

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K22/26

<u>Applicant</u>	:	The Hong Kong and China Gas Company Limited
<u>Sites</u>	:	<u>Locations 1 and 2</u> Government Land near Road D3A, Runway Area, Kai Tak Development <u>Location 3</u> Government Land near Muk Tai Street, Kai Tak Development
<u>Total Site Area</u>	:	10.5m ² (about) [each location is 3.5m ²]
<u>Land Status</u>	:	Government Land
<u>Plan</u>	:	Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/6
<u>Zoning</u>	:	<u>Locations 1 and 2</u> ‘Road’ (designated as ‘Pedestrian Precinct/Street’) <u>Location 3</u> “Other Specified Uses” annotated “Amenity Area” (“OU(A)”)
<u>Application</u>	:	Proposed Public Utility Installations (Aboveground Gas Governor Kiosks)

1. The Proposal

- 1.1 The applicant seeks planning permission for installing three proposed aboveground gas governor kiosks (the proposed kiosks) at three locations in Kai Tak Development (KTD), i.e. two kiosks on government land near Road D3A on the pedestrian streets next to Sites 4C2 (Location 1) and 4B3 (Location 2) respectively in the Runway Area and one on government land in-between Muk Tai Street and Site 1L3 (Location 3) in the Kai Tak City Centre (North Apron Area) (**Plan A-1**). Locations 1 and 2 fall within areas shown as ‘Road’ (designated as ‘Pedestrian Precinct/Street’) and Location 3 falls within an area zoned “OU(A)” on the approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/6. According to the Notes of the OZP, the proposed kiosks, being public utility installations, require planning permission from the Town Planning Board (Board) within the ‘Road’ areas and “OU(A)” zone¹.

¹ ‘Utility Installation not Ancillary to the Specified Use’ is a Column 2 use in the “OU(A)” zone.

- 1.2 According to the applicant, the function of the proposed kiosks is to regulate the gas supply pressure from medium pressure to low pressure to serve the surrounding residential and commercial developments in the southern part of the Runway Area and the North Apron Area of KTD. Each proposed kiosk has dimensions of 2.322m(L) x 1.504m(W) x 1.966m(H) with a floor area of about 3.5m². Excavation of land of about 1.5m in depth would be required for each kiosk. The locations, detailed design drawing and visual illustration of the proposed kiosks provided by the applicant are at **Drawings A-1 to A-4**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supporting documents received on 22.8.2019 (**Appendix I**);
 - (b) Further information received on 6.9.2019 (**Appendix Ia**); and
 - (c) Further information received on 14.10.2019 (**Appendix Ib**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as set out in **Appendices I, Ia and Ib** are summarized as follows:

- (a) In order to make provision for gas supply to the residential and commercial developments in the vicinity and cater for the increasing gas demand, two aboveground gas governor kiosks have to be installed near Road D3A at the southern part of the Runway Area while one has to be installed at Muk Tai Street at the North Apron Area of KTD.
- (b) Gas governor kiosks must be located in the near vicinity of the development sites in order to provide gas to the consumers. It is not practical to install gas governor kiosks outside Kai Tak for gas supply to the district.
- (c) A number of factors have been taken into account in the course of site selection for the proposed kiosks, which include avoidance of obstruction to pedestrian and traffic flow, safety distance from nearby buildings and structures, compatibility with other uses, impacts on existing trees, plantings, other landscape features and underground utilities installations, and the future operation and maintenance of the proposed kiosks.
- (d) Upon liaising with the concerned government departments, including the Kai Tak Office of the Civil Engineering and Development Department (CEDD) and the Leisure and Cultural Services Department (LCSD), the application locations are identified as the most suitable locations for installation of the proposed kiosks.
- (e) In determining the quantity and locations of gas governor kiosks, their maximum supply capacity and the configuration of the gas network are taken into account so that customers can enjoy safe and reliable supply of gas. As such, it is not practical to combine two proposed gas governor kiosks at the southern part of Runway Area into a single installation.

- (f) The installation works of the proposed kiosks would not involve felling of trees at the sites. A concrete paved area of 1m wide would be provided around the proposed kiosks for future maintenance and to prevent interference to the surrounding turf.
- (g) The applicant will consider to make reference to the “Kai Tak Brand Identity Manual and Public Creatives Guideline” on the façade design of the proposed kiosks as suggested by relevant government departments.

3. Compliance with the “Owner’s Consent/Notification” Requirement

As the three locations of the application site involve government land only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable to the application.

4. Previous Application

There is no previous application in respect of the application locations.

5. Similar Applications

There are two similar planning applications (No. A/K22/19 and A/K22/21) for public utility installations (aboveground gas governor kiosks) of same scale at a site near Shing Kai Road to the east of Tak Long Estate, which is zoned “OU(A)”, and another site near Concorde Road to the northwest of Kai Ching Estate, which is shown as ‘Road’ on the OZP (**Plan A-1**). The applications were approved by the Metro Planning Committee (the Committee) on 23.6.2017 and 7.9.2018 respectively mainly for reasons that the proposed kiosks were essential utilities in support of the surrounding developments, their scales were small and they would not have significant impacts on the surrounding environment.

