

TOWN PLANNING BOARD

**Minutes of 348th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 27.4.2007**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Anthony Loo

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director (Kowloon), Lands Department
Mr. James Merritt

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. K.Y. Leung

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Paulina L.S. Pun

Agenda Item 1

Confirmation of the Draft Minutes of the 347th MPC Meeting held on 13.4.2007

[Open Meeting]

1. The draft minutes of the 347th MPC meeting held on 13.4.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) New Town Planning Appeals Received

Town Planning Appeal No. 5 of 2007 (5/07)

Temporary Open Storage of Construction Materials and Machinery
for a Period of 3 Years in “Agriculture” zone,

Lots 1008RP(Part), 1012, 1013, 1014(Part), 1015A, 1015B, 1015RP(Part), 1016,
1017(Part), 1018(Part), 1022RP(Part), 1023, 1024, 1026RP(Part), 1028A(Part),
1028B(Part), 1029(Part), 1030(Part), 1031, 1032, 1033, 1034(Part), 1035(Part) and
1038(Part) in DD113 and Adjoining Government Land,

Kam Tin South, Yuen Long

(Application No. A/YL-KTS/385)

Town Planning Appeal No. 6 of 2007 (6/07)

Proposed House (New Territories Exempted House)(NTEH)(Small House)
in “Agriculture” zone,

Lots 329B1 and 330RP in DD 10,

Chai Kek Village, Lam Tsuen, Tai Po

(Application No. (A/NE-LT/365)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) had received two town planning appeals. On 23.3.2007, the TPAB received an appeal against the decision of the Town Planning Board (TPB) on 12.1.2007 to reject on review an application (No. A/YL-KTS/385) for temporary open storage of construction materials and machinery for a period of 3 years at a site zoned “Agriculture” (“AGR”) on the Kam Tin

South Outline Zoning Plan (OZP). The application was rejected for not being in line with the planning intention of the “AGR” zone; not compatible with the surrounding land uses; not complying with the TBP Guidelines for Application for Open Storage and Port Back-up Uses; insufficient information to demonstrate no adverse drainage, landscape and environmental impacts; and setting of an undesirable precedent.

3. The Secretary continued to say that the TPAB on 26.3.2007 received another appeal against the decision of the TPB on 26.1.2007 to reject on review an application (No. A/NE-LTS/365) for a proposed house (NTEH) (Small House) at a site zoned “AGR” on the approved Lam Tsuen OZP. The application was rejected for not being in line with the planning intention of the “AGR” zone; and not complying with the interim criteria for assessing planning application for NTEH/Small House development. The hearing dates of both appeals were yet to be fixed. The Secretariat would represent the TPB to deal with both cases in the usual manner.

(ii) Appeal Statistics

4. The Secretary said that as at 27.4.2007, 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	96
Abandoned/Withdrawn/Invalid	:	121
Yet to be Heard	:	23
Decision Outstanding	:	7
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Total	:	264

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/KC/325 Shop and Services
 in “Industrial” zone,
 Workshop 1(Portion), G/F, Block 2,
 Golden Industrial Building, 16-26 Kwai Tak Street,
 Kwai Chung
 (MPC Paper No. A/KC/325)
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Presentation and Question Sessions

5. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied shop and services use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

6. Members had no question on the application.

Deliberation Session

7. The Chairperson remarked that the application complied with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone.

8. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.10.2007; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

9. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/ Tsuen Wan and Kwai Tsing, Lands Department for a temporary wavier to permit the applied use;
- (b) that the granting of the planning approval should not be construed as an acceptance of any unauthorised structures at the premises under the Buildings Ordinance; and
- (c) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans for any non-exempted building works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K5/634 Temporary Shop and Services (Ancillary Showroom for Garments, Shoes and Accessories)
for a Period of 3 Years,
Workshops B5(Portion), B6(Portion), B7(Portion),
B8(Portion), B9(Portion), B10(Portion), B12(Portion) and
B13(Portion), 1/F, Block B, Hong Kong Industrial Centre
in “Other Specified Uses” annotated “Business” zone,
489-491 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/634)
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Presentation and Question Sessions

10. The Committee noted that the applicant requested on 11.4.2007 for a deferment of consideration of the application to allow time to prepare additional information to support the application.

