

**TOWN PLANNING BOARD**

**Minutes of 521st Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 17.10.2014**

**Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor P.P. Ho

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Dr Wilton W.T. Fok

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr Francis T.K. Ip

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  
Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Mr Roger K.H. Luk

Vice-chairman

Ms Julia M. K. Lau

Mr H.W. Cheung

Mr Sunny L.K. Ho

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

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

Town Planner/Town Planning Board  
Miss Sincere C.S. Kan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 520<sup>th</sup> MPC Meeting held on 26.9.2014

[Open Meeting]

1. The draft minutes of the 520<sup>th</sup> MPC meeting held on 26.9.2014 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K15/3                      Application for Amendment to the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/20, to rezone the application site from “Open Space” to “Other Specified Uses” annotated “Public Open Space and Hotel”, Lot Nos. 859SA, 859RP and 860 in Survey District No. 3 and Adjoining Government Land, Wing Fook Street, Cha Kwo Ling  
(MPC Paper No. Y/K15/3)

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3. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (ARUP), Environ Hong Kong Ltd. (Environ) and LLA Consultancy Ltd. (LLA) were the consultants of the applicant. The following Members had declared interests in this item:

- Mr Patrick H.T. Lau - having current business dealings with ARUP and LLA;
- Mr Dominic K.K. Lam - having current business dealings with ARUP, Environ and LLA;
- Ms Julia M.K. Lau - having current business dealings with Environ; and
- Mr Laurence L.J. Li - his spouse owns a factory in Yau Tong.

4. Members noted that Ms Lau had tendered apologies for being unable to attend the meeting and Mr Lau had not arrived at the meeting. Members also noted that Mr Lam and Mr Lau had no involvement in this application and Mr Li's property did not have a direct view on the Site. Members agreed that they could stay in the meeting.

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

- Mr Tom C.K. Yip - District Planning Officer/Kowloon (DPO/K)  
Ms Karen F.Y. Wong - Senior Town Planner/Kowloon (STP/K)

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

Ms Bowie Wong  
Ms Theresa Yeung  
Ms Natalie Leung  
Mr Feddy Leung  
Mr Simon Leung  
Mr Jun Garces  
Mr Siu Lung Ng  
Mr Tony Cheng  
Mr Steve Lo

7. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms Karen F.Y. Wong, STP/K to brief Members on the background of the application.

#### Presentation and Question Sessions

8. With the aid of a PowerPoint, Ms Karen F.Y. Wong, STP/K, presented the applications and covered the following aspects as detailed in the Paper:

##### The Proposal

- (a) the application was for rezoning the Site from “Open Space” (“O”) to “Other Specified Uses” annotated “Public Open Space and Hotel” (“OU(POS and Hotel)”) to facilitate the proposed hotel development;
- (b) the Site, with an area of about 1,068m<sup>2</sup>, comprised both private and government land, which accounted for 22.7% (i.e. 242m<sup>2</sup>) and 77.3% (i.e. 826m<sup>2</sup>) respectively;
- (c) the proposed hotel development, comprising one block, had a total gross floor area (GFA) of 12,816m<sup>2</sup> (i.e. a plot ratio of not more than 12) and a building height (BH) of not more than 90mPD (26 storeys including one basement car park floor);
- (d) a POS with an area of 670m<sup>2</sup> was proposed on 1/F of the proposed hotel development (at 11mPD level), of which, 461m<sup>2</sup> (69%) were covered seating area and the remaining 209m<sup>2</sup> (31%) were open-air;
- (e) a set of road improvement measures was proposed outside the Site which included widening of Wing Fook Street from 3.6m to 7.7m in general, and realignment of the two nearby junctions;
- (f) back in 1998, the Site was proposed to rezone from “O” and “Road” to “Residential (Group A)” (“R(A)”). Objection Hearing Committee (OHC)

agreed to partially meet the objections by rezoning the Site and its adjoining area to “O” in view of its location, size and the need to increase POS provision in the area. The Site had been maintained as “O” zone since 2000;

- (g) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

[Mr Clarence W.C. Leung, Mr Wilton W.T. Fok and Mr Frankie W.P. Chou arrived to join the meeting at this point.]

Departmental Comments

- (h) departmental comments were set out in paragraph 9 of the Paper and summarised as follows:

- (i) the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) advised that the three private lots altogether only occupied less than 23% of the overall area of the Site, and hence, there was no guarantee that the land exchange, which required to be jointly submitted by all the concerned lot owners, would be proceeded with or approved by the Government at this stage and whether the road/junctions improvement works outside the Site could be imposed under lease. DLO/KE also considered that the applicant was required to demonstrate how the land could be cleared, including the surrendering of private lots, without encumbrances so as to effect the private development project;
- (ii) the Commissioner for Transport (C for T) and the Director of Highways (D of Hy) considered that the proposed hotel development would only be technically acceptable provided that the proposed road/junctions improvement works and all other ancillary works were to be funded, designed and constructed by the applicant before commencement of construction of the proposed hotel development.

