

TOWN PLANNING BOARD

Minutes of 543rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 9.10.2015

Present

Director of Planning
Mr K. K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

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

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

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

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Dr Wilton W.T. Fok

In Attendance

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

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

Town Planner/Town Planning Board
Ms Vienna Y.K. Tong

Agenda Item 1

Confirmation of the Draft Minutes of the 542nd MPC Meeting held on 18.9.2015

[Open Meeting]

1. The draft minutes of the 542nd MPC meeting held on 18.9.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H24/7 Application for Amendment to the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8, to rezone the application site from “Other Specified Uses” annotated “Military Use” to “Commercial” annotated “Hotel” and an area shown as ‘Road’, People’s Liberation Army Hong Kong Garrison Headquarters (Central Barracks), Central, Hong Kong
(MPC Paper No. Y/H24/7)

3. Ms Ginger K.Y. Kiang, District Planning Officer/Hong Kong (DPO/HK), and Mr K.K. Sit, the applicant’s representative, were invited to the meeting at this point.
4. The Chairman extended a welcome and explained the procedure of the meeting. He then invited Ms Kiang to brief Members on the background to the application.

Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Ms Kiang, DPO/HK, presented the application and covered the following aspects as detailed in the Paper :

The Application

(a) the application was for amendment to the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8 by rezoning a site at the People's Liberation Army Hong Kong Garrison (PLA HK Garrison) Headquarters, Central (the site) from "Other Specified Uses" annotated "Military Use" ("OU(MU)") to "Commercial" annotated "Hotel" ("C(H)") and an area shown as 'Road' for hotel development;

[Mr K.F. Tang arrived to join the meeting at this point.]

(b) there was no development proposal/scheme/parameter or impact assessment submitted by the applicant;

Departmental Comments

(c) the departmental comments were set out in paragraph 9 of the Paper and highlighted as follows:

(i) the Secretary for Security (S for S) commented that the site was one of the military sites established in accordance with the Exchange of Notes between the Government of the People's Republic of China (PRC) and the Government of the United Kingdom in 1994 on the future use of the military sites in Hong Kong. It had been declared as a military installations closed area under the Military Installations Closed Areas Order (Cap. 245B) and a protected place under Protected Places Order (Cap. 260A) for use of the PLA HK Garrison for defence purpose. It was inappropriate to rezone the site to other uses. He also relayed the

PLA HK Garrison's objection to the application;

- (ii) the Secretary for Development (SDEV) concurred with the comment of S for S that it was inappropriate to rezone the site to other uses;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) commented that in the absence of any illustrations and/or indications on the permissible building heights at the proposed "C(H)" zone and any supporting information, she had reservations on the proposed rezoning from urban design and landscape perspective;
- (iv) the Commissioner for Transport commented that the applicant should submit a traffic impact assessment to assess the anticipated traffic impact on the nearby roads arising from the proposed rezoning; and
- (v) the Chief Engineer/Hong Kong and Islands, Drainage Services Department (CE/HK&I, DSD) commented that the applicant should submit a Sewerage Impact Assessment (SIA) to DSD for comment and to the Environmental Protection Department for approval to demonstrate that the existing public sewerage systems in the concerned catchment area would not be adversely affected by the change of use;

Public Comments

(d) during the first three weeks of the statutory publication period, a total of 15 public comments were received. Amongst them, 3 supported and 8 objected to and 4 provided comments on the application. Their main grounds were summarized as follows :

- (i) supportive comments - there was no need for the PLA HK Garrison Headquarters to be located in the central business district (CBD); and hotel use was a more appropriate use of the site as it would promote greater vibrancy in the Central waterfront;

- (ii) objecting comments - the site and its surrounding area had a long history of being used for military and other government purposes; the proposal was against the planning intention and might also affect the defence arrangement of the PLA HK Garrison; the proposed hotel use would generate more traffic and cause adverse impacts on the local road network and would have visual impact on the Victoria Harbour; and
- (iii) the remaining providing general comments on the application;

PlanD's Views

- (e) PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the existing use of the land for the PLA HK Garrison Headquarters was in line with the planning intention for “OU(MU)” zoning of the site and complied with Cap. 245B and 260A;
 - (ii) the proposal was identical to a previous application No. Y/H24/6 submitted by the same applicant, which was rejected by the Committee on 13.3.2015. Since then, there was no change in the planning circumstances;
 - (iii) there was no development proposal/scheme/parameter or impact assessment submitted by the applicant to substantiate the proposal. In the absence of any supporting information and/or impact assessments, it was impossible to ascertain the applicant's claims about the benefits achieved from the proposed rezoning or to confirm that the proposed hotel development would not cause adverse impacts on the surrounding area; and
 - (iv) the approval of the application would set an undesirable precedent for similar rezoning applications in the “OU(MU)” zone, and the cumulative effect of which would affect the military sites for defence purposes.

6. The Chairman then invited Mr K.K. Sit to elaborate on the application. Mr Sit made the following main points:

- (i) the State Council had already decided to cut back the size of the military force by 300,000. That implied that the demand for the military sites would be reduced;
- (ii) while the planning circumstance had already changed, PlanD was still recommending the same rejection reasons in the previous application for the subject application;
- (iii) the current user of the site should not be consulted in processing the application; and
- (iv) the military facilities did not have to be located in Central. The existing military use of the site was not compatible with the surrounding area and should be relocated.

7. The Vice-chairman asked whether it was appropriate in terms of planning procedure to rezone the site before it was agreed to be released from its original use. In response, Ms Kiang said that the general practice was the relevant bureaux or department agreed to release a site for other uses, PlanD would assess the appropriate land uses and then propose amendments to the OZP for consideration by the Town Planning Board as appropriate.

8. In response to a Member's question on whether the applicant had any information that the State Council's decision to cut the military force would have an impact on the military facilities in Hong Kong, Mr Sit said that he did not have any such information.

9. As the applicant's representative had no further points to make and there were no further questions from Members, the Chairman informed him that the hearing procedure for the application had been completed and the Committee would deliberate on the application in his absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representative and PlanD's representative for attending

the hearing. They all left the meeting at this point.

