

TOWN PLANNING BOARD

Minutes of 505th Meeting of the Metro Planning Committee held at 9:00 a.m. on 7.2.2014

Present

Director of Planning
Mr K. K. Ling

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 Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H. B. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr W.B. Lee

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr K.F. Tang

Assistant Director (Hong Kong), Lands Department
Mr Simon S.W. Wang

Deputy Director of Planning/District
Ms Brenda K.Y. Au

Secretary

Absent with Apologies

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

Mr Maurice W.M. Lee

Ms Bonnie J.Y. Chan

Mr Roger K.H. Luk

Mr Laurence L.J. Li

Mr H.W. Cheung

In Attendance

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Town Planner/Town Planning Board
Mr Dennis C.C. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 504th MPC Meeting held on 17.1.2014

[Open Meeting]

1. The draft minutes of the 504th MPC meeting held on 17.1.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan & West Kowloon District

[Ms Michelle M.S. Yuen, Senior Town Planner/Hong Kong (STP/TWK), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/K1/243 Proposed Commercial Bathhouse/Massage Establishment in
“Commercial” Zone, 3/F, Hilton Towers, 96 Granville Road, Tsim
Sha Tsui, Kowloon
(MPC Paper No. A/K1/243)

Presentation and Question Sessions

3. With the aid of a Powerpoint presentation, Ms Michelle M.S. Yuen, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed commercial bathhouse/massage establishment;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received without stating any view on the application;
- (e) no local objection against the application was received by the District Officer (Yau Tsim Mong); and
- (f) 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.

4. Members had no question on the application.

Deliberation Session

5. 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 7.2.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

“(a) to note the comments of the Chief Building Surveyor/Kowloon, Buildings

Department that:

- (i) all proposed building works/change of use should be in compliance with the Buildings Ordinance;
- (ii) the applicant should be advised to appoint an Authorized Person to assess the feasibility of the proposed alterations and additions works/change of use and ensure that the proposed alterations and additions works/change of use are implemented in compliance with the Buildings Ordinance including, inter alia, the provisions of means of escape, fire resisting constructions and access and facilities for persons with a disability, etc;
- (iii) according to clause B8.2 of the Code of Practice for Fire Safety in Buildings 2011 (the FS Code), people using one required staircase should be able to gain access to at least one other required staircase at any time, without having to pass through other person's private premises. Such access should be provided in the following manners: (a) at each floor; (b) in case of domestic building or composite building not exceeding 15 storeys in height above the lowest ground storey, at least every 5 storeys; or (c) in case of refuge floor(s) are provided evenly between floors of the building, at the refuge floor(s) and the roof. Security measures that prevent access to a required staircase must be automatically deactivated upon actuation of a fire alarm or in power failure situation;
- (iv) according to B13.2 of the FS Code, if it is necessary to secure an exit door against entry from outside, the locking device should be of the type that is capable of being readily opened from inside without the use of a key. When a push plate, push bar or a single action lever handle is installed, it should not be encased. A locking device which is electrically operated should be capable of automatic release upon actuation of an automatic heat or smoke detection system or the operation of an alarm system or a central manual override

designed and installed to the satisfaction of the Director of Fire Services. Upon power failure, the electrical locking device should be released automatically. In the case of a door to a required staircase or a protected lobby of the required staircase, the security mechanism should not affect compliance with the requirements in Clause B8.2 of the FS Code;

- (v) detailed comments under the Buildings Ordinance can only be formulated at the building plan submission stage; and
 - (vi) the applicant is required to observe the licensing requirements imposed by the relevant licensing authority;
- (b) to note the comments of the Director of Environmental Protection that the operator should ensure that the operation of the proposed development should comply with the requirements under relevant environmental pollution control ordinances;
- (c) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of general building plans or referral from the licensing authority;
- (d) to note the comments of the Commissioner of Police that the applicant should later submit a formal application for the proposed development to the appropriate licensing authority; and
- (e) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that in the event that the mode of operation of the proposed development falls within the definition of ‘club’ under the Clubs (Safety of Premises) Ordinance, licensing requirements will be formulated by the Office of the Licensing Authority upon receipt of an application under the Clubs (Safety of Premises) Ordinance.”

