

TOWN PLANNING BOARD

Minutes of 579th Meeting of the Metro Planning Committee held at 9:00 a.m. on 28.4.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

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 Wilson W.S. Pang

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 Denis K.N. Li

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Dr Wilton W.T. Fok

In Attendance

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

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

Town Planner/Town Planning Board
Miss Gloria Y.L. Sze

Agenda Item 1

Confirmation of the Draft Minutes of the 578th MPC Meeting held on 7.4.2017

[Open Meeting]

1. The draft minutes of the 578th MPC meeting held on 7.4.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/K11/5 Application for Amendment to the Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/29, To rezone the application site from "Government, Institution or Community" to "Residential (Group B)", No. 99 Shatin Pass Road and Adjoining Government Land, Wong Tai Sin, Kowloon
(MPC Paper No. Y/K11/5)

3. The Secretary reported that BMT Asia Pacific Ltd. (BMT) and Landes Ltd. (Landes) 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 Landes and past business dealings with BMT; and

Mr Thomas O.S. Ho - his firm having past business dealings with BMT.

4. The Committee noted that the applicant had requested deferment of the consideration of the application and agreed that as Messrs Patrick H.T. Lau and Thomas O.S. Ho had no involvement in the application, they could stay in the meeting.

5. The Committee noted that the applicant requested on 7.4.2017 deferment of the consideration of the application for two months in order to allow time for consultation with relevant government departments on additional provision of Government, institution or community facilities. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had been revising various options with welfare facilities and in liaison with the concerned departments.

6. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the fourth deferment and a total of six months had been allowed for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

Tsuen Wan and West Kowloon District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/DPA/TW-CLHFS/6 Proposed Place of Recreation, Sports or Culture in "Unspecified Use" Area, Lots 10, 11, 12, 13, 14, 15, 16, 17 and 135 in D.D. 359, Ha Fa Shan, Tsuen Wan
(MPC Paper No. A/DPA/TW-CLHFS/6A)

7. The Secretary reported that Kenneth To & Associates Ltd. (KTA) and Associated Architects Ltd. (AAL) 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 KTA; and
- Mr K.K. Cheung - his firm having current business dealings with AAL.

8. The Committee noted that the applicant had requested deferment of the consideration of the application and agreed that as Messrs Patrick H.T. Lau and K.K. Cheung had no involvement in the application, they could stay in the meeting.

9. The Committee noted that the applicant requested on 3.4.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application.

10. 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. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/TW/488 Proposed Office in "Residential (Group E)" Zone, Units B and C on G/F, Units A and B on 1/F and Units A and B on 2/F, Young Ya Industrial Building, 381-389 Sha Tsui Road, Tsuen Wan
(MPC Paper No. A/TW/488)

11. The Committee noted that the applicant requested on 18.4.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

12. 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 6

Section 16 Application

[Open Meeting]

A/KC/444 Proposed Comprehensive Development for Flat, Eating Place, Shop and Services and Office with Minor Relaxation of Building Height Restriction from 120mPD to 145mPD in "Comprehensive Development Area" Zone and Areas shown as 'Road', Kwai Chung Town Lot 432 and Adjoining Government Land, Nos. 1-7 Cheung Wing Road, Kwai Chung (MPC Paper No. A/KC/444)

13. The Committee noted that the applicant requested on 10.4.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

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

Hong Kong District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H5/407 Proposed Minor Relaxation of Building Height Restriction from 110mPD to 116.075mPD for a Proposed Hotel Development in "Other Specified Uses" annotated "Mixed Use" Zone, 25 and 27 Morrison Hill Road, and 37 Bowrington Road, Wan Chai, Hong Kong
(MPC Paper No. A/H5/407A)

15. The Committee noted that the application was withdrawn by the applicant.

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

Kowloon District

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/224 Proposed Shop and Services (Fast Food Shop) in "Other Specified Uses" annotated "Business" Zone, Units 1A & 1B, G/F, Wing Shing Industrial Building, 26 Ng Fong Street, San Po Kong, Kowloon
(MPC Paper No. A/K11/224)

16. The Committee noted that one replacement page (Appendix III of the Paper) regarding an addition of advisory clause (a) and revisions in the numbering of advisory clauses was tabled at the meeting for Members' reference.

