

TOWN PLANNING BOARD

**Minutes of 588th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 8.9.2017**

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 Stephen H.B. Yau

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

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

Principal Environmental Protection Officer (Metro Assessment)
Environmental Protection Department
Mr Tony W.H. Cheung

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

Dr Wilton W.T. Fok

Mr Patrick H.T. Lau

Mr Thomas O.S. Ho

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
Ms Anita M.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 587th MPC Meeting held on 25.8.2017

[Open Meeting]

1. The draft minutes of the 587th MPC meeting held on 25.8.2017 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/446 Temporary “Public Vehicle Park (excluding Container Vehicle)” for a period of 5 years (Surplus Monthly Vehicle Parking Spaces Only) in “Government, Institution or Community (2)” and “Residential (Group B) 7” Zones, Kwai Chung Town Lot 373, Tsui Yiu Court, 1 Lai Chi Ling Road, Kwai Chung
(MPC Paper No. A/KC/446A)

3. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with the Housing Department (HD) as its executive arm. The following Members had declared interests on the item:

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| Mr Raymond K.W. Lee
(the Chairman)
<i>as the Director of Planning</i> | - | being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA; |
| Mr Martin W.C. Kwan
<i>as Chief Engineer (Works),
Home Affairs Department</i> | - | being the representative of the Director of Home Affairs who is a member of the SPC and Subsidised Housing Committee of HKHA; |
| Mr Patrick H.T. Lau | } | having current business dealings with HKHA; |
| Mr Thomas O.S. Ho | | |
| Mr K.K. Cheung | - | his firm having current business dealings with HKHA; |

- Dr Lawrence W.C. Poon - his spouse being a civil servant of HD but not involved in planning work; and
- Mr Franklin Yu - having past business dealings with HKHA.

4. The Committee noted that Mr Patrick H.T. Lau and Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting, Dr Lawrence W.C. Poon had temporarily left the meeting, and Mr Franklin Yu had not arrived to join the meeting yet. As the interests of Mr Raymond K.W. Lee, the Chairman, and Mr Martin W.C. Kwan were direct, they should be invited to leave the meeting temporarily at this point. The Committee agreed that as Mr K.K. Cheung had no involvement in the application, he should be allowed to stay in the meeting. The Vice-chairman took over the chairmanship at this point.

[The Chairman and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary ‘public vehicle park (excluding container vehicle)’ (surplus monthly vehicle parking spaces only) for a period of 5 years
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) had no objection to the application provided that priority of usage would still be given to the residents in Tsui Yiu Court and the proposed number of vehicle parking spaces to be let to the non-residents should be agreed with C for T. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public

comment was received from an individual objecting to the application. Major grounds of objection were set out in paragraph 9 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 10 of the Paper. There were surplus vehicle parking spaces at the subject housing estate, and the letting of the surplus parking spaces to non-residents would help utilise resources more efficiently. According to the applicant, the residents of Tsui Yiu Court would be accorded the highest priority in the letting of vehicle parking spaces. As only surplus monthly parking spaces would be let out to non-residents, the parking need of the residents would not be compromised. An approval condition was recommended requiring that priority should be given to residents of Tsui Yiu Court in the letting of the vacant parking spaces and the proposed number of vehicle parking spaces to be let out should be agreed with C for T. Regarding the public comment, the comments of government departments and the assessments above were relevant.

6. Some Members raised the following questions:

- (a) noting that the applicant would continue to explore the opportunities for conversion of surplus parking spaces to other uses, whether the applicant had provided any details on studying the feasibility of converting surplus car parking spaces to other uses; and
- (b) whether the applicant had considered converting the surplus car parking spaces to bicycle parking.