[The Chairman thanked Ms Michelle M.S. Yuen, STP/TWK, for her attendance to answer Members' enquiries. Ms Yuen left the meeting at this point.]

Hong Kong District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/H12/28 House (Proposed Vehicular Access) in "Green Belt" Zone,
Government Land adjacent to 17 Bowen Road, Mid-levels East, Hong
Kong
(MPC Paper No. A/H12/28A)

7. The Secretary reported that Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase Surveyors Limited, the consultant of the application. The Committee noted that the applicant had requested for deferment of consideration of the application and Mr Patrick Lau had no involvement in this application, and agreed that he could stay in the meeting.

8. The Secretary further reported that the application had been deferred once for two months at the request of the applicant. Since the last deferment, the applicant had submitted further information in response to the departmental comments. The applicant requested on 10.1.2014 for further deferment of the consideration of the application for another two months in order to allow time for the applicant to address the comments of relevant Government departments.

9. 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 the further information, and since a total of four months

had been allowed, no further deferment would be granted unless under very special circumstances.

[Miss Josephine Y.M. Lo, 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/H5/397 Proposed Eating Place in “Residential (Group A)” Zone, 26/F (Portion),
Nos. 130-136, 138, 140-142 Johnston Road, Wan Chai
(MPC Paper No. A/H5/397A)

Presentation and Question Sessions

10. The Secretary reported that Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had declared interests in this item as they had current business dealings with Kenneth To & Associates Limited, one of the consultants of the application. Mr Stephen H.B. Yau, Mr Clarence W.C. Leung and the Chairman also declared interests in this item as Mr Clarence Leung and the Chairman each owned a property in the vicinity of the application site while Mr Stephen Yau’s office was also in the vicinity of the application site. The Committee noted that the office/properties of Mr Stephen Yau, Mr Clarence Leung and the Chairman did not have a direct view on the application site and Mr Patrick Lau and Mr Dominic Lam had no direct involvement in this application, and agreed that they could stay in the meeting.

11. With the aid of a Powerpoint presentation, Miss Josephine Y.M. Lo, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

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

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and during the statutory publication period of the further information submitted by the applicant; and
- (e) no local objection against the application was received by the District Officer (Wan Chai); and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The application site fell within the “Residential (Group A)” (“R(A)”) zone which was intended primarily for high-density residential developments and commercial uses were always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. The proposed eating place was located on the 26/F of the composite development and shared the same floor with the residents’ swimming pool and might cause inconvenience and nuisance to the residents. The security measures proposed by the applicant, including separating the residents lift lobby from outside patrons lift lobby on the G/F and designating a lift for direct access to the proposed eating place during its operation hours from 1800 to 0200, would still pose concerns, as residents and outside patrons would be sharing a common entrance on the ground floor and one lift would not be available for residents during the operation hours of the proposed eating place. Other security measures proposed by the applicant including advance reservation system, clear signage for indication purpose and escort arrangement for outside patrons would also be difficult to enforce. The proposed eating place would cause nuisance to the residents of the same development. Approval of the application would set an undesirable precedent for similar applications for eating place/commercial uses within the domestic portion of developments in the “R(A)” zone. The cumulative effect of approving such applications

would undermine the planning intention of the “R(A)” zone.

12. In response to the Chairman’s enquiry, Miss Josephine Y.M. Lo explained that the access arrangement of the proposed eating place would result in sharing of a common entrance at G/F between residents and outside patrons and one of the two lifts serving the development would not be available to residents during the operation hours of the proposed eating place.

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

13. In response to a Member’s question, Miss Josephine Y.M. Lo said that the proposed eating place would be open to the general public if approved.

Deliberation Session

14. A Member agreed with the Planning Department’s recommendation, and suggested that in future, if similar application within a composite development involving the use of a designated lift was recommended for approval, the applicant should first be requested to submit a lift usage assessment to demonstrate that sufficient lift service would be made available to the residents.

15. Members generally agreed that the security measures proposed by the applicant would not be able to entirely separate the outside patrons from the residents and one lift would not be available to the residents during operation hours of the proposed eating place. The proposed eating place would cause nuisance and inconvenience to the residents of the same development, if approved.

16. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed eating place within the domestic portion of a composite development would cause nuisance and inconvenience to the residents in the same building and is considered undesirable; and

- (b) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would undermine the planning intention of “Residential (Group A)” zone.”