Deliberation Session

10. The Chairman said that as the proposal was identical to the previous application, departmental comments were essentially the same as before. In response to Members' question on planning procedure, Members noted that PlanD would not initiate rezoning a government site already in use unless there was policy support for releasing the site for other uses. Given the current zoning reflected the planning intention of the existing military use of the site, which complied with Cap. 245B and 260A, both S for S and SDEV objected to the proposed rezoning. It was inappropriate to rezone the site to other uses.

11. Members then went through the reasons for rejection as highlighted in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided not to agree to the application. The reasons for rejection were :

- “(a) the “Other Specified Uses” annotated “Military Use” (“OU(MU)”) zoning is considered appropriate to reflect the existing use of the site;
- (b) there is no strong planning justification nor technical assessment in the submission to substantiate the rezoning application and demonstrate that the proposed development would not create adverse impact on the surrounding area; and
- (c) the approval of the application will set an undesirable precedent for similar rezoning applications in the “OU(MU)” zone and the cumulative effect of which would affect the military sites for defence purposes.”

[Ms Michelle M.S. Yuen, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/248 Proposed Hotel (Guesthouse) and Minor Relaxation of Plot Ratio Restriction for Hotel (Guesthouse) Use in “Residential (Group A)” zone, Ground Floor (Part) and 7-12/F, No. 5-7 Austin Road, Tsim Sha Tsui, Kowloon
(MPC Paper No. A/K1/248)

12. The Committee noted that a supplementary page of Appendix I of the Paper containing the executive summary of the application had been sent to Members on 8.10.2015.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel (guesthouse) and minor relaxation of plot ratio (PR) from 9 to 10.72;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 12 public comments were received from Designing Hong Kong Limited, Tsim Sha Tsui Residents Concern Group, local residents and individuals, raising concerns and objection to the application mainly on the grounds of the planning intention of “Residential (Group A)” (“R(A)”) sites; nuisance

and security risk caused to other users of the same building; adverse traffic and noise impacts on the local residents; and setting an undesirable precedent for similar applications. No local objection was received by the District Officer (Yau Tsim Mong); and

- (e) 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. The proposed partial conversion of the existing commercial building for hotel (guesthouse) use would not result in any increase in the physical bulk and the gross floor area (GFA)/PR of the building. It would not affect the supply of housing land in the territory and would not be incompatible with the current commercial uses in the same building. Regarding the public comments, it was not expected that there would be nuisance and security risk on other users within the building and relevant government departments had no objection to and/or no adverse comment on the application from traffic, environmental, sewerage and drainage perspectives. The approval of the application would not set an undesirable precedent.

14. Members had no question on the application.

Deliberation Session

15. 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 9.10.2019, 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 provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and

- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment in condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.”

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

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

- (i) the proposal should in all aspects comply with the Buildings Ordinance (BO);
- (ii) application for hotel concession under Building (Planning) Regulation (B(P)R) 23A will be considered upon formal submission of building plans subject to compliance with the criteria under Practice Notes for Authorized Persons (PNAP APP-40) and favourable comments from the concerned departments;
- (iii) the operation of the hotel will be subject to the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance (HAGAO) (Cap. 349);
- (iv) adequate means of escape, means of access for firefighting and rescue, and fire resisting construction should be provided in accordance with B(P)Rs 41(1), 41A, 41B, 41C, Building (Construction) Regulation 90 and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (v) barrier free access and facilities should be provided in accordance with B(P)R 72 and the Design Manual: Barrier Free Access 2008;
- (vi) open space shall be provided in accordance with B(P)R 25; and

- (vii) detailed comments under the BO will be given at the building plan submission stage;

- (b) to note the comments of the Director of Environmental Protection that the applicant/Authorized Persons should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact. The applicant should prepare and submit the sewerage impact assessment as early as possible in view of the time required for the implementation of any required sewerage works;

- (c) to note the comments of the Director of Fire Services that the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the FS Code which is administered by BD. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

- (d) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department that:
 - (i) as the building is originally approved by the Building Authority (BA) for non-domestic use, the applicant should submit documentary evidence showing that BA has granted prior approval for the proposed use when making an application under the HAGAO;

 - (ii) the proposed license area should be physically connected;

 - (iii) as no information in relation to the fire service installations has been provided in the proposal, comment on the aspect of fire services provision cannot be made at present. The applicant should observe the Code of Practice for Minimum Fire Services Installation and Equipment; and

- (iv) the licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Team upon receipt of an application under HAGAO.”

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

[Mr William K.C. Ying, 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/KC/430 Proposed Hotel in “Other Specified Uses” annotated “Business” Zone,
45-51 Kwok Shui Road, Kwai Chung
(MPC Paper No. A/KC/430A)

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

17. The Secretary reported that Townland Consultants Ltd. (Townland) was one of the consultants of the applicant. The following Members had declared interests in this item:

Mr Dominic K.K. Lam	}	having current business dealings with Townland
Mr Patrick H.T. Lau		
Professor P.P. Ho		
Mr Clarence W.C. Leung	-	having an office in Kwai Chung

18. The Committee noted that Professor P.P. Ho and Mr Clarence W.C. Leung had tendered apologies for being unable to attend the meeting. As 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.

Presentation and Question Sessions

19. With the aid of a PowerPoint presentation, Mr William K.C. Ying, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (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 periods, three public comments were received. Two comments supported the application. The remaining one objected to the application on the ground that the proposed hotel was not compatible with the surrounding area and might cause traffic impacts during peak hours. No local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed development was generally in line with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” (“OU(B)”) Zone (TPB PG-No. 22D) in that the proposed hotel was not incompatible with the existing surrounding developments and would help improve the existing urban environment through the wholesale conversion of the existing industrial building. The proposed development would not have adverse traffic, environmental, sewerage and drainage impacts on the surrounding area. Regarding the objecting public comment on traffic aspects, both the Commissioner for Transport and the Commissioner of Police had no objection to the application.

20. The Chairman asked PlanD to elaborate the pedestrian connection between the site and its surrounding area. By referring to Plan A-2 of the Paper, Mr Ying said that there were pedestrian subways connecting the site to the north and to the south across the roads.

21. A Member asked about the progress of the previously approved hotel applications in the area and how many of which involved conversion of existing buildings. In response, Mr Ying said that the Committee had approved 17 hotel applications and of which, 12 applications involving 10 sites were conversion of existing buildings. For these ten sites, based on the information available in his office, one obtained building plans approval for hotel use; five obtained both building plans and special waivers approval; one was in the process of submitting building plans; two obtained special waivers approval for non-hotel use; and the remaining one was only approved by the Committee in March 2015.

