

Kowloon District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K15/6 Application for Amendment to the Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/27, To rezone the application site from “Comprehensive Development Area” to “Commercial (1)”, 428 Cha Kwo Ling Road, Yau Tong Bay, Yau Tong, Kowloon
(MPC Paper No. Y/K15/6A)

35. The Secretary reported that Ove Arup & Partners Hong Kong Limited (ARUP) was one of the consultants of the applicant. Mr Franklin Yu had declared an interest on the item for his firm having current business dealings with ARUP. As Mr Franklin Yu had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

36. The following representatives from the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point:

PlanD

Ms Vivian M.F. Lai	- District Planning Officer/Kowloon
Mr Steven Y.H. Siu	- Senior Town Planner/Kowloon (STP/K)
Mr Kenneth P.C. Wong	- Town Planner/Kowloon

Applicant

Ever Sun International Holdings Limited

Dr Eddy Li Sau Hung
Mr Yau Kit Chi

Applicant's Representatives

Arup Hong Kong Limited

Ms Yeung Wing Shan, Theresa

Mr Lim Tse Kang Mark

Mr Wong Sek Hei

Associated Architects Limited

Ms Lee So Kwan

Mr Ip Kwun Lun

37. Mr Stanley Choi declared that he and Dr Eddy Li Sau Hung both were council members of Hong Kong Chinese Importers and Exporters Association. The Committee noted that as the interest of Mr Stanley T.S. Choi was indirect and he had not discussed with Dr Li about the application, the Committee agreed that he could stay in the meeting.

38. The Chairman extended a welcome and explained the procedures of the meeting. He then invited PlanD's representatives to brief Members on the background of the application.

39. With the aid of a PowerPoint presentation, Mr Steven Siu, STP/K, briefed Members on the history of the application site (the Site), background of the application, the proposed rezoning to facilitate redevelopment of the existing industrial building (IB) at the Site, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. PlanD had no in-principle objection to the application.

40. The Chairman then invited the applicants' representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Theresa Yeung, the applicant's representative, made the following main points:

Planning Background of the Site

- (a) the Site was located in an area zoned "Comprehensive Development Area" ("CDA") for commercial/residential uses subject to a maximum plot ratio (PR) of 5 and a maximum building height (BH) of 120mPD;

- (b) the existing Wing Shan Industrial Building (WSIB) on the Site had a non-domestic PR of about 11;
- (c) the latest set of building plans pursuant to the wholesale conversion of WSIB for retail use was approved by the Building Authority on 18.2.2011, and the applicant had received the No-objection Letter for lease modification from the Lands Department;
- (d) the planned public waterfront promenade (PWP) along Yau Tong Bay would be blocked by WSIB as the building was constructed before the requirement for provision of PWP was stipulated on the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP);

The Proposed Development

- (e) the current development proposal of WSIB put forth by the applicant could help realise a continuous PWP along Yau Tong Bay, achieving seamless connection and integration with the PWP in Kowloon East;
- (f) the proposed development, namely The Rainbow Tower, would have a non-domestic PR of 11 (the same as the existing WSIB), a BH of 130mPD, and a PWP of about 20m wide which was 5m wider than the 15m minimum requirement stipulated in the Notes of the “CDA” zone;
- (g) the proposed development would form an iconic landmark to help transform Yau Tong Bay into a vibrant eastern gateway;
- (h) apart from offices, the proposed development would provide retail shops as well as food and beverage uses along the harbourfront of Yau Tong Bay, creating a new destination along Victoria Harbour;
- (i) the proposed development would provide a building setback from the proposed residential development to the east, and a 24-hour pedestrian

access connecting Cha Kwo Ling Road and the PWP;

- (j) there was no adverse comments/no in-principle objection from relevant government bureau/departments on the proposed development; and
- (k) it was proposed to rezone the site from “CDA” to “Commercial(1)” (“C(1)”) with a maximum PR of 11, a maximum BH of 130mPD and provision of a PWP of minimum width of 15m. It was also proposed to include ‘Marine Related Facilities’ and ‘Marina’ as Column 1 and 2 uses respectively for the proposed “C(1)” zone to facilitate the proposed public landing step at the PWP and to allow flexibility for the incorporation of marina related uses at the Site in the future, with a view to creating an iconic commercial node and a vibrant harbourfront with marina at Yau Tong Bay for public enjoyment.

41. As the presentations of PlanD’s representative and the applicants’ representative were completed, the Chairman invited questions from Members.

