

TOWN PLANNING BOARD

Minutes of 509th Meeting of the Metro Planning Committee held at 9:00 a.m. on 4.4.2014

Present

Director of Planning
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Professor P.P. Ho

Mr Francis T. K. Ip

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Stephen H. B. Yau

Mr Frankie W.C. Yeung

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

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

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

Assistant Director (Regional 1), Lands Department
Ms Doris M.Y. Chow

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

Secretary

Absent with Apologies

Ms Bonnie J.Y. Chan

Mr Laurence L.J. Li

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

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

Town Planner/Town Planning Board
Mr William W.L. Chan

[Open Meeting]

1. The Chairman said that it was the first meeting of the new term. He welcomed the two new Members of the Committee, Mr Frankie W.C. Yeung and Mr Francis T.K. Yip. He also thanked Mr Roger K.H. Luk for being the Vice-chairman of the Committee.

Agenda Item 1

Confirmation of the Draft Minutes of the 508th MPC Meeting held on 21.3.2014

[Open Meeting]

2. The draft minutes of the 508th MPC meeting held on 21.3.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

3. The Secretary said that there were no matters arising.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/TW/7 Application for Amendment to the Approved Tsuen Wan Outline Zoning Plan No. S/TW/31, from “Green Belt” to “Government, Institution or Community (10)”, Lots 233 S.A, 233 RP, 234 and 235 in D.D. 447 and Adjoining Government Land, Lo Wai, Tsuen Wan
(MPC Paper No. Y/TW/7)

4. The Secretary reported that LLA Consultancy Limited and Environ Hong Kong Limited were the consultants of the applicant. Mr Patrick H.T. Lau, Ms Julia M.K. Lau and

Mr Dominic K.K. Lam had declared interests in this item as they had current business dealings with LLA Consultancy Limited or Environ Hong Kong Limited or both. As the applicant had requested for deferment of consideration of the application, and Mr Dominic K.K. Lam, Mr Patrick H.T. Lau and Ms Julia M.K. Lau had no involvement in this application, the Committee agreed that they could stay in the meeting. The Committee noted that Mr Dominic K.K. Lam and Ms Julia M.K. Lau had not yet arrived.

5. The Secretary continued to say that the applicant requested on 25.3.2014 for deferment of the consideration of the application for three months in order to allow sufficient time to respond to the comments of the Transport Department on the application. This was the first time that the applicant requested for deferment.

6. 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 three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that three months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

[Mr Dominic K.K. Lam arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/409 Proposed Shop and Services and Eating Place in “Industrial” Zone,
No. 22 Yip Shing Street, Kwai Chung
(MPC Paper No. A/KC/409)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services and eating place;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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 no local objection/view was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. According to the Report on Area Assessments 2009 on Industrial Land in the Territory, the site was recommended to be retained as “Industrial” (“I”). In order not to jeopardize the potential long-term planning intention of the site, should the Committee decide to approve the application, it was recommended that the approval would be given for the life-time of the building. Upon redevelopment, the site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which might not be the

same as those of the existing building.

8. Noting that the Transport and Housing Bureau (THB) was consulted on another planning application involving logistics use, a Member asked why THB was not consulted on the current application as the subject building was currently used as a logistics warehouse. In response, Ms Fannie F.L. Hung said that THB would be consulted only for applications falling within areas zoned “Other Specified Uses” annotated “Container Terminal” or “Container Related Uses”. As the subject application fell within an area zoned “I”, the Director-General of Trade and Industry instead of THB was consulted. The Chairman added that the application mentioned by the Member had a different planning context with the current application since the former was relatively near to container terminals and the concerned building was designed for warehouse use. The subject building under the current application was for general industrial uses.

9. A Member asked whether roof-top greening at the subject building, as suggested by the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD, was practical or not given the lack of access by lift to the roof-top. In response, Ms Fannie F.L. Hung said that an approval condition would be imposed to require the applicant to submit a landscape proposal, including roof-top greening proposal, for consideration by CTP/UD&L, PlanD and any technical issue could be resolved at that stage. A Member supplemented that roof-top greening in the congested old urban area should be encouraged. This Member considered that roof-top greening at the subject building was technically feasible, and standardised design for roof-top greening was available in the market.

10. In response to a Member’s question, Ms Fannie F.L. Hung said that the applicant did not provide any information on whether the proposed eating place would be at the high end or not.

Deliberation Session

11. 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 4.4.2018, 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 and the approval should be for the life-time of the building. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that if the application is approved by TPB, the lot owner should apply to LandsD for a modification/special waiver for the proposed wholesale conversion. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions including, inter alia, payment of premium/waiver fee and administrative fee as may be approved by LandsD;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that an Authorized Person should be appointed to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the provisions of Buildings Ordinance;
- (c) to note the comment of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the “Code of Practice for Fire Safety in Building 2011” which is administered by BD; and
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there will be a “flat roof” on the roof floor. The possibility of providing landscaped roof garden should be

further explored.”

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K3/556 Proposed Hotel in “Residential (Group A)” Zone, Nos. 1166 to 1168
Canton Road, Mong Kok
(MPC Paper No. A/K3/556B)

13. The Secretary reported that the application had been deferred twice. The applicant requested on 14.3.2014 for further deferment of the consideration of the application for two months in order to allow time for him to consult the Commissioner for Heritage and the Antiquities and Monuments Office on the preservation-cum-development option.

14. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. A total of six months including the previous deferments were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

[Ms Julia M.K. Lau and Mr Clarence W.C. Leung arrived to join the meeting at this point.]

