

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H10/95

- Applicant** : Hong Kong Cyberport Management Company Limited (HKCMCL)
represented by KTA Planning Limited
- Site** : Telegraph Bay, Pok Fu Lam, Hong Kong
- Site Area** : About 16,296m²
- Land Status** : Government Land
- Plan** : Approved Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/19
- Zoning** : “Other Specified Uses” annotated “Cyber-Port(1)”
 (“OU(Cyber-Port)(1)”)
- Maximum building height (BH) of 65 metres above Principal Datum (mPD) and a maximum gross floor area (GFA) of 66,000m², or the height and GFA of the existing building, whichever is the greater; and
 - At-grade Public Open Space (POS) of not less than 5,000m².
- Application** : Proposed Cyberport Expansion Development (Proposed Office, Exhibition or Convention Hall, Information Technology and Telecommunications Industries, Eating Place, and Shop and Services Uses)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed Cyberport expansion development (i.e. Cyberport 5 (the proposed development)) at the application site (the Site). The Site falls within an area zoned “OU(Cyber-Port)(1)” on the approved Pok Fu Lam OZP No. S/H10/19 (**Plan A-1**). The proposed development will provide office (Digital Tech Space), data services platform, multi-function hall, retail and food & beverage (F&B)/alfresco dining facilities. The proposed uses are regarded as ‘Office’, ‘Exhibition or Convention Hall’, ‘Information Technology and Telecommunications Industries’, ‘Eating Place’ and ‘Shop and Services’ uses which are always permitted under the “OU(Cyber-Port)(1)” zone. However, for development in

the “OU(Cyber-Port)(1)” zone, any new development or redevelopment of an existing building, a layout plan shall be submitted for the approval of the Town Planning Board (the Board).

- 1.2 The proposed development is a 12-storey building (including 2 basement levels for parking), with a BH of 58mPD, plot ratio (PR) of about 4.159, a GFA of not more than 66,000m² and a site coverage (SC) of 58% at 15m above. A total of not less than 5,000m² at-grade POS will be provided at the north-western and south-eastern portion of the Site (**Drawings A-4** and **A-16**). The proposed development would also provide public accessible area on 1/F and 2/F (**Drawing A-28a**), which are interconnected with escalators and/or staircases equipped with barrier free access provision.
- 1.3 The office component of the proposed development is targeted at serving the need for the Innovation and Technology (I&T) industry. It will serve as office space and co-working space for around 100 technology firms and 750 start-ups and incubates. Multi-function hall is located at the 2/F with a flexible design to cater for 550-800 seats. Part of the hall would serve as public accessible area/passageway when it is not required for any hall event (**Drawing A-30**). The retail and F&B uses are provided at the lower floors serving the future tenants/workers and the visitors to the Cyberport Waterfront Park (the Park) (**Drawing A-4**). A demonstration hall is proposed at G/F to showcase the latest technology and products in supporting I&T sector.
- 1.4 In terms of design features, a BH of 58mPD (which is lower than the BH restriction as stipulated on the OZP (i.e. 65mPD)), cascading BH profile stepping down towards the Park (**Drawing A-15**), public accessible area with appropriate 18m in width at 2/F (**Drawing A-30**) and 5,000m² at-grade POS with high headroom have been adopted in the proposed development. Furthermore, approximate 15m wide east-west corridor at G/F, 12m setback along the north-eastern boundary and 97m setback at ground level at the northwest of the Site are proposed (**Drawings A-17** and **A-29**).
- 1.5 All parking spaces will be located at the basement levels. Basic driveway, visitors' drop-off and 4 out of 28 loading/unloading (L/UL) bays are maintained at G/F (**Drawing A-4**). In terms of pedestrian circulation, a linkbridge is proposed between 1/F of proposed development and the Arcade Cyberport (**Drawing A-28b**). An landscape deck at 1/F and an elevated landscape walkway (outside the Site) are also proposed to connect with the Park (**Drawing A-28a**).
- 1.6 The section plan, floor plans, urban design framework, landscape proposal, photomontages and illustrative images submitted by the applicant are at **Drawings A-1** to **A-27**. The main development parameters of the proposed development are summarised as follows:

Development Parameters	Proposed Development
Site Area	about 16,296m ²
GFA	about 66,000m ²
- Office	- 36,055m ²
- Multi-function Hall	- 1,284m ²
- Retail and F&B/alfresco dining	- 5,903m ²
- Data services platform	- 10,500m ²
- Others (circulation, driveway, covered POS, etc.)	- 12,258m ²
PR	about 4.159*
SC at 15m above	about 58%*
BH (Upper roof level)	about 58mPD
No. of Storeys	12 (including 2 basement levels)
At-grade POS	about 5,000m ²
Parking Spaces	219
- Private car	- 194
- Private car (for disabled)	- 4
- Motorcycle	- 21
L/UL	28
- Heavy goods vehicle	- 9
- Light goods vehicle	- 17
- Car/taxi layby	- 2

* Calculation of PR and SC are based on development site area of 15,869m², of which refers to area of the whole “OU(Cyber-Port)(1)” zone excluding the area falling within the roundabout of Information Crescent.

1.7 The floor uses of the proposed development are set out below:

Level	Major Uses	Floor Height (about)
B2/F	E&M, Parking Spaces and/or L/UL	3.4m
B1/F		6.9m
G/F	Retail/F&B , Demonstration Hall, drop-off and 4 Nos. of L/UL	6.5m
1/F	Retail/F&B and Public Accessible Area	4.9m
2/F	Multi-function Hall (capacity of around 800), Retail/F&B, Public Accessible Area	6.8m
3/F	Office	4.2m
4/F	Data Service Platform and Office	6.0m
5/F to 8/F	Office	4.5m
UR/F	E&M	5.6m

1.8 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 8.7.2021 **(Appendix I)**
- (b) Supporting Planning Statement **(Appendix Ia)**

- (c) Supplementary information via a letter dated 9.7.2021 (**Appendix Ib**)
- (d) Further information via a letter dated 20.8.2021 providing responses to departmental and public comments with updated Air Ventilation Assessment (AVA) and replacement pages of various technical assessment (Exempted from the publication and recounting requirements) (**Appendix Ic**)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are details in the supporting planning statement at **Appendix Ia** which are summarised as follows:

A Compatible and Integrated Layout and Enhanced Pedestrian Connectivity

- (a) The cascading BH profile of the development has paid due respect to the stepped height profile descending towards the Park. The layout has taken into account the site constraints as imposed by the existing drainage reserves (DR), with the creation of wind corridors or breezeway through the development thus enhancing the permeability of the area (**Drawing A-17**).
- (b) The proposed layout demonstrates the seamless integration with the adjoining developments including the Arcade Cyberport (provision of linkbridge at 1/F of the proposed development to ensure a more direct and convenient access), the Park (provision of landscape deck at 1/F of the proposed development linking the Park) and the waterfront promenade (provision of commercial uses and POS fronting the waterfront promenade to encourage the interaction between outdoor and indoor spaces) (**Drawing A-17**). This enable a multi-layered pedestrian connectivity to the waterfront across the proposed development.
- (c) To maximise the opportunities for pedestrian connectivity at G/F, it is intended not to provide any car parking spaces at G/F. All parking spaces will be provided at the basement levels, with only the basic driveway, visitors' drop-off, carpark entrance and 4 nos. of L/UL bays are proposed at G/F (**Drawing A-4**). As such, more space will be reserved at G/F for pedestrian circulation connecting to Information Crescent and the waterfront promenade.

Enhanced Provision of POS

- (d) A total of not less than 5,000m² at-grade POS will be provided in the north-western and south-eastern portions of the Site (**Drawings A-1 and A-16**), opening from 7:00am to 11:00pm daily. To further enhance the landscape provision within the development, a landscape deck at 1/F together with

elevated landscape walkway connecting the Park is proposed. A sunset terrace at 2/F (**Drawing A-1**) as a covered platform for the enjoyment of the sunset view, echoing with the sunset lawn at G/F, utilising for resting and socialising purposes. These together with the public accessible area at 1/F and 2/F will further enhance the landscape network of the proposed development. The opening hours of the public accessible area at 1/F and 2/F will follow the future operation hours of the proposed development.

