

TOWN PLANNING BOARD

**Minutes of 567th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 14.10.2016**

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

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

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Assistant Commissioner for Transport (Urban),
Transport Department
Mr C.Y. Chan

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

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

Assistant Director (Regional 1), Lands Department
Mr Simon S.W. Wang

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

Secretary

Absent with Apologies

Mr T.Y. Ip

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
Mr Dennis C.C. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 566th MPC Meeting held on 30.9.2016

[Open Meeting]

1. The Secretary reported that there was a typographic error in line 4, paragraph 9 (g)(ii) of the draft minutes of the 566th MPC meeting held on 30.9.2016, which should read “... planned columbarium development in the area. ~~C of~~ *for* T also had...”.
2. The draft minutes were confirmed subject to the above amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

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

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

[Mr Thomas O.S. Ho left the meeting temporarily at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/132 Proposed Temporary Concrete Batching Plant for a Period of 5 Years in
"Industrial" zone, Tsing Tim Street, Tsing Yi Town Lot 98, Tsing Yi
(MPC Paper No A/TY/132C)

4. The Secretary reported that the replacement page (page 11) of the Paper was dispatched to Members on 13.10.2016.

5. The Secretary reported that AECOM Asia Company Limited (AECOM) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. The following Members had declared interests in the item:

Mr Dominic K.K. Lam	}	having past business dealings with AECOM and MVA;
Mr Franklin Yu		

Mr Patrick H.T. Lau - having current business dealings with AECOM and MVA; and

Mr Thomas O.S. Ho - having current business dealings with MVA and past business dealings with AECOM and his company having business related to concrete batching plant.

6. The Committee noted that Mr Franklin Yu had not arrived at the meeting yet and Mr Thomas O.S. Ho had left the meeting temporarily. 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

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

- (a) background to the application;
- (b) the proposed temporary concrete batching plant for a period of 5 years;
- (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 two statutory publication periods, a total of 49 public comments mainly from individuals were received. The public comments objected to the application mainly on the grounds of adverse traffic and environmental impacts that would affect the health of nearby workers. No local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed concrete batching plant was considered not incompatible with the surrounding industrial related developments. Although the Commissioner of Police (C of P) advised that the traffic volume at Tsim Tim Street was already heavy, other concerned departments including the Commissioner for Transport had no objection to or no adverse comment on the application. Relevant approval conditions had been recommended to address C of P's traffic concern. Regarding the public comments, the assessments above were relevant.

8. In response to a Member's enquiry, Ms Fannie F.L. Hung, STP/TWK, said that the logistic company raising objection to the application was located to the immediate north of the site.

9. In response to another Member's enquiry, Ms Hung said that no information on the overall supply of concrete batching plants in the territory was available at hand. However, for Tsing Yi, there were two concrete batching plants, including one in the western part of the island approved in 2012, and another one in the northern part, both were in operation. Besides, two planning applications for concrete batching plants at Tam Kon Shan Road would be considered by the Committee in due course. In response to the Member's further enquiry, Ms Hung said that according to the information provided by the applicant, the longest travelling time from the concrete batching plant to the work sites before the concrete dried up was about one hour.

10. In response to the Vice-chairman's enquiries on operation hours and likely impacts, in particular, with regard to operations on Sundays and public holidays, Ms Hung said that for all the approved applications for concrete batching plants in Tsing Yi, the operation hours proposed by the applicants were generally from 7 a.m. to 7 p.m., Monday to Saturday, which might be extended to include Sundays and public holidays if required. As the site was located in an area mainly for dockyards, oil depots and other industrial uses, minimal adverse traffic and environmental impacts were expected.

