

**Minutes of 980th Meeting of the
Town Planning Board held on 15.4.2011**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Thomas Chow

Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Professor Eddie C.M. Hui

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Professor S.C. Wong

Assistant Director (Environmental Assessment), Environmental Protection Department
Mr. C.W. Tse

Assistant Director (2), Home Affairs Department
Mr. Andrew Y.T. Tsang

Deputy Director (General), Lands Department
Mr. Jeff Lam

Director of Planning
Mr. Jimmy C.F. Leung

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

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Dr. C.P. Lau

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

Ms. Anita W.T. Ma

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Fletch W.W. Chan

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Senior Town Planner/Town Planning Board
Ms. Maggie M.Y. Chin

Agenda Item 1

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

1. There were no matters arising from the last meeting.

Agenda Item 2

[Open Meeting (Presentation and Question Session only)]

Consideration of Further Representation to the
Draft Central District Outline Zoning Plan (OZP) No. S/H4/13

(TPB Paper No. 8780)

[The meeting was conducted in Cantonese and English.]

2. The Secretary said that on 11.4.2011, Turbo Top Limited (the further representer and representation No. R7) lodged an application for leave to apply for judicial review (JR) in respect of the Board's decisions on 21.1.2011 of not upholding its representation on the draft Central District Outline Zoning Plan (OZP) No. S/H4/13. On 12.4.2011, the Court of First Instance granted leave to Turbo Top Limited to apply for JR. The Court of First Instance also ordered an interim stay of the submission of the draft Central District OZP No. S/H4/13 to the Chief Executive in Council pending the determination of Turbo Top Limited's Inter Parte Summons for a stay or further order. The relevant Notice of Application for Leave to Apply for JR, affirmation from a witness of Turbo Top Limited and Notice on the Granting of Leave had been circulated before the meeting for Members' information. A copy of the said documents was also tabled at the meeting. The Chairman said that the Board's consideration of further representation to the draft Central District OZP (F1) and the JR lodged by F1 of the Board's decision were two different proceedings. The Board should consider the further representation in accordance with the established practice and procedures. A Member concurred and said that there was no reason to withhold the hearing of the further representation. After deliberation, Members agreed to continue with the consideration of the further representation.

Presentation Session

3. As the proposed amendments to the draft Central District OZP No. S/H4/13 arising from the consideration of representations and comments to the draft Central District OZP. No. S/H4/13 were related to the Cheung Kong Centre (CKC) and the International Finance Centre (IFC) sites, the following Members had declared interests on the item:

Mr. Raymond Y.M.Chan having current business dealings with Swire Pacific Ltd. (SPL), Sun Hung Kai Properties Ltd. (SHK), Henderson Land Development Co. Ltd. (HLD) and Hong Kong & China Gas Co. Ltd. IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd., had submitted a representation.

Mr. Felix W. Fong having current business dealings with Hutchison Whampao Ltd. (HWL) and SHK. Turbo Top Limited, a subsidiary of HWL, had submitted a representation and further representation. IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation.

Mr. Y.K. Cheng having current business dealings with SHK. IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd., had submitted a representation.

Dr. C.P. Lau having a close relative working for HLD as a consultant. IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd., had submitted a representation.

Dr. James C.W. Lau having current business dealings with HLD and Hong Kong & China Gas Co. Ltd. IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation.

Ms. Julia M.K. Lau being a former employee of SHK. IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation.

Mr. Clarence W.C. Leung being a Director of a NGO that recently received a donation from a family member of the Chairman of HLD. IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation.

Mr. Roger K.H. Luk being a member of the Council of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD. IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation.

4. As the concerned NGO and CUHK had received many donations from various parties, Members agreed that the interests of Mr. Roger K.H. Luk and Mr. Clarence W.C. Leung were not substantial and they could be allowed to stay in the meeting. As Dr. C.P. Lau had no direct business dealing with HLD, his interest was considered not substantial. Members noted that Dr. Lau had tendered apology for not being able to attend the meeting. As the interests of other Members were direct, Members agreed that they should be invited to withdraw from the meeting. Members noted that Mr. Raymond Y.M. Chan, Mr. Felix W.