Innovative and Responsive Building Design

- (e) Responsive building design has been adopted to respect the overall setting of the Site and the Park. With the cascading and permeable building form, the proposed building mass aims to appear visually as “floating” near the waterfront and to achieve the followings:
 - (i) the maximum BH under the proposed scheme is lower than the statutory BH restriction, i.e. 65mPD, which would further minimise the visual impact on the surroundings;
 - (ii) maintaining appropriate setback distance from the adjoining buildings (at least 2m setback along the south-western boundary and at least 12m setback along the north-eastern boundary respectively);
 - (iii) maintaining terraced building design with stepped BH lowering towards the Park, so as to easing potential visual impact on the Park users and residential developments to the south; and
 - (iv) maintaining permeable building design on ground and upper floors, by providing partially covered open space/landscape gardens, terrace gardens, etc. at various floors.

Centralising Various Facilities at the Lower Floors for Public Enjoyment

- (f) For the convenience of the public, all facilities for public enjoyment are strategically placed at the lower floors of the proposed development. These include the demonstration hall at G/F with direct access from the Park, retail/F&B and alfresco dining fronting the Park and the waterfront promenade, the multi-function hall for hosting various types of events and conferences at 2/F and the landscape deck connecting to the Park. The synergy effect created by centralising all public facilities within easy reach and access would enhance the visitor experience and provide convenience for and benefit the visitors to stay.

Visual and Air Ventilation Aspects

- (g) Based on the Visual Impact Assessment (VIA) (Appendix 2 of **Appendix Ia**) (**Drawings A-19 to A-27**), the proposed development is considered generally compatible and acceptable within the existing visual context at Cyberport. With the proposed sensitive design measures, the visual impact is considered enhanced as compared with the notional scheme (i.e. BH of 65mPD following

the OZP restriction) and slightly enhanced as compared with the OZP amendment scheme. A quantitative Air Ventilation Assessment (AVA) has been conducted (Appendix 5 of **Appendix Ia**). The result shows that the proposed development would not induce significant impact to the nearby area in the air ventilation performance terms. To alleviate the potential impact on the surrounding wind environment, mitigation measures are adopted (**Drawing A-29**) as follows:

- (i) approximate 97m wide setback to the northwest of the Site at G/F;
- (ii) approximate 3m setback along the south-western boundary of the Site at G/F;
- (iii) approximate 12m setback along the north-eastern boundary of the Site at G/F;
- (iv) approximate 15m wide corridor/building gap with about 4m headroom provided at G/F; and
- (v) curvilinear building form with stepped profile on the tower portion facing southeast side of the Site.

Previous Planning Justifications still Valid

- (h) The background and reasons for proposed Cyberport expansion and the proposed uses have been presented to the Board for consideration during the OZP amendment stage in 2019. The planning justifications for the proposed development are in line with the planning intention of the “OU(Cyber-Port)(1)” zone .

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

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. 31) is not applicable to the application.

4. Background

- 4.1 The Financial Secretary announced in the 2019-20 Budget that \$5.5 billion would be earmarked for the Cyberport expansion including the development of Cyberport 5 and the Park with enhancements, which would serve to attract more quality technology companies and start-ups to set up their offices in Cyberport and provide a pathway for young people to pursue a career in I&T.

