

TOWN PLANNING BOARD

**Minutes of 465th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 4.5.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Mr. Stephen H. B. Yau

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

Principal Environmental Protection Officer,
Environmental Protection Department
Mr. Colin Keung

Assistant Director/Hong Kong,
Lands Department
Ms. Doris Chow

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

Secretary

Absent with Apologies

Mr. Maurice W.M. Lee

Mr. Sunny L.K. Ho

Chief Engineer (Works),
Home Affairs Department
Mr. Frankie Chou

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. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 464th MPC Meeting held on 20.4.2012

[Open Meeting]

1. The draft minutes of the 464th MPC meeting held on 20.4.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K9/8 Application for Amendment to the Approved Hung Hom Outline Zoning Plan No. S/K9/24 from “Other Specified Uses” annotated “Business” to “Residential (Group E)”, 13 Hok Yuen Street, Hung Hom
(MPC Paper No. Y/K9/8)

3. The application was submitted by a subsidiary of the Cheung Kong (Holdings) Limited (Cheung Kong) with Ove Arup & Partners Hong Kong Limited (OAP) and Mott MacDonald Hong Kong Limited (Mott MacDonald) as the applicant’s consultants. The Secretary reported that the following Members had declared interests in this item :

Mr. Patrick H.T. Lau - had business dealings with Cheung Kong and OAP
Professor P.P. Ho - had business dealings with Cheung Kong

Professor S.C. Wong - had business dealings with OAP

Mr. Dominic K.K. Lam - had business dealings with OAP and Mott
MacDonald

4. The Committee noted that Mr. Patrick H.T. Lau had not yet arrived. As the interest of Professor P.P. Ho was considered direct, the Committee agreed that he should leave the meeting temporarily during the discussion of and determination on this application. The Committee noted that Professor S.C. Wong and Mr. Dominic K.K. Lam had no direct involvement in the subject application and agreed that they could stay in the meeting.

[Professor P.P. Ho left the meeting temporarily at this point.]

Presentation and Question Sessions

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

Miss Fiona S.Y. Lung - District Planning Officer/Kowloon (DPO/K)

Ms. S.H. Lam - Senior Town Planner/Kowloon (STP/K)

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

Mr. Eric Ho

Mr. Terence Lo

Ms. Karen Chan

Dr. Andrew Chan

Dr. Westwood Hong

Dr. Yau Siu Hang

Mr. Christopher Pang

7. The Chairman extended a welcome and explained the procedures of the hearing. Ms. S.H. Lam, STP/K, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Ms. Lam presented the application

as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the application site from “Other Specified Uses” annotated “Business” (“OU(B)”) to “Residential (Group E)” (“R(E)”) on the Hung Hom Outline Zoning Plan (OZP) to facilitate redevelopment of the site into a residential and commercial (with office and retail uses) development. The application site was currently occupied by a 13-storey industrial building (Conic Investment Building) above a two-storey basement carpark;
- (b) as shown in the applicant’s indicative scheme, the domestic plot ratio of the proposed development was 7.5 and the non-domestic plot ratio was 0.9375. The building height was 38 storeys (120mPD) including two levels of basement carpark. The indicative scheme had a large void from 1/F to 10/F, which divided the lower part of the building into two blocks (one block with 10 storeys for residential use and another block of 9 storeys with higher ceiling for office use). Floors on 11/F to 34/F were for residential use. Retail use was proposed on the G/F, and private open space of not less than 1 680m² would be provided on the G/F and the podium deck. Moreover, the applicant proposed to set back the development along Hok Yuen Street with landscaped area on the G/F to improve the streetscape, and also to set back along the southern and eastern boundaries of the site to provide buffer from the adjoining industrial buildings;
- (c) the applicant’s justifications were detailed in paragraph 2 of the Paper;
- (d) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below :
 - (i) the Director of Environmental Protection (DEP) commented that there were industrial buildings around the application site and the potential industrial/residential (I/R) interface problem should be addressed. In view of section 16 planning application was still required for the proposed development and based on the

environmental assessments and information submitted by the applicant, DEP had no objection to the application; and

- (ii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD commented that the site formed an integral part of the business area in Hung Hom. The proposed “R(E)” zone would undermine the overall integrity/intactness of the townscape of the business area that could not be outweighed by the proposed design merits, which were also achievable under the current “OU(B)” zoning and development restrictions. Unless there was a change in the overall planning intention for the area, he had reservation on the rezoning proposal from the urban design perspective;

[Mr. Lawrence L.J. Li arrived to join the meeting at this point.]

- (e) during the statutory publication period of the application, a total of 65 public comments against the application were received. During the two statutory publication periods of the further information to the application, a total of 62 public comments (with 7 supporting and 55 raising objection/adverse comment) and 69 public comments (with 7 supporting and 62 raising objection) were received respectively. The public comments received were summarised in paragraph 10 of the Paper and highlighted below:

Reasons of supporting the application

- the proposed rezoning would facilitate revitalization of the old district and transformation of Hung Hom into a commercial and residential district;
- industrial use causing air and noise pollutions as well as traffic congestion was not compatible with the nearby residential use;
- “residential flats with specified floor areas” (限呎樓) to be sold to Hong Kong residents only was supported; and

- compared to reclamation, the proposed rezoning was a better way to increase the supply of residential land;

Reasons of raising objecting to the application

- Hung Hom Business Area (HHBA) was a well established local centre for industrial, office and commercial uses, particularly for the jewellery trade and industry, fashion clothing, design and research uses. It was also a famous tourist spot for jewellery and clothing outlets and showrooms. As the site was situated in the prime location of HHBA, the proposed rezoning would adversely affect the integrity of HHBA;
- the industrial and commercial activities in HHBA, including the site, were very active. The owners of the adjoining industrial buildings such as Kaiser Estate and Hang Fung Industrial Building had invested a large sum of money for renovation and some improvement works had just been completed;
- the proposed rezoning would reduce the supply of business floor space in the urban area and adversely affect the business activities in Hong Kong. As the accessibility of HHBA was good, it should be retained as an “OU(B)” zone;
- HHBA provided a large number of job opportunities. The proposed rezoning would have adverse effect on the local industries and economy, causing a loss of employment opportunities and an increase of cross-district employment;
- the proposed residential development was not compatible with the surrounding industrial buildings within the “OU(B)” zone and there were inadequate supporting facilities in the vicinity for future residents;
- the proposed residential development would create I/R interface problem with existing uses in the industrial buildings. Rezoning of the site for other uses should be considered in a comprehensive manner based on the whole HHBA instead of piecemeal rezoning of individual site. Besides, heavy vehicles would endanger residents of the future development;
- the proposed residential development at the site would pose adverse

traffic impact on the surrounding areas. The adjoining industrial buildings, i.e. Kaiser Estate Phases I, II and III, would have adverse noise, odour, air and other environmental impacts on the proposed residential development;

