

TOWN PLANNING BOARD

Minutes of 542nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 18.9.2015

Present

Director of Planning
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Ms Julia M.K. Lau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Assistant Commissioner for Transport (Urban), Transport Department
Mr W. L. Tang

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

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

Assistant Director (R1), Lands Department
Mr Simon S.W. Wang

Deputy Director of Planning/District
Ms Lily Y.M. Yam

Secretary

Absent with Apologies

Professor P.P. Ho

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

In Attendance

Chief Town Planner/Town Planning Board
Ms Doris S.Y. Ting

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

Agenda Item 1

Confirmation of the Draft Minutes of the 541st MPC Meeting held on 4.9.2015

[Open Meeting]

1. The draft minutes of the 541st MPC meeting held on 4.9.2015 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 16 Application

[Open Meeting]

A/K1/251 Proposed Minor Relaxation of Site Coverage Restriction for Permitted Place of Recreation, Sports or Culture Use in "Other Specified Uses" annotated "Sports & Recreation Clubs" Zone, Kowloon Cricket Club, Cox's Road, Tsim Sha Tsui
(MPC Paper No. A/K1/251)

3. The Secretary reported that Urbis Ltd. (Urbis) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. Mr Dominic K.K. Lam and Ms Julia M.K. Lau had declared interests in the item as Mr Lam had current business dealings with Urbis and Environ, and Ms Lau had current business dealings with Environ. As the applicant had requested for deferment of consideration of the application, and Mr Dominic K.K. Lam had no involvement in the application, the Committee agreed that Mr Lam could stay in the meeting. The Committee noted that Ms Julia M.K. Lau had not arrived to join the meeting yet.

4. The Committee noted that the applicant requested on 4.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the departmental comments. This was the applicant's first request for deferment.

5. 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 Ken Y.K. Wong arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/K3/567 Proposed Office and Minor Relaxation of Plot Ratio Restriction in "Residential (Group E)1" Zone and an area shown as 'Road', No. 25-29 Kok Cheung Street, Tai Kok Tsui
(MPC Paper No. A/K3/567)

6. The Secretary reported that Kenneth To & Associates Ltd. (KTA) was the consultant of the applicant. Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had declared interests in the item as they had current business dealings with KTA. Ms Bonnie J.Y. Chan had also declared an interest in the item as her father owned a few units in a property in Ash Street in Tai Kok Tsui. The applicant had requested for deferment of consideration of the application. As Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee

noted that Ms Bonnie J.Y. Chan had tendered apologies for being unable to attend the meeting.

7. The Committee noted that the applicant requested on 1.9.2015 for deferment of the consideration of the application for two months in order to allow time for the applicant to liaise with and address the comments of the Transport Department. This was the applicant's first request for deferment.

8. 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 M.L. Leung, 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/TW/473 Shop and Services in "Other Specified Uses" annotated "Business (1)"
Zone, Unit No. 3, G/F, One Midtown, No. 11 Hoi Shing Road, Tsuen
Wan
(MPC Paper No. A/TW/473)

Presentation and Question Sessions

9. With the aid of a PowerPoint presentation, Ms M.L. Leung, 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;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. It was suggested that no time clause for commencement of development was proposed as the 'Shop and Services' use under the application was already in operation. As the previous planning permission (Application No. A/TW/460) was revoked due to the applicant's failure to comply with the approval condition, a shorter compliance period was recommended in order to monitor closely the implementation of the condition.

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

10. In response to the Vice-Chairman's question, Ms M.L. Leung said that the premises was currently used as a property agency without valid planning permission. The applicant failed to comply with the approval condition on fire safety measures under the previous application No. A/TW/460 at the premises.

Deliberation Session

11. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- “(a) the submission of the proposal for fire safety measures, including the provision of the means of escape completely separated from the industrial portion and fire service installations in the application premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2015;
- (b) in relation to (a) above, the implementation of the proposal for fire safety measures within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016; 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.”