Fong, Ms. Julia M.K. Lau and Dr. James C.W. Lau had tendered apologies for not being able to attend the meeting. Mr. Y.K. Cheng was invited to leave the meeting at this point.

[Mr. Y.K. Cheng left the meeting at this point.]

5. As sufficient notice had been given to invite the further representer, representers and commenter to attend the hearing, Members agreed to proceed with the hearing of further representation in the absence of R5 who had indicated not to attend the hearing.

6. The following representatives from PlanD, further representer, representer and commenter were invited to the meeting at this point:

Ms. Brenda Au - District Planning Officer /Hong Kong (DPO/HK)

Ms. April Kun - Senior Town Planner/Hong Kong

F1 (Turbo Top Limited)

Mr. Wong Wing Yan Kenneth]

Ms. Chan Shuk Ling Linda] Representatives of F1

Ms. Au Hei Yee]

Representer No. R2 (Central and Western Concern Group)

Mr. John Batten] Representatives of R2

Ms. Katty Law]

C1 (Designing Hong Kong Limited)

Mr. Paul Zimmerman] Representatives of C1

Ms. Eva Tam]

7. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Brenda Au, DPO/HK, to brief Members on the background to the further representation.

8. With the aid of a Powerpoint presentation, Ms. Brenda Au, DPO/HK, made the

following main points as detailed in the Paper:

- (a) on 16.7.2010, the draft Central District OZP No. S/H4/13 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Four representations and three comments had been received in relation to the CKC site;
- (b) on 21.1.2011, after giving consideration to the representations and comments, the Board decided to propose amendments to the Plan under s.6B(8) of the Ordinance to partially meet R2 and R5 in respect of the CKC site and R8 in respect of the IFC development. For the CKC site, the Board proposed amendments to the Notes to set out clearly the planning intention for the “C(1)” zone, i.e. the zone was intended primarily for comprehensive development/redevelopment for office use and the provision of public car park, government facilities and public open space, with supporting shop, services and eating place. There was no amendment to the development restrictions stipulated in the Notes. The Explanatory Statement (ES) was also suitably revised to set out the planning history and background of the CKC site development. Regarding the IFC site, the Board agreed to rezone the ‘Road’ area covered by the two elevated walkways linking up the two separate portions of IFC as sub-area (b) of the “C(2)” zone and to annotate the existing two portions of IFC as sub-area (a) of the “C(2)” zone;
- (c) on 18.2.2011, the proposed amendments to the OZP were published under s.6C(2) of the Ordinance. Upon expiry of the three-week publication period on 11.3.2011, one further representation (F1) was received;
- (d) F1 opposed the amended Notes of the “C(1)” zone and the corresponding changes to the ES in relation to the planning intention of the “C(1)” zone for the CKC site. No further representation in relation to the IFC site was received;

The Further Representation Site - Cheung Kong Centre Site

- (e) the site was previously occupied by Hilton Hotel, Garden Road Multi-storey Car Park and Beaconsfield House. The CKC development was the subject of several planning applications approved by the Board. The approved development scheme covered the whole site, based on which the maximum plot ratio of 15 was calculated. The comprehensive redevelopment scheme completed in 2004 comprised an office block, government facilities (a public toilet and government accommodation), retail use, public car park and public open space;
- (f) under the previous Central District OZP No. S/H4/12, the CKC site was zoned “G/IC” and “C”. The public car park and the public open space within the site were on both the “G/IC” and “C” zones, whereas the retail use was mainly on the “G/IC” zone. The site had been redeveloped for a comprehensive development. There was no clear delineation between the G/IC portion and the commercial portion on the site;
- (g) to reflect the approved development scheme in relation to the existing completed development and to clearly show the planning intention of the site, the CKC site was rezoned from “C” and “G/IC” to “C(1)” on 16.7.2010. The relevant development restrictions for the CKC site had been stipulated in the Notes – a maximum non-domestic GFA of 144,840m², including not more than 680m² for retail purpose, a minimum GFA of 700m² and 25,000m² respectively for the provision of government facilities and public car park with a minimum of 800 public car parking spaces and a public open space of not less than 5,200m²;
- (h) the main grounds of further representation and the further representer’s proposals were summarized in paragraphs 2.2 and 2.3 of the Paper and highlighted below:

- (i) the proposed amendments did not meet R2 and R5's representations in any manner. Hence, the proposed amendments were beyond the scope of amendments that the Board was empowered to make under section 6B(8) of the Ordinance;
- (ii) the proposed amendments contradicted the planning intention of the "C" zone, which spelt out that office was not the only possible commercial use within the "C" zone;
- (iii) the GFA restriction imposed on the retail use was too restrictive;
- (iv) there was no explanation as to why the proposed amendments were made for the CKC site but not the IFC site. There was also no justification for the different treatments on the CKC and IFC sites;

F1's proposals

- (v) the statement that the 'the "C(1)" zone is intended primarily for comprehensive development/redevelopment for office use' should be deleted from both the Notes and the ES; and
- (vi) to re-instate that part of the CKC site into its original "G/IC" zoning (as per the "G/IC" zone in the Approved Central District OZP No. S/H4/12);

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

- (i) PlanD's responses were as follows:

Proposed amendments not meeting R2 and R5 in any manner

- (i) R2 and R5 opposed the rezoning of CKC site and adjoining open space from "C" and "G/IC" to "C(1)". R2 pointed out that the planning controls would be loosened should the zoning be

changed. R5 considered that the zoning could not ensure that the open space could be retained upon redevelopment. C2 supported R5 that the rezoning proposal for the CKC site should ensure that the adjoining open space should be retained;

- (ii) the Board had considered the representations of R2 and R5 and decided to propose amendments to the draft OZP to partially meet R2 and R5. Pursuant to section 6(B)8 of the Ordinance, upon consideration of a representation as well as any comment, the Board should decide whether or not to propose amendments to the draft plan in question in the manner proposed in the representation or otherwise in the manner that, in the opinion of the Board, would meet the representation. The Board, after giving due consideration to R2 and R5, agreed that it would be appropriate to explain clearly the history/rationale for the rezoning of the site to address their concerns;

Stated planning intention of primarily for office use for “C(1)” zone was unfounded

- (iii) the CKC development was the subject of several planning applications approved by the Board based on the merit of the comprehensive development. The amendments made to the Notes and ES were to clearly set out the planning intention of the site and reflect the approved development scheme in relation to the existing completed development on the site;
- (iv) the Column 1 uses for the “C” zone had been formulated having regard to the general land use compatibility of different uses within the zone, while separate planning intention and/or Remarks were applicable to specific sites to set out the particular planning intention and/or development restrictions for these sites. All the specific uses mentioned in the planning intention of the “C(1)” zone were within the scope of Column 1 uses for the “C” zone. There was no contradiction between the

planning intention and the schedule of uses;

- (v) the stipulation of the GFA restrictions in the Notes of the “C(1)” zone was to ensure that any future development on this site would be in line with the approved development scheme. The stipulation was consistent with the lease;
- (vi) as advised by TD, traffic generation rate for retail use was much higher than office. The restriction on retail GFA could prevent the changing of office GFA and car park freely to retail use without planning control. There was provision for application for minor relaxation of the GFA restrictions under the OZP;

No justification for different treatments

- (vii) the development restrictions and requirements had been worked out with reference to the background, nature of the development, and the planning intention and the lease entitlements of respective sites. It was inappropriate to make direct comparison between the different “C” sites in respect of the planning control imposed;
- (viii) the IFC development was different from the CKC development. The IFC was a mixed commercial development comprising retail, office and hotel uses. The CKC development was predominately an office development;
- (ix) based on the above considerations, F1’s proposal to delete the statement that ‘the “C(1)” zone is intended primarily for comprehensive development/redevelopment for office use’ from the Notes and the ES was not supported;
- (x) regarding F1’s proposal to reinstate part of the CKC site to its original “G/IC” zoning, the Board had already deliberated on this point during its consideration of the representations and

comments in respect of the CKC site. The proposal was not relevant to the proposed amendments made to the Notes of the “C(1)” zone; and

