

TOWN PLANNING BOARD

**Minutes of 715th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 17.3.2023**

Present

Director of Planning
Mr Ivan M. K. Chung

Chairman

Mr Wilson Y.W. Fung

Vice-chairman

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Mr Ricky W.Y. Yu

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Chief Traffic Engineer/Kowloon,
Transport Department
Mr. Gary C.H. Wong

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

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

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

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

Secretary

Absent with Apologies

Ms Lilian S.K. Law

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board
Ms Josephine Y.M. Lo

Town Planner/Town Planning Board
Ms Sandy S.Y. Yik

Agenda Item 1

Confirmation of the Draft Minutes of the 714th MPC Meeting held on 3.3.2023

[Open Meeting]

1. The draft minutes of the 714th MPC meeting held on 3.3.2023 were confirmed without amendments.

Agenda Item 2

Matter Arising

[Open Meeting]

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

6. Members had no question on the application.

[Mr Paul Y.K. Au and Ms Bernadette W.S. Tsui joined the meeting during the presentation session.]

Deliberation Session

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB), and no time clause on commencement was proposed as the office use under application was already in operation at the Premises. The permission was subject to the following conditions :

- “(a) the submission and implementation of fire services installations and water supplies for firefighting for the application premises within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 17.9.2023;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in approval condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/SC/11 Proposed Minor Relaxation of Building Height Restriction for Permitted Cargo Handling and Forwarding Facility (Logistics Centre) and Public Vehicle Park Uses in “Other Specified Uses” annotated “Container Related Uses and Underground Sewage Treatment Works with Ancillary Above Ground Facilities” Zone, Kwai Chung Town Lot No. 531, Junction of Mei Ching Road and Container Port Road South, Kwai Chung, New Territories
(MPC Paper No. A/SC/11)

Presentation and Question Sessions

9. With the aid of a PowerPoint presentation, Ms Jessica Y.C. Ho, STP/TWK, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

[Ms Sandy H.Y. Wong and Mr Franklin Yu joined the meeting during PlanD’s presentation.]

10. Some Members raised the following questions:

Justifications for the Application

- (a) noting that the proposed minor relaxation of building height restriction (BHR) was largely justified on the ground of operational requirements of cold storage use, whether there was need for a fresh application if the applicant pursued other use(s) for the application site (the Site) instead of cold storage;
- (b) noting that the BHR of 40mPD stipulated for the Site was formulated based on a notional scheme postulated under a technical feasibility study conducted by the Civil Engineering and Development Department (CEDD)

in 2017 (CEDD's Study) and the Site was just acquired by the applicant through land sale in July 2022, the reason for not adopting a higher BHR of 48mPD for the Site under the land sale, whether the design scheme with a BH of 40mPD was conservative in optimising the development potential of the Site, and what relevant factors were taken into account under the current application which might not be previously gauged under CEDD's study (such as design to allow for manoeuvring of heavy goods vehicles on all floors);

- (c) whether the building height (BH) of 48mPD was still justified if the assumed gross floor area (GFA) exemption (i.e. about 113,000m²) as claimed by the applicant was not approved by relevant Government departments;
- (d) what the main justification for the proposed minor relaxation of BHR was in respect of the two major considerations, namely specific design for meeting the operational requirements of cold storage use and provision of planning and design merits;

Planning and Design Merits

- (e) details of proposed setbacks and how they could improve the environment of the surrounding area;
- (f) whether the setbacks were initiated by the applicant on a voluntary basis or obligatory under the land lease or Sustainable Building Design Guidelines (SBDG), and how the applicant could demonstrate that the SBDG requirements could be fulfilled;

Others

- (g) noting the proposed provision of about 1,000 car parking spaces, whether any Traffic Impact Assessment (TIA) was conducted to ascertain the potential traffic impact on the surrounding area and what the corresponding

mitigation measures were;

- (h) whether the land area falling within the same zone of the Site would be developed or left vacant in future; and
- (i) whether additional premium was required if the proposed relaxation of BHR with two additional storeys, which might generate more GFA, were approved by the Committee.

