed;

Proposed Amendments to the Plan, Notes and ES

- (a) Item A- rezoning of a site at Sau Ming Road from “G/IC” to “R(A)2” with a maximum PR of 6 (a maximum domestic and a maximum non-domestic PR of 4.5 and 1.5 respectively) and a maximum building height restriction of 150mPD;
- (b) the Remarks in the Notes for the relevant “R(A)” zone were proposed to be revised to incorporate the new “R(A)2” sub-zone with restrictions on the maximum PR and maximum building height in relation to the proposed amendment Item A;
- (c) to allow flexibility for the PR/building height restrictions, a minor relaxation clause was proposed to be incorporated into the Notes for the “R(A)2” zone;
- (d) incorporation of a minor relaxation clause for PR/GFA restriction in the “C(1)”, “R(A)”, “R(A)1” and “R(B)” zones;
- (e) the ES had been revised to take into account the proposed amendments as mentioned above. Opportunity had also been taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP;

Departmental Consultation and Public Consultation

- (a) relevant government bureaux/departments had no objection to or adverse comments on the proposed amendments. The proposed amendments had taken into account the comments of relevant bureaux/departments, where appropriate; and
- (b) the Kwun Tong District Council would be consulted on the amendments, including the proposed development during the exhibition period of the

draft Kwun Tong (South) OZP No. S/K14S/16A (to be renumbered to S/K14S/17 upon exhibition) under section 5 of the Ordinance. In any event, the proposed amendments to the OZP would be exhibited under section 5 of the Ordinance for public inspection, which was a statutory channel to solicit public views.

58. In response to a Member's question, Mr. Silas K.M. Liu said that there was a site level difference between the site and the site currently occupied by Hiu Kwong Court, a private residential development to the north east of the site. The building height of the proposed development on the site would not exceed 150mPD. This would be compatible with the residential blocks in the vicinity.

59. In response to another Member's question about the existing bus terminus to the north of the site, Mr. Silas K.M. Liu said that there was no proposal for relocating the bus terminus in the near future.

60. The Secretary said that the Secretariat would further check the accuracy of the proposed amendments to the OZP, Notes and ES. The above documents, after incorporating the refinements (if any), would be published under section 5 of the Town Planning Ordinance.

61. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Kwun Tong (South) OZP No. S/K14S/16 and its Notes as mentioned in paragraph 5 of the Paper;
- (b) agree that the draft Kwun Tong (South) OZP No. S/K14S/16A at Appendix I of the Paper (to be renumbered as S/K14S/17 upon exhibition) and its Notes at Appendix II of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (c) adopt the revised Explanatory Statement (ES) at Appendix III of the Paper



as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zonings of the OZP; and

- (d) agree that the revised ES at Appendix III of the Paper was suitable for exhibition together with the draft Kwun Tong (South) OZP No. S/K14S/16A (to be re-numbered as S/K14S/17 upon exhibition) under section 5 of the Ordinance.

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

### **Agenda Item 11**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/205            Proposed Hotel in "Other Specified Uses" annotated "Business" zone  
29 Tai Yau Street, San Po Kong  
(MPC Paper No. A/K11/205)

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62.            The Secretary reported that the application was submitted by Daily Crown Development Ltd., a subsidiary of Henderson Land Development Ltd. (HLD). Mr. Raymond Y.M. Chan had declared an interest in this item as he had current business dealings with HLD. The Committee agreed that Mr. Chan should leave the meeting temporarily in this item.

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

63.            The Secretary also reported that Mr. Clarence W.C. Leung had declared an interest in this item as he was the director of a non-government organization (NGO) which had recently received a private donation from a family member of the chairman of HLD. However, it was generally accepted that NGOs would receive donation from various parties