Agenda Items 6 and 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/747 Shop and Services in “Other Specified Uses” annotated “Business 1”
Zone, Flat A (Portion), Ground Floor, Ka Ming Court, Nos. 688-690
Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/747)

A/K5/748 Shop and Services in “Other Specified Uses” annotated “Business 1”
Zone, Flat A (Portion), Ground Floor, Ka Ming Court, Nos. 688-690
Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/748)

15. The Committee agreed that these two applications would be considered together since they were similar in nature (shop and services) and the application premises were located on the G/F of the same building (i.e. Ka Ming Court). Also, these two applications were submitted by the same applicant.

16. The Secretary reported that Lawson David & Sung Surveyors Ltd. was the consultant of the applicant. Ms Bonnie J.Y. Chan had declared interests in these two items as she had current business dealings with Lawson David & Sung Surveyors Ltd. Members noted that Ms Bonnie J.Y. Chan had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

17. With the aid of a Powerpoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the shop and services under application at each of the application premises;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned departments had no objection to or no adverse comment on the applications;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Papers. The applied uses complied with the Town Planning Board Guidelines No. 22D for Development within “Other Specified Uses (Business)” zone (TPB PG-No. 22D) in that they would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant Government departments consulted including the Director of Fire Services, the Commissioner for Transport and the Director of Environmental Protection had no objection to the applications. Should the Committee decide to approve the applications, no time clause for commencement of development was proposed as each of the application premises was already in operation as shop and services.

18. Noting that a major part of Flat A on the ground floor of Ka Ming Court was annotated as “Under Renovation” on Plan A-2a of the Paper, a Member asked about the future use of this area and whether the future use would result in exceeding the limit of aggregate commercial floor areas on the ground floor of an existing industrial/industrial-office building as stipulated in the Town Planning Board Guidelines No. 22D for Development within “Other Specified Uses” annotated “Business” zone (TPB-PG No. 22D). The Vice-chairman also noted that this part was subject to a previous planning approval under application No. A/K5/666 for temporary shop and services.

19. In response, Mr Philip Y.L. Chum said that the aforesaid part of Flat A would be used as a factory canteen and the relevant licence application was being processed by the Food and Environmental Hygiene Department. Factory canteen, which was ancillary to

industrial activities, was not accountable for the aggregate commercial floor areas under TPB PG-No. 22D. Besides, the planning permission for temporary shop and services under application No. A/K5/666 had already lapsed on 9.1.2012. The Chairman added that planning application would be required for any new commercial use on the ground floor of the building.

Deliberation Session

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

- “(a) the submission and implementation of fire safety measures, including the provision of fire service installations and water supplies for firefighting in the subject premises and means of escape completely separated from the industrial portion, within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2014; 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.”

21. The Committee also agreed to advise the applicant of Application No. A/K5/747 of the following :

- “(a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of a temporary waiver or lease modification;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorized Person to submit building plans for

the change in use to demonstrate compliance with the Buildings Ordinance, in particular:

- (i) adequate means of escape should be provided to the subject premises and the remaining portion of Flat A on G/F 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) if the discharge point of the exit route to the ultimate place of safety is so sited that it adjoins another exit route or other accommodation, the walls enclosing the exit route should be returned along the frontage of final discharge or project from the frontage for a distance of not less than 450mm, provided that any return should not reduce the effective width of the exit route. B5.7 of the FS Code refers.
- (iii) 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; and
- (iv) access and facilities for persons with a disability should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008.”

22. The Committee also agreed to advise the applicant of Application No. A/K5/748 of the following :

- “(a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of a temporary waiver or lease modification;

- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorized Person to submit building plans for the change in use to demonstrate compliance with the Buildings Ordinance, in particular:
- (i) the provision of adequate means of escape to the subject premises and the remaining portion of Flat A on G/F in accordance with the Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for the 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; and
 - (iii) access and facilities for persons with a disability should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/749 Proposed Shop and Services (Bank) in “Other Specified Uses” annotated “Business 1” Zone, G/F, Long To Building, Nos. 654 & 656 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/749)

23. The Secretary reported that Lawson David & Sung Surveyors Ltd. was the consultant of the applicant. Ms Bonnie J.Y. Chan had declared an interest in this item as she had current business dealings with Lawson David & Sung Surveyors Ltd. Besides, Ms Julia M.K. Lau had declared an interest in this item as she had discussed the subject application with the applicant. Members noted that Ms Bonnie J.Y. Chan had tendered apologies for

being unable to attend the meeting. As Ms Julia M.K. Lau's interest was direct, the Committee agreed that she should leave the meeting temporarily for this item.

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

Presentation and Question Sessions

24. With the aid of a Powerpoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (bank);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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 no local objection/view was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed use complied with the Town Planning Board Guidelines No. 22D for Development within “Other Specified Uses (Business)” zone in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant Government departments consulted including the Director of Fire Services, the Commissioner for Transport and the Director of Environmental Protection had no objection to/comment on the application.

25. Members had no question on the application.

Deliberation Session

26. In response to a Member's question on the relevancy of a previous approved application at the premises, the Secretary said that paragraph 11.5 of the Paper was part of the planning assessments and not a reason for approving the application. In response to another Member's question, the Secretary said that PlanD did not consider that there was any strong reason to recommend rejection of the application.