Both C for T and D of Hy also indicated that they would not take up the improvement works for the hotel development;

- (iii) the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD had reservation on the proposed rezoning from landscape planning perspective in that the provision of greening in the proposed scheme was limited and confined to two edges of the covered POS which were only suitable for shade tolerant shrubs and groundcovers having limited landscape quality. CTP/UD&L, PlanD also considered that the proposed POS, with such location and design, would serve primarily for circulation space and foyer for the hotel rather than for public recreation purpose, and the subject “O” zone served as important spatial and visual reliefs as well as ventilation pockets that were much needed in the congested urban environment;
- (iv) the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) pointed out that the visual relationship of the proposed hotel development with the surrounding still needed to be improved by the applicant;
- (v) the Director of Leisure and Cultural Services (DLCS) indicated that there was no development plan for the planned POS at the Site;
- (vi) the Commissioner of Tourism (C for Tourism) supported the proposed rezoning and other concerned government departments had no objection to or no adverse comment on the application; and

[Mr Patrick H.T. Lau arrived to join the meeting at this point.]

- (vii) the District Officer (Kwun Tong), Home Affairs Department advised that the residents living in the Laguna City (Phase 3) expressed objection to the proposed hotel development. The Laguna City (Phase 3) Estate Owners’ Committee convened a residents’ forum

on 7.10.2013. Among some 300 attendees, most of the residents raised objections to the application on the ground that the proposed hotel development would lead to the influx of large number of visitors which might adversely affect the existing traffic, environment and security of Laguna City. The Laguna City (Phase 3) Estate Owners' Committee had submitted their objections to the Town Planning Board (The Board) directly;

Public Comments

- (i) during the first three weeks of the statutory publication periods of the application and the further information, a total of 87,260 public comments were received. Among them, 48,662 (about 55.9%) supported the application and 38,486 (about 44.1%) objected to/had adverse comments on the application;
  
- (j) the main views of the supporting comments were summarised below:
  - (i) the Site had been left idle for years and being occupied by squatters. The proposed rezoning could improve the environment and provide POS for surrounding residents;
  
  - (ii) the Site was on private land, and through private participation, the open space could be realised with the hotel development;
  
  - (iii) with the development initiatives of Energizing Kowloon East, Kwun Tong district would be the focus of future development. The proposed hotel development was in line with the Government's planning intention;
  
  - (iv) the proposed hotel development would bring in more community facilities and enhance the transport infrastructure to resolve the traffic congestion. The living environment for those living in the squatters would be improved; and



- (v) the BH of the proposed hotel development was compatible with the surroundings;
  
- (k) the main views of the opposing comments were summarised below:
  - (i) the proposed hotel development involved substantial portion of government land. Approval of this application would lead to suspicion of collusion between the Government and the private developer. It would set an undesirable precedent of loss of substantial government land to facilitate a private development;
  
  - (ii) the proposed rezoning was a departure from the planning intention of “O” zone. Hotel use was also incompatible with the residential development in the area;
  
  - (iii) the proposed hotel development would bring along glare/noise nuisance and security problems. More than 10 trees would be affected causing damage to the ecological environment. The proposed development located along the visual and wind corridors would have adverse impact on visual quality and air ventilation;
  
  - (iv) the shop and services uses in the shopping centre of Laguna City could not support the proposed hotel development;
  
  - (v) Wing Fook Street and Cha Kwo Ling (CKL) Road were already very busy and could not cope with the traffic/pedestrian flow and the loading/unloading activities of the proposed hotel development. The public transport facilities had reached their capacities and could not cope with the extra demand generated from the proposed development. The narrow footpath of CKL Road also could not cater for hotel visitors carrying luggage and would affect the safety of children from nearby kindergartens;
  
  - (vi) the hotel developer should bear the cost for the road/junctions

improvement works;

- (vii) the proposed POS was inconvenient to the public, and the open space requirements set out in the Hong Kong Planning Standards and Guidelines (HKPSG) might not be met if the planned POS at the Site was lost;
- (viii) approval of this application would set an undesirable precedent leading to cumulative loss of open space and deteriorating residents' living quality; and
- (ix) the supportive comments were collected in an improper manner, i.e. the supporters were consulted on the traffic improvement and open space provision without being informed of the proposed hotel development;

PlanD's views

- (1) PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:

*Implementability of the proposed development scheme*

- (i) the proposed hotel development and the road widening works involved substantial government land. There was neither strong justification nor planning merits for allocating a substantial portion of government land, which was intended for POS use, for a private development project. Furthermore, despite the applicant had notified the landowners of the private lots and claimed that initial agreement had already been made with the existing squatters' occupants for the implementation of the proposed development, no evidence on such agreement had been submitted. In gist, there was great uncertainty in the implementability of the proposed development. The approval of this application would set an

undesirable precedent for similar applications which would lead to substantial loss of government land reserved for public use;

*Indicative hotel-cum-POS scheme*

- (ii) as hotel use would be always permitted in the proposed “OU(POS and Hotel” zone, some of the design features proposed by the applicant might not be controlled under the proposed zoning;

*Planning intention of the area*

- (iii) the Site was located within a residential neighbourhood. It was intended for recreational use serving the needs of local residents, as well as a visual/air ventilation relief in the medium to high-density residential block cluster. As mentioned above, the Site was once rezoned to “R(A)” but was reverted to “O” by OHC. Since there was no change in planning circumstances, strong justification should be provided for a departure from the OHC’s decision;

*Land use compatibility*

- (iv) the Site fell within a pure residential neighbourhood. It was not close to any major transport nodes or tourist spots. There were also no planning and design merits to justify the proposed hotel use at the Site;