Deliberation Session

22. Members supported the approval of the application as the proposed hotel was considered compatible with the surrounding developments in the subject “OU(B)” zone.

23. 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 9.10.2019, 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 and implementation of vehicular access, car park and loading/unloading to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of fire services installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development and the proposed gross floor area (GFA) exemption for back-of-house facilities will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. In addition, if GFA concession, in particular the non-domestic PR of the development, is not granted by BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department to apply for a lease modification to effect the proposed hotel development;
- (c) to consult the Chief Officer (Licensing Authority), Home Affairs Department on the licensing requirements for the proposed hotel;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, BD that an Authorized Person should be appointed to submit building plans for approval of the proposed building works to demonstrate full compliance with the Buildings Ordinance; and
- (e) to note the comments of the Director of Fire Services to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011, which is administrated by BD.”

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SC/9 Proposed Temporary Industrial Use (Revalidation and Repair Workshop for Liquefied Petroleum Gas Vehicle Fuel Tanks) for a Period of 5 Years in “Other Specified Uses” annotated “Boatyards and Marine-oriented Industrial Uses” zone, New Kowloon Inland Lot No.6370 (Part), No.85 Hing Wah Street West, Stonecutters Island, Kowloon
(MPC Paper No. A/SC/9)

25. The Committee noted that two replacement pages of the Paper revising Lands Department’s comments had been tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary industrial use (revalidation and repair workshop for liquefied petroleum gas (LPG) vehicle fuel tanks);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Shun Tak – China Travel Ship Management Limited whose shipyard was located to the immediate north-east of the site. It objected to the application mainly on the grounds of risk of leakage of inflammable gas, adverse impact on evacuation and rescue in case of accidents and risks due to increase in vehicles carrying dangerous goods along the congested section of Hing Wah Street West. No local objection was received by the District Officer (Sham Shui Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. The proposed temporary workshop was a kind of industrial use which was not incompatible with the industrial use (i.e. shipyard) at the subject lot and the shipyards/marine-oriented industrial uses in the surrounding area. The proposed development was unlikely to cause any adverse traffic and environmental impacts. There had been no material change in planning circumstances and the characteristics of the surrounding area since the last approval of a similar application by the Committee. Regarding the public concern on the risks associated with the proposed use and the traffic impact, the relevant departments including the Director of Electrical and Mechanical Services, the Director of Fire Services (D of FS) and the Commissioner for Transport had no objection to the application.

27. The Chairman asked whether the similar application previously approved by the Committee in 2012 was submitted by the same applicant. Mr Chum answered in affirmative. He further said that the planning permission of that application was revoked as the applicant failed to comply with the approval condition on the provision of fire services installations, mainly due to insufficient space within the shipyard to provide an emergency vehicular access (EVA). The current application located in the north-western portion of the shipyard which was close to the main gate of the shipyard fronting Hing Wah Street could address the issue on EVA. D of FS had no objection to the application.

28. A Member asked whether the site was currently being used for the applied use or a car park area. In response, Mr Chum said that the existing structure on the site was used

as a car park for the shipyard. If the application was approved, the structure would be demolished.

29. In response to the Vice-chairman's query on the operation of the proposed workshop, Mr Chum said that only the LPG fuel tanks to be revalidated would be transported to the site and not the LPG vehicles.

Deliberation Session

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 9.10.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of fire safety measures including the provision of fire service installations and water supplies for firefighting within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2016;
- (b) in relation to (a) above, the implementation of fire safety measures including the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB before commencement of operation of the proposed development;
- (c) if the above planning condition (a) 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; and
- (d) if the above planning condition (b) is not complied with before commencement of operation of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Kowloon West, Lands Department on the application for a temporary waiver;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD), before any new building works are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are for Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For any UBW erected, enforcement action may be taken by BD to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use is subject to the issue of a licence (under the Gas Safety Ordinance and its regulations), any structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (c) to note the comments of the Director of Environmental Protection that the subject application falls under the streamlined arrangement set out in the ‘Revised Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (August 2005)’ (the COP). The applicant should follow the COP in dealing with the above application which involves temporary use. Moreover, the applicant should ensure that the operation of the proposed use would comply with the relevant pollution control ordinances including the Noise Control Ordinance; and
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The provision of emergency vehicular access shall comply with Section 6, Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD.”

[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 7

Section 16 Application

[Open Meeting]

A/DPA/TW-CLHFS/2 Proposed Residential Development and Excavation of land in
“Unspecified Use” zone, Tsuen Wan Town Lot No. 389, Chuen Lung,
Tsuen Wan, New Territories
(MPC Paper No. A/DPA/TW-CLHFS/2)

32. The Committee noted that the applicant's agent requested on 16.9.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of concerned government departments. This was the first time that the applicant requested for deferment of the application.

33. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr K.F. Tang and Mr Patrick H.T. Lau left the meeting temporarily at this point.]

[Ms Ginger K.Y. Kiang, District Planning Officer/Hong Kong (DPO/HK) and Miss Josephine Y.M. Lo, Senior Town Planner/Hong Kong (STP/HK) were invited to the meeting at this point.]

Hong Kong District

Agenda Item 8

[Open Meeting]

Proposed Amendments to the Approved Wong Nai Chung Outline Zoning Plan No. S/H7/17
(MPC Paper No.11/15)

34. The Secretary reported that Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had declared interests in this item. Mr Dominic K.K. Lam's wife owed a property in the area which was close to Man Lam Christian Church (MLCC), Mr K.F. Tang co-owed with a spouse a property in Happy Valley while Mr Patrick H.T. Lau was the Chairman of the Happy Valley Residents' Association. The Committee noted that Mr Tang and Mr Lau had left the meeting temporarily. The Committee considered that the interests of Mr Lam were direct and agreed that he should be invited to leave the meeting temporarily.