- there were a lot of old residential buildings in the Hung Hom area which should be redeveloped first, and other sites that were more suitable for residential development; and
 - the proposed rezoning would set an undesirable precedent for similar applications. Approval of such similar applications would result in a continuous decrease in business land in HHBA;
- (f) the District Officer (Kowloon West) commented that the Town Planning Board (the Board) should take into account all the comments gathered from the consultation with Kowloon City District Council members, Hung Hom Area Committee and the owners committee/ mutual aid committee/ management committee of buildings near the site in the consideration of the subject application. If the application was approved, the applicant should take appropriate measures to address the public concerns;
- (g) the planning assessments were detailed in paragraph 11 of the Paper and highlighted below:

The current "OU(B)" zoning and Area Assessments of HHBA

- as recommended in the first "Area Assessments of Industrial Land in the Territory" ("the Area Assessments") conducted by PlanD in 2000, the industrial area in Hung Hom including the subject site was rezoned from "Industrial" ("I") to "OU(B)". Since then, the industrial area had gradually been transformed into a business area and had now become a vibrant and well established business area. In the second and third updating of the Area Assessments conducted in 2006 and 2009 respectively, HHBA was recommended to be maintained to provide business floor spaces and job opportunities. According to the 2009 Area Assessments, HHBA had a vacancy rate of about 5.3%,

which was lower than the overall vacancy rate of business areas in the whole territory of about 8.4%. Rezoning the subject site for other uses was not in line with the recommendation of the 2009 Area Assessments;

- according to the field survey conducted by PlanD in March 2012 on the existing building at the application site (i.e. Conic Investment Building) and the three adjoining industrial buildings (i.e. Kaiser Estate Phases I, II and III), the vacancy rates of these buildings were 5.3%, 9.3%, 3.2% and 0% respectively. This showed that the vacancy rates of most of these buildings were low. Moreover, these buildings were generally in fair condition;

The proposed “R(E)” zoning for the site

- according to the indicative scheme submitted by the applicant, the proposed development intensity with a domestic plot ratio of 7.5 and a non-domestic plot ratio of about 1.0 generally followed that of the “Residential (Group A)” (“R(A)”) zone in the vicinity. The proposed building height of 120mPD was in line with the current building height restriction stipulated for the “OU(B)” zone. A total of 560 “flats with specified floor areas” (with an average flat size of 49m²) were proposed which would help increase the supply of residential flats in urban area and meet housing need;
- the site, however, formed an integral part of HHBA. It was located at the western edge of HHBA and surrounded by a commercial building to the west (which was zoned “Commercial” (“C”)) and industrial buildings on the other three sides. The proposed “R(E)” zone might render the “C” site isolated/separated from the business area. It would also undermine the overall integrity/ intactness of the townscape of the business area. The design merits of the proposed development, including improvement to local air ventilation and provision of landscaped area on the G/F, as claimed by the applicant, were also achievable under the current “OU(B)” zoning;

The need for redevelopment

- the applicant claimed that as there was not a single case of redevelopment or wholesale conversion of the industrial buildings in HBBA since the change of zoning to “OU(B)” in 2001, the current “OU(B)” zone was not appropriate. However, the 2009 Area Assessments revealed that about 51% of the total gross floor area (GFA) in HHBA was for office use and the vacancy rate was low (5.3%). PlanD’s field survey conducted in March 2012 on the subject building and the adjoining Kaiser Estate Phases I, II and III also showed that most of these buildings were highly utilised and over half of the total GFA was for office use. These had demonstrated that the industrial area in Hung Hom had been transformed into a business area and the business activities in the area including the subject site were still very active. There was no urgent need to rezone the “OU(B)” site at this juncture, prior to a comprehensive review of the whole HHBA in the next round of updating the Area Assessments;

Technical aspects

- the technical assessments submitted by the applicant had demonstrated that the indicative scheme would not have adverse traffic, environmental, air ventilation, sewerage and drainage impacts on the surrounding areas. While DEP considered that the potential I/R interface problem should be addressed, he did not raise objection to the application taking into account that section 16 planning application was still required for the proposed development. Other concerned government departments, including the Transport Department (TD) and the Drainage Services Department, had no objection to or adverse comments on the application; and
- regarding the Buildings Department (BD)’s comment on whether the two strips of right of way (private street) within the lot should be rezoned to ‘Road’, the applicant’s indicative scheme showed that the two strips of land at the southern and eastern boundaries of the site were proposed as private open space. This issue could be handled at the section 16 planning application stage should this rezoning proposal

be approved; and

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

- (h) the PlanD's views – PlanD considered that although the proposed “R(E)” zone for the site had its merits to help increase the supply of residential flats in the urban area and meet housing need, the rezoning would affect the integrity of HHBA which was intended for business use. HHBA including the application site was a well established business area and was economically vibrant. Approval of the application might also set an undesirable precedent for similar applications and their cumulative impacts might result in a continuous decrease in business land in HHBA prior to a comprehensive review of the whole HHBA in the next round of updating of the Area Assessments.

8. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation and the additional information tabled at the meeting, Dr. Andrew Chan made the following main points :

- (a) while the “OU(B)” zone was intended for mixed uses, the applicant's proposed development which would consist of retail, office and residential uses, was also a mixed use development. The planning intention of the “OU(B)” zone and the proposed “R(E)” zone was similar in terms of phasing out industrial buildings. However, under the proposed “R(E)” zone, residential use was a Column 2 use and this would increase the flexibility for redevelopment and meet the social needs for residential flats;
- (b) HHBA had been zoned “OU(B)” for 11 years. However, during these years, there was not a single case of redevelopment or wholesale conversion of industrial buildings for commercial/office uses in HHBA. This showed that the retaining of the “OU(B)” zone did not provide a viable business model for redevelopment of industrial buildings within HHBA. Although there was a new government policy of charging nil premium to encourage wholesale conversion of industrial buildings into

alternative uses, such an incentive was not effective in HHBA because the industrial buildings in the area were mainly subject to unrestricted lease and no premium would need to be paid for any change of use of the buildings. On the contrary, the “R(E)” zoning could act as a catalyst to upgrade the environment and add vibrancy to this area. The Times Square redevelopment and the upgrading of its adjacent area was a successful example;

- (c) most of the government departments concerned raised no objection to the application, except that the CTP/UD&L had reservation on the application from the urban design perspective. The PlanD had also not indicated any objection to the application. The views of PlanD were that although the proposed “R(E)” zone had its merits to help increase the supply of residential flats in the urban area and meet housing need, the rezoning would affect the integrity of HHBA;
- (d) the applicant had the following responses to the public comments which raised objection to the application:

Comments from neighbouring buildings

- the judgement of Newport County Borough Council v. Secretary of State for Wales and Browning Ferris Environmental Services Ltd. (1998) stated that “public opposition *per se* was not a material consideration even though it might be a powerful background consideration in a democratically based planning system”;

Technical issues

- I/R interface problem and adverse traffic/ environmental impacts were regarded as technical issues. It was noted that the TD and the EPD did not raise any objection;

Land use compatibility

- there were “R(A)” zones adjoining Kaiser Estate Phase I, and they had

co-existed for 30 odd years. Besides, as pointed out by the objectors in the neighbouring developments, most of the industrial buildings in the area were for commercial and retail purposes. The survey conducted by the applicant also revealed that the percentage of industrial use in these buildings was negligible;

Loss of job opportunity

- the rezoning proposal would create jobs as the proposed development would not only provide residential flats, but also retail, office and business floor spaces. This would increase the variety of employment. Construction of the proposed development would also create a wide range of employment opportunities. In addition, it was believed that most of the tenants in the subject building would move to other areas to continue their business, instead of closing down their business;

Land for housing

- some public comments mentioned that old residential buildings in the Hung Hom area should be redeveloped first to meet housing need. However, it was easier said than done. For instance, although the Urban Renewal Authority (URA) carried out redevelopment projects in accordance with the URA Ordinance, there were still a lot of controversies and some of its redevelopment projects, such as the Lee Tung Street/McGregor Street Development Scheme, were the subject of social protest and had attracted a lot of adverse representations to the Board;
- there was a strong demand for residential flats and the Government had endeavoured to increase the supply of housing sites by various measures, including reclamation and cavern development. It was noted that the British Chamber of Commerce Construction Industry Group had indicated that there was a clear and present need to optimize the use of the land currently available through redevelopment and rezoning. In this regard, the applicant did not agree to the PlanD's assessments that there was no urgent need for rezoning the site to "R(E)". As the site was solely owned by the applicant, the proposed redevelopment with the

provision of “flats with specified floor areas” could be implemented shortly;

High demand for business floor space

- the public comments stated that there was a high demand for business floor space in HHBA. It should be noted that business floor space would also be provided in the proposed development. What the objecting neighbours wanted was to continue their existing illegal office or retail uses in the industrial buildings, which were in breach of the approved building plans or occupation permits issued by BD;

Affecting the integrity of HHBA

- the meaning of “integrity of HHBA” was not clearly substantiated. As stated in paragraph 9.1.8(a) of the Paper, CTP/UD&L of PlanD commented that the proposed “R(E)” zone for the site would undermine the overall integrity/intactness of the townscape of the business area. If the existing townscape in the area was good and had to be preserved, any redevelopment that would adversely affect the townscape in the area should not be allowed. However, as illustrated by the photographs of the subject site and its adjacent streets which were shown at the meeting, the streets and pavements in the area were narrow and without any greenery. Whilst there were many coaches and tourists visiting the area in the daytime, the streets were deserted without any activities at night. The proposed development would improve the townscape through lowering the plot ratio by about 10%, reducing the site coverage which would reduce the building bulk and improve air ventilation, and setting back the building to provide landscaped area on the G/F;
- in considering the representations to the draft Yuen Long OZP at the Board’s meeting held on 29.7.2011, which were against the rezoning of part of the Tung Tau industrial area from “OU(B)”/“OU(B)1” to “R(E)1”, the Chairman of the Board said that “although the occupancy rate of the Tung Tau industrial area was high, non-compliant uses were found in the industrial buildings. The presence of non-compliant uses was undesirable because of the fire safety risks”. In the subject

building, there were also non-compliant office and retail uses and fire safety risks. They should be taken as over-riding considerations vis-à-vis keeping the “integrity of HHBA”; and

Setting undesirable precedent

- the Board had previously rezoned industrial areas for residential use, including the industrial areas at the periphery of Tung Tau Industrial Area and the site at Sha Tsui Road in Tusen Wan. The proposed development on the subject site therefore was in line with the Board’s previous decisions. Moreover, retaining the “OU(B)” zone in HHBA would condone the illegal uses in the industrial buildings and this would set an undesirable precedent; and
- (e) apart from not being able to provide any incentive for redevelopment or wholesale conversion of existing industrial buildings, the current “OU(B)” zoning had the unexpected effect of encouraging illegal uses within these buildings for commercial and retail purposes. The proposed “R(E)” zoning would rectify this situation, and benefit the neighbourhood and society by upgrading the environment of the area. It should be noted that residential use was a Column 2 use under the “R(E)” zone, the Board would still have control over the proposed development under the planning permission system.

9. A Member noted that the subject site was involved in a previous section 12A application for rezoning to the same “R(E)” zone, which was not agreed by the Committee in June 2007. This Member asked whether there were any major changes in the planning circumstances since the rejection of that application in 2007. Miss Fiona Lung said that there were no major changes in the planning circumstances, and the vacancy rate of buildings in HHBA had remained at a low level. Moreover, the business activities in the area were active with over 50% of the total GFA used for office purpose. As a comparison, the percentage of office use in the industrial buildings within “OU(B)” zone in San Pong Kong and Kwun Tong was less than 40% and the vacancy rate was over 10%. This had shown that the industrial area in Hung Hom had been successfully transformed into a business area. In response, Dr. Andrew Chan said that he did not agree that low vacancy rate of industrial

buildings would necessarily reflect high vibrancy of the area particularly as the buildings were occupied by non-compliant uses.