27. 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 4.4.2016, 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 fire safety measures, including the provision of fire service installations and the complete separation from the industrial occupancies by suitable fire resisting construction and design, in the subject premises, before the operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the Director of Fire Services to observe TPB's guidance note on compliance with planning condition on provision of fire safety measures for commercial uses in industrial premises; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit building plans for the proposed change of use and/or alteration works to the Building Authority to demonstrate compliance with the Buildings Ordinance,

including (but not limited to):

- (i) method statement, precautionary and protective measures, etc for the demolition works of the two internal steel staircases in accordance with the Code of Practice for Demolition of Buildings 2004 and structural calculation and details for the reinstatement of existing openings in the floor slab over the internal steel staircases;
- (ii) adequate means of escape should be provided to the subject premises in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (iii) 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; and
- (iv) access and facilities for persons with a disability should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008.

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

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/TW/455 Proposed Residential cum Religious Institution Development in
“Residential (Group E)” Zone, Nos. 1-11 Fu Uk Road, Tsuen Wan
(Kwai Chung Town Lot 207)
(MPC Paper No. A/TW/455)

29. The Secretary reported that Townland Consultants Ltd., URS Hong Kong Ltd., MVA Hong Kong Ltd. and AECOM Asia Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

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|---------------------|---|
| Mr Dominic K.K. Lam | - having current business dealings with Townland Consultants Ltd., URS Hong Kong Ltd., MVA Hong Kong Ltd. and AECOM Asia Ltd. |
| Mr Patrick H.T. Lau | - having current business dealings with MVA Hong Kong Ltd. and AECOM Asia Ltd. |
| Professor P.P. Ho | - having current business dealings with Townland Consultants Ltd. and AECOM Asia Ltd. |
| Ms Julia M.K. Lau | - having current business dealings with MVA Hong Kong Ltd. and AECOM Asia Ltd. |

30. As the applicant had requested for deferment of consideration of the application, and Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Professor P.P. Ho and Ms Julia M.K. Lau had no involvement in this application, the Committee agreed that they could stay in the meeting.

31. The Secretary reported that on 20.3.2014 for deferment of the consideration of the application for two months so as to allow sufficient time for preparation of further information to respond to various Government departmental comments. This was the first time that the applicant requested for deferment.

32. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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.

[Mr K. S. Ng, Senior Town Planner/Hong Kong (STP/HK) and Miss Tracy C.Y. Wong, Town Planner /Hong Kong (TP/HK), were invited to the meeting at this point.]

Hong Kong District

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H10/86 Proposed Minor Relaxation of Building Height Restriction for a Residential Development to 22.255m in "Residential (Group C)2" Zone, No. 55-57 Bisney Road, Pok Fu Lam
(MPC Paper No. A/H10/86A)

33. The Secretary reported that Kenneth To & Associates Ltd. was the consultant of the applicant. Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had declared interests in this item as they had current business dealings with Kenneth To & Associates Ltd.. As Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in this application, the Committee agreed that they could stay in the meeting.

[The Chairman left the meeting due to other engagement, and the Vice-chairman took over the chairmanship at this point.]

Presentation and Question Sessions

34. With the aid of a Powerpoint presentation, Mr K.S. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the subject “Residential (Group C)2” (“R(C)2”) zone was subject to plot ratio (PR), site coverage (SC) and building height (BH) restrictions (i.e. 3 storeys above 1 storey of carport / 17.22m) as specified in the Notes of the Outline Zoning Plan (OZP) for “R(C)2” zone, or the PR, SC and BH of the existing building, whichever were the greater. On 10.11.2010, a set of building plans for a residential redevelopment on the site was approved by the Building Authority (BA), based on the development parameters of the buildings existing on the site at that time. Based on the set of building plans approved by BA on 24.9.1991, the existing buildings had a PR of 2.729, SC of 66.94% and maximum BH of 19.365m. While the above GFA, SC and BH exceeded the restrictions as specified in the Notes of the OZP for “R(C)2” zone, they were taken as the development parameters of the existing buildings as permitted under the OZP;
- (b) the proposed minor relaxation of BH restriction for a residential development to 22.255m, i.e. an increase of 2.89m as compared with maximum BH of the existing buildings as mentioned above. The proposed development comprised two rows of 21 houses. There would be no change in BH in mPD as the mean site formation level would be reduced by 2.89m under the current proposal. The proposed PR and SC remained the same as that of the existing buildings;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. A minimum 20% green coverage of the entire site, at least half of which should be provided at grade or on levels easily accessible to pedestrians, should be

incorporated into the landscape design. As indicated on the current Landscape Master Plan, most of the proposed landscape plantings were within private gardens or inaccessible (e.g. flat roofs of car parks) which should not be counted towards the green coverage of the site as there was no guarantee that house owners would maintain those private landscape plantings in future. The proposed communal open space within the site was located on a flat roof which was about 9.5m above ground with no site furniture or facilities provided for users that could not function properly as a communal open space. In light of the above, there was no landscape merit to warrant the proposed minor relaxation of BH restriction. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, a total of 60 public comments were received, including 54 objections from a Southern District Councilor, the Incorporated Owners of 18-22 Crown Terrace and other local residents, one supporting comment and five general comments without indicating support or objection. Their major views were summarised as follows:

Objecting Comments

- (i) the proposed development would diminish the low-rise character of Bisney Road with deteriorated landscape and inconsistent BH with buildings nearby. The BH relaxation would result in more traffic and people which would worsen the low-rise and low-density living environment;
- (ii) the development would block the view of the harbour and would severely impact the sight lines of the neighbouring buildings and reduce sunlight in nearby streets. The extra height and width would create a curtained building which obstructed the air flow. The approval of the application would set an undesirable precedent for future cases;