*Provision of open space versus hotel*

- (v) the entire “O” zone would be taken up by the proposed hotel development. With a total loss of 1,617m<sup>2</sup>, only 600m<sup>2</sup> of POS would be provided as a compensation which was far below the original size of the planned POS. Despite there was a surplus of open space in the subject Outline Zoning Plan (OZP) area and currently no programme for the planned POS development at the

Site, the “O” zone was intended for recreational use and visual/air ventilation relief. Moreover, no approval had been given to similar application and the approval of this application would set an undesirable precedent which would result in cumulative loss of the “O” zones;

*Traffic aspect*

- (vi) the road/junctions improvement works proposed by the applicant were critical to the feasibility of the proposed hotel use. C for T and D of Hy considered that the proposed hotel development would only be technically acceptable if the proposed road/junctions improvement works would be implemented. There was also no mechanism under the planning system to ensure that the applicant would implement the proposed road/junctions improvement works, which were outside the Site. DLO/KE advised that there was no guarantee for imposing the requirement of the improvement works outside the Site under lease, and C for T and D of Hy had indicated that they would not take up the improvement works;

*Design of the open space and landscape*

- (vii) a substantial portion of the proposed POS was being sandwiched between G/F and 2/F. Column structures and the lift core of the hotel building resulted in small fragmented open space pockets. Moreover, the public from CKL Road had to take a lift or walk up a long staircase while those from the back lane of Laguna City would need to walk through a ramp to reach the proposed POS. This would undermine the accessibility and public enjoyment of the proposed POS. CTP/UD&L, PlanD also had reservation on the proposed rezoning from landscape planning perspective;

*Urban design and air ventilation*

- (viii) for the air ventilation aspect, the proposed mitigation measures by the applicant could not significantly enhance the pedestrian wind environment. Both CA/CMD2, ArchSD and CTP/UD&L, PlanD also had concerns on the visual impact of the proposed hotel development; and

*Public comments*

- (ix) regarding the public concerns on the land use compatibility, open space provision, adverse traffic, air ventilation and visual impacts arising from the proposed hotel development as well as the HKPSG requirement for open space, the assessments above and in paragraph 11 of the Paper were relevant. As for the environmental concern, the Director of Environmental Protection had no adverse comments on the proposed hotel use. The concern that some of the supportive comments were collected by improper manner was noted, but the focus of the planning assessment was on the substance of the supportive/opposing reasons.

[Ms Bonnie J.Y. Chan and Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

9. Upon the invitation of the Chairman to make a presentation, Ms Theresa Yeung, the applicant's representative, made the following main points:

- (a) the Site had been zoned "O" since 2000. In the past 14 years, there was no development plan for the planned POS. The Site was currently a squatter area which did not reflect the planning intention of the "O" zone. The living environment of the squatter area was poor;
- (b) there was a surplus of open space provision in the area and it was difficult to implement the planned POS at the Site as resumption of private land and resettlement of the existing squatters' occupants would be required. The

Site, located in Kowloon East, was a valuable land resource and should be rezoned to uses that could facilitate tourism development and the local economy in the area;

- (c) the proposed hotel development would be able to provide a POS and other facilities such as retail shops, coffee shop and restaurants to the local community. Apart from the provision of a POS at 1/F, it could also provide a barrier-free pedestrian access with lift and ramp between CKL Road and Sin Fat Road. Since the “O” zone had never been implemented, the proposed rezoning could help provide an additional of 600m<sup>2</sup> POS;
- (d) the proposed hotel development could serve as a catalyst for urban transformation as it could help improve the safety and hygienic conditions of the area. It could also mobilise private resources to phase out existing squatter structures and reduce Government’s time and cost in land clearance. Most importantly, the proposed rezoning could realise the POS for the benefits of the community and was indeed in line with Government’s policy on land use review to convert the undeveloped “O” zones to other uses that would meet the more pressing needs of the community;
- (e) taking into account the “Assessment Report on Hong Kong’s Capacity to Receive Tourists” conducted by the Commerce and Economic Development Bureau, it was anticipated that there would be around 100 million visitors by 2023. In view of this, the proposed hotel development, supported by C for Tourism, could increase the number of hotel rooms, broaden the range of accommodations for the visitors, and support the rapid development of convention and exhibition, tourism and hotel industries;
- (f) there were good precedent cases for rezoning “O” zones for other uses. A total of 16 “O” sites were either rezoned or would be rezoned for housing developments in the coming five years (i.e. from 2014/15 – 2018/19), comprising 11 sites for public housing development and 5 sites for private housing development;

- (g) a list of consideration factors was derived from the precedent cases and the proposed hotel development was able to meet all these factors, including there was a surplus of open space of 4ha; no existing/planned government, institution and community facilities (GIC) would be affected; compensatory trees would be made for any affected trees; the proposed BH was compatible with the adjoining developments; and lease conditions could be imposed to enforce tree proposal and road/junctions improvement works; and
  
- (h) apart from the above justifications, PlanD's concerns on the proposed hotel development had been resolved, i.e. agreement letters from the owners of the private lots on the proposed hotel development had been obtained; concerned government departments had no adverse comment on the visual and air ventilation aspects; the requirement for the developer to design and implement road/junctions improvement works could be included in the lease conditions; and additional remarks could be included in the Notes of the OZP to specify that the submission of road/junction improvement proposals to relevant government departments for approval prior to the submission of building plans.