10. Given the proposed development would be surrounded by existing industrial and commercial buildings, the same Member asked how the applicant would address the I/R interface problem and assess the living environment of the future residents of the proposed development. In response, Dr. Andrew Chan said that the applicant had carried out assessments to address the I/R interface problem. EPD had no objection to the application and only indicated that there were some deficiencies in the environmental assessments submitted by the applicant which could be addressed at the section 16 planning application stage. Regarding the question on I/R interface problem between the proposed residential development and the existing industrial and commercial buildings surrounding the site, Dr. Andrew Chan said that it was also a kind of I/R interface issue and this had been responded by him just now. In addition, he informed Members that the industrial buildings in HHBA were in fact mostly used for commercial/retail purposes, with only 1% of GFA for industrial use. Dr. Westwood Hong supplemented that noise and air quality impact assessment reports for the indicative scheme had been submitted to EPD. The assessment showed that no adverse air quality impact was anticipated from the surrounding uses as no industrial chimneys with air emissions were found in the vicinity. Also, the vehicular traffic along Hok Yuen Street adjoining the site was low and vehicular emissions could be mitigated by the substantial setback area from Hok Yuen Street. The noise impact assessment indicated that noise generated from the surrounding uses during the day and night times were within the stipulated noise limits by the EPD.

11. Noting that the applicant had pointed out that there were illegal/ non-compliant uses in the industrial buildings, a Member would like to have clarification on the control of such uses under OZP and whether such uses were found in the subject building or in the other buildings. In response, Miss Fiona Lung said that under the "OU(B)" zone on the Hung Hom OZP, office use without providing direct customer services or goods was always permitted in the existing industrial or industrial-office (I-O) buildings. Dr. Andrew Chan said that the applicant had conducted an independent survey of industrial buildings. The findings of the survey revealed that about one-third of the floor space in the subject building and up to 68% of the floor space in the Kaiser Estate were taken up by uses which did not comply with the approved building plans or occupation permits issued by the BD. The

Chairman asked whether the applicant, who was the owner of the subject building, had taken any action to rectify this situation. Mr. Eric Ho said that the tenancy agreements between the owner and tenants had required the latter to comply with all government legislation. Whilst the owner did not have the right to enter the industrial premises unless with the tenants' consent, the applicant would endeavour to take the matter up with the tenants.

12. Noting that the previous section 12A application was not agreed by the Committee in 2007 and there were no major changes in the planning circumstances since the last rejection, a Member asked the applicant why the Committee should approve the current application which only involved a small part of the previous application site. This Member also enquired about the internal floor area of the flats of the proposed residential development, and how to ensure that the proposed selling of "flats with specified floor areas" would be implemented. Dr. Andrew Chan responded that the current rezoning proposal was worked out after discussions with the PlanD, and the applicant considered it as a more viable proposal. Mr. Terence Lo said that the flat size of 49m² in terms of GFA was an average figure and was similar to that stipulated in the lease conditions of land-sale sites with restriction on flat size. However, he had no information in hand on the internal floor area of the flats. Mr. Eric Ho supplemented that if the Committee considered it necessary to impose an approval condition on the restriction of flat size, the applicant would have no objection to this. Dr. Andrew Chan also pointed out that the objectives of "R(E)" and "OU(B)" zones were the same with regard to the phasing out of industrial uses. To rezone the site to "R(E)" and include residential element would provide flexibility and financial incentive for the redevelopment of the site. Most importantly, planning permission from the Board was required for residential development within the "R(E)" zone. The Board could further assess whether the I/R interface issue and other technical issues had been adequately addressed during the planning permission stage.

13. A Member noted that the applicant and the PlanD had different interpretations on whether the planning intention of the current "OU(B)" zoning for the subject site had been achieved. In response, Miss Fiona Lung said that there were four business areas falling within the purview of Kowloon District Planning Office which were zoned "OU(B)" on the OZPs, namely Hung Hom, Kowloon Bay, Kwun Tong and San Po Kong. According to the 2009 Area Assessments, the vacancy rates of the industrial buildings in Hung Hom and Kowloon Bay were at 5.3% and 4.1% respectively, whereas those of San Po Kong and Kwun

Tong were 10.2% and 12% respectively. Moreover, more than 50% of the total GFA in HHBA were occupied for office uses, as compared to about 36% to 39% in the other three areas. These had shown that the industrial area in Hung Hom had successfully been transformed into a business area. Miss Lung also pointed out that the planning intention of the “OU(B)” zone primarily for general business use could be achieved either through conversion of industrial premises or redevelopment of existing buildings. In addition, there was a high concentration of jewellery industry in HHBA, with showrooms on the G/F and offices on the upper floors. In this regard, Dr. Andrew Chan said that the proposed development would bring about the upgrading of the streetscape and townscape of the area and this would facilitate further development of jewellery industry in the area. Dr. Chan also said that it was not appropriate to judge whether HHBA was a successful case by using vacancy rate of industrial buildings because the existing floor space in the area might be occupied by illegal uses.

14. A Member said that the applicant had made reference to a survey of the industrial buildings and claimed that 30% of the floor space in the subject building was occupied by illegal uses which were non-compliant with building regulations or fire safety requirements. This Member asked who undertook the survey, when it was carried out and whether the survey findings were included in the applicant’s submission. Dr. Andrew Chan responded that the survey was commissioned by the applicant and conducted by DTZ Debenham Tie Leung (SEA) Pte Ltd. in 2011. The survey report was not included in the submission but the applicant could submit such information to the Board afterwards.

15. The same Member noted that the applicant proposed to provide “flats with specified floor areas” and give priority to Hong Kong residents in buying the flats. This Member asked whether the applicant would regard the above proposals as valid planning considerations that should be taken into account by the Committee, and as to how the arrangement in giving priority to Hong Kong residents could be implemented. In response, Dr. Andrew Chan said that the above proposals could meet the social aspiration for providing affordable housing in Hong Kong and it was also in line with the Government’s policy to increase the supply of small units. Mr. Eric Ho supplemented that the applicant had already investigated the implementation aspects of the flat selling arrangement. The applicant had no objection to the imposition of an approval condition on the provision of “flats with specified floor areas” within the proposed development, should the Board approve the application.