- (iii) the existing pavement and road between the site and Bisney Road were steep and narrow for vehicles and pedestrians that accidents might easily take place;
- (iv) the applicant stated that the application was of technical nature because the proposed development would not exceed the height (in terms of mPD) of the previous development. The circumstances of the previous development were irrelevant to the proposed buildings and should not be used to justify a relaxation of BH restriction. Besides, the applicant failed to provide sufficient information, e.g. visual impact analysis with renderings showing the impacts of the previous scheme and that of the proposed scheme for residents and visitors of the area to compare the BH before and after the minor relaxation;

Supporting Comments

- (v) the proposed relaxation of BH restriction would have no significant impact as the site was much lower than the adjacent uphill properties nearby. The development with increasing BH for about 3m would not have significant difference; and

General Comments without Indicating Support or Objection

- (vi) commenters generally opined that the buildings which changed the low-density residential zone should be carefully considered. The site was the same as that of Victoria Garden (301 Victoria Road), which exceeded the height restriction by a substantial margin in the same low-rise area. It seemed reasonable that any concession to increase the height on the above application should only be granted on the basis or under the condition that the developer reduced the height of Victoria Garden. Height standards should be uniform within one zone;

- (e) the District Officer (Southern), Home Affairs Department (DO(S), HAD) advised that residents in Pok Fu Lam (e.g. the Pokfulam Residents' Alliance) had always been sensitive and reluctant to accept any relaxation of height restriction; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. To address the concerns from CTP/UD&L, PlanD on insufficient landscape merit, it was recommended to impose an approval condition requiring the applicant to submit and implement a revised landscape proposal. Regarding the objecting public comments in terms of visual and traffic impacts, CTP/UD&L, PlanD had no objection/adverse comments on the application, and advised that the proposed height increase was virtually hidden from the public view, as the lower floors of the higher blocks were below the road bounding the site and those of the lower blocks were screened by the vegetation of the slope below the site. Moreover, the Commissioner for Transport had no objection/adverse comments on the applicant on the traffic aspects since the PR and SC of the proposed development remained unchanged when compared with the existing buildings.

35. A Member asked whether it was appropriate to use the development parameters of the approved building plans in 1991 as a comparison with those of the proposed development, as the absolute height of the proposed development appeared to be excessive. In response, Mr K.S. Ng said that the previous buildings had existed at the site for about 20 years since 1991 until their demolition in 2011, and a set of building plans for a residential redevelopment on the site based on the development parameters of the previous buildings was approved by BA on 10.11.2010. The Secretary said that the BH of any development at the subject "R(C)" zone was restricted to maximum 3 storeys above 1 storey of carports and maximum BH of 17.22m, or the height of the existing building, whichever was the greater. For the current application, since the height of the existing buildings (i.e. 19.365m) was the greater one, the second leg of the above restriction was applicable and thus the proposed minor relaxation should be compared with the height of the existing buildings. The height of the existing buildings was based on the set of building plans approved on 24.9.1991 which

had actually been implemented.

Deliberation Session

36. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.4.2018, 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 conditions :

- “(a) the maximum gross floor area, site coverage and building height as stated in the application for the proposed development should be adhered to, and no further minor relaxation shall be permitted;
- (b) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) submission and implementation of a revised landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments from the Chief Building Surveyor/Hong Kong West, Buildings Department that in accordance with the Government’s committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible; and full demonstration on building setback, building separation and green coverage in accordance with requirement of the Quality and Sustainable Built Environment should be provided for consideration; and
- (b) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011.”

[The Vice-chairman thanked Mr K. S. Ng, STP/HK, and Miss Tracy C.Y. Wong, TP/HK, for their attendance to answer Members' enquiries. They 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/259 Proposed Hotel in "Residential (Group A) 3" Zone, 150 Aberdeen
Main Road, Aberdeen
(MPC Paper No. A/H15/259A)

38. The Secretary reported that Lanbase Surveyors Ltd. was the consultant of the applicant. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase Surveyors Ltd.. As Mr Patrick H.T. Lau had no direct involvement in this application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

39. 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 highlighting that the site was subject to two previous applications (Nos. A/H15/243 and A/H15/246) for hotel development approved by the Committee on 20.5.2011 and 23.9.2011 respectively. A set of building plans for hotel development at the site was approved by the Building Authority on 20.3.2013;
- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Tourism supported the

application. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, a total of five public comments were received. Four public comments, including those from the Incorporated Owners of Kam Fung Building, the Incorporated Owners of Veng Hing Mansion and Designing Hong Kong Limited objected to/gave comments on the application on the grounds that the proposed development would increase the traffic burden of the area; there was no space for parking and loading/unloading facilities at the site; there were concerns about the nuisance that would be brought to the nearby residents during construction stage; and the proposed hotel was incompatible with the surrounding residential area. The remaining public comment objected to the application on the grounds that the site which was zoned “Residential (Group A)3” (“R(A)3”) should be retained for high-density residential development; the application might affect land supply for housing; and approval of the case would set an undesirable precedent for similar applications;
- (e) the District Officer (Southern) advised that the case was discussed at the Southern District North Area Committee meeting held on 19.7.2011. At the meeting, there was concern that the proposed hotel development would increase the traffic flow. Relevant traffic facilities should be provided. Besides, a public forum was held by Democratic Alliance for the Betterment and Progress of Hong Kong on 16.5.2011. The locals attending the forum generally had objections against the proposed development on the ground that the hotel was located at a busy area and would cause traffic chaos. They were also afraid that the construction works would affect the building safety of the adjacent premises; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Due to the current acute shortage of housing land, sites planned for residential use should generally be retained for residential development.

