

TOWN PLANNING BOARD

Minutes of 573rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 13.1.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Stephen H.B. Yau

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

Chief Traffic Engineer (Kowloon), Transport Department
Mr Simon H.W. Lau

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
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr Patrick H.T. Lau

Dr Frankie W.C. Yeung

In Attendance

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

Chief Town Planner/Town Planning Board
Mr Kepler S.Y. Yuen

Town Planner/Town Planning Board
Ms Anita M.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 572nd MPC Meeting held on 23.12.2016

[Open Meeting]

1. The draft minutes of the 572nd MPC meeting held on 23.12.2016 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Streamlining of Minutes of Meeting

2. The Secretary reported that on 6.1.2017, the secretariat received an email from a member of the public addressed to the Chairman and Town Planning Board (TPB) Members expressing concern on the minutes of the Rural and New Town Planning Committee (PC) meeting on 9.12.2016, which did not include a gist of public comments on the cases but only made reference to the relevant paragraph in the paper. That would amount to a change of policy of the TPB without any consultation with the public or any notice to this effect.

3. The Secretary went on to say that the TPB/PC papers were available for public viewing in the Planning Enquiry Counters of the Planning Department for at least three months. The audio recording of the proceedings of meetings was also available on the TPB's website. Members were fully aware of the public comments received during the publication of the application, which had been included in the respective TPB/PC papers, and such information was available for public viewing. As such, it was not necessary to recapitulate the details of public comments in the minutes of meeting, which was not intended to be verbatim. Subject to Members' agreement, the secretariat would reply to that Member of the public along the above lines.

4. After deliberation, the Committee agreed that the secretariat would reply to that member of the public accordingly.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K3/5 Further Consideration of Proposed Amendment to the Notes of the Draft Mong Kok Outline Zoning Plan No. S/K3/29 for "Residential (Group A)1" zone, No. 8 Fuk Lee Street and No. 201 Tai Kok Tsui Road, Mong Kok, Kowloon
(MPC Paper No. Y/K3/5A)

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

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| Mr Lawrence Y.C. Chau | - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK); |
| Ms Michelle M.S. Yuen | - Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK); |
| Ms Wong Ka Ying, Sarah | } Applicant's representatives |
| Mr Lee Bun, Benson | |
| Mr Hung Ka Ping, Thomas | |
| Ms Lam Suk Ping, Venus | |

[Ms Sandy H.Y. Wong arrived to join the meeting at this point.]

Presentation and Question Sessions

6. The Chairman extended a welcome and explained the procedure of the meeting. He then invited PlanD's representatives to brief Members of the background of the application. 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 of the application;

- (b) the proposed amendment to the Notes of the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/29 for the “Residential (Group A)1” (“R(A)1”) zone in respect of the application site (the site) (i.e. Metro Harbour View) to the effect that ‘A Public Open Space (POS) of not less than 9,854m² shall be provided’ be replaced by ‘A private open space of not less than 9,854m² shall be provided’;
- (c) during the consideration of the application on 1.6.2012, the Committee decided to defer making a decision on the application as the applicant had not yet obtained the support of the Yau Tsim Mong District Council (YTMDC) and the Yau Tsim Mong West Area Committee (YTMWAC). The applicant was requested to consult the YTMDC and YTMWAC on the proposed deletion of the POS requirement at the site before the Committee’s further consideration of the application;
- (d) the applicant had consulted YTMWAC and YTMDC respectively in November and December 2012 but their proposal was not supported. Their proposal was followed up at the YTMDC in 2014 and 2015, but the support of YTMDC could not be obtained;

Further Information

- (e) on 18.11.2016, the applicant submitted further information (FI) to the Town Planning Board (the Board) enclosing a chronology of events and expressed that they were considering submitting their proposal to the YTMWAC and YTMDC again to solicit support. They also considered that it was not necessary to fulfil the five criteria for waiving the requirement in the lease for opening the POS on private land for public use (the five criteria) in sequential order;

Departmental Comments

- (f) the Secretary for Development (SDEV) was consulted on the FI and

advised that since the government was not prepared to change the five criteria, the applicant was advised to conform to them;

- (g) other relevant departments had no objection to or no adverse comment on the application;

[Mr Franklin Yu arrived to join the meeting at this point.]

