

TOWN PLANNING BOARD

**Minutes of 739th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 5.4.2024**

Present

Director of Planning
Mr Ivan M.K. Chung

Chairman

Ms Sandy H.Y. Wong

Vice-chairperson

Mr Stanley T.S. Choi

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Mr Ben S.S. Lui

Professor Bernadette W.S. Tsui

Mr Tony C.M. Ip

Mr Simon K.L. Wong

Mr Derrick S.M. Yip

Assistant Commissioner/Urban,
Transport Department
Mr B.K. Chow

Principal Environmental Protection Officer (Territory South),
Environmental Protection Department
Miss Queenie Y.C. Ng

Assistant Director/Regional 1,
Lands Department
Ms Trevina C.W. Kung

Deputy Director of Planning/District
Mr C.K. Yip

Secretary

Absent with Apologies

Ms Kelly Y.S. Chan

Chief Engineer (Works), Home Affairs Department
Mr Paul Y.K. Au

In Attendance

Assistant Director of Planning/Board
Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board
Ms W.H. Ho

Town Planner/Town Planning Board
Ms Karen K.Y. Tsui

Agenda Item 1

Confirmation of the Draft Minutes of the 738th MPC Meeting held on 15.3.2024

[Open Meeting]

1. The draft minutes of the 738th MPC meeting held on 15.3.2024 were confirmed without amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Deferral Cases

Sections 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

3. The Secretary reported that there were two cases requesting the Town Planning Board to defer consideration of the applications. Details of those requests for deferral, Member's declaration of interest for a case and the Committee's view on the declared interest were in **Annex**.

Deliberation Session

4. After deliberation, the Committee decided to defer decisions on the applications as requested by the applicants pending submission of further information, as recommended in the Papers.

Hong Kong District

[Mr Dino W.L. Tang, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/440 Proposed Religious Institution in “Residential (Group A)” and
“Commercial/Residential” Zones, 2/F, Commercial Podium of 2-4 Tin
Hau Temple Road and 180 Tung Lo Wan Road, Tin Hau, Hong Kong
(MPC Paper No. A/H8/440)

5. Noting that the application premises (the Premises) was in North Point, Professor Jonathan W.C. Wong had declared an interest on the item for owning a property in North Point. As the property owned by Professor Jonathan W.C. Wong had no direct view of the Premises, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

6. With the aid of a PowerPoint presentation, Mr Dino W.L. Tang, STP/HK, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

7. The Vice-chairperson and some Members raised the following questions:

The Proposal

- (a) the access to the Premises and whether the proposed religious institution would share the same access with the kindergarten on 1/F of the commercial podium across Park Commercial Centre and Magnolia Mansion, and the upper residential floors of Magnolia Mansion;

- (b) the previous use of the Premises and its number of staff/attendees accommodated;

Implications of the Proposal

- (c) the grounds of the opposing comments on the application from the Owners' Committee of Ming Tak Mansion;
- (d) whether proposals on crowd management and noise control had been provided by the applicant; and
- (e) the reason for not imposing an approval condition to prohibit the burning of joss paper or incense in the Premises and whether there would be any restriction on the types of services/activities to be carried out in the Premises should the application be approved.

8. In response, Mr Dino W.L. Tang, STP/HK, with the aid of some PowerPoint slides, made the following main points:

The Proposal

- (a) the Premises occupying the entire 2/F of the commercial portion across Park Commercial Centre and Magnolia Mansion were provided with a direct access to Tin Hau Temple Road via an escalator within the commercial podium. While both the Premises on 2/F (i.e. the subject Premises) and the kindergarten on 1/F of the commercial podium would share the same escalator from the entrance on G/F to 1F and 2/F of the commercial podium, there were two separate accesses for the upper residential floors of Magnolia Mansion on Tin Hau Temple Road and the upper floors of the Park Commercial Centre on Tung Lo Wan Road;
- (b) the Premises were previously used as an office which was always permitted in the subject "Commercial/Residential" ("C/R") zone and the lowest three

floors of the subject “Residential (Group A)” (“R(A)”) zone. While no information on the previous office use was provided by the applicant, it was believed that the Premises might have accommodated a reasonably high number of staff with reference to the internal layout as shown in the site photos;