and the interest of Mr. Leung was considered not substantial. The Committee agreed that Mr. Leung could stay at the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel (conversion of an existing industrial building);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of statutory publication period, two public comments objecting to the application were received. The main reason of objection was that the proposed hotel development would adversely affect the already congested traffic in the area. It was also considered that the proposed hotel was not in line with the revitalization the industrial buildings policy as the existing industrial building was new and in good condition and its vacancy rate was low; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed hotel development was generally in line with the planning intention of the “OU(Business)” zone which was for general business uses. Within this zone, development or redevelopment/conversion of the whole buildings for commercial and clean industrial uses were encouraged. The proposed hotel would help phase out existing industrial use in the area. The subject application involved an in-situ conversion of an existing industrial building with a plot ratio of 13.6 and a building height of 86mPD. There would be no increase in the existing building height and building bulk for the proposed in-situ conversion. The proposed hotel

development was generally in line with the Town Planning Board Guidelines for “Other Specified Uses” annotated “Business” (“OU(Business)”) zone in that it was not incompatible with the surrounding developments. The proposed hotel development would help improve the existing urban environment. Upon wholesale conversion of the industrial building for hotel use, it would serve as catalyst in phasing out the current industrial uses within the “OU(Business)” zone in the area. The proposed hotel development would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. Concerned government departments, including the Commissioner for Transport (C for T), Director of Environmental Protection, Chief Engineer/Mainland South, Drainage Services Department, had no adverse comments on the application. As regards the public comments on traffic aspect, C for T had no adverse comments on the application and the Traffic Impact Assessment submitted by the applicant. To ensure that the proposed hotel development would not result in an increase in the intensity and physical bulk of the existing building, an approval condition stipulating that the maximum gross floor area (13,918.8m<sup>2</sup>) for the proposed hotel should be inclusive of the area for back-of-house facilities was recommended in paragraph 12.2(a) of the Paper.

65. Members had no question on the application.

#### Deliberation Session

66. 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 24.2.2016, 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 development was subject to a maximum gross floor area (GFA) of 13,918.8m<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 the GFA calculation;

- (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 local sewerage upgrading/ sewerage connection works identified in the sewerage assessment as attached to the submission to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or GFA concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department 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;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or a waiver for the proposed hotel use;
- (c) to note the comments of the Director of Environmental Protection that hotel/office developments were normally provided with central air conditioning system and the applicant/authorized persons should be able to select a proper location for fresh-air intake, as well as any sensitive uses, such as swimming pool and the like, during detailed design stage to avoid exposing future occupants under unacceptable environmental

nuisance/impact;

- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that :
  - (i) to appoint an Authorized Person to submit building plans to the Buildings Department for approval and demonstration of full compliance with the Buildings Ordinance; and
  - (ii) the granting of hotel concession under Building (Planning) Regulation 23A could only be considered upon formal submission of building plans subject to the compliance with the criteria under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP 40;
- (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 the Buildings Department;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that providing greening to the flat roofs on the 1/F, 4/F, 22/F and roof level, and landscape garden on the 3/F to enhance the amenity of the development; and
- (g) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that documentary evidence should be submitted to show that the Building Authority has granted prior approval for the proposed use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO). The proposed licence area should be physically connected. The Fire Service Installations provisions should comply with paragraph 4.28 of Code of Practice for Minimum Fire Service Installations and Equipment. The licensing requirements would be formulated after inspections by the

Building Safety Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO.

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/207            Shop and Services in “Other Specified Uses” annotated “Business” zone  
Workshop 2, G/F, Canny Industrial Building, 33 Tai Yau Street  
San Po Kong  
(MPC Paper No. A/K11/207)

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68.            The Secretary reported that the application was submitted by Flourish Property Agency Limited represented by Traces Limited. Ms. Julia M.K. Lau had declared an interest in this item as she was the Director of Traces Limited. The Committee agreed that Ms. Lau should leave the meeting temporarily.

[Ms. Julia M.K. Lau left the meeting temporarily at this point.]