However, the site was covered by two previous planning permissions for hotel development which were still valid and the applicant was making effort to pursue the development with building plans approved by the Building Authority (BA). The current application might warrant special consideration. Regarding the public comments on the possible adverse traffic impact, the Commissioner for Transport (C for T) and the Commissioner of Police had no adverse comment on the application. The applicant stated that the kerb-side spaces along Yue Fai Road and Old Main Street were normally not fully occupied during non-peak hours and could be available for loading/unloading and pick up/drop off activities of the proposed development. The applicant had also committed to arrange goods delivery in the evening off peak period and the hotel-related vehicles should use the existing three public car parks in the vicinity. In this regard, C for T considered any additional traffic arising from the hotel development acceptable. Regarding the public comments on the possible nuisance arising from the proposed development at construction stage, the applicant had to comply with relevant ordinances and building regulations during construction. Regarding the public comments on retaining the application site zoned “R(A)” for housing development, the relevant response had been mentioned above.

40. In response to a Member’s question, Miss Isabel Y. Yiu said that the applicant had proposed in the traffic impact assessment (TIA) for the application to arrange goods vehicles in the evening off peak period for goods delivery, and such proposal was acceptable to C for T. There was no need to impose an approval condition to that effect since the applicant would have to follow and implement the proposals as submitted in TIA, if the application was approved by the Committee.

41. Noting that the Committee would generally not approve applications for hotel developments within residential zones in view of the need to retain the concerned sites for residential development due to current acute shortage of housing land, a Member asked whether approval of the subject application for hotel development within “R(A)3” zone would be inconsistent and set an undesirable precedent. In response, Miss Isabel Y. Yiu said that as the site was covered by two previous planning permissions for hotel development

which were still valid and the applicant was making effort to pursue the hotel development with building plans already approved by BA, the current application might warrant special consideration.

Deliberation Session

42. The Secretary drew Members' attention to the fact that during the consideration of the previous applications for hotel development, the Committee was of the view that the site was more suitable for hotel development since hotel use was less susceptible to traffic noise generated from the nearby slip road leading to Aberdeen Praya Road.

43. 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 4.4.2018, 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 conditions :

- “(a) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable

Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to TPB may be required;

- (b) to note the comments of the Commissioner for Transport in paragraph 9.1.3 of the Paper regarding the temporary traffic arrangement proposal during construction;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 9.1.9 of the Paper regarding the provision of landscape planting on façade, podium and roof of the proposed development;
- (d) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department in paragraph 9.1.12 of the Paper regarding the licensing requirements for hotel use under the Hotel and Guesthouse Accommodation Ordinance; and
- (e) to prepare and submit the sewerage impact assessment as early as possible in view of the time required for the implementation of any required sewerage works.”

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

[Ms W.H. Ho, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/179 Shop and Services (Money Exchange) in “Other Specified Uses”
annotated “Business” Zone, Workshop 2B, G/F, Cheung Tat Centre,
No. 18 Cheung Lee Street, Chai Wan
(MPC Paper No. A/H20/179B)

45. The Secretary reported that the application premises was located at Cheung Tat Centre, Cheung Lee Street. Mr Dominic K.K. Lam had declared an interest in this item as his company owned premises in Cheung Tat Centre. As Mr Dominic K.K. Lam’s interest was direct, the Committee agreed that he should leave the meeting temporarily for this item.

[Mr Dominic K.K. Lam left the meeting temporarily at this point.]

Presentation and Question Sessions

46. With the aid of a Powerpoint presentation, Ms W.H. Ho, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (money exchange) under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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 no local objection was received by the District Officer (Eastern); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the

Paper. The applied use complied with the Town Planning Board Guidelines No. 22D for Development within “Other Specified Uses (Business)” zone in that it would not induce significant adverse fire safety, traffic, environmental or infrastructural impacts to the developments within the subject building and the adjacent area. Concerned government departments, including the Director of Fire Services, the Commissioner for Transport and the Director of Environmental Protection had no comment on the application. Should the Committee decide to approve the application, no time clause for commencement of development was proposed as the application premises had already been used for shop and services (money exchange).

47. In response to the Vice-chairman’s question, Ms W.H. Ho said that while the planning permissions under the previous applications No. A/H20/166 and 174 at the site had been revoked due to non-compliance with the condition in relation to fire safety aspect, the applicant had now provided necessary fire service installations (i.e. hose reel and fire alarm) and the Director of Fire Services had no in-principle objection to the current application.

Deliberation Session

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

- “(a) the submission and implementation of proposals for fire service installations, water supplies for firefighting and means of escape completely separated from the industrial portion within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2014; 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.”

49. 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 subject premises;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by TPB to any further application;
- (c) to apply to the District Lands Officer/Hong Kong East, Lands Department for lease modification or a temporary waiver to permit the use under application at the subject premises;
- (d) to note the comments of the Director of Fire Services that the applicant is advised to comply with the requirements as stipulated in Part C of Code of Practice for Fire Safety in Buildings 2011 and refer to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
- (e) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department that the applicant is advised to ensure compliance with the provisions of access and facilities for persons with disability as required under the Building (Planning) Regulation 72.”