(j) PlanD’s Views

based on the assessments set out in paragraph 3 of the Paper, PlanD did not support the further representation (F1) and considered that the Notes and ES of draft OZP in relation to the “C(1)” zone should be amended by the proposed amendments.

9. The Chairman then invited the representatives of further representer, representer and commenter to elaborate on their submissions.

F1 (Turbo Top Limited)

10. Mr. Wong Wing Yan Kenneth, the representative of F1 made the following main points:

- (a) at the TPB meeting held on 8.4.2011, the Board decided to defer the hearing of the further representation for just one week, instead of two months as requested by F1. There was still insufficient time for F1 to seek professional and legal advice on PlanD’s considerations and assessments set out in the TPB Paper 8780. The comments made at this hearing were mainly based on the original submission of F1;
- (b) F1 did not agree with PlanD’s comment that the G/IC and commercial portions could not be clearly delineated on the CKC site. As pointed out in F1’s submission, about 97% of the site area on the GIC portion was used as a public open space. It was completely separated from the office tower which fell within the “C” zoning on the previous OZP. According to the TPB Guidelines for Application for Development/Redevelopment within GIC Zone (TPB PG-No. 16), the Board might consider rezoning a “GIC” site if the development was for predominantly non-GIC uses. For the CKC site, the G/IC portion was predominantly used for GIC uses. Therefore, the “G/IC” zoning should be reinstated in accordance with the TPB Guidelines No. 16;

- (c) FI did not agree with the stated planning intention of the “C(1)” zone, i.e. ‘primarily for comprehensive development/redevelopment for office use’. Although most of the floor areas of the site were for office use, a major part of the GIC portion was used as a public open space. The stated planning intention failed to reflect the current development on the site;
- (d) the rationales for rezoning the CKC site and IFC site were both for ‘reflecting the completed development’. However, the CKC site was the only commercial site in the Central District OZP with imposition of specific restrictions on the provision of retail use, government facilities and public car parking spaces. No explanation had been provided for different treatments of the two sites. There was also no justification for imposing the development restrictions on the CKC site;
- (e) the purpose of the OZP amendments to ‘reflect the completed development’ and ‘follow the entitlement under the lease’ stated in TPB Paper No. 8703 was not a planning consideration. Instead of reflecting the completed development, planning for the site should be visionary. Imposing rigid restrictions based on the as-built development would constrain the development of the site. This planning approach was subject to legal challenge; and
- (f) as indicated at paragraph 3.9 of the replacement page 5 of the TPB Paper, PlanD put forward a new issue, i.e. the traffic situation, to justify the imposition of GFA restrictions on the CKC site. F1 did not have sufficient time to respond to this issue. Besides, it was not clear whether PlanD was referring to the current traffic situation or the traffic situation at the time when the development scheme was approved by the Board. As the OZP amendments to the CKC site were proposed by PlanD/the Board, it was not clear who should submit TIA to support the proposed amendments. As this issue was confusing and submitted by PlanD shortly before the hearing, Members should not take this issue into account in considering the further representation.

R2 (Central and Western Concern)

11. Mr. John Batten, the representative of R2, said that whilst R2 had only submitted a general comment on the CKC site, he had elaborated his comments on the possible change of car parking spaces to retail use at the hearing of representations held on 21.1.2011. Regarding the development history of the site, Mr. Batten invited Members to make reference to the verbatim record of the discussion at the Legislative Council on the land exchange for Beaconsfield House site. A copy of the said verbatim record was tabled at the meeting for Members' information. Mr. Batten made the following main points:

[Ms. Anna Kwong arrived to join the meeting at this point.]