[The Chairman thanked Miss Josephine Y.M. Lo, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

[Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/256 Proposed Yacht Centre-led Mixed Development (including Yacht Centre, Marine Exhibit, Shop and Services and Boat-yards) in “Industrial” Zone, Government Land to the east of Ap Lei Chau Praya Road, Ap Lei Chau
(MPC Paper No. A/H15/256B)

17. The Secretary reported that the application was submitted by Kerry Property Management Services Limited with Townland Consultants, H.W. Wai (International) Limited, URS Hong Kong Limited and DTZ Debenham Tie Leung Limited as consultants. The following Members had declared interests in this item:

- Mr Dominic K.K. Lam - having current business dealing with Kerry Property Management Services Limited, Townland Consultants Limited and URS Hong Kong Limited
- Professor S.C. Wong - being the Director of the Institute of Transport Studies of the University of Hong Kong and Kerry Logistics, which was related to Kerry Properties Limited, had sponsored some activities of the Institute

- Mr Patrick H.T. Lau - having current business dealing with Kerry Property Management Services Limited
- Professor P.P. Ho - having current business dealing with Townland Consultants Limited

18. The Committee noted that Professor S.C. Wong's interest was indirect and Professor P.P. Ho had no direct involvement in this application. Members agreed that they could stay in the meeting. The Committee considered that Mr Dominic Lam and Mr Patrick Lau's interests were direct and agreed that they should leave the meeting temporarily.

[Mr Dominic Lam and Mr Patrick Lau left the meeting temporarily at this point.]

19. The Secretary further reported that replacement pages of pages 3, 7, 16 and 21 of the Paper had been tabled at the meeting for Members' information.

Presentation and Question Sessions

20. With the aid of a Powerpoint presentation, Miss Isabel Y. Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed yacht centre-led mixed development (including yacht centre, marine exhibit, shop and services and boatyards);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and were highlighted below:
 - (i) the Transport and Housing Bureau did not support the application as the shipyard sites were required to provide essential maintenance and repairing services to the local fishing fleet and pleasure vessels; there were strong demands for such facilities in the area from the industry; the shipyard sites at Ap Lei Chau Praya Road were mostly occupied and operated providing essential supporting services to the local

fishing fleet and pleasure vessels; and the planning application had not provided concrete information to justify for the need of a marine exhibit, yacht centre and shop and services in the area;

- (ii) the Director of Marine commented that the number of licensed small vessel and pleasure vessels had increased during the period between 2009 and 2012; most of these vessels would use Aberdeen Typhoon Shelter as their base and the application site was necessary to keep the ship-repairing yards; and the proposed development would block the navigation channel and affect the usage of the public landing steps to the south of the proposed travelift dock;
- (iii) the District Lands Officer/Hong Kong West & South, Lands Department commented that the 16 short-term tenancies (STTs) within the application site had been retendered for shipyard and related uses. The applicant had not provided details on the implementation of the proposed scheme and ways to accommodate the existing and future STTs, and tender of the application site to enable the proposed development could only be materialized with the policy directive from the Transport and Housing Bureau;
- (iv) the Director-General of Trade and Industry commented that there was a genuine need for the shipyard industries to continue their operation at the application site and was concerned that the proposed development would have impact on the existing operators who might have difficulties in relocating the shipyards to other sites;
- (v) the Director of Agriculture, Fisheries and Conservation commented that there was inadequate fisheries baseline data and evaluation of marine ecological impact in the application;
- (vi) the Chief Town Planner/Urban Design & Landscape, Planning Department had reservation on the submitted Landscape Master Plan and commented that no information of existing trees was included in

the application;