Deliberation Session

11. The Chairman said that the site was the subject of a previous approved application for the same use for a period of three years. During the approval period, the applicant had submitted building plans. Should the application be approved, the applicant could complete the land matters and then start the operation. In response to the Chairman's questions, Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), said that the proposed concrete batching plant would be a Specified Process subject to control under the Air Pollution Control Ordinance, a licence would be issued to the applicant only if he could satisfy EPD's requirements on air quality. As for industrial noise emitted from the plant, it would be subject to control under the Noise Control Ordinance. Mr Tang further said that as the site was located in an area zoned "Industrial", it was envisaged that the proposed concrete batching plant with suitable environmental mitigation measures in place should not result in insurmountable environmental impacts.

12. Noting that the applicant would be required to make various submissions to meet the requirements of the recommended approval conditions (b) and (d) before commencement of the operation of the proposed development, the Chairman suggested that a time clause should be added so as to allow time for the applicant to make such submissions. The Committee agreed that the approval conditions (b) and (d) should be revised to specify a period of 12 months for compliance by the applicant and a revocation clause should be revised correspondingly to specify that should the applicant fail to comply with the two approval conditions by the specified date, the planning permission would be revoked.

13. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 14.10.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant shall be allowed at any time during the planning approval period;
- (b) the submission of water supplies for fire fighting and fire service installations proposals within 12 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.10.2017;
- (c) the implementation of water supplies for fire fighting and fire service installations proposals before commencement of operation of the proposed development to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a traffic management plan, contingency plan and associated mitigation measures and traffic facilities within the application site within 12 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 14.10.2017;

- (e) the implementation of traffic management plan, contingency plan and associated mitigation measures and traffic facilities within the application site to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) if any of the above planning conditions (a) and (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning conditions (b) or (d) 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
- (h) if any of the above planning conditions (c) and (d) is not complied 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.”

14. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

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

[Mr Thomas O.S. Ho returned to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/TY/134 Proposed Temporary Concrete Batching Plant for a Period of 5 Years partly in "Other Specified Uses" annotated "Boatyard and Marine-oriented Industrial Uses" zone and partly outside the Tsing Yi Outline Zoning Plan Planning Scheme Boundary, Tsing Yi Town Lot Nos. 14 and 15 and adjoining Government Land, Tam Kon Shan Road, Tsing Yi
(MPC Paper No. A/TY/134)

15. The Secretary reported that LLA Consultancy Limited (LLA) and BMT Asia Company Limited (BMT) were two of the consultants of the applicant. The following Members had declared interests in the item:

Mr Patrick H.T. Lau - having current business dealings with LLA and BMT;
and

Mr Thomas O.S. Ho - his firm having past business dealings with BMT which
were not related to the application

16. The Committee noted that the applicant had requested for deferral of consideration of the application. As Mr Patrick H.T. Lau and Mr Thomas O.S. Ho had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

17. The Committee noted that the applicant requested on 30.9.2016 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 relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

- Mr Patrick H.T. Lau - having current business dealings with URA;
- Mr Stephen H.B. Yau - being a past member of the Wan Chai District Advisory Committee of URA;
- Dr Lawrence W.C. Poon - being a non-executive director of the Board of URA;
- Mr K.K. Cheung - his firm having current business dealings with URA, and
- past business dealings with RLP;
- Mr Wilson Y.W. Fung - being a director of the Board of the Urban Renewal Fund of URA; and
- Mr Thomas O.S. Ho - having current business dealings with RLP.

21. The Committee noted that the interests of the Chairman, the Vice-chairman, Mr Patrick H.T. Lau, Dr Lawrence W.C. Poon, and Mr K.K. Cheung were direct and agreed that they should be invited to leave the meeting temporarily for the item. The Committee also noted that according to the procedure and practice adopted by the Town Planning Board, if the matter was subject to a statutory time limit, then as a matter of necessity, the Chairman or Vice-chairman should continue to assume the chairmanship. As the Chairman had to leave the meeting early, the Committee agreed that the Vice-chairman should take over and chair the meeting for the item but a conscious effort should be made to contain his scope of involvement in an administrative role to minimise any risk that he might be challenged. As the interest of Mr Stephen H.B. Yau was indirect and Mr Wilson Y.W. Fung and Mr Thomas O.S. Ho had no involvement in the application, the Committee agreed that they could stay in the meeting.