Presentation and Question Sessions

17. 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 (fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment raising concerns on the application was received from the Incorporated Owners (IO) of the subject building. Major concerns were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and not incompatible with the uses in the same building and surrounding developments. The subject building was protected by a sprinkler system and the limit on the aggregate commercial gross floor area on the ground floor of industrial building did not apply to the proposed use. The proposed use generally complied with the Town Planning Board Guidelines No. 22D in that it would unlikely induce adverse fire safety, traffic, environmental or infrastructural impacts on the developments within the subject building and the adjacent areas. To address the comments of the Director of Fire Services, an approval condition on the provision of fire safety measures was recommended. Regarding the concerns raised by the public comment, the comments of government departments and planning assessments above were relevant.

18. Some Members raised the following questions:
- (a) whether there were other eating places within the subject building, on the same street and in surrounding areas;
 - (b) the concerns of the IO of the subject building regarding land use incompatibility with other industrial uses in the same building if there were already other eating places within the same building;
 - (c) whether any concern or complaint regarding obstructions of the entrance passage caused by the current eating place at the application premises had been received; and
 - (d) whether any obstruction of the entrance passage of the subject building was observed during the site inspection of PlanD.
19. Ms Sandy S.K. Ng, STP/K, made the following responses:
- (a) there were other eating places on the ground floor of the subject building, on the same street and in surrounding areas. Amongst which, the fast food shop opposite to the application premises was granted with planning permission, but the planning permission lapsed in March 2017;
 - (b) the IO of the subject building raised concerns on nuisances or obstructions of the entrance passage for other workers in the same building during peak hours;
 - (c) no complaint or concern regarding obstructions of the entrance passage had been received; and
 - (d) during the site inspection, the subject premises was used as an eating place with tables and chairs. While there were staff working outside the premises, obstruction of the passage was not observed.

Deliberation Session

20. In response to the Vice-chairman's enquires, the Secretary explained the definitions of 'Eating Place' and 'Fast Food Shop' in the Definitions of Terms Used in Statutory Plans. The former included canteen and restaurant, involving the sale of food or drinks mainly for consumption on the premises, while the latter was subsumed under the 'Shop and Services' use involving the selling of quick meals mainly for consumption off the premises.

21. The Secretary further explained that under Schedule II for industrial or industrial-office buildings of the Notes for the "OU(B)" zone, while 'Fast Food Shop' subsumed under 'Shop and Services' use was a Column 2 use which required planning permission from the Town Planning Board (TPB), general restaurant use regarded as 'Eating Place' was not permitted. The proposed advisory clause (a) in the Paper was to remind the applicant that the planning permission would not cover the current 'Eating Place' use at the application premises.

22. A Member had no objection to the application, but raised concerns that the entrance passage of the subject building should not be obstructed. The same Member suggested to request the Food and Environmental Hygiene Department (FEHD) to consider reminding the operator to confine the working space for staff within the application premises when processing the food business licence. Members agreed.

23. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the TPB. The permission should be valid until 28.4.2021, 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 fire service installations in the premises, before the operation of the use to the satisfaction of the Director of Fire Services or of the TPB; 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.”

24. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix III of the Paper, and to request FEHD to consider reminding the operator to confine the working space for staff within the application premises when processing the food business licence.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/301 Proposed Vehicle Repair Workshop in "Other Specified Uses" annotated "Business(1)" Zone, Portion of G/F, 1/F, 2/F and 3/F, 7 Wang Mau Street, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/301)

25. The Secretary reported that the application was submitted by Pioneer Crest Ltd., which was a subsidiary of Manhattan Holdings Ltd. (Manhattan). Lanbase Surveyors Ltd. (Lanbase), MVA Hong Kong Ltd. (MVA) and Rocco Design Ltd. (Rocco) were three of the consultants of the applicant. The following Members had declared interests in the item:

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|---------------------|---|
| Mr Thomas O.S. Ho | - having current business dealings with Manhattan and MVA; |
| Mr Patrick H.T. Lau | - having current business dealings with Lanbase, MVA and Rocco; and |
| Mr Franklin Yu | - having past business dealings with MVA. |

26. The Committee noted Mr Franklin Yu had not yet arrived to join the meeting. As the interest of Mr Thomas O.S. Ho was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. As Mr Patrick H.T. Lau had no

involvement in the application, the Committee agreed that he could stay in the meeting.