Planning Gains and Proposed BH

42. A Member considered that while the proposed 24-hour pedestrian access and 20m-wide PWP were beneficial, the former might not be necessary since there was already a planned pedestrian access to the immediate east of the Site to connect Cha Kwo Ling Road and the PWP, and the PWP was only required to be 15m in width under the OZP. The proposed planning gains appeared to have been provided at the expense of an increased BH, and the resulting building bulk might overshadow the surroundings. The Member asked PlanD whether it was necessary to relax the height of the proposed development from 120mPD to 130mPD under the OZP as proposed by the applicant.

43. In response, Mr Steven Siu, STP/K, made the following main points:

- (a) the Site’s planning background was unique in that WSIB was built to a PR of about 11 and the applicant had obtained relevant approvals for wholesale conversion of the existing WSIB. The applicant had proposed a series of

planning gains under the current redevelopment proposal, including a PWP of 20m wide with an area of not less than 1,205m², which was about one quarter of the site area and hence limiting the area available for the tower block. Against such background, the proposed BH of 130mPD to achieve a PR of 11 at the Site was not considered unreasonable;

- (b) to accommodate a PR of 11, the applicant had tried to maximise the site coverage of the proposed development, resulting in a relatively large proposed floor plate. As seen in the approved master layout plan (MLP) under Application No. A/K15/112 and the photomontage of Yau Tong Bay submitted by the applicant, the building frontages of the proposed residential buildings on the northern side of Yau Tong Bay fronting the PWP was comparable to the proposed development at the Site. Given the unique planning circumstances, the proposed development was not considered incompatible with the surroundings; and
- (c) with regard to the pedestrian access to the immediate east of the Site, the developer of that lot had no concrete development programme. There was also no concrete programme to relocate the government uses to the west of the Site. The applicant had pledged to provide a 3m wide at-grade pedestrian path and the 20m wide PWP within the Site as soon as possible to enhance accessibility between the harbourfront and the hinterland for public enjoyment.

44. In response to a Member's question on whether it would be possible to reduce the BH if the width of PWP was reduced to 15m, i.e. the minimum requirement stipulated under the OZP, Ms Lee So Kwan, the applicant's representative, said that in general, a larger building footprint could result in a larger per floor footprint. Under the applicant's proposal, a floor-to-floor height of 4.3m was adopted for the proposed Grade A office floors. For reference, other developers had proposed a 5m floor-to-floor height for Grade A office floors. A 10m reduction in height for the proposed scheme would result in a reduction of three typical floors. A reduction in tower setback from the eastern and western boundaries to compensate for the reduction in floor space would also be undesirable. The applicant had also reduced the proposed BH by proposing a basement carpark.

45. In response the Chairman's enquiry about the design considerations for the proposed BH, Ms Theresa Yeung, the applicant's representative, made the following points:

- (a) as compared to the existing WSIB, one-quarter of the total area of the Site was reserved for the PWP under the current proposed scheme. Tower setbacks were also proposed from both the eastern and western boundaries, allowing a building separation with the proposed building to the east and improving the visual permeability;
- (b) in addition to the provision of the 3m wide pedestrian access connecting the hinterland and PWP and the 20m wide PWP, the applicant had also pledged to provide public landing steps at the PWP as a planning gain. Similar to the PWP, the public landing steps would be managed and maintained by the applicant until they were requested to be surrendered to the Government. The proposed development could provide commercial facilities to visitors and residents coming from eastern side of the Site to Yau Tong Bay PWP; and
- (c) the applicant had made reference to the BH of the "C" zone on the same OZP. With a maximum PR of 12, the BH of buildings within the "C" zone could reach up to 140mPD and 120mPD for sites with no PWP provision requirement. The applicant had made efforts to maximise the site coverage and reduce the BH of the proposed development.

46. In response to a Member's enquiry on the feasibility of increasing the current site coverage, Ms Theresa Yeung, the applicant's representative, said that the current site coverage was about 45%. The strips along the eastern and western boundaries of the Site were reserved as air ventilation corridors. Further increasing the site coverage of the proposed development would worsen air ventilation performance, which might not be acceptable to government departments.

47. In response to the Chairman's enquiry about the PR should the BH of the proposed development be restricted to 120mPD, Ms Theresa Yeung, the applicant's

representative, said that they did not have such calculation as they would not consider a scheme with a PR lower than that of the existing provision. Dr Eddy Li Sau Hung, the applicant's representative, added that they had to take into consideration reasonable floor-to-floor height which would be attractive to the market.