6. The Site and Its Surrounding Areas (Plans A-1, A-2a and A-2b, and photos on Plans A-3a, A-3b and A-4)

6.1 Locations 1 and 2 are located in the planned pedestrian streets² next to Sites 4C2 and 4B3 respectively in the Runway Area (**Plan A-2a**). Location 3 is located in an area of land planned for roadside amenity planting in-between Muk Tai Street and Site 1L3 (**Plan A-2b**). All three locations are originally planned as planting areas alongside pedestrian streets/pavement. They are currently occupied by CEDD as work sites for infrastructure works.

6.2 The surrounding areas have the following characteristics:

² The pedestrian streets between development sites together with the elevated landscape deck above Road D3A in the Runway Area form the main pedestrian circulation network that ensures the accessibility to the waterfront promenades.

- (a) Locations 1 and 2 are surrounded by development sites zoned “Residential (Group B)” (“R(B)”) for private residential developments in the Runway Area. To the northeast of Location 1 and to the southwest of Location 2 is the at-grade Road D3A which is the district distributor for the Runway Area, above which is an elevated landscaped deck. Both Road D3A and the elevated landscaped deck are under construction; and
- (b) to the northeast of Location 3 is Site 1L3 zoned “R(B)3” where a private residential development is under construction. To the immediate southeast of the site is a sewage pumping station zoned “Government, Institution or Community”. To the west of the site across Muk Tai Street within the “OU” annotated “Stadium” zone is the Kai Tak Sports Park under construction.

7. Planning Intention

- 7.1 Area shown as ‘Road’ on the OZP is intended for the development of roads and related facility/infrastructure, including ‘Pedestrian Precinct/Street’.
- 7.2 The “OU(A)” zone is intended primarily for the provision of landscaping and planting to enhance the environment.

8. Comments from Relevant Government Departments

- 8.1 The following government bureau and departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 8.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):
 - (a) He has no objection to the application.
 - (b) The three locations of the application site fall within two temporary government land allocations (STLAs) granted to CEDD as work sites for infrastructure works for periods up to 30.6.2018 and 31.3.2020 respectively. For the STLA site with term expired, CEDD is not yet in a position to surrender the site.
 - (c) Subject to no objection from CEDD to surrender/early surrender the concerned areas, should the application be approved by the Board, the applicant is required to apply to his office for approval to implement the proposal. However, there is no guarantee that the application would be approved and if the application is eventually approved by LandsD in the capacity as landlord at its discretion, it will be subject to those terms to be imposed by LandsD as considered appropriate

Civil Engineering

8.1.2 Comments of the Project Manager (East) (PM(E)), CEDD:

- (a) He has no objection to the application.
- (b) Locations 1 and 2 were agreed among CEDD, the applicant and the contractor of infrastructure works of the Runway Area. It is also agreed that a grey colour (i.e. Pantone 425C) will be adopted as the finishing colour of the two kiosks. For the kiosk in Location 3, he considers that the same grey colour should be adopted.
- (c) The applicant has been advised to apply the painting pattern as recommended in the “Kai Tak Brand Identity Manual and Public Creatives Guideline” on the kiosks and submit drawings for his preview before construction.

Building Matters

8.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) He has no objection to the application.
- (b) The three locations of the application site are located at pedestrian streets and government land. Under section 41(1)(ba) and 41(1)(c) of the Buildings Ordinance (BO), they are exempted from the provisions of the BO.
- (c) In all cases, if the site location is subject to a lease by the Government, all building works are subject to compliance with the BO. The applicant should be advised to engage an Authorized Person to submit building plans to the Building Authority for approval.
- (d) His detailed comments would be subject to application for the approval plans under the BO, where applicable.

Environment

8.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) In view of the small scale and nature of the proposed kiosks, the application is unlikely to result in adverse environmental impact.
- (c) Notwithstanding the above, the applicant should be reminded to implement mitigation measures as required under the Air Pollution Control (Construction Dust) Regulation to minimize potential construction impacts.

Visual and Landscaping

8.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) She does not have any concern on the proposed installations from visual impact point of view. Nonetheless, the applicant is advised to consider adopting a design based on the “Kai Tak Brand Identity Manual and Public Creatives Guideline” for these minor installations that can strengthen the visual identity of Kai Tak.
- (b) As the proposed kiosks are not incompatible with the landscape character of the surrounding environment and significant impact to the landscape resource (e.g. tree) is not anticipated, she has no objection to the application from landscape planning point of view.
- (c) In consideration of the limited space within the three locations, implementation of effective landscape treatment (particularly by means of tree planting) for bringing greenery contribution to the public realm seems not practicable. It is considered not necessary to impose any landscape-related condition should the application be approved by the Board.

8.1.6 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

While the proposed kiosks may not be incompatible with the surroundings, it is suggested to consider locating the kiosks at less prominent locations away from the road and proposed residential/commercial buildings. Architectural treatment to beautify the kiosk façade in order to enhance the surrounding developments is recommended.