The Chairman clarified that no approval conditions would be imposed on a section 12A application. If the current rezoning application of the site to “R(E)” was agreed by the Committee, the applicant would need to submit a section 16 planning application on the proposed residential development for the Committee’s consideration. The Committee could impose approval conditions if considered necessary. Nevertheless, it would be *ultra vires* for the Board to impose a condition to restrict the selling of flats to Hong Kong residents only.

16. Another Member asked about the similarities between the proposed development on the site and the Times Square redevelopment, which was quoted by the applicant in his presentation at the meeting. In response, Dr. Andrew Chan said that while the two cases were not exactly the same, the Times Square redevelopment had worked as a catalyst in accelerating the redevelopment of its surrounding areas and enhancing its vibrancy. He said that as retail shops would be provided on the G/F of the proposed scheme and the streetscape would be improved, the proposed development would have similar effect in upgrading its surrounding areas and enhancing its vibrancy. This Member said that the proposed development was different from the Times Square redevelopment scheme as the proposed development had included residential use. Dr. Andrew Chan said that under the current “OU(B)” zoning, it was not possible to have a viable business plan for the redevelopment of the building on site. It was necessary to include residential element so as to provide financial incentive for redevelopment. In response to this Member’s further question, Mr. Eric Ho said that a viable business case meant that the return of a development was greater than its development costs. In this case, if the subject building was redeveloped or renovated for similar office/retail uses and leased to similar business operators, there would only be a marginal increase in the rental value which could not cover the development costs.

17. A Member said that the applicant had agreed to submit the survey report conducted by DTZ and hoped that the report could be circulated to Members for reference. The Chairman said that the Secretariat of TPB to obtain the survey report from the applicant.

18. Another Member said that many new office buildings were recently completed in the Kowloon Bay Business Area but the business activities in HHBA were accommodated in industrial buildings through in-situ conversion. This Member asked whether this situation was taken into account in the assessment of vacancy rates. Miss Fiona Lung said that the

vacancy rates of the industrial buildings for the business areas in Kowloon Bay (4.1%) and Hung Hom (5.3%) were based on the field survey conducted under the 2009 Area Assessments. There was no breakdown on new, converted or old buildings. This Member also asked if there was a maximum limit in the conversion of industrial premises to business uses within HHBA. Miss Fiona Lung answered in the negative.

19. A Member said that as claimed by the applicant, the rezoning of HHBA to “OU(B)” was not successful because there was no approved redevelopment proposal. This Member asked whether it was necessary to have redevelopment of industrial buildings so as to achieve the planning intention of the “OU(B)” zone. Miss Fiona Lung responded that the planning intention of the “OU(B)” zone did not require demolition of the industrial buildings within the zone, but to phase out those polluting and hazardous industrial uses.

20. Another Member said that as the industrial area in Hung Hom had been transformed into a business area and the planning intention of the “OU(B)” zone for the area had been achieved, the applicant should provide strong reasons to justify the change of “OU(B)” zone. This Member considered that the merits of the proposed development such as improvement in the streetscape and townscape of the area could also be achieved without rezoning. In response, Dr. Andrew Chan pointed out that all the merits of the proposed development could only be realized through redevelopment as the existing building was a bulky block and the pavements were narrow. As proposed in the indicative scheme, the building would be set back to provide landscaped area on the G/F. As the site coverage would be reduced and building separation would be provided, air ventilation in the area would also be improved. He reiterated that in order to draw up a viable business plan, residential element was included to provide financial incentive without losing the original intention of the “OU(B)” zone. Miss Fiona Lung drew Members’ attention that only about 10% (about 3 400m²) of the total GFA of the proposed development was for office/retail use, which was much less than the total GFA of the existing building.

21. The Chairman enquired about the land ownership and the type of uses of the whole HHBA. Miss Fiona Lung said that the subject site was under single ownership, while the other sites within HHBA were under multiple ownership. The buildings in HHBA were mainly occupied for office (over 50%), warehouse and industrial-related uses. Dr. Andrew Chan added that according to the applicant’s survey findings, the percentages of industrial

uses for the subject building and Kaiser Estate Phases I, II and III were 1%, 0%, less than 1% and 1% respectively.

22. As the applicant's representatives had no further points to make 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 the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

23. A Member said that based on the PlanD's data on vacancy rate and current uses of the industrial buildings in HHBA, the "OU(B)" zoning for HHBA had been effective in transforming the area into a business area, gradually achieving the planning intention of the "OU(B)" zone. Moreover, the appropriateness of the "OU(B)" zoning for HHBA would be reviewed in five years' time, under the Area Assessment to be undertaken by the PlanD. The applicant's proposal of providing "flats with specified floor areas" and giving priority to Hong Kong residents in buying the flats was not a relevant planning consideration for rezoning the Site from "OU(B)" to "R(E)". Regarding the applicant's argument that the "OU(B)" zoning for HHBA was not effective as there was no redevelopment of industrial buildings within HHBA since the designation of the "OU(B)" zone 11 years ago, this Member considered that the argument was not tenable as planning intention of the "OU(B)" zone could be achieved through in-situ conversion of industrial premises, rather than only through redevelopment. Moreover, this Member disagreed with the applicant's argument that vacancy rate of industrial buildings in HHBA and the public comments on the rezoning application should not be taken into account. In this regard, the Chairman said that according to the established practice of the Board, Members would take into account the public comments which were substantiated by cogent arguments.

24. The same Member also pointed out that although the applicant claimed that a survey of industrial buildings in HHBA had been undertaken, there was no information on the details of the survey, including its sample size and methodology. It was noted that the applicant agreed to submit the survey report to the Committee for information. If it was

found necessary, the survey report could be referred to concerned departments for follow-up action. This Member considered that there was no planning merit for rezoning the site from “OU(B)” to “R(E)”.

25. This view was echoed by another Member who considered that the “OU(B)” zoning of HHBA had been effective in transforming the area for business use, and there was no strong justification to rezone HHBA from “OU(B)” to “R(E)” at this stage.