11. In response, with the aid of some PowerPoint slides and plans, Ms Jessica Y.C. Ho, STP/TWK, made the following main points:

Justifications for the Application

- (a) the proposed scheme was formulated with reference to the specific design requirements of cold storage use, for which the capital investment involved would be relatively substantial if compared with a typical logistics centre. It was envisaged that under normal circumstance the applicant would sell or rent out the cold storage to meet the market demand. That said, if the Site was not used for cold storage purpose, other container related uses, such as logistics and cargo handling and forwarding facilities, were always permitted according to the Notes of the subject “Other Specified Uses” annotated “Container Related Uses and Underground Sewage Treatment Works with Ancillary Above Ground Facilities” (“OU(CRU&USTW)”) zone under the Outline Zoning Plan (OZP);
- (b) under CEDD’s study i.e. the ‘Study on Multi-storey Heavy Goods Vehicle Car Park cum Modern Logistics Building in Kwai Chung’ conducted in 2017, a typical logistics centre was assumed for the Site and the relevant design and operational requirements (e.g. floor-to-floor height and floor layout) of a typical logistics centre as well as typical GFA exemption (i.e. 20,000m²) were taken into account in deriving the recommended design scheme (the design scheme) with a resulted building mass of six storeys (including one basement level) and an overall BH of 40mPD. Hence,

specific operational requirements of cold storage use, e.g. manoeuvring of heavy goods vehicles on all floors enabling direct access to cold storage, as proposed in the application, were not examined in CEDD's study. The proposed scheme had also taken into account the possible GFA exemption of about 113,000m², which was substantially more than the assumption adopted in the design scheme and subject to approval under the Buildings Ordinance or the lease at the detailed design stage. Such GFA exemption was resulted from the different design and layout of the proposed scheme, which covered some newly proposed facilities which were not considered in CEDD's study, such as electricity supply facilities to cater for high electricity consumption for the operation of cold storage, and an underground public vehicle park (PVP) with electric vehicle (EV) charging-enabling works at two basement levels. In accordance with the prevailing Government policy, the whole of the underground PVP might be exempted from GFA calculation subject to approval by the relevant authorities. With the above aspects considered, a building of nine storeys (including two basement levels) and a BH of 48mPD was proposed;

- (c) if the application was approved by the Committee but the GFA exemption as claimed under the application was not approved by the relevant authorities at a later stage, the applicant might go for a development scheme with corresponding reduction in GFA and/or BH. When scrutinizing the building plan submissions against the approved scheme, reference would be made to the Town Planning Board Guidelines No. 36B on "Class A and Class B Amendments to Approved Development Proposals" to determine whether the changes, if any, were acceptable. Normally, reduction in scale would fall within Class A amendment which would be permitted. Should there be any change(s) falling within Class B amendment, the applicant could submit application for Class B amendment to an approved scheme under section 16A(2) of the Town Planning Ordinance (the Ordinance);
- (d) in considering the proposed minor relaxation of BHR, all relevant justifications, including the operational requirements for cold storage, departmental and public comments as well as planning and design merits

such as landscaping and greening should be taken into account;

Planning and Design Merits

- (e) the proposed scheme had taken into account the relevant requirements under SBDG with sufficient building setbacks from surrounding streets. Two setbacks of at least 30m wide from the centrelines of the adjoining Mei Ching Road and Container Port Road South were proposed. As demonstrated in the review on air ventilation aspect submitted by the applicant, the proposed setbacks would bring about some localised improvement to the wind environment of the immediate surroundings under the annual and prevailing winds;
- (f) the applicant had to fulfil the landscaping requirement under the lease and building setback and greenery requirements under SBDG if relevant GFA concession would be sought. Notwithstanding that, the proposed design merits exceeded the requirements under SBDG in respect of setback and greenery provision which had already been demonstrated in the proposed scheme submitted under the application. In future, the building design with the relevant requirements duly fulfilled would need to be demonstrated in the building plan submissions which would be scrutinised by relevant Government departments;

Others

- (g) the provision of ancillary parking spaces and PVP (with about 700 parking spaces) was examined in CEDD's study and its TIA. Given no change in the countable GFA in the proposed scheme as compared with the recommended GFA under CEDD's study, the Transport Department had no in-principle objection to the application from traffic engineering perspective;
- (h) the remaining land area adjoining the Site within the same "OU(CRU&USTW)" zone was reserved for development of container

related uses after the completion of the underground sewage treatment works by the Environmental Protection Department; and

- (i) the Site was subject to a maximum GFA of not exceeding 138,000m² under the lease. While the GFA exemption as claimed by the applicant, if approved by the relevant authorities, would not be taken into account in calculating the permitted GFA under lease, the Lands Department advised that GFA exemption of the underground PVP might be subject to additional premium.

12. The Chairman further enquired if the applicant was required to take forward the planning and design merits, such as vertical greening, rooftop greenery and setbacks, under the lease if no application was ever submitted to the Town Planning Board (TPB). In response, Ms Jessica Y.C. Ho, STP/TWK, said the applicant was required to fulfil the landscaping clause as stipulated in the lease, but not the other planning and design merits, such as setbacks and 32% of greenery coverage exceeding the requirements under SBDG, façade design and green building design features such as PV panels, which were not specified in the lease.

