

TOWN PLANNING BOARD

Minutes of 522nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 31.10.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Sunny L.K. Ho

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr Ken Y.K. Wong

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 Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Dominic K.K. Lam

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Town Planner/Town Planning Board
Miss Anny P.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 521st MPC Meeting held on 17.10.2014

[Open Meeting]

1. The draft minutes of the 521st MPC meeting held on 17.10.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

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

Tsuen Wan & West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/759 Shop and Services in “Other Specified Uses” annotated “Business 1” zone, Workshop C1 (Portion B), G/F, Fung Wah Factorial Building, 646, 648 and 648A Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/759)

Presentation and Question Sessions

3. 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;

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

- (b) the shop and services 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, no public comment was received 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 set out in paragraph 11 of the Paper. The development complied with the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” Zone (TPB PG-No. 22D).

4. Members had no question on the application.

Deliberation Session

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

- “ (a) the submission and implementation of fire safety measures, including the provision of fire service installations and equipment in the subject premises and means of escape completely separated from the industrial portion, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015; 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.”

6. 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 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/New Territories West, Buildings Department that no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the Buildings Ordinance, or fall within minor works under the Building (Minor Works) Regulation; and
- (d) to note the comments of the Director of Food and Environmental Hygiene for obtaining appropriate licence/permit from the Food and Environmental Hygiene Department.”

[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 4

Section 16 Application

[Open Meeting]

A/K5/760 Proposed Hotel in “Residential (Group A)6” zone, 344 & 346 Lai Chi
Kok Road, Cheung Sha Wan
(MPC Paper No. A/K5/760)

7. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. Members noted that the applicant had requested for deferment of consideration of the application and Mr Lau had not yet arrived at the meeting.

8. The Secretary reported that on 10.10.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information in response to the comments of relevant government departments. This was the first time that the applicant requested for deferment.

9. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Items 5, 6 and 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/419 Shop and Services in “Industrial” zone, Unit B3 on G/F, Mai Wah Industrial Building, 1-7 Wah Sing Street, Kwai Chung
(MPC Paper No. A/KC/419)

A/KC/420 Proposed Shop and Services in “Industrial” zone, Unit B6 on G/F, Mai Wah Industrial Building, 1-7 Wah Sing Street, Kwai Chung
(MPC Paper No. A/KC/420)

A/KC/422 Shop and Services in “Industrial” zone, Unit B4 on G/F, Mai Wah Industrial Building, 1-7 Wah Sing Street, Kwai Chung
(MPC Paper No. A/KC/422)

10. The Secretary reported that Mr Clarence W.C. Leung had declared an interest in these items as he owned an office in Kwai Chung. Members noted that Mr Leung had tendered apologies for being unable to attend the meeting.

11. The Committee noted that the three applications for Shop and Services were similar in nature and the application premises were located on the G/F of the same building (Mai Wah Industrial Building). The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

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

- (b) the shop and services under applications No. A/KC/419 and 422 and the proposed shop and services under application No. A/KC/420;
- (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 publication period, one public comment on each of the applications was received from the Mai Wah Industrial Building Owners' Concern Group, which objected to the applications mainly on the grounds that the shop and services use breached the Deed of Mutual Covenant (DMC) of the subject industrial building. 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 applications on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Papers. The shop and services use generally complied with the relevant considerations set out in 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 subject 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 for each of the applications. Regarding the public comment, the applicants were advised to seek their own legal advice to resolve the dispute with other owners of the lot under the DMC. For application No. A/KC/419, the premises was the subject of a previous application No. A/KC/412 approved with conditions by the Committee in 2013, which was revoked due to non-compliance with the approval condition on fire safety aspect. In this regard, a shorter compliance period was proposed to monitor the progress of compliance should the Committee decide to approve application No. A/KC/419.

13. Members had no question on the applications.

Deliberation Session

14. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 31.10.2017, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions was subject to the following conditions :

For Application No. A/KC/419 only

- “ (a) the submission of fire safety proposals, including the provision of fire service installations and equipment and means of escape completely separated from the industrial portion of the subject industrial building, within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.1.2015;
- (b) in relation to (a) above, the implementation of fire safety proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015; and
- (c) if any of the above planning conditions (a) or (b) 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.”