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

**Presentation and Question Sessions**

69.            With the aid of a Powerpoint presentation, Mr. Richard Y.L. Siu, STP/K, 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 – 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 was received by the District Officer (Wong Tai Sin);

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the ‘shop and services’ use would not result in adverse fire safety and environmental impacts. Similar applications for ‘shop and services’ use had been approved for other units within other industrial buildings in San Po Kong Business Area. The ‘shop and services’ use at the application premises was considered generally in line with the planning intention. The ‘shop and services’ use at the application premises was not incompatible with other uses within the same building. It complied with the Town Planning Board Guidelines No. 22D for ‘Development within the “OU(Business)” Zone’ in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to or adverse comments on the application. Should the Committee approve the current application, the aggregate commercial floor area on the G/F of the subject building would be 268.407m<sup>2</sup>, which was within the maximum permissible limit of 460m<sup>2</sup> on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application.

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 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 subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or the TPB by 24.8.2012; 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 of the following :

- (a) remind the applicant that prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification for the use;
- (c) appoint an Authorised Person to submit building plans to the Building Department for approval and demonstration of full compliance with the Buildings Ordinance, in particular, the provision of means of escape, fire resisting construction and access and facilities for persons with a disability;
- (d) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department; and
- (e) to note the 'Guidance Notes on Compliance with Planning Conditions on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' issued by Town Planning Board for further information on the fulfilment of the approval conditions herein.



**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/278            Shop and Services in “Other Specified Uses” annotated “Business” zone  
Workshop No. B2, G/F, Block B, Proficient Industrial Centre  
6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/278)

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**Presentation and Question Sessions**

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

- (a) background to the application. The application site involved two previous planning applications under Application No. A/K13/252 and A/K13/263 for ‘shop and services’/ ‘shop and services and wholesale trade’ uses. However, both the planning permissions were revoked due to the non-compliance with planning conditions on fire safety aspect;
- (b) the shop and services;
- (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 was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the ‘shop and services’ use would not result in adverse fire safety and

environmental impacts. Similar applications for 'shop and services' use had been approved for other units within other industrial buildings in Kowloon Bay Business Area. The 'shop and services' use at the application premises was considered generally in line with the planning intention. The 'shop and services' use at the application premises was not incompatible with other uses within the same building. It complied with the Town Planning Board Guidelines No. 22D for 'Development within the "OU(Business)" Zone' in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to the application. Should the Committee approve the current application, the aggregate commercial floor area on the G/F of the subject building would be 381.46m<sup>2</sup>, which was within the maximum permissible limit of 460m<sup>2</sup> on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application. The last approval under application No. A/K13/263 was revoked due to the non-compliance with the approval condition on the implementation of fire safety measures. In this regard, a shorter compliance period was proposed to monitor the progress on compliance with the approval condition. The applicants should be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions.

74. In response to a Member's enquiry, Mr. Richard Y.L. Siu said that the application site was the subject of two previous applications (No. A/K13/252 and A/K13/263) for 'shop and services' and 'shop and services' and 'wholesale trade' uses respectively. For Application No. A/K13/263, the applicants had submitted proposal on fire safety measures in June 2011 for compliance of approval condition. The proposal submitted was considered acceptable to Fire Services Department (FSD). However, the implementation works were considered not satisfactory by FSD. Hence, Application No. A/K13/263 was revoked on 14.10.2011 due to the non-compliance of approval condition on the implementation of fire safety measures. Mr. Siu said that since the last two approvals (Nos. A/K13/252 and A/K13/263) were revoked due to non-compliance with the approval conditions, a shorter

compliance period was proposed to monitor the progress of compliance should the Committee decide to approve the application.

### Deliberation Session

75. 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 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 24.5.2012; 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.

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

- (a) should the applicants fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application;
- (b) remind the applicants that prior planning permission should have been obtained before commencing the development at the subject premises;
- (c) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification;
- (d) appoint an Authorized Person to submit alterations and additions proposal for the proposed change in use / alteration works to the Building Authority to demonstrate compliance with the Buildings Ordinance, e.g. :

- (i) provision of means of escape (MOE) for the subject premises in accordance with Building (Planning) Regulations 41(1) and the MOE Code;
  - (ii) provision of 2 hours fire resisting separation wall between the application premises and the remaining portion of existing building on G/F in accordance with Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction; and
  - (iii) provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008;
- (e) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicants' attention was drawn to the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the Building Authority had no powers to give retrospective approval or consent for any unauthorised building works;
- (f) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department; and
- (g) to note the 'Guidance Notes on Compliance with Planning Conditions on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' issued by Town Planning Board for further information on the fulfilment of the approval conditions herein.