- 4.2 The draft OZP No. S/H10/18 incorporating the amendments in association with the Cyberport expansion was gazetted on 27.9.2019 for public inspection. The amendments involved among others, the rezoning of the Cyberport expansion site to “OU(Cyber-Port)(1)” and the Park to “Open Space”.
- 4.3 Upon expiry of the exhibition/publication periods, a total of 780 representations and 32 comments were received. After giving consideration to the representations and comments on 5.6.2020, the Board decided to further amend the OZP by incorporating in the Notes of the “OU(Cyber Port)(1)” zone for the submission of a layout plan for the Board’s approval to partially meet some representations with a view to scrutinising the design of the Cyberport 5. During the meeting, some members queried whether HKCMCL had considered reducing the height of the above-ground portion of the building, or extending the footprint of the building southwards into the adjacent waterfront park, or using more of the northern portion of the Site, given the local community’s concerns were on the visual impact of Cyberport 5 due to its height. The further proposed amendment to the draft OZP was published on 26.6.2020. A total of 16 further representations were received. After consideration of further representations on 25.9.2020, the Board decided to amend the draft OZP by the proposed amendment (i.e. submission of a layout plan for the Board’s approval). The draft OZP was subsequently approved by the Chief Executive in Council on 5.1.2021 and the approved OZP No. S/H10/19 was exhibited on 15.1.2021.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application for the proposed uses within the “OU(Cyber-Port)(1)” zone on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1 to A-3, site photos on Plan A-4 to A-6)

7.1 The Site is:

- (a) partly vacant and partly occupied by the existing Park; and
- (b) accessible via Cyberport Road leading to Information Crescent.

7.2 The surrounding areas have the following characteristics:

- (a) Hong Kong West Drainage Tunnel Western Portal to the north,

- (b) the Cyberport Sewage Treatment Works and the Arcade Cyberport to the northeast,
- (c) the existing Park to the southeast; and
- (d) the seawall along Telegraph Bay to the west.

8. Planning Intention

- 8.1 The “OU(Cyber-Port)(1)” zone is intended primarily to provide land for Cyberport expansion to cater for additional floor space for offices, conference venues and data services platform to attract technology companies and start-ups to set up their offices in Cyberport.
- 8.2 According to the Notes of the OZP for “OU(Cyber-Port)(1)” zone, any new development or redevelopment of an existing building, a layout plan shall be submitted for the approval of the Board. The layout plan should include the following information:
 - (a) the area of the proposed land uses, the nature, position, dimensions, and heights of all buildings (including structures) to be erected on the site;
 - (b) the proposed total GFA for various uses and facilities;
 - (c) the details and extent of parking, L/UL and public transport facilities, and open space to be provided within the site;
 - (d) the landscape and urban design proposals within the site; and
 - (e) such other information as may be required by the Board.
- 8.3 According to paragraph 7.8 of the Explanatory Statement (ES) of the OZP, responsive building design for the new development, such as appropriate setback distance, terraced building design with stepped BH lowering towards the Park and the waterfront promenade, and permeable building design on ground and upper floors, should be adopted at the detailed design stage to respect the overall setting of the Site and the Park. Public passageway allowing pedestrian connectivity to the waterfront promenade through the development from the Arcade Cyberport and Information Crescent shall also be provided. According to the findings of AVA Expert Evaluation (EE), mitigation measures such as suitable block disposition, building setback, building gap and terraced building design should be adopted to alleviate the potential air ventilation impacts. A quantitative AVA shall be carried out by Cyberport at the detailed design stage to ascertain that the future scheme would perform no worse than the scheme in the AVA EE in ventilation performance.

9. Comments from Relevant Government Bureaux/Departments

- 9.1 The following government bureaux/departments have been consulted and their views on the application and public comments received are summarised as follows:

Policy Aspect

9.1.1 Comments of the Secretary for Innovation and Technology (SIT):

- (a) being a Hong Kong's flagship technology park that focuses on Information and Communications Technology, Cyberport plays an important role in promoting the development of the overall I&T ecosystem. Over the years, through providing financial and a range of professional support, as well as organising various programmes and events, Cyberport has been nurturing start-ups, inspiring and encouraging young people in pursuing a career in the I&T sector, and creating business opportunities for the industry. SIT supports the proposed development as it is a strategic initiative for a continuous and sustainable growth of I&T ecosystem in Hong Kong;
- (b) on the feasibility of enhancing connectivity between Cyberport and the neighbouring communities, Innovation and Technology Bureau (ITB) will continue to explore with relevant departments. For proposed connectivity that is outside the boundaries of Cyberport, ITB and Cyberport stand ready to provide required facilitation to the relevant departments. Subsequently, the Government updated the Southern District Council on the progress in early May 2021 and further consulted the Panel on Information Technology and Broadcasting, Legislative Council (LegCo) on 10.5.2021. The Panel supported the proposed development. Subsequently, the Government obtained LegCo Finance Committee's approval of the financing arrangement of the proposed development on 11.6.2021; and
- (c) on the implementation of the road improvement measures, ITB is committed to implement such measures as proposed under approved traffic impact assessment (TIA) prior to the completion of the proposed development.