[Mr Clarence W.C. Leung left the meeting temporarily at this point.]

#### Open Space Programme

10. A Member enquired whether other government departments apart from the Leisure and Cultural Services Department (LCSD) had any development programme for the Site. In response, Mr Tom C.K. Yip, DPO/K said that since the Site was zoned "O" and LCSD had no development plan at the moment, there should be no programme for the POS development and demolition of the squatter structures yet.

11. A Member enquired if there was any existing POS within walking distance from the Site and why there was no development programme for the planned POS since the Site was considered suitable for POS development. In response, Mr Yip said that there was only one POS located to the south of the Site and there were a temporary soccer pitch and several

planned POS in the Kai Tak area across Wai Yip Street. As for the development programme for the planned POS, Mr Yip explained that it was subject to priority of work and resources allocation of the relevant government department.

### Squatter

12. The Chairman asked whether the squatter structures were straddling both private and government land. Mr Yip responded that the structures were situated partly on private land and partly on government land.

13. A Member asked the applicant to provide more details on the relocation arrangement for the existing squatters' occupants. Ms Theresa Yeung said that the compensation and resettlement arrangement had been agreed between the applicant and the occupants.

### Precedent Rezoning Cases

14. A Member asked if the land use review mentioned in the Policy Address was led by the Government or by the private sector and whether PlanD agreed with the list of consideration factors for rezoning "O" and "Green Belt" zones presented by the applicant.

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

15. In response, Mr Yip said that the land use review was conducted by the Government to rezone sites where the original intended use was no longer required for housing development, provided that there would be no adverse impacts on various aspects such as visual and traffic. Regarding the precedent cases presented by the applicant, Mr Yip said that the approval of each case would have to take into account the role and function of the concerned zonings at the local and district context, and whether the rezoning proposal was compatible with the surrounding developments and would generate adverse impacts. It would not be appropriate to simply use several precedent cases in other districts to justify the feasibility and suitability of the subject rezoning application. Apart from the list of consideration factors presented by the applicant, it was also necessary to consider the need of retaining the Site as an "O" zone from the district planning perspective. Mr Yip further said



that the Site was located in a predominantly residential neighbourhood and its major function was to provide a local open space to serve the nearby residents living in the tenement buildings at CKL Road. The Site also served as visual and spatial reliefs in the area when it was reverted back to “O” zone in 2000. Any hotel development at the Site would affect the planned POS for the nearby residents.

16. The Chairman asked whether the Site was one of the potential housing sites identified by the Government for the coming five years (i.e. 2014/15 to 2018/19). In response, Mr Yip said that the Site was not included.

17. A Member asked the applicant’s representatives about the implementation programme of the 16 “O” sites identified for housing development as mentioned in their presentation and whether any of these “O” sites were eventually rezoned for uses other than housing. In response, Ms Yeung said that according to the 2014 Policy Address, the Government intended to review and rezone land for uses that met the more pressing needs of the community apart from housing. As for the implementation programme of the 16 “O” sites, they were either rezoned or would be rezoned in the coming five years (i.e. from 2014/15 – 2018/19). The Member further asked whether hotel use was one of the pressing needs of the community. In response, Mr Yip said that housing was identified as the top priority while office and hotel uses were also important. Nevertheless, whether the location of the Site was suitable for hotel use was a crucial factor for consideration.

#### Suitable Location for Hotel Development

18. The Chairman asked for the locations of the hotel applications in the area previously approved by the Committee and whether the Site was a suitable location for hotel development. Mr Yip, with the aid of the visualiser, said that several approved hotel applications were located at the Kwun Tong Business Area, which was in close proximity to the MTR stations and was currently under transformation with increasing provision of commercial facilities. Another four hotels were proposed in the approved master layout plan of the Yau Tong Bay “Comprehensive Development Area” zone which was near the Lei Yue Mun tourist area. As for whether the Site was a suitable location for hotel development, Mr Yip reiterated that the Site was located in a predominantly residential neighbourhood and surrounded by Laguna City, tenement buildings and the CKL Village. It was also not

adjacent to any MTR stations and tourist attractions. The Site also served as visual and spatial reliefs in the area. As such, the Site was considered not a suitable location for hotel use.

### Proposed Open Space

19. Mr Yip pointed out that according to the Notes of the OZP, the planning intention of the “O” zone was to provide outdoor open-air public space while the HKPSG also stated that an open space should be easily accessible and able to provide open-air outdoor recreation to the local community. Nevertheless, the design and accessibility of the proposed POS in the applicant’s hotel proposal was considered undesirable in that more than half of the proposed POS was covered and there were column structures of the hotel in between dividing the POS into small fragmented open space pockets. There was also no direct access to the proposed POS at the street level and the nearby residents could only access the proposed POS through either the ramp or the lift.

20. A Member asked the applicant’s representatives to explain the reasons of putting the proposed POS at 1/F instead of G/F. In response, Mr Simon Leung said that the current pedestrian usage of the existing staircase leading to the back lane behind Laguna City (Phase 3) was quite high. The proposed POS could replace the existing staircase to provide a more convenient barrier-free access connecting the back lane to CKL Road. Given the Site was small in area and the need to provide loading/unloading area for coaches and light good vehicles, there would not be sufficient space for the provision of POS at G/F. Ms Yeung supplemented that the applicant was willing to investigate the feasibility of putting the proposed POS at G/F by modifying the design of the proposed hotel development if the Committee considered it was necessary.