Deliberation Session

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

[The Chairperson thanked Mr. Edward P.L. Li, STP/TWK, for his attendance to answer Members' enquires. Mr. Li left the meeting at this point.]

Kowloon District

[Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

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| (i) | A/K10/220 | Proposed Social Welfare Facility
(Residential Care Home for the Elderly)
in “Residential (Group E)” zone,
18 Chi Kiang Street, Ma Tau Kok
(MPC Paper No. A/K10/220) |
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Presentation and Question Sessions

12. The Committee noted that the applicant requested 18.4.2007 and 20.4.2007 for a deferment of consideration of the application to allow time to address comments from Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K14/532 Proposed Hotel
in “Other Specified Uses” annotated “Business” zone,
84 Hung To Road, Kwun Tong (KTIL 162)
(MPC Paper No. A/K14/532)
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Presentation and Question Sessions

14. Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment supporting the application was received during the statutory publication period. The District Officer (DO)(Kwun Tong) stated that the public was concerned about the traffic issues in the Kwun Tong Industrial Area. Moreover, some local leaders had requested the Government to facilitate the transformation of industrial buildings into commercial/business/shop uses in the area; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 9.1 of the Paper. With regard to the traffic concerns raised by the DO(Kwun Tong), the Transport Department had no objection to the application from traffic point of view.

15. Members had no question on the application.

Deliberation Session

16. 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 27.4.2011, 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 design and provision of parking facilities, loading/unloading spaces, vehicular manoeuvring space, vehicular access and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of sewerage improvement works to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

17. The Committee also agreed to advise the applicant :

- (a) to note that the approval of the application did not imply that the gross floor area exemption included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification to permit the applied use; and
- (c) to adopt sensitive design of podium and/or the development to minimise

any potential adverse air ventilation impact at street level. Reference could be made to the Urban Design Guidelines of the Hong Kong Planning Standards and Guidelines.

[The Chairperson thanked Miss Helen L.M. So, STP/K, for her attendance to answer Members' enquires. Miss So left the meeting at this point.]

Hong Kong District

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mr. David C.M. Lam, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

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| (i) | A/H5/358 | Proposed Eating Place/Shop and Services
in "Open Space" zone,
5/F, 196-206 Queen's Road East, Wan Chai
(MPC Paper No. A/H5/358) |
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18. The application was submitted by Hopewell 108 Ltd., which was a subsidiary company of Hopewell Holdings Ltd. (Hopewell). The Committee noted that Mr. Felix W. Fong, having current business dealings with Hopewell, had declared an interest in this item.

[Mr. Felix W. Fong left the meeting temporarily at this point.]

Presentation and Question Sessions

19. Mr. David Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place/shop and services use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One indicated no objection to the application; while the other gave suggestions for various kinds of food businesses that could be provided at the application premises; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

20. Members then raised the following questions :

- (a) whether the footbridge from the subject building was open to the public and whether it was maintained by the developer;
- (b) what was the long-term planning intention for the subject site which was currently zoned “Open Space” on the Outline Zoning Plan (OZP);
- (c) why did an Eastern District Councillor express views on the application, while the subject site did not fall within the jurisdiction of the Eastern District Council; and
- (d) what were the proposed uses on the other floors of the subject building.

21. In response, Ms. Christine K.C. Tse, DPO/HK, made the following main points :

- (a) referring to Plan A-2 of the Paper, the footbridge ran across Queen's Road East connecting the subject building to the existing walkway, linking Hopewell Centre and Wu Chung House. The footbridge formed part of

the proposed development for shop and office uses approved by the Committee in 1981 (Application No. A/H5/64P). It would be maintained by the developer and opened for public use;

- (b) the commercial development was approved by the Committee in 1981 when the subject site was zoned “Residential (Group A)” (“R(A)”) on the OZP. The subject site was previously proposed by the developer for surrender to the Government for open space use in connection with the Mega Tower hotel proposal. In 1994, several sites within the Wan Chai OZP, including the subject site, were rezoned to “O” with the intention to form a strategic open space network to meet the severe shortfall of open space provision in Wan Chai. Although this planning intention was still valid, the previous planning permission for the commercial development on the subject site had no expiry date. In view of the construction of the office building, the zoning of the subject site would be reviewed. Any proposed amendments would be submitted to the Committee for consideration in due course;
- (c) under the current arrangements, District Council members would receive information on applications in those areas which they had indicated were of interest to them. In this case, the particular DC member who made comments had requested to receive information on applications in the Wan Chai area; and
- (d) according to Table 4.1 in Appendix Ia of the Paper, the current proposed uses would be on the 5/F of the subject building. The ground floor would be the lobby, with some office and mechanical floor space on 2/F and 3/F. The floors from 6/F to 24/F were mainly offices. The fourth floor was omitted.