48. A Member raised the following questions:

- (a) whether there was any means to control the width of the PWP along the harbourfront so that there would not be an abrupt widening of PWP from the adjacent land parcels to the 20m wide promenade at the Site; and
- (b) the design concept of the height profile of the approved MLP for the Yau Tong Bay "CDA" submitted by the Consortium.

49. In response, Mr Steven Siu, STP/K, made the following points:

- (a) according to the Notes of the OZP for the "CDA" zone, a PWP of not less than 15m wide and site area not less than 24,700m² should be provided. The site area of not less than 24,700m² was equivalent to a promenade measured at 20m in width along the entire harbourfront, with undulations in width to allow design variations, taking into account the potential development constraints of the sites;
- (b) for the previously approved MLP, the adjacent lot to the immediate east of the Site would provide a PWP with a maximum width of 18m to 19m, with an undulation further to the east taking into account the footprint of the proposed residential tower. For the Site, as shown in the applicant's proposal, a 20m wide PWP would be maintained along the Site with no undulation; and
- (c) according to the endorsed Planning Brief for the Yau Tong Bay "CDA" zone, a distinct graduation of height profile with descending BH towards the harbourfront should be adopted with innovative design and appropriate disposition in order to avoid a monotonous harbourfront image and wall

effect. The westernmost towers of the “CDA” zone should have BHs of about 60mPD. The height of the building blocks in front of Yau Tong Estate should be kept as low as possible to minimise the adverse visual impact of the development.

50. In response to the Chairman’s question on whether PlanD had any views on the proposed BH of 130mPD, Mr Steven Siu, STP/K, said that given the Site’s unique circumstances and planning background, and that some high-rise development proposals along the harbourfront had also been agreed by the Committee in recent years such as the BHR of 110/130mPD for the committed Cha Kwo Ling Village (CKLV) public housing development to the northwest of the Site, the proposed BH of 130mPD for the Site was considered acceptable in the given circumstances and generally in line with the latest planning circumstances.

51. In response to a Member’s enquiry on whether the proposed development would set a precedent, Mr Steven Siu, STP/K, said that given the Site’s unique circumstances and planning background as presented and discussed at the meeting, the subject application should be considered on its own individual merits and the proposed BH of 130mPD to achieve a PR of 11 was not considered unreasonable in the given circumstances.

52. The Chairman asked the applicant’s representatives whether they had any objection to the incorporation of the requirements for a PWP of 20m-wide and an at-grade north-south pedestrian path of 3m-wide connecting Cha Kwo Ling Road and the PWP, as proposed by the applicant, into the Notes of the OZP as appropriate. Ms Theresa Yeung, the applicant’s representative, confirmed that they had no objection to the stipulation of such requirements in the OZP, which would also be reflected in the lease.

53. In response to a Member’s question on whether there were other planning merits for the public (e.g. Government, institution or community (GIC) facilities) apart from the provision of pedestrian connection and PWP, Mr Steven Siu, STP/K, made the following points:

- (a) apart from the 3m wide public passageway and the 20m wide PWP, the applicant had proposed a set of landing steps that would be opened for

public use;

- (b) all the GIC facilities prescribed for the “CDA” zone under the endorsed Planning Brief, such as the Integrated Children and Youth Services Centre, Integrated Vocational Rehabilitation Services Centre and Hostel for Moderately Mentally Handicapped Persons, had been committed at the adjacent Phases 1 and 2 development under the approved MLP; and
- (c) other social welfare facilities suggested by the public, such as child care centre, had also been included in the housing development at CKLV and Ex-Cha Kwo Ling Kaolin Mine Site Phase 2 Development in the vicinity of the Site.

54. Ms Theresa Yeung, the applicant’s representative, supplemented that landside supporting facilities were not proposed in the “CDA” proposal submitted by others (the Consortism). In that regard, although marina did not form part of the applicant’s notional scheme, the proposed inclusion of ‘Marina’ as a Column 2 use in the Notes would allow flexibility for provision of landside facilities at the Site directly related to marina activities in the future under planning application.

Proposed Commercial Use

55. A Member raised the following questions to the applicant’s representatives:

- (a) the consideration for having a commercial development at the Site against the approved MLP of the “CDA” zone; and
- (b) how to connect the Site with the hinterland, and the planning gains.