12. 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 that a shorter compliance period is granted in order to monitor the fulfilment of the approval condition. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the ‘Shop and Services’ use at the premises is in breach of the lease conditions of the two lots. The owner should apply to LandsD for a temporary waiver. The waiver 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 payment of waiver fee and administrative fee and such other terms as considered appropriate by the Government;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that his no in-principle objection stance under the Buildings Ordinance is subject to two exit doors open in the direction of exit to be provided to the existing Unit No. 3; and
- (e) to note the comments of the Director of Fire Services that, the applicant is advised to comply with the Code of Practice for Fire Safety in Buildings which is administered by BD, and take notice of the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises.”

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/TY/130 Renewal of Planning Approval for Proposed Temporary 'Concrete Batching Plant' Use for a Period of 5 Years in "Other Specified Uses" annotated "Boatyard and Marine-oriented Industrial Uses" Zone, Tsing Yi Town Lot 102 (Part), 98 Tam Kon Shan Road, Tsing Yi
(MPC Paper No. A/TY/130)

13. The Secretary reported that the application was submitted by Hong Kong Ferry (Holdings) Co. Ltd., which was a subsidiary of Henderson Land Development Co. Ltd. (HLD). Environ Hong Kong Ltd. (Environ), CKM Asia Ltd. (CKM) and Mott Connell Ltd. (MCL) were the consultants of the applicant. The following Members had declared interests in the item:

- Mr Patrick H.T. Lau - having current business dealings with HLD;
- Mr Dominic K.K. Lam - having current business dealings with HLD, Environ and MCL;
- Mr Roger K.H. Luk - being a Member of the Council of the Chinese University of Hong Kong (CUHK) which had 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 had received donation from a family member of the Chairman of HLD;
- Professor P.P. Ho - being an employee of CUHK which had received donation from a family member of the Chairman of HLD;
- having current business dealings with CKM; and
- Ms Julia M.K. Lau - having current business dealings with Environ.

14. The applicant had requested for deferment of consideration of the application. The Committee agreed that Mr Patrick H.T. Lau and Mr Dominic K.K. Lam could stay in the meeting but should refrain from participating in the discussion. As the interests of Mr Roger K.H. Luk and Dr Wilton W.T. Fok were indirect, the Committee agreed that they could stay in the meeting. The Committee noted that Ms Julia M.K. Lau had not arrived to join the meeting yet, and Professor P.P. Ho had tendered apologies for being unable to attend the meeting.

15. The Committee noted that the application was for renewal of planning approval under application No. A/TY/108 for a proposed temporary 'concrete batching plant' which had not yet been built on the site. The applicant requested on 28.8.2015 for deferment of the consideration of the application for two months in order to allow sufficient time for

preparation and submission of further information and technical clarifications in response to the departmental comments received. This was the applicant's first request for deferment.

16. 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.

Hong Kong District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H10/89 Proposed Minor Relaxation of Site Coverage Restriction for Permitted House Use from 22.5% to 34.83% in "Residential (Group C)" Zone and Proposed House Use in an area shown as 'Road', 138-138A Pok Fu Lam Road, Pok Fu Lam
(MPC Paper No. A/H10/89)

17. The Committee noted that the applicant requested on 4.9.2015 for deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to address the departmental comments on the application. This was the applicant's first request for deferment.

18. 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 8

Section 16 Application

[Open Meeting]

A/H15/263 Proposed Shop and Services in "Other Specified Uses" annotated "Business (1)" Zone, Storage Unit, G/F, Union Industrial Building, 48 Wong Chuk Hang Road, Wong Chuk Hang
(MPC Paper No. A/H15/263)

19. The Committee noted that the applicant requested on 2.9.2015 for deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the Transport Department. This was the applicant's first request for deferment.

20. 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 9

Section 16 Application

[Open Meeting]

A/H21/142 Proposed Religious Institution (Redevelopment of Temple) in "Green Belt" Zone, Government Land to the northwest of 986 King's Road, Quarry Bay

(MPC Paper No. A/H21/142)

21. The Secretary reported that Dr Wilton W.T. Fok had declared an interest in the item as he owned a flat in Splendid Place, 39 Taikoo Shing Road. As the applicant had requested for deferment of consideration of the application, and the property of Dr Wilton W.T. Fok did not have a direct view of the site, the Committee agreed that he could stay in the meeting.

22. The Committee noted that the applicant requested on 8.9.2015 for deferment of the consideration of the application for two months in order to allow additional time for the applicant to prepare further information in response to the departmental comments. This was the applicant's first request for deferment.