Deliberation Session

22. The Chairperson said that the office building was approved by the Committee back in 1981 and the construction were nearing completion. The subject site would unlikely

be used as open space and the appropriate zoning would be reviewed in future.

23. For Members' information, the Secretary explained the background that in 1980s, the developer applied to the Town Planning Board (the Board) for the proposed Mega Tower hotel development on an adjacent site mainly zoned "O", "Government, Institution or Community", and partly "R(A)" and "Residential (Group B)". While the scheme was approved in principle in 1985, the Board decided to rezone the site to "Other Specified Uses" annotated "Comprehensive Redevelopment Area" ("OU(CRA)") to facilitate the hotel development in a comprehensive manner. The developer in its subsequent planning applications for hotel development had proposed to surrender land, including the subject site, to the Government for public open space purpose. The surrender proposal was mainly to satisfy the then land exchange policy, under which the developer was required to surrender other private lots in the vicinity to make up for the difference between the area of the new lot to be granted and the area of the private land within the "OU(CRA)" to be surrendered.

[Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

24. The Secretary continued to say that in the 1990s, the land exchange policy was revised whereby the "foot for foot" principle was abandoned and Government land could be granted under a land exchange if it was incapable of reasonable separate alienation and development. In January 1994, an application for the Mega Tower hotel development, with the previous proposal for surrender of sites for open space use deleted, was approved by the Board. There was only an advisory clause suggesting the applicant to negotiate with the Government on the land to be surrendered. Notwithstanding the above, the Board agreed in June 1994, to rezone the subject site, amongst others, to "O" with a view to addressing the open space shortfall in Wan Chai and to facilitate comprehensive redevelopment in the area. The subject site remained as "O" to reflect the original planning intention. However, there was no implementation programme for the open space and the planning permission for the office development granted in 1981 for the subject site had no expiry date.

25. 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 27.4.2011, 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 condition that the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

26. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Hong Kong East for lease modification for removal of the non-offensive trade clause.

[Mr. Felix W. Fong returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H8/380 'Office'
in "Other Specified Uses" annotated "Pier" zone,
Upper Deck, North Point (West) Ferry Pier
(MPC Paper No. A/H8/380)
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Presentation and Question Sessions

27. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied office use;
- (c) departmental comments – highlighting that the Transport Department (TD) supported the application from the public transport perspective as the income generated from the applied office use could subsidize the ferry services. There was no objection from the traffic engineering and ferry operation points of view. No objection from other concerned Government departments was received;
- (d) one public comment was received during the statutory publication period, suggesting that the application premises should be used as a restaurant instead; and

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 10.1 of the Paper. It was considered that the applied office use was not a pier-related use and did not serve the passengers. The premises should be put to other beneficial uses to better facilitate public enjoyment of the waterfront. There was insufficient information submitted by the applicant to justify the need for office use within the application premises. However, should the Committee decide to give sympathetic consideration to the application, an approval on a temporary basis might be considered.

28. Members then raised the following questions :

- (a) what was the nature of the existing office use and was it operating without planning permission;
- (b) were the seafood stalls on the lower deck of the subject pier operating without planning permission; and
- (c) why did the PlanD recommend rejecting the current application, while two applications for the same use at the subject pier were previously approved.