[The Chairman, Mr Patrick H.T. Lau, Dr Lawrence W.C. Poon, and Mr K.K. Cheung left the meeting at this point. Mr Franklin Yu arrived to join the meeting at this point.]

Presentation and Question Sessions

22. 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 alfresco dining facilities/outdoor sitting areas (amendments to an approved Master Layout Plan (MLP));
- (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, a total of 22 public comments were received, including five supporting, 14 objecting and three providing views. The main grounds of support were that the proposal would create a more leisure environment and enhance cohesiveness of the community; it was good to have more outdoor places for enjoyment; and it would enhance attractiveness and competitiveness of the eating places thereat. The main grounds of objection were additional area for dining facilities was not required; the proposal would create noise pollution and hygiene problems, attract parking of vehicles which would affect the local residents and pedestrians; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed development was small in scale and would not affect the major development parameters of the comprehensive development under the approved MLP. It would also not affect the adjoining public open space (POS) or cause any blockage to the back entrance of the Amoy Street Sitting-out Area, and significant adverse environmental, noise, traffic, drainage, sewerage and visual impacts were not envisaged. Regarding the adverse public comments, the assessments above were relevant.

Demarcation of the Site

23. Noting that the areas (i.e. Sites A, B and C) covered by the application were small, two Members raised their concerns that if the areas were not clearly demarcated, the proposed alfresco dining facilities might extend beyond those areas into the adjoining POS. The possible encroachment onto POS for private use might attract public complaints. A Member asked if there would be any potential impacts on pedestrian circulation. In response, Miss Josephine Y.M. Lo, STP/HK, said that the areas under application were adjacent to the existing restaurants. While Sites A and B were already demarcated by different paving materials, Site C was currently fenced off by a hoarding but it was likely that similar paving treatment would be applicable. As indicated in Drawing A-3 of the Paper, a perimeter fence would be provided to separate the proposed alfresco dining facilities at Site C from the POS. Given the narrow width of Sites A and B, the use of fencing might not be appropriate. Miss Lo further said that the area of the three sites ranged from about 10 m² to 50 m² which could accommodate about three to six tables, each with two chairs. The concern on blockage of pedestrian circulation could be addressed through the existing control mechanisms, including the licensing system of the Food and Environmental Hygiene Department and the land lease.

24. In response to a Member's enquiry, Miss Lo said that an approval condition could be imposed to ensure that the areas would be clearly demarcated by appropriate design features.

25. In response to another Members' enquiries, Miss Lo said that to meet the requirements for a food business licence for outdoor dining, the concerned dining area should be adjacent to existing restaurants. She further explained that Sites A, B and C were all located adjacent to existing restaurants.

Site C

26. A Member asked whether the existing bench seats at Site C would have to be relocated due to the proposed alfresco dining facilities. In response, Miss Lo clarified that the existing bench seats were adjacent to, rather than inside Site C. The proposal would not affect any existing trees and bench seats which were provided in accordance with the approved Landscape Master Plan (LMP). Regarding the interface between Site C and the existing bench seats, Miss Lo said that the applicant had not submitted any information on

that aspect but had provided an artist's impression indicating that a perimeter fence would be provided to separate Site C from the POS. Miss Lo further said that if the existing trees and bench seats were removed, revision to the approved LMP might be required and concerned departments would take follow-up actions as appropriate.

27. In response to a Member's question, Miss Lo said that the applicant had not provided information on whether the hoarding at Site C, which was enacted on his private premises, was related to the applied use.

POS

28. A Member asked if the applicant would be required to compensate for the loss of the outdoor space due to the proposed alfresco dining facilities. In response, Miss Lo said that according to the approved LMP, a total of not less than 3,967m² of POS should be provided and the three areas proposed for alfresco dining were not part of POS in the LMP. In the latest approved building plans, no specific use had been designated for the three areas. As the current proposal would not encroach onto POS, no compensation for POS was required.