7. Mr Stephen C.Y. Chan, STP/TWK, made the following responses:

- (a) as detailed in Appendix Ic of the Paper, the applicant had been conducting feasibility studies in identifying opportunities for conversion of surplus parking spaces to other uses. There were examples in other public housing estates where surplus parking spaces had been converted to welfare,

educational and retail facilities. However, due to technical and other constraints, such conversions were not always feasible. Where conversion was not feasible, interim measures including seeking planning permission from the Town Planning Board for the letting of surplus parking spaces to non-residents were adopted to optimise the use of resources and help meet local parking demand; and

- (b) the applicant had not proposed conversion of the surplus parking spaces to bicycle parking spaces. However, this suggestion could be relayed to the applicant for consideration, particularly in locations where there was a demand for bicycle parking.

8. Members have no further question on the application.

Deliberation Session

9. A Member had no objection to the application, and suggested that the Director of Planning might consider applications involving minor changes under delegated authority to streamline the planning approval process.

10. A Member opined that it would be beneficial to both the applicant and the public if it could be made clear under what circumstances could surplus parking spaces be converted to other uses.

11. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 8.9.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

“the priority should be accorded to the residents of Tsui Yiu Court in the letting of the vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

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

[The Vice-chairman thanked Mr Stephen C.Y. Chan, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[The Chairman, Mr Martin K.C. Kwan and Dr Lawrence W.C. Poon returned to join the meeting at this point.]

[Mr Walter W.N. Kwong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/491 Proposed Off-course Betting Centre in "Industrial" Zone, 1/F, TWTL 85
and Lot 486 in D.D. 443, Fui Yiu Kok Street, Tsuen Wan
(MPC Paper No. A/TW/491)

Presentation and Question Sessions

13. With the aid of a PowerPoint presentation, Mr Walter W.N. Kwong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed off-course betting centre;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Home Affairs (SHA) doubted whether the proposed use could be legally operated as the applicant was neither a licensee under the Betting Duty Ordinance (Cap. 108) nor acting on behalf of such licensee. The Director-General of Trade and Industry (DG of TI) had reservations on the application as there was high usage for warehouse/storage use as well as the trend of new industrial developments

in the Tsuen Wan East Industrial Area as revealed in the 2014 Area Assessment of Industrial Land in the Territory, but had no comment if the approval was temporary of not more than three years as it would not jeopardise the long-term industrial-related use of the application premises. The Director of Fire Services (D of FS) objected to the application from fire safety point of view as the proposed use would attract persons who could be exposed to risk which they would neither be aware of nor prepared to face. The Commissioner for Transport (C for T) had reservation on the application as the applicant should demonstrate that there would be no adverse impact on the parking and loading/unloading facilities in the proposed industrial building at the application site and the traffic in the adjacent road network due to the proposed use. The Commissioner of Police (C of P) was also concerned on the possible obstruction caused by the crowd and vehicles that the proposed use might bring. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, 10 public comments were received from a member of the Tsuen Wan District Council, Incorporated Owners or property management companies of service apartment developments and industrial buildings nearby, and individuals objecting to or raising concerns on the application. Major objecting grounds and concerns were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applicant had not demonstrated that there was a genuine need for the proposed use and no suitable alternative accommodation could be found in the vicinity. SHA doubted that the proposed use at the application premises could be legally operated and DG of TI had reservation as there was a high usage for warehouse/storage use as well as new industrial developments. The application did not comply with the Town Planning Board Guidelines No. 25D in that the applicant failed to demonstrate that

the proposed development would be acceptable in fire safety and traffic aspects and D of FS objected to the application from fire safety point of view while C for T had reservation on the application from traffic point of view and C of P had concerns on possible obstruction caused by the proposed use. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

14. Some Members raised the following questions:
- (a) whether there were any requirements or any set standards for provision of off-course betting centre in an area;
 - (b) noting that a canteen was proposed in the proposed industrial building, and that there were existing canteens in industrial buildings that were opened to the public, whether there were any mechanisms to consider the need of a canteen in an industrial building;
 - (c) whether planning permission was required if the proposed off-course betting centre was located in commercial buildings instead of industrial buildings; and
 - (d) whether off-course betting centres located in industrial buildings were in violation of the lease and whether a temporary waiver was required if the off-course betting centres had met fire safety requirements such as located on Ground Floor or floors separated by a buffer floor.
15. Mr Walter W.N. Kwong, STP/TWK, made the following responses:
- (a) according to the Hong Kong Planning Standards and Guidelines, there was no set standard on the provision of off-course betting centre. However, there were already three off-course betting centres in the Tsuen Wan area;
 - (b) according to the Notes of the “Industrial” (“I”) zone, ‘Eating Place