23. 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 10

Section 16 Application

[Open Meeting]

A/H3/424 Proposed Composite Commercial/Residential Development ('Flat', 'Eating Place' and 'Shop and Services' Uses) and Minor Relaxation of Building Height Restriction in "Government, Institution or Community" and "Residential (Group A) 7" Zones, 6-18 Chung Ching Street, Sai Ying Pun
(MPC Paper No. A/H3/424A)

24. The Secretary reported that Kenneth To & Associates Ltd. (KTA), ADI Ltd. and Ove Arup & Partners Hong Kong Ltd. (OAP) were the consultants of the applicant. The following Members had declared interests in the item:

- Mr Patrick H.T. Lau - having current business dealings with KTA and OAP;
- Mr Dominic K.K. Lam - having current business dealings with KTA, ADI Ltd. and OAP;
- Professor P.P. Ho - having current business dealings with OAP;
- his spouse owning a flat in Third Street and a flat in Kui Yan Lane; and
- Mr Clarence W.C. Leung - his mother owning a flat in Sai Ying Pun.

25. The applicant had requested for deferment of consideration of the application. As Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee noted that Professor P.P Ho and Mr Clarence W.C. Leung had tendered apologies for being unable to attend the meeting.

26. The Committee noted that the applicant requested on 2.9.2015 for deferment of

the consideration of the application for two months in order to allow more time for preparation of FI to address the comments made by relevant government departments. This was the applicant's second request for deferment.

27. 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 a further period of two months was allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of three months including the previous deferment for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/H8/425 Proposed Minor Relaxation of Building Height Restriction from 120mPD to 126mPD for Commercial Development in "Commercial/Residential" Zone, 704-730 King's Road and 201-227 Tsat Tsz Mui Road, Quarry Bay
(MPC Paper No. A/H8/425B)

28. The Secretary reported that Kenneth To & Associates Ltd. (KTA), Environ Hong Kong Ltd. (Environ) and Ove Arup & Partners Hong Kong Ltd. (OAP) were the consultants of the applicant. The following Members had declared interests in the item:

Professor P.P. Ho - having current business dealings with OAP;

Ms Julia M.K. Lau - having current business dealings with Environ;

Mr Dominic K.K. Lam - having current business dealings with KTA, Environ and OAP; and

Mr Patrick H.T. Lau - having current business dealings with KTA and OAP.

29. As the applicant had requested for deferment of consideration of the application, and Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee noted that Ms Julia M.K. Lau had not arrived to join the meeting yet and Professor P.P. Ho had tendered apologies for being unable to attend the meeting.

30. The Committee noted that the applicant requested on 2.9.2015 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare responses to address outstanding comments from relevant departments. This was the applicant's third request for deferment.

31. 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 a period of two months was allowed for preparation of the submission of the further information. Since it was the third deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of five months including the previous deferments for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

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

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H9/74 Proposed Flat, Shop and Services in "Residential (Group A)" Zone and an area shown as 'Road', 6 Shau Kei Wan Main Street East, Shau Kei Wan

(MPC Paper No. A/H9/74B)

32. The Secretary reported that MVA Hong Kong Ltd. (MVA) was the consultant of the applicant. Mr Patrick H.T. Lau, Ms Julia M.K. Lau and Mr Dominic K.K. Lam had declared interests in the item as they had current business dealings with MVA. As they had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed flat, shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper, which were summarised as follows:
 - (i) the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD) had no objection to the application subject to compliance with various requirements under the Building (Planning) Regulations and Code of Practice for Fire Safety in Buildings 2011. Detailed checking of the proposed scheme for compliance with the Buildings Ordinance (BO) would be made upon building plans submission stage. BD would refer the plans to relevant government departments for consideration on matters in their respective areas of concern. If the plans complied

with the requirements under the BO and its allied regulations, BD was required to give approval of the plans under the BO. Contrarily, BD was also required to refuse the plans under section 16 of the BO;