Deliberation Session

13. The Chairman recapitulated that the Site was a land sale site for which the development restrictions under the lease and BHR on the OZP were formulated with reference to a design scheme for typical logistics facilities as recommended in CEDD's study. Under the application, the applicant put forth a scheme specifically for cold storage use with tailor-made design to meet its specific operational requirements. The amount of GFA that the applicant anticipated to be exempted from calculating the permitted GFA under the lease was substantially increased from about 20,000m² to some 113,000m² due to the latest design for cold storage use and with the provision of an underground PVP with EV charging-enabling works at two basement levels. Hence, minor relaxation of BHR from 40mPD to 48mPD was required to accommodate the tailor-made design as well as the GFA that would be accommodated aboveground under the proposed scheme. While there were some scheme binding features as required under the lease, the proposed scheme had incorporated additional planning and design merits such as additional greenery coverage, vertical and rooftop greenery and building setbacks, which exceeded the relevant

requirements of SBDG.

14. While having no objection to the application in view of the operational need of the proposed cold storage, proposed planning and design merits and better utilisation of land resources, two Members were of view that meeting the operational requirements of cold storage use was crucial in approving the application. Moreover, without the benefit of sufficient information on the market demand for cold storage in the submission, the two Members expressed concerns on the implementation prospect of the proposed cold storage and enquired whether there was any mechanism to ensure that the proposed scheme, if approved, would be duly implemented without changing to other use(s).

15. A Member, while supporting the application, considered that the provision of EV charging facilities could hardly be perceived as a planning merit as mentioned in paragraph 11.6 of the Paper. Rather, other planning and design merits such as building setbacks and greenery coverage exceeding SBDG requirements as set out in paragraph 11.5 of the Paper could justify the application which sought minor relaxation of BHR for 20% only.

16. Noting that no insurmountable problems were identified with the proposed BH of 48mPD from technical and visual perspectives under the application, a Member supported the application but opined that the technical assumptions for typical logistics uses adopted in CEDD's study might be too conservative, due to which the development potential of the Site was not fully unleashed, or otherwise more tenders might be attracted during land sale. Also, the assumptions adopted in CEDD's study might not be able to meet the latest modern logistics development in terms of design and operational requirements. In light of the above, the Government in future should consider minimising excessive control and allowing greater flexibility in planning for industrial land, especially for those sites reserved for modern industrial operations, with a view to optimizing the land resources. Reference could be made to the design of the advanced manufacturing centre in INNOPARKs.

17. The Chairman concluded that Members generally supported the application having considered that the proposed relaxation of BHR was justified in view of the operational and design requirements for the proposed cold storage use as well as the planning and design merits as detailed in the Paper. The Transport and Logistics Bureau (TLB) had given policy support to the proposed cold storage from the logistics operation perspective. With regard to Members' concerns on how to ensure the proposed scheme for cold storage

use, if approved, would be duly implemented, the Chairman remarked that the application for relaxation of BHR to 48mPD was scheme binding in nature and the use of the Site should be in line with the approved scheme with the relaxed BH in the implementation stage. The Chairman also echoed Member's views that there could be better planning for industrial land and there was scope to further review the use and development restrictions for the remaining area of the subject "OU(CRU&USTW)" zone taking into account information such as the latest market demand provided by relevant Government bureaux/department including TLB. If required, revisions to the stipulated development restrictions could be taken forward via existing planning mechanisms including planning application and amendment to OZP under the Ordinance.

18. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the TPB. The permission should be valid until 17.3.2027, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of a Sewerage Impact Assessment for the proposed development to the satisfaction of Director of Environmental Protection or of the TPB; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works as identified in the Sewerage Impact Assessment for the proposed development to the satisfaction of Director of Drainage Services or of the TPB.”

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/TWW/124 Proposed House Development with Plot Ratio of 0.75 and Minor Relaxation of Building Height Restriction in “Village Type Development” Zone, Lot 162RP (Part) in D.D. 399 and Adjoining Government Land, Castle Peak Road - Ting Kau, Tsuen Wan West, New Territories
(MPC Paper No. A/TWW/124A)

Presentation and Question Sessions

20. With the aid of a PowerPoint presentation, Mr Michael K.K. Cheung, STP/TWK, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