(Canteen)' was an always permitted use, hence no planning permission was required. However, a food business licence from the Food and Environmental Hygiene Department (FEHD) was required. Should the operation of the canteen be in violation of the FEHD's licensing requirements, enforcement action would be taken by FEHD;

- (c) whether off-course betting centres required planning permission to the Town Planning Board (the Board) depended on the land use zoning. As the application site was located in "T" zone where off-course betting centre was a Column 2 use, planning permission from the Board was required. Application to the Board would not be required if the off-course betting centres were located in "Commercial" zone, or in the lowest three floors or purpose-designed non-residential portion of an existing building in "Residential (Group A)" zone; and
- (d) the lease governing the application site was restricted to general industrial and/or godown purposes excluding offensive trades. The proposed off-course betting centre use was not permitted under the lease. As advised by the Lands Department (LandsD), application for lease modification or temporary waiver was required should planning approval be given.

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

16. Mr Simon S.W. Wang, Assistant Director (Regional 1), LandsD, supplemented that whether lease modification or temporary waiver was required depended on the lease restrictions of the site. For the subject application, lease modification or temporary waiver was required for the proposed use.

17. Members had no further question on the application.

Deliberation Session

18. Noting that the proposed off-course betting centre use was located in a proposed

industrial building and that the proposed use was a Column 2 use in the “I” zone, a Member considered that concerned departments could impose approval conditions for the new building such that their concern could be addressed at the early stage of development, such as the Fire Services Department could request the provision of refuge floor to segregate the industrial and non-industrial uses.

19. The Chairman said that consideration of each application should be based on the information submitted by the applicant. He also supplemented that ‘off-course betting centre’ use was always permitted in the “I” zone if it was located in the purpose-designed non-industrial portion on the lower floors separated by a buffer floor and no industrial uses were located within the non-industrial portion.

20. Mr Wilson W.S. Pang, Assistant Commissioner for Transport/Urban, Transport Department (TD), said that TD had reservation on the application as the information provided by the applicant was rather qualitative in nature and there was insufficient information for TD to ascertain the traffic impact arising from the proposed use. Quantitative information, such as traffic surveys etc., was required to assess the traffic impact arising from the proposed use.

21. The Vice-chairman noted that it was uncertain whether the proposed use would be implemented as the proposed industrial building had yet to be built. A Member was of the view that it might be more appropriate to consider the proposed use upon completion of the industrial building.

22. A Member opined that clear policies and information on the requirement of off-course betting centre, e.g. its impact on the community should be given to facilitate Members’ consideration of the suitability of the relevant site for such use. Another Member considered that support from the Hong Kong Jockey Club, the only licensee under the Betting Duty Ordinance (Cap. 108) to run an off-course betting centre, should have been sought prior to applying for the proposed use.

23. After deliberation, the Committee decided to reject the application. The reasons were:

“(a) the applicant has not demonstrated that there is a genuine need for the

proposed off-course betting centre and no suitable alternative accommodation can be found in the vicinity;

- (b) the application does not comply with the Town Planning Board Guidelines for Use/Development within “Industrial” zone (TPB PG-No. 25D) in that the applicant fails to demonstrate that the proposed development would be acceptable in fire safety and traffic aspects; and
- (c) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in cumulative loss of industrial floor space in the area.”

[The Chairman thanked Mr. Walter W.N. Kwong, STP/TWK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

Hong Kong District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/H15/272 Proposed Electricity Supply Installation and Hotel in “Other Specified Uses” annotated “Electricity Supply Installation and Hotel” Zone, 2 Yi Nga Drive, Ap Lei Chau, Hong Kong
(MPC Paper No. A/H15/272A)

24. The Secretary reported that the application site was located in Ap Lei Chau and the application was submitted by the Hongkong Electric Company Limited, a subsidiary of CK Hutchison Limited (CKH), and Kenneth To & Associates Limited (KTA) was one of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Patrick H.T. Lau - having current business dealings with CKH and KTA and owning a flat at Tin Wan, Aberdeen;
- Dr Wilton W.T. Fok - co-owning with spouse a flat in Ap Lei Chau; and
- Mr Wilson W.S. Pang - owning a flat in Ap Lei Chau.