[The Vice-chairman thanked Ms W.H. Ho, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

[Mr Dominic K.K. Lam returned to join the meeting at this point. Mr Frankie W.C. Yeung left the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/396 Proposed Office in “Residential (Group A)” Zone, 101-111 Wan Chai Road, Wan Chai
(MPC Paper No. A/H5/396C)

50. The Secretary reported that the site was at Wan Chai Road. Ove Arup & Partners Hong Kong Ltd., Environ Hong Kong Ltd. and CKM Asia Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|----------------------------|---|
| Mr Dominic K.K. Lam | - having current business dealings with Ove Arup & Partners Hong Kong Ltd. and Environ Hong Kong Ltd. |
| Mr Patrick H.T. Lau | - having current business dealings with Ove Arup & Partners Hong Kong Ltd. |
| Professor P.P. Ho | - having current business dealings with CKM Asia Ltd. |
| Ms Julia M.K. Lau | - owning properties in Wan Chai and having current business dealings with Environ Hong Kong Ltd. |
| Mr K.K. Ling
(Chairman) | - owning a property in Wan Chai. |
| Mr Clarence W.C. Leung | - co-owning a property with his spouse in Wan Chai |
| Mr Stephen H.B. Yau | - having his office at Southorn Centre, Wan Chai |

51. The Committee noted that the Chairman had already left the meeting. As Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Professor P.P. Ho and Ms Julia M.K. Lau had no direct involvement in this application, and as the properties of Ms Julia M.K. Lau and Mr Clarence W.C. Leung and the office of Mr Stephen H.B. Yau did not have a direct view on the application site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

52. 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, highlighting that the site was rezoned from “Commercial/Residential” (“C/R”) to “Residential (Group A)” (“R(A)”) for high-density residential development in 2010 to follow up the recommendation of the Metroplan Review. A set of building plans for a residential/commercial development on the site was approved by the Building Authority (BA) on 7.2.2013;
- (b) the proposed office;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had reservation on the application that the loading/unloading (L/UL) activities to be generated by the proposed development would rely on the existing on-street L/UL areas in vicinity of the site. The applicant’s responses to address his concerns on the analysis on L/UL activities in the Traffic Impact Assessment (TIA) were not satisfactory. The flexibility of provision of internal transport facilities under the Hong Kong Planning Standards and Guidelines, as mentioned by the applicant, could not applied to L/UL requirements. In view that the proposed development would be occupied by small and medium enterprises, the activities requiring the use of goods vehicles would not be co-ordinated or organized. AC for T/U, TD had reservation on the applicant’s claims that only limited goods vehicle trips per month would be generated and that the L/UL demand from good vehicles due to the proposed development would be negligible. The applicant should provide the anticipated number of goods vehicles trips for different goods per day/week/month before concluding that no additional trips to the office buildings in the area were expected; and

- (d) during the first three weeks of the statutory publication periods, one public comment was received from Designing Hong Kong Limited, which objected to the application on the grounds that the proposed development was incompatible with the “R(A)” zone; would impact the shortfall of land for residential uses; would increase the district traffic burden; (d) lacked parking and loading spaces resulting in use of the street by vehicles associated with the development;

- (e) the District Officer (Wan Chai), Home Affairs Department (DO(WC), HAD) advised that as the site was situated at the junction of Wan Chai Road and Johnston Road, nearby residents and other stakeholders would likely express concerns about the additional pedestrian and vehicular traffic flow generated by the proposed development;

- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the application site was rezoned from “C/R” to “R(A)” for high-density residential development in 2010 to follow up the recommendation of the Metroplan Review. The immediate neighbourhood of the site to the south of Wan Chai Road were predominantly residential in nature with shop and services use on the lower floors with a few commercial developments scattered in the vicinity. Area to the north of the site across Wan Chai Road was a mix of commercial and composite residential/commercial developments. In land use terms, the proposed office development was not considered incompatible with the surrounding area of the site;

 - (ii) from traffic point of view, AC for T/U had reservation that the anticipated L/UL activities for the proposed development would have to rely on the existing on-street public L/UL areas in vicinity of the site, given that no internal L/UL facilities would be provided in

the proposed development. The TIA and subsequent responses provided by the applicant failed to demonstrate that such arrangement would not burden the existing on-street lay-bys and the traffic flow of the locality. As such, the proposed office development could not consider meeting the assessment criteria set out in the Town Planning Board Guidelines No. 5 for Application for Office Development in “R(A)” Zone under Section 16 of the Town Planning Ordinance in respect of provision of adequate on-site transport facilities and the avoidance of adverse traffic impacts. DO(WC) also advised that the nearby residents and other stakeholders of the proposed development would likely express concerns about the additional pedestrian and vehicular traffic flow to be generated;

- (iii) despite that the proposed office development would contribute to the supply of office space in the Wan Chai area, in view of the clear planning intention for residential developments within the “R(A)” zone and the current shortage of housing land in meeting the pressing housing needs of the community, the site should be retained for residential use unless with very strong justifications;
- (iv) the applicant claimed that the proposed office development would be provided with centralised air conditioning which made it less susceptible to air and noise pollution than a residential development. However, a set of building plans for a residential/commercial development on the site was approved by the Building Authority on 7.2.2013. This reflected that the site was not technically difficult or infeasible for residential development. Besides, there were no strong justifications or planning merits for the current proposal of developing the site for office instead of residential use;
- (v) despite three similar applications approved by the Committee, the current application should be assessed with reference to the latest planning circumstances and the prevailing housing land supply

policy. Approval of the current application for office development within “R(A)” zone without strong justifications would set an undesirable precedent for similar applications for converting residential land to non-residential uses. The cumulative effect of which would result in reduction of sites available for residential developments and hence the supply of housing land in meeting the pressing housing demand over the territory; and

- (vi) the public comment received objected to the application on traffic and other grounds.