Architectural

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

- (a) the proposed maximum BH of the development is 58mPD, which is lower than the OZP BH restriction of 65mPD. It may not be incompatible with surrounding area;

- (b) to enhance public enjoyment and pedestrian walkability, the applicant is encouraged to provide a pedestrian-friendly environment such as provision of barrier-free access/facilities, adequate shading devices, more seating area and greening, etc. in the public open space; and
- (c) The applicant is suggested to make endeavour to avoid/minimise transplant or fell trees for construction of the development.

Urban Design and Landscape

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

Urban Design and Visual

- (a) the building bulk of the proposed development in terms of GFA and BH does not deviate from the statutory planning restrictions stipulated under the OZP. According to the VIA conducted by the applicant at Appendix 2 of **Appendix Ia**, the overall visual impact of the current scheme (GFA of 66,000m² and BH of 58mPD) is “enhanced” when compared with the notional scheme (GFA of 66,000m² and BH of 65mPD based on OZP restrictions), and “slightly enhanced” when compared with the OZP amendment scheme (GFA of 66,000m² and BH of 61mPD) mainly due to lower BH and various design merits and mitigation measures;

Air Ventilation

- (b) an AVA – Initial Study (IS) using computational fluid dynamics has been conducted to support the current application. Two scenarios, i.e. the Baseline Scheme (illustrative scheme presented in the OZP amendment stage) and Proposed Scheme, have been assessed in the study. According to the simulation results, the overall air ventilation performance of the Baseline Scheme and the Proposed Scheme are comparable under both annual and summer conditions;
- (c) as set out in the AVA IS report, several mitigation measures are incorporated in the Proposed Scheme which include: (1) around 97m setback at G/F to the northwest of the site; (2) permeable sunset Terrace at the 2/F; (3) 15m and 8m (with 4m headroom) empty bay at G/F; (4) around 12m setback at G/F along northeast boundary; (5) 3m building setback at G/F along southwest boundary; (6) permeable publicly accessible area at 1/F; (7) curvilinear building form with stepped profile on the tower portion facing south east side with a view to address the potential air ventilation impact on the surrounding areas;

- (d) considering the above, it is anticipated that the proposed development with the above mitigation measures would not generate significant adverse air ventilation impact to the overall pedestrian wind environment as compared with the Baseline Scheme;

Landscape

- (e) with reference to the aerial photo of 2021, half of the Site is covered by vegetation and remaining area at the southern of the Site is bare ground with scattered tree groups. Medium to high residential buildings and commercial office buildings are found in the vicinity. The proposed development is considered not incompatible with the landscape character of the surrounding environment;
- (f) according to the submission, no Registered Old and Valuable Tree and rare or endangered tree species are found within the Site. 115 out of 128 nos. of existing trees within the Site are proposed to be felled. On the other hand, 50 nos. and 96 nos. of new trees are proposed to be planted within the Site and the area of the Park and waterfront promenade adjacent to the Site respectively to compensate the tree lose. Referred to the layout plan, landscape treatments such as lawn with tree planting on G/F and edge planting on 1/F and 2/F are proposed. Significant adverse impact arising from the proposed development on landscape resources is not anticipated. Further, not less than 5,000m² at-grade POS will be provided in the proposed development;
- (g) with a view to ensuring the landscape quality of the Site, it is considered to impose the following landscape condition:

the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board.
- (h) the applicant is reminded that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the land document. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal within and/or outside the Site, where appropriate.