56. In response, Ms Theresa Yeung, the applicant’s representative, made the following points:

- (a) the planning intention of the Yau Tong Bay “CDA” zone was for comprehensive development/redevelopment of the area for residential

and/or commercial uses with the provision of open space and other community and supporting facilities;

- (b) Phases 1 and 2 under the latest approved MLP for the “CDA” site (submitted by the Consortium) were mainly residential development with a small portion of commercial development adjacent to Yau Tong MTR Station. The proposed commercial development at the Site would bring more vibrancy to the Yau Tong waterfront and provide retail shops for residents in the area. The Site was a prominent location conducive to commercial development with its high accessibility to the nearby Yau Tong MTR Station and the connecting waterfront promenade extending all along to Cha Kwo Ling and the second Core Business District. A 24-hour public passageway was also proposed within the Site to improve the connectivity of the hinterland and the harbourfront; and
- (c) it should be noted that the Government might request the applicant to surrender the PWP and the landing steps area in the future. Nonetheless, the applicant proposed to provide retail shops on the G/F fronting the PWP for public enjoyment in future.

57. In response to a Member’s enquiry on the reason for not proposing a residential development to tally with the adjacent residential developments under the MLP, Dr Eddy Li Sau Hung, the applicant’s representative, made the following points:

- (a) the applicant had no intention and experience in developing residential properties, and residential development was not in line with their business plan;
- (b) in light of the vision to realise a connected PWP, the applicant had put on hold their previous plan to convert the WSIB into retail/F&B use for a decade, waiting for the Yau Tong “CDA” to mature; and
- (c) the Site was considered a prime location for creating an iconic commercial tower and potential marina which could attract visitors on cruise ships

coming into Victoria Harbour from the east.

58. Ms Theresa Yeung, the applicant's representative, supplemented that the Site was located at a convenient location in Yau Tong Bay where many planned residential developments were located nearby. For instance, the planned population from Phases 1 and 2 of the Yau Tong Bay "CDA" was about 19,000; while the planned population from the public housing development at CKLV and Ex-Cha Kwo Ling Kaolin Mine Site Phase 2 Development was also about 19,000. The proposed commercial development with complementary retail and office uses would satisfy the locals' daily needs and offer more job opportunities in the area. For areas to the east of Yau Tong MTR Station including Yau Tong Estate and Yau Lai Estate, connection to the PWP was possible via footbridge linking the MTR station with the proposed shopping mall at Phases 1 and 2 of the Yau Tong Bay "CDA".

Proposed Building Design

59. In response to a Member's enquiry about the design concept and materials of the proposed development (The Rainbow Tower) and concern over the advertisement display on the building façade, Dr Eddy Li Sau Hung, the applicant's representative, said that the design of The Rainbow Tower took inspiration from conventional lighthouses with the top of the shaft sitting a rainbow-coloured lantern. The material used for the rainbow-coloured lantern would be coloured solar panels with 30% to 50% optical transparency, which was a newly developed technology increasingly adopted in Mainland China. The rainbow lantern would be stagnant and would not rotate. The diagonal architectural fins on the façade would reflect natural light at different times of the day and angles and attract people from near and afar. The applicant had no intention to post advertisement on the building façade or the rainbow-coloured panels at the top.

Harboufront Planning

60. A Member raised the following questions:

- (a) whether the Government had any vision and plan for the harbourfront at Yau Tong Bay;

- (b) whether the planning of the harbourfront at Yau Tong Bay needed to consult the Harbourfront Commission (HC); and
- (c) whether there was any planning for the water bodies within Yau Tong Bay.

61. In response, Mr Steven Siu, STP/K, made the following points:

- (a) according to the Notes of the OZP and the endorsed Planning Brief for the Yau Tong Bay “CDA” zone, a PWP with a site area not less than 24,700m² should be provided at the entire harbourfront of the “CDA” zone, which would be equivalent to a promenade of about 20m in width;
- (b) the Consortium, which submitted planning applications for the Yau Tong Bay “CDA”, was required to provide and reflect the provision of PWP on the MLP in accordance with the approval condition of the previously approved applications. They were in the process of lease modification, and such requirement had also been imposed in the lease;
- (c) for the subject s.12A application, should the Committee agree to rezone the Site, the proposed amendment to the OZP would be submitted to the Board for consideration before exhibition, and the applicant would not need to submit a s.16 planning application for the proposed development under the proposed “C(1)” zoning. PlanD would impose the requirement of PWP in the Notes of the OZP to ensure the provision to be administrated under the building plan submission and the lease;
- (d) as the Site fell within the purview of the HC, the applicant had consulted the HC on their proposal. Members of the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of the HC provided advice and comments on the proposal, which were addressed by the applicant. Subsequently, the Task Force of HC indicated no further comment; and

- (e) the current OZP did not include the waterbody of Yau Tong Bay. Any proposed marina development would be subject to demonstration of technical feasibility in the future. The applicant would need to consult the Marine Department, nearby stakeholders and the relevant committees on the proposal. Apart from the need for s.16 planning application for marina-related landside development at the Site, the proposal would likely be subject to further scrutiny under the Protection of the Harbour Ordinance and the Environmental Impact Assessment Ordinance.