For Application No. A/KC/420 only

- “ (a) the submission of fire safety proposals, including the provision of fire service installations and equipment and means of escape completely separated from the industrial portion of the subject industrial building, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015;
- (b) in relation to (a) above, the implementation of fire safety proposals within 9 months from the date of the planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 31.7.2015; and

- (c) if any of the above planning conditions (a) or (b) 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.”

For Application No. A/KC/422 only

- “ (a) the submission and implementation of fire safety proposals, including the provision of fire service installations and equipment and means of escape completely separated from the industrial portion of the subject industrial building, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015; 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.”

15. The Committee also agreed to advise the applicant of each of the applications of the following:

For Application No. A/KC/419 only

- “ (a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) a temporary approval of three years is given in order to allow 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 subject premises will not be jeopardized;
- (c) shorter compliance periods are imposed in order to monitor the progress of

compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given by the TPB to any further application;

- (d) 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;
- (e) to note the comments of DLO/TW&KT, LandsD that the owner should apply to his office for a modification/temporary waiver for 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;
- (f) 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 Building Ordinance (BO) section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those stipulated in the BO section 41; and the planning approval should not be construed as an acceptance of any unauthorised building works at the subject site and BD reserves a right for enforcement action under the BO;
- (g) 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
- (h) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial

Premises’.”

For Applications No. A/KC/420 and 422 only

- “ (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 subject 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 DLO/TW&KT, LandsD that the owner should apply to his office for a modification/temporary waiver for 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 Building Ordinance (BO) section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those stipulated in the BO section 41; and the planning approval should not be construed as an acceptance of any unauthorised building works at the subject site and BD reserves a right for enforcement action under the 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'."

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/421 Shop and Services in "Other Specified Uses" annotated "Business" zone, Portion of Factory Unit 4, G/F including a toilet, South China Industrial Building, 1 Chun Pin Street, Kwai Chung
(MPC Paper No. A/KC/421)

16. 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 had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

17. 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 shop and services under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from the management company of the subject industrial building, which considered that the application would affect the overall integrity of the existing building and the applied use was irrelevant to the needs of the existing tenants, which might have public security implications or even hazardous to the existing tenants. 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 set out in paragraph 11 of the Paper. The applied use complied with the relevant considerations in the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” Zone (TPB PG-No. 22D). Regarding the public comment, the applied use was considered not incompatible with the uses of the subject industrial building and relevant government departments had no comment on the application.

18. Members had no question on the application.

Deliberation Session

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

- “ (a) the submission and implementation of fire safety proposals, including the provision of fire service installations and equipment and means of escape completely separated from the industrial portion of the subject industrial building, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015; 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.”

20. The Committee also agreed to advise the applicants 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/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that the owner should apply to his office for a modification/temporary waiver for 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;
- (c) 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 Building Ordinance (BO) section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those stipulated in the BO section 41; and the planning approval should not be construed as an acceptance of any unauthorised building works at the subject site and BD reserves a right for enforcement action under the BO;
- (d) 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 2011 which is administered by the Building Authority; and
- (e) to note the TPB’s ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial

Premises’.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/423 Proposed Shop and Services in “Other Specified Uses” annotated “Business” zone, Workshop Units B2,B3, B6, B7, B8, B9, B10, B11 and B12 (Portion of Unit B), G/F, Koon Wo Industrial Building, 63-75 Ta Chuen Ping Street, Kwai Chung
(MPC Paper No. A/KC/423)

21. 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 had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

22. Ms Fannie F.L. Hung, STP/TWK, said that there was a typo in the first page of the Paper. The lot number under Lease should read “s.s. 2 of Section E, Lot 277 in D.D. 444 and the Extension thereto; the Remaining Portion of Lot 277 in D.D. 444 and the Extension thereto”. With the aid of a PowerPoint presentation, Ms Hung then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) 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, five public comments were received from individual companies, which supported the

application as it would provide a variety of uses to support the industrial and commercial activities in the area and enhance competition. 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 set out in paragraph 11 of the Paper. The applied use complied with the relevant considerations in the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” Zone (TPB PG-No. 22D).