- (a) according to the verbatim record, two pieces of government land, i.e. the Beaconsfield House site and Garden Road Multi-storey Carpark Building site, had been granted to the developer who owned the former Hilton Hotel site by way of land exchange so that the three sites could be developed together. This would result in significant planning gains and an improved environment. Public facilities, including the car park, post office and public open space, had been provided in the CKC site. The comprehensive redevelopment of these three sites had also provided an open landscape for the adjacent historic buildings, namely the St. John's Cathedral and the Court of Final Appeal. There were also discussions at the said LegCo on the issue of land grant by way of land exchange. The LegCo discussion was relevant in setting out the development history of the CKC site;
- (b) R2 was concerned about the increase of retail uses on the site. Given its prime location, any increase in retail use would have adverse traffic impacts on the area. The CKC site should be for office use; and
- (c) the specific development restrictions proposed by PlanD were supported. In view of the development history/background, the effort made by PlanD in providing better planning for the site was

commendable.

12. Ms. Katty Law, the representative of R2, made the following main points:
- (a) the Beaconsfield House and Garden Road Multi-storey Carpark Building were previously part of the 'Government Hill'. Although these two ex-government sites had been granted by way of land exchange to the private developer, the public had a reasonable expectation that the Government should monitor the development and the public facilities provided on the site;
 - (b) the Government had recently announced rezoning a large piece of 'G/IC' site at the 'Government Hill' to "CDA", which was basically a commercial development. The large-scale redevelopment proposal was opposed by concerned groups. R2, together with numerous concerned groups, had submitted a s.12A planning application in respect of the Central Government Offices (CGO) site. R2 proposed to rezone the CGO site to "Other Specified Use" annotated "Heritage Precinct" or a special "G/IC(1)" with the planning intention of retaining the character and heritage importance of the site. It was noted that over 2,000 public comments supporting the application were received during the publication period. The application would soon be submitted for the Board's consideration;
 - (c) Central was a busy business district with heavy vehicular traffic. Any future development in the area should avoid bringing additional traffic into the area. It was noted that the public car park at the CKC site was to re-provision the ex-Garden Road Multi-storey Car Park. There was great demand for public car park spaces in the area. It was prudent to retain the existing car parking provision on the CKC site; and
 - (d) PlanD should take a holistic approach and undertake a comprehensive review of the overall planning for the Central District as a whole. In the

planning process, PlanD should take into account the public views/comments, development history of the area and other relevant considerations.

C1(Designing Hong Kong Limited)

13. Mr. Paul Zimmerman, the representative of C1, made the following points:
- (a) the public open space at the CKC site was not user friendly. There were no seating facilities provided to serve the local community;
 - (b) C1 strongly supported PlanD and the Board in imposing development restrictions on the CKC site. Planning controls were necessary, in particular on the provision of public car parking spaces, to safeguard public interests;
 - (c) F1 submitted that the occupancy rate of the car parking spaces was low. The utilisation rate of the public car park could be easily enhanced by lowering the parking fee; and
 - (d) as a number of private developments in the adjacent area had no public car parking spaces, the existing public car park at the CKC site should be retained.

14. As the representatives of the further representer, representer and commenter had completed their presentations, the Chairman invited questions from Members.

Question Session

15. In response to a Member's enquiries, Mr. Kenneth Wong replied that F1 did not agree with PlanD's comments on four main issues as elaborated in his presentation. Firstly, the commercial development and the public facilities could be clearly delineated in the original "C" and "G/IC" zones. Secondly, the stated planning intention of the "C(1)" zone, i.e. primarily for office development, was not applicable to the GIC portion of the site. The "C" zoning should not be extended to cover the GIC portion. Thirdly, specific GFA restrictions were only imposed on the CKC site, but not IFC or any other commercial sites

