

**Minutes of 896th Meeting of the
Town Planning Board held at 9.15 am on 5.10.2007**

Present

Permanent Secretary for Development
(Planning & Lands)
Mr. Raymond Young

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Dr. Leslie H.C. Chen

Dr. Lily Chiang

Mr. Tony C.N. Kan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Mr. K.Y. Leung

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

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Planning
Mrs. Ava Ng

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Ms. Ava Chiu

Director of Lands
Miss Annie K.L. Tam

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

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. C.T. Ling (am)
Ms. Brenda K.Y. Au (pm)

Senior Town Planner/Town Planning Board
Ms. Teresa L.Y. Chu (am)
Miss Winnie B.Y. Lau (pm)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 894th Meeting held on 21.9.2007 and 895th Meeting held on 28.9.2007

[The meeting was conducted in Cantonese.]

1. The minutes of the 894th meeting held on 21.9.2007 and 895th meeting held on 28.9.2007 were confirmed without amendment.

Agenda Item 2

[Open meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) Town Planning Appeal Decision Received

Town Planning Appeal No. 21 of 2005
Temporary Warehouse for a Period of 3 Years in
“Green Belt” Zone, Lot 212B2(Part) in DD 129,
Deep Bay Road, Lau Fau Shan, Yuen Long
(Application No. A/YL-LFS/130)

2. The Secretary reported that the subject appeal was in relation to the Board’s decision to reject an application upon review for a temporary warehouse for a period of 3 years on a site zoned “Green Belt” (“GB”) on the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan. The appeal was heard by the Town Planning Appeal Board (TPAB) on 7.3.2007 and dismissed by the TPAB on 8.8.2007 based mainly on the following considerations:

- (a) the appellant was expecting the appeal site to be used not only as a temporary warehouse but as a fabrication yard;
- (b) it should be the appellant who had to discharge the burden of proving

“existing use” and the applicant had failed to adduce such evidence;

- (c) the planning intention of the “GB” zone as set out in the relevant Town Planning Board Guidelines was well founded and clear. Noting in particular the proximity of the Coastal Protection Area and the Wetland Conservation Area and the very fact that the appeal site was in the “GB” zone, the TPAB was not satisfied that the environmental concerns regarding the contamination that would be caused had been addressed; and
- (d) although very sympathetic with the appellant’s concern that his livelihood would be affected if the appeal was not allowed, the TPAB had to act in accordance with the law, the facts and matters before it. The land lease restricted the use of the appeal site for agricultural purposes. In any event, what the TPAB was concerned with was the application under the Town Planning Ordinance.

3. In addition, the TPAB was of the view that although the applicant was involved in a previous appeal case, the Appeal Board was not bounded by the previous decision which was considered only as part of the evidence for the subject appeal.

4. The Secretary said that a copy each of the TPAB’s decision delivered on 10.9.2007 and the Summary of Appeal was sent to Members for reference on 25.9.2007.

(ii) Town Planning Appeal Statistics

5. The Secretary reported that as at 5.10.2007, 17 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows :

Allowed	:	20
Dismissed	:	101
Abandoned/Withdrawn/Invalid	:	124
Yet to be Heard	:	17
Decision Outstanding	:	5
Total		<hr/> 267

Agenda Item 3

[Open Meeting]

West Kowloon Cultural District Project

(TPB Paper No. 7917)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

6. Dr. K.K. Wong, the Vice-Chairman, declared an interest in this item as he was a member of the Museums Advisory Group (MAG) and also the Vice-Chairman of the Arts Development Council. Since the item was a briefing session and no decision was required, the Chairman suggested and Members agreed that Dr. Wong should be allowed to stay at the meeting.

7. The following representatives from the Performing Arts and Tourism Advisory Group (PATAG) and Museums Advisory Group (MAG) as well as government representatives from the Home Affairs Bureau (HAB) and Planning Department (PlanD) were invited to the meeting:

Ms. Esther Leung	Deputy Secretary for Home Affairs (3), HAB
Mr. Vincent Fung	Principal Asst. Secretary (WKCD)1, HAB
Mr. Howard Lam	Chief Treasury Accountant (WKCD)1, HAB
Dr. Darwin Chen	Member of PATAG
Ms. Jane Debevoise	Member MAG
Mr. Anthony Kwan	Asst Director/Metro District Planning Division (AD/M) Planning Department (PlanD)
Ms. Heidi Chan	District Planning Officer/ Tsuen Wan and West Kowloon District (DPO/TWK) PlanD

8. The Chairman extended a welcome and invited Ms. Esther Leung of HAB to brief Members on the background of the Paper. With the aid of a Powerpoint presentation, Ms. Leung did so as detailed in the Paper and made the following main points:

Background

- (a) the Consultative Committee (CC) on the Core Arts and Cultural Facilities of the West Kowloon Cultural District (CACF of WKCD) and its 3 advisory groups, i.e. Performing Arts and Tourism Advisory Group (PATAG), Museums Advisory Group (MAG) and Financial Matters Advisory Group (FMAG) were appointed by the Chief Executive in April 2006 to re-examine and re-confirm the need for CACF and assess the financial implications. After a 15-month study and consultation with local arts community and related parties, and taking into account views of overseas experts and 3 consultancy reports, a report was submitted to the Chief Executive in June 2007 and was released on 12.9.2007 for a 3-month Public Engagement (PE) exercise;

Purpose

- (b) the paper set out the recommendations of the CC on CACF of WKCD, financing arrangements, PE exercise and planning-related issues;

Recommendations of the CC

- (c) the recommendations were based on a broad consensus reached with the local arts community. The proposed financing arrangements, based on a financial consultancy study, sought to ensure the provision of a stable funding for the arts and cultural development so that the facilities could operate on a self-sustainable basis;

Vision and Objectives of the WKCD

- (d) the CC considered WKCD an important strategic investment in culture and the arts for the future of HK; an integrated arts and cultural district with world-class arts and cultural facilities, a major initiative to meet the long term infrastructure needs for arts and cultural development; and a driving

force to foster the growth and development of cultural and creative industries in HK;

Core Arts and Cultural Facilities (CACF)

- (e) the CACF would include 15 performing arts venues for different art forms, a forward-looking cultural institution entitled **M+** focusing on 20th-21st century visual culture, an exhibition centre according priorities to uses relating to the arts, culture, creative industries and events/activities associated with the WKCD and piazza areas with a total site area of at least 3 ha. The facilities, some of which with ionic architecture, would be suitably clustered to create synergy to integrate with commercial facilities to attract people and tourists. The overall planning of the arts and cultural facilities should be integrated with public open space and harbour-front promenade, and the neighbouring areas to cultivate appropriate ambience;

Planning-related Issues

- (f) the WKCD would be developed as a low-density development with ample open space at the harbour-front. It would also be connected with its neighbourhood community, as an open and accessible public place for the general public. The following development parameters were adopted in the financial assessment:
- maximum overall plot ratio of 1.81 for the whole WKCD site with a total Gross Floor Area (GFA) of 726 285 m²;
 - a cap on residential development at no more than 20% of the total GFA;
 - new building height restrictions for developments in the WKCD ranging from 50-100 mPD; and
 - 23 hectares of public open space including waterfront promenade and 3 hectares of piazza, most of which would be at ground level;

Financial Arrangements

- (g) the capital costs would be financed through an upfront endowment, with the retail/dining/entertainment (RDE) part of the commercial sites vested with the WKCD Authority to provide steady source of income through rental

proceeds to subsidize the operating costs of the arts and cultural facilities. With this approach, the Government would need to apply for an upfront endowment of about \$20 billion for developing WKCD's arts and cultural facilities;

Software Support

- (h) the Government would work together with local arts and cultural groups to upgrade the software, including further support for arts groups; a comprehensive study of talents with a view to introducing further manpower training; arts education and audience building; cultural exchange and co-operation; improving the operational modes of existing venues and promoting private sector participation;

WKCD Authority

- (i) the WKCD Authority, an independent statutory authority comprising a broad representation, was proposed to be set up to develop and manage the arts and cultural facilities in WKCD. The Authority would take over, inter alia, overall master planning of the project and planning of individual facilities;

Master Layout Plan for the WKCD

- (j) subject to the public views on the proposed development parameters as set out in paragraph 5 of the Paper, the statutory process under the Town Planning Ordinance will be initiated to amend the draft South West Kowloon Outline Zoning Plan (SW Kowloon OZP) to include the proposed development parameters. The WKCD Authority will be responsible for drawing up a master layout plan (MLP) for the whole WKCD in accordance with the parameters and requirements stipulated in the amended OZP. It was intended that the SW Kowloon OZP should include a statutory provision requiring the WKCD Authority to submit the MLP to the TPB for approval. Subsequent amendments to the MLP shall also require submission to the TPB for approval;

Public Engagement Exercise

- (k) the 3-month PE exercise launched on 12.9.2007 was to enable the public and concerned sectors to understand the recommendations and express views, through various mass media channels, briefing sessions and open public forums. Public views will be collated and analysed by an independent research institute.