21. Some Members raised the following questions:

Background of the Application

- (a) noting that the previous application No. A/TWW/68 for a proposed low-rise and low-density residential development with the same plot ratio (PR) and building height (BH) was approved on review taking into account that the nature of the application was more a matter of zoning boundary rectification, whether the zoning boundary of the application site (the Site) was subsequently amended by excluding the Site from the “Village Type Development” (“V”) zone, and if not, whether the zoning boundary would be adjusted according to the decision of the previous application via amendments to Outline Zoning Plan (OZP) in future;
- (b) background of acquisition of the Site;

BH and Development Scheme

- (c) noting that Small House developments at a lower site level within the same “V” zone was subject to a maximum BH of 8.23m, whether the proposed increase in BH would cause adverse impact on the Small House developments and whether the absolute BH of 10.5m for the proposed house development was determined with reference to the level of Castle Peak Road;
- (d) whether the lift machine room on the main roof and the backfilled area underneath B1/F of the proposed development were accountable for additional storeys, and whether there was any proposed use at the backfilled area;
- (e) locations of the proposed clubhouse and owner’s corporation office which were included in total gross floor area (GFA) of 435m²;

Planning Considerations

- (f) background of imposing a maximum PR of 0.75 subject to mitigation of noise impact from Castle Peak Road for the “Residential (Group C)” (“R(C)”) zone, and whether such PR control was a common practice;
- (g) whether the proposed development would cause any impact on the views from Castle Peak Road towards the waterfront; and
- (h) details of the landscape proposal including tree felling and compensation.

22. In response, with the aid of some PowerPoint slides, Mr Michael K.K. Cheung, STP/TWK, made the following main points:

Background of the Application

- (a) the Site fell within an area partly zoned “V” (47%) and partly zoned “R(C)” (53%) on the OZP. The previous application (No. A/TWW/68) was approved on review in 2004 and one of the considerations was that minor

alterations to boundaries between zones were permissible according to the Notes of the OZP. The zonings of the Site, which covered a single private lot, remained unchanged despite the approval of the previous application;

- (b) the applicant was not an indigenous villager and it was estimated that the Site was acquired by way of private land transaction. According to the applicant, the company was the owner of the Site since the previous application (No. A/TWW/68) had been submitted;

BH and Development Scheme

- (c) the proposed house development with an absolute BH of 10.5m was considered compatible with the surrounding environment of the Site. The Site abutting Castle Peak Road was located in the northern fringe of the “V” zone and the increased BH would not have adverse impact on the surrounding area, in particular the Small House developments at a lower level in the southern part of the “V” zone. To the east of the Site were existing low-rise residential clusters along Castle Peak Road with BHs ranging from 22 to 35mPD on varied site levels within the same “R(C)” zone. The absolute BH of 10.5m for the proposed house development was determined with reference to the mean site formation level;
- (d) as indicated in Drawing A-3 of the Paper, the proposed house development consisted of three storeys including 1/F for bedrooms, G/F for living and dining areas, and B1/F for a communal carpark. The lift machine room on top and backfilled area below were not accountable for additional storeys. While no information on the backfilled area was provided in the submission, there was no adverse comment from relevant Government departments in this regard;
- (e) as indicated in Drawing A-1 of the Paper, the clubhouse and owner’s corporation office were located on G/F of the proposed house development and the GFA of which had been taken into account in the calculation of total GFA;

Planning Considerations

- (f) the possible increase of maximum PR from 0.4 to 0.75 for the “R(C)” zone was examined under the land use review of Tsuen Wan West undertaken by PlanD in 2001. According to the review, a maximum PR of 0.75 for development within the “R(C)” zone would be technically feasible, but the potential traffic noise impact from Castle Peak Road needed to be mitigated. As such, the Committee in considering the development restrictions for the “R(C)” zone agreed to adopt a two-tier PR control where the maximum PR of 0.4 may be increased to 0.75 provided that the concerned noise impact would be mitigated to the satisfaction of the Town Planning Board (TPB) upon application. The two-tier PR control was hence incorporated on the OZP. To achieve the PR of 0.75 for the proposed development, mitigation measures such as installations of acoustic windows and self-protecting building design were proposed in the applicant’s submission to address the potential noise impacts, and the Environmental Protection Department (EPD) had no objection to the application from environmental perspective;
- (g) to the immediate east of the Site were existing low-rise residential clusters, including Flying Dragon Terrace and Ting Kau Villa with BH of three storeys (ranging from 32 to 35mPD) along Castle Peak Road. With such visual context, the proposed house development with a BH of about 34mPD would have negligible visual impact on the views from Castle Peak Road towards the waterfront; and
- (h) according to the applicant’s submission, there were 17 trees on the slopes within the Site. Despite the relatively large tree crowns, the trees were in fair condition and were considered not suitable for transplanting and therefore, proposed to be felled. According to Drawing A-6 of the Paper, 17 trees would be planted along Castle Peak Road and at the eastern and western peripheries of the Site with a compensatory tree planting ratio of 1:1. The proposed tree planting would also help alleviate the potential visual and landscape impacts of the proposed house development.