- (vii) the Director of Environmental Protection commented that the proposed development might be subject to control of the Environmental Impact Assessment Ordinance; and
 - (viii) the District Officer (Southern), Home Affairs Department stated that the Southern District Council had agreed that shipyard uses at Ap Lei Chau Praya Road should be preserved, long-term development and enhancement of shipyard conditions without affecting or sacrificing the current shipyard businesses were welcomed and concerned departments were urged to consider long-term development for the shipyard sites.
- (d) during the first three weeks of the statutory publication period, a total of 4,799 public comments were received. Among these, 3,927 public comments supported the application mainly on grounds that the proposed development would resolve the industrial/residential (I/R) interface problem and revitalize Aberdeen waterfront. 269 public comments objected to the application mainly on grounds that the shipyard industry had been operating in Ap Lei Chau for over a hundred years and the industry should be preserved; there was increasing demand for ship-repairing and maintenance services for local fishing fleets; the proposed development, if approved by the Committee, would have impact on the livelihood of the existing shipyard operators, the ship-repairing and related industries; and the I/R problem could be mitigated by the design of the adjacent residential development; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper, which were summarised as follows:
- (i) the application site was zoned “Industrial” (“I”) on the Aberdeen & Ap Lei Chau Outline Zoning Plan to ensure an adequate supply of

industrial floor space to meet the demand from production-oriented industries. The “I” zone also reflected the long established use of the shipyards at the application site;

- (ii) the Transport and Housing Bureau did not support the application on grounds that the shipyard sites along Ap Lei Chau Praya Road were required to provide essential maintenance and repairing services to the local fishing fleet and pleasure vessels and they should be retained. Other Government departments including the Director of Marine, the Director-General of Trade and Industry, the Director of Agriculture, Fisheries and Conservation, the Chief Town Planner/Urban Design & Landscape, Planning Department, and the District Officer (Southern), Home Affairs Department had raised concerns/reservation on the application;
- (iii) there was no suitable alternative site to replace the existing shipyards if the application was approved by the Committee;
- (iv) there was no implementation agent and mechanism for the proposed marine exhibit, yacht centre, and shop and services uses under the application;
- (v) the applicant had failed to demonstrate that no adverse impacts would be generated from the proposed development, including the blocking of the navigation channel and affecting the usage of the landing steps. There was no adequate and accurate fisheries baseline data for accurate prediction and evaluation of fisheries impact. There was no information on the impact on existing trees;
- (vi) the industrial/residential interface problems raised by the applicant as a justification to support the application had already been solved by the noise mitigation measures taken in the “Residential (Group E)1” (“R(E)1”) development and other stringent measures imposed on the STTs of the shipyard sites;

- (vii) approving the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would affect the shipyard operation which was much needed in the area; and
- (viii) although majority of the public comments supported the application on environmental grounds, there were public comments against the application on ground that there was a need to retain the existing shipyards.

21. In response to the Chairman's enquiry on the background of the "R(E)1" development opposite to the application site, Miss Isabel Y. Yiu said that in granting the planning permission for the residential development (i.e. Larvotto) at the "R(E)1" site, the Committee had taken into consideration that the proposed noise mitigation measures, including the use of non-openable windows, acoustic fins and parapet walls to be incorporated into the proposed development to address the noise impacts from the existing shipyards. The mitigation measures were considered feasible by the Environmental Protection Department and included as an approval condition of the planning permission for the proposed "R(E)1" development. These mitigation measures and the noise issue were also highlighted in the sale brochures of the "R(E)1" development.

22. In response to a question from a Member, Miss Isabel Y. Yiu said that the 16 STTs covering part of the application site had recently been retendered for shipyard use and the application site had been used for shipyards and related uses since 1986. In response to another Member's question, Miss Yiu said that the shipyards, being located inside Aberdeen Typhoon Shelter, had provided emergency repair services for the boats using the typhoon shelter. There was no suitable site in Aberdeen for the relocation of the existing shipyards if the application was approved.

Deliberation Session

23. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.9 of the Paper and

considered that they were appropriate. The reasons were :

- “(a) there is a need to retain the shipyards in the subject “Industrial” zone to provide the necessary maintenance and repairing services to the local fishing fleet and pleasure vessels. There is no strong justification to warrant a deviation from this planning intention;
- (b) the technical feasibility of the proposed development has not been demonstrated;
- (c) no implementation mechanism is proposed for the proposed development and the implementability of the proposal is doubtful; and
- (d) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will affect the shipyard operation which is much needed in the locality.”

[The Chairman thanked Miss Isabel Y. Yiu, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

[Mr Dominic Lam and Mr Patrick Lau returned to join the meeting at this point and Professor P.P. Ho left the meeting temporarily.]