Public Comments

- (h) during the statutory publication period of the application which ended on 13.4.2012, eight public comments were received. Of which, three supported and five objected to the application. The major objection grounds and concerns were set out in paragraph 10 in F-Appendix I of the Paper; and

PlanD's View

- (i) PlanD did not support the application based on the assessments set out in paragraph 4 of the Paper. The POS at the site was intended to help meet the acute shortfall of open space provision in the Mong Kok District. The proposed deletion of the POS requirement would affect public enjoyment of the open space by the local residents in the surrounding area. Therefore, it would be prudent for the applicant to obtain the support of both YTMDC and YTMWAC for waiving the POS requirement. However, the applicant had failed to obtain the support from YTMDC and YTMWAC since the last consideration by the Committee in 2012.

7. The Chairman then invited the applicant's representatives to elaborate on the application. Ms Wong Ka Ying, Sarah said Members could refer to paragraph 2 of F-Appendix I of the Paper for the justifications in support of the application. Since the Committee's decision to defer consideration of the application, the applicant had not submitted any additional grounds of justification. However, her team would like to supplement a few points with regard to the application for Members' consideration.

8. Mr Lee Bun, Benson made the following points:

- (a) in the minutes of meeting of the consideration of the application by the Committee on 1.6.2012, Members raised concern on the planning control on open space provision within the site should the application be approved and the site be redeveloped. The site had an area of about 21,000m², of which 9,854m² was stipulated in the Notes of the OZP as POS, which amounted to about 46% of the entire site. The Design and Management Guidelines for Public Open Space in Private Development (POSPD Design and Management Guidelines) published by the Development Bureau (DevB) in 2011 had recommended that POS should be located at ground level, have street frontage and be highly visible. That meant that the development restrictions stipulated for the “R(A)1” zone on the OZP with respect to the application site could only be developed on the remaining 54% of the area of the application site. It would be difficult to achieve the requirements and the resultant POS would be too large proportionally and not compatible with the residential development; and
- (b) the administrative arrangements to resolve problems in some existing POS in private developments was set out in the Legislative Council Panel on Development’s Paper, which listed the five criteria required for the government to consider waiving the POS requirement from the lease. The current application was submitted to fulfil one of the five criteria required in order for the applicant to submit a waiver application for the consideration of the Lands Department (LandsD). The approval of the current application did not mean that the waiver application would be approved and that the POS at the application site would be closed with immediate effect. He hoped that Members would consider their justifications and approve the application.

9. Ms Wong Ka Ying, Sarah supplemented that the applicant had been working towards fulfilling the five criteria but considered that they could be fulfilled separately and not in sequential order. She also supplemented that after failing to gain the support of

YTMDC and YTMWAC in end 2012, the applicant had discussed the way forward and decided to submit the proposal to the YTMDC and YTMWAC again after the new term of YTMDC commenced in early 2016. With the points elaborated in this meeting, she hoped the Committee would re-consider and approve the application.

10. As the presentation from PlanD's representatives and the applicant's representatives had been completed, the Chairman invited questions from Members.

11. Some Members and the Vice-chairman raised the following questions:

- (a) a brief background of the site and its POS requirement;
- (b) the accessibility, maintenance and operation of the POS, including its usage and the relevant requirements under the lease and Master Layout Plan (MLP);
- (c) whether there were any practical reasons to change the POS designated at the site to private open space;
- (d) information on the distribution of open space in the vicinity of Metro Harbour View, the Mong Kok area, and the Yau Tsim Mong District, and how the loss of public open space from the application site would be compensated;
- (e) whether the five criteria were required to be fulfilled in sequential order or could be fulfilled separately;
- (f) any similar applications previously considered by the Committee;
- (g) noting that the applicant had failed to gain support from the YTMDC and YTMWAC, what their reasons were for objecting to the applicant's proposal; and
- (h) whether the deletion of the POS requirement would require acquiring back

the land designated as POS by the land owner.

