

TOWN PLANNING BOARD

Minutes of 770th Meeting of the Metro Planning Committee held at 9:00 a.m. on 1.8.2025

Present

Director of Planning
Mr C.K. Yip

Chairperson

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

Dr Tony C.M. Ip

Professor Simon K.L. Wong

Mr Derrick S.M. Yip

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

Chief Engineer (Works),
Home Affairs Department
Mr Bond C.P. Chow

Principal Environmental Protection Officer (Territory South),
Environmental Protection Department
Mr Alex H.K. Tang

Deputy Director of Planning/District
Ms Donna Y.P. Tam

Secretary

Absent with Apologies

Ms Kelly Y.S. Chan

Assistant Director/Regional 1,
Lands Department
Ms Christine Y.Y. Yip

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Anny P.K. Tang

Town Planner/Town Planning Board
Ms Melissa C.H. Kwan

Agenda Item 1

Confirmation of the Draft Minutes of the 769th MPC Meeting held on 18.7.2025

[Open Meeting]

1. The draft minutes of the 769th MPC meeting held on 18.7.2025 were confirmed without amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Deferral Cases

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

3. The Committee noted that there were three cases requesting the Town Planning Board to defer consideration of the applications. Details of the requests for deferral, Members' declaration of interests for individual cases and the Committee's views on the declared interests 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.

[Ms Sandy H.Y. Wong joined the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr Michael K.K. Cheung, Senior Town Planner/Tsuen Wan and West Kowloon, and Mr Jacky K.C. Kong, Town Planner/Tsuen Wan and West Kowloon (TP/TWK), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/TWW/131	Proposed Minor Relaxation of Plot Ratio Restriction for a Permitted House Development in “Residential (Group C)” Zone, Lot No. 453 in D.D. 399, Castle Peak Road – New Ting Kau, Ting Kau, Tsuen Wan West (MPC Paper No. A/TWW/131B)
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Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Mr Jacky K.C. Kong, TP/TWK, briefed Members on the background of the application, the proposed development, 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.

[Professor Simon K.L. Wong joined the meeting during PlanD’s presentation.]

6. Members had no question on the application.

Deliberation Session

7. The Chairperson remarked that the application site fell within an area zoned “Residential (Group C)” which was primarily intended for low-density residential development. As the relevant technical issues regarding the proposed development could be addressed, the application for minor relaxation of plot ratio restriction for a permitted house development was considered acceptable. Approval of the application was in line with the

Committee's previous decisions on the similar applications in the surrounding areas. Members generally supported the application.

8. 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 1.8.2029, 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 conditions 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.

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

Hong Kong District

[Mr Tony K.Y. Yip, Senior Town Planner/Hong Kong (STP/HK), Mr Harvey T.H. Law, Town Planner/Hong Kong (TP/HK), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/187	Shop and Services in "Residential (Group B)" Zone, G/F, 14 Tsun Yuen Street, Happy Valley, Hong Kong
	(MPC Paper No. A/H7/187)

9. The Secretary reported that the application premises (the Premises) were located in Happy Valley and the application was for shop and services use. Ms Kelly Y.S. Chan had declared an interest on this item for being an independent non-executive director of a company with rental premises for shop use in the vicinity. The Committee noted that Ms Kelly Y.S. Chan had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

10. With the aid of a PowerPoint presentation, Mr Tony K.Y. Yip, STP/HK, briefed Members on the background of the application, the applied 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.

11. Noting that the Premises for a fast food shop (takeaway only), which had obtained a food factory licence issued by the Food and Environmental Hygiene Department (FEHD), was regarded as a 'Shop and Services' use, a Member asked whether other types of factories, such as those manufacturing watches and garments, would be permitted on the Premises and whether the incorporation of a retail area on the Premises distinguished it from other types of factories. In response, Mr Tony K.Y. Yip, STP/HK, and Mr Harvey T.H. Law, TP/HK, with the aid of some PowerPoint slides, said that the Premises fell within an area zoned "Residential (Group B)" ("R(B)"). The current application was for a fast food shop (takeaway only) primarily selling bread for consumption off the premises. While operating under a food factory licence, the Premises used as a fast food shop where food were prepared and sold to visiting members of the public should be regarded as 'Shop and Services' use under the Definition of Terms used in Statutory Plans (DoT). The service-oriented nature catering to nearby residents distinguished the operation from other manufacturing uses, which would be considered as 'Industrial Use' under the DoT, with potential environmental impacts and were incompatible with the residential area. As such, there was no provision for industrial use within the residential zones.

12. The Chairperson supplemented that the determination of the use of a premises was not based on its licence, but on its operational nature. For instance, a premises producing bread primarily for wholesale in a factory without direct retail to the public might be considered an industrial operation. The key distinction was that the Premises, while requiring a food factory licence for food processing, sold bread directly to nearby residents, which was by nature a bakery, could be regarded as a 'Shop and Services' use under the DoT.