Implications of the Proposal

- (c) the Owners’ Committee of Ming Tak Mansion, being located to east of the two subject buildings, raised the concerns that the narrow pedestrian walkway in Tin Hau Temple Road was inadequate to cope with the increase in the number of visitors arising from the proposed religious institution;
- (d) with regard to crowd management, the applicant indicated that since there would be different activities after each service, based on their experience in their existing premises in Wan Chai, the likelihood of all visitors leaving the premises at the same time would be low. Besides, the visitors would be advised not to leave the Premises at the same time to minimise the impact on pedestrian traffic at Tin Hau Temple Road. While the applicant had not provided information on noise control, it was claimed by the applicant that the Buddhist community used to emphasise promoting a harmonious relationship with the local communities. Regular review would be conducted by the applicant to assess whether any adverse impact would be generated from their services/activities on the surrounding area, and their participants would be reminded to take note of the issues, if any; and
- (e) the applicant indicated that there would be no burning of joss paper or incense during the religious services in the Premises. The Environmental Protection Department (EPD) had no adverse comment on the application and did not propose any approval condition on the application. Should any complaints on air nuisance be received in the future, EPD would take follow-up actions in accordance with the relevant legislations and/or regulations such as the Air Pollution Control Ordinance as appropriate.

Generally speaking, there would be no specific restriction on the types of services/activities of the religious institution to be carried out in the Premises should the application be approved.

9. A Member asked whether the planning permission, if granted, would not be restricted to the use by the Buddhist community but would be applicable for all religious institution uses, and the applicant would still need to obtain approval for its operation from other relevant departments, as appropriate. In response, the Chairman explained that as 'Religious Institution' use was a Column 2 use under both the "C/R" and "R(A)" zones in the North Point Outline Zoning Plan (OZP), planning permission from the Town Planning Board (the Board) was required. Members were invited to consider whether 'Religious Institution' use was acceptable in the Premises. Should the application be approved, different religious institution uses would be allowed as long as the Premises were covered by a valid planning application. Nonetheless, the future operators would need to comply with other relevant legislations, regulations and government requirements including licence requirement, if applicable.

Deliberation Session

10. The Chairman recapitulated that according to the Notes of the OZP, 'Religious Institution' was a Column 2 use under both the "C/R" and "R(A)" zones and required planning permission from the Board. While commercial uses such as 'Eating Place' and 'Shop and Services' were always permitted in the "C/R" zone and the lowest three floors of a building in the "R(A)" zone, 'Religious Institution' use might be subject to concerns of adverse impacts such as noise nuisance, air pollution and crowd management, and hence scrutiny by the Board was required. A section 16 planning application would be published for three weeks for public comment. All public comments received, together with comments of relevant government departments and PlanD's assessments, would be submitted to the Board for consideration. Should the Board decide to approve the application, the permission should be valid for four years unless the permitted development was commenced or the permission was renewed. Approval condition(s) and advisory clause(s) might be imposed if required. For instance, an approval condition requiring the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Board was recommended for the subject application.

11. Some Members, whilst having no objection to the application, raised concerns on the effectiveness of the existing monitoring mechanism in ensuring the operation of the proposed religious institution to comply with all relevant regulations and licensing requirements. It was suggested that approval conditions on prohibiting use of speakers during the school hours of the kindergarten on the lower floor and burning of joss paper or incense at the Premises might be considered given the potential noise nuisances, air pollution and fire safety concern. A Member also expressed concern on the potential nuisances generated by the large number of participants.

12. Other Members opined that as the Premises were previously used as an office and commercial uses were always permitted in the commercial podium, the existing provisions of Means of Escape and Fire Resisting Construction under the Buildings Ordinance should be sufficient to cater for the operation of the proposed religious institution. Moreover, should the Premises be occupied by other commercial uses that were always permitted under the OZP, such as music and tutorial schools with long operation hours, there might also be noise nuisances to the adjacent uses. The existing legislations and regulations should be able to control the potential noise nuisances and address the fire safety concern regarding burning of joss paper or incense. Additional approval conditions to restrict the operation of the proposed religious institution might not be necessary. The Vice-chairperson supplemented that an approval condition regarding fire services installations had been recommended and the concerned government departments including the Fire Services Department would undertake monitoring and enforcement actions for matters under their purview during the implementation and operation of the proposed use.