[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 14**

**Section 16 Application**

[Open Meeting]

A/K22/13                      Proposed Flat and Minor Relaxation of Plot Ratio Restriction to Include the Residents' Club House Ancillary to the Residential Development in "Commercial (2)" zone, 7 Kai Hing Road, Kowloon Bay  
(New Kowloon Inland Lot 5813)  
(MPC Paper No. A/K22/13)

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77.                      The Secretary reported that on 8.2.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments related to the greening provision, urban design and air ventilation aspects of the proposed development.

78.                      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 the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/K7/107                      Proposed Sports Training Centre ('Place of Recreation, Sports or Culture') and Residential Development ('Flat')  
in "Government, Institution or Community" zone, 25 Man Fuk Road  
Ho Man Tin  
(MPC Paper No. A/K7/107)

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79.                      The Secretary reported that on 22.2.2012, the applicant's representative requested for a deferment of the consideration of the application for one month in order to allow time

for the applicant to address the comments of Planning Department.

80. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Special Duties Section**

[Miss Paulina Kwan, Senior Town Planner/Special Duties (STP/SD), was invited to the meeting at this point.]

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting]

Proposed Amendments to the Approved Central District (Extension)

Outline Zoning Plan No. S/H24/6

(MPC Paper No. 3/12)

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

81. With the aid of a Powerpoint presentation, Ms. Paulina Kwan, STP/SD, presented the proposed amendments and covered the following aspects as detailed in the Paper :

#### **Background to the Proposed Amendments**

- (a) on 28.2.2003, the Town Planning Board (the Board) endorsed a set of revised Master Schedule of Notes (MSN), including the introduction of Broad Use Terms and the updating of the Definition of Terms, and agreed that all the OZPs in force should be amended to incorporate the revised

MSN. Several refinements and amendments to the MSN were subsequently made between 2004 and 2011;

Proposed Amendments to the Notes of the OZP

- (a) amendments to the covering Notes, Schedule of Uses and Remarks of the Notes of the Central District (Extension) OZP were proposed to tie in with MSN endorsed by the Board;
- (b) to allow flexibility for the building height restrictions, a minor relaxation clause was proposed to be incorporated into the Remarks of the Notes for “Commercial”, “Comprehensive Development Area”, “Government, Institution or Community” and “Other Specified Uses” annotated “Waterfront Related Commercial and Leisure Uses” zones, such that application for minor relaxation of the building height restrictions could be considered by the Board under section 16 of the Town Planning Ordinance (the Ordinance);

Departmental and Public Consultation

- (a) the proposed amendments had been circulated to relevant government bureaux/departments for comments. They had no objection to or adverse comments on the proposed amendments. The comments of the government departments had been incorporated, where appropriate; and
- (b) the Central and Western District Council would be consulted on the proposed amendments during the exhibition period of the draft Central District (Extension) OZP No. S/H24/6A (to be renumbered to S/H24/7 upon exhibition) for public inspection under section 5 of the Ordinance.

82. After deliberation, the Committee decided to :

- (a) agree that the draft Central District (Extension) OZP No. S/H24/6A (to be renumbered as S/H24/7 upon exhibition) in Attachment I of the Paper and its Notes at Attachment II of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) adopt the revised Explanatory Statement (ES) at Attachment III of the Paper for the draft Central District (Extension) OZP No. S/H24/6A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the Plan and would be issued under the name of the Town Planning Board; and
- (c) agree that the revised ES at Attachment III of the Paper was suitable for exhibition together with the draft Central District (Extension) OZP No. S/H24/6A (to be renumbered as S/H24/7 upon exhibition) under section 5 of the Ordinance.

[The Chairman thanked Miss Paulina Kwan, STP/SD, for her attendance to answer Members' enquiries. She left the meeting at this point.]

**Agenda Item 17**

Any Other Business

83. There being no other business, the meeting closed at 11:15 a.m..