under the Central District OZP. There was no justification for differential treatments. Fourthly, the zoning amendment and imposition of specific restrictions simply reflected the completed development on the site. This was not a valid planning consideration. In reviewing the appropriate zoning of the site, PlanD should take into consideration the overall planning and development needs of the area. Mr. Wong stated that in preparing the subject FI, he had no knowledge of the LegCo discussion in respect of the relevant land exchange as mentioned by Mr. John Batten. However, the said discussion was mainly on the land exchange which was a land matter. Land control and planning control were under different regimes. Under the previous OZP, the office tower fell within “C” zone whereas the GIC portion was mainly used for accommodating the public facilities. As such, F1 requested the Board to reinstate the original “G/IC” zoning for that part of the CKC site. Ms. Brenda Au pointed out that F1’s arguments and proposal to re-instate that part of the CKC site into the original “G/IC” zoning had been considered by the Board during the previous consideration of the representations and comments in respect of the CKC site. Apart from incorporating specific planning intention for the “C(1)” zone, the Board had decided not to propose any zoning amendment to the site.

16. In response to the four main issues raised by Mr. Kenneth Wong, Ms. Brenda Au made the following points:

Delineation between Commercial and GIC Portions

- (a) the CKC development was the subject of several planning applications approved by the Board. The planning applications were considered on the merits and planning gains achieved by the comprehensive and integrated redevelopment of the site. As illustrated in the photograph of the Powerpoint presentation, public facilities were provided on both the previous “G/IC” and “C” zones. The office tower together with the public facilities including the public open space formed one single development based on which the plot ratio of about 15 was applied. As such, the development potential of the original “G/IC” site had already been transferred and used up for the CKC development. If the GIC portion was carved out from the CKC site as proposed by F1, the PR for the CKC building alone would far exceed 15;

Planning Intention of “C(1)” zone for Primarily Office Use

- (b) the development was predominantly for office use with only a small amount of GFA (about 0.5%) for retail use. This had now been reflected in the planning intention that the “C(1)” zone was primarily for comprehensive development/redevelopment for office use. Moreover, the planning intention had stated the provision of public car park, government facilities and public open space, with supporting shop, services and eating place within the CKC site. As such, the stated planning intention for the “C(1)” zone was appropriate;

Different Treatments

- (c) it was an established practice of the Board to amend the OZP to reflect the development schemes approved by the Board in relation to the completed developments. Both the IFC and CKC sites were subject of planning approvals granted by the Board and the relevant development restrictions had been stipulated in the Notes of the OZP. Restrictions on the non-domestic GFA and provision of public open spaces had been incorporated in the Notes for both sites to reflect the approved schemes. However, due to the development history/background of the CKC site, specific requirements had also been stipulated on the provision of public facilities. The CKC development was predominately an office development. The reason for the stipulation of the retail GFA restriction for the CKC site was to safeguard the changing of office GFA to retail use without any planning control. For the IFC, it had all along been intended for a mixed comprehensive development comprising retail, office and hotel uses;

Reflected the Approved Development Scheme

- (d) in considering the development scheme for the CKC site in 1995, the Board had taken into account the long-term planning intention, the proposed development components, the relevant planning considerations as well as the forecast traffic impact. The zoning amendments and imposition of the specific development restrictions were to reflect the approved development scheme. The then proposed

development scheme for the CKC site had been duly considered by the Board, and it was incorrect to say that the planning for the CKC site was not visionary.

17. In response to the Chairman's enquiry, Ms. Brenda Au stated that in considering the development scheme for the site, the Board had taken into account the appropriate development nature, the long-term planning intention of the site and other relevant considerations, in particular the planning merits and planning gains.

18. The Chairman enquired about the rationale for stipulating restrictions on retail GFA and car park provision for the CKC site, but not the IFC site. Ms. Brenda Au replied that the public car park at the CKC site was for the reprovisioning of the ex-Garden Road Multi-storey Car Park which served a wider area other than the CKC site alone. Continuous provision of the public car parking facilities should be ensured. This was, however, not the case for the IFC site. The car parking spaces at the IFC site were provided to serve the development as required by the Hong Kong Planning Standards and Guidelines (HKPSG). IFC was planned to be a mixed commercial development