23. In response to the Vice-chairman's question on the current use of the unit on the ground floor behind the application premises, Ms Fannie F.L. Hung, STP/TWK, said that the mirror factory was still in operation.

Deliberation Session

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

- “ (a) the submission and implementation of fire safety proposals, including the provision of fire service installations and equipment and means of escape completely separated from the industrial portion of the subject industrial building within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2015; and
- (b) if the above planning condition is not complied with before the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

25. 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 subject premises;

- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that the owner should apply to his office for a lease modification/temporary waiver. 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;
- (c) 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 Building Ordinance (BO) section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those stipulated in the BO section 41; and the planning approval should not be construed as an acceptance of any unauthorised building works at the subject site and BD reserves a right for enforcement action under the BO;
- (d) 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
- (e) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

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

Hong Kong District

Agenda Item 10

Section 12A Application

[Open Meeting]

Y/H21/6 Application for Amendment to the Approved Quarry Bay Outline Zoning Plan No. S/H21/28, To rezone the application site from “Residential (Group A)” to “Commercial”, 15-19 and 21-39 Mansion Street, 842-850A and 852-858 King's Road, Quarry Bay
(MPC Paper No. Y/H21/6)

26. The Secretary reported that the application was submitted by Main Light Limited, which was a subsidiary of Henderson Land Development Co. Ltd. (HLD) with LLA Consultancy Ltd. (LLA) as one of the consultants of the applicant. The following Members had declared interests in this item :

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| Mr Roger K.H. Luk
(Vice-chairman) | - being a Member of the Council of the Chinese University of Hong Kong (CUHK) which received donation from a family member of the Chairman of HLD |
| Professor P.P. Ho | - being an employee of CUHK which received donation from a family member of the Chairman of HLD |
| Mr Clarence W.C. Leung | - being the Director of a non-government organisation which received donation from a family member of the Chairman of HLD |
| Dr Wilton W.T. Fok | - being an employee of the University of Hong Kong which received donation from a family member of the Chairman of HLD |

Mr Dominic K.K. Lam] having current business dealings with HLD and LLA

Mr Patrick H.T. Lau]

27. Members noted that Mr Leung, Dr Fok and Mr Lam had tendered apologies for being unable to attend the meeting. Members also noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Luk and Professor Ho who had no involvement in the application could stay in the meeting. Mr Lau who had current business dealings with HLD could also stay but should refrain from participating in the discussion.

28. The Secretary reported that on 10.10.2014, the applicant had requested for deferment of the consideration of the application for three months in order to allow time to address the comments of the Transport Department. This was the first time that the applicant requested for deferment. However, a deferment of two months, instead of three months as requested by the applicant was recommended to tally with the general practice as stated in Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33).

29. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 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 Tom C.K. Yip, District Planning Officer/Kowloon (DPO/K), and Ms S. H. Lam, Senior Town Planner/Kowloon (STP/K) were invited to the meeting at this point.]

Kowloon District

Agenda Item 11

[Open Meeting]

Proposed Amendments to the Approved Ho Man Tin Outline Zoning Plan No. S/K7/22
(MPC Paper No. 17/14)

30. The Secretary reported that the item involved proposed amendments to the Ho Man Tin Outline Zoning Plan (OZP) and one of the proposed amendment items was related to a site required for the proposed Mass Transit Railway (MTR) Ho Man Tin Station Entrance, as well as the incorporation of the authorised alignment of Shatin to Central Link (SCL). The following Members had declared interests in this item :

Mr W.B. Lee	-	being an assistant to the Commissioner
as the Assistant Commissioner for		for Transport, who is a Non-Executive
Transport (Urban), Transport Department		Director of MTR Corporation Limited

Mr Dominic K.K. Lam]	having current business dealings with
		MTR Corporation Limited

Mr Patrick H.T. Lau]	
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31. According to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed amendment items were only the subject of amendment to the OZP proposed by the Planning Department (PlanD), the interests of Mr Lee, Mr Lam and Mr Lau would only need to be recorded and they could stay in the meeting.