12. Mr Lawrence Y.C. Chau, DPO/TWK, made the following responses:

- (a) the POS provision within the site was proposed by the developer following the requirements in the planning brief endorsed in 1997 for the “Comprehensive Development Area” (“CDA”) zone. At that time, it was not uncommon for developers to propose POS within private developments. Taking into consideration of the acute shortfall of open space provision in the Mong Kok area at that time, the proposal was accepted by the government;
- (b) the design of the POS at ground level was a recommendation mentioned in the POSPD Design and Management Guidelines published in 2011. DevB had pointed out that there were 12 residential developments in Hong Kong that had POS at podium level. Metro Harbour View was considered as a unique case by DevB as the POS at podium level was at the same level as the lobbies of each residential tower with no physical segregation between the two, causing management and security issues;
- (c) the development at the application site was completed in 2003 with the POS designed at podium level. The approved MLP for Metro Harbour View had clearly showed access routes to the POS at podium. Based on the site visits conducted, the POS was well-maintained and the passageways required to be opened to public were available with clear signage and the design of the POS was consistent with the approved MLP;
- (d) there were relevant clauses in the lease requiring the grantee to keep the POS for the use by the public free of charge and without any interruption. With regard to the concern on segregation of the POS from major routes to the entrance lobbies of the residential towers, it appeared to be difficult to achieve with the existing layout of the POS and the entrance lobbies of the residential towers;

- (e) there were several parks in the vicinity of the site, namely Tung Chau Street Park and Nam Cheong Park. With regard to open space provision, there was a deficit in open space provision in the Mong Kok area, though there was a surplus in the Yau Tsim Mong district. The major open space in the district were mainly located in Jordan and Tsim Sha Tsui area while Mong Kok area was densely developed with much less open space provision. Although there might be new planning proposals and new POS available in future, it would not be enough to fully compensate the loss of open space at the application site should the application be approved;
- (f) there was no requirement for the five criteria to be fulfilled in sequential order. However, one of the five criteria for waiving the POS requirement on private land was that there should be support from the relevant DC and area committee (AC), in view that a piece of POS would no longer be opened to the public; and
- (g) there were no other similar applications related to rezoning POS to private open space.

13. The Applicant's representatives, Ms Wong Ka Ying, Sarah and Mr Lee Bun, Benson, made the following responses:

- (a) there were two areas designated as POS at the site. One was a small portion at level 2 which was less frequented by residents and did not cause issues while the other at the podium, which was located at the same level as the entrance lobbies of the residential towers. There were two ways of accessing the POS at the podium, one via the stairs connecting the ground floor and the podium, and the other via the shopping arcade to level 1 then via the stairs to the podium. A lift which was opened 24 hours a day connecting level 2 and the podium was provided for public requiring assistance. Upon reaching the podium level, the public must pass through a portion of covered walkway which was not designated as POS. Although the applicant had the right to restrict public access to the covered walkway, they continued to allow the public to use the covered walkway.

As a result, the actual area opened for public use was more than the area required under lease and under OZP. The then SDEV had visited the site in June 2008 and considered that the POS at Metro Harbour View was an exceptional case;

- (b) the POS at podium level had also caused management and security issues. Recently there had been some homeless and non-residents loitering at the POS after the opening hours of 7am to 10pm. Residents were concerned about the security of the residential development as the property management did not have the authority to inspect the identity of those visitors except inviting them to leave if they were not residents, which might potentially cause conflicts;
- (c) if required, assistance from the Hong Kong Police Force would be sought. However, in some cases, such as smoking and littering which were not allowed at the POS, assistance was not given by the relevant authorities in helping them to resolve the problems. It posed difficulty for the management and caused inconvenience to the residents as the estate management had no authority to properly deal with those issues;
- (d) the application was submitted to amend the Notes of the OZP to delete the POS requirement as part of the five criteria for submission to LandsD for waiving the POS requirement from the lease. Should the application be approved, the podium would be for residents' use only with no restriction on opening hours;
- (e) the usage rate of the POS was very high in 2008. However, in recent years the usage of the POS by the public was quite low. The POS at podium had various features including steps and water features. Despite the current low usage, the residents were concerned that should any accidents occur, the liability might be too heavy for them to bear;
- (f) with regards to YTMDC's objection to the proposal, no reasons were given by YTMDC; and

- (g) the site was a piece of private land, no government land was involved. The POS at the site was provided and opened for public use as required under lease conditions, therefore deleting the POS requirement would not involve acquiring back the land.