Deliberation Session

23. The Chairman recapitulated that the zonings of the Site and the development parameters under the current application were the same as those of the previously approved application, which had already lapsed. As illustrated in the site photos and the planning assessment, the proposed development with a BH of about 10.5m (as measured from the mean site formation level up to main roof) was considered generally compatible with the surrounding environment of the Site. Concerning the proposed development intensity of PR 0.75, which could be permitted upon application subject to mitigation of noise impact from Castle Peak Road, it was noted that EPD had no in-principle objection to the proposed development with implementation of the noise mitigation measures. Whether the proposed house use would be allowed on the Site, which fell within the 'Village Environs' of Ting Kau Village, from the land administrative perspective, the Lands Department (LandsD) would consider the issue during the processing of land exchange.

24. Whilst having no objection to the application, a Member remarked that backfilling of the slope within the Site for erection of the proposed house development was justified due to topographical constraint. Although there was no information on the filling material, the backfilled area would unlikely be usable. Regarding the proposed landscaping edge treatment in the form of vertical green wall for mitigating the potential visual impact on the neighbourhood of the Site, it was suggested that an additional advisory clause requesting the applicant to ensure the sustainability of the proposed green wall with proper maintenance during the lifetime of the building be imposed.

25. Member, having noted the villagers' concern that no development other than Small House should be allowed on the Site, suggested that the relevant District Office or LandsD might liaise with the villagers, conveying the message that the Site was under private ownership and the owner had development rights of the Site. The Chairman said that the suggestion would be conveyed to the relevant departments for follow-up action, as appropriate.

26. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the TPB. The permission should be valid until 17.3.2027, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

The permission was subject to the following conditions :

- “(a) the submission of an updated Drainage Impact Assessment for the proposed development and implementation of the drainage scheme identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the design and provision of the connection from the proposed development to the public sewerage system and the implementation of the mitigation measures identified in the Sewerage Impact Assessment to the satisfaction of Director of Drainage Services or of the TPB.”

27. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VII of the Paper with the following additional advisory clause:

“to ensure the sustainability of the proposed green wall with proper maintenance during the lifetime of the building.”

[The Chairman thanked Mr Clement Miu, Ms Jessica Y.C. Ho and Mr Michael K.K. Cheung, STPs/TWK, and Mr. Ringo Y.W. Yeung (TP/TWK) for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Kowloon District

[Ms Vivian M.F. Lai, District Planning Officer/Kowloon (DPO/K), Mr Mak Chung Hang and Ms Helen H.Y. Chan, Senior Town Planners/Kowloon (STPs/K), and Ms Peggy P.C. Tsui (TP/K) were invited to the meeting at this point.]

consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/345 Proposed Minor Relaxation of Building Height Restriction (from 10 Storeys to 11 Storeys) for Permitted Educational Institution Use (Academic Complex) in "Government, Institution or Community (7)" Zone, 224 Waterloo Road (Part), Kowloon Tong, Kowloon
(MPC Paper No. A/K18/345A)

32. The application site (the Site) was located in Kowloon Tong. The application was submitted by the Hong Kong Baptist University (HKBU) and Wong & Ouyang (Hong Kong) Limited (WOHK) was one of the consultants of the applicant. The following Members had declared interests on the item:

Ms Sandy H.Y. Wong - being a former member of the Campus Building Committee of HKBU and involving in the subject development;

Mr Stanley T.S. Choi - his spouse being a court member of HKBU and a director of a company which owned properties in Kowloon Tong;

Professor Jonathan W.C. Wong - being an employee of HKBU; and

Mr Franklin Yu

- having past business dealings with HKBU and Wong & Ouyang (Building Services) Limited, which was related to WOHK.

33. The Committee noted that Professor Jonathan W.C. Wong had tendered an apology for being unable to attend the meeting. As the interests of Ms Sandy H.Y. Wong and Mr Stanley T.S. Choi were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. As Mr Franklin Yu had no involvement in the application, the Committee agreed that he could stay in the meeting.

[Ms Sandy H.Y. Wong and Mr Stanley T.S. Choi left the meeting temporarily at this point.]