21. In response to the Chairman’s question, Mr Yip said that the usage of the back lane was low as residents living in Laguna City would normally choose to walk along CKL Road. Mr Siu Lung Ng, the applicant’s representative, supplemented that the back lane was connected with Sin Fat Road leading to Lam Tin MTR Station and therefore it was mainly used by residents living in the tenement buildings and the CKL Village instead of those living in Laguna City. Since the MTR station was located quite far away, the proposed POS would serve as a resting area for pedestrians walking to/from the MTR station.

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

[The meeting was adjourned for a break of five minutes.]

### Deliberation Session

23. The Chairman noted that a considerable number of public comments on this application were received and there were concerns that some of the supportive comments might be collected by improper manner. He considered that the public comment was only one of the factors to be considered and it was the substance, not the number, of public comments that counted.

24. A Member enquired the reasons of not including the Site as one of the potential sites to be rezoned for housing. The Chairman said that, as explained by DPO/K, the Site served as a breathing space for the residential neighbourhood, and therefore neither hotel nor any commercial uses was considered suitable for the Site. The Member raised concern on the under-utilisation of the Site as it had been left vacant for 14 years and there was still no development programme for the planned POS. Another Member concurred with this view and said that as the proposed POS in the applicant's proposal would be open to the public, it could bring some benefits to the community. In response, the Chairman said that the suitability of rezoning the Site for hotel use should also be considered.

25. Since five of the 16 "O" sites mentioned in the applicant's presentation were for private housing development, a Member asked whether private developers could take an initiative to rezone sites for private development. In response, the Chairman said that all the rezoning cases conducted under the land use review were led by the Government, and sites that proposed for private housing development would be disposed of through public tender. As regards whether the private developers could take an initiative on rezoning, he said that under the current planning mechanism, the private developers could apply for rezoning

through s.12A application or apply for any Column 2 uses through s.16 application.

26. Some members did not support the rezoning as the Site should be reserved as “O” zone to provide a breathing space in the congested urban environment. Nevertheless, Members considered that the Site should not be left vacant. A Member said that since the Site was a planned POS which was to serve public interest, rezoning it for commercial uses would require careful consideration. Even if the application was to be approved, ‘Hotel’ use should be put under Column 2 to ensure appropriate planning control of the design and development parameters of the proposed hotel development through the planning application mechanism. To address the implementation of the POS, the Member suggested to explore the possibility of enhancing the connection of the Site with the future POS developments in Kai Tak.

27. Referring to paragraph 4 of the Paper on planning history of the Site, the Secretary said that the Site together with its adjoining CKL Village and the ex-CKL Kaolin Mine site was rezoned to “R(A)” in 1998 but 70 objections were received from Laguna City residents. Having considered the objections, the Objection Hearing Committee agreed to rezone the Site and its adjoining area to “O”. The subject “O” zone had been shown on the OZP since 2000.

28. In response to the Chairman’s question, Ms Doris M.Y. Chow, Assistant Director (Regional 1), LandsD, said that the implementation of the proposed road/junctions improvement works, which were located outside the Site, could not be guaranteed under the lease for the proposed hotel development.

[Mr Frankie W.C. Yeung left the meeting temporarily at this point.]

29. The Chairman concluded and Members agreed that this application was not supported. As for the rejection reasons as stated in paragraph 12 of the Paper, Members considered that reason (a) which was on the implementability of the proposed development scheme might not be relevant as the applicant claimed that he had already obtained the consent of other private lot owners. More emphasis should be placed on reason (b) while reason (c) should be suitably revised.

30. After further deliberation, the Committee decided not to agree to the application.

The reasons were:

- “(a) the “Open Space” (“O”) zone is intended for the provision of outdoor open-air public space serving the needs of local residents and the general public as well as provision of visual and spatial reliefs between the adjoining medium to high-density residential developments. The proposed rezoning of the site from “O” to “Other Specified Uses” annotated “Public Open Space and Hotel” will result in a reduction in the open space provision and a loss of visual relief and breathing space for the surrounding area. There is neither strong justifications nor planning merits in the rezoning proposal, taking into account the planning history of the site;
- (b) the applicant has not demonstrated that an effective mechanism could be put in place to ensure the implementation of the road/junctions improvement works, as proposed by the applicant, outside the application site for the hotel development; and
- (c) the approval of the rezoning application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications may lead to substantial loss of open space in the area and government land for private development projects.”

[Mr Frankie W.C. Yeung returned to join the meeting and Mr Laurence L.J. Li left the meeting at this point.]

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/K1/245                      Proposed Hotel and Minor Relaxation of Plot Ratio in “Residential (Group A)” zone, Nos. 9 - 13 Kwun Chung Street, Kowloon  
(MPC Paper No. A/K1/245)

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**Presentation and Question Sessions**

31.            The Secretary reported that on 23.9.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. 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 Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/757                      Shop and Services in “Other Specified Uses” annotated “Business(2)” zone, Workshop C7, G/F, Block C, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon  
(MPC Paper No.A/K5/757)

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33.                      The Secretary reported that Lawson David & Sung Surveyors Ltd. (Lawson) was the consultant of the applicant. Ms Bonnie J.Y. Chan had declared interests in this item as Ms Chan had current business dealings with Lawson. Members noted that Ms Chan had no involvement in this application and agreed that she could stay in the meeting.