14. Mr Simon S.W. Wang, Assistant Director (Regional 1) (AD/R1), LandsD, supplemented that should the applicant submit an application for waiving the POS requirement in the lease, it would be subject to the five criteria as mentioned in paragraph 1.8(b) of the Paper including payment of waiver fee. With regard to whether the waiver fee would be a nominal fee or very substantial amount, he did not have such information in hand.

15. As the applicant's representative had no further points to raise and there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and informed the applicant of the Committee's decision in due course.

16. Ms Wong Ka Ying, Sarah thanked the Committee for the opportunity to allow them to present their justifications in support of the application. She noted that some Members had concerns on the deletion of such a large POS area and requested the Committee to consider, taking into account the actual situation the residents had been facing, reducing the area of POS required within the development so that it would minimise the inconvenience to the residents of Metro Harbour View.

17. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

18. The Chairman drew Members' attention to paragraph 1.1 of the Paper regarding the background of the application and supplemented that the site was previously the quarters of the Hong Kong Ferry (Holdings) Company Limited. A Planning Brief (PB) was endorsed by the Committee in 1997 for the "CDA" zone at the site and one of the

requirements in the PB was that a minimum of 1m² of open space per person was required to be provided at the cost of the developer and opened for public use. A MLP for the development at the site was subsequently approved. After completion of the development in 2003, the site was rezoned from “CDA” to “R(A)1” zone in 2004 and the POS requirement was also stipulated in the Notes of the “R(A)1’ zone.

19. The Chairman went on and said that around the end of 2000s, the society had some discussions on the issue of POSPD. In 2010, DevB had issued a policy on POSPD, which was appended in Appendix III of F-Appendix I of the Paper. At that time, the policy was aimed at addressing the design issues of POSPD and set out refined arrangements to guide the provision of POS in future private developments as well as administrative arrangements to resolve problem in some existing POSPD, namely the five criteria set out in paragraph 1.8 of the Paper. Agreement from the Board for deleting the POS requirement from the OZP was one of the five criteria that needed to be fulfilled.

20. The Vice-chairman noted that PlanD did not support the application, and there was a deficit in open space provision in the Mong Kok area. However, the POS at the site was not satisfactory as it could not be separated from the private residential area and its usage was low. He considered that the applicant’s concern on the liability of potential accidents was valid and the deletion of the POS requirement might be appropriate to address the residents’ concern.

21. A Member considered that the POS at the site was provided as a planning merit to alleviate the shortfall in open space provision in Mong Kok area. Although the design of the POS was not desirable, it was not uncommon at that time for POS to be located together with the residential towers. The same Member considered that it was not unacceptable for the residents to pass through an area of public space to reach the residential towers given there were security guards at entrance to each of the residential tower. Unless there were public gains or merits for converting the POS into private open space, the application should not be supported.

22. Another Member shared the view that it was not uncommon for POS to be located at the same level as the residential towers and quoted Heng Fa Chuen as an example. The same Member also considered the applicant’s concern on the potential accidents was not

a major issue and it was not fair to deprive public's right to use the POS due to poor design. LandsD should review the accessibility of the POS at the site so that the POS could be better utilised. Some Members also agreed that the accessibility and design of the POS at the site was not satisfactory, which led to its low usage rate.

23. A Member considered that some public had a negative sentiment towards POS, especially in private developments as POS might have an effect on property prices. Indeed, POS was an important element in fostering better social interaction as well as social cohesion, which should be to the benefit of the community.