53. A Member said that the site would be more suitable for commercial use than residential use in view of its location at the intersection of main roads and the presence of many existing and newly-built commercial developments in the vicinity. Another Member shared the same view and said that the site was not really suitable for residential development since the main roads were too busy and hence the environment would be noisy. In response, Miss Josephine Y.M. Lo said that in land use term, the proposed office development was not considered incompatible with the surrounding area which was characterised by a mixture of commercial, residential and composite developments. However, it was necessary to take into consideration other factors such as the lack of internal transport facilities provision and the current shortfall in housing land supply.

54. In response to the Vice-chairman’s question, Miss Josephine Y.M. Lo said that the L/UL facilities of Tai Yau Building nearby were on-street. Members noted that the application site was directly facing a pedestrian crossing at Johnston Road.

55. In response to a Member’s question, Miss Josephine Y.M. Lo said that Tak Lee Commercial Building adjacent to the site had already been built before the rezoning of the concerned site from “C/R” to “R(A)”.

Deliberation Session

56. In response to the Vice-chairman’s question, Mr W.B. Lee, Assistant Commissioner for Transport (Urban) said that the applicant failed to provide internal L/UL

facilities to meet the demand for internal transport facilities in the proposed office development. It was undesirable to rely on the on-street public L/UL spaces as the nearby roads were already very busy. Besides, the existing available on-street public L/UL spaces were quite far away from the site.

57. Members generally considered that the site was not unsuitable for commercial development (either for office or hotel) as it was located at the intersection of three busy roads with heavy pedestrian flows, and commercial uses would be less susceptible to noise generated from these busy roads. Besides, developing a well-designed commercial building at such a visually prominent location could potentially enhance the townscape of the area. Despite the above, Members agreed that the current application for office development should be rejected on traffic grounds. Without any provision of internal L/UL facilities, the proposed office development with on-street L/UL activities would aggravate the traffic problem in the vicinity. Members considered that the major ground of rejection should be the failure of the applicant to provide internal L/UL facilities in the proposed development.

58. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and agreed that the reasons should be suitably amended. The reasons were :

- “(a) internal transport facilities are not provided in the proposed office development and the applicant fails to demonstrate that such arrangement would not adversely impact on the traffic condition of the locality and hence the compliance with the Town Planning Board Guidelines No. 5 for Application for Office Development in “Residential (Group A)” Zone; and
- (b) approval of the application would set an undesirable precedent for similar applications and the cumulative effect of which would have adverse traffic impact on the road network in the vicinity.”

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

[Mr Stephen C.Y. Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Kowloon District

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/246 Proposed Hotel in “Residential (Group A)” Zone, 105-107 Tam Kung Road, Ma Tau Wai
(MPC Paper No. A/K10/246B)

59. The Secretary reported that Lanbase Surveyors Ltd. was the consultant of the applicants. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase Surveyors Ltd.. As Mr Patrick H.T. Lau had no involvement in this application, the Committee agreed that he could stay in the meeting.

[Mr Patrick H.T. Lau left the meeting at this point.]

Presentation and Question Sessions

60. With the aid of a Powerpoint presentation, Mr Stephen C.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the site was covered by two previous planning applications for hotel development (Nos. A/K10/227 and A/K10/235) approved by the Committee, with the former one lapsed and the latter one having been commenced with building plans approved on 10.11.2011. The development parameters and floor uses of the current application were identical to those of Application No. A/K10/227. Some of the approval conditions for application No. A/K10/235 had been complied with. Land exchange for the proposed hotel development had been processed by the Lands Department (LandsD) and premium offer was

currently under appeal by the applicant;

- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned 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. The commenter objected to the application on the grounds that To Kwa Wan was not popular for tourism and another hotel that existed in the area was not always fully occupied. Besides, a large number of coaches had caused parking problem and traffic congestion to To Kwa Wan in recent years. It would worsen the road traffic condition in To Kwa Wan and cause traffic accidents as it was difficult for road users to watch the traffic from the opposite side;
- (e) no local objection/view was received by the District Officer (Kowloon City); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. Due to the current acute shortage of housing land, sites planned for residential use should generally be retained for residential development. Given that planning permissions were previously granted for the same use at the site, and the applicant over the years had paid efforts to pursue the approved hotel development including submission of building plans, compliance with approval conditions and application to LandsD for land exchange, the special circumstances of the case might warrant sympathetic consideration. Regarding the public comment opposing the application on traffic grounds, both the Commissioner for Transport and the Commissioner of Police had no adverse comment on the traffic impact assessment submitted by the applicant and no in-principle objection to the current application from traffic point of view.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.4.2018, 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 conditions :

- “(a) 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;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that should the subject application be approved, the owner of the lot shall apply for a lease modification for the proposed hotel development. Should the application for the lease modification be approved by LandsD, it will be subject to the terms and conditions including, amongst others, charging of premium and fee, as imposed by LandsD. Regarding the “Net Site Area” (i.e. the lot which excludes the rear lane portion) as proposed, it is advised that the final area of the rear lane portion shall be subject to survey;

- (b) the approval of the application does not imply that the proposed hotel concession/gross floor area (GFA) exemption for back-of-house (BOH) facilities will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approvals. In addition, if the proposed hotel concession/GFA exemption for BOH facilities is not granted by BA, resulting in a non-domestic plot ratio exceeding 9 or major changes to the current scheme, a fresh planning application to TPB may be required;

- (c) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed GFA concession for the proposed development will be approved/granted by BA. The applicant should approach the BD and LandsD direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by BA and the Land Authority and major changes to the current scheme are required, a fresh planning application to TPB may be required;