- (ii) the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) advised that the proposed development might block the windows of the adjacent building. Lighting, ventilation and sanitary condition for the proposed building and the existing adjacent building might be a concern. The applicant should further review the layout in detailed design stage to minimise the overlooking problem into the existing building. The applicant should review the size and layout of the proposed studio flats to demonstrate that it was suitable or more favourable for residential use;
 - (iii) the Commissioner for Transport (C for T) advised that the proposed development was small in scale and the estimated traffic generation was unlikely to have unacceptable traffic impact on nearby roads. Transport Department had no proposal on road widening works in the nearby area;
 - (iv) the Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD) advised that the road widening works at Shau Kei Wan Main Street East (SKWMSE) was completed on 13.11.2000;
 - (v) the Director of Fire Services (D of FS) advised that fire service installations and water supplies for firefighting should be provided; and
 - (vi) other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, 144

objecting public comments were received from Eastern District Council Members, owners of the adjoining Tung Po Mansion, local residents and members of the public. 124 of them were submitted in five standard questionnaire formats. The major objection grounds were summarised as follows:

- (i) the site was too small, narrow and enclosed by the adjoining building and hence not suitable for commercial and residential development;
 - (ii) the proposed tiny building was undesirable for habitation;
 - (iii) the supply of flats in the proposed development was insubstantial in meeting the housing supply in Hong Kong;
 - (iv) the site was too close to the adjacent Tung Po Mansion, posing potential adverse impacts in respect of fire safety, public safety and building structural stability of Tung Po Mansion;
 - (v) the proposed development would block the views of the residents living in the adjacent Tung Po Mansion, affect air ventilation and hence the living environment and well-being of the residents, and cause inconvenience to the residents; and
 - (vi) the proposed development would create adverse traffic impacts on SKWMSE and potential danger to the pedestrian, as well as adverse visual, air ventilation and environmental impacts;
- (e) no local objection/view was received by the District Officer (Eastern); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper, which were summarised as follows:

- (i) the 'Road' area of SKWMSE was to reserve land for road widening works. The portion of 'Road' area within the site was no longer required for widening works and the proposed development would not affect the existing or planned public road. The existing pavement width would be maintained upon implementation of the proposed development;
- (ii) the site was a residual lot when the adjoining Tung Po Mansion was developed. It possessed development rights under lease. The proposed development was compatible with the surrounding land uses and the proposed building height was below the maximum building height of 100mPD stipulated under the OZP. The proposed development would appear to be physically and visually part of the always permitted developments at the "Residential (Group A)" ("R(A)") zone;
- (iii) the building design and interface issue with the adjoining Tung Po Mansion had to be dealt with in the detailed building design and whether the proposed development could comply with BO and its allied regulations had to be determined in the building plans submission stage;
- (iv) all government departments had no in-principle objection to or adverse comments on the application; and
- (v) regarding the public concerns on the interface with Tung Po Mansion and potential adverse impacts in respect of pedestrian and road traffic, visual amenity, air ventilation, fire safety, sewerage capacity, environmental hygiene and public safety of the proposed development, departmental comments and assessments above were relevant.

34. In response to the Vice-Chairman's question, Miss Josephine Y.M. Lo, STP/HK, said that Tung Po Mansion was built in 1984 and the pre-war building at the site was

subsequently demolished in 1993. As shown on the approved building plans of Tung Po Mansion, the pre-war building adjoining Tung Po Mansion was of two storeys having similar height to the two-storey podium of Tung Po Mansion. In response to a Member's question, Ms Lo said that as shown on the building plans, there were window openings on the façades of Tung Po Mansion adjoining to the site except the lower parts of the façades covering the two-storey podium. It seemed that the layout of Tung Po Mansion had taken account of the two-storey pre-war building on the site only.

35. In response to a Member's question, Miss Josephine Y.M. Lo said that according to the applicant's submission, each proposed studio flat had gross floor area of about 23.92m² (including staircase) or saleable floor area of about 14.66m² (excluding staircase). The applicant had submitted an indicative internal layout of the proposed studio flat to demonstrate the habitability of the flat.

36. Noting that the proposed development would obstruct the flats at lower floors of Tung Po Mansion such as the windows, air conditioners and utility pipelines facing towards the site, some Members asked whether the interface issues relating to fire safety, building design, living environment and maintenance of utilities of Tung Po Mansion could be properly addressed. In response, Miss Josephine Y.M. Lo said that those issues needed to be addressed in the building plans submission stage under the BO.