32. The Secretary reported that on 30.10.2014, the Secretary of the Board received a letter from DLA Piper Hong Kong (DLA), which was submitted on behalf of the Carmel Secondary School (“CSS”), expressing concerns on Amendment Item C of the OZP. The letter was tabled at the meeting for Members’ information.

Presentation and Question Sessions

33. With the aid of a PowerPoint presentation, Ms S. H. Lam, STP/K, presented the proposed amendments as detailed in the Paper and covered the following main points :

- (a) the proposed amendments were related to the rezoning of a site currently zoned “Open Space” (“O”) for private residential use (Item A); two sites to take forward the decision of the Metro Planning Committee (the Committee) on two section 12A planning applications (Items B and C); three sites to reflect a planned Mass Transit Railway (MTR) station entrance (Item D) and two completed developments (Items E and F); as well as to incorporate on the OZP the alignment of the MTR Shatin to Central Link (SCL);

Amendment Item A (about 0.91ha)

- (b) rezoning of a site at Sheung Shing Street from “O” to “Residential (Group B)3” (“R(B)3”) to facilitate the proposed private residential development. The site was being used by the Hong Kong Police Force for a vehicle detention pound which would be relocated to Sheung Yee Road, Kowloon Bay in mid 2015 and the Leisure and Cultural Services Department had no programme to develop open space facility at the site. A maximum plot ratio (PR) of 6 was proposed for the site which was compatible with the PRs of the existing and planned developments in the vicinity. A two-step building height (BH) restriction of 100mPD for the southern part of the site and 120mPD for the northern part was proposed to create a gradual height profile. Besides, a non-building area (NBA) of 15m was designated in the central part of the site. It was estimated that about 910 flats could be provided, accommodating an estimated population of about 2,300 persons;

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

- (c) the Transport Department considered that no significant traffic impact arising from the proposed development was anticipated. The

Environmental Protection Department had no adverse comment on the proposed residential development, but required the future developer to conduct noise impact assessment and sewerage impact assessment under the lease conditions;

Amendment Item B (about 0.22ha)

- (d) rezoning of a site at the junction of Sheung Shing Street and Fat Kwong Street from “O” to “Government, Institution or Community(2)” (“G/IC(2)”) to reflect the decision of the Committee on a section 12A application (No. Y/K7/10) submitted by the Open University Hong Kong (OUHK) for campus development. A maximum gross floor area (GFA) of 18,680m² with a BH of 86mPD and a landscaped open plaza of not less than 500m² at G/F was proposed;

Amendment Item C (about 1.2ha)

- (e) rezoning of an area at Chung Hau Street from “O” to “G/IC(3)” to reflect the decision of the Committee on a section 12A application (No. Y/K7/9) submitted by the Hong Kong Polytechnic University (PolyU) for a campus development with student hostel. A maximum GFA of 43,400m² and BH restrictions of 69mPD for the eastern part and 87mPD for the western part of the site were proposed. A NBA of 12m wide abutting the Carmel Secondary School to the west and a 25m-wide strip of land in the central part of the site was also proposed as a building gap with a maximum BH of 45mPD. The Notes for the “G/IC(3)” zone would also stipulate the provision of a landscaped open space of not less than 3,250m² within the site for public use, and the requirement for planning application for new development or redevelopment;

Amendment Item D (about 0.03ha)

- (f) rezoning of a site at Chung Hau Street from “Other Specified Uses” annotated “Kerosene Store” (“OU(Kerosene Store)”) to “OU(Railway Related Facilities)” with a BH restriction of one storey to reflect the planned use for the proposed Ho Man Tin MTR Station entrance;

Amendment Item E (about 0.43ha)

- (g) rezoning of a site at Chung Hau Street covering the existing OUHK campus development from “Residential (Group E)” to “G/IC” with a BH restriction of 100mPD to reflect the as-built development;

Amendment Item F (about 0.23ha)

- (h) rezoning of a site at Prince Edward Road West covering an existing residential development from “G/IC” to “R(B)” with a BH restriction of 80mPD, which was in line with the height band of 80mPD for the “R(B)” zone in the area;

Incorporation of the Authorised Alignment of SCL

- (i) the alignment of MTR SCL railway scheme, as authorised by the Chief Executive in Council on 27.3.2012 under the Railways Ordinance (Chapter 519), would be incorporated into the Plan; and

Public Consultation

- (j) the Kowloon City District Council (KCDC) was consulted on the proposed rezoning of the Sheung Shing Street site on 25.9.2014. Some KCDC members objected to the proposed private residential site at Sheung Shing Street (Amendment Item A) as it would aggravate the already congested traffic condition in the area. There were comments suggesting that the site be used for high-density public housing development or that the site be left as “O”. KCDC would be consulted again on the proposed amendments during the statutory exhibition period of the draft OZP.