- (d) to note the comments of the Chief Building Surveyor/Kowloon, BD that:
 - (i) the proposed hotel development shall in all aspects comply with the Buildings Ordinance and its allied regulations;

 - (ii) provision of service lane for domestic building shall be in compliance with Building (Planning) Regulation (B(P)R) 28 and the area of the service lane shall be excluded from the site area under B(P)R 23(2)(a);

 - (iii) granting of hotel concession under B(P)R 23A is subject to the compliance with the criteria under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40, and will be considered at the building plan submission stage;

- (iv) the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 on “Building Design to Foster a Quality and Sustainable Built Environment” and APP-152 on “Sustainable Building Design Guidelines” are applicable to the redevelopment of the site;
 - (v) granting of GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services, etc. is subject to the compliance with the criteria under the prevailing Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers, including APP-151 and APP-152;
 - (vi) provision of access and facilities for persons with disability shall be in accordance with B(P)R 72;
 - (vii) detailed comments on the proposal under the Buildings Ordinance, including any application for exemption/exclusion of area from gross floor area calculation, will be given at the building plan submission stage;
 - (viii) an Authorized Person should be appointed to coordinate all building works in accordance with the Buildings Ordinance; and
 - (ix) the proposed hotel will be subject to the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance, Cap. 349;
- (e) to note the comments of the Director of Fire Services regarding the requirement for compliance with the Code of Practice for Fire Safety in Building 2011;
- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that the applicant should provide landscape planting with sufficient soil depth and volume at the flat roof of

1/F to improve the landscape and visual amenity of the proposed hotel; and

- (g) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for hotel use.”

[The Vice-chairman thanked Mr Stephen C.Y. Chan, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting]

A/K13/290 Shop and Services in “Other Specified Uses” annotated “Business”
Zone, Unit 3, G/F, Kingsford Industrial Centre, 13 Wang Hoi Road,
Kowloon Bay

(MPC Paper No. A/K13/290)

64. The Secretary reported that the applicant requested on 21.3.2014 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the Fire Services Department's comment and clarification of the segregation of the application premises with the neighbouring workshop. This was the first time that the applicant requested for deferment.

65. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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.

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/695 Shop and Services (Bakery and Cake Shop) in “Other Specified Uses” annotated “Business” Zone, Workshop No. 1 on G/F, Crown Industrial Building, No. 106 How Ming Street, Kwun Tong
(MPC Paper No. A/K14/695)

Presentation and Question Sessions

66. 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 (bakery and cake shop) under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. The one from the Chairman of Kwun Tong Central Area Committee supported the application, while the other one submitted by a Kwun Tong District Council member expressed no comment. No local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the

Paper. The applied use complied with the Town Planning Board Guidelines No. 22D for development within the “Other Specified Uses (Business)” zone in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Relevant Government departments consulted including the Director of Fire Services and the Commissioner for Transport had no objection to/comment on the application. Should the Committee decide to approve the application, no time clause for commencement of development was proposed as the shop and services use (currently used as bakery shop) under application was already in existence.

67. Members had no question on the application.

Deliberation Session

68. 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 the proposal for fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2014; 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.”

69. 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 subject premises;

- (b) apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or temporary waiver for the proposed ‘Shop and Services (Bakery and Cake Shop)’ use at the subject premises;
- (c) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department (BD), and to observe 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, BD that the applicant should engage an Authorized Person to ensure any building works/alterations and additions works/change of use are in compliance with the Buildings Ordinance (BO), including, the provision of adequate means of escape, the application premises should be separated from the remaining portion of the building by fire barriers, and access & facilities for persons with a disability; for unauthorized building works (UBW) erected on leased land, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the site under BO; and detailed comments under BO can only be formulated at the building plan submission stage.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/696 Proposed Shop and Services in “Other Specified Uses” annotated “Business” Zone, Factory Unit B4 on Ground Floor, Good Year Industrial Building, Nos. 119-121 How Ming Street, Kwun Tong, (MPC Paper No. A/K14/696)

70. The Secretary reported that Traces Ltd. was the consultant of the applicant. Ms Julia M.K. Lau had declared an interest in this item as she was the executive director of Traces Ltd.. As the interest of Ms Julia M.K. Lau was direct, the Committee agreed that she should leave the meeting temporarily for this item.

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

Presentation and Question Sessions

71. 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;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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 from the Chairman of Kwun Tong Central Area Committee supporting the application without giving reasons. No local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed use complied with the Town Planning Board Guidelines No. 22D for development within the “Other Specified Uses (Business)” zone in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Relevant Government departments consulted including the Director of Fire Services and the Commissioner for Transport had no objection to/comment on the

application.

72. In response to a Member's question, Ms Karen F.Y. Wong said that it was at the applicant's discretion as to whether the type of proposed shop and services would be specified in the application, and if without specification, there would be more flexibility on the actual use of the premises.

Deliberation Session

73. 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 4.4.2016, 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 the proposal for fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition is not complied with before the operation of use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the proposed ‘Shop and Services’ use at the premises;
- (b) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department (BD), and to observe the Guidance Note on

Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and

- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD that the applicant should engage an Authorized Person to ensure any building works/alterations and additions works/change of use are in compliance with the Buildings Ordinance (BO), including, the provision of adequate means of escape, the premises should be separated from the remaining portion of the building by fire barriers, and access & facilities for persons with a disability; for unauthorized building works (UBW) erected on leased land, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the site under BO; and detailed comments under BO can only be formulated at the building plan submission stage."

[The Vice-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 18

Any Other Business

75. There being no other business, the meeting was closed at 10:45 a.m..