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

Presentation and Question Sessions

35. With the aid of a PowerPoint presentation, Miss Josephine Y.M. Lo, STP/HK, presented the proposed amendments to the approved Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/17 as detailed in the Paper and covered the following main points :

Proposed Amendments to the OZP

- (a) the proposed amendments were mainly related to revision of the building height restrictions (BHRs) for the two "Government, Institution or Community" ("G/IC") sites, namely MLCC at Village Road (Amendment Item A) and Po Leung Kuk (PLK) Headquarters at Leighton Road

(Amendment Item B) in order to facilitate their respective extension/redevelopment proposals;

Amendment Item A – Revision to the stipulated Maximum Building Height from 5 Storeys to 11 Storeys for the “G/IC” Site at 9 Village Road

- (b) the MLCC site (about 331m²) was located at the junction of Village Road and Wang Tak Street and was currently occupied by a 5-storey building (about 34mPD) for the church and its ancillary facilities including offices, pastor’s quarters and classroom;
- (c) a BHR of 4 storeys was first imposed for the MLCC site on the draft OZP No. S/H7/14 exhibited on 18.1.2008. After hearing the representations, including that submitted by MLCC, and related comments, the Board decided on 14.11.2008 to amend the BHR for the MLCC site from 4 storeys to 5 storeys;
- (d) in October 2014, MLCC confirmed its extension proposal and submitted an updated survey on the transportation means adopted by their church members in support of their extension proposal;

Extension Proposal

- (e) the MLCC’s extension proposal involved erection of 6 additional floors on top of part of the existing church building, resulting in a total building height (BH) of 11 storeys (i.e. 55mPD). With the proposed extension in place, the total Gross Floor Area (GFA) of the church building would be increased from 1,147m² to 2,179m²;

Departmental Consultation

- (f) the Home Affairs Bureau (HAB) tendered its policy support to the religious facilities in the extension proposal;

- (g) other relevant departments consulted had no objection to the extension proposal in respect of traffic, environmental and infrastructural impacts on the surrounding area;

Technical Assessment

- (h) the increase in building height from 5 to 11 storeys for the church building would be commensurate with the BHs of surrounding developments; there were no prominent visual amenities or landscape features within and in vicinity of the site, significant adverse visual and landscape impacts on the surroundings were not envisaged;
- (i) the MLCC site did not fall within any air path and the scale of the extension proposal was small, significant air ventilation impact on the surroundings was not anticipated;
- (j) according to the survey provided by MLCC, most of the members visited the church on foot or using public transport. The submission of sewerage impact assessment (SIA) could be included as a condition in the future lease modification to address the Director of Environmental Protection's requirement;

Amendment Item B: Revision to the stipulated Maximum Building Height from 3 to 13 Storeys to 80mPD for part of the "G/IC" Site at 66 Leighton Road

- (k) the PLK site (about 12.272m²) at 66 Leighton Road was currently occupied by PLK headquarters and its social welfare and educational facilities;
- (l) the BHRs for PLK were first imposed under the draft OZP No. S/H7/14 exhibited on 18.1.2008. Since September 2010, PLK had expressed their intention to redevelop part of the PLK site into a new complex to cater for the growing demand for community and social welfare services. Apart from the reprovisioning of the existing facilities, PLK considered that there was a strong need to extend services to youngsters and elderly;

Redevelopment Proposal

- (m) the Community College and the Main Building of PLK would remain intact while the remaining portion of the site (i.e. the redevelopment site) (about 3,765m²) would be redeveloped into a new complex for provision of educational facilities, social welfare facilities, administration offices and supporting facilities;
- (n) the new complex would have a GFA of 18,780m² and a maximum BH of 80mPD (21 storeys including 2 basement floors). With the redevelopment proposal in place, the total GFA and plot ratio (PR) for the PLK development as a whole would be increased from 30,016m² to 37,725m² and from 2.45 to 3.07 respectively;
- (o) in the indicative scheme, stepped BH with various levels ranging from 42mPD to 80mPD was adopted and roof gardens and vertical greenings were proposed at different levels to enhance the visual amenity of the new complex. To respect the context of the historic building, a full-height separation of at least 10m in width between the Main Building (a grade 2 historic building) and the new complex was proposed and the area would be formed into a landscaped area with tree plantings. The new complex would also be set back from Link Road for about 9.5m to create a buffer;

Departmental Consultation

- (p) the Labour and Welfare Bureau (LWB) had in general offered in-principle policy support to the proposed social welfare facilities and the Education Bureau (EDB) had no objection to the reprovisioning of the existing educational facilities in the redevelopment proposal on condition that the usable area of the outdoor playground would not be less than 400m²;
- (q) other relevant departments consulted had no objection to or no adverse comments on the redevelopment proposal;

Technical Assessment

- (r) scale of the new complex would be in keeping with the neighbourhood and would not duly affect the visual setting of the Main Building; a visual appraisal demonstrated that with the proposed mitigated measures in place, *inter alia*, the extensive vertical/exterior soft landscaping, the ground floor landscape buffer, stepped height profile and setback from the historic building, the proposed redevelopment was not considered visually incompatible with the surroundings;
- (s) there were 34 trees within the redevelopment site. Among them, 4 (including 2 common species and 2 dead trees) would be felled. PLK proposed to compensate the loss with 7 new trees. Also, landscaping and greening would be provided at different levels of the new complex, offering greenery and visual relief to the surrounding areas. As such, significant landscape impact was not envisaged;
- (t) the PLK site did not fall within any major air path. Given the redevelopment site was surrounded by high-rise developments and was located at the downwind area of the prevailing winds, together with the design measures, including setback along Link Road, building separations in the northern and southern part of the redevelopment site as well as the stepped height profile with a lower roof garden in the middle portion of the new complex, significant blockage of air flow was not envisaged;
- (u) a traffic impact assessment (TIA) and updated junction analysis had been conducted. The redevelopment proposal with an additional vehicular access at Link Road and additional traffic generation (due to the increase in office area and social welfare services) would not have adverse traffic impact on Link Road and the nearby road network;

Public Consultation

- (v) on 15.9.2015, PlanD consulted the Wan Chai District Council (WCDC) on the proposed amendments. WCDC expressed in-principle support to the proposed amendments; and
- (w) if the proposed amendments were agreed by the Committee, the draft OZP would be exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).