34. Regarding the letter submitted by DLA relating to Amendment Item C, Mr Tom C.K. Yip, DPO/K, briefed Members on the background to the site and covered the following main points :

- (a) CSS was one of the commenters raising strong objection to the PolyU’s proposal when the Committee considered the s.12A application (No. Y/K7/9). The main concerns of CSS were that the proposed student hostel would generate noise which would affect the students of CSS, while

the activities carried out at CSS' playground would also create nuisances to the students in the PolyU's hostel. Besides, CSS was concerned that the proposed maximum BH of the PolyU's proposed development would have adverse visual and air ventilation impacts on CSS;

- (b) the Education Bureau and the Director of Environmental Protection (DEP) were consulted at that time and they had no objection to the application. To address the likely impacts on CSS, the applicant proposed to provide a building set back of 12m from the boundary of the school and a lower building height and open green decks to address the concerns on visual and air ventilation impacts. Furthermore, a 25m wide building gap (above +45mPD) at the central part of the site would be provided. In view of the above, while the Committee noted that the proposed development might affect the visual quality of the nearby area, it was agreed that planning application would be required for the proposed development under section 16 of the Town Planning Ordinance;
- (c) the letter submitted by DLA contended that the Committee's decisions "were improper, pre-emptive, illogical and unreasonable, which might also be subject to legal challenge", and requested the Committee to withhold the consideration of the proposed amendments pending the consultation between the local stakeholder (particularly CSS) and PolyU, and preparation of an acceptable development scheme by PolyU; and
- (d) it should be noted that any person, including CSS, could make representations upon the publication of proposed amendments to the draft OZP. Besides, planning permission for the development in site would be required and CSS could submit comments on the PolyU's proposed development scheme at the planning application stage.

35. In response to a Member's query on the BH of the PolyU site, Mr Tom C.K. Yip said that the mean street level of the site was about 30mPD to 50mPD and the proposed higher block of about 87mPD would be equivalent to about 18 storeys. With the aid of a photomontage shown at the visualiser, Mr Yip said that the 25m wide building gap of 45mPD at the central part of the site would be a podium deck of the academic block. The Chairman

noted that the main façade of CSS was not facing the PolyU's proposed development and Mr Yip said that both the main façade and the playground of CSS were facing Princess Margaret Road.

36. The Chairman summarised that, during the section 12A application stage, CSS had submitted comment on the application which had been thoroughly considered by the Committee when deciding to partially agree to the application. In the applicant's proposal, 'Educational Institution' was put under Column 1. The Committee however considered that the proposed development should be subject to planning approval so that the public, including CSS, could comment on the development scheme at the section 16 planning application stage. The Chairman reiterated that CSS could also submit representation during the exhibition period of the draft OZP for the Board's consideration. CSS could therefore comment on the proposed development at two stages under the statutory planning procedures. Members generally agreed to Amendment Item C.

37. For Amendment Item A, a Member enquired about the possibility of preserving the existing trees at the Sheung Shing Street site. Mr Tom C.K. Yip said that the trees at the site were not registered Old and Valuable Trees or of rare species. However, the Lands Department would conduct a detailed tree survey for the site and a tree preservation clause would be included in the lease conditions to require the future developer to preserve the trees identified for preservation. Besides, the proposed NBA in the central part of the site could be used as an open area.

38. In response to another Member's question about the types of uses that could be accommodated within the NBA, Mr Tom C.K. Yip said that the NBA was proposed for enhancing air ventilation. Landscape features, boundary fence or boundary wall that was designed to allow high air porosity, and minor structure for footbridge connection or covered walkway might be allowed within the NBA. The permitted uses had been stipulated clearly in the Explanatory Statement.