9. The Chairman then invited Members to comment on the paper. Members generally supported the project. The following were the views expressed by some Members:

Development Mix and Intensity

- (a) it might be premature to stipulate the building height of 50-100mPD at this stage as it was difficult to visualize the ratio between bulk and height of building structures and their relationship with adjacent existing high-density housing and planned “CDA” developments. It would be prudent to consider the building height with the benefit of details of the overall development layout and interface with its hinterland after formulation of the MLP;
- (b) some Members considered that it was not necessary to dissociate the WKCD from property development per se and more proactive planning framework and out-of-the-box thinking should be encouraged. The proposed PR 1.81 might not be able to optimize the utilization of this unique site. As up-market commercial premises near the CBD was in demand, the proposed hotel use (8%) and exhibition space (2%) was considered to be on the low side. Residential use could be reduced or deleted to make way for commercial uses to enhance HK’s role as a regional financial hub. The MLP therefore needed not be constrained by the proposed PR and maximum building height provided that the acceptability was demonstrated by the various technical assessments;
- (c) on the other hand, the proposed PR of 1.81 and mix for residential use were considered reasonable by some Members, albeit more information on the distribution and types of other uses was requested;
- (d) as land for commercial and residential development would be disposed of through the land disposal system rather than vested in the WKCD Authority,

integration in the layout and co-ordinated design was of paramount importance to avoid piecemeal development;

- (e) more creative design, such as water-cool air conditioning system and energy saving devices, should be adopted to make WKCD an environmentally sustainable area;

Provision of Open Space

- (f) there was concern on whether the 5 ha of open space on rooftop/terraces and 3 ha in piazza, as indicated in paragraph 6.6.19 of the report, could be fully utilized by the public and how the rooftop gardens could be designed. Generally speaking, sizeable open parkland instead of small green pockets should be developed for public enjoyment;
- (g) well designed open spaces would be essential in attracting people to come to WKCD for leisure and recreation, and at the same time inviting them to visit the museums and concert halls. Well-thought design should be promoted with shades and spectator stands which would also serve as simple outdoor performing venues for budding artists and students;

Transport Connection

- (h) accessibility should be improved to ensure integration with the mass transit system and regional rail network to PRD to enhance the attraction of WKCD;
- (i) internal circulation and pedestrian linkage both within the district and the hinterland should be considered. Consideration should be given to providing monorail/travelator to facilitate pedestrian movement;

Integration with Hinterland

- (j) the study area should be enlarged to include the surrounding areas to ensure better integration with the hinterland. Opportunity should also take to address the interfaces with nearby areas, such as the Yau Ma Tei typhoon shelter and to mitigate the visual intrusion of the Kolwoon Station. The stepped height concept should have regard to the presence of existing high-rises to avoid having abrupt changes in the building profiles;

- (k) consideration should be given as to how best to optimize the intangible asset of WKCD to help community building and create a sustainable cultural neighbourhood;

Positioning

- (l) more effort should be made to capitalize on HK's existing strengths in the innovative sector rather than competing with our PRD counterparts with a view to maintaining our role as the cultural hub in the region;

Community Involvement

- (m) there was concern that WKCD would become a grandiose high-brow pursuit not accessible to the general public and grass root sector;

Software Support

- (n) being a new cultural district from scratch, it would be essential to have good software support in addition to hardware structures, such as managerial skills and state-of-the-art technology. As creative industry was multi-facet in nature, the government's role was to provide a nurturing ground and planning framework for its sustained development;
- (o) attention should be given to the nurturing and upgrading of audience and participants to boost the patronage to cultural events. Training should be conducted in schools and students should be encouraged to take part in outdoor performance as a nurturing ground;

Impact on Existing Facilities

- (p) the provision and viability of small local venues might be compromised given the likely domination of the WKCD;

Implementation Programme

- (q) there was concern on the long-drawn development process as the first phase of CACF would only commence operation in 2014 and the completion of second phase by 2030. Given the pace and trend of cultural and creative industries, the project should be accorded top priority and should not be

delayed by financial constraints or funding arrangement. It was important to expedite the implementation with a view to maintaining the competitiveness of HK as a innovative hub region in the PRD region;

- (r) care must be exercised in drawing up the implementation programme and phasing of WKCD. In particular, integration of the cultural and arts facilities with the commercial and residential development was important to add vibrancy to the area and to prevent WKCD becoming a dead area in non-event days; and

Financial Viability

- (s) there was concern on the financial viability of the cultural facilities based on the rental cash flow of retail/dining/entertainment and whether more cross subsidy would be required.

10. Ms. Esther Leung replied as follows:

Development Mix and Intensity

- (a) the development parameters and distribution mix of land uses would be subject to the amendment to the OZP and the subsequent submission of the MLP to be approved by the WKCD Authority for final approval by the Board;
- (b) according to the report, 43% of the total GFA would be for sale by the Government, including 20% for residential, 15% for office and 8% for hotel, to present a balanced mix;
- (c) great care would be accorded to integrate the development of various clusters to ensure comprehensiveness and compatibility of different components so as to enhance the synergy of the entire district;
- (d) environmental-friendly measures would be taken up in the detail design stage;

Provision of Open Space

- (e) the distribution and design of open space would be taken up in the formulation of the MLP and detailed design stage;

Transport Connection

- (f) although the current linkages was less desirable, consideration would be given to improving the external connection and internal accessibility in the formulation of the MLP and detailed traffic impact assessments would be carried out;

Integration with Hinterland

- (g) as the WKCD was planned to encourage community involvement rather than just a high-end pursuit, consideration would be given to accommodate a wide variety of arts and cultural activities to make it a lively and vibrant district;

Positioning

- (h) one of the objectives of WKCD was to foster the growth and development of cultural and creative industries in HK;

Community Involvement

- (i) WKCD had been planned as a node with a wide range of activities including the local and alternative art forms, such as Cantonese opera and black box theatres;

Software Support

- (j) there was a wealth of expertise in the cultural sector in HK. Emphasis would be given to strengthen software support, including training and upgrading of management personnel; arts education and audience building; cultural exchange and co-operation; improving operational modes of arts venues and promoting private sector participation and development;
- (k) the proposed facilities were planned on a demand-led approach, effort would be given to education, promotion programme for audience building to enhance the interests of participants;

Impact on Existing Facilities

- (l) HK had a diversified and vibrant arts community. WKCD should not be singled out as the only cultural focus while the district venues would

continue to perform their supplementary role in staging alternative or unique cultural events with government's support;

Implementation Programme

- (m) the Government was mindful of the significance of the WKCD and intended to seek one-off funding from LegCo to expedite the programme and set up an interim M+;
- (n) a phasing plan could be devised in the MLP to facilitate better understanding of the implementation programme and avoid development gap; and

Financial Viability

- (o) based on the 50-year time span adopted in the financial assessment, the income of \$7.5 billion (in 2006 NPV) would be able to meet the CACF expenditure of \$6.7 billion (in 2006 NPV). The financial situation would improve if the cultural activities would generate additional income.

11. Dr. Darwin Chen expressed the following views:

- (a) the purpose of WKCD was to bring together self-reliance, culture and community to develop sustainable cultural communities; and
- (b) as its success was hinged on how to encourage the community to be self-help financially and culturally, it would be better to secure mass participation and involvement.

12. Ms. Jane Debevoise expressed the following views:

- (a) regarding accessibility, automated people movers and travelators could be provided within the WKCD to complement the transport network and ensure leisure walking within the district to enhance visitor en-route visitor experience;
- (b) unlike the lack of venues, manpower supply was not considered a problem and there was potential to attract more to join the industry. Noting that many of the jobs in the arts and cultural sector (like events management, marketing etc.) could be recruited from the commercial sector, it was likely

that people from relevant fields might be willing to join the art and cultural sector with a passion;

- (c) more effort should be given to encourage corporate funding, partnership programme, sponsorship by private individuals; and
- (d) given the trend of museums was moving from mere displays and exhibitions to be more outgoing under a 'museum community' concept, a more forward looking model should be explored to develop HK's existing edges. Museums could be transformed into community spaces for public enjoyment.