24. A Member noted that the POS at the site was developed and maintained in accordance with the lease conditions and planning brief as there was a genuine need for such POS at that time. A good POS depended on the management, operation and utilisation of the resources available to complement each other. With reference to the residential developments of Heng Fa Chuen and Taikoo Shing with residential towers located at podium level, the patronage of those public areas had complemented the commercial elements at other parts of the development. The applicant could have done more to improve the attractiveness of the POS and its commercial portion.

25. A Member was of the view that the applicant had not considered the implications of the cost involved for waiving the POS requirement from the lease and suggested that relevant authorities could consider providing an indicative fee of the cost involved. As the site was located in Yau Tsim Mong district bordering the Sham Shui Po district, the demographics of the area were different from that of Taikoo Shing or Heng Fa Chuen, hence it might be more difficult to manage the POS. While the application might warrant sympathetic consideration, a balance must be struck between public and private interests.

26. A Member considered that there was a need to provide POS. While the five criteria did not need to be fulfilled in sequential order, DC and AC's support was a crucial consideration. While the Member was sympathetic to the situation the applicant was facing, the applicant had not provided strong justifications in support of their application. Moreover, additional concerns such as the integration of the POS with the private development, cost involved, possibility of closing only part of the POS, etc. had yet to be fully addressed. The application could not be supported at this stage as there was a deficit in

open space provision in the area and insufficient information was provided by the applicant.

27. A Member said that the POS at the site was to serve the locality. It was noted that the applicant had consulted YTMDC and YTMWAC but their proposal was not supported and that there were public comments objecting to the application. As the applicant had not demonstrated how to compensate for the loss of open space for public enjoyment should the POS be converted to private open space, the application should not be supported.

28. A Member considered that converting the entire POS at the site to private open space was not acceptable and a payment of fee was required. They might refine their proposal, such as delineating areas that could or could not be retained as POS and collect views on the residents regarding the cost involved.

29. A Member did not support the application as it was not appropriate to approve the deletion of the POS requirement before support from YTMDC and YTMWAC was obtained. Moreover, the deficit in open space provision in the Mong Kok area had increased since 2012. It was not prudent to delete the POS requirement before the open space provision was reviewed. Noting that at the end of the presentation session, the applicant had asked the Committee to consider an alternative proposal of reducing the POS requirement, this member considered that the applicant might submit a revised proposal to the Board, which should include justifications in support of the proposal and whether any public merits could be provided.

30. The Chairman concluded that Members in majority did not support the application. Members' concerns including the accessibility, design and management of the POS, and support of the relevant DC and AC would be recorded in the minutes of the meeting. Should the applicant wish to respond to the Committee's concerns, a fresh application could be submitted for the Committee's consideration.

31. After deliberation, the Committee decided not to agree to the application. Members then went through the reason for rejection as stated in paragraph 5.1 of the Paper and considered that it was appropriate. The reason was:

the proposed amendment to the Notes of the "R(A)1" zone would result in reduction

of provision of public open space in the area and affect public enjoyment of the open space.

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

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/K4/1

Application for Amendment to the Approved Shek Kip Mei Outline Zoning Plan No. S/K4/29, To amend the Notes of Approved Shek Kip Mei Outline Zoning Plan No. S/K4/29 for "Comprehensive Development Area" Zone, Tai Hang Sai Estate, Shek Kip Mei, Kowloon (New Kowloon Inland Lot No. 4479)
(MPC Paper No. Y/K4/1)

32. The Secretary reported that the application site was located in Shek Kip Mei. Dr Lawrence W.C. Poon has declared an interest in this item as he was working in the City University of Hong Kong and living in its quarters in Kowloon Tong which was covered by the Shek Kip Mei Outline Zoning Plan. The Committee noted that the applicant had requested for deferment of consideration of the application and agreed that Dr Lawrence W.C. Poon could stay in the meeting as his residence had no direct view of the application site.

33. The Committee noted that the applicant's representative requested on 3.1.2017 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments. It was the first time that the applicant requested for deferment.

34. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed

for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Hong Kong District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/H18/78 Proposed Minor Relaxation of Site Coverage Restriction from 22.5% to 36% for Permitted House Development in "Residential (Group C)4" zone, 16 Big Wave Bay Road, Shek O (Rural Building Lot 282)
(MPC Paper No. A/H18/78)

35. The Secretary reported that Townland Consultants Limited (Townland) and Urbis Limited (Urbis) were two of the consultants of the applicant. The following Members had declared interests in this item:

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| Mr Thomas O.S. Ho | - having current business dealings with Urbis and past business dealings with Townland; |
| Mr K.K. Cheung | - his company having current business dealings with Urbis; |
| Mr Patrick H.T. Lau | - having past business dealings with Townland; and |
| Mr Franklin Yu | - having past business dealings with Urbis. |

36. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferment of consideration of the application. As Mr Thomas O.S. Ho and Mr K.K. Cheung had no involvement in the application and the interest of Mr Franklin Yu was indirect, the Committee agreed that they could stay in the meeting.

37. The Committee noted that the applicant's representative requested on 22.12.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments. It was the first time the applicant requested for deferment.

38. 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. 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.

Kowloon District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K18/320 Proposed Institutional Use (Educational Research Institute) in "Residential (Group C) 1" zone, 15 Kent Road, Kowloon Tong, Kowloon (MPC Paper No. A/K18/320B)

39. The Secretary reported that the application site was located in Kowloon Tong and Lanbase Surveyors Limited (Lanbase) and LLA Consultancy Limited (LLA) were the consultants of the applicant. The following Members had declared interests in this item:

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| Mr Patrick H.T. Lau | - | having past business dealings with Lanbase and LLA; |
| Mr Dominic K.K. Lam | - | having past business dealings with Lanbase; and |
| Dr Lawrence W.C. Poon | - | working in the City University of Hong Kong and living in its quarters in Kowloon Tong. |

40. The Committee noted that Mr Patrick H.T. Lau had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferment of consideration of the application. As the interest of Mr Dominic K.K. Lam was indirect and the residence of Dr Lawrence W.C. Poon had no direct view of the application site, the Committee agreed they could stay in the meeting.

41. The Committee noted that the applicant's representative requested on 4.1.2017 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments. It was the third time that the applicant requested for deferment of the application. Since the last deferment, the applicant had submitted further information including revised traffic impact assessment, revised floor layout plans and submitted an undertaking letter regarding their intentions for the proposed development.

42. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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. Since it was the third deferment and a total of six months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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, 79 Hung To Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/734)

Presentation and Question Sessions

43. 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);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Kowloon East, Lands Department advised that the applied use was in breach of the lease conditions and lease enforcement action had been taken and a warning letter had also been registered against the Premises in the land registry. The Director of Fire Services (D of FS) objected to the application from the fire safety point of view due to the public's unpreparedness in facing potential risks inside and outside industrial buildings and their unfamiliarity with the situation in case of emergency, rendering their escape materially much more difficult. 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 12 supporting public comments were received. The major supporting view was set out in paragraph 10 of the Paper. No local objection was received by the District Officer (Kwun Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use at the Premises did not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” (“OU(B)”) zone (TPB PG-No. 22D) in that it would induce adverse fire safety impact and D of FS raised objection to the application. A previous application (No. A/K14/722) at the Premises for the same use was rejected by the Committee on 9.10.2015 for the same reason. There had been no material change in planning circumstances since the last rejection of the previous application.

44. In response to a Member's enquiry on any suitable location for the applied use, Ms Joyce Y.S. So, STP/K, said that there were areas within the Kwun Tong Business Area zoned “Commercial” where ‘Place of Recreation, Sports or Culture’ use was always permitted, but the applicant considered that the applied use could not be accommodated within those commercial buildings. In addition, upon wholesale conversion or redevelopment of the existing industrial building into an office building, ‘Place of Recreation, Sports or Culture’ use would also be an always permitted use in the “OU(B)” zone.