62. In response to a Member's enquiry on the planning of waterbodies adjoining a harbourfront, Mr Steven Siu, STP/K, said that the waterbodies would normally not be included in the OZPs except in areas with plan for reclamation for major development or specific uses. In any event, the waterbodies fell within the purview of other Ordinances.

63. As there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure of the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked PlanD's and the applicant's representatives for attending the meeting. They left the meeting at this point.

[Messrs Wilson Y.W. Fung and Stanley T.S. Choi left the meeting at this point.]

Deliberation Session

64. The Chairman recapitulated that the applicant proposed to rezone the Site from "CDA" to "C(1)" for commercial development. While the planning intention of the subject "CDA" at Yau Tong Bay was for comprehensive development/redevelopment of the area, such planning intention had already been achieved for Phases 1 and 2 development where the lease modification was in progress and the building plans were already approved in accordance with the approved MLP. The applicant of the current application had indicated no intention to develop the Site per the approved MLP, which proposed the development of a hotel block at the Site. Instead, the applicant proposed to redevelop the Site for commercial use with a maximum PR of 11 as per the existing IB and a maximum BH of 130mPD to accommodate the floor space aiming to create an iconic landmark. Given the various planning and design merits and unique planning background, the proposed BH of 130mPD

was not considered unacceptable. It should also be noted that the proposed 'Marina' was for illustrative purpose and did not form part of the indicative notional scheme under the current application.

65. Members in general had no objection to rezoning the Site from "CDA" to "C(1)" to facilitate redevelopment of the existing IB. Some Members supported the application as the proposed scheme would phase out a bulky IB/operation in the Yau Tong Bay area and facilitate the provision of a continuous PWP for public enjoyment, thereby promoting a more active and vibrant harbourfront. The proposed commercial use was also supported as it would create job opportunities.

66. A Member expressed reservation that the proposed rezoning might set an undesirable precedent whereby landowners could create planning gains to achieve commercial gain with a BH exceeding the OZP restriction. It might also encourage landowners to propose rezoning for individual site which departed from the planning intention of a "CDA" zone. Besides, the proposal would depart from the general urban design guidelines for a stepped BH profile with lower buildings along the waterfront and taller buildings inland.

67. The Chairman reiterated that the subject application was a special case with unique site circumstances and planning background. Any future rezoning proposals would be considered on a case-by-case basis. In view of Members' concern, the Committee could partially agree to the rezoning of the Site to "C(1)" subject to BH of 120mPD and impose appropriate development restrictions in the Notes of the OZP which PlanD would further examine in detail before proposing amendments to the OZP for the Committee's consideration. Opportunity would also be taken to review the adjoining land uses in light of the latest implementation progress and the outcome of relevant planning application(s).

68. After deliberation, the Committee decided to partially agree to the application and appropriate development restrictions such as a PWP of not less than 20m in width should be imposed for the proposed "C(1)" zone subject to BH of 120mPD. The proposed amendments to the Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan, together with its revised Notes and ES, would be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance.

[Messrs Franklin Yu, Paul Y.K. Au and Ryan M.F. Choy, and Ms Sandy H.Y. Wong left the meeting during deliberation.]

[Mr Ricky W.Y. Yu and Miss Queenie Y.C. Ng left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Ms Jessica Y.C. Ho and Mr W.C. Lui, Senior Town Planners/Tsuen Wan and West Kowloon (STPs/TWK), and Ms Annie S.W. Kong, Town Planner/Tsuen Wan and West Kowloon (TP/TWK), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/K5/859 Proposed Shop and Services in “Other Specified Uses” annotated
“Business (1)” Zone, Flat B (Portion), G/F, Ka Ming Court, 688 Castle
Peak Road, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/859)

Presentation and Question Sessions

69. With the aid of some plans, Ms Jessica Y.C. Ho, STP/TWK, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should