Presentation and Question Sessions

34. With the aid of some plans, Mr Mak Chung Hang, STP/K, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

35. Members had no question on the application.

Deliberation Session

36. The Chairman remarked that whilst the building height (BH) of 10 storeys up to the main roof level of the proposed building was in line with the building height restriction (BHR) for the subject “Government, Institution or Community (7)” zone, the application for minor relaxation of BHR for one storey was sought for accommodating some roof-top ancillary structures which should be counted towards the height of the building according to Joint Practice Note No. 5, resulting in an overall BH of 11 storeys.

37. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.3.2027, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of Land Contamination Assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (b) the design and provision of vehicular access, parking spaces, loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB.”

38. The Committee also agreed to advise the applicant to note the advisory clause as set out at Appendix III of the Paper.

[Ms Sandy H.Y. Wong and Mr Stanley T.S. Choi rejoined the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/34 Proposed Minor Relaxation of Building Height Restriction for Permitted Commercial and Trade Mart Redevelopment including Exhibition/Convention Hall, Office, Eating Place and Shop and Services Uses in “Other Specified Uses” annotated “Trade Mart and Commercial Development” Zone and area shown as ‘Road’, New Kowloon Inland Lot No. 6032, 1 Trademart Drive, Kowloon Bay, Kowloon
(MPC Paper No. A/K22/34)

Presentation and Question Sessions

39. With the aid of a PowerPoint presentation, Ms Helen H.Y. Chan, STP/K, briefed Members on the background of the application, the proposed development, departmental and

public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

Building Height (BH) and Development Scheme

40. Some Members raised the following questions:
- (a) the existing building height (BH) of the Kowloon Bay International Trade and Exhibition Centre (KITEC) at the application site (the Site), which had a bearing on the extent of minor relaxation of the building height restriction (BHR) sought;
 - (b) whether there was any previous case or reference in considering the relatively large extent of minor relaxation of BHR sought (i.e. from 100mPD to 140mPD or +40%);
 - (c) the proposed floor-to-floor height (FTFH) for the office tower portion;
 - (d) whether there was any assessment on the Outline Zoning Plan (OZP) compliant scheme submitted by the applicant;
 - (e) why the at-grade open plaza was planned underneath the Kwun Tong Bypass noting that such location might be susceptible to poor air quality and lighting;
 - (f) noting the proposed gross floor area (GFA) of 11,285m² for Trade Mart use was formulated some two decades ago, whether there was any current study on the demand for convention and exhibition facilities ascertaining optimum scale of such facilities in the proposal; and
 - (g) noting an objecting public comment on grounds of insufficient market demand for commercial floor space, whether such factor had been taken into consideration in the planning assessment.
41. With the aid of some plans and PowerPoint slides, Ms Vivian M.F. Lai, DPO/K

and Ms Helen H.Y. Chan, STP/K, made the following main points:

- (a) the existing BH of KITEC at the Site was 52mPD which was then subject to the previous airport height restrictions;
- (b) each application for minor relaxation of BHR was considered on a case-by-case basis subject to its specific circumstance and its impact on the surrounding environment. The BH of the proposed development was compatible with those of the surrounding environment in Kowloon Bay Business Area (KBBA), which was dominated by commercial developments with BHR of 140mPD as stipulated on the Ngau Tau Kok and Kowloon Bay OZP. Various sites had been redeveloped to the BH of 140mPD (e.g. Goldin Financial Global Centre). Besides, significant adverse visual impact generated by the proposed development was not anticipated when compared with the OZP compliant scheme as demonstrated in photomontages with selected public viewing points, including those in Kowloon Bay (i.e. football court or nearby buildings) or further one such as at King Wan Street Leisure Path. The Site was also subject to rezoning history as detailed in paragraph 4 of the Paper. In June 2001, the Committee agreed in-principle to a rezoning request for the Site, which was subsequently rezoned from “Other Specified Uses” annotated “Trade Mart or Industrial/Godown Use” to “OU(Trade Mart and Commercial Development)” with BHR of 185mPD on the then Kai Tak (North) OZP No. S/K19/2 gazetted in August 2001. Lease modification specified with a maximum BH of 185mPD in accordance with the stipulated BH was granted in 2005 for the Site. In 2006, upon completion of the Kai Tak Planning Review with “no reclamation” as the starting point, the Kai Tak (North) OZP where the Site was located and the Kai Tak (South) OZP were replaced by the draft Kai Tak OZP No. S/K22/1, on which the BHR of the Site, albeit being next to the KBBA, was revised from 185mPD to 100mPD taking into account the BH profile of Kai Tak in inland area with BH of 100mPD descending towards 80mPD in the South Apron Corner along the waterfront;