29. In response, Ms. Christine K.C. Tse, DPO/HK, made the following main points :

- (a) the application premises was currently rented out as an office for the Bread of Life Christian Church in Hong Kong. No planning permission had been obtained for such use;
- (b) the seafood stalls on the lower deck of the pier were the subject of the next application to be considered by the Committee. Most of them were 'existing use' as they were already operating before the North Point Ferry Piers were first incorporated into the North Point Outline Zoning Plan (OZP) in 1986; and

- (c) two applications for office use on part of the upper deck of the subject pier (Applications No. A/H8/151 and A/H8/176) were previously approved by the Committee in 1989 and 1991. It was then considered that the office use was not incompatible with the ferry pier operation. The income generated could subsidize the ferry service and there would not be any conflict with the passenger access. However, the current planning intention was that public piers should be used for ferry-related uses or put to other beneficial uses which could better facilitate public enjoyment of the waterfront. Similar applications at other piers in Central and North Point had been considered under the same general principle.

30. Mr. James Merritt said that the ferry piers were Government piers with ferry services run by individual operators. Referring to the TD's advice in paragraph 8.1.4 of the Paper, the First Ferry operation at the North Point piers had been operating at a deficit for years and non-fare box revenue was necessary to ensure its continuous operation as a financially viable business. He pointed out that the Government Property Agency (GPA), rather than the Lands Department, was the agent to regularize these other uses at the pier.

31. The Secretary said that according to the Remarks of the Notes for the "Other Specified Uses" annotated "Pier", kiosks not greater than 10m² each in area and not more than 10 in number for uses as shop and services were considered as ancillary to "Pier" use and no planning permission was required. Nonetheless, it was not applicable for the current application for office use.

32. In response to some Members' further enquiries on the management of the public piers, the Chairperson said that the TD was responsible for the operation of the ferry service and the GPA took care of the management of the piers.

Deliberation Session

33. Mr. James Merritt said that while pier areas could be opened for public use, the design of some piers might not allow such conversion and cases should be considered on individual basis. A Member shared the same view as it would be a waste of resources if such areas were left idle.

34. However, other Members had a different view and raised the following main points :

- (a) more than 10 years ago, the ferry service was more popular and the kiosks permitted at the pier provided convenience to the public. Nowadays, with a reduced patronage, the ferry operation was under the vicious cycle of reduced ferry schedule and financial pressure. It was generally agreed that ferry services were operated with low return and renting out of pier areas for commercial uses for subsidy purpose could be tolerated;
- (b) however, the operator when entering into agreement with the Government to take up the ferry operation, should be fully aware of the possible financial situation. Considering that these were Government piers and taking into account the long-term intention of the development of waterfront promenade in the adjacent area for public enjoyment, it was more appropriate to have the piers reserved for ferry-related uses and other beneficial uses for public enjoyment and convenience; and
- (c) under such considerations, the applied office use at the pier was not supported. Also, such use without planning permission should not be encouraged.

35. After some discussion, the Chairperson concluded that although office use at the subject pier had previously been approved, the current planning intention for these piers was different from that in the past. In particular, with the Harbour Planning Principles, the waterfront areas and public piers should be reserved for public enjoyment as far as possible. It was recognized that the subject pier was currently underutilized and it was agreed that some other beneficial uses could be allowed in the pier for cross-subsidization or even to help revitalize the area. However, the current application for private office use was considered not appropriate. Members agreed.

36. After deliberation, the Committee decided to reject the application and the reason was that the application premises should be used for pier-related uses in the long-term or put

to other beneficial uses which could better facilitate public enjoyment of the waterfront. The applicant had not provided sufficient information to justify the need for office use within the application premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H8/381 ‘Shop and Services’
 (for Retail Shop and Fast Food Shop only)
 in “Other Specified Uses” annotated “Pier” zone,
 Lower Deck, North Point (West) Ferry Pier
 (MPC Paper No. A/H8/381)
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Presentation and Question Sessions

37. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services use for retail shop and fast food shop;
- (c) departmental comments – highlighting that the Transport Department (TD) supported the application from the public transport perspective as the income generated from the proposed office use could subsidize the ferry services. There was no objection from the traffic engineering and ferry operation point of view. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper. The proposed use was considered not incompatible with the existing pier use and would provide convenient services to the passengers, local visitors

and tourists using the pier. It would not cause disruption to the pier operation and passenger circulation.

38. Members then raised the following questions :

- (a) whether the existing seafood and retail stalls were operating without planning permission and what was the reason for the current application;
- (b) what was the current hygiene situation, in particular regarding the seafood stalls, and whether they were causing any nuisance or disturbance; and
- (c) as it was shown on Plan A-3 that most of the seafood stalls had expanded in front of the stall boundaries, why did the boundary of the current application not include part of such areas.

