

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K22/21

<u>Applicant</u>	:	The Hong Kong and China Gas Company Limited
<u>Site</u>	:	Government Land near Concorde Road to the northwest of Kai Ching Estate, Kai Tak Development
<u>Site Area</u>	:	3.5m ² (about)
<u>Land Status</u>	:	Government Land
<u>Plan</u>	:	Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/6
<u>Zoning</u>	:	‘Road’
<u>Application</u>	:	Proposed Public Utility Installation (Aboveground Gas Governor Kiosk)

1. The Proposal

- 1.1 The applicant seeks planning permission for installing a proposed aboveground gas governor kiosk (the proposed kiosk) at the application site (the Site) near Concorde Road to the northwest of Kai Ching Estate, Kai Tak Development (KTD), which falls within an area shown as ‘Road’ on the approved Kai Tak OZP No. S/K22/6 (**Plan 1**). According to the Notes of the OZP, the proposed kiosk being a ‘Public Utility Installation’ in area shown as ‘Road’ requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the function of the proposed kiosk is for reducing the medium inlet pressure to a low outlet pressure through the gas regulator for supply of gas to the surrounding commercial and residential developments in the North Apron area of KTD. The proposed kiosk is of dimensions of 2.322m (length) x 1.504m (width) x 1.966m (height) and a total floor area of 3.5m². Excavation of land of about 1.5m in depth would be required. The detailed design drawings and visual illustration of the proposed kiosk provided by the applicant are at **Drawings A-1** and **A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 9.7.2018 with supporting documents (**Appendix I**);

- (b) email received on 19.7.2018 providing clarification on the background of the application (**Appendix Ia**); and
- (c) email received on 15.8.2018 proposing to revise the application site boundary and reduce the site area (**Appendix Ib**); and
- (d) email received on 24.8.2018 providing a drawing on the revised site boundary (**Appendix Ic**).

2. Justifications from the Applicant

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

- (a) The proposed kiosk is an essential gas installation to regulate gas pressure for supply of gas to the commercial and residential developments at the North Apron area of KTD.
- (b) The proposed kiosk must be located in the vicinity of the residential sites at the North Apron area in order to provide gas supply to the local residents. It is not practical to install the proposed kiosk outside KTD.
- (c) A number of factors have been taken into account in the course of site selection for the proposed kiosk, which include avoidance of obstruction to pedestrian and traffic flow, 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 kiosk. Upon liaising with the concerned government departments, the Site is identified as the most suitable location for installation of the proposed kiosk.

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

As the Site involves 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 Site.

5. Similar Application

There is a similar planning application (No. A/K22/19) for the same gas governor kiosk use of similar scale at a site of about 650m to the southeast of the Site near Tak Long Estate, which is zoned “Other Specified Uses” annotated “Amenity Area” (“OU(Amenity Area)”) on the OZP (**Plan A-1**). The application was approved by the Metro Planning Committee (the Committee) on 23.6.2017 mainly for reasons that the proposed kiosk was an essential utility

in support of the surrounding developments, its scale was small and it would not have significant impacts on the surrounding environment.

6. The Site and Its Surrounding Areas

- 6.1 The Site is located within an area shown as 'Road' near Concorde Road to the northwest of Kai Ching Estate (**Plan A-2**). The area is currently a works site of the Civil Engineering and Development Department (CEDD) for infrastructure works (**Plan A-4**).
- 6.2 The surrounding areas have the following characteristics (**Plans A-1 to A-3**):
- (a) to the north of the Site are Concorde Road (which will be reconstructed and realigned to the south of the Site) and Prince Edward Road East. The nearest residential developments of Kai Ching Estate, Rhythm Garden and King Tai Court are about 120m to 150m to the southeast, northeast and northwest of the Site;
 - (b) to the immediate southeast of the Site is a site zoned "Other Specified Uses" annotated "Mixed Use (3)" which is intended for mixed commercial and residential development; and
 - (c) to the immediate west of the Site is a proposed landscaped elevated walkway over Concorde Road and Prince Edward Road East connecting Kai Tak City Centre and the San Po Kong area. To the west of the proposed elevated walkway is a site zoned "Government, Institution or Community" where the planned Kowloon East Police Headquarters and Operational Base cum Ngau Tau Kok Divisional Police Station is under construction (**Plan A-4**).

7. Planning Intention

Area shown as 'Road' on the OZP is intended for the development of roads and related facility/infrastructure.

8. Comments from Relevant Government Departments

- 8.1 The following government 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) The Site falls within a temporary government land allocation granted to CEDD as a works site for infrastructure works for a period up to 31.12.2021.