**Presentation and Question Sessions**

34.                      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;
- (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, no public comment was received. No local objection 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 set out in paragraph 11 of the Paper. The ‘Shop and Services’ use under application complied with the Town Planning Board Guidelines for Development within “Other Specified Uses”

annotated “Business” Zone (TPB PG-No. 22D).

35. Members had no question on the application.

[Ms Bonnie J.Y. Chan left the meeting temporarily at this point.]

#### 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 was subject to the following conditions:

- “(a) the submission and implementation of the proposal for fire safety measures, including the provision of fire service installations and equipment in the application premises and means of escape completely separated from the industrial portion, within six month from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2015;
- (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.”

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

- “(a) prior planning permission should have been obtained before commencing the development at the application 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 application premises in accordance with the Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (ii) the application 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 FS Code; and
- (iii) access and facilities for persons with a disability should be provided in accordance with the 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.]

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting]

A/K5/758                      Shop and Services (Real Estate Agency) in “Other Specified Uses” annotated “Business(2)” zone, G/F, 790 Cheung Sha Wan Road, Kowloon  
(MPC Paper No. A/K5/758)

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### **Presentation and Question Sessions**

38.            The Secretary reported that on 26.9.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare a supplementary document relating to fire safety matters in support of the application. This was the first time that the applicant requested for deferment.

39. 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.

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/KC/417                      Proposed Office in "Industrial" zone, Workshop Unit 8 on 11/F, Block B, Gold Way Industrial Centre, 16-20 Wing Kin Road, Kwai Chung, New Territories  
(MPC Paper No. A/KC/417)

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

40. The Secretary reported that Mr Clarence W.C. Leung had declared an interest in this item as he owned an office in Kwai Chung. Members noted that the applicant had requested for deferment of consideration of the application and Mr Leung's property did not have a direct view of this Site. Members agreed that he could stay in the meeting.

41. The Secretary reported that on 3.10.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare reports and responses to the comments raised by the Environmental Protection Department and the Fire Services Department. This was the first time that the applicant requested for deferment.

42. 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 William K.C. Ying, Town Planner/Tsuen Wan and West Kowloon (TP/TWK), was invited to the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/418                      Proposed Shop and Services in "Industrial" zone, Unit B5, Ground Floor,  
Mai Wah Industrial Building, 1-7 Wah Sing Street, Kwai Chung, New  
Territories  
  
(MPC Paper No. A/KC/418)

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43.            The Secretary reported that Mr Clarence W.C. Leung had declared an interest in this item as he owned an office in Kwai Chung. Members noted that Mr Leung's property did not have a direct view of this Site and agreed that he could stay in the meeting.

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

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

44.            With the aid of a PowerPoint presentation, Mr William K.C. Ying, TP/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;
- (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. The Mai Wah Industrial Building Owners' Concern Group objected to the application mainly on the grounds that the proposed shop and services use breached the Deed of Mutual Covenant (DMC) of the subject industrial building. No local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed 'Shop and Services' use complied with the Town Planning Board Guidelines for Use/Development within "Industrial" Zone (TPB PG-No. 25D). In order not to jeopardise the long term planning intention of industrial use for the application premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended. Regarding the public comment raising concern on matters related to the DMC, the applicant was advised to seek their own legal advice to resolve the dispute with other owners of the lot under the DMC.

45. Members had no question on the application.

#### Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 17.10.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of the proposal for fire safety measures, including fire

service installations and equipment and a means of escape completely separated from the industrial portion of the application industrial building within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2015;

- (b) the implementation of the proposal for fire safety measures, including fire service installations and equipment and a means of escape completely separated from the industrial portion of the application industrial building within 9 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015; and
- (c) if the above planning conditions (a) or (b) are 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.”

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

- “(a) a temporary approval of three years is given in order to allow the Metro Planning Committee of the TPB to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area in order to ensure that the long term planning intention of industrial use for the application premises will not be jeopardized;
- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) that legal advice should be sought by the applicant to resolve the dispute with other owners of the lot under the Deed of Mutual Covenant ;
- (c) to note the comments of the DLO/TW&KT, LandsD that if the application is approved by the TPB, the owner should apply to his office for a modification/temporary waiver for the shop and services use. 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 waiver fee and

administrative fee as may be approved by LandsD;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the application premises should be separated from the remainder of the building with fire resistance rating of not less than 120 minutes and under the Buildings Ordinance (BO) section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those stipulated in BO section 41; and this planning approval should not be construed as an acceptance of any unauthorized building works at the application premises and BD reserves a right for enforcement action under BO;
- (e) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans and the applicant is reminded to comply with the Code of Practice for Fire Safety in Buildings which is administered by the Building Authority; and
- (f) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises'."

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

[Ms Bonnie J.Y. Chan returned to join the meeting and Mr Clarence W.C. Leung 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.]

