

**Minutes of 845th Meeting of the
Town Planning Board held on 21.10.2005**

Present

Permanent Secretary for Housing, Planning and Lands
(Planning and Lands)
Mrs. Rita Lau

Chairperson

Hon. Patrick S.S. Lau

Vice-Chairman

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mr. Michael K.C. Lai

Professor K.C. Ho

Mr. Alex C.W. Lui

Mr. Keith G. McKinnell

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. C.N. Ng

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Principal Assistant Secretary (Transport)
Environment, Transport and Works Bureau
Ms. Ava Chiu

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

Assistant Director of Environmental Protection
Mr. Elvis Au

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mr. Bosco C.K. Fung

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mrs. Angelina P.L. Lee

Dr. Peter K.K. Wong

Mr. Francis Y.T. Lui

Mr. C.K. Wong

Mr. Tony W.C. Tse

Mr. Leslie H.C. Chen

Mr. Tony C.N. Kan

Professor Bernard Vincent W.F. Lim

Mr. Alfred Donald Yap

In Attendance

Assistant Director of Planning/Board

Mr. P.Y. Tam

Chief Town Planner/Town Planning Board

Mr. C.T. Ling (a.m.)

Ms. Brenda K.Y. Au (p.m.)

Senior Town Planner/Town Planning Board

Miss Fiona S.Y. Lung (a.m.)

Mr. Tom C.K. Yip (p.m.)

Agenda Item 6

Progress Report on the Development of the West Kowloon Cultural District
(TPB Paper No. 7431)

[Open Meeting (whole agenda item). The meeting was conducted in Cantonese.]

51. The secretary reported that the following Members had declared interests on this item:

Mrs. Rita Lau
as Permanent Secretary for
Housing, Planning and Lands
(Planning and Lands)

Being Chairperson of the Proposals
Evaluation Committee (PEC) and a
member of the Steering Committee (SC)
for the West Kowloon Cultural District
(WKCD) development

Mr. Bosco C.K. Fung
as Director of Planning

Being a member of the PEC and SC

Ms. Ava Chiu
as Principal Assistant Secretary
(Transport), Environment,
Transport and Works Bureau

The Secretary for Environment,
Transport and Works being a member of
the SC

Mr. Patrick L.C. Lau
as Director of Lands

Being a member of the PEC and SC

Ms. Margaret Hsia
as Assistant Director(2), Home
Affairs Department

The Director of Home Affairs being a
member of the Public Consultative
Committee of WKCD

Mrs. Angelina P.L. Lee	Business dealings with Cheung Kong (Holdings) Limited (CKH), Henderson Land Development Company Limited (Henderson), Sino Land Company Limited (Sino), and Sun Hung Kai Properties Limited (SHKP), which were involved as the Proponents
Dr. Greg C.Y. Wong	Business dealings with CKH, Sino, SHKP, and Wharf, which were involved as the Proponents
Mr. Francis Y.T. Lui	Business dealings with CKH and Sino
Mr. K.G. McKinnell	Business dealings with CKH
Dr. Lily Chiang	Business dealings with CKH
Mr. Tony W.C. Tse	As the General Manager of the Sales Department of Henderson
Dr. Alex S.K. Chan	Business dealings with SHKP
Mr. Alfred Donald Yap	Business dealings with SHKP
Mr. Edmund K.H. Leung	Business dealings with SHKP
Professor N.K. Leung	As a member of the Council of Hong Kong Academy for Performing Arts (APA) from 1.1.2005, which was a consultant of one of the Proponents (i.e. Sunny Development Limited)
Professor Bernard Vincent W.F. Lim	President of the Hong Kong Institute of Architects, who had formally raised objections against the WKCD in the public arena.