- (b) Subject to no objection from CEDD to early surrender of the concerned area, should the planning application be approved by the Board, the applicant is required to apply to his office for a short term tenancy (STT) to give effect to the proposal. However, there is no guarantee that the STT 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, including payment of any administration fee and rent, as imposed by LandsD.

Building Matters

8.1.2 Comments of the Chief Building Surveyor/Kowloon, Buildings Department:

- (a) He has no objection to the application.
- (b) The Site is located at Concorde Road. Under section 41(1)(c) of the Buildings Ordinance (BO), any street or access road vested in and maintained by the Government are exempted from the provisions of the BO.
- (c) If the site 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.

Civil Engineering

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

- (a) He has no adverse comment on the application from the project interface point of view.
- (b) As per the previous coordination among CEDD's consultants (Ove Arup and Partners Hong Kong Ltd) and The Hong Kong and China Gas Company Limited, it is understood that the proposed gas kiosk will be installed upon completion of CEDD's Stage 3B infrastructure works project by end 2020 such that there should not be any implication to the said CEDD project. The soft landscaping works within the footprint of the kiosk will be omitted from the said CEDD project.

Environment

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

- (a) In view of the small scale and nature of the project, the application is unlikely to result in adverse environmental impact. As such, he has no objection to the application.

- (b) Notwithstanding the above, the applicant should observe the mitigation measures 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):

Significant visual and landscape impact arising from the application is not envisaged.

Gas and Electricity Safety

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

- (a) He has no adverse comment on the proposed installation of the aboveground gas governor kiosk at the Site from the gas safety point of view, and no particular comment on the application from the electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Water Supplies

8.1.7 Comments of the Chief Engineer/Kowloon, Water Supplies Department:

- (a) He has no objection to the application.
- (b) The applicant should note the alignment of the existing water mains and waterworks installations in the vicinity of his proposed works and take necessary actions.
- (c) His detailed comments are at **Appendix II**.

District Officer’s Comments

8.1.8 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 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.

Others

8.1.9 Comments of the Director of Leisure and Cultural Services:

- (a) He has no objection to the application.
- (b) The latest tree preservation guidelines and regulations should be strictly followed. Tree transplanting or compensation plan should also be provided in case tree removal is necessary.

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

- (a) Head of Energizing Kowloon East Office, Development Bureau;
- (b) Director of Fire Services;
- (c) Commissioner for Transport (C for T);
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Engineer 1/Major Works, Major Works Project Management Office, Highways Department; and
- (f) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD).

9. Public Comment Received During Statutory Publication Period

On 17.7.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 7.8.2018, no public comment was received.

10. Planning Considerations and Assessments

10.1 The subject application is for a proposed aboveground gas governor kiosk, which is for regulating the gas supply pressure from medium pressure to low pressure to serve the commercial and residential developments at the North Apron area of KTD. The Site falls within an area shown as 'Road' on the OZP which is intended for the development of roads and related facility/infrastructure and has a distance of 16m from Concorde Road. The proposed kiosk will only occupy a small area of about 3.5m² (2.322m (length) x 1.504m (width)) at the roadside of the concerned area and will unlikely obstruct sightline of vehicles. Both C for T and CHE/K of HyD have no adverse comment in this regard.

- 10.2 The proposed kiosk is an essential utility in support of the surrounding developments at the North Apron area of KTD. In view of the small scale of the installation, the application would not have significant impacts on the environmental, traffic, visual and landscape, gas and electricity safety, fire safety, drainage and water supplies aspects. The applicant indicated that he has considered a number of factors in the course of site selection, which include avoidance of obstruction to pedestrian and traffic flow, land use compatibility, impacts on landscape features and underground utilities installations, and the future operation and maintenance arrangements. Relevant government departments consulted including PM(E) of CEDD, DEMS, DEP and CTP/UD&L of PlanD have no objection to or no adverse comment on the application. A similar application (No. A/K22/19) for the same use within the "OU(Amenity Area)" zone in KTD was approved by the Committee on 23.6.2017.
- 10.3 No public comment on the application was 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 7.9.2022, 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 advisory clauses suggested for Members' reference are attached at **Appendix III**.
- 11.3 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 9.7.2018 with Supporting Documents
Appendix Ia	Further Information received on 19.7.2018
Appendix Ib	Further Information received on 15.8.2018
Appendix Ic	Further Information received on 24.8.2018

Appendix II	Detailed Departmental Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Detailed Design Drawings of the Proposed Kiosk
Drawing A-2	Visual Illustration of the Proposed Kiosk
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Layout Plan
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2018**