13. Mr. Anthony Kwan had the following responses to Members' questions on development parameters, open space arrangements and transport connection:

- (a) the development mix presented only one possible option for the purpose of financial assessment. The building height was proposed based on public comments received, taking into account the planning intention of the WKCD and relevant urban design guidelines, including stepped height concept and view angles from key vantage points;
- (b) the PR of 1.81, was considered technically acceptable based on preliminary assessments on the transport and environmental aspects. It was adopted in the Invitation for Proposals (IFP) in 2003. However, the PRs put forth in the 3 IFP technical submissions, i.e. 2.5, 3.28 and 4.33 respectively, were considered excessive during public consultation in 2004/2005. The development intensity was hence retained at a PR of 1.81 with residential mix of 20% and adopted as the working assumption for the current financial assessment;
- (c) the future development mix, building height and distribution of open space would be subject to the MLP supported by all technical assessments for the Board's approval;
- (d) due regard would be given to the external transport connection with the hinterland, including linkage to the nearby public transport terminus, mass transit and regional railway station. For the internal connection,

environmentally-friendly options such as traveller system, escalator and shuttle service would be taken into account by the WKCD Authority in the detail design stage; and

- (e) the rationales for development parameters and height restrictions would be submitted to the Board for consideration in the context of the OZP amendment. The MLP to be prepared by the WKCD Authority would also require planning approval by the Board.

14. The Chairman summarized although some of the Members' comments might not be adequately addressed in full at this preliminary stage, they would be taken on board by the WKCD Authority in the formulation of the MLP. He added that the success of the WKCD would require joint-efforts of all sectors concerned. The planning framework which involved requirement for amendment of the OZP and the Board's approval of the MLP would ensure proper planning control on the future development of WKCD. Ms. Esther Leung said that Members' views would be carefully considered as part of the PE exercise and taken into account in the future formulation of the MLP and implementation of the projects. The Chairman thanked the members from the PATAG and MAG as well as representatives from HAB and PlanD for the presentation and they all left the meeting at this point.

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Agenda Item 4

[Open meeting (Presentation and Question Session Only).]

Section 16 Application No. A/H24/10

Proposed Government Uses (Central Government Complex and Legislative Council Complex) and Open Space in "Government, Institution or Community (4)" and "Open Space" zones, Tamar Site in Central, Hong Kong
(TPB Paper No. 7918)

[The meeting was conducted in Cantonese.]

15. The Chairman reported that Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan had declared interests in this item as they had business dealings with the applicant, Gammon-Hip Hing Joint Venture. Members noted that Dr. Wong had tendered apology for

not being able to attend the meeting in the morning, while Mr. Chan had already left the meeting temporarily.

16. The Chairman said that Mrs. Rita Lau, the former Chairperson of the Board and the then Permanent Secretary for Housing, Planning and Lands (PSPL), was a member of the Special Selection Board (SSB) for the Tamar development project on an ad personam basis. Though being the successor of Mrs. Lau, he himself had not been involved in the work of the SSB. He also said that the Secretary of the Board, Miss Ophelia Y.S. Wong, being the Deputy Director of Planning/District, was a member of the Technical Committee of the SSB. As Miss Wong was only the Secretary of the Board and would not take part in the decision of the application, she could be allowed to stay in the meeting. Members agreed.

17. Professor Bernard V.W.F. Lim also declared an interest in this item as he was appointed by the Legislative Council (LegCo) for a few months in 2002-2003 as an advisor of a special commission on the architectural aspects of the Tamar project, mainly to consult the views of LegCo members on internal space requirements. He had not taken part in the Tamar project since then, nor involved in the tender submission or selection process. As Professor Lim was not directly involved in the Tamar project, Members agreed that he should be allowed to stay in the meeting and participate in the discussion of this item.

Presentation and Question Session

18. The following Government representatives were invited to the meeting at this point:

Ms. Phyllis Li	Chief Town Planner/Special Duties (CTP/SD), Planning Department (PlanD)
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Mr. Roy Li	Senior Town Planner/Special Duties (STP/SD) PlanD
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19. The Secretary reported that a letter dated 5.10.2007 from one of the commenters, China State-Leighton-Yau Lee Joint Venture (CS-L-YL JV), to the Secretary of the Board was received just before the meeting. The letter had been tabled for Members' consideration. In the letter, the commenter stated that after reading TPB Paper No. 7918, they considered it necessary to submit further comments for consideration by the Board. In essence, the commenter reiterated their previous views that the significant extent of encroachment of the

proposed Central Government Complex (CGC), LegCo Complex and passenger drop-off area onto the “Open Space” (“O”) zone was beyond the remit of a s.16 application and should be dealt with by way of a s.12A application. The s.12A procedure would ensure greater transparency and the public would have the right to make representation on any proposed amendments to the Outline Zoning Plan (OZP). The commenter also claimed that as there had been little discussion in the Paper on the extent of encroachment into the “O” zone, they needed to re-emphasize that the degree of encroachment onto the “O” zone amounted to about 90% of the building footprint of the CGC Low Block and over 60% of the footprint of the LegCo Complex, plus associated drop-off facilities; while the degree of encroachment of the CGC and LegCo Complex amounted to 41.65% of the “O” zone. In considering the application, the commenter said that it was relevant to consider the impact on the “O” zone only, not that on the “Government, Institution or Community (4)” (“G/IC(4)”) zone. They were of the view that the area under the proposed ‘arch’ should not account for open space calculation, noting the previous comment by Senior Landscape Architect, PlanD on Planning Application No. A/H5/339 (paragraph 4.1.10 of TPB Paper No. 7128). Besides, as it was contemplated that a substantial and significant portion of the “G/IC” zone (about 30%) would be used for public open space in any event, which was plain and clear from Figures 2 and 6 of the OZP, it was wrong for the applicant to take into account open space swapped for “GIC(4)” space in the application. The Secretary said that the further comments would be addressed by Ms. Phyllis Li in her subsequent presentation.

[Dr. Lily Chiang arrived to join the meeting at this point.]

20. The Chairman then invited Ms. Phyllis Li to brief Members on the background to the application. With the aid of a powerpoint presentation, Ms. Li did so as detailed in the Paper and made the following main points:

Background

- (a) the proposed development in the application included a proposed CGC, a LegCo Complex, open space and two footbridges. In addition to the assessments and documents already submitted and included in the Paper, the applicant had prepared a physical model, which was displayed at the meeting. Members were also invited to view a video prepared by the applicant on the planning application;

[A video on the planning application was shown at the meeting.]

The Proposal

- (b) the application site was zoned “G/IC(4)” (about 22,000m²) and “O” (about 20,000m²) on the Central District (Extension) OZP. ‘Government Use’ and open space were always permitted in the “G/IC(4)” zone. As parts of the proposed CGC and LegCo Complex (about 8,330m² or 41.65% of the “O” zone) encroached onto the “O” zone, planning permission from the Board was required;
- (c) the total GFA of the whole development was about 129,160m², i.e. a plot ratio (PR) of 3.08 based on the whole site or 6.16 based on the net site area excluding open space. The maximum building heights (up to the highest point of structure) of the CGC Office Block, CGC Low Block and LegCo Complex were 131.20mPD, 36.75mPD and 63.15mPD respectively;
- (d) as shown in the Master Layout Plan (MLP), the proposed GIC uses comprised 3 blocks, namely a high-rise CGC Office Block at the south, a low-rise CGC Low Block at the west, and a medium-rise LegCo Complex at the east. The proposed open space, referred to as the ‘Green Carpet’, occupied the central part of the development, linking up the Admiralty to the waterfront by lush greenery;
- (e) the Landscape Master Plan (LMP) further showed that the ‘Green Carpet’ would act as a central open space spine running through the application site in a north-south direction, with various activity nodes around. Other key components of the open space were the civic piazza, floating platform with lily pond, sculpture court, LegCo Garden, Tamar Corner and Harcourt Amphitheatre. The total open space was about 21,020m², of which about 11,670m² was in the “O” zone and 9,350 m² in the “G/IC(4)” zone. Despite the encroachment of GIC uses onto the “O” zone, the proposed open space provision was still above the provision under the “O” zone (20,000m²) on the OZP. The open space would be open 24-hour to the public, and managed and maintained by the Government;
- (f) about 3,030m² of the open space would be under an arch, with a clear height of 92m, which formed an integral part of the open space system. The applicant considered that the open space function would not be affected by

the arch and the area met the criteria for counting towards open space provision as set out in the Hong Kong Planning Standards and Guidelines (HKPSG);