[Ms Irene W.S. Lai, 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/H21/138 Renewal of Planning Approval for Temporary Eating Place (Restaurant) under Application No. A/H21/133 for a Period of 3 Years in “Open Space” Zone, Portion of Sai Wan Ho Ferry Pier, Tai Hong Street, Sai Wan Ho, Hong Kong
(MPC Paper No. A/H21/138)

Presentation and Question Sessions

24. With the aid of a Powerpoint presentation, Ms Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary eating place (restaurant) under Application No. A/H21/133 for a period of three years;

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

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Eastern), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper.

25. In response to a Member’s question, Ms Irene W.S. Lai said that the Eastern District Council was consulted and had no objection to the application.

Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

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

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

“(a) to note the comments of the Director of Environmental Protection in paragraph 8.1.3(e) of the Paper regarding the compliance with the relevant pollution control ordinances, and the need to apply for a licence in accordance with the Water Pollution Control Ordinance; and

(b) to properly maintain the hygiene of the subject premises.”

[The Chairman thanked Ms Irene W.S. Lai, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H3/415 Proposed Minor Relaxation of Building Height Restriction from 160mPD to 165mPD for Permitted 'Flat' Use in "Residential (Group A)" Zone, and an Area shown as 'Road', Nos. 73-73E, Caine Road, Mid-Levels, Hong Kong
(MPC Paper No. A/H3/415A)

28. The Secretary reported that the application had been deferred once for two months. Since the last deferment, the applicant had submitted further information to address the departmental comments. The applicant requested on 27.1.2014 for further deferment of the consideration of the application for two months in order to allow time for the applicant to

address the concern of the Chief Town Planner/Urban Design and Landscape, Planning Department and examine the likely air ventilation performance of the proposed development.

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

Kowloon District

[Ms Karen F.Y. Wong, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting(Presentation and Question Sessions Only)]

A/K13/288 Shop and Services in “Other Specified Uses” annotated “Business”
Zone, Unit 5B (Portion), G/F, Kowloon Bay Industrial Centre, 15
Wang Hoi Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/288)

Presentation and Question Sessions

30. With the aid of a Powerpoint presentation, Ms Karen F.Y. Wong, 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 use under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received raising concern on parking of vehicles on the nearby road. 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. Regarding the public concern on parking of vehicles on the nearby road, the traffic impact of the shop and services use at the application premises, which was small in area, was considered minimal and the Commissioner for Transport had no comment on the application.

31. Members had no question on the application.

Deliberation Session

32. 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 means of escape completely separated from the industrial portion and fire service installations and equipment in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same

date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the ‘Shop and Services’ use at the application premises;
- (c) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings administered by the Building Authority and draw attention to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to appoint an Authorized Person to ensure that the proposed change in use and/or alterations and additions works are in full compliance with the Buildings Ordinance (BO), in particular:
 - (i) the provision of adequate means of escape for the application premises and the remaining part of the unit in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - (ii) the subject premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code;
 - (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;

- (iv) for unauthorized building works (UBW) erected on leased land/private buildings, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the subject premises under the BO; and
- (v) detailed comments under the BO can only be formulated at the building plan submission stage.”

Agenda Item 10

Section 16 Application

[Open Meeting(Presentation and Question Sessions Only)]

A/K14/690 Proposed Shop and Services (Retail) in “Other Specified Uses” annotated “Business” Zone, Ground Floor (Portion), East Sun Industrial Building, No. 20 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/690)

Presentation and Question Sessions

34. With the aid of a Powerpoint presentation, Ms Karen F.Y. Wong, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (retail) by converting six existing private and light van parking spaces;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Kowloon East, Lands Department commented that the proposed use at the application

premises was in breach of both the user restriction and the parking requirements under the lease. The Commissioner for Transport commented that the applicants had demonstrated that the existing private car/light van and loading/unloading (L/UL) parking spaces were surplus to the lease requirements. The private car and L/UL requirements for the proposed retail use under the current Hong Kong Planning Standards and Guidelines could also be satisfied through the surplus private car/light van and L/UL parking spaces originally provided for the subject Lot. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, nine public comments were received. One public comment supported the application and one public comment suggested that adequate manoeuvring space for loading/unloading vehicles should be provided within the subject building to prevent parking of loading/unloading vehicles on street. The remaining seven public comments objected to the application mainly on grounds that there was shortage of parking provision in the subject building; reduction of parking spaces in the subject building would worsen the parking problem in the Kwun Tong District; the proposed retail use would aggravate the traffic congestion problem and the conflicts between pedestrians and vehicles; and the area between the parking spaces was common area of the subject industrial building which did not belong to the applicants; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed retail use at the subject premises was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and compatible with the changing land use character of the area. While private car/light van parking provision after the proposed conversion could still meet the requirement under the lease and concerned Government departments including the Transport Department and Fire Services Department had no objection to the application, the existing provision of 50