52. The Chairperson said that at this meeting, the Government's representatives would inform Members on the development of WKCD and the Government's proposals in taking forward the project. Being the Chairperson of the PEC and a member of the SC for the WKCD development, she had declared an interest on this item. However, as the subject matter to be discussed at this meeting did not involve consideration of the proposals submitted by the screened-in proponents, nor assessment of individual proposals, she did not consider there would be a conflict of interest for her to chair this meeting. The meeting agreed that the interest of the Chairperson was indirect and that the Chairperson should

continue chairing the meeting.

53. The Secretary said that the subject matter of discussion was mainly related to the plan-making process and planning procedures, and not involving an assessment of individual projects. According to the Board's Procedure and Practice, those Members who had declared interests could be allowed to stay at the meeting and participate in the discussion of this item. The meeting agreed.

54. The following representatives from the Government were invited to the meeting at this point:

Miss AU King Chi	Deputy Secretary, Housing, Planning and Lands Bureau (HPLB)
Ms. Lolly CHIU	Deputy Secretary, Home Affairs Bureau
Mr. Danny LAU	Principal Assistant Secretary, HPLB
Mr. KWAN Pak Lam	Project Manager, Civil Engineering Development Department
Mr. Anthony Kwan	Assistant Director, Planning Department
Ms. Cynthia LIU	Chief Manager (Special Projects), Leisure and Cultural Services Department (LCSD)

[Mr. Patrick L.C. Lau returned, and Mr. Michael Lai arrived, to join the meeting at this point.]

Presentation Session

55. Mr. Danny Lau covered the following aspects in his presentation as detailed in the Paper:

- (a) the Board's previous involvement in the planning process of the WKCD development;
- (b) the extensive public consultation conducted and the public response received;

- (c) the findings of the report on public consultation prepared by an independent consultant;
- (d) major areas of public concern and the aspiration of the general public;
- (e) major policy considerations having regard to the outcome of public consultation and the proposed new approach for meeting community expectations;
- (f) the proposed additional development parameters and conditions, including setting a maximum plot ratio limit at 1.81 and a cap of the residential gross floor area (GFA) to no more than 20% of the total GFA, establishing an independent fund, abolishing 'single development' approach and establishing a statutory body to take forward the WKCD development;
- (g) the two-stage plan amendment approach be revised to advance the second stage amendment before the selection of a preferred proposal; and
- (h) the next steps and key milestones in taking forward the WKCD development.

[Mr. Greg C.Y. Wong returned to join the meeting at this point.]

Discussion Session

Plot Ratio

56. Some Members' views on plot ratio were summarized as follows:

- (a) the plot ratio of 1.81 was contained in the original Invitation for Proposals (IFP) and was nothing new. It was only that all the three screened-in proponents had proposed a higher plot ratio for the WKCD development. The new development parameter was the 20% cap on the total GFA for residential development; and

- (b) the maximum plot ratio of 1.81 was generally supported, but flexibility should be allowed in case the screened-in proponents found that the project was not financially viable. In view of the proximity of the WKCD development to the China Hong Kong City, the proposed Express Railway Link and the West Kowloon Station, the eastern part of the area would be suitable for commercial development such as hotel and office that was related to China trade. The proposal of putting a cap of 20% on residential development and requiring 50% of the total GFA for commercial development in WKCD was reasonable.

57. Miss Au King Chi responded that in the IFP published in 2003, plot ratio of 1.81 was only taken as the baseline and not a mandatory requirement. The proponents could submit a proposal with a higher plot ratio. To meet community aspirations for lower development intensity, the plot ratio of 1.81 would be adopted as the maximum for the future development of WKCD.

Arts and Cultural Facilities

58. Some Members were concerned about the standard of provision and utilization rate of the arts and cultural facilities and their views were summarized as follows:

- (a) some 214,000 m² (30% of the total GFA) of land would be reserved for the core arts and cultural facilities. Whether such facilities would achieve the international standard of provision; and
- (b) a large number of theatres and museums would be provided in the WKCD development. Concern was raised on the utilization rate and financial viability of running these venues. Consideration could be given to reducing the number of venues, but providing more greenery to encourage and facilitate lively outdoor performance, like the Central Park in New York.