39. In response, Ms. Christine K.C. Tse, DPO/HK, made the following main points :

- (a) some of the shops under the current application had been operating before the North Point ferry piers were first incorporated into the North Point Outline Zoning Plan and were regarded as 'existing use'. A previous application (No. A/H8/364) specifically for the extension of existing seafood stalls by 4 feet was approved by the Committee on 19.9.2003. Comparatively, the applied shop and services use for retail and fast food shops under the current application were more general, allowing more flexibility in the kind of uses permitted;
- (b) based on site observation, the area around the seafood shops were tidy and were not very wet. Although both the first and last shops slightly encroached on the access area, there was no cleanliness problem. During the statutory publication period, no public comment on and no local objection to the current application was received; and
- (c) the application site boundary shown on Plan A-1 was as submitted by the applicant.

Deliberation Session

40. A Member said that when the ferry service was more popular before, these stalls did cause some obstruction to passenger circulation. However, with a reduced patronage, there appeared to be less a problem. The applied uses, which could serve the public, ferry passengers and the local community alike, were supported.

41. Another Member was concerned that the shops expanding outside their boundaries would cause obstruction to the access and that the loading/unloading activities would also cause nuisance to the local community.

42. In response to the concern raised, the Chairperson said that the expansion of the shop operation outside the boundaries was a management problem to be looked after by the GPA. The Secretary supplemented that according to the Remarks of the Notes for the “OU(Pier)” zone, 10 kiosks of not more than 10m² each for shop and services use were always permitted as ancillary pier use. The current application was only for 14 shops with about 15m² each. If there was concern on the possible adverse impacts of the applied use, Members could consider approving the current application on a temporary basis to monitor the management of the pier.

43. A Member said that the North Point area was undergoing transformation with redevelopment at the former North Point Estate site and waterfront development. The uses under application might not complement the future uses in the neighbourhood in the longer term. It was therefore suggested that the application should be approved on a temporary basis. However, another Member opined that the kind of uses at the subject pier could be determined by the market based on commercial decisions. Appropriate transformation would naturally take place.

44. After some discussion, the Chairperson concluded that while Members supported the applied uses, there was a concern on the possible management problems. It was suggested that an advisory clause should be incorporated to remind the applicant that the applied uses should not cause disruption to the pier operation and passenger circulation. Members agreed.

45. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provisions of fire service installations and equipment to the satisfaction of the Director of Fire Services or of the TPB.

46. The Committee also agreed to advise the applicant :

- (a) that the shop and services use should not cause any disruption to the pier operation and passenger circulation; and
- (b) to refer to paragraph 4.14 (Commercial buildings-low rise) of Code of Practice for Minimum Fire Service Installations and Equipment.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/H17/118 Proposed Alteration and Addition to the Existing Commercial Portion at 109 Repulse Bay Road for Eating Place, Shop and Services, School and Place of Entertainment (Cinema) in “Residential (Group B)” zone, 101 and 109 Repulse Bay Road (RBL 167 and 142) (MPC Paper No. A/H17/118)
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Presentation and Question Sessions

47. The Committee noted that the applicant requested on 18.4.2007 for a deferment of consideration of the application to await the decision of the Fire Safety Committee (FSC) of the Buildings Department on the acceptability of the proposed fire safety measures of the application.

Deliberation Session

48. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending availability of the FSC decision and the submission of additional information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that further information should be submitted as soon as the decision of the FSC was made available, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/H19/52 Proposed Minor Relaxation of Site Coverage
from 25% to not more than 30%
in “Residential (Group C)” zone,
6 Stanley Beach Road, Stanley (RBL 240A)
(MPC Paper No. A/H19/52)
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Presentation and Question Sessions

49. The Committee noted that the applicant requested on 18.4.2007 for a deferment of consideration of the application to allow more time to prepare additional information to address comments from Government departments.

Deliberation Session

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

Agenda Item 6

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/214-2 Application for Amendment to Permission – Approved Residential
Development
in “Residential (Group E)1” zone,
Ap Lei Chau Inland Lot 129, Ap Lei Chau Praya Road
(MPC Paper No. A/H15/214-2)

51. The application was submitted by Cheerjoy Development Ltd, which was a subsidiary company of Sun Hung Kai Properties Co. Ltd. (SHKP). Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan, having current business dealings with SHKP, had declared interests in this item. The Committee noted that Mr. Chan had sent his apologies for unable to attend the meeting.