Traffic

9.1.4 Comments of the Commissioner for Transport (C for T):

- (a) with reference to the approved TIA report, TD has no objection in principle to the provision of parking spaces or L/UL spaces

under the proposed development, which should also comply with the Private Treaty conditions;

- (b) as noted from the approved TIA report, the proposed development will not cause unacceptable traffic impact to the road network with the implementation of the proposed road improvement measure at four junctions in the proximity of Cyberport. He has no objection to the subject planning application from the traffic engineering point of view;
- (c) further comments will be provided to the project proponent upon receiving the detailed design for the proposed road improvement works at the four road junctions and internal transport facilities and arrangement under the Cyberport expansion project; and
- (d) it is suggested to include the following approval condition:

the design and provision of internal transport facilities for the proposed development to the satisfaction of C for T.

9.1.5 Comments of the Commissioner of Police (C of P):

they have no specific traffic comments and it is advised that the proposal should not cause serious adverse traffic impact to the local community and each temporary traffic arrangement involving works on footpath and/or carriageway has to be submitted to Police for appropriate comment.

Environmental

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

no adverse environmental impact as a result of the proposed development is anticipated. As such, please note that they have no objection to the application from environmental planning perspective. Notwithstanding the above, since excavation will be required for the proposed development (including two levels of basement), the applicant is advised to minimise the generation of construction and demolition (C&D) materials, and reuse and recycle the C&D materials on-site as far as possible.

Drainage

9.1.7 Comments of the Chief Engineer/Hong Kong and Island, Drainage Services Department (CE/HK&I, DSD):

- (a) according to our record, portion of the development site lies within the protection zones of Harbour Area Treatment Scheme (HATS) sewage tunnel and the Hong Kong West Drainage Tunnel. The requirements stipulated in Practice Note for

Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-62 issued by Buildings Department and the technical guidelines specified in Drainage Services Department Practice Note No. 2/2017 for works in close proximity to HATS sewage tunnels and Hong Kong West Drainage Tunnel should be complied with;

- (b) DRs are within the Site. No structure or support for any structure shall be erected and constructed or placed on, over, above, under, below or within the DR area. The applicant may erect or permit to be erected on the DR a structure or structures or part of a building or structure provided that there is a clear space extending upwards from the ground level of the DR to a height of not less than 5.1m. CE/HK&I, DSD shall have the right of free and unrestricted ingress, egress and regress at all time to the DR area for the purpose of laying, repairing and maintaining drains, sewers and all other services across through or under it which may require; and
- (c) no trees should be proposed within the DR area. When compensatory trees are proposed in close proximity to the DR area, please take into account their future growth and provide sufficient space from the DR area.

Fire Safety

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

- (a) no objection in-principle to the application subject to fire service installations being provided to the satisfaction of D of FS;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (c) furthermore, the emergency vehicular access (EVA) provision in the captioned work shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by BD. Also, the EVA provision of the nearby buildings shall not be affected by the proposed works; and
- (d) nevertheless, shall the proposed work affect any licensed premises in the area, such as petrol filling station, the consultant should make separate enquiry to this department to ensure work feasibility.

9.2 The following government departments have no objection to/no comment on the application:

- (a) District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD);
- (b) Chief Building Surveyor/Hong Kong West, Buildings Department;
- (c) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Project Manager (South), Civil Engineering and Development Department (CEDD);
- (f) Head of Geotechnical Engineering Office, CEDD;
- (g) Director of Agriculture, Fisheries and Conservation;
- (h) Director of Environmental Protection (DEP);
- (i) Director of Leisure and Cultural Services; and
- (j) District Officer (Southern), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 16.7.2021, the application was published for public inspection. During the first three weeks of public inspection periods, a total of 1,319 public comments were received, including 151 supporting, 1,155 opposing and 13 providing views. A full set of public comments received on the application is deposited at the Secretariat of the Board for Members' inspection and reference.
- 10.2 The 151 supporting comments were submitted by 123 individuals, 28 companies/Institutions/Associations (including the City University of Hong Kong, The Chinese University of Hong Kong, Hong Kong Software Industry Association and MIT Hong Kong Innovation Node, etc.). Their views are summarised as follows:
 - (a) the proposed development would benefit more young entrepreneurs, whose start-ups would in turn drive Hong Kong's further economic growth;
 - (b) the proposed development can provide workspaces and other supporting facilities for I&T related companies to grow and can benefit more start-ups, enterprises and talents of I&T sector;
 - (c) the layout design demonstrates the merit of adopting a flexible approach for the proposed multi-function hall to help accommodate participating groups of different sizes;
 - (d) while certain area of waterfront park is taken up for the proposed development, the total area of public space to be replenished by Cyberport would be comparable and publicly accessible areas at different levels will be offered at the proposed development so that the public can enjoy varied views of the harbourfront from elevated levels;
 - (e) welcome to have more retail, food and beverages, and alfresco dining;