parking spaces in the subject Lot substantially fell short of the Hong Kong Planning Standards and Guidelines (HKPSG) requirement by 54%. The proposed conversion of the six parking spaces for retail use would aggravate the shortfall in the parking provision of the Lot as compared with the current HKPSG requirement. It might also worsen the roadside the roadside parking problem in the area.

35. In response to a Member's questions on different views of concerned Government departments on the requirements of car parking spaces in the subject Lot, Ms Karen F.Y. Wong said that the Transport Department had no objection to the application as the provision of car parking spaces in the subject Lot after conversion could still meet the lease requirement according to the applicants' calculation. However, the Lands Department considered that the proposed conversion of six parking spaces would constitute a breach of both the user restriction and the parking requirements under the lease. While Lands Department would not at this stage confirm whether the applicants' calculation of car parking spaces was in line with the lease requirement, it had pointed out that the applicants could apply for lease modification/waiver of the subject Lot should the application be approved. PlanD was of the view that the existing parking provision in the subject Lot had fallen short of the current HKPSG requirement and the proposed conversion of parking spaces would further aggravate the shortfall in parking provision. In response to the Chairman's enquiry, Mr W.B. Lee, Assistant Commissioner for Transport (Urban), Transport Department confirmed that based on the submitted information, the car parking provision of the subject Lot would be able to meet the requirement under the lease even after the conversion of the six parking spaces and this was considered not unacceptable since the subject building was an existing building on an old Lot. As for the lease, the Chairman said that the proposed conversion of the six car parking spaces would constitute a breach in terms of the user restriction as well as the registered layout of the car parking spaces as advised by the Lands Department in paragraph 9.1.1 of the Paper.

36. In response to a question from the Vice-chairman, Ms Karen F.Y. Wong said that based on PlanD's site inspections, some of the six car parking spaces were currently in use but the actual utilisation rate of these car parking spaces was not known.

37. In response to the Chairman's enquiry, Ms Karen F.Y. Wong said that the subject

building was built in the 1960s based on the lease which was executed in the 1950s. The car parking requirement was much lower than the current standard particularly because it was for industrial use. However, the application site was now zoned "Other Specified Uses" annotated "Business" and some premises within the subject building had been converted to office use. It was expected that there would be a higher demand for car parking spaces.

38. In response to a Member's question on whether there were any other cases in which the current HKPSG requirement would be applicable to an existing development, Ms Karen F.Y. Wong said that she had not come across any such case in the area, but in some other similar applications, the affected car parking spaces could be reprovisioned by the applicants. In the subject application, the Transport Department did not accept the applicants' proposal for the reprovisioning of car parking spaces by using double-deck parking within the same Lot. The proposed conversion of the six parking spaces would result in a net loss of car parking spaces and would aggravate the shortfall in the provision of car parking spaces if the application was approved by the Committee.

Deliberation Session

39. In response to the Chairman's enquiry, Mr W.B. Lee said that the car parking provision in the old industrial buildings in the Kwun Tong District was in general based on the lease requirements of the 1950s and it was generally difficult for existing buildings to meet the current HKPSG requirements. However, in case of wholesale conversion of an existing industrial building, the Transport Department would ask the proponent to provide sufficient car parking spaces after conversion in accordance with the current HKPSG requirement as far as practicable. For partial conversion of an existing industrial building, the Transport Department would determine the requirement on a case-by-case basis with reference to the utilisation of car parking spaces in the industrial building and illegal parking problem in the area. As the subject application was not for wholesale conversion of the subject building and the illegal parking problem in the area was not very serious, the Transport Department would accept the provision of car parking spaces in accordance with the lease requirement.