25. The Committee noted that Mr Patrick H.T. Lau and Dr Wilton W.T. Fok had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as the property owned by Mr Wilson W.S. Pang did not have a direct view of the application site, he could stay in the meeting.

26. The Committee noted that the applicant's representative requested on 28.8.2017 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 second time the applicant requested deferment of the application. Since the last deferment, the applicant had submitted new and revised technical assessment reports to address departmental and public comments.

27. 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 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 submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/H6/83 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Flat Development in “Residential (Group B) 1” and “Residential (Group C)” Zones, 56 Tai Hang Road, Hong Kong (Inland Lot 8832 RP)
(MPC Paper No. A/H6/83)

28. The Secretary reported that the application site was located in Causeway Bay. The following Members had declared interests on the item:

Ms Sandy H.Y. Wong - self-occupying a flat in Tai Hang; and

Ms Jacinta K.C. Woo - self-occupying a flat in Tai Hang Road.

29. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as the property owned by Ms Sandy H.Y. Wong did not have a direct view of the application site, she could stay in the meeting. As the interests of Ms Jacinta K.C. Woo, the Secretary, was remote, she could stay in the meeting.

30. The Committee noted that the applicant’s representative requested on 25.8.2017 deferment of consideration of the application for two months in order to allow time for preparation of further justifications for the proposed scheme to address departmental comments. It was the first time the applicant requested deferment of the application.

31. 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 shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the

applicant that two months were allowed for preparation of the submission of the further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H21/147 Proposed Religious Institution (Redevelopment of Temple) in “Green Belt” Zone, Government Land to the northwest of 986 King's Road, Quarry Bay, Hong Kong
(MPC Paper No. A/H21/147)

32. The Secretary reported that the application site was located in Quarry Bay. The following Members had declared interests on the item:

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| Dr Wilton W.T. Fok | } | co-owning with spouse a flat in Quarry Bay area; |
| Mr Wilson Y.W. Fung | | |
| Mr Thomas O.S. Ho | - | owning a flat in Quarry Bay area; |
| Mr Martin W.C. Kwan | - | co-owning with spouse two flats in Quarry Bay area; and |
| Mr Simon S.W. Wang | - | co-owning with spouse a flat in Quarry Bay area. |

33. The Committee noted that Mr Thomas O.S. Ho and Dr. Wilton W.T. Fok had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that as the properties co-owned by Messrs Wilson Y.W. Fung, Martin W.C. Kwan and Simon S.W. Wang did not have a direct view of the application site, they could stay in the meeting.

34. The Committee also noted that the applicant's representative on 17.8.2017 requested deferment of consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments.

35. 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 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.

[Ms Irene W.S. Lai, Senior Town Planner/Hong Kong (STP/HK) was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/148 Proposed Comprehensive Development for Office, Shop and Services, Eating Place, Place of Recreation, Sports or Culture (Fitness Centre or Art Gallery) and Private Club Uses (Amendment to an Approved Master Layout Plan) in "Comprehensive Development Area" zone, Taikoo Place, 979 King's Road, Quarry Bay, Hong Kong
(MPC Paper No. A/H21/148)

36. The Secretary reported that the application site was located in Quarry Bay and the application was submitted by Taikoo Place Holdings Limited which was a subsidiary of Swire Properties Limited (Swire). MVA Hong Kong Limited (MVA), Wong & Ouyang

(HK) Limited (WOL) and Urbis Limited (Urbis) were three of the consultants of the applicant. The following Members had declared interests on the item:

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| Mr Thomas O.S. Ho | - having current business dealings with Swire and MVA; his firm having current business dealings with Urbis; and owning a flat in Quarry Bay area; |
| Mr K.K. Cheung | - his firm having current business dealings with Swire, MVA and Urbis; |
| Mr Patrick H.T. Lau | - having current business dealings with MVA and past business dealings with Swire; |
| Mr Franklin Yu | - having current business dealings with WOL and past business dealings with MVA and Urbis; |
| Dr Wilton W.T. Fok | } co-owning with spouse a flat in Quarry Bay area; |
| Mr Wilson Y.W. Fung | |
| Mr Martin W.C. Kwan | - co-owning with spouse two flats in Quarry Bay area; and |
| Mr Simon S.W. Wang | - co-owning with spouse a flat in Quarry Bay area. |

37. The Committee noted that Messrs Thomas O.S. Ho and Patrick H.T. Lau and Dr Wilton W.T. Fok had tendered apologies for being unable to attend the meeting. The Committee agreed that as Messrs K.K. Cheung and Franklin Yu had no involvement in the application, they could stay in the meeting. The Committee also agreed that as the properties co-owned by Messrs Wilson Y.W. Fung, Martin W.C. Kwan and Simon S.W. Wang did not have a direct view of the application site, they could stay in the meeting.

Presentation and Question Sessions

38. Ms Irene W.S. Lai, STP/HK, drew Members' attention that three replacement

pages (pages 2 and 18 of the Paper and Drawing A-17) and a new appendix (Appendix Ig of the Paper) were tabled at the meeting for Members' information. She then, with the aid of a PowerPoint presentation, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed comprehensive development for office, shop and services, eating place, place of recreation, sports or culture (fitness centre or art gallery) and private club uses (Amendments to an Approved Master Layout Plan (MLP));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, 217 comments from an Eastern District Council member, local residents, office tenants and individuals were received. Amongst them, 179 supported the application, one raised objection and the remaining 37 did not state whether supporting or objecting to the application. Major views 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 commercial uses were in line with the planning intention of the “Comprehensive Development Area” zone and were not incompatible with the surrounding commercial and residential developments. The total gross floor area (GFA) of the proposed development remained unchanged and complied with the GFA restriction under the Outline Zoning Plan (OZP) and the overall layout largely followed that of the previous approved scheme under application No. A/H21/132 (the previous approved scheme). Concerned government departments had no objection to or no adverse comments on the application. Regarding the adverse public comments,

the assessments above were relevant.

39. The Chairman and some Members raised the following questions:

- (a) noting that the last application (No. A/H21/143) which was rejected by the Town Planning Board upon review on 24.3.2017, involved minor relaxation of building height restriction to cater for higher headroom for ArtisTree and other facilities, whether the proposed increase of non-office GFA under the current application was related to ArtisTree;
- (b) whether the mix of the non-office GFA could be determined by the applicant and whether the non-office GFA could be converted to other commercial uses;
- (c) whether the redistribution from the office GFA to non-office GFA use would result in an increase in total GFA and building height (BH); and
- (d) the pedestrian connection to the non-office uses at the site and whether the pedestrian walkway near Building 2A would affect the proposed landscape area.

40. Ms Irene W.S. Lai made the following responses:

- (a) in the current application, the applicant did not specifically indicate ArtisTree on the MLP. However, ArtisTree was regarded as 'Art Gallery' use which was subsumed under 'Place of Recreation, Sports or Culture' use according to the Definition of Terms used in Statutory Plans, and the applicant had applied for such use under the current application;
- (b) the non-office GFA that the applicant applied for included shop and services, eating place, place of recreation, sports or culture (fitness centre or art gallery) and private club uses. The types and mix of uses could be determined by the applicant. As regard to whether the non-office GFA could be converted to other commercial uses, the applicant would need to

follow the Town Planning Board Guidelines No. 36A on Class A and Class B Amendments to Approved Development Schemes; and