36. Members had no question on Amendment Item A and agreed to the proposed amendment.

37. For Amendment Item B, the Chairman asked PlanD to further explain the various components within the entire site of PLK. By referring to Plan 6 of the Paper, Ms Ginger K.Y. Kiang, DPO/HK, said that the area bounded by the blue line was the redevelopment site. The area bounded by the red line was the rezoning site, i.e. the area covered by the proposed relaxation of BHR on the OZP. From north to south, the existing PLK development comprised the Community College (BHR of 90mPD and 19 storeys), the Main Building (a 2-storey Grade 2 historic building with BHR of 4 storeys), the Extension Wing of the Main Building (i.e. the Chu Lee Yuet Wah Kindergarten cum Nursery Building with BHR of 4 storeys), the PLK Kwok Law Kwai Chun Children Services Building (BHR of 8 storeys), the PLK Vicwood K.T. Chong Building (BHR of 13 storeys) and the PLK Vicwood K.T. Chong Kindergarten cum Nursery Building (BHR of 3 storeys). The Community College and the Main Building would remain intact whereas the remaining land area in the southern portion of the site (i.e. the redevelopment site) would be redeveloped into a new complex with a maximum BHR of 80mPD (21 storeys including 2 basement floors), except the area currently occupied by the Chu Lee Yuet Wah Kindergarten cum Nursery Building would be redeveloped into a garden providing a buffer between the Main Building and the new complex. A playground and a school hall within the redevelopment site were at the moment jointly used by the adjoining primary school (i.e. PLK Gold & Silver Exchange Society Pershing Tsang School). It was agreed between the primary school and PLK that these uses would be reprovisioned within the redevelopment site. The playground would be rebuilt at the area which was currently occupied by the PLK Vicwood K.T. Chong Kindergarten cum

Nursery Building.

38. The Vice-chairman raised concern about the traffic arrangement of the proposed redevelopment of the PLK site noting, in particular that there would be a new ingress/egress at Link Road, the traffic of which was already very congested during weekends. In response, Mr W.L. Tang, Assistant Commissioner for Transport (Urban), Transport Department (TD), said that TD would further liaise with PLK on the detailed arrangement of the traffic management measures to avoid any possible disruption to the traffic along Link Road. Members agreed that the issue could be sorted out at the detailed design stage.

39. The Chairman noted that the Main Building was a Grade 2 historic building with an existing BH of 2 storeys, and asked whether the existing BHR of 4 storeys on the OZP should be revised to reflect the intention of its preservation. Ms Kiang said that PLK had already indicated that the Main Building would remain intact. To respect the setting for the historic building, PLK had proposed the Main Building would be fully separated from the new complex. The requirement had been set out in the Explanatory Statement (ES) of the OZP. PLK had also agreed that any proposed works which might affect the Main Building would be submitted to the Antiquities and Monuments Office of the Leisure and Cultural Services Department for comments prior to their commencement. Members generally considered that the BHR of 4 storeys for the Main Building should be revised to 2 storeys. With the aid of a visualiser, Ms Kiang said that PLK had submitted a letter on 6.10.2015 to indicate their intention for conserving the Main Building. It was unlikely that PLK would object to revising the BHR of the Main Building to 2 storeys.

40. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments, including the revision of the BHR of the part of “G/IC” zone covering the Main Building and its adjacent area from 4 storeys to 2 storeys, to the approved Wong Nai Chung OZP No. S/H7/17 and that the Amendment Plan No. S/H7/17A (to be renumbered to S/H7/18 upon exhibition) and its Notes were suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised ES, which should be suitably amended to incorporate the

latest revision, for the draft Wong Nai Chung OZP No. S/H7/17A as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for various land use zonings of the OZP and the revised ES would be published together with the OZP.

41. Members noted that, as a general practice, the Secretariat of the TPB would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the TPB's consideration.

[The Chairman thanked Ms Ginger K. Y. Kiang, DPO/HK and Miss Josephine Y.M. Lo, STP/HK for their attendance to answer Members' enquiries. They left the meeting at this point.]

[The meeting was adjourned for a break of 5 minutes.]

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

[Mr Patrick H.T. Lau, Mr Dominic K.K. Lam and Mr K.F. Tang returned to join the meeting at this point.]

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

Kowloon District

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/222 Proposed Shop and Services in "Other Specified Uses" annotated "Business" zone, Workshop B (Portion), G/F, Wong King Industrial Building, 2-4 Tai Yau Street, San Po Kong, Kowloon
(MPC Paper No. A/K11/222)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services at the Premises;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Wong Tai Sin); and

[Mr H.W. Cheung arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding developments and complied with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts.

43. Members had no question on the application.

Deliberation Session

44. 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 9.10.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings (FS Code) administered by the Building Authority (BA) and pay attention to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to appoint an Authorized Person to ensure any building works/alterations and additions works/change of use are in compliance with the Buildings Ordinance (BO), in particular:
 - (i) the provision of adequate means of escape for the application premises in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the FS Code;
 - (ii) the application premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS

Code;

- (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;
- (iv) for unauthorized building works (UBW) erected on private land/buildings, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the application premises under the BO;
- (v) the applicant should pay attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers Practice Notes for Authorized Persons (PNAP) APP-47 that BA has no powers to give retrospective approval or consent for any UBW; and
- (vi) if the subject premises is formed from partitioning out from the original approved Workshop B, the means of escape and provision of facilities for the disabled etc. of the remaining portion should not be affected."

[The Chairman thanked Ms Sandy S.K. Ng, STP/K, 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.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/722 Place of Recreation, Sports or Culture (Sports Training Ground) in “Other Specified Uses” annotated “Business”, 1/F and 2/F, Kras Asia Industrial Building, No. 79 Hung To Road, Kwun Tong, Kowloon (MPC Paper No. A/K14/722A)

46. The Committee noted that on 5.10.2015, after the issuance of the Paper, the applicant had submitted further information in response to the comments of the Fire Services Department (FSD). The letter from the applicant had been tabled at the meeting.