and

- (f) Cyberport has taken public views into account and moved all parking spaces to the basement levels as compared to the previous scheme.

10.3 The 1,155 opposing comments were submitted by individuals (comprising 1,126 in standard proforma (**Appendix IIa**)), Pokfulam Residents' Alliance, the Incorporated Owners of Baguio Villa, Southern District Council Member (Mr. Paul Zimmerman (**Appendix IIb**)). The 13 comments providing views were submitted by individuals. Their major views/concerns are summarised as follows:

- (a) the current scheme is considered worse than the OZP amendment scheme. The building bulk has increased and has negative airflow and visual impacts;
- (b) objection to the BH of 58mPD and should lower than the structures behind it and to fulfil the descending BHs at the waterfront;
- (c) waterfront land should not be used for data centre. Data centre can be located at less scenic locations;
- (d) the community has yet to be consulted on the layout plan of the proposed development;
- (e) loss of public amenity and the proposed opening hours of the POS/Park fail to recognise the community demand of space for early morning exercise;
- (f) the proposed development is considered not necessary in view of the occupancy rate of the existing Cyberport, and the business of Cyberport expansion is not justified due to the pandemic;
- (g) concerns on the traffic and transport and there is no indication of timing, budget approval, nor design details of road improvements as stated in the Traffic Note under the submission; and
- (h) the Board is urged to require a comprehensive TIA to ensure the traffic generated can be sustained on the existing highway network.

11. Planning Considerations and Assessments

11.1 As set out in the background in paragraph 4, the Site was rezoned to "OU(Cyber-Port)(1)" zone to facilitate the proposed Cyberport expansion development. The proposed uses of the proposed development are always permitted under the "OU(Cyber-Port)(1)" zone and are in line with the planning intention of the zone. The proposed development would have a BH of 58mPD, GFA of 66,000m² and not less than 5,000m² at-grade POS. All these comply with the development restrictions as stipulated on the OZP. SIT

also supports the proposed development as it is a strategic initiative for a continuous and sustainable growth of I&T ecosystem in Hong Kong. Following the submission of layout plan requirement as stipulated in the Notes for the “OU(Cyber-Port)(1)” zone, the applicant has submitted the layout plan for the Board’s approval.

Building Design Features

- 11.2 Various responsive building design features have been adopted to respect the overall setting of the waterfront site and the Park, as well as to enhance visual and air permeability and promote pedestrian connectivity and functional diversity.

Visual and Air Permeability

- (a) To address members’ query on BH of the proposed development, the applicant has further proposed to lower the BH to 58mPD to minimise any visual impact to the nearby residents. A pronounced stepping form creating multi-level terraces (**Drawings A-1 and A-15**), particularly stepping away from the southeast facing the Park are also proposed to provide a gradual transition of BH from the roof to the Park.
- (b) Approximate 15m wide east-west corridor at G/F and the public accessible area with high-headroom next to the multi-function hall at 2/F with approximate 18m in width are provided to encourage visual and air permeability of the proposed development. Apart from landscape deck at multi levels, at-grade POS at the south-eastern portion of the Site also acts as a wind/visual corridor to preserve largely the sea view along Information Crescent. According to the quantitative AVA (i.e. AVA-IS), the proposed development with the above mitigation measures would not generate significant adverse impact on the overall pedestrian wind environment as compared with the indicative scheme in the AVA EE previously conducted during the OZP amendment stage.

Pedestrian Connectivity

- (c) Access to the waterfront is promoted through the provision of at-grade POS and 15m wide corridor at G/F which provide connections between inland and waterfront promenade at various points for public convenience (**Drawing A-17**). The connections to the Arcade Cyberport and the Park are enhanced through the proposed linkbridge and elevated landscape deck at 1/F with barrier-free access/facilities (**Drawing A-28b**).
- (d) Potential obstruction to pedestrian connectivity at street level due to internal transport facilities is also minimised through locating all parking spaces at basement levels, which also promote a better pedestrian friendly environment.

Functional Diversity

- (e) While the proposed development would mainly serve the I&T sector with floor spaces allocated for office use, some floor spaces of the lowest three floors are for other uses such as retail, F&B and alfresco dinning (**Drawing A-1**). This will enable a greater diversity in terms of activities and functions, in particular along the waterfront. The at-grade POS also serves as landscape, multi-functional for hosting event and sitting-out area (**Drawing A-16**). As the at-grade POS is partly covered, it can allow public to enjoy the waterfront area under all weather conditions.

- 11.3 The above building design features are generally in line with the requirements as stated in the ES of the OZP (paragraph 8.3 above refers). CTP/UD&L, PlanD considers that the current scheme is “slightly enhanced” when compared with indicative scheme in the OZP amendment stage mainly due to lower BH and adoption of various design merits and mitigation measures. CA/CMD2, ArchSD also considers the proposed development may not be incompatible with the surrounding area.

Technical Aspects

- 11.4 During OZP amendment stage, as mentioned in paragraph 4, it was already demonstrated that the proposed development is technically feasible with no insurmountable problem on traffic and transport, environmental, utility infrastructure, visual, air ventilation and landscape aspects. Relevant government departments including C for T, DEP, WSD and DSD were consulted and have no objection to/no adverse comments on the current application.
- 11.5 In order to ensuring the landscape quality of the Site as requested by CTP/UD&L, PlanD, relevant approval condition is recommended at paragraph 12.2 below should the application be approved by the Committee.

Public Comments

- 11.6 The supporting public comments are noted. Regarding the opposing public comments received as stated in paragraph 10 above in respect of the proposed uses, proposed BH and traffic impact of the development, the views are similar to the grounds of those adverse representations and comments of the related amendment item on the draft OZP No. S/H10/18 which had been considered thoroughly by the Board in 2020. The applicant’s responses to public comments are in **Appendix Ic**. The planning assessments in paragraphs 11.1 to 11.5 above and departmental comments in paragraph 9 above are also relevant.
- 11.7 Regarding lack of local consultation on the proposed development, the application submitted has been published for public comments in accordance with the Town Planning Ordinance. Regarding the local concerns on the opening hours of the POS/Park, the applicant responded that they would actively consider the feasibility of extending the opening hours taking into account the community aspiration, management/operation needs and security

considerations.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 27.8.2025, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the design and provision of internal transport facilities and vehicular access to the satisfaction of Commissioner for Transport or of the Town Planning Board.

Advisory Clauses

the recommended advisory clauses are attached at **Appendix III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the applicant fails to demonstrate that the layout and design of the proposed development is visually compatible with the surrounding areas.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application form received on 8.7.2021
Appendix Ia	Supporting Planning Statement
Appendix Ib	Supplementary information via a letter dated 9.7.2021
Appendix Ic	Further information via a letter dated 20.8.2021
Appendices IIa and IIb	Public comments
Appendix III	Advisory Clauses
Drawing A-1	Section Plan of Proposed Development
Drawings A-2 to A-14	Floor Plans of Proposed Development
Drawings A-15 and A-16	Illustrative Image of Proposed Development
Drawing A-17	Urban Design Framework
Drawing A-18	Landscape Proposal of Proposed Development
Drawings A-19 to A-27	Viewpoints and Photomontages of Proposed Development
Drawings A-28a and 28b	Pedestrian Connectivity and Publicly Accessible Area of Proposed Development
Drawing A-29	Wind Enhancement Features of Proposed Development
Drawing A-30	Multi-function Hall Layout
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial photo
Plans A-4 to A-6	Site Photos

**PLANNING DEPARTMENT
AUGUST 2021**