[Dr. Greg C.Y Wong left the meeting at this point.]

Presentation and Question Sessions

52. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the application for amendment to an approved residential development;
- (c) departmental comments – highlighting that although the residential development had previously been approved by the Town Planning Board (the Board) on review, the Environmental Protection Department (EPD) maintained its position of not supporting the application owing to the potential “Industrial/Residential” (“I/R”) interface problem with exceedance of noise limit in the Hong Kong Planning Standards and Guidelines (HKPSG) from steel boat repairing activities at the Ap Lei Chau boatyards. EPD also considered that imposing a condition of submitting a

revised Noise Impact Assessment (NIA) to its satisfaction not appropriate as there was actually no solution to resolve the noise problem. PED would not be satisfied with the NIA. No objection from other concerned Government departments was received;

- (d) no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 8.1 of the Paper. The proposed reduction in the number of flats would reduce the residential population in the proposed development. The change in the overall building height profile was considered minor and the addition of a new block would have no significant change on the visual character. Other concerned Government departments, including the Architectural Services Department and Transport Department, had no objection to the application. With regard to the comments from EPD, it should be noted that the noise problem had been thoroughly discussed at the Board's meeting on 16.1.2004 when the scheme was first approved on review. The Board considered it unreasonable to reject the application because of difficulty in enforcement against the unauthorized steel boat repairing activities. Regarding the applicant's request to remove the condition for submission of a revised NIA, the PlanD considered the request acceptable as the applicant had already submitted an NIA to address the relevant noise mitigation measures in the revised scheme. It was recommended that the condition be revised to require the implementation of the noise mitigation measures as proposed to minimize the noise impacts.

53. Members had no question on the application.

Deliberation Session

54. Mr. Elvis Au said that despite the Board's previous decision in approving the proposed residential development, the EPD maintained its position of not supporting the application. As discussed in detail in the Board's meeting in January 2004, the proposed

residential development was environmentally incompatible with the existing boatyards which were only 30m away. Under the current application, 3 out of 9 tower blocks would still exceed the noise limit in the HKPSG. Based on EPD's professional judgment, there could technically be no mitigation measures that could lead to the satisfactory compliance with the requirements. This was similar to the experience of the shipyards on Tsing Yi Island where the shipyards had to be relocated eventually. Under such circumstances, EPD considered that the approval condition on requirement of submission of a revised NIA to EPD's satisfaction not useful nor appropriate. As EPD would not accept the NIA, consideration of the compliance with this planning condition could eventually be taken to the Board.

55. Noting the fact that the proposed residential development had already been approved by the Board, a Member enquired if EPD had any suggestion on what further could be done to address the noise impact. In response, Mr. Elvis Au said that for the past 3 to 4 years, the applicant had made great effort in incorporating mitigation measures to solve the noise problem, including tower setback, use of podium, architectural vertical fins and non-openable windows. Nonetheless, Towers 1 to 3 would still exceed the noise limit in the HKPSG with steel boat repairing activities still found in the boatyards. Given the situation with the boatyards operating in such a close distance, nothing further could be done to resolve the noise problem.

56. In response to another Member's enquiry on the experience with shipyards on Tsing Yi, Mr. Elvis Au said that there had been numerous local complaints on the noise from the shipyards there. It was foreseeable that the same situation would be repeated here.

57. A Member said that the boatyards had been there for a long time and it provided supporting services to the Aberdeen fishing industry. It was not really practical to restrict repairing activities. The proposed residential development and the boatyards were incompatible uses. Another Member agreed and said that it was difficult to enforce the restriction prohibiting steel boat repair as all boats might have steel parts and noise would be generated regardless.

58. Mr. James Merritt said that although the Short Term Tenancies (STTs) of the boatyards restricted steel boat repairing activities, it was difficult to enforce the condition. Nevertheless, he undertook to remind the relevant District Lands Officer on the enforcement

action.