Presentation and Question Sessions

47. 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 place of recreation, sports or culture (sports training ground) at the Premises;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) objected to the application. The applied use within industrial building was unacceptable because it would attract persons who could be exposed to risks which they would neither be aware of nor prepared to face. These persons included the old, infirm, children and those whose nature of work was unrelated to the activities in the building. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 14 supporting public comments were received. Main reasons of supporting the application were the approval of the application would enable the provision of professional training facilities/coaching and proper venue for professional players and the enjoyment of the general public; the

application created job opportunities for professional trainers/instructors and was also beneficial to other related sectors; and the Premises at the subject industrial building was the most suitable place to operate the required equipments for the indoor sports training ground. No local objection was received by the District Officer (Kwun Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The applied use at the Premises did not comply with the Town Planning Board Guidelines for Development within the “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) in that D of FS raised objection to the application from fire safety point of view. A similar application (A/K14/583) was rejected by the Committee on 27.2.2009 mainly for the reason that the proposed arts gallery was considered not compatible in an industrial building from fire safety point of view.

48. A Member asked STP/K to further elaborate the reasons for not supporting the application by FSD; and enquired if any warning letter from the Lands Department (LandsD) had been issued to non-conforming uses on other floors of the building. In response, Ms So said that FSD's main concern was that the users of the sports training ground were occasion visitors only and were not regular workers in the industrial building. They would not be familiar with the environment and the means of escape in case of a fire incident. Mr Simon S.W. Wang, Assistant Director, LandsD supplemented that the use of the Premises as a sports training centre was in breach of the lease conditions and warning letter had been registered against the Premises in the Land Registry. He had no information in hand whether warning letters had been issued to other non-conforming uses in the building. Generally speaking, LandsD would act on complaint to take enforcement action.

49. The Vice-chairman asked whether there was any means of escape proposed by the applicant or any such proposal had been suggested by FSD. Ms So said that the applicant had explained in the submission that it was very difficult to add a separate access from the Premises to the G/F, while FSD had not suggested the possible means of escape.

50. A Member noted that the applicant had submitted a plan indicating that the maximum number of visitors at any time was less than the maximum permissible number of workers shown on the approved General Building Plans (GBP) dated 27.9.1972. In response, Ms So said that the approved GBP were for factory use. The key concern of FSD was not on the number of persons that could be accommodated but whether those persons were familiar with the environment of the building in case of a fire incident.

51. Another Member asked PlanD to clarify what the applicant could do on its own part to address FSD's concern. In response, Ms So said that the applicant had proposed to use special fire resistance materials at the Premises and because of the existence of a factory on 3/F, the applicant also proposed upgrading the ceiling with a 4-hour fire resistance rating material ceiling. By referring to Drawings A-1 and A-2 of the Paper, Ms So said that there were two staircases on 1/F and 2/F with direct access to G/F. The staircases also served the whole building. All these measures could not address the concern of FSD.

52. In response to a Member's question, Ms So said that she did not have any information about the conversion of industrial buildings to other uses including arts galleries in Wong Chuk Hang area. The Secretary supplemented that generally speaking, if the entire industrial building had been converted for non-industrial uses, there would not be any concern on fire risk for it to be used as art galleries. PlanD had completed the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessments) to review the use of the existing industrial land. As a follow-up work of the 2014 Area Assessments, PlanD would examine whether more uses could be allowed in industrial buildings if such uses would not cause nuisance to other existing users of the building and induce additional fire risks.

53. The Chairman noted that the Premises was located on 1/F and 2/F of the building, and asked whether FSD had given special consideration in assessing the fire risk. Ms So answered in negative.

54. A Member considered that as fire safety of industrial building was a major concern, it was necessary to take account of the possible storage of dangerous goods in the building before sympathetic consideration could be given to permit other uses.

Deliberation Session

55. The Secretary said that the 2014 Area Assessment recommended that those uses which would not create nuisance to other existing users of the building and induce additional fire safety might be allowed in the industrial building. For instance, art studio not involving direct provision of customer services had already been included in Column 1 use of the “Industrial” and “OU(B)” zones on the Sha Tin Outline Zoning Plan. Similar amendments would be proposed for other OZPs progressively.

56. The Vice-chairman said that as the applied use was not an industrial use, reference might not be made to the permissible number of persons shown on the approved GBP dated 27.9.1972. As the applicant had not yet addressed the fire safety concern, the application was not supported by FSD.

57. A Member said that FSD was concerned about the fire risks arising from the activities of the entire industrial building rather than the Premises as other non-industrial uses in the building could be used at any time for industrial purposes, and hence the applicant had no control on the level of fire risks that the Premises would be exposed to.

58. A Member was of the views that as the Premises was located on the 1/F and 2/F of an existing industrial building, it was unlikely that the visitors would have difficulty in accessing the staircases leading to the G/F. As the whole building was under transition, it was unlikely that the non-industrial uses would be reverted back to industrial uses. In that case, the exposure to fire risk was comparatively low. If the applied use was considered acceptable in an industrial building, it should be approved subject to compliance with the approval condition on the implementation of fire safety measures.

59. The Chairman said that fire safety was a relevant planning consideration. He suggested that Members might consider the following options: (i) to reject the application; (ii) to approve the application on a temporary basis for a period of 3 years with an additional approval condition on the implementation of suitable fire safety measures to the satisfaction of the Director of Fire Services before commencement of operation of the proposed use; or (iii) to approve the application with conditions as recommended in the Paper.

[Mr H.W. Cheung left the meeting at this point.]

60. Some Members supported option (ii), but some was concerned about the difficulty in satisfying the fire safety concern. Some Members considered that given the G/F was currently occupied by car-parking spaces, loading/unloading bays and other common facilities, the chance of implementing a separate means of escape from the Premises to the G/F was very slim. A Member considered that public safety should not be compromised.

61. After deliberation, the Committee decided to reject the application. The reason for rejection was :

“the sports training ground is considered not acceptable in an industrial building from fire safety point of view.”