13. Noting that Happy Valley was a traditional street-shop community, a Member asked whether all street-level shops in the area required planning permissions. In response, Mr Tony K.Y. Yip, STP/HK, explained that this depended on the land use zoning. Many

shop premises in the vicinity fell within areas zoned “Residential (Group A)” (“R(A)”) where ‘Shop and Services’ use was always permitted on the lowest three floors of a building with no planning permission required, whereas the Premises, which fell within an area zoned “R(B)”, required planning permission.

14. In response to the Chairperson’s enquiry regarding the zoning history of the “R(A)” and “R(B)” zones along Tsun Yuen Street, Mr Harvey T.H. Law, TP/HK, said that Happy Valley was a traditional residential community with different special control areas and traffic capacity, resulting in different residential densities. The Chairperson supplemented that the “R(A)” zones, which had a higher development density, were typically located in more accessible areas near transport nodes and along major roads. Owing to their advantageous locations, those areas were more likely taken up by commercial uses, such as shop and services, to meet the needs of the residents and visitors. As a result, certain commercial uses were always permitted on the lowest three floors of a building within the “R(A)” zone. In contrast, the “R(B)” and “Residential (Group C)” zones, which were intended for lower development densities, were situated further away from transport nodes, fostering a tranquil residential neighbourhood with minimal commercial activities.

Deliberation Session

15. Regarding a Member’s query on whether a convenience store where customers consumed quick meals inside would be regarded as an ‘Eating Place’, the Chairperson clarified that in general, such store could be regarded as ‘Shop and Services’ use as there was no formal seating arrangements.

16. A Member expressed concerns that some fast food shops might set up small tables in the retail areas or outside the licensed areas. The ambiguities had led to confusion and even legal disputes. The Member said that if the application was approved on a permanent basis, there was no assurance that the Premises would not be converted into a restaurant with dine-in seating. Hence, there was concern on whether relevant government departments would adequately monitor such conversions in future. In response, the Chairperson said that fast food shops and restaurants were defined differently under the DoT. A restaurant with dine-in seating was regarded as an ‘Eating Place’, which required planning permission in the “R(B)” zone, along with a General Restaurant Licence from FEHD. The

Chairperson remarked that given the current context of the application and that the fast food shop would only provide takeout service, the applied use was considered as a ‘Shop and Services’ use, which was not incompatible with the surrounding land uses. Nevertheless, introducing dine-in seating might be subject to enforcement actions by relevant authorities as appropriate. Should there be any unauthorised use, the case would be referred to the relevant licensing authorities for appropriate enforcement actions in accordance with the established mechanism.

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board, and no time clause for the commencement was proposed as the ‘Shop and Services’ use was already in operation. The Committee also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

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

Agenda Item 8

Any Other Business

[Open Meeting]

18. There being no other business, the meeting was closed at 9:35 a.m.

**Minutes of 770th Metro Planning Committee
(held on 1.8.2025)**

Deferral Cases

Requests for Deferment by Applicant for 2 Months

Item No.	Application No.*	Times of Deferment
3	A/KC/511	1 st
5	A/TWW/133	2 nd [^]
7	A/K18/349	1 st
Note: [^] The 2 nd Deferment as requested by the applicant was the last deferment and no further deferment would be granted unless under special circumstances and supported with strong justifications.		

Declaration of Interests

The Committee noted the following declaration of interests:

Item No.	Members' Declared Interests	
3	The application site was located in Kwai Chung and Arup Hong Kong Limited (Arup) was one of the consultants of the applicant.	<ul style="list-style-type: none"> - Mr Stanley T.S. Choi for being a supervisor of a primary school in Kwai Chung - Dr Tony C.M. Ip for his company having past business dealings with Arup
7	The application site (the Site) was located in Kowloon Tong.	<ul style="list-style-type: none"> - Mr C.K. Yip (the Chairperson) for co-owning with spouse a property and a car parking space in the vicinity of the Site - Mr Stanley T.S. Choi for his spouse being a director of a company which owns properties and car parking spaces in Kowloon Tong; for owning a property and a car parking space in the vicinity of the Site; and for his spouse owning properties and car parking spaces in the vicinity of the Site - Professor Simon K.L. Wong for his spouse owning a property in the vicinity of the Site

For Item 3, as the interest of Mr Stanley T.S. Choi was considered indirect and Dr Tony C.M. Ip had no involvement in the application, the Committee agreed that they could stay in the meeting. For Item 7, as the properties of Messrs C.K. Yip, Stanley T.S. Choi, his spouse and the company of his spouse had no direct view of the Site, the Committee agreed that they could stay in the meeting. The Committee noted that Professor Simon K.L. Wong had not joined the meeting yet.

* Refer to the agenda at https://www.tpb.gov.hk/en/meetings/MPC/Agenda/770_mpc_agenda.html for details of the planning applications.