13. The Secretary supplemented that a wide range of uses were always permitted in the "C/R" zone and the lowest three floors of a building in the "R(A)" zone, including shops and services, restaurants and kindergartens, which always attracted a large number of visitors and generated noise. The Board's consideration should focus on the planning issues, including the compatibility of the proposed use with the surroundings and the potential impact of the proposed use. Given that there were separate accesses for the commercial podium and the residential portion of Magnolia Mansion, the potential nuisances to the local residents would not be significant. Regarding the transport arrangement and pedestrian flow, the Transport Department had not raised adverse comments on those aspects. Besides, the

peak visiting hours for the religious institution were usually different from those of the kindergarten. There were also five similar applications approved in the “C/R” or “R(A)” zones in North Point. While approval condition regarding fire services installations had been imposed for most of the similar applications, no approval conditions to restrict the operation of the proposed religious institutions had been imposed.

14. Upon the Chairman’s invitation, Miss Queenie Y.C. Ng, the Principal Environmental Protection Officer (Territory South), EPD explained that noise from commercial operations was controlled under the Noise Control Ordinance. If complaints relating to noise from commercial activities were received, EPD would assess the noise with reference to the Technical Memorandum and a noise abatement notice might be served to the noise producer as necessary requiring him/her to abate the noise within a specified time period. EPD would also provide advice to relevant operators on measures to reduce noise to an acceptable level.

15. The Chairman supplemented that in considering whether approval condition(s) should be imposed for a planning permission, the major principles were to ensure that the condition was consistent with the planning intention, relevant to the development, reasonable and enforceable. As per the Government’s endeavour to continue the streamlining arrangements for development-related statutory process, approval conditions should not be imposed if the relevant matters were to be addressed under other more appropriate regimes such as lands, buildings, licensing and other control regimes at the detailed design and implementation stages. For the subject application, given that fire safety was a major concern, an approval condition regarding fire service installations was proposed. However, approval conditions on noise control and burning of joss paper/incense were not recommended as the matters could be addressed by other relevant regulations and guidelines.

16. A Member opined that while religious institutions were usually conscious in minimising disturbance to the local community, the applicant should be advised to remind the participants of their services/activities not to gather at the G/F entrance to avoid affecting pedestrian traffic at Tin Hau Temple Road. To address Members’ concerns, the Chairman proposed and Members agreed to impose additional advisory clauses to request the applicant to adopt appropriate measures to minimise potential impacts on the surroundings as far as practicable, including crowd management, noise control and no burning of joss paper/incense,

so as to address public concerns and promote social harmony.

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 5.4.2028, 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 approval condition stated in the Paper. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper and the following additional advisory clauses:

“the applicant should explore crowd management measures to avoid affecting pedestrian traffic at Tin Hau Temple Road; and

“no burning of joss paper or incense in the application premises and to minimise noise impacts on the adjacent uses as far as practicable for avoidance of any potential environmental nuisance.”

[The Chairman thanked PlanD’s representative for attending the meeting. He left the meeting at this point.]

Kowloon District

[Ms Vicki Y.Y. Au, Senior Town Planner/Kowloon (STP/K), and Ms Jenny W.C. Lai, Town Planner/Kowloon, were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/274 Proposed Public Utility Installation (Underground Stormwater Storage Facility with Ancillary Aboveground Structures) in “Open Space” Zone and area shown as ‘Road’, Argyle Street Playground, Kowloon City, Kowloon

(MPC Paper No. A/K10/274)

18. The Secretary reported that Mr Tony C.M. Ip had declared an interest on the item for his firm being the sub-consultant of the application. As the interest of Mr Tony C.M. Ip was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item.

[Mr Tony C.M. Ip left the meeting temporarily at this point.]

Presentation and Question Sessions

19. With the aid of a PowerPoint presentation, Ms Vicki Y.Y. Au, STP/K, briefed Members on the background of the application, the proposed installation, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

20. In response to the Chairman’s question, Ms Vicki Y.Y. Au, STP/K, said that the large mature tree *Ficus microcarpa* (T169) was located at the western corner of the application site (the Site) as shown in photo 4 of Plan A-5.