59. A Member enquired on the planning intention of the boatyard site if the operations were removed. In response, the Secretary said that the subject site was zoned “Industrial” (“I”). However, it was stated in the Explanatory Statement of the OZP that the long term intention was for the operations to be removed and the actual land use would be subject to review. The Chairperson supplemented that as recommended in the Focus Study on Aberdeen Harbour, the boatyard site could be used for tourism-related uses.

60. In response to a Member’s enquiry, the Secretary said that there used to be about 30 boatyards but the number currently in operation was not available. For Members’ information, the Secretary said that the application site was previously zoned “I”. In 1999, the Committee agreed to rezone it from “I” to “Residential (Group E)1” (“R(E)1”) after considering a rezoning request. At the same time, the Committee was concerned about the potential “I/R” interface problem between the application site and the boatyards and hence, decided to rezone the boatyards from “I” to “Undetermined”. Upon consideration of the objections from the boatyard operators, the Board decided to revert the zoning of the boatyards to “I” while maintaining the “R(E)1” zoning of the application site. Since 2002, a clause prohibiting steel boat repairing activities had been incorporated in the STTs of the boatyards in an attempt to resolve the noise issue.

61. The Secretary continued to say that in 2004, the applicant applied for a review of the Committee’s decision on an application (Application No. A/H15/189) for residential development at the application site. After lengthy discussion on the noise problem from the boatyards, the Board gave sympathetic consideration to the application as it might not be reasonable to reject the application because of difficulties in enforcement against the unauthorized steel boat repairing activities. However, the Board was concerned with the adverse noise impact, upon the suggestion of the then Deputy Director of Environmental Protection, considered that the applicant should try as much as possible to provide additional mitigation measures to further reduce the noise impact. Throughout the years, the applicant had made great effort to address the noise problem. However, the EPD did not find the mitigation measures satisfactory.

62. A Member said that the proposed residential development had already been

approved by the Board after detailed discussion on the noise issue before. The discussion at this meeting should concentrate on the current application for amendments to the approved scheme. This Member had no objection to the application.

63. The Chairperson said that while most Members had no objection to the current application, Members should consider whether to maintain the previous approval condition on submission of a revised NIA and implementation of the mitigation measures therein, or to revise it as recommended by the PlanD in paragraph 8.3(a) of the Paper. In response, Ms. Christine K.C. Tse, DPO/HK, said that it was confirmed that nothing further could be done on the NIA to satisfy the EPD's requirements. As such, it was proposed to revise the approval condition to require the implementation of the mitigation measures as proposed by the applicant to the satisfaction of the EPD or of the Board.

64. Mr. Elvis Au reiterated that the EPD did not find the revision to the approval condition (a) proposed by the PlanD useful, as the EPD would not be satisfied with the mitigation measures proposed and their implementation. He said that the checking of these measures on a building plan submission against the approved scheme would not require any professional expertise from the EPD. As an alternative, he opined that the proposed mitigation measures should be submitted to the Board for approval or that the applicant could be advised to hire an independent expert to certify that all the proposed mitigation measures had been incorporated in the building plan submission.

65. A Member said that in 2004, the Board approved the scheme with serious concern on the noise problem. Any deletion or revision of the relevant approval condition would lead to a wrong impression that nothing more was required from the applicant to resolve the issue. This Member suggested that the same approval condition on the submission of a revised NIA and implementation of the mitigation measures therein should be retained so that the applicant would continuously work on a better solution to the problem. After some discussion on various options of the approval condition, Members agreed that the previous condition should be retained.

66. 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 25.11.2009, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a revised noise impact assessment study and implementation of the proposed mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design and provision of the internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

67. The Committee also agreed to advise the applicant :

- (a) to note the comments of Director of Environmental Protection regarding the noise perspective;
- (b) to consult Director of Fire Services regarding fire service requirements during the building plan submission stage;
- (c) to note the comments of Chief Building Surveyor/Hong Kong West, Buildings Department regarding the compliance with the natural lighting and ventilation provision, provision of internal streets and refuge roofs; and
- (d) to note the comments of Chief Town Planner/Urban & Landscape of Planning Department on the landscape perspective.

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Mr. David C.M. Lam, STP/HK, for their attendance to answer Members' enquires. Ms. Tse and Mr. Lam left the meeting at this point.]

Agenda Item 7

Any Other Business

68. There being no other business, the meeting was closed at 11:20 a.m..