29. A Member asked why part of Site B was shown as open space in Plan A-5 of the Paper. In response, Miss Lo said that that part was actually the footbridge, above which was part of the private open space in the MLP.

Pedestrian Circulation and Emergency Vehicular Access (EVA)

30. In response to a Member's enquiry, Miss Lo said that the existing EVAs of The Avenue would not be affected by the proposal.

31. In response to another Member's enquiry, Miss Lo said that The Avenue could be connected with the Wan Chai Station through the Lee Tung Street Subway which was under construction, via the subway underneath the Southorn Playground and Johnston Road.

Deliberation Session

32. A Member opined that the alfresco dining proposal would introduce more lively outdoor activities to the area and create a better integration between indoor and outdoor spaces. Generally speaking, the concern on pedestrian circulation, EVA and existing sitting facilities could be addressed by management and design measures. However, the Member was concerned that Site C and its interface with the surrounding POS would need to be addressed.

33. A Member did not support the application as the three areas were small in size and the use of the areas for alfresco dining might affect public enjoyment of the adjacent POS. The Member was concerned that it would be difficult for the concerned government department to take enforcement actions against the noise and other nuisances arising from the alfresco dining facilities. The Member also considered that Site C was particularly problematic.

34. A Member did not support the application on the ground that the fenced off area at Site C with a platform was not pedestrian-friendly, creating an odd interface with the surrounding POS and obstructing pedestrian circulation. Another Member did not support the application as the proposal would take up the outdoor space, resulting in an uncomfortable environment.

35. A Member opined that although Sites A and B might have adverse impacts on the residents of The Avenue, they were considered acceptable subject to imposing relevant approval conditions such as restrictions on business hours. However, Site C was not supported as it would take up half the width of the existing circulation space, affecting the pedestrian movement.

36. Another Member had reservation on the application as the proposed alfresco dining would have adverse noise impact on the nearby residents.

37. A Member was concerned that the proposal might obstruct the narrow pedestrian walkway of the surrounding area.

38. The Committee generally agreed that the proposal would not reduce the provision of POS but might have adverse impacts on pedestrian circulation especially at Site C and

generate noise nuisance. With reference to paragraphs 8.1.4 and 8.1.9 of the Paper, the Secretary said that the Leisure and Cultural Services Department and the Environmental Protection Department had no objection to or no comment on the application as the proposal would not cause blockage to the pedestrian circulation to the Amoy Street Sitting-out Area nor generate adverse environmental impact respectively.

39. A Member said that as the proposal would not encroach onto POS, blockage of pedestrian circulation might not be an appropriate reason for rejection. However, the Member opined that noise nuisance might be an appropriate reason for rejecting the application.

40. Another Member asked whether the applicant was required to compensate for the loss of private open space should the application be approved. In response, the Secretary said that the land was privately owned while the use of the common area might be governed by the Deed of Mutual Covenant (DMC). Two Members opined that as there was no information on the use of the applied areas under DMC, clarification from the applicant was required.

41. The Vice-chairman said that in view that the applicant had not provided sufficient information on the design and layout of the proposed alfresco dining areas to show that the proposal would not affect pedestrian circulation or cause noise nuisance, and there was no information on the use of the applied areas under DMC, it might be appropriate to defer a decision on the application. The Committee agreed.

42. After further deliberation, the Committee decided to defer a decision on the application, pending submission of further information by the applicant.

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

Kowloon District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K14/734 Place of Recreation, Sports or Culture (Sports Training Ground) in "Other Specified Uses" annotated "Business" zone, 1/F, Kras Asia Industrial Building, No. 79 Hung To Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/734)

Presentation and Question Sessions

43. The Committee noted that the applicant requested on 28.9.2016 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 relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

Agenda Item 7

Any Other Business

45. There being no other business, the meeting closed at 10:50 a.m..