- (c) the proposed FTFH for the office tower portion was 4.385mPD, which was comparable to that of the newly developed office buildings (i.e. 4.2 to 4.5mPD) in Kowloon Bay and Kwun Tong areas;
- (d) two development scenarios at BH of 100mPD and full podium extent coverage, one with the existing plot ratio (PR) of 7.4 as maintained in the proposed scheme and the other with a higher PR of 12 as permitted under OZP, were explored by the applicant. According to the Air Ventilation Assessment, the air ventilation performance of the proposed scheme with taller buildings and smaller site coverage was not worse off as compared with that of the OZP complaint scheme, as with a smaller podium, more at-grade area (i.e. about 30%) would be freed up to facilitate air ventilation;
- (e) as compared with a location close to the heavily trafficked at-grade Kai Fu Road, the proposed location of the open plaza situated to the east of Trademart Drive was considered more desirable in terms of potential traffic noise;
- (f) the GFA for Trade Mart use, as proposed by the applicant, was in compliance with the existing lease condition for the Site. No assessment on the territorial demand for convention and exhibition facilities had been undertaken, nor such demand had been taken into consideration. Notwithstanding that, 'Exhibition/Convention Hall' was always permitted in the subject "OU(Trade Mart and Commercial Development)" or "Other Specified Uses" annotated "Business" zones which provided flexibility for project proponents to adjust the development mix to meet the changing market demand; and
- (g) commercial related uses were always permitted within the subject "OU(Trade Mart and Commercial Development)" zone which allowed flexibility in development mix. The unique location of the Site being in close proximity to KBBA was favourable for commercial development, and the proposed development also echoed the development themes of Central Business District 2 (CBD2).

Pedestrian Accessibility/Connectivity

42. Some Members raised the following questions:

- (a) whether the proposed footbridge connections were sufficient to cater for the large number of pedestrians brought about by the proposed development on a relatively larger site area; and
- (b) noting that more GFA was dedicated for office use which would attract more employees/pedestrians, how the Green Link and Green Spine planned by the Government could enhance the pedestrian accessibility from MTR Kowloon Bay Station to the Site and the KBBA in a wider context, and if there was any future plan for elevated walkway system in the area, given that the existing walking experience in the area was unpleasant.

43. With the aid of some plans and PowerPoint slides, Ms Vivian M.F. Lai, DPO/K and Ms Helen H.Y. Chan, STP/K, made the following main points:

- (a) given the elongated shape of the development and the relatively long building frontage under the proposed scheme, the applicant proposed an opening to connect with an existing footbridge leading to the Electrical and Mechanical Services Department Headquarters across Kai Cheung Road to its north and another opening to connect with a planned footbridge to its south, which would further connect to Kai Tak area across Kai Fuk Road to enhance pedestrian connectivity to the north and south of the Site. Relevant departments had no comment on the above connections; and
- (b) under the initiatives of Energizing Kowloon East, landscaped and barrier-free pedestrian environment would be promoted with Green Link and Green Spine with a view to enhancing pedestrian connectivity and comfort in the area. As indicated in Drawing A-27 of the Paper, the Green Link and Green Spine comprised north/south and east/west sections. The east/west sections would facilitate pedestrian connection between the Site and MTR Kowloon Bay Station with landscaped and decluttered

environment along the route. The Green Link, albeit zig-zag, would provide at-grade green pedestrian linkages to the Kowloon Bay Action Area. Under the policy of “Facilitating Provision of Pedestrian Links by the Private Sector” providing incentives for private developers to link up different areas in KBBA, the elevated walkway system would be gradually implemented to improve pedestrian connectivity in the area in the long run.

Transport Facilities

44. Some Members raised the following questions:

- (a) since office development would attract more pedestrian flows, whether the existing shuttle bus service between the Site and MTR Kowloon Bay Station would be provided upon redevelopment; and
- (b) details of proposed parking space provision as compared with the existing provision, and whether a high-end standard was adopted for the proposed development.

45. With the aid of some plans and PowerPoint slides, Ms Vivian M.F. Lai, DPO/K and Ms Helen H.Y. Chan, STP/K, made the following main points:

- (a) according to the submitted Traffic Impact Assessment (TIA), shuttle bus service between the Site and nearby connection points would be maintained; and
- (b) the car parking provision was stipulated under lease modification in 2005. The Transport Department had reviewed the TIA and had no objection in principle to the application subject to, inter alia, provision of parking and loading/unloading facilities following the requirement under the Modification Letter dated 20.1.2005 governing the Lot.