[Mr Martin W.C. Kwan left the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/725 Proposed Vehicle Repair Workshop in “Other Specified Uses” annotated “Business” zone, Ground Floor, Nos. 167-169 Hoi Bun Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/725)

Presentation and Question Sessions

62. 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 proposed vehicle repair workshop at the Premises;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarised as follows:
 - (i) the Commissioner for Transport (C for T) expressed concerns on the application. The applicant should provide the proposal for relocating the affected loading/unloading (L/UL) facilities and parking spaces within the site, and provide the swept path analysis for each parking space and L/UL space and for the vehicles entering and leaving the building with inclusion of the existing traffic aid details at Hoi Bun Road; provide the survey result on the kerb-side activities along Hoi Bun Road and assess the associated traffic impact for the L/UL area; demonstrate that the use of the L/UL area would not be affected by the proposed ingress/egress points; clarify whether the general public would be allowed to drive into the Premises; assess the traffic impact on Hoi Bun Road and the junctions in the vicinity of the Premises and the comparison table for the generated traffic between the existing and proposed uses; and check the proposed traffic directions as shown on the preliminary layout plan and the floor plan;
 - (ii) the Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD) commented that as the run-in/out of the proposed vehicle repair workshop was directly facing Hoi Bun Road, possible greasy motor oil resulting from the operation of the workshop would probably contaminate the proposed newly constructed pavement surface with stains, which would be very difficult to remove. The applicant should be requested to review his application; and
 - (iii) the Head of Energizing Kowloon East Office (EKEO) did not support the application as the proposed vehicle repair workshop at the Premises fronting Hoi Bun Road would result in more vehicle movements and would affect EKEO's project to enhance Hoi Bun

Road streetscape, and the application was not in line with the objective of promoting walkability along Hoi Bun Road;

- (d) during the first three weeks of the statutory publication period, three public comments raising objection to the application and one supportive public comment were received. The objections were on the grounds of land use compatibility, traffic and environmental impacts and safety concern. No local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. Under the 'Energizing Kowloon East' initiative, the Kwun Tong Business Area (KTBA) was being transformed into an alternative central business district of Hong Kong – Central Business District². The proposed use was therefore not in line with the planning intention of the "Other Specified Uses" annotated "Business" ("OU(B)") zone which was planning for general business use and the gradual transformation of KTBA for commercial use. The proposed use did not comply with the Town Planning Board Guidelines for Development within the "OU(B)" Zone (TPB PG-No. 22D) in that it would induce adverse traffic impact on the developments within the subject building and surrounding areas. C for T had expressed concerns on the application. No similar application for vehicle repair workshop had been approved in the KTBA in the past. Approval of the application would set an undesirable precedent for similar applications for vehicle repair workshop, the cumulative impacts of which might result in conflicts with the transformation of the KTBA.

[Mr Sunny L.K. Ho left the meeting at this point.]

63. The Vice-chairman asked what kind of services the proposed vehicle repair workshop would provide. In response, Ms So said that the proposed services were mainly assembly of car hardware, car cleaning and car painting and storage.

Deliberation Session

64. The Chairman said that there were godown uses on the upper floors of the building. The existing L/UL facilities of the building would still be required by the godown uses, thus vehicles entering and leaving the site would be unavoidable even if the proposed vehicle repair workshop was rejected. As the application only involved minor vehicle repairing services, the Chairman asked whether a temporary approval could be granted for the proposed development to monitor the situation.

65. A Member considered that the application could be approved on a temporary basis and the applicant had to comply with the Water Pollution Control Ordinance and the Waste Disposal Ordinance. If the area was going to be transformed for both commercial and clean industrial uses, the applied use would eventually be phased out.

66. Members agreed that the proposed development could be approved on a temporary basis for a period of 3 years, so as to monitor if the proposed use would bring about traffic and environmental impacts on the surrounding areas.

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of a traffic impact assessment within 6 months from the date of the approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.4.2016;
- (b) the implementation of mitigation measures as recommended in the accepted traffic impact assessment within 9 months from the date of the approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.7.2016;
- (c) the submission of the proposal for fire safety measures, including the provision of fire service installations at the application Premises within 6

months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2016;

- (d) the implementation of the proposal for fire safety measures, including the provision of fire service installations at the application Premises within 9 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2016; and
- (e) if any of the above planning conditions (a) to (d) 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.”

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

- “(a) a temporary approval of three years is granted to monitor the traffic and environmental impacts of the proposed use;
- (b) to apply to the District Lands Office/Kowloon East, Lands Department for lease modification or temporary waiver for the proposed ‘Vehicle Repair Workshop’ use at the application Premises;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that Barrier Free Access and accessible toilets should be provided to the proposed vehicle repair workshop under Building (Planning) Regulations 72, which may necessitate the submission of plans for approval under the Buildings Ordinance (BO); and detailed comments under the BO can only be formulated at the building plan submission stage; and
- (d) to note the comments of the Director of Environmental Protection that the operation of the proposed use should comply with the requirements under pertinent existing pollution control ordinances. ”

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

[Ms Johanna W.Y. Cheng, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/317 Proposed School (Vocational Community Tutorial School) in
"Residential (Group C) 1" zone, 2 Essex Crescent, Kowloon Tong,
Kowloon
(MPC Paper No. A/K18/317)

69. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant. The following Members had declared interests in this item:

Mr Dominic K.K. Lam	}	having current business dealings with Lanbase
Mr Patrick H.T. Lau		
Ms Julia M.K. Lau	-	family members living in Kowloon Tong and being a director of a company that owned a property in Kowloon Tong
Mr Clarence W.C. Leung	-	currently living in Kowloon Tong
Dr Lawrence W.C. Poon	-	living in the staff quarter of City University in Kowloon Tong

70. The Committee noted that Ms Julia M.K. Lau and Mr Clarence W.C. Leung had tendered apologies for being unable to attend the meeting.

71. The Committee noted that Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, and Dr Poon's interest was indirect, and agreed that they

could stay in the meeting.

Presentation and Question Sessions

72. With the aid of a PowerPoint presentation, Ms Johanna W.Y. Cheng, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (vocational community tutorial school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the car parking spaces or lay-bys were located at the south-west corner near an existing tree and might be in conflict with the tree. The proposed school would serve over 250 students, however, there was no landscape provision and outdoor seating areas for the students. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 198 public comments were received with 142 supporting and 56 objecting to the application:
 - (i) the main supporting grounds were that the proposed vocational community tutorial school was a use suitable for the area, created educational opportunities and provided vocational trainings for the youth; the proposed school would not cause traffic problem as the students had different school hours and would travel to school by public transport; and the proposed use would benefit the Kowloon Tong district as development of the area would become more diversified and the cultural and educational environment of the area would be further enhanced; and

- (ii) the main grounds of objection were that the proposed school use would further aggregate traffic congestion in the vicinity and pose potential risk/danger to the safety of the pedestrians, especially students; the application was not in line with the planning intention for the area which was primarily a low-density residential area but had been infringed by non-residential uses, causing adverse impacts on traffic and the environment; the educational facilities in Kowloon Tong were far in excess of the needs of the local population; the proposed school did not meet the criteria of the Town Planning Board Guidelines on Application for Tutorial School (TPB PG-No. 40) as it was not sure if the roof level would be used for residential purpose;