59. Ms. Lolly Chiu said that to achieve world class standard, it would be important to look at not only the provision of venues, but also the management system, resources on

manpower training and quality of performance.

60. Ms. Cynthia Liu made the following points:

- (a) the proponent would be required to provide at least 185,000 m² Net Operating Floor Area (NOFA) for the Core Art and Cultural Facilities (CACF). The CACF would comprise 3 theatres, 1 performance venue with at least 10,000 seats and 4 museums, among others. In estimating the required floor areas and provisions for the venues, international standards were followed; and
- (b) the 15 venues managed by LCSD all had high utilization rate. Other than the two venues in North District and Yuen Long which were relatively remote, other venues had a utilization rate of over 90%. The demand for using the Hong Kong Cultural Centre and Hong Kong Coliseum was particularly high. The newly built museums such as the Hong Kong Museum of Coastal Defence and the Heritage Museum also had good attendance rate, particularly if quality events were hosted. In working out the requirements for the arts and cultural facilities, various studies had been conducted and the stakeholders had been consulted to ascertain the requirements of the industry.

61. The Chairperson added that nurturing local interest in arts and cultural activities and attracting audience from overseas could also help boost the utilization and attendance rates of the various venues.

Two-stage Plan Amendment Approach

62. A Member raised the following concerns on the revised two-stage plan amendment approach:

- (a) the two-stage plan amendment approach seemed to have been reduced to one-stage. While the public would like to see more control for the planning and development of the WCKD, the revised approach would in effect lower the control of the Board on the project;

- (b) in the original two-stage approach, the preferred scheme would be submitted to the Board for consideration and agreement before the Government would enter into a Provisional Agreement with the Successful Proponent. The Board would then amend the Outline Zoning Plan (OZP) to incorporate the proposed development parameters of the preferred scheme and the OZP would be gazetted for public inspection and comment. In the revised approach, only the development parameters were submitted to the Board for consideration, not the scheme. In so doing, the Board could only comment on the quantitative figures, but could not look at the spatial dimension, overall design and layout, and integration of development mix, etc. of the scheme; and

- (c) the Board previously agreed to rezone the WKCD to “Other Specified Uses” (“OU”) to allow flexibility for the project proponent to come up with innovative design. The preferred scheme would then be submitted to the Board for agreement. If the site was zoned “Comprehensive Development Area” (“CDA”), the applicant would be required to submit a Master Layout Plan (MLP) and the public could comment on the MLP in accordance with the provisions of the Town Planning Ordinance. For an “OU” zone, the planning control framework was not clearly stipulated. Clarification was sought from the Government on whether the public would be consulted on the revised scheme and whether the revised scheme, together with the public views, would be submitted to the Board for consideration and endorsement before the Government would sign an agreement with the successful proponent.

63. A Member was of the view that advancing the second stage amendment was acceptable, if Government could undertake the selected scheme would still be submitted to the Board for agreement.

64. Another Member said that in the revised two-stage approach, the development parameters would be incorporated into the OZP before the selection of a successful proponent. As the amendments to OZP would be published for public inspection and subject to the representation procedures, the proponent might choose to wait for the finalization of the OZP to see if there were any further changes to the development parameters arising from consideration of the representations, and decide whether the WKCD development was still a financially viable project. The procedures might take two to three years to complete. In case the proponent finally decided to pull out, then things had to start all over again. In view of the above, the amendments to the OZP should start the soonest possible, and alternative options of developing the arts and cultural facilities should also be explored for contingency purpose.

65. Miss Au King Chi clarified that the plan amendment process would not be condensed from 2-stage to 1-stage. The Government only intended to advance the stage 2 procedure by incorporating the development parameters into the OZP thereby enabling early public consultation through the statutory planning process, before the selection of a preferred proposal. The proponents would have to revise their proposals based on the development restrictions stipulated on the OZP. The selected proposal would be reported to the Board for consideration in the context of the approved OZP and relevant town planning guidelines with regard to urban design and harbour planning principles.