39. Members generally agreed to the proposed amendments to the Ho Man Tin OZP.

40. After further deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/22A at Attachment I of the Paper (to be renumbered to S/K7/23 upon exhibition) and its Notes at Attachment II of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) for the draft Ho Man Tin OZP No. S/K7/22A at Attachment III of the Paper (to be renumbered to S/K7/23 upon exhibition) as an expression of the planning intentions and objectives of the Town Planning Board for various land use zonings on the OZP; and
- (c) agree that the revised ES at Attachment III of the Paper was suitable for exhibition together with the draft OZP.

[The Chairman thanked Mr Tom C.K. Yip, DPO/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/310 Proposed Temporary School (Kindergarten) for a Period of 3 Years in
"Residential (Group C) 4" zone, 31 Cambridge Road, Kowloon Tong
(MPC Paper No. A/K18/310A)

41. The Secretary reported that Lawson David & Sung Surveyors Ltd. (Lawson), Environ Hong Kong Ltd. (Environ) and LLA Consultancy Ltd. (LLA) were the consultants of the applicant. The following Members have declared interests in this item :

Ms Julia M.K. Lau - having current business dealings with Environ; her family members live in Waterloo Road; and being the Director of a company owning a property in Kowloon

Tong

- Mr Clarence W.C. Leung - currently lived in La Salle Road
- Mr Dominic K.K. Lam - having current business dealings with Environ and LLA
- Mr Patrick H.T. Lau - having current business dealings with LLA
- Ms Bonnie J.Y. Chan - having current business dealings with Lawson

42. Members noted that Mr Leung, Mr Lam and Ms Chan had tendered apologies for being unable to attend the meeting. Members also noted that Ms Lau and Mr Lau had no involvement in this application and Ms Lau's property did not have a direct view on the application site. Members agreed that they could stay in the meeting.

Presentation and Question Sessions

43. With the aid of a PowerPoint presentation, Ms S. H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary school (kindergarten) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) considered the traffic impact generated from the school operation would unlikely be significant. However, the three proposed laybys in tandem might create potential hazard to students. It was necessary for the school to deploy traffic attendant(s) to manage traffic operation to protect the students. The School Registration and Compliance Section of the Education Bureau suggested that the term of the planning permission, if approved, should tie in with the school year which usually ended in July or August so as to avoid school closure in the middle of the school year,

causing nuisance to pupils and parents;

- (d) during the first three weeks of the statutory publication period, 13 public comments were received including 11 comments supporting and two objecting. The 11 comments supporting the application mainly considered that the site was suitable for pre-schooling, the proposed school could help meet the demand for school places in Kowloon Tong area, and the proposed school being small in scale would not create adverse traffic impact on or inconvenience to the surrounding. The remaining two objections were mainly on the grounds that area was primarily a residential area and establishment of the kindergarten would result in traffic, safety and noise problems to the neighbours;
- (e) the District Officer (Kowloon City), Home Affairs Department advised that the local residents and the concerned Kowloon City District Council Members had all along been concerned about the traffic congestion problem in Kowloon Tong and advised the Committee to consider their views/comments gathered in the consultation exercise;
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. To address the concern of C for T on the proposed laybys, an advisory clause that the school should deploy traffic attendant(s) to manage traffic operation to protect the students was recommended. Considering the traffic impact generated from the kindergarten use, in particular during school peak hours on the residential area, the granting of a temporary permission to allow relevant departments to monitor the traffic condition was considered appropriate. Should the applicant apply for renewal of the planning permission after the approval period, the renewal application would be considered on individual merits taking into account the planning circumstances at the time of consideration including the traffic conditions and the traffic impact of the proposed kindergarten. Besides, it was suggested that the permission should be valid on a temporary basis for a period of 2 years and 10 months, instead of the applied 3 years, so as to tie in with the school term as recommended by the Secretary for Education.

Regarding the public comments on adverse traffic impact, pedestrian/students' safety and nuisances caused to the residents, relevant government departments had no objection to or no adverse comments on the application.