26. On the other hand, one Member considered that the quality of the streetscape and townscape of HHBA was not good. Although there were vibrant business activities in the day time, the area was very quiet at night without any street activities. Inclusion of other uses would add vibrancy at the night time. This Member opined that many of the existing industrial buildings in the area were large and bulky. Redevelopment of the industrial buildings could bring about changes and improvements in the streetscape and townscape of the area.

27. Another Member said that in considering the rezoning application, the focus should be on whether there was a need to change the “OU(B)” zoning for HHBA. This Member considered that the “OU(B)” zoning for HHBA was appropriate and should be retained, taking into account that the zoning had been effective in transforming the area into a well established business area with economic vibrancy. This Member also pointed out that the rental cost of floor spaces for office and shop uses in the core business areas in the urban area had risen considerably in recent years and became unaffordable. There was a need to retain the “OU(B)” zones located at the periphery of the urban areas, like the “OU(B)” zone in HHBA with lower rental cost for office and shop uses, to serve the need of business activities. This Member considered that the substantiation submitted by the applicant to change the zoning of the site from “OU(B)” to “R(E)” was more on financial grounds. Regarding the non-compliant uses as quoted by the applicant, this Member pointed out that there were provisions in the Buildings Ordinance (BO) for the application of change of use and, if necessary, the Building Authority would undertake enforcement action in accordance with the BO.

28. A Member said that there had been frequent reviews of the zoning for HHBA. The review was undertaken by PlanD under the Area Assessments in 2001, 2006 and 2009.

In 2007, the applicant submitted a similar section 12A application which also covered the application site. After thorough considerations, the Committee decided not to agree to the section 12A application. There were no major changes in the planning circumstances since the last rejection. This Member also opined that there was evidence showing that the “OU(B)” zoning had been effective in transforming HHBA into a business area. The subject site was not suitable for residential use as it was surrounded by mixed commercial and industrial uses. It was agreed that the quality of townscape of the area was not good. However, only rezoning the subject site, but not the whole HHBA, from “OU(B)” to “R(E)”, would not be effective in improving the townscape of the area. Moreover, as the subject site formed part of HHBA, the piecemeal rezoning of the subject site to “R(E)” would affect the integrity of HHBA. This Member also opined that there was no justification to rezone HHBA at this stage. Taking into account the above considerations, this Member did not agree to the rezoning application.

29. A Member said that only rezoning the subject site to “R(E)”, with the other sites within HHBA zoned “OU(B)” and used for commercial and office purposes was not appropriate. This Member also said that no redevelopment of industrial buildings within the “OU(B)” zone could be attributable to many factors, one of which might be due to the multiple ownership of these buildings.

30. A Member considered that there were insufficient planning merits to support the rezoning application. This Member pointed out that in the applicant’s presentation at the meeting, the applicant mentioned about illegal/non-compliant uses within the industrial buildings in HHBA. In this regard, the Board had the responsibility to inform BD to take necessary enforcement action. The Chairman said that BD would be informed of the situation so that follow-up action could be undertaken, if necessary.

31. Another Member also considered that there were insufficient planning merits to justify the rezoning proposal and noted that the main argument advanced by the applicant in support of the rezoning application was more on financial than planning consideration.

32. The Chairman concluded that Members generally did not support the rezoning of the subject site because it was piecemeal in nature and would affect the integrity of the whole business area.

33. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 12.2 of the Paper and agreed that rejection reason (a) be amended to reflect Members' view as mentioned in paragraph 27 above. The reasons were:

- (a) the area was a well established business area and was economically vibrant. The current "OU(B)" zone was appropriate for the area and there were insufficient planning merits in the application to justify changes to the zoning; and
- (b) approval of the application would set an undesirable precedent for similar applications and the cumulative impacts of which might result in adverse implications on the integrity of the Hung Hom Business Area.

[A short break of 5 minutes was taken.]

[Professor P.P. Ho returned to join the meeting, Mr. Patrick H.T. Lau arrived to join the meeting and Mr. Clarence W.C. Leung left the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/KC/389 Offensive Trades (Leather Production) in "Industrial" zone,
Workshops A and B, 20/F, Wing Loi Industrial Building,
8-14 Wing Lap Street, Kwai Chung
(MPC Paper No. A/KC/389)

34. The Secretary reported that on 26.4.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information in response to departmental comments on the production

process and environmental implications.

35. 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 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.

Hong Kong District

[Mr. Louis K.H. Kau, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/13 Proposed Bank, Fast Food Shop, Restaurant, Retail Shop, Service Trades and Showroom (excluding Motor Vehicle Showroom) in “Other Specified Uses” annotated “Pier” zone, Part of 2/F of New Wan Chai Ferry Pier, Wan Chai North (Site A); and Proposed Utility Installation for Private Project (Associated Transformer Room) in “Other Specified Uses” annotated “Waterfront Related Commercial and Leisure Uses (3)” and “Open Space” zones, Reclaimed Site in Wan Chai North (Site B)
(MPC Paper No. A/H25/13)

36. The Secretary reported that the application was submitted by the Transport Department (TD). Mr. David K.B. To, being the Assistant Commissioner for Transport, had declared an interest in this item. Professor S.C. Wong also declared an interest in this item as he had current business dealings with TD. The Committee agreed that Mr. To and Professor Wong should leave the meeting temporarily during the discussion of and

determination on this application.

[Mr. David K.B. To and Professor S.C. Wong left the meeting temporarily at this point.]

37. The Secretary also reported that Mr. Dominic K.K. Lam, Mr. Patrick H.T. Lau and Ms. Julia M.K. Lau had declared interests in this item as they had current business dealings with AECOM Asia Co. Ltd., the consultant of the application. As they had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed bank, fast food shop, restaurant, retail shop, service trades and showroom (excluding motor vehicle showroom) at Site A, and the proposed utility installation for private project (associated transformer room) at Site B;
- (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 (Wan Chai); 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.

39. A Member said that one of the ferry services to/from Wan Chai had recently been cancelled, and the new ferry pier was far away from the bus terminus. This Member queried

whether there was still demand for cross-harbour ferry services to and from Wan Chai, and said that insufficient patronage of ferry services would affect the viability of the proposed uses at Site A. Mr. Louis Kau said that, according to the TD, there was still a demand for cross-harbour ferry services to and from Wan Chai. The new pier at Site A was a replacement of the existing Wan Chai East and West Ferry Piers which would be demolished for the planned reclamation works.