40. The Chairman said that the car parking provision of the subject industrial

building, which was based on the lease in the 1950s, was low. However, there was a trend for the industrial buildings in the Kwun Tong area to be converted to office use with an increase in the parking demand. For the subject building, it was expected that there would be insufficient parking spaces should more premises be converted into office use. The subject application for converting the existing car parking spaces to other uses, if approved by the Committee, would set an undesirable precedent for similar applications and approval of such applications would aggravate the shortfall in the provision of parking spaces in the area which was undergoing transformation.

41. A Member supported the PlanD's recommendation in view of the generally insufficient provision of car parking spaces in the industrial buildings in the Kwun Tong area.

42. In response to a Member's question on the reasons of rejecting the applicants' double-deck parking proposal by the Transport Department, Mr W.B. Lee said that while double-deck parking was technically feasible, the main problem was related to the management of such facility. If poorly managed, it might result in blockage of the entrance of the car park and queuing of vehicles, which was likely in this case and hence was considered unacceptable.

43. After further deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12 of the Paper and considered that it was appropriate. The reason was :

“the existing parking provision of the concerned industrial buildings within the Lot is already below the current standard in the Hong Kong Planning Standards and Guidelines. The proposed conversion of six private car/light vans parking spaces for retail use will aggravate the shortfall in the parking provision of the Lot. The approval of the application will set an undesirable precedent for similar applications. The cumulative impact of approving such applications would worsen the roadside parking problem in the Kwun Tong Business Area.”

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/K9/262 Proposed Hotel in “Residential (Group A) 4” Zone, G/F (Part), 1/F and 2/F of Commercial Podium of Blocks G, H and J, Hung Hom Bay Centre, 92-112 Baker Street, Hung Hom, Kowloon
(MPC Paper No. A/K9/262)

44. The Secretary reported that the application was submitted by Hunghom Bay Commercial Investments Limited, which was a subsidiary of Hutchison Whampoa Limited with Pro Plan Asia Limited, LWK & Partners (HK) Limited, LLA Consultancy Limited and TW Design Consultants Limited as consultants. The following Members had declared interests in this item:

Mr Patrick H.T. Lau - having current business dealings with Hutchison Whampoa Limited and LLA Consultancy Limited

Mr Dominic K.K. Lam - having current business dealings with LLA Consultancy Limited

Professor P.P. Ho - having current business dealings with Hutchison Whampoa Limited

45. The Committee noted that the applicant had requested for deferment of consideration of the application. Mr Dominic K.K. Lam had no involvement in this application and Members agreed that he could stay in the meeting. The Committee also agreed that Mr Patrick H.T. Lau and Professor P.P. Ho could stay in the meeting but should refrain from participating in the discussion.

46. The Secretary reported that the applicant requested on 20.12.2013 for deferment of the consideration of the application for two months in order to allow sufficient time to address the comments of the Transport Department. This was the first time that the applicant requested for deferment.

47. The Secretary further reported that three petition letters were submitted by the Kowloon West New Dynamic (KWND) (西九龍新動力), Labour Party, and 紅磡居民關注組. KWND supported the objection lodged by property owners of Hung Hom Bay Centre and stated that there was insufficient time for the property owners to submit their views during the three-week statutory publication period. KWND requested the Committee to defer a consideration of the application after the Housing and Infrastructure Committee of the Kowloon City District Council (KCDC) had considered the views of the property owners of Hung Hom Bay Centre at its meeting scheduled to be held on 6.3.2014. The Labour Party also raised the concerns of the owners and on insufficient time for public consultation and suggested that the three-week statutory publication period should be counted on the basis of working days. 紅磡居民關注組 objected to the application and raised concerns that the proposed hotel would have adverse impacts on the already heavy local traffic. The three petition letters were tabled at the meeting for Members' reference. The Secretary said that since the applicant had requested for deferment of consideration of the application for two months, and if the request was agreed by the Committee, the application would be considered by the Committee after the KCDC meeting on 6.3.2014.

48. The Chairman said that the applicant's request for deferment of consideration of the application could be allowed, and the views contained in the petition letters were noted. They would be submitted together with the application for Members' consideration in due course.

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

Agenda Item 12

Any Other Business

50. There being no other business, the meeting closed at 10:30 a.m.