66. Mr. Anthony Kwan said that in the current submission, the Government would like to seek Members' preliminary views on the proposed changes. Further submission to the Board would be made on the proposed amendments to the OZP, after consulting the Legislative Council (LegCo) and the public on the proposed changes and the screened-in proponents having expressed positive response. If endorsed by the Board, the proposed amendments would be gazatted for public inspection to be followed by the representation procedures under the Town Planning Ordinance. As already stated in the Notes, residential development was a Column 2 use for which planning permission would be required.

67. The Chairperson said that the appropriateness of the “OU” zone for WKCD development had already been thoroughly deliberated several times by the Board, in the plan amendment and objection consideration process. In the previous discussion of the two-stage plan amendment process, the Government had committed that the preferred scheme would be submitted to the Board for consideration and agreement before the Government would sign an agreement with the successful proponent. After consulting the public on the three screened-in proposals, the Government had a better understanding of the views and aspirations of the local community, such as objection to the ‘single development’ approach and concern on the development intensity. To address the public concern, the Government had proposed a new approach on the way forward, including revising the two-stage plan amendment approach by advancing the stage 2 amendment of the OZP. She sought confirmation from the Government team on whether the Government would undertake to submit the selected scheme to the Board for consideration and agreement prior to signing an agreement with the proponent. Miss Au King Chi replied in the affirmative and assured that Members would have the opportunity to assess whether the preferred proposal had satisfied the Board’s Guidelines and all planning requirements when it was reported to the Board for consideration. She added that the Government would not sign any agreement with the proponent before completing that process.

68. The Chairperson continued to say that there were clear criteria for assessing the proposals submitted under the IFP. When a proposal was selected, the Government would clearly explain to the public the basis of its decision. Meanwhile, in order not to pre-empt the future selection process, the Government had refrained from making known to the public which proposal was preferred by the public among the three-screened in proposals. Should the proponents decide to continue with the WKCD development under the IFP, they would be required to submit revised proposals to the Government. On the question of whether there would be further public consultation on the revised proposals, this would be considered by the Government. Miss Au King Chi said that further public views on the development of WKCD could be solicited through various channels, but the detailed arrangement had not yet been firmed up. The next stage of work would very much hinge on the indication from the proponents on whether they could accept the new proposed conditions and requirements including the planning parameters of plot ratio and development mix.

Building Height and Spatial Dimension

69. Members generally shared the views that there should be control on building height and spatial dimension, and their views were summarized as follows:

- (a) planning should be 3-dimensional and control on building heights should be imposed as an additional development parameter, particularly in view of the prominent waterfront location of the WKCD;
- (b) the development parameters only focused on the distribution of GFA among the different land uses. There was uncertainty in the design and layout and spatial arrangement of the different land use components in the WKCD development;
- (c) being an important waterfront site, consideration should be given to introducing stepped height restrictions;
- (d) the western part of the WKCD was the core area and should be subject to lower building height control to minimize the possible visual impact and make it a landmark; and
- (e) while the Board should have final control on the overall design and layout of the development, flexibility should be allowed for innovative design for the area.

70. Mr. Anthony Kwan said that according to the Urban Design Guidelines, the WKCD was outside the view corridor and the area was not subject to any guidelines on building heights for protection of the ridgelines. Having said that, as the WKCD was occupying a prime waterfront location, the stepped height profile recommended in the Urban Design Guidelines would be adopted in the planning of the area. The building height would descend from the inland towards the waterfront. The IFP had already set out that the building height of the canopy should preferably range from a maximum of about 130 mPD at the Cultural Headland to a minimum of about 50 mPD near the eastern end, and the high-rise tower blocks were to be located at the Commercial Gateway near Canton Road. In considering the appropriate building height for the area, it should be noted that to the north of WKCD, a building of 102 storeys (or 480 mPD) had been approved by the Board and high-rise buildings exceeding 200 mPD, such as the Arch and the Surrento, were found

nearby.