40. In response to a Member's enquiry, Mr. Louis Kau said that the broken lines shown on Drawing A-3 of the Paper were emergency vehicular access. The proposed transformer room was positioned behind the future development in the "Other Specified Uses" annotated "Waterfront Related Commercial and Leisure Uses (3)" ("OU(3)") sub-area which was intended for waterfront related commercial and leisure uses. As the future development in the "OU(3)" sub-area was subject to a maximum building height of 10mPD, which was similar to the proposed height of the transformer room, it was expected that the proposed transformer room would be shielded by the future development in the "OU(3)" sub-area when viewing from the harbour. By referring to Plan A-2 of the Paper, Mr. Kau said that the location of the proposed transformer room was not only constrained by the drainage reserve for the submarine sewage outfall, but also the need to relocate other affected facilities, such as the existing bus terminus, in the process of the reclamation works.

41. Another Member asked why the "OU" annotated "Waterfront Related Commercial and Leisure Uses" zone was divided into three sub-areas, i.e. "OU(1)", "OU(2)" and "OU(3)". As the proposed transformer room was located along Hung Hing Road, this Member asked whether its design would be submitted to the Committee for consideration. Mr. Louis Kau said that the three "OU" sub-areas were recommended by the Study for Wan Chai Development Phase II (WD II) project undertaken by the Civil Engineering and Development Department. The planning intention of these "OU" sub-areas was for the provision of low-rise and low-density waterfront related commercial developments and leisure uses. Food and beverage facilities would be provided in these "OU" sub-areas to enhance pedestrian flow and add vibrancy to the waterfront promenade. Should the application be approved by the Committee, it was recommended to impose approval conditions requiring the applicant to submit and implement detailed exterior design proposal (including external finish) and landscape proposal for the proposed transformer room.

42. A Member said that as the proposed transformer room was to provide power supply to the new ferry pier, it would be better to locate the proposed facility in the “OU(2)” sub-area which was closer to the new ferry pier. Mr. Louis Kau said that, to tie in with the scheduled commissioning of the new ferry pier in 2014, the proposed transformer room would have to be located within the reclaimed and serviced land which could be made available in 2012/2013. However, under the WD II project, most of such reclaimed and serviced land would be taken up for relocation of the existing facilities that would be affected by the WD II project, including the bus terminus. With the above constraints as well as the need to avoid the drainage reserve for the submarine sewage outfall, the proposed transformer room had to be accommodated in Site B.

Deliberation Session

43. In response to a Member’s question, Mr. Louis Kau said that the proposed transformer room was small in scale with a floor area of about 54m² only. As the northern side of the proposed transformer room would have no opening and be surrounded by the future development in the “OU(3)” sub-area, it was unlikely that noise from the proposed transformer room would affect the users of the waterfront promenade.

44. Some Members opined that consideration might be given to adjust the location of the proposed transformer room so that its southern boundary would be aligned with that of the “OU(3)” sub-area to achieve a better integration with the future development in the “OU(3)” sub-area. In response, Mr. Louis Kau said that the location of the proposed transformer room had taken into account the need to reposition the bus terminus to the south of the existing ferry pier, which would occupy a major portion of the reclaimed land, and the disposition of the proposed transformer room would be constrained by the layout of the bus terminus and the drainage reserve for the submarine sewage outfall.

45. The Chairman concluded that Members had no objection to the proposed transformer room. As it was located at a prominent location in the waterfront area, the exterior design and landscape treatment of the proposed transformer room were important. In this regard, relevant approval conditions on these aspects had been recommended. PlanD would also be requested to liaise with the applicant regarding the refinement to the location of the proposed transformer room.

46. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.5.2016, 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 submission and implementation of detailed exterior design proposal (including external finish) for the proposed transformer room at Site B to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of landscape proposal for the proposed transformer room at Site B to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the provision of fire service installations and water supply for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) to consult the Director of Leisure and Cultural Services on the maintenance responsibility of the landscaping at the early stage of the landscape design;
- (b) to note the comments of the Director of Fire Services regarding the need to comply with the emergency vehicular access requirement in accordance with Section 6 in Part D of the 'Code of Practice for Fire Safety in Buildings 2011' administered by the Buildings Department;
- (c) to obtain relevant food licences from the Food and Environmental Hygiene Department for carrying out food business in addition to the planning permission; and
- (d) to liaise with the Planning Department regarding the refinement to the

location of the proposed transformer room.

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

[Mr. David K.B. To and Professor S.C Wong returned to join the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/H9/67 Proposed Minor Relaxation of Building Height Restriction
for Residential Development in "Residential (Group A)" zone,
31-69 Chai Wan Road, Shau Kei Wan
(MPC Paper No. A/H9/67B)

48. The Secretary reported that Mr. Patrick H.T. Lau had declared an interest in this item as he had current business dealings with LD Asia and Ronald Lu & Partners (Hong Kong) Limited, the consultants of the application. As he had no direct involvement in the subject application, the Committee agreed that he could stay in the meeting.

49. The Secretary said that on 25.4.2012 and 30.4.2012, the applicant's representative requested for a deferment of the consideration of the application for a further period of two months in order to allow time for the applicant to prepare supporting materials to address the comments from relevant government departments, particularly on issues related to the streetscape and visual amenity improvement along Chai Wan Road. The applicant indicated that the proposed building height and the overall bulk were being reviewed with an aim to improve the overall visual quality and alternative greening opportunities were being explored under the present scheme. The Secretary also said that as this was the third deferment, it should be the last deferment and no further deferment would be given.

50. 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 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, and since this was the third deferment and a total period of six months had been allowed, this was the last deferment of the application.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/71 Proposed Public Utility Installation (Telecommunications Radio Base Station)
in “Green Belt” zone,
Land adjacent to Existing Mount Nicholson Microwave Station,
The Peak Area
(MPC Paper No. A/H14/71)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications radio base station);
- (c) departmental comments –concerned government departments had no objection to or adverse comments on the application ;
- (d) two public comments were received during the statutory publication period.