## Hong Kong District

### Agenda Item 9

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the Approved Shau Kei Wan Outline Zoning Plan No. S/H9/16

(MPC Paper No.16/14)

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#### Presentation and Question Sessions

48. With the aid of a PowerPoint presentation, Miss Josephine Y.M. Lo, STP/HK, presented the proposed amendments as detailed in the Paper and covered the following main points:

##### *The Proposed Amendments*

- (a) the proposed amendments were mainly for the rezoning of a site (1,240m<sup>2</sup>) at A Kung Ngam Village Road (the Site) from “Other Specified Uses” annotated “Business” (“OU(B)”) to “OU(B)1” with the stipulation of a building height (BH) restriction of 80mPD (**Amendment Item A**);

##### *The Site and its Surroundings*

- (b) the Site was located within the A Kung Ngam Industrial Area (AKNIA) at the eastern part of Shau Kei Wan. All industrial sites within the AKNIA, including the Site, were rezoned from “Industrial” to “OU(B)” on the draft Shau Kei Wan Outline Zoning Plan (OZP) No. S/H9/11 gazetted on 8.2.2002;
- (c) the Site was previously occupied by an 8-storey industrial building and was now vacant. It was surrounded by a mix of commercial and industrial buildings, Government, institution or community uses and open spaces;

Background of the Proposed Amendments

- (d) On 23.5.2014, the Metro Planning Committee (MPC) considered a s.12A application (No. Y/H9/3) submitted by the Hong Kong Sanatorium & Hospital (HKSH). The applicant sought permission to rezone the Site from “OU(B)” to “Government, Institution or Community” to facilitate the development of HKSH Eastern District Advanced Medical Centre (AMC);
- (e) the proposed AMC would be a 23-storey building with a plot ratio (PR) of not more than 12 and a BH of not more than 80mPD. It would provide a maximum of 100 hospital beds and facilities/services including 24-hour outpatient services, ambulatory care, primary care, cancer care, diagnostic radiology, speciality and oncology clinics, chemotherapy, multi-modality radiation therapy, proton therapy, surgical operating theatres, a pharmacy, a laboratory and other essential clinical support services;
- (f) Members of the MPC were in general in support of the hospital development at the Site. Nevertheless, there was discussion on the appropriate zoning for the Site and whether ‘Hospital’ use should be put under Column 1 or Column 2. After deliberation, the MPC decided to partially agree to the application by rezoning the Site from “OU(B)” to “OU(B)1” with ‘Hospital’ as a Column 2 use so as to facilitate HKSH’s proposal and at the same time, to ensure appropriate planning control of the proposed development could be imposed through the planning application mechanism;

Proposed Zoning and Notes for the Site

- (g) it was proposed to rezone the Site from “OU(B)” to “OU(B)1”, with incorporation of ‘Hospital’ as a Column 2 use;
- (h) the current development restrictions for the “OU(B)” zone (i.e. maximum non-domestic PR of 12 and a maximum BH of 80mPD) were applicable to the “OU(B)1” zone;



Departmental Comments

- (i) the Secretary of Food and Health gave in-principle policy support to the proposed hospital development;
- (j) the Director of Health would regulate private hospitals via registration in accordance with the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165);
- (k) other concerned government departments had no objection to or no adverse comment on the proposed hospital development; and

[Mr Wilton W.T. Fok left the meeting at this point.]

Public Consultation

- (l) HKSH had consulted the Community Building and Services Committee and the Planning, Works and Housing Committee of Eastern District Council on 10.10.2013. While members generally supported the proposed AMC which would ease the pressure on the medical services of Pamela Youde Nethersole Eastern Hospital, they raised concern on pricing, clinical wastes, radiation impact and traffic impact.

49. Members had no question on the proposed amendments.

50. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Shau Kei Wan OZP No. S/H9/16 and that the Amendment Plan No. S/H9/16A at Attachment II(A) of the MPC Paper (to be renumbered to S/H9/17 upon exhibition) and its Notes at Attachment II(B) of the MPC Paper were suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised ES at Attachment II(C) of the MPC Paper for the draft

Shau Kei Wan OZP No. S/H9/16A as an expression of the planning intentions and objectives of the TPB for various land use zonings of the OZP and the revised ES would be published together with the OZP.

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

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

### **Agenda Item 10**

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

[Open Meeting]

A/H5/402 Proposed Hotel in "Residential (Group A)" zone, 209-219 Wan Chai Road, Wan Chai, Hong Kong  
(MPC Paper No.A/H5/402)

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

51. The Secretary reported that the following Members had declared interests in this item:

- |                                 |   |  |
|---------------------------------|---|--|
| Mr Patrick H.T. Lau             | - | having current business dealings with Lanbase Surveyors Ltd. which is the consultant of the applicant; |
| Mr. K.K. Ling<br>(The Chairman) | - | co-owning with his spouse a residential property in Wan Chai;  |
| Mr Stephen Yau                  | - | owning an office in Wan Chai;  |
| Ms Julia M.K. Lau               | - | owning two residential properties in Wan Chai; and   |
| Mr Laurence L.J. Li             | ] | owning a residential property in Wan Chai.   |
| Mr Clarence W.C. Leung          | ] |  |

52. Members noted that Ms Lau had tendered apologies for being unable to attend the meeting, and Mr Li, Mr Lau and Mr Leung had already left the meeting. Members also noted that the applicant had requested for deferment of consideration of the application and that the properties of the Chairman and his spouse, and Mr Yau did not have a direct view of this Site. Members agreed that they could stay in the meeting.

53. The Secretary reported that on 23.9.2014 and 25.9.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information, including Traffic Impact Assessment and photomontages, to address comments from relevant government departments. This was the second time that the applicant requested for deferment.

54. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 no 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 further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

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

**Kowloon District**

**Agenda Items 11 and 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/293 Proposed Shop and Services (Retail Shops) in “Other Specified Uses” annotated “Business” zone, Workshop No.6 on Ground Floor, Wing Fat Industrial Building, No.12 Wang Tai Road, Kowloon Bay, Kowloon  
(MPC Paper No. A/K13/293)

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A/K13/294 Proposed Shop and Services in “Other Specified Uses” annotated “Business” zone, Unit A, G/F, Unify Commercial-Industrial Building, 31 Tai Yip Street, Kwun Tong, Kowloon  
(MPC Paper No. A/K13/294)

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55. The Committee noted that the two applications were similar in nature and the Sites were located in proximity to each other and in the same land use zone (i.e. “Other Specified Uses” annotated “Business” (“OU(B)”). The Committee agreed that the applications should be considered together.

**Presentation and Question Sessions**

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

- (a) background to the applications;
- (b) the proposed shop and services (*for both applications while application No. A/K13/293 specified “Retail Shops” as the type of shop and services applied for*);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned government departments had no

objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory public inspection period of both applications, no public comment was received for application No. A/K13/293 while two public comments were received for application No. A/K13/294. Regarding the two public comments received, the Chairman of Kwun Tong Central Area Committee agreed to the application and a member of Kwun Tong District Council expressed his concern on the traffic impact of the proposed use. 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 applications based on the assessments set out in paragraph 11 of the Papers. The proposed 'Shop and Services' uses complied with the Town Planning Board Guidelines for Development within the "OU(B)" Zone (TPB PG-No. 22D). Regarding the public comment expressing concern on the traffic impact of the proposed use under application No. A/K13/294, the Commission for Transport advised that the anticipated traffic impact was minimal and had no adverse comment on the application.

57. A Member enquired on the type of shop and services applied for under application No. A/K13/294. In response, Mr Richard Y.L. Siu, STP/K, said that it was not specified in the application.

#### Deliberation Session

58. After deliberation, the Committee decided to approve the two applications, each on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.10.2016, 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 of each of the applications was subject to the following conditions:

- “(a) the submission and implementation of the proposal for fire safety measures,

including the provision of means of escape completely separated from the industrial portion and fire service installations in the application premises, before 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 operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to apply to the District Lands Officer/Kowloon East, Lands Department for temporary waiver or lease modification for the shop and services use at the application premises;
- (b) 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 (BA) and draw attention to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to appoint an Authorized Person to ensure that all building works/alterations and additions works/change of use are subject to compliance with the Buildings Ordinance (BO) and to appoint an Authorized Person to ensure any building works/alterations and additions works/change of use are in compliance with BO, including (but not limited to) the following:
  - (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 application 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 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 application premises under BO;
- (v) the applicant should draw attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers PNAP APP-47 that BA has no powers to give retrospective approval or consent for any UBW; and
- (vi) detailed comments under BO can only be formulated at the building plan submission stage.”

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

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/708            Private Club in “Other Specified Uses” annotated “Business” zone,  
Workshop No. 7 on 5th Floor and the Flat Roof Appurtenant Thereto,  
Hewlett Centre, No. 54 (formerly as Nos. 52-54) Hoi Yuen Road, Kwun  
Tong, Kowloon  
(MPC Paper No. A/K14/708)

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

60.            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 private club under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) raised objection to the application from fire safety point of view as the visitors would be exposed to fire risks which they would neither be aware of nor be prepared to face. The Chief Building Surveyor/Kowloon, Buildings Department had reservation on the application as D of FS did not support the application from fire safety point of view. The Director of Food and Environmental Hygiene had also advised that application for Place of Public Entertainment Licence for the private club required prior clearance from D of FS;
- (d) during the first three weeks of the statutory public inspection period, five public comments were received from individuals/companies in the subject building. They raised objection to/concern on the application mainly for the reasons that (i) the existing facilities of the subject building including fire prevention equipment, lightings, lifts etc., could not endure the



additional patronage generated from the private club and might result in safety problems; and (ii) such business would attract outsiders to the building, thereby causing security problem. No local objection was received by the District Officer (Kwun Tong); 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 'Private Club' use was not related to any industrial use in the subject industrial building. The users of the private club were occasional visitors and were not regular workers in the subject industrial building. D of FS had raised objection to the application from fire safety point of view as the visitors would be exposed to fire risks which they would neither be aware of nor be prepared to face. The 'Private Club' use was also not in line with the Town Planning Board Guidelines for Development within the "Other Specified Uses" annotated "Business" Zone (TPB PG-No. 22D) in that the fire safety concern had not been properly addressed. Regarding the public comments on fire safety issue, D of FS objected to the application and the assessments mentioned in paragraph 11 of the Paper were relevant. As for the public comment on security matters, it was a building management issue, rather than a planning consideration.

61. Members had no question on the application.

#### Deliberation Session

62. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the private club under application is considered not acceptable from fire safety point of view; and
- (b) the approval of the application would set an undesirable precedent for similar applications that would attract people who could be exposed to fire

risks which they would neither be aware of nor be prepared to face.”

[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 14**

**Any Other Business**

63. There being no other business, the meeting closed at 11.43 a.m..