21. The Vice-chairperson and some Members raised the following questions:

Site Selection and Access Arrangement

- (a) the rationale for choosing the Site for the proposed stormwater storage facility (SSF) over other alternative locations such as Sung Wong Toi Playground and Olympic Garden;
- (b) noting that there were residential developments and schools in the vicinity of the Site, whether the pumping station could be located at Sung Wong Toi Playground or near the western boundary of the Site abutting Argyle Street to avoid adverse visual and noise impacts on the surrounding area;
- (c) access arrangement for the Site, including the routing for service vehicles for periodic maintenance of the pumping station to prevent blockage of the screens by debris;
- (d) to avoid delay in construction and prolonged disturbance to the public, whether there was any alternative scheme for the proposed SSF should archaeological finds be unearthed at the Site;

Construction Period and Impact on the Public Open Space (POS)

- (e) noting the lengthy construction period of six years, whether the proposed underground SSF could be developed in phases to minimise disturbances to the POS and ensure early reprovisioning of the football pitch for public enjoyment;
- (f) the rationale for replacing the original 7-a-side football pitch with two 5-a-side football pitches;

Implications on Yearly Festive Events held at the Site

- (g) whether temporary venue had been identified for the yearly Tin Hau Festival during the temporary closure of the Site and whether Tin Hau

Festival could continue to be held at the Site upon completion of the construction works; and

- (h) whether there was any concern from the festive event organisers on the temporary closure of the Site.

22. In response, Ms Vicki Y.Y. Au, STP/K, with the aid of some PowerPoint slides, made the following main points:

Site Selection and Access Arrangement

- (a) according to the applicant, other alternative sites had been explored for the SSF. For Sung Wong Toi Playground, there were potential archaeological discoveries in the area and more assessments would be required to ascertain its technical feasibility. The Olympic Garden was encompassed by roundabouts, pedestrian links and elevated highway structures, which posed constraints for the underground stormwater storage tank with a capacity of 75,000m³. The nearby locations were considered technically infeasible or undesirable in terms of cost-effectiveness and minimising public nuisances;
- (b) the farther the distance between the pumping station and the underground stormwater storage tank, the longer the pipes would be needed, affecting hydraulic performance and cost-effectiveness. Moreover, involving another playground in SSF provision would affect more POSs and require longer construction time, resulting in prolonged and undesirable nuisances to the local community;
- (c) vehicular access to the Site was restricted to the southern end of the Site to address the Transport Department's concern on the traffic flow at the roundabout to the immediate northeast of the Site and the existing bus stops abutting the Site on Ma Tau Chung Road and Argyle Street. Service vehicles would enter the Site via the emergency vehicular access entrance at Ma Tau Chung Road and turn into the loading/unloading area within the pumping station for maintenance works. The location of the pumping

station had taken into account the access constraints and the need to reserve sufficient area for the re-provisioning of the football pitch;

- (d) according to the applicant, an archaeological watching brief was conducted before and no significant archaeological remains were identified at the Site. The Antiquities and Monuments Office (AMO) of the Development Bureau had no comment on the application. The applicant would notify AMO if any antiquities or supposed antiquities were found in the course of the excavation works. The applicant had also conducted a Detailed Heritage Review covering the Site and the surrounding area, and would undertake mitigation measures as agreed by AMO;

Construction Period and Impact on the POS

- (e) the applicant advised that six years were the shortest construction time given various site constraints. In addressing the concerns of the Members of the Kowloon City District Council (KCDC) on the lengthy closure period of the POS, the applicant explained that undertaking construction works in phases would further lengthen the construction duration due to limited working space;
- (f) it was part of the Leisure and Cultural Services Department (LCSD)'s plan to increase 5-a-side football pitches with international standards to promote long-term football development in Hong Kong;

Implications on Yearly Festive Events held at the Site

- (g) the festive event organisers used to book the Site, which was LCSD's venue, for Tin Hau Festival. During the temporary closure of the Site, the organiser could apply for other LCSD's venues in the vicinity such as Carpenter Road Playground for Tin Hau Festival. The Site would be re-opened for booking upon completion of the construction works; and
- (h) the applicant had consulted local stakeholders including festive event

organisers on the proposed installation. No objection from the festive event organisers was received.