Deliberation Session

46. The Chairman remarked that the proposed development on the Site was always

permitted on the OZP and, despite the unique history of the Site with changes in BHR from 185mPD on the then Kai Tak (North) OZP to 100mPD as currently imposed on the Kai Tak OZP, the existing maximum BH specified under the lease was 185mPD. For the proposed minor relaxation of BHR to 140mPD, the applicant had put forth various planning and design merits including the provision of more public landscaped spaces such as the at-graded open plaza capitalizing on the relaxed BH. Members were invited to consider if the proposed relaxation was considered acceptable.

47. Members generally had no objection to the application. A Member considered that the proposed BH of 140mPD was acceptable taking into account the BHR of the neighbouring buildings/sites. The proposed design initiatives, such as building separations above podium and at-grade open plaza, could enhance visual openness and facilitate air ventilation in the area. The proposed development could also be perceived as a transition within a stepped BH profile descending progressively from the inland of KBBA to the harbourfront of Kai Tak Development. Another Member considered that the existing KITEC had not optimised land utilisation of the Site and the provision of performance venues thereat was insufficient.

48. Some Members expressed the following views/concerns regarding pedestrian accessibility and connectivity of the Site and in KBBA in general:

- (a) the vibrancy of the proposed development especially the open plaza would largely hinge on the pedestrian accessibility of the Site;
- (b) poor pedestrian accessibility might be one of the reasons for low occupancy rate of the office buildings in Kowloon Bay as mentioned in the public comments;
- (c) given the anticipated increase in pedestrian flows brought about by the office portion of the proposed development, the two footbridge connections to the north and south of the Site or the current provision of shuttle bus service would not be sufficient to cater for the future demand. It was suggested to incorporate an additional advisory clause requesting the applicant to provide sufficient shuttle bus service to MTR Kowloon Bay Station and to explore the provision of additional services covering more

destinations in the area to help divert the passenger flows;

- (d) the current policy initiatives to encourage the provision of footbridge connection point at each development site was on a voluntary basis, and there were no details on the implementation agents;
- (e) there should be a holistic planning on multi-level pedestrian connectivity, such as provision of different kinds of pedestrian facilities like subway and escalator in addition to footbridge, and on enhancement of pedestrian environment, such as provision of street shading/canopy, for the area with implementation agents clearly identified;
- (f) consideration could be given to reducing the waiting time for traffic lights at pedestrian crossings in the Green Link and Green Spine; and
- (g) while there was an advisory clause asking the applicant to note the comments of Energizing Kowloon East Office (EKEO) of the Development Bureau in relation to pedestrian connections, it was suggested to elaborate the clause to invite the applicant to explore the possibility of further enhancing pedestrian connections to the proposed development.

49. The Chairman concluded that Members considered the proposed relaxation of BH acceptable and had no objection to the application. Members' concerns on pedestrian connectivity and the need for shuttle bus services in KBBA/CBD2 area were agreeable. The Government would continue to take suitable opportunities to improve the pedestrian environment and connectivity of the area through a multi-pronged approach, such as the prevailing programmes or initiatives promoted by EKEO to encourage private developers to enhance pedestrian connectivity, especially the provision of elevated walkways, via redevelopment projects, whereas the relevant Government departments would follow up on enhancing pedestrian connectivity on a wider district level. Taking into account Members' views, the Chairman proposed and Members agreed to incorporate two additional advisory clauses to invite the applicant (i) to provide sufficient shuttle bus service between the proposed development and MTR Kowloon Bay Station and explore the possibility to provide additional shuttle bus services for connections with other nearby destinations; and (ii) to further review and enhance pedestrian connectivity between the proposed development and nearby area in consultation with relevant Government bureaux/departments during the

detailed design stage.

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.3.2027, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in (a) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission of a Quantitative Risk Assessment prior to the commencement of construction works to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB;
- (d) the implementation of the mitigation measures identified in the Quantitative Risk Assessment in (c) above prior to the occupation of building to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB;
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (f) the design and provision of vehicular access, parking spaces, loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB; and
- (g) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

51. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper with the following additional advisory clauses:

“to provide sufficient shuttle bus service between the proposed development and MTR Kowloon Bay Station and to explore the possibility to provide additional shuttle bus services for connections with other nearby destinations; and

to further review and enhance pedestrian connectivity between the proposed development and nearby area in consultation with relevant Government bureaux/departments during the detailed design stage.”

[The Chairman thanked Ms Vivian M.F. Lai, DPO/K, Mr Mak Chung Hang and Ms Helen H.Y. Chan, STPs/K, and Ms Peggy P.C. Tsui, TP/K, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 9

Any Other Business

52. There being no other business, the meeting was closed at 11:20 a.m..