- (c) the total GFA of the proposed development remained the same as that of the previous approved scheme. The applicant had not applied for minor relaxation of BH restriction in the current application and the BH of the proposed development complied with the BH restrictions under the OZP. With reference to Drawing A-16 of the Paper, the floor to floor height (FTFH) of Building 2B had decreased from 4.3m to 4.25m when compared with the last rejected application (No. A/H21/143). In addition, the applicant had proposed in the last application to locate ArtisTree at 4/F of Building 2B with a FTFH of 12.5m, but such proposal was not included in the current application;
- (d) a network of pedestrian walkways was proposed, which was connected to Devon House with an existing pedestrian footbridge linked to the MTR Quarry Bay Station; and
- (e) the portion of the footbridge system near Building 2A had a headroom of 5.8m, which was the same height as the footbridge system previously considered by the Committee for partial fulfilment of approval condition (c) under the previous approved scheme.

41. Members had no further question on the application.

Deliberation Session

42. Noting that the types and mix of uses could be determined by the applicant, and the proposed redistribution of some office GFA to non-office GFA under the current application did not indicate the location of ArtisTree where, in the last application (No. A/H21/143), the applicant had emphasised its gains to the area and community, a Member opined that the applicant could consider reviewing its scheme to incorporate ArtisTree.

43. The Chairman said that the application was to redistribute some office GFA to

increase the non-office GFA at the site. The non-office GFA could be used, *inter alia*, as ‘Art Gallery’ for ArtisTree. The applicant had the flexibility to adjust the design of the building as long as it complied with the restrictions stipulated on the OZP.

44. With reference to Drawing A-22 of the Paper, the Secretary supplemented that the lower floors of the proposed development have changed from office use in the previous approved scheme to include non-office commercial uses in the current application. The application only involved redistribution of some office GFA to non-office use and the overall GFA remained the same. When compared with the previous approved scheme, the number of office floors had decreased by one storey with minor changes to the FTFH without changing the overall BH of the development.

45. A Member supplemented that ArtisTree was currently situated in other areas of Taikoo Place and the high headroom requirement of ArtisTree had not been included in the current proposal. Besides, the same Member observed that the internal circulation to some of the floors with proposed non-office uses was by lifts, which was different from normal shopping malls where escalators would usually be provided. Given that the proposed development had no increase in BH, this Member did not see any reason to reject the application.

46. 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 8.9.2021, 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 a revised Master Layout Plan to take into account the approval conditions as stated in conditions (b) to (e) and (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of the traffic management and road improvement measures as proposed by the applicant in the Traffic Impact Assessment submitted to the satisfaction of the Commissioner for Transport or of the TPB;

- (c) the submission and implementation of a revised footbridge system with a view to developing the open space as a forecourt of the adjoining buildings and a focal point for Taikoo Place to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of car parking spaces, loading/unloading, picking-up/setting-down facilities and vehicular access for the development to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission and implementation of a revised Landscape Master Plan including the tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the implementation of local sewerage upgrading/sewerage connection works identified in the SIA in condition (f) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) 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; and
- (i) the submission and implementation of the development programme of the proposed development to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Ms Irene W.S. Lai, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

[Ms Jessie K.P. Kwan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Kowloon District

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/749 Proposed Shop and Services in “Other Specified Uses” annotated
“Business” Zone, Factory Unit B1, G/F, Good Year Industrial Building,
119-121 How Ming Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/749)

Presentation and Question Sessions

48. With the aid of a PowerPoint presentation, Ms Jessie K.P. Kwan, 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;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments 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 considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and was compatible with the changing land use character of the area. The proposed use complied with the Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety and environmental impacts on the developments within the subject building and in the adjacent areas. Relevant government departments had no objection to or no adverse comment on the application. The aggregate commercial area on G/F, including the proposed use, would be 206.485m², which was within the maximum permissible limit of 460m² for industrial buildings protected with a sprinkler system.

49. Members had no question on the application.

Deliberation Session

50. 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 8.9.2019, 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 services installations and equipment at the application premises and means of escape separated from the industrial portion of the subject industrial building, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition (a) is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

51. 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 Jessie K.P. Kwan, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 10

Any Other Business

52. There being no other business, the meeting closed at 10:15 a.m.