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

Presentation and Question Sessions

27. 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 vehicle repair workshop (VRW);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Electrical and Mechanical Services (DEMS) recommended maintaining the use of the premises as a liquefied petroleum gas (LPG) VRW, or changing to a VRW for both general vehicles and LPG vehicles in order to maintain a certain number of LPG VRWs in the market. Other concerned government 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
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The premises, as part of a composite development, had been developed into a LPG VRW in accordance with approved planning applications and the proposed extension of the service of the VRW to serve general vehicles was in line with the planning intention of the “Other Specific Uses” annotated “Business(1)” (“OU(B)1”) zone. The proposed use generally complied with the Town Planning Board Guidelines No. 22D in that it would unlikely induce adverse environmental, fire safety or traffic impacts on the surrounding area. DEMS had no objection to the application as the

repair services were for both LPG and general vehicles. The concerns or technical requirements of concerned government departments could be addressed by imposition of appropriate approval conditions and advisory clauses.

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

28. A Member enquired if the previously approved planning application at the application premises was for LPG VRW or general VRW. If the latter, it appeared that the submission of the current application was not necessary taking into account that the subject building was specially designed for vehicle repair workshop use. In response, Ms Sandy S.K. Ng, STP/K, pointed out that the previously approved application (No. A/K13/157) was for LPG VRW use. As a general VRW was an expansion of the usage from the previously approved use, a fresh s.16 application was thus required. In response to the same Member's follow-up enquiry, the Chairman said that there was provision for application for VRW under Column 2 of Schedule I of the Notes for "OU(B)1" zone. The previous application was approved for LPG VRW as per the planning application then submitted by the applicant.

Deliberation Session

29. The Chairman remarked that the application premises was located within a purpose-built workshop building and the provision of repair services for both general vehicles and LPG vehicles at the application premises was acceptable to DEMS.

30. 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 28.4.2021, 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 fire service installations and water supplies for fire fighting in the application premises, before the operation of the use, to the satisfaction of the Director of Fire Services or of the TPB;

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.”

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

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

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/304 Proposed Shop and Services in "Other Specified Uses" annotated "Business" Zone, Unit 6, G/F, Wing Fat Industrial Building, 12 Wang Tai Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/304)

32. The Secretary reported that Ho & Partners Architects Engineers & Development Consultants Ltd. (HPA) was one of the consultants of the applicant. Mr K.K. Cheung had declared interest in the item as his firm was having current business dealings with HPA. The Committee agreed that Mr K.K. Cheung could stay in the meeting as he had no involvement in the application.

Presentation and Question Sessions

33. 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;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and not incompatible with the surrounding areas. The aggregate commercial floor area on the ground floor of the subject industrial building would be within the maximum permissible limit of 460m² and the proposed use generally complied with the Town Planning Board Guidelines No. 22D in that it would unlikely induce adverse fire safety, traffic, environmental or infrastructural impacts on the developments within the subject building and adjacent areas.

34. Members had no question on the application.

Deliberation Session

35. Noting that there were a number of units on the ground floor of the subject building, a Member enquired if the aggregate commercial floor area on the ground floor of the subject industrial building would exceed the maximum permissible limit of 460m², and if any regularization action would be taken by PlanD regarding other non-conforming uses on the ground floor. In response, the Chairman said that the aggregate commercial floor area on the ground floor of the subject building would be within the maximum permissible limit of 460m² should the Committee approve the application. Any enforcement action, if required, would be taken by the Lands Department, as appropriate.

36. 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 28.4.2019, 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 the proposal for fire safety measures, including the provision of fire service installations and equipment at the application premises and means of escape completely separated from the industrial portion in the subject industrial building, before the operation of the use to the satisfaction of the Director of Fire Services or of the TPB; 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.”

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

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

Agenda Item 11

Any Other Business

38. There being no other business, the meeting closed at 9:50 a.m..