The comment from a Wan Chai District Council member requested the applicant to assess the health impacts of the proposed development, whereas the other comment from the Television Broadcasts Limited (TVB) expressed concerns on the potential radio interference, impacts on the existing footpath and occupation of the existing drop-off point for helicopter services at the locality; and

- (e) the Planning Department (PlanD)'s views - PlanD recommended to defer the consideration of the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) although the proposed telecommunications radio base station was relatively small in scale, given its prominent location and the existence of three other telecommunications radio base stations in the close vicinity, there would be potential cumulative visual impacts on the surrounding areas. However, there were no visual materials in the submission to demonstrate that the visual impact of the proposed telecommunications radio base station was acceptable. Despite repeated discussions with the applicant, no visual materials had been provided to address this concern;
 - (ii) while the proposed telecommunications radio base station was not incompatible with the adjacent development and would not cause significant adverse landscape impact on the area, the applicant had not provided landscape proposal in the submission to provide screening and reinstate the disturbed areas arising from the proposed installation and associated site formation works;
 - (iii) the application had not demonstrated that the proposed development would be compatible with the surrounding areas and would not cause adverse visual impact on the surrounding environment. It did not comply with the Town Planning Board (TPB) Guidelines No. 10 in respect of developments within the "Green Belt" zone;

- (iv) as regards the public concern on the blockage of access to TVB's equipment and electrical and mechanical (E&M) building, the application site was located about 4m away from the existing footpath and would unlikely affect the access to adjoining developments. Whilst the public concerns on the effect on health arising from the proposed telecommunications radio base station might not be significant as advised by the Director of Health and that the potential radio interference to other radio stations in the vicinity could be addressed through the approval process of the Office of the Communications Authority, there was no information from the applicant to address the concern that the application site had occupied the existing drop-off point for helicopter services in the locality; and

- (v) it was considered that the applicant should provide further information to demonstrate that the proposed development would be compatible with the surrounding areas, and would not have adverse visual impact on the surrounding environment. The applicant should also identify alternative drop-off point for heliservices in the locality to address the public concern. Therefore, PlanD recommended that a decision on the application be deferred pending further information to be submitted by the applicant.

52. In response to a Member's question, Ms. Kitty Lam said that a similar application (No. A/H14/56) for a proposed equipment and E&M building for digital terrestrial television broadcasting services on a site adjacent to the application site was approved by the TPB upon review on 17.10.2008. The application was first rejected by the Committee on the grounds of insufficient information to justify the proposed location and to demonstrate no adverse visual impact of the proposed development as the site level was at about 400mPD and the site was located in a prominent location.

53. Another Member asked whether the proposed antenna poles would be higher than the existing facilities in the locality. Ms. Kitty Lam said that the height of the proposed antenna poles was similar with that of the other existing telecommunications facilities but the

size of the proposed cabinets was comparatively smaller. As the applicant had not submitted any visual materials, it was not possible to assess whether the proposed development would be visually intrusive or not.

Deliberation Session

54. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD pending the submission of further information from the applicant. The Committee 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 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 8

Section 16 Application

[Open Meeting]

A/K13/280 Proposed Religious Institution (Temple)
in "Residential (Group A)" zone,
Near the Road Junction of Ngau Tau Kok Road and Kwun Tong Road,
Lower Ngau Tau Kok Estate Phase 7, Kowloon
(MPC Paper No. A/K13/280)

55. The application was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item :

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| Mr. Jimmy Leung as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) of HKHA; |
| Mr. Frankie Chou as the Chief Engineer of | - being an alternate member for the Director of Home Affairs who was a |

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| the Home Affairs Department | member of the SPC of HKHA; |
| Ms. Doris Chow as the Assistant Director of the Lands Department | - being an alternate member for the Director of Lands who was a member of HKHA; |
| Ms. Julia M.K. Lau | - being a member of the HKHA; and |
| Mr. Dominic K.K. Lam | - had current business dealings with the HKHA. |

56. The Secretary said that Mr. Frankie Chou had tendered an apology for being unable to attend the meeting. As the applicant had requested to defer consideration of the application, the Committee agreed that the above Members were allowed to stay in the meeting. As the Chairman had declared interest, Members agreed that the Vice-chairman should chair the meeting for this item.

57. The Secretary said that on 24.4.2012, the applicant requested for a deferment of the consideration of the application to the next meeting to be held on 18.5.2012 in order to allow time for the applicant to resolve the burner issue with government departments.

58. 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 agreed that the application should be submitted for its consideration at the next meeting to be held on 18.5.2012 subject to no further information requiring publication was submitted by the applicant.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/K18/290 Proposed Temporary School (Kindergarten cum Child Care Centre)
for a Period of 3 Years in “Residential (Group C) 1” zone,
2-4 Dorset Crescent, Kowloon Tong
(MPC Paper No. A/K18/290A)

59. The Secretary reported that on 17.4.2012, 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 responses to the departmental comments. The Secretary said that although this was the second request for deferment, the applicant had made effort to revise the scheme to address departmental comments and submitted further information after the first deferment. However, there were still adverse comments on the revised proposal from the concerned government departments and the applicant was preparing further information to address the comments.

60. 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 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 further information, and since this was the second deferment and a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[Ms. S.H. Lam, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K18/293 Proposed Temporary Shop and Services for a Period of 3 Years
in "Residential (Group C) 6" zone,
Garage (Part), Ground Floor, 181 Boundary Street, Kowloon Tong
(MPC Paper No. A/K18/293)

61. Ms. S.H. Lam, STP/K, informed Members that the application was for the proposed temporary shop and services for a period of three years by converting four car parking spaces within the garage on the G/F of an existing 6-storey residential building. The Paper for the application had already been issued to Members before the meeting. On

3.5.2012, the applicant's representative wrote to the Secretary of Town Planning Board (TPB) and requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to address the concerns of the Transport Department. The applicant's letter had been tabled at the meeting for Members' reference. Ms. S.H. Lam said that the Planning Department had no objection to the applicant's request for deferment as it met the criteria set out in the TPB Guidelines No. 33 and this was the first request for deferment submitted by the applicant.

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

[The Chairman thanked Ms. S.H. Lam, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 11

Any Other Business

63. There being no other business, the meeting closed at 12:05 p.m..