37. In response to the Chairman's questions, Miss Josephine Y.M. Lo said that the non-domestic portion (i.e. G/F and cockloft) of the proposed development was separated from Tung Po Mansion by 9 inches to the west and 1 foot to the north and south. The residential portion above would have wider gap from Tung Po Mansion to the west (i.e. 5.5m). The proposed development would not encroach onto the existing pavement and there was no requirement from government departments for setback of the proposed development from SKWMSE.

Deliberation Session

38. The Chairman said that the portion of 'Road' area within the site was no longer required as advised by relevant departments and PlanD would update the areas shown as 'Road' on the Outline Zoning Plan in accordance with the existing widened SKWMSE.

Planning permission for the proposed development would not be required if the 'Road' area was rezoned to "R(A)" in the future. Noting the number of technical concerns relating to the proposed development as raised by the public, he asked whether it was appropriate to address those concerns during the building plans submission stage under the BO, or to consider rejecting the application at the current stage as the site might not be suitable for such development.

39. A Member said that fire safety of Tung Po Mansion could not be compromised, and the application should be rejected if the proposal was not acceptable from fire safety point of view. While it was not worthwhile to develop the proposed 7-storey building at the site creating many adverse impacts with little flat production, the applicant might consider developing the site for other uses such as shopping centre with lower building height.

40. A Member said that the technical concerns on fire safety, building design and sanitation issues were not unsolvable and could be addressed by various technical measures during the building plans submission stage under the BO. Fire safety of developments at difficult sites could usually be achieved by fire engineering approach. Sanitation problem of narrow gaps among buildings was not uncommon in Hong Kong, and usually could be solved by adding building features which required cooperation among concerned landowners. Another Member concurred and said that the applicant would need to provide innovative measures to solve those technical concerns during the building plans submission stage.

41. The Chairman said that while some Members had raised technical concerns on the proposed development, the Committee should consider whether those concerns could be addressed in the building plans submission stage under the BO, and hence the application could be approved with stipulation of approval conditions.

42. Members in general considered that although the proposed development was undesirable in terms of its layout and building design, due respect should be given to the development right of the site and concerned government departments had no objection to the application. Moreover, the development right of the site should have been considered by the Building Authority when approving the building plans of Tung Po Mansion in the past. The developer of Tung Po Mansion should have expected the possible interface problem with future developments at the site. The interface problem with Tung Po Mansion was indeed

related to private negotiations between landowners, and hence not a strong reason to reject the application. While the proposed flats were small for habitation and the internal layout was not efficient, those were also not strong reasons to reject the application.

43. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the LandsD and major changes to the current scheme are required, a fresh

planning application to the Board may be required;

- (b) to note the comments of the District Lands Officer/Hong Kong East, LandsD in paragraph 8.1.1 of the Paper and, if required, to apply for the licence to permit the carrying out of the trades prohibited under the lease for the shop and services use on the ground floor and the cockloft;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, BD in paragraph 8.1.2 of the Paper that the proposed development shall comply with the relevant Building (Planning) Regulations and detailed checking for compliance with the Buildings Ordinance will be made in building plans submission stage;
- (d) to note the comments of the Commissioner for Transport in paragraph 8.1.3 of the Paper regarding the provision of safety and temporary traffic measures for protecting pedestrian's road safety and the need to seek Transport Department's approval on the traffic arrangement during excavation and construction stage;
- (e) to note the comments of the Director of Fire Services in paragraphs 8.1.5 of the Paper that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans and the arrangement on emergency vehicular access shall comply with the Code of Practice for Fire Safety in Building;
- (f) to note the comments of the Director of Environmental Protection in paragraph 8.1.6 of the Paper to properly design the proposed development so as to ensure that noise from the proposed development would comply with the relevant noise criteria in the Hong Kong Planning Standards and Guidelines;
- (g) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department in paragraph 8.1.9 of the Paper regarding the detailed design of the proposed development;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 8.1.10 of the Paper that landscape planting at the flat roof of 1/F should be provided to improve the landscape and visual amenity of the proposed development; and
- (i) to note the comments of the Director of Food and Environmental Hygiene in paragraph 8.1.11 of the Paper regarding the need for adequate building separation or other long-term measures for environmental hygiene, cleansing and pest control purposes.”