Deliberation Session

23. The Chairman recapitulated that the proposed underground SSF formed part of the Argyle Street Playground Stormwater Storage Scheme, which was recommended under ‘The Review of Drainage Master Plan in East Kowloon – Feasibility Study’ and the ‘Drainage Improvement Works in Kowloon City’ to alleviate the flood risk in the downstream low-lying areas of the Kowloon City District. The applicant had consulted local stakeholders, including the District Facilities and Works Committee of KCDC, festive event organisers and local groups on the project. No objection from Members of KCDC on the proposal was received. The applicant would maintain close liaison with the local stakeholders and review the construction method and sequence with a view to minimising disturbances to the local community and ensuring sufficient spaces for future event organisation. Members were invited to consider whether the planning intention of the “Open Space” zone would be compromised upon completion of the project and whether the proposed installation would generate adverse impacts on the surrounding area. According to the applicant, the 7-a-side football pitch would be replaced by two 5-a-side football pitches as per LCSD’s plan to promote long-term football development in Hong Kong. For the large mature tree T169, the applicant would further explore the possibility of transplanting the tree near/within the Site at the detailed design stage, and felling of the tree would be the last resort. The proposed layout of the scheme had taken into account the site and technical constraints. Relevant government departments had no objection to or no adverse comment on the application.

24. A Member considered the construction period of six years too long, and suggested that the applicant should review the scope to reprovision the football pitches at an earlier time to minimise disturbances to the public. The applicant should also review the design with a view to utilising the rooftop of the pumping station for gainful use and enhance the aesthetic design of the pumping station to minimise visual impact on the surrounding area. The Vice-chairperson opined that the applicant should assist the event organiser of Tin Hau Festival in seeking alternative venue during the temporary closure of the Site. The meeting noted that in other similar applications in Kwun Tong and Wong Tai Sin submitted by the

applicant, the construction periods for the projects with underground SSF's capacities ranging from 25,000m³ to 64,000m³ were about four to six years. The construction period of the subject project with underground SSF's capacity of 75,000m³ was generally comparable to that of other similar projects.

25. After some discussion, the Chairman concluded that Members generally had no objection to the application. The meeting noted that advisory clauses requesting the applicant to minimise the temporary closure period for the construction of the proposed facilities and to explore the feasibility of utilising the rooftop of the proposed pumping station for public enjoyment had been included in Appendix IV of the Paper and would be conveyed to the applicant in due course. Regarding Members' concerns on enhancing the aesthetic design of the aboveground structures and identifying alternative venues for organising festivals, the Chairman suggested and Members agreed that additional advisory clauses should be incorporated.

26. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 5.4.2028, 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 Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper and the following additional advisory clauses:

“to enhance the aesthetics design of the aboveground structures so as to minimise the visual impact on the surrounding environment; and

to assist the affected festive event organisers to seek alternative venues during the temporary closure of the application site.”

[The Chairman thanked PlanD's representatives for attending the meeting. They left the meeting at this point.]

[Mr Tony C.M. Ip rejoined the meeting at this point.]

Agenda Item 7

Any Other Business

[Open Meeting]

27. This was the last meeting for Mr C.K. Yip to serve as the Secretary of the Metro Planning Committee before his transfer to another post within the Planning Department. On behalf of all Members, the Chairman extended a vote of thanks to Mr Yip for his valuable contributions to the operation of the Town Planning Board and the two Committees over the past years.

28. There being no other business, the meeting was closed at 10:30 a.m..

**Minutes of 739th Metro Planning Committee
(held on 5.4.2024)**

Deferral Cases

Request for Deferment by Applicant for Two Months

Item No.	Application No.*	Times of Deferment
3	A/KC/505	2 nd [^]
6	A/K11/245	1 st
Note: [^] <i>The 2nd Deferment is the last deferment and no further deferment will be granted unless under special circumstances and supported with strong justifications.</i>		

Declaration of Interest

The Secretary reported the following declaration of interest:

Item No.	Member's Declared Interest	
3	The application site was located in Kwai Chung.	- Mr Stanley T.S. Choi for being a supervisor of a primary school in Kwai Chung

As the interest of Mr Stanley T.S. Choi was indirect, the Committee agreed that he could stay in the meeting.

**Refer to the agenda at https://www.tpb.gov.hk/en/meetings/MPC/Agenda/739_mpc_agenda.html for details of the planning applications.*