44. In response to the Chairman's question on similar applications in the area, Ms S. H. Lam, STP/K, referred to Plan A-1 of the Paper and said that there was no previous or similar application for kindergarten use to the east of Waterloo Road in recent years, except for the one granted to the site in 1991 which had already lapsed.

45. In response to a Member's question on the existing condition of the building under application, Ms S.H. Lam said that the building was currently vacant. It was previously used as an elderly home and the internal floor layout of the building might have been altered.

Deliberation Session

46. The Vice-chairman pointed out that in approving the application, it might trigger proliferation of kindergarten use in the area to the east of Waterloo Road. The potential adverse traffic impact on the surrounding areas should be carefully considered.

47. Referring to Plan A-2 of the Paper on the site plan, the Chairman said that the area to the east of Waterloo Road was a predominantly residential area with some previously approved non-residential uses, including schools and elderly home, in the vicinity. It was noted that there were previous approvals for non-residential uses at the site and there was no trend of proliferation of non-residential uses in this area. Should the application be approved, it should not be cited as a precedent for approving other non-residential uses in the area. Similar applications would need to be carefully assessed on their individual merits.

48. The Vice-chairman noted that as the area fell outside the Kowloon Tong Garden Estate, it was not subject to the requirements in the Town Planning Board Guidelines No. 23A for Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate under Section 16 of the Town Planning Ordinance (TPB PG-No. 23A) and would warrant a different consideration as compared with the area to the west of Waterloo Road. Considering that

permission for non-residential uses at the site had previously been granted and there were other non-residential uses in the area, special consideration could be given to approve the application. However, it should be emphasised that this application should not be regarded as a precedent for similar applications. With regard to the Vice-chairman's concern on the contingency plan for placement of pupils in case that the temporary planning permission, if granted, was not renewed, Members noted that an advisory clause was proposed in paragraph 11.2 (e) of the Paper.

49. In response to a Member's question on the planning intention for the area, the Chairman said that the site fell within a "Residential (Group C) 4" zone which was intended primarily for low-rise and low-density residential developments. However, flexibility was provided for non-residential uses under the planning application system. Since the Commissioner for Transport and the Commissioner of Police had not raised technical concerns on the traffic condition, there was no reason to reject the application based on traffic grounds.

50. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years and 10 months until 31.8.2017, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) the provision of loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB before the operation of the school;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB before the operation of the school;
- (c) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) if any of the above planning conditions (a) or (b) is not complied with before the operation of the school, the approval hereby given shall cease to have effect and shall on the same day be revoked without further notice.”

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

- “ (a) to note that any application for renewal of the planning permission will be considered on individual merits taking into account the planning circumstances at the time of consideration including the traffic conditions and the traffic impact of the proposed kindergarten, and there is no guarantee that the permission will be renewed;
- (b) to note the Commissioner for Transport’s request to provide traffic attendant(s) to supervise the operation and manoeuvring of school bus within the campus;
- (c) the approval of the application does not imply any compliance with the Buildings Ordinance and Regulations. The applicant should appoint an Authorised Person and a Registered Structural Engineer to submit building plans to the Buildings Department to demonstrate compliance with the Buildings Ordinance;
- (d) to consult the Education Bureau regarding the licensing requirements under the Education Ordinance Cap.279;
- (e) to submit a detailed contingency plan in case permission is not renewed after the approval period, when clearance from relevant government departments has been obtained and all necessary documents for school registration are in order. The plan should indicate the breakdowns of enrolment figures of each level of the proposed school and of vacant school places for each level provided by other schools to the Regional Education Office concerned for comments and consideration;
- (f) to apply to the District Lands Officer/Kowloon East, Lands Department (LandsD) for waiver of the lease restriction or lease modification for the proposed school, and for any additional and alteration works to the existing building. Such applications, if approved, will be subject to such terms and conditions including the payment of a waiver fee or a premium, as imposed by LandsD; and

(g) to note the comments from the Chief Town Planner/Urban Design and Landscape, Planning Department to maximize the greening opportunities.”

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

Agenda Item 13

Any Other Business

52. There being no other business, the meeting closed at 10:15 a.m..