- (e) the District Officer/Kowloon City (DO/KC) advised that both the local residents and the concerned Kowloon City District Council (KCDC) members had all along been concerned about the traffic congestion problem in the Kowloon Tong area. He noted that PlanD had directly consulted the interested KCDC members, the Lung Tong Area Committee as well as the Owners' Committees, Mutual Aid Committees, management committees and residents of buildings near the site regarding the application. Their comments, if any, should be taken into account when considering the application; and

- (f) the PlanD's views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed school complied with the TPB PG-No. 40 in that the only use within the building would be for school only and there was no issue of land use incompatibility and shared access problem within the same building. The proposed school was considered not incompatible with the surrounding area, where residential uses and other schools, nurseries, religious institutions and hotel uses could be found. The proposed school hours from 10:00a.m. to 8:30p.m. would not clash with the morning peak hours of the adjacent schools. The Commissioner for Transport had no objection to the application. Regarding the objecting public comments,

the planning assessment and the comments of the government departments above were relevant.

73. The Vice-chairman asked what type of courses the school would offer. Ms Cheng said that the proposed school was a vocational community tutorial school, which would provide vocational and personal enrichment courses for youths and school leavers. The proposed courses included café management, company secretary, yoga instructor training, jewellery appraisal, spa therapy, beautician training, wedding make-up, commercial photography, business English and business Putonghua.

74. A Member asked about the use of the penthouse at the roof floor of the subject building and whether the applicant was a school operator as no application for registration of a new school (i.e. vocational community tutorial school) at the site had been received by the Education Bureau (EDB). Ms Cheng said that according to the applicant, the existing penthouse would be left vacant with access blocked by panel to the existing staircase leading to the roof at 1/F level. There was no information about the current use of the penthouse. In the two previous planning applications related to kindergarten use, the applicants said that they would use 1/F and G/F only and the penthouse would be left vacant and blocked off. The proposed school would be run by the Holy Trinity Institute of Communication, which had a Catholic background and was operating two schools in Guangzhou; one was a commercial school and the other was a vocational school. The applicant had to submit application for registration of a new school to EDB and EDB would seek PlanD's comments. If the application was approved by EDB, it could be stated in the approval letter that the Premises could only be used for tutorial school purposes unless approval for other uses was given by the Town Planning Board (TPB).

75. A Member considered that it was unlikely that the penthouse would be left vacant and asked what action the Government might take if it was used as a staff quarter or residential purposes in the future. In response, Ms Cheng said that the applicant claimed that the penthouse would be left vacant and blocked off. Since the applicant had to apply to Lands Department's (LandsD) for a temporary waiver and the use might be specified in the waiver.

76. The Vice-chairman considered that the courses being offered did not resemble that of a tutorial school. In response, Ms Cheng said that there were a number of tutorial schools approved previously in Kowloon Tong. A similar application No. A/K18/231 for proposed school (cosmetic career centre) approved in 2005 was run by Caritas - Hong Kong. Some courses offered there were similar to those proposed by the applicant. The Chairman supplemented that if the tutorial school was to be established, they had to apply for licence from EDB and whether the proposed uses had obtained planning permission from the TPB would be taken into account by EDB in processing the licence application.

77. In response to a Member's question, the Chairman said that it was not necessary to get the approval of EDB on the proposed school before it was submitted to the TPB for consideration.

Deliberation Session

78. A Member said that the proposed school at the site was a bit unusual. Given the current shortfall in housing supply, application for non-residential use in "Residential (Group C)" zone should not be supported.

79. The Chairman suggested that in assessing the application, Members might focus on whether it was in line with the planning intention of the land use zoning; and whether it was acceptable in traffic terms.

80. The Vice-chairman considered that there was no strong reason to reject the application as it complied with the TPB PG-No. 40. While there would be a need to review the suitability of having non-residential uses in Kowloon Tong Garden Estate in the long run, he had no objection to approve the application on a temporary basis. Members agreed that PlanD should take stock of the existing uses and planning applications approved in Kowloon Tong Garden Estate with a view to have a more comprehensive picture on land uses in the area.

81. The Chairman suggested that Members might consider the following options: (i) to reject the application as it was against the planning intention of the area; (ii) to approve the application with conditions as recommended; or (iii) to approve the application on a

temporary basis with conditions in order to monitor the operation of the proposed school.

82. The Committee agreed to grant a temporary approval of three years in order not to jeopardize the long term planning intention of the area.

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the school hours should be restricted from 10:00a.m. to 8:30p.m. as proposed by the applicant during the school operation period;
- (b) the design and provision of parking facilities and lay-bys for the proposed development prior to commencement of school operation to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of fire service installations and water supplies for fire fighting for the proposed development prior to commencement of school operation to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2016;
- (e) in relation to (d) above, the implementation of the approved landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.7.2016;
- (f) if any of the above planning conditions (a), (b) or (c) is not complied with during the school operation period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning conditions (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and

shall be revoked immediately without further notice.

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

- “(a) a temporary approval of three years is granted to monitor the operation of the proposed school;
- (b) the approval of the application does not imply any compliance with the Buildings Ordinance (BO) and Regulations. The applicant should appoint Authorized Person and Registered Structural Engineer to submit building plans to the Buildings Department (BD) for approval in accordance with the requirements of the BO;
- (c) to consult the Registration Section of Education Bureau on school registration matters under the Education Ordinance and Regulations;
- (d) to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD;
- (e) to apply to the District Lands Officer/Kowloon East, Lands Department (LandsD) for temporary waiver of the lease restriction or lease modification under lease for the proposed conversion. If the application for temporary waiver or lease modification is approved by LandsD in the capacity as the landlord, it will be subject to such terms and conditions, including the payment of a waiver fee or a premium, as considered appropriate by LandsD at its sole discretion; and
- (f) to explore the provision of greening and at-grade tree planting along the southern site boundary to enhance the streetscape of the vicinity.”

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

Agenda Item 13

Any Other Business

85. There being no other business, the meeting closed at 1:05 p.m..