71. The Chairperson drew Members' attention that the intended building height restriction had been included in the Explanatory Statement of the OZP. Miss Au King Chi said that as and when the Administration reported the preferred proposal to the Board, Members could consider if the overall design and layout of the proposal was acceptable.

Canopy

72. A Member asked when a decision would be made as to whether the canopy would be built. Another Member considered that as 51% of the respondents had indicated support to the construction of the canopy during the public consultation, the Government should go ahead with its construction.

73. The Chairperson said that while 51% respondents in the telephone polls supported the construction of a canopy as a landmark, views collected via other means, such as written submissions indicated that there were also objections against its construction.

74. Miss Au King Chi said that the Government would further review the situation upon receiving the response from the three screened-in proponents on whether they would continue with the WKCD development within the IFP framework.

Provision of Greenery

75. A Member asked for information on the provision of greenery in the WKCD development. Mr. Anthony Kwan said that it was required in the IFP that at least 20 ha of open space should be provided for public use. A large part of the open space would likely be reserved for greenery and a promenade would be provided for various leisure and recreational uses along the waterfront.

'Single Development' Approach

76. A Member disagreed with the proposed deletion of the 'single development' approach as the Government would take over the role of the developers to bear the financial risk. Another Member noted the proposal that the successful proponent would be required to carve out at least 50% of the residential and commercial GFA for other developers to bid and asked for further information on the control mechanism on the carving out and bidding of land.

77. Miss Au King Chi said that the Government would work further on the detailed arrangement upon receiving a positive response from the screened-in proponents.

Prolonged Consultation

78. A Member considered that the Government had already conducted a very comprehensive public consultation exercise and good response was received from the public. The public had indicated support to the WKCD development and would like to see its early implementation. There had been too many public consultations and there was no need to keep on consulting the public.

79. Miss Au King Chi responded that while the public was in support of the early implementation of the WKCD development, they did raise concern on, for example, the 'single development' approach, development intensity, and sustainability of the arts and cultural facilities. Taking into account the public views, the Government had proposed modifications under the IFP framework for taking forward the development of WKCD, and thus needed to further consult the public, Board and LegCo on the proposed way forward. The Government would also invite response from the three screened-in proponents to ascertain if they would be prepared to continue with the WKCD development. If the proponents decided to pull out from the IFP, the Government would have to consider the best way forward as a result.

80. The Chairperson added that the deliberation on the Government's proposed way forward by the Board, as well as that in LegCo, was conducted in an open meeting and the three screened-in proponents should be fully aware of Members' views in deciding whether they would continue with the WKCD development. The proponents would have time until

end of January 2006 to consider and indicate their position.

New Statutory Body

81. A Member supported the setting up of a new statutory body to take forward the development of the WKCD. As drafting a new piece of legislation would take time, consideration should be given to setting up a provisional body to take up the work in the interim. Another Member sought clarification on the role of the statutory body in the WKCD development.

82. Miss Au King Chi responded that the Government would work on the setting up of the statutory body as a priority. Public consultations however were necessary on the powers, functions and membership of the proposed body.

[Ms. Ava Chiu, Mr. Stanley Y.F. Wong, Mr. Erwin A. Hardy, Mr. Keith G. McKinnell and Prof. Peter R. Hills left the meeting during the deliberation of this item.]

83. In conclusion, the Chairperson said that the Government should duly consider the views made by Members on the proposed way forward, additional development parameters, and revised approach to the two-stage plan amendment process.

84. After deliberation, the Board:

- (a) noted the results of the Public Consultation and the proposed way forward for the development of the WKCD;
- (b) agreed in-principle to the proposed additional development parameters set out in paragraphs 4.6 to 4.10 of the Paper as a basis for the future planning of the WKCD; and
- (c) agreed on the revised approach to the two-stage plan amendment process.

85. The meeting adjourned for lunch at 1:10 p.m..