8.1.7 Comments of the Head of Energising Kowloon East Office (EKEO), Development Bureau (DEVB):

While there is no objection to the application, the applicant is advised to consider applying appropriate façade treatment to promote blending in of the proposed installations with the surrounding environment. Reference could be made to the “Kai Tak Brand Identity Manual and Public Creatives Guideline”.

Gas Safety

8.1.8 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no comment on the application from the regulatory services perspective.

Fire Safety

8.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by BD.

Highways Maintenance

8.1.10 Comments of the Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD):

- (a) He has no objection to the application.
- (b) The applicant should liaise with CEDD for the works interface regarding the proposal, if any.
- (c) The applicant should apply for excavation permit with his office and should take necessary measures to avoid adverse impacts on the surrounding roads and their users.
- (d) His other detailed comments are in paragraph (f) of **Appendix II**.

Harbourfront Planning

8.1.11 Comments of the Harbour Office, DEVB:

- (a) The three locations of the application site fall within the harbourfront area under the purview of Harbourfront Commission's Task Force on Kai Tak Harbourfront Development (KTTF). The application should be considered having regard to the Harbour Planning Principles and Guidelines.
- (b) The gist and relevant information of the application were circulated to members of KTTF on 16.9.2019 to invite them to offer comments, if any, to the Board direct. The Harbour Office has nothing to add for the application.

District Officer's Comments

8.1.12 Comments of the District Officer (Kowloon City), Home Affairs Department:

He has no comment on the application and notes that PlanD has notified the interested Kowloon City District Council members, the To Kwa Wan Area Committee as well as the Owners' Committees/Mutual Aid Committees/Management Committees of buildings near the application site about the planning application and that the notified parties have been invited to contact

PlanD about any enquiries or comments. The Board should take into account all the comments gathered in the consultation exercise in the decision making process. Should the application be eventually approved, the applicant should take appropriate measures to address the concerns of relevant stakeholders.

8.2 The following government departments have no objection to or no comment on the application:

- (a) Commissioner for Transport (C for T)
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Director of Leisure and Cultural Services;
- (e) Director of Food and Environmental Hygiene; and
- (f) Commissioner of Police.

9. Public Comment Received During Statutory Publication Period

On 30.8.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.9.2019, no public comment was received.

10. Planning Considerations and Assessments

10.1 The subject application is for the installation of three proposed aboveground gas governor kiosks at three locations within KTD which are for regulating the gas supply pressure from medium pressure to low pressure to serve the surrounding residential and commercial developments in the Runway Area and the North Apron Area of KTD. Each proposed kiosk will occupy a small land area of about 3.5m² (2.322m (L) x 1.504m (W)), which is originally intended for use as part of a larger roadside planting area, with a height of 1.966m only. The three proposed kiosks are within planter strip/amenity planting areas and will likely be partly concealed by the adjacent planting areas along pedestrian streets/pavement upon completion by CEDD, and they would not obstruct pedestrian flow nor sightline of vehicles.

10.2 The proposed kiosks are essential utilities to support developments in KTD. In view of the small scale of the installations, the application would not have significant impacts on the environmental, traffic, visual and landscaping and gas safety aspects. The applicant indicated that they had considered a number of factors in the course of site selection, which included avoidance of obstruction to pedestrian and traffic flow, safety distance from nearby buildings and structures, land use compatibility, impacts on landscape features and underground utilities installations, and the future operation and maintenance arrangements, and had consulted relevant departments on the site locations. Relevant government departments consulted including PM(E) of CEDD, DEMS, DEP, C for T and CTP/UD&L of PlanD generally have no objection to or no adverse comment on the application, including the site locations. Regarding the comments of CEDD, CTP/UD&L of PlanD, ArchSD and EKEO on the adoption of appropriate architectural/façade treatment for the kiosks, including adopting the “Kai Tak Brand Identity Manual and Public Creatives Guideline”, a relevant approval condition is recommended in paragraph 11.2 below.

- 10.3 Two similar planning applications (No. A/K22/19 and A/K22/21) for the same use within the “OU(A)” zone and area shown as ‘Road’ in KTD were approved by the Committee on 23.6.2017 and 7.9.2018 respectively. Approval of the subject application is in line with the previous decisions of the Committee.
- 10.4 There was no public comment on the application received during the statutory public inspection period.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.10.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

the façade design and construction of the proposed aboveground gas governor kiosks to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board.

Advisory Clauses

- 11.3 The suggested advisory clauses are attached at **Appendix II**.
- 11.4 There is no strong planning reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application Form received on 22.8.2019 with Supporting Documents
Appendix Ia	Further Information received on 6.9.2019
Appendix Ib	Further Information received on 14.10.2019
Appendix II	Recommended Advisory Clauses
Drawings A-1 and A-2	Locations of the Proposed Kiosks
Drawing A-3	Detailed Design Drawing of the Proposed Kiosks
Drawing A-4	Sample Photo of the Proposed Kiosks
Plan A-1	Location Plan
Plans A-2a and A-2b	Site Plans
Plans A-3a and A-3b	Aerial Photos
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2019**