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

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

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

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

Kowloon District

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/724 Shop and Services (Fast Food Shop) in "Other Specified Uses" annotated
"Business" Zone, Unit F on Ground Floor, Ocean Industrial Building,
No. 29 Tai Yip Street, Kwun Tong
(MPC Paper No. A/K14/724)

Presentation and Question Sessions

45. With the aid of a PowerPoint presentation, Ms Joyce Y.S. So, STP/K, presented

the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments supporting the application were received from the Chairman of Kwun Tong Central Area Committee and the Chairman of Management Committee of Ocean Industrial Building. While the former did not give any reason for supporting the application, the latter opined that the proposed fast food shop could meet the locals' needs of lunch catering. No local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. As the fast food shop use had been in operation and that the previous permission was revoked, a shorter compliance period (three months) for submission of the proposal for fire safety measures was proposed to monitor the progress of compliance.

46. Members had no question on the application.

Deliberation Session

47. 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 of the proposal for fire safety measures, including the provision of fire service installations at the application premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2015;
- (b) in relation to (a) above, the implementation of the proposal for fire safety measures within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified dates, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the premises;
- (b) to note that a shorter compliance period is granted in order to monitor the fulfilment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to apply to the District Lands Office/Kowloon East, Lands Department for lease modification or temporary waiver for the proposed ‘Shop and Services (Fast Food Shop)’ use at the premises;
- (d) to note the comments of the Director of Fire Services that the ‘Shop and Services (Fast Food Shop)’ use under application shall only be licensed as “food factory” or “factory canteen”, and to observe the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and

- (e) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the applicant should appoint an Authorized Person to ensure any building works/alterations and additions works/change in use are in compliance with the Buildings Ordinance (BO), including (but not limited to) that adequate means of escape and access and facilities for persons with a disability should be provided, and the premises should be separated from the remaining portion of the building by fire barriers; to observe the licensing requirements imposed by the relevant licensing authority; for unauthorized building works (UBW) erected on private lands/buildings, enforcement action may be taken by the Building Authority (BA) to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the premises under the BO; to note that the BA has no powers to give retrospective approval or consent for any UBW; and detailed comments under the BO can only be formulated at the building plan submission stage."

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/K18/316 Proposed Minor Relaxation of Building Height Restriction from 13 storeys to 15 storeys for a Proposed Educational Institution (University Hostel and Academic Building Complex) in "Government, Institution or Community (9)" Zone, 30 Renfrew Road (part), Kowloon Tong
(MPC Paper No. A/K18/316)

49. The Secretary reported that the application was submitted by the Hong Kong Baptist University (HKBU). Townland Consultants Ltd. (TCL) and AGC Design Ltd.

(AGC) were the consultants of the applicant. The following Members had declared interests in the item:

- Mr Stephen H.B. Yau - being the Chairman of the Social Work Advisory Committee of the Department of Social Work in HKBU;
- Mr Laurence L.J. Li - being an ex-honorary member of the Court of HKBU;
- Mr Clarence W.C. Leung - owning a property near the junction of Durham Road and La Salle Road;
- Ms Julia M.K. Lau - owning a share of a property near the junction of Hereford Road and Waterloo Road;
- Mr Lawrence W.C. Poon - living in Kowloon Tong;
- Mr Dominic K.K. Lam - having current business dealings with TCL;
- Mr Patrick H.T. Lau - having current business dealings with TCL and AGC; and
- Professor P.P. Ho - having current business dealings with TCL.

50. The applicant had requested for deferment of consideration of the application. The Committee agreed that Mr Stephen H.B. Yau could stay in the meeting but should refrain from participating in the discussion. As the property of Ms Julia M.K. Lau and Mr Lawrence W.C. Poon's living place did not have a direct view of the site and Mr Dominic K.K. Lam had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee noted that Professor P.P. Ho, Mr Clarence W.C. Leung and Mr Laurence L.J. Li had tendered apologies for being unable to attend the meeting, and Mr Patrick H.T. Lau had already left the meeting.

51. The Committee noted that the applicant requested on 1.9.2015 for deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to address the departmental comments. This was the applicant's first request for deferment.

52. 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 15

Any Other Business

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