45. Another Member enquired whether the fire safety concern raised by D of FS would be addressed if the existing industrial building was no longer used for industrial purpose or partially converted to office use. In response, Ms Joyce Y.S. So replied in the negative as there was the possibility that some of the premises might later revert back to industrial use, which was always permitted in Schedule II of the “OU(B)” zone, D of FS' concern might not be addressed.

46. A Member raised the following questions:

- (a) noting that there were photography studio, offices and showrooms at the floors above the application premises, whether they were uses always permitted or had obtained planning permissions; and
- (b) whether flexibility was allowed for accommodating non-industrial uses at the lower floors of the existing industrial building.

47. Ms Joyce Y.S. So, STP/K, made the following responses:

- (a) the workshops, offices, showrooms and warehouse uses at the other floors of the existing building were always permitted uses in Schedule II of the “OU(B)” zone. As regard to the photography studio at the floor above the application premises, there was no record of planning application submitted for such use but ‘Art Studio’ was an always permitted use in the “OU(B)” zone; and
- (b) according to TPB PG-No. 22D, there was provision for planning application for ‘Shop and Services’ use at the existing industrial building but restricted to those located at ground floor only due to fire safety concerns.

48. The Chairman supplemented that the Notes of the OZP for the “OU(B)” zone stipulated that a wider range of non-industrial uses could be accommodated at the lower floors of the purpose-designed non-industrial portion of an existing building provided that there was a buffer floor separating the industrial uses above and that no industrial uses were located in the non-industrial portion.

Deliberation Session

49. The Chairman said that the Committee had considered some applications similar to the subject application. During consideration of the previous application (No. A/K14/722), Members were sympathetic towards the applied use. However, as fire safety was an important planning consideration, the previous application was rejected by the Committee.

50. A Member considered that the applied use would not increase the fire risk even if it co-existed with other industrial uses in the existing building. Nonetheless, he noted that fire safety was one of the planning considerations and D of FS objected to the application.

51. The Chairman said that in recent years the Town Planning Board had processed a

number of proposals involving rezoning of land from “Industrial” (“I”) to “OU(B)” with the aim of better utilisation of the existing industrial buildings. Another recent effort was the incorporation of ‘Art Studio (excluding those involving direct provision of services or goods)’ use in the “Residential (Group E)”, “I” and “OU(B)” zones of a number of Outline Zoning Plans. Further discussion with relevant departments, including the Fire Services Department to address fire safety concerns, would be required to better utilise the existing industrial buildings.

52. A Member agreed that the application should be rejected as D of FS objected to the application. However, he was sympathetic in that the applied use required buildings with high floor ceiling to accommodate the equipment.

53. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. The reason was:

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

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

Agenda Item 8

Any Other Business

(i) **Section 16 Application**

[Open Meeting]

A/K9/267 Proposed Office in “Residential (Group A)4” zone, 1/F to 7/F,
Chinachem (Hung Hom) Commercial Centre, 270-274 Chatham Road
North, Hung Hom, Kowloon

54. The Secretary reported that a paper with respect to the application was tabled at the meeting for Members' consideration.

55. The Secretary reported that the application was received by the Secretariat on 24.11.2016 for proposed in-situ conversion of the 1/F to 7/F of an existing building at the site for 'Office' use. The existing building fell largely within an area zoned "Residential (Group A)4" ("R(A)4") with a small corner within an area shown as 'Road' on the draft Hung Hom Outline Zoning Plan (OZP) No. S/K9/25. Unless otherwise specified, 'Office' was a Column 2 use under the "R(A)4" zone. During the publication period, one adverse public comment was received.

56. During processing of the application, it was noticed in the approved building plans that the application premises were designated as non-residential use. According to the Notes of the OZP for the "R(A)4" zone, 'Office' use in the purpose-designed non-residential portion of an existing building was always permitted. As such, planning application for the proposed use was not required. The application would not be further processed. The applicant and the person who had submitted public comment would be informed accordingly.

57. The Committee noted that the application would not be further processed.

58. There being no other business, the meeting closed at 11:40 a.m.