Justifications

- (g) the justifications put forth by the applicant were summarised in paragraph 2 of the Paper. In reorganizing the open space from an east-west to a north-south direction, the applicant submitted that it could better integrate open space and buildings; strengthen connectivity between the waterfront and the inner part of the city; enhance visual permeability and provide a wide breezeway. The proposal had also provided adequate open space and amenity area for public enjoyment. Various technical assessments had been conducted and concluded that there were no insurmountable impacts in respect of visual, air ventilation, traffic and environmental impacts. The proposed building heights complied with the restrictions set out by the Government with a view to preserving the views to the ridgeline by maintaining a 20% building-free zone and protecting the view to the harbour;

Major Departmental Comments

- (h) the departmental comments on the application were summarised in paragraph 9 of the Paper. There were no adverse comments or objection from the departments consulted. The Director of Administration (D of Adm) advised that the project would provide the much-needed office space for Government headquarters, and about half of the whole development had been designated for open space for public enjoyment. The Lands Department (LandsD) advised that the site was subject to a set of Engineering Conditions, which had been incorporated as part of the tender document for the project. The Chinese University Hong Kong (CUHK), PlanD's consultant on Air Ventilation Assessment (AVA), was of the view that the gateway-shaped design and large open space in a north-south layout would enhance air circulation. The AVA had been thoroughly conducted and the applicant had demonstrated effort in incorporating the AVA findings iteratively into the design process, and had developed and integrated the mitigation measures into the final design. The Urban Design and

Landscape (UD&L) Section of PlanD advised that as compared with the zoning pattern under the OZP, the current proposal had demonstrated a more dynamic interplay of solid and void that provided interesting visual and spatial experience from the hinterland to the waterfront. While having no objection to the applicant's proposal to relocate the open space and Government uses, there was room for improvement to the LMP, e.g. to provide more sheltered areas and tree planting for shading, and adopt measures on effective maintenance of grassed area. To address the landscape concern, it was recommended that an approval condition relating to submission and implementation of LMP be imposed. While the Tourism Commission supported the proposal from the tourism perspective, other departments including the Fire Services Department (FSD), Transport Department (TD), Environmental Protection Department (EPD), Highways Department (HyD), Water Supplies Department (WSD) and Leisure and Cultural Services Department (LCSD) had no objection to the application;

Public Comments

- (i) the public comments were summarised in paragraph 10 of the Paper. Five public comments were received during the public inspection period. One commenter supported the application. One commenter suggested including residential use with PR of 8 and increasing the non-domestic PR to 8. The remaining three commenters objected to the application. Mr. Paul Zimmerman considered that the proposed Government use would generate peak traffic demand, and the mix of land uses should be reviewed to provide more vibrancy within the development. CS-L-YL JV, both in its original comments and supplementary comments tabled at this meeting, considered that the s.16 application should be invalidated and a s.12A application was more appropriate. Both CS-L-YL JV and 5A Ltd had reservation on the open space calculation. 5A Ltd considered that the proposed north-south running open space deviated from the east-west direction shown on the OZP; the covered open space under the arch should not be counted; the open space near Harcourt Road was subject to traffic noise; and the applicant had not justified the merits of the proposed development on air ventilation grounds. CS-L-YL JV considered that the open space calculation was misleading in that three areas that should not be

included had been included in the calculation, namely the proposed passenger drop-off point for the LegCo Complex, an area of uncertain usage adjacent to the passenger drop-off area fronting the CGC Low Block, and the area under the arch. The proposed open space running in a north-south direction was more akin to a pedestrian corridor and did not form an integral 'civic square' as envisaged in the OZP;

PlanD's Views

- (j) PlanD had no objection to the application for reasons detailed in paragraph 11.1 of the Paper. There were planning and design merits for extending part of the CGC and LegCo Complex onto the "O" zone. The design provided better integration of the open space with the entire development and strengthened connectivity between the inland and the waterfront. The gateway design with a large north-south running open space would also enhance visual permeability and air ventilation. The 'Green Carpet' would form a distinctive icon and provide visual and physical cohesion for different building components and the whole development. Despite encroachment onto the "O" zone, a total of 21,020m² of open space would be provided within the development for public enjoyment, which was above the provision under the "O" zone (20,000m²) on the OZP. The proposed development had no insurmountable impacts and relevant government departments had no adverse comments on the application;

- (k) PlanD's views on the public comments were detailed in paragraph 11.2 of the Paper. In terms of land use and development intensity, residential use and PR of 8 were not in line with the planning intention for the site. Mix of active and passive activity spaces had already been proposed in the Tamar development to provide vibrancy. Traffic implications of the proposed development were considered acceptable to TD;

- (l) regarding CS-L-YL JV's concern on whether the s.16 application should be invalidated, the OZP had made provision to allow for s.16 application for Government uses in the "O" zone. The Board would, to the extent specified or provided for in the OZP, consider the application on individual merits. There were no guidelines on the extent of encroachment onto the

“O” zone that could be allowed by the Board in a s.16 application. The consideration of the s.16 application was in compliance with the provisions under the Town Planning Ordinance;

- (m) regarding the open space proposals, the comment from UD&L Section in paragraph 10.3 (f) of the Paper had pointed out that the covered open space under the arch would still serve as open space. The context of the open space at the Tamar site was different from Planning Application No. A/H5/339 in that the covered open space in the current application was under a tall arch with a clear height of 92m, while that proposed in the Planning Application No. A/H5/339 was within a commercial podium. In the current application, many trees and shrubs would be planted beneath the arch for creation of an extensive passive recreational space, and thereby should meet the criteria for counting towards open space as set out in the HKPSG. Open space near Harcourt Road could incorporate noise mitigation measures to attenuate noise generated from the busy Harcourt Road. Both the area fronting the passenger drop-off area of CGC Low Block and the area fronting the LegCo Complex with passenger drop-off facilities should be counted for open space, since the former was contiguous to the main central open space while the latter was ancillary to the ‘Green Carpet’, both formed an integral part of the open space system. Even if one argued that the drop-off facilities did not serve solely the open space but also the LegCo Complex, and half of the area (i.e. 819m²) should be discounted for the purpose of open space calculation, the resulting total open space would be about 20,201m², which would still exceed 20,000m² as designated under the OZP; and
- (n) should the Board decide to approve the application, a condition requiring the applicant to submit and implement a LMP was recommended, while the advice from various Government departments could be incorporated as advisory clauses.

21. A Member raised the following points and sought clarification from Ms. Li:

- (a) noting that some commenters raised concerns on the calculation of open space, whether the passenger drop-off area adjacent to the CGC Low Block

(848m²) and the proposed passenger drop-off point for the LegCo Complex (1,844m²), as raised by the commenter, should be included in the open space calculation. The covered area under the arch, with an extremely high headroom which would allow tree planting, could be taken as part of the open space. In fact, even if the drop-off areas were to be excluded from the open space calculation, the resultant total provision of open space would still be around 2 ha;

- (b) the commenter had pointed out that the easterly winds and northerly winds occurred for approximately 23% and 12.5% of the time respectively. With easterly winds being the prevailing wind, the building disposition proposed in the application site might block the ventilation of the adjacent waterfront open space. Consideration might be given to swapping the CGC Complex with the LegCo Complex to achieve better ventilation within the site;
- (c) noting that the proposed civic piazza was small in size, whether it was large enough for public gathering or petition; and
- (d) Bauhinia had not been included in the plant species in the landscape proposal and should be added.

22. Before proceeding, the Chairperson reminded Members that the s.16 application was submitted because parts of the proposed CGC and LegCo Complex would encroach onto the “O” zone. The discussion should focus on the planning merits justifying the encroachment.

23. Ms. Phyllis Li made the following response:

- (a) the covered open space of 3,030m² was under a tall arch with a clear height of 92m, and many trees and shrubs would be planted beneath the arch for creation of an extensive passive recreational space. The area fronting the passenger drop-off area of CGC Low Block was contiguous to the main central open space, and should thus be included in the open space calculation. The area fronting the LegCo Complex covering 1,637m² would also serve as passenger drop-off area of the open space and according to the HKPSG, such ancillary facilities could be included in the open space calculation. In view

of the dual purposes of the area, i.e. serving both the LegCo Complex and the open space, even if half of the area (i.e. 819m²) was counted for open space, the resulting total open space would be about 20,201m², which would still exceed 20,000m² as designated under the OZP;

- (b) an AVA had been conducted and was attached at Appendix III in Volume 4 – Planning Statement (Appendix 1d of the Paper). The wind directions had been duly considered in the AVA. As summarised in paragraphs 4.1.10 to 4.1.16 at Volume 3 - Planning Statement (Main Text and Figures) (Appendix 1c of the Paper), different prevailing wind directions during the year had been taken into account in the AVA. The CGC Office Block would form an open gateway facing a north-south direction and would be open towards the harbour, which would effectively channel the northerly wind in the winter. The CGC Office Block East Wing had been so positioned to enlarge the effective width of opening under the arch to take the sea breeze from the harbour and improve the air channelling of the easterly wind in the summer. The low-rise LegCo Low Block and CGC Low Block near the harbour would allow the prevailing winds and sea breeze to reach the tall CGC Office Block behind. The low-rise LegCo Low Block would also allow easterly winds to reach the People’s Liberation Army Hong Kong Garrison Headquarters to the west;
- (c) relevant Government departments, including the D of Adm, were aware of the need for a place for public gathering or petition, and would look into the matter at the detailed planning and design stage, taking account of the security and operational requirements of the CGC and LegCo Complex; and
- (d) should the Board approve the application, an approval condition could be imposed requiring the applicant to submit and implement a LMP and the plant species could be put under control.

24. Another Member raised the following questions:

- (a) the proposed “O” zone on the OZP ran in a east-west direction with a site configuration at roughly a ratio of 2 to 3. Under the current proposal, the open space would take a more elongated form and site configuration would

be at a ratio of 1 to 3.5. The main issue at hand was whether the revised open space would fare better in planning terms than the original open space shown on the OZP so as to justify the change in configuration. In that Member's opinion, the revised open space would have an edge over the original one as re-orienting the central axis of the open space to a north-south direction would strengthen connectivity from Admiralty to the waterfront. It was however noted that only two elevated walkways, namely EW2 and EW4, in Drawings A-2 and A-23 of the Paper, connecting the development to the south and east would be included in the contract for the Tamar project, while EW1, EW3 and the deck over Road P2 were not included in the contract. The Member asked whether there would be any commitment or undertaking from the Administration that upon completion of the Tamar projects, all the elevated walkways would be in place such that the planning merit of strengthening the connectivity from north to south as envisaged in the current proposal could be realised; and

- (b) whether unimpeded public access would be allowed and the open space would be open 24-hour for public enjoyment.

25. Referring to a plan, Ms. Phyllis Li made the following responses:

- (a) the applicant had put forward a number of justifications for the open space reorganization, including visual permeability and pedestrian connectivity, etc. Elevated walkways EW2 and EW4 would be included as part of the Tamar project, while the at-grade landscape deck over P2 had been included in the Central Reclamation Phase III, which was scheduled to complete by late 2009. The pedestrian connection from the inner city to the waterfront would be in place upon completion of the Tamar project. The other two elevated walkways were designs proposed by the applicant only; and
- (b) D of Adm was in support of developing the open space into a multi-purpose recreational ground for use and enjoyment by the public on a 24-hour basis, and such design intention would be duly respected in the Tamar development.

26. The Chairman added that the north and south connection of the Tamar site to the

waterfront and to Admiralty respectively had already been so designated on the OZP.

27. Referring to paragraphs 8.1 and 8.2 of the Paper which set out the planning intention of the “O” zone, a Member said that the planning intention of the “O” zone was to provide a popular gathering ground for ceremonial function and general recreational activities. With a revised configuration, this Member asked whether revised open space could still realize the said planning intention stipulated in the Explanatory Statement of the OZP in terms of people holding capacity and the function of providing a civic square for public enjoyment. This Member also sought clarification on whether covered open space under the arch could form part of an open-air civic piazza.

28. Ms. Phyllis Li explained that the ‘Green Carpet’ could be used as a place for public gathering. Other parts of the open space could provide a mix of active and passive activity spaces. The open space underneath the arch formed an integral part of the entire open space and due to the special characteristics, i.e., the headroom of the arch, the original open space functions envisaged in the OZP would not be affected.

29. A Member asked two questions. First, if the revised open space proposal had planning and design merits, whether it would be acceptable to have an open space slightly smaller than the one reserved on the OZP. Second, the Paper only provided information on the height of the arch, which was 92m, but there was no information on the width and coverage of the arch. Such information would also be important to assess the impact of the arch on the covered open space.

30. Ms. Phyllis Li responded that PlanD was of the view that the open space proposed in the current application would exceed that reserved on the OZP, as explained in paragraph 11.2 (h) of the Paper. The concern on the width and coverage of the arch was basically related to the amount of the open space that would be covered by the arch, which was about 3,030m². She reiterated that the current proposal would enhance air ventilation and contribute to a comfortable outdoor space year round by providing shade in summer and warmth in winter.

31. A Member asked the following questions:

- (a) Lung Wui Road currently ran across the Tamar site. Whether it would be realigned or form an underpass upon the development of the Tamar site; and

- (b) the existing connection from Admiralty to the waterfront was rather weak. As large increase in pedestrian flow was expected in future, consideration should be given to supplementing elevated walkways with pedestrian underpasses from Admiralty to the waterfront.

32. Ms. Phyllis Li responded that upon the development of the Tamar site, Lung Wui Road would be closed and the road alignment would be adjusted, and the area would be served by Tim Wa Avenue, Tim Mei Avenue and Road P2. Regarding pedestrian connection to the waterfront, both options, i.e. elevated walkways and underpasses, had previously been studied and elevated walkways were preferred by the Administration.

33. A Member said that the extent of encroachment onto the “O” zone should not be justified by the design merits of the CGC and LegCo Complex proposal, but the planning design merits of the revised open space proposal. The Member asked the following questions:

- (a) whether D of Adm would undertake that the open space would be open to the public round the clock, and
- (b) why the revised open space was considered to have an edge over the original open space configuration.

34. Ms. Phyllis Li said that she was not in a position to commit the position of D of Adm on making any undertaking. The Administration had however committed to providing a public open space within and integrating the open space design with the Tamar development. Such intention would be further developed at the detailed design stage, taking into account security and operational requirements. She reiterated that on the whole, the north-south running open space had the advantage of improving connectivity between Admiralty to the waterfront and enhancing air ventilation. The total open space provision under the current proposal would exceed the designated “O” zone on the OZP.

35. A Member had the following questions:

- (a) the arch was supposed to enhance air ventilation, but an opening in the buildings might serve similar purpose. In terms of quality, the “O” zone on

the OZP seemed to compare better than the elongated open space in the current proposal;

- (b) whether the covered area under the arch would receive daylight throughout the year; and
- (c) whether the 'Green Carpet' was able to withhold busy pedestrian flow and trampling from intensive use, bearing in mind the function of the open space was intended for public gathering or holding cultural or social events. If not properly managed, or if the public was not allowed to walk on the grass, then the open space function of the green corridor might be diminished and turned into a passageway. An approval condition to ensure the effective management and maintenance of the proposed open space was required.

36. Ms. Phyllis Li had the following responses:

- (a) if the total GFA of 129,160m² were to be accommodated entirely within the "G/IC(4)" zone, the resultant development, though an opening could still be provided, would be much less permeable. Also under the current scheme, the visual access and north-south connectivity of the Tamar site would be much improved;
- (b) the impact of disposition and form of buildings on daylight and shade was discussed in paragraph 4.1.18 at Volume 3 – Planning Statement (Main Text and Figure) (Appendix 1c of the Paper). For the area under the arch, there would be enough solar radiation, direct or indirect, through reflection/dispersion to brighten and warm the space for outdoor activity uses. The 'Green Carpet' would receive daylight throughout the year with significant diffuse radiation received by the covered area under the arch; and
- (c) similar concern on the management and maintenance of the proposed open space was raised by the UD&L Section of PlanD. At the detailed design stage, consideration could be given to concentrating the activity spaces in certain locations, thereby minimizing the impact on the remaining part of the open space. An approval condition requiring submission and implementation of a LMP had already been recommended for consideration by the Board.

37. As Members had no further question to raise, the Chairman thanked PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

38. Members had an ensuing discussion on the application.

39. A Member raised the following points:

- (a) although D of Adm had indicated that the applicant's intention of keeping the open space available for public enjoyment round the clock would be respected, it would be prudent to secure an undertaking from the Administration on this aspect to ensure that the open space function would not be compromised in future; and
- (b) in assessing the application, the proposed 'Green Carpet' should be compared with the original 'Civic Square' concept under the OZP, and the Board should determine whether there were sufficient planning merits in permitting the encroachment onto the "O" zone. The Board should be mindful in maintaining the same level of open space, both in terms of quality and quantity, as the original open space and that public access to the so-called "Green Carpet" should be ensured. The Member was of the view that the revised open space might not fare better than the original one as the north-south direction open space might become a corridor or passageway.

40. Another Member was of the view that while in terms of the provision under the Notes of the OZP, s.16 planning application for Government use in "O" zone could be submitted to the Board for consideration, however, with the reconfiguration, quite a large part of the open space would be involved, it might be more appropriate to rezone the area to other appropriate uses. If the revised proposal had sufficient merits, favourable consideration might be given by the Board to adopting a reduced site area for open space provision.

41. The Chairman said that to allow for design flexibility, tenderers were allowed to propose a design that used the "O" zone, on the strict condition that the resultant open space so provided would be no less than that shown on the OZP and subject to the Board's planning permission. He pointed out that in assessing the planning application, Members should consider, inter alia, the overall design of the open space proposal and various planning

implications arising from the encroachment onto the “O” zone to determine whether there were sufficient planning merits to support the s.16 application. PlanD’s representative had explained very thoroughly the planning merits of the proposal such as better connectivity between the waterfront and the inner part of the city, and enhancement in visual permeability. Besides, the total area for open space would exceed that designated on the OZP. D of Adm had agreed that the open space would be available for public enjoyment round the clock. In the event of emergency, the Administration might need to restrict the use of the open space for security or public safety reasons, which was understandable. Such security measures would in any case have to be put in place with or without the proposed changes to the “O” zone.

42. Mrs. Ava Ng said that the quality of an open space should be considered in terms of its function, having regard to the broader context of the whole OZP. Given its dimension of about 70m in width and 250m in length, the proposed open space could serve its intended functions and it was not correct to regard it as a mere corridor. The north-south orientation of the open space would provide a quality green area bringing people from the inner city to the waterfront promenade, which was lacking in the original proposal under the OZP. The proposed arrangement could meet public aspiration for increased accessibility to the waterfront promenade.

43. A Member was in support of the application and made the following points:

- (a) with a width of about 70m, the proposed open space would not merely be a passageway. If the revised design could bring about planning gains, then reconfiguring the orientation of the open space should be accepted. The original “O” zone on the OZP might pose greater problem in terms of achieving integrated design. It would be within the power of the Board to consider if the proposed development in the “O” zone was acceptable; and
- (b) public gatherings or petition might take place in any open space. No matter what the configuration was, the original functions for holding ceremonial activities and serving as a public gathering place would not be lost.

44. A Member said that the overall design of the proposed development including the open space was supported as it would enhance air ventilation. While having no objection to including the covered area under the arch in open space calculation, this Member raised the concern that this might set a precedent which might have general implications.

[Dr. Lily Chiang left the meeting at this point.]

45. Mrs. Ava Ng said that in determining whether an area could be counted as open space, one of the key considerations was the utilization of that area. For instance, an open space on a slope, even if sizeable, would not be conducive to public use and enjoyment. In the current proposal, the covered area under the arch, having a clear height of 92m, would allow tree planting for creation of an extensive passive recreation space, and should thus be counted as open space.

46. A Member indicated in-principle support to the application but considered that the concerns raised by the commenter, CS-L-YL JV, should be adequately addressed. The encroachment of the GIC uses into the “O” zone should be justified and the revised open space must compare better than the one proposed on the OZP. The Member also made the following points:

- (a) compared with the east-west orientation of the “O” zone proposed on the OZP, the north-south orientation and width of the proposed open space would bring about greater benefit to the public, provided that it would link up the inner city to the waterfront promenade. An approval condition to that effect was recommended to ensure the concurrent completion of the Tamar project together with the elevated walkways, including the landscaped deck over P2;
- (b) there should be separate entrance to the CGC and LegCo Complex such that the likely interference with the use of the open space would be minimised; and
- (c) AVA should be conducted to assess the possible impact of strong down-wash or air current which might affect the comfort level of the open space. A typical example was the arch, La Défence, in Paris where a canopy-like wind screen was installed to protect the public against strong wind.

47. The Chairman said that separate access under the deck would be provided for entrance to the CGC and LegCo Complex to avoid interference with public usage of the open space. Mrs. Ava Ng added that as shown in Drawing A-3 of the Paper, the entrance to LegCo Complex and CGC by users was at Tim Mei Avenue and Tim Wa Avenue respectively.

Both entrances were segregated from the public open space.

48. Another Member also supported the application and was of the view that in an area zoned “O” such as the Victoria Park, there were covered structures, which were included in open space calculation. This Member considered that the covered area under the arch in the current proposal acceptable as it formed part of the open space. Another Member was of the view that the proposed covered area had design merits, particularly as it would provide shade in hot weather and had no objection for its inclusion in open space calculation.

49. While refraining from giving comment on the planning application, the Secretary provided the following information on some technical and procedural matters:

- (a) regarding the concern of the commenter, CS-L-YL JV, about the difference between s.16 and s.12A of the Town Planning Ordinance (TPO) in terms of transparency and public consultation, the Board might note that prior to the commencement of the Town Planning (Amendment) Ordinance 2004 (Amendment Ordinance) in June 2005, s.16 planning applications would not be published for public comment, hence a rezoning application might provide a greater degree of transparency. Under the Amendment Ordinance, all s.16 applications would now be published for public comment and public comments on the application would be submitted to the Board for consideration;
- (b) whether s.12A or s.16 application was required would depend on the extent the proposal might deviate from the planning intention and whether there was provision in the Notes of the OZP for such application. If the proposed use was neither a Column 1 nor Column 2 use, then such use was not in compliance with the planning intention and the applicant would need to submit a s.12A application for zoning amendments to make provision for such a use, whereas a s.16 application should be submitted for uses listed in Column 2 of the Notes. Another point which might not be entirely relevant but which Members might note was that according to the Board’s Guidelines for Application for Development/Redevelopment with “G/IC” zone for uses other than GIC, if the predominant use of the “G/IC” zone was for non-GIC uses (i.e. more than 50% of the total site area or GFA of the development), the Board would consider rezoning the site to an appropriate zoning. The

Guidelines were, however, not applicable to “O” zone;

- (c) on the calculation of open space, Members might note that the “O” zone was intended to be a broad zoning, and there was no stipulation that all areas within the “O” zone must be open-air. Victoria Park, for instance, had an overall design and layout comprising covered structures, access roads and circulation space, which were all integral components of the park, and the entire park, together with the ancillary facilities, was zoned “O” on the relevant OZP. Besides, neither the Board nor the HKPSG had specified the percentage of covered area that would be allowed in an open space. In the deliberation of the Hopewell case (Planning Application No. A/H5/339) quoted by the commenter, the covered open space was within a commercial podium, distributed at different levels (G/F, 3/F, 6/F, 7/F and 8/F) and hence was not taken as a genuine public open space; and
- (d) it should be noted that about half of the reclamation area in Central (excluding the Tamar site), amounting to 8.8 ha, had been designated for open space use, and the proposed open space at the Tamar site formed part of the open space network which should not be considered in isolation, but be viewed in the context of the whole OZP.

50. The information provided by the Secretary was noted by Members and no further comments were raised.

[Ms. Sylvia S.F. left the meeting at this point.]

51. Mrs. Ava Chiu supported the application and said that the current proposal was better than the original open space zoned on the OZP as it presented a unique opportunity for linking up Admiralty with the waterfront through a green area. It would become a major tourists’ route, connecting the visitors from Admiralty to the waterfront as well as the adjoining shopping and business areas and Hong Kong Park. The sense of place provided by the arch and the ‘Green Carpet’ would be unique in Hong Kong. Another Member shared similar views and considered that Admiralty was a major transport hub with MTR station and major public transport interchange. The improved connectivity between Admiralty and the waterfront was of particular importance. The proposal would also enhance air ventilation and was supported.

52. A Member also gave in-principle support to the application. The revised open space proposal was considered acceptable. However, there was scope to improve on the design to better address the concern raised on the change in site configuration, hence a condition on the submission and implementation of a LMP was necessary. On the point of setting precedent, this Member was of the view that consideration might be given to preparing some guidelines, setting out the circumstances under which covered area might be counted as open space.

53. This view on the design of the open space was echoed by another Member, who considered it necessary to require the applicant to submit a LMP for detailed vetting to ensure that the 'Green Carpet' would be properly designed and managed.

54. Another Member opined that the pedestrian flow for the elevated walkway across Harcourt Road would likely to be substantial, notwithstanding other pedestrian links would be provided. In order to avoid overloading the Harcourt Road link, consideration should be given to spreading out the pedestrian flow at the detailed design stage.

55. Referring to paragraph 11.2 (h) of the Paper, a Member asked about PlanD's rationale in counting half of the passenger drop-off area of LegCo Complex in open space calculation. Mrs. Ava Ng clarified that as the passenger drop-off point would serve the users of the open space, it had thus been included in open space calculation. Taking into account the concern from the commenter that the drop-off area served not only the open space, but also the LegCo Complex, PlanD was of the view that even half of the area was discounted for the purpose of open space calculation, the provision of open space would still exceed the provision originally planned in the OZP.

[Ms. Ava Chiu and Professor N.K. Leung left the meeting at this point.]

56. The Chairman said and Members agreed that there was a general consensus on the planning and design merits that would be brought about by the proposed development, including improved accessibility between the waterfront and the hinterland, enhanced visual permeability, and better air ventilation, and that such merits justified the 'encroachment' of GIC uses into the "O" zone, as the total amount of open space of the development would exceed the original amount. Regarding the comments raised by the commenters, Members had noted the circumstances under which s.12A or s.16 would be more appropriate. Members agreed that the OZP had made provision for allowing the applicant to submit a s.16

application for the proposed Government use in “O” zone and therefore s.16 rather than s.12A was the relevant provision. Members had also thoroughly discussed the various areas that should, or should not, be included in open space calculation, particularly in the light of the concerns raised by the commenters. In recognition of the planning and design merits of the development proposal, Members generally agreed that the application should be approved. Members however considered that there was room for improvement in the landscape proposal and agreed that an approval condition requiring the applicant to submit and implement a LMP should be imposed. The applicant should be advised to pay due regard to the concerns raised by Members at the meeting, in particular, on the timely completion of the elevated walkways to tie in with the Tamar project and the need for AVA to assess the possible impact of strong wind on the comfort level of the open space. In this connection, Mrs. Ava Ng clarified that the AVA submitted by the applicant had already assessed the impact of gust on the proposed development.

57. After further deliberation, the Board decided to approve the application on the terms of the application as submitted. The permission should be valid until 5.10.2011 and the approval was subject to the condition that the submission and implementation of a landscape master plan should be to the satisfaction of the Director of Planning or of the Town Planning Board.

58. The Board also agreed to advise the applicant on the following:

- (a) to note Members’ comments raised in this meeting;
- (b) to note the comments of the District Lands Officer/Hong Kong West and South in paragraph 9.1.2 of the Paper;
- (c) to note the comments of the Chief Engineer/Railway Planning (2), Highways Department regarding the interface with North Hong Kong Island Line in paragraph 9.1.7 of the Paper;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department regarding the provision of water-work reserve and diversion works if required for the proposed development in paragraph 9.1.9 of the Paper;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the landscape proposals in paragraph 9.1.11 of the Paper; and
- (f) to note the comments of the Director of Fire Services on the fire safety requirements in paragraph 9.1.12 of the Paper.

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

[Ms. Maggie M.K. Chan, Professor Bernard V.W.F. Lim, Messrs. Felix W. Fong, Walter K.L. Chan and Y.F. Wong left the meeting at his point.]

Agenda Item 5

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/K10/222

Proposed Hotel in “Residential (Group A)” zone,
380 Prince Edward Road West, Kowloon City
(TPB Paper No. 7919)

[The hearing was conducted in Cantonese]

Presentation and Question Session

59. Mr. Eric Yue, District Planning Officer/Kowloon (DPO/K) of Planning Department (PlanD), and the following applicant’s representative were invited to the meeting at this point:

Mr. Coway K.H. Chan

Applicant’s Representative

60. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Eric Yue to brief Members on the background to the application. With the aid of some plans, Mr. Yue did so as detailed in the Paper and made the following main points:

- (a) the reasons of the Metro Planning Committee (MPC) to reject the

application for the proposed hotel development at the application site on 11.5.2007;

- (b) the justifications put forth by the applicant in support of the review application in paragraph 3 of the Paper;
- (c) departmental comments – District Lands Officer/Kowloon West, Lands Department, Buildings Department and Fire Services Department had no in-principle objection. Assistant Commissioner for Transport/U, Transport Department (AC for T/U, TD) had no adverse comments on the Traffic Impact Assessment and considered non-provision of parking and loading/unloading facilities acceptable due to the site constraints and small scale of the proposal. The Chief Town Planner/Urban Design and Landscape, PlanD advised that amenity planting should be provided on podium and rooftop. The Commissioner for Tourism supported the provision of new hotels from the tourism perspective, subject to the feasibility and compatibility of the proposal in environmental and technical aspects, opportunities for budget hotels in non-core areas like Kowloon City could be exploited;
- (d) no public comment was received during public inspection period of the review application. However, 4 comments were received at the s16 stage, expressing concerns on traffic, noise, safety and environmental, and site being unsuitable and too small for hotel development thus giving rise to ‘pencil type’ building. District Officer (Kowloon City) (DO/KC) advised that the locals consulted were of the view that the Board should take into account comments gathered in the consultation;
- (e) PlanD’s view – not supporting the application as the proposed hotel development was not in line with the planning intention of the “R(A)” zone which was primarily for residential use. The proposed 18-storey hotel with plot ratio not exceeding 9.0 and building height of 64mPD, was located on a small site of 135m² along the southern edge of Kowloon City area, mainly occupied by residential buildings comprising commercial/retail uses on ground floor. Further south across Prince Edward Road West was also a residential area. The proposed hotel development was considered not

compatible with the existing residential character of the neighbourhood. Given its small site and limited room size, it might not be conducive to a desirable hotel development with proper hotel facilities. There was no strong planning merits to justify a hotel development in this “R(A)” zone. Approval of the application would set an undesirable precedent in the residential neighbourhood, with cumulative impact affecting the traffic condition and general character of the neighbourhood. There was no similar approval in this part of Kowloon City in the vicinity of the application site.

61. The Chairman then invited the applicant’s representative to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Coway K.H. Chan made the following main points:

- (a) the proposal was to redevelop the tenement building in the “R(A)” zone into a 3-star thematic hotel for tourists of the Individual Visit Scheme;
- (b) Kowloon City area was already an area with mixed uses and renowned as “Food City”. With the planned development of Kai Tak into a ‘heritage, green, sports and tourism hub’ and gradual restructuring of Kowloon City, the proposed hotel development was a timely response to the future planning and development;
- (c) the proposal was compatible with the character of its immediate area along Prince Edward Road, which was no longer a pure residential area but dominated by non-domestic uses even in upper floors due to poor living environment resulting from busy roads and market demand for commercial activities;
- (d) similar applications were approved in the nearby Ma Tau Kok area. Kowloon City was more suitable being better served by public transport. The proposed hotel was in line with the intention of HK Tourism Board to encourage more budget hotels catering for Mainland visitors. Small hotel (<50 rooms) in Kowloon City was to meet the market demand;
- (e) the proposal was ready for implementation as the application site was solely owned by the applicant. As redevelopment hinged on site assembly while

most properties were under multiple ownership, approval of this application would unlikely have precedent effect in the area;

- (f) the subject application was unique in terms of its convenient location, single ownership and ease of implementation while there was no adverse comment; and
- (g) regarding PlanD's comments, area to the south fronting Argyle Street was a medium density residential area under the "R(B)" zone and separated by the Prince Edward Road, hence did not form part of the high density neighbourhood of the application site. The site area and small room size should not be taken as negative considerations as there were hotels of similar size and nature. The subject application should be regarded as desirable precedent providing incentive to upgrade other existing sub-standard guesthouses and its sensitive design would enhance the vibrancy of the area. On the public comments, there was no objection from government departments on transport and environmental aspects, the proposed hotel was an optimal development with regard to its site conditions, while built form was a function of the site area and configuration but not the land use per se.

62. A Member's asked whether the Tai Tung Hotel along Ngai Tsin Long Road shown in the presentation plan had obtained planning permission. With the aid of a plan shown at the meeting, Mr. Eric Yue explained that based on a recent survey, there were 7 guesthouses in the area, 6 were located on the lower floors of existing low-rise buildings with only 4-9 guest rooms each, and Tai Tung Hotel at Nga Tsin Long Road, occupying 1st to 3rd floors of a 5-storey building had 40 guest rooms. However they were all operating without planning permissions.

63. As the applicant's representative had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representative and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

64. A Member commented that pencil-type buildings and substandard guesthouses had been long in existence within the triangular area bounded by Carpenter Road, Junction Road and Prince Edward Road and that a land use review for the area was due. Mrs. Ava Ng informed Members that a review on the land uses and building height of the area was being undertaken. The same Member opined that it would be prudent to reject the subject application pending the completion of the land use review. Another Member remarked that the proposal would constitute another pencil-type building and the applicant had not demonstrated clear planning merit to justify the case. He concurred that such applications should not be considered so as not to jeopardize the outcome of review exercise. Members agreed that the subject application should not be supported.

65. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed hotel development was not in line with the planning intention of the “R(A)” zone which was primarily for residential use;
- (b) it was premature to consider the application pending a land use review of the area; and
- (c) the approval of the application would set an undesirable precedent for similar hotel developments within the Kowloon City residential neighbourhood, the cumulative effect of which would adversely affect the traffic condition and general character of the area.

66. The meeting was adjourned for lunch at 1.50 p.m.

67. The meeting was resumed at 2:50 p.m..

[Dr. Greg C.Y. Wong arrived to join the meeting at this point.]

68. The following Members and the Secretary were present in the afternoon session:

Mr. Raymond Young

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. Tony C.N. Kan

Mr. B.W. Chan

Mr. Raymond Y.M. Chan

Dr. James C.W. Lau

Mr. K.Y. Leung

Deputy Director of Environmental Protection

Dr. Michael Chiu

Director of Lands

Miss Annie Tam

Director of Planning

Mrs. Ava S.Y. Ng

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-LTY Y/153

Temporary Open Storage for Materials for a Period of 3 Years in “Residential (Group E)” zone, Lots 180(Part) and 181(Part) in DD 130 and Adjoining Government Land, Tuen Tze Wai, Tuen Mun
(TPB Paper No. 7920)

[The hearing was conducted in Cantonese.]

69. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and Mr. Chui Keung-wai, the applicant’s representative, were invited to the meeting at this point.

70. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Wilson Y.L. So to brief Members on the background to the application.

71. With the aid of some plans, Mr. Wilson Y.L. So did so as detailed in the Paper and made the following main points :

- (a) the applicant sought planning permission for temporary open storage of materials for a period of 3 years on a site zoned “Residential (Group E)” on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP);
- (b) the Rural and New Town Planning Committee (RNTPC) rejected the application on 7.6.2007 for the reasons set out in paragraph 1.2 of the Paper;
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) departmental comments – the departmental comments were summarized in paragraph 4 of the paper. The Environmental Protection Department did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisances from the proposed use were expected. While the Drainage Services Department had no in-principle objection to the application, it commented that proper drainage facilities for the development should be provided;
- (e) public comments – one public comment from the Tuen Mun Rural Committee was received during the statutory publication period. It requested the applicant to provide a catchment drain at the access of the site and connect it to the drainage channel nearby for discharge of rainwater to avoid affecting passer-bys. In addition, views from 3 locals supporting the application subject to no destruction to the surrounding environment and no impact on the local drainage system were received by the District Officer/Tuen Mun; and
- (f) PlanD’s view – since the applicant had not submitted any information in support of the review application and there had been no change in planning circumstances

since the last rejection, the PlanD maintained its previous view of not supporting the application for the reasons that the applied use was not in line with the planning intention of the “R(E)” zone to phase out the existing industrial uses and there was no strong justification for a departure from such intention. Moreover, the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the application site fell within Category 3 areas and the applied use was incompatible with the surrounding residential dwellings which were susceptible to environmental nuisances generated by it. Also, no previous approval had been granted for the site. There was insufficient information to demonstrate that the applied use would not generate adverse environmental and drainage impacts, and approval of the application would set an undesirable precedent, the cumulative impact of which would lead to environmental degradation.

72. The Chairperson then invited the applicant’s representative to elaborate on the application. Mr. Chui Keung-wai made the following main points :

- (a) the site had been used for the applied use for about 3 to 4 years;
- (b) the operation on the site was from 8 a.m. to 6 p.m. only. While there would be some loading/unloading activities on site associated with the storage use, no mechanical operation would be involved. No adverse environmental impacts such as air and noise pollution or discharging of waste water would be induced;
- (c) storage yards were found in the vicinity of the application site; and
- (d) the applicant had no knowledge beforehand that planning permission was required for the storage use, and did not know what information he should submit to justify the case.

[Mrs. Ava S.Y. Ng returned to join the meeting at this point.]

73. As the applicant’s representative had no further comment to make and Members had no question to raise, the Chairperson informed the applicant’s representative that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his

absence and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant's representative and PlanD's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

74. After deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the development was not in line with the planning intention of the "Residential (Group E)" ("R(E)") zone which was for phasing out of existing industrial uses through redevelopment for residential use. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines PG-No. 13D for 'Application for Open Storage and Port Back-up Uses' in that the development was not compatible with the residential dwellings in the vicinity; there was no previous approval granted at the site; residential dwellings located in close proximity to the site would be susceptible to the adverse environmental nuisances generated by the development; and there were adverse comments from concerned departments;
- (c) there was insufficient information to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(E)" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 7

[Open Meeting]

Request for Deferral of Review of Application No. A/YL/143

Temporary Place of Recreation and Eating Place with Ancillary Outdoor Barbecue Area for a Period of 3 Years in “Village Type Development” Zone, Lots 236RP(Part), 237RP(Part) and 238RP(Part) in DD 115, Ying Lung Wai, Yuen Long Town, New Territories

(TPB Paper No. 7921)

[The meeting was conducted in Cantonese.]

75. The Chairman said that Dr. James C.W. Lau had declared an interest in this item as he had business dealings with the applicant’s consultant, Top Bright Consultants Ltd.. However, as the applicant had requested for deferment of consideration of the review application, Dr. Lau was allowed to stay at the meeting.

76. The Chairman said that the applicant had requested the Board to defer consideration of the review application for one month to allow more time to prepare assessments to address the Environmental Protection Department’s comments. The justification for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33.

77. After deliberation, the Board agreed to the request for deferment and that the application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. One month was given for the applicant to submit the further information. The Board also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

Agenda Item 8

[Open Meeting]

Request for Deferral of Review of Application No. A/K5/634

Temporary Shop and Services (Ancillary Showroom for Garments, Shoes and Accessories) for a Period of 3 Years in “Other Specified Uses” annotated “Business” Zone, 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, 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon (TPB Paper No. 7922)

[The meeting was conducted in Cantonese.]

78. The Chairman said that the applicant had requested the Board to defer consideration of the review application for two months to allow sufficient time to prepare additional information to support the review application. The justification for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33.

79. After deliberation, the Board agreed to the request for deferment and that the application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. Two months were given for the applicant to submit the further information. The Board also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

[Professor Nora F.Y. Tam left the meeting at this point.]

Agenda Item 10

[Open Meeting]

Draft Urban Renewal Authority Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme Plan No. S/K5/URA2/1

Information Note and Hearing Arrangement for Consideration of Representations and Public Comments

(TPB Paper No. 7924)

[The meeting was conducted in Cantonese.]

96. The Secretary introduced the Paper and said that the draft Urban Renewal Authority (URA) Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme Plan No. S/K5/URA2/1 (the DSP) was exhibited for public inspection under section 5 of the Town Planning Ordinance on 1.6.2007. During the two-month exhibition period of the DSP, 5 valid representations were received. On 10.8.2007, the representations were published for 3 weeks for public comments. Two comments, one from the URA and the other from an individual, were received.

97. The Secretary went on to say that as 4 out of the 5 representations and the 2 comments were similar in nature, it was considered more efficient for the full Board to hear the representations and comments without resorting to the appointment of a Representation Hearing Committee. It was suggested to structure the hearing of the representations and comments into two groups as follows :

- (a) collective hearing for Representations No. 1 to 4 and the related comments No. 1 and 2 in view of their similar nature; and
- (b) individual hearing for Representation No. 5 which related to a specific site and the related comment No. 1.

98. Members agreed to accommodate the hearing in the Board's regular meeting without resorting to a separate hearing session, and to structure the hearing as set out in paragraph 97 above.

The hearing under section 6B of the Ordinance was tentatively scheduled for 9.11.2007.

Agenda Item 11

[Open Meeting]

Draft Wong Nai Chung Outline Zoning Plan No. S/H7/12

Confirmation of Proposed Amendment

(TPB Paper No. 7926)

[The meeting was conducted in Cantonese.]

99. The Secretary reported that the draft Wong Nai Chung Outline Zoning Plan No. S/H7/12 (the Plan) was exhibited for public inspection under s.5 of the Ordinance on 8.12.2006, and 31 representations were received during the 2-month exhibition period. On 16.2.2007, the representations were published and 9 comments were received during the 3-week exhibition period. The Board on 15.6.2007, after considering the representations and comments, decided to propose an amendment to the Plan to partially meet 12 representations by relaxing the building height restriction for some sites. On 31.8.2007, the proposed amendment was published for 3 weeks for further representations. No further representation was received. Members were therefore invited to confirm the proposed amendments to form part of the Plan.

100. Members noted that no further representation to the proposed amendment to the Plan was received, and that the Plan should be amended by the proposed amendment as shown at Annex I of the Paper in accordance with section 6G of the Ordinance. In accordance with section 6H of the Ordinance, the Plan should thereafter be read as including the amendment. The amendment should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft plan in question under section 9 of the Ordinance. The Building Authority and relevant Government departments would be informed of the decision of the Board and provided with a copy of the amendment.

Agenda Item 12

Any Other Business

101. There being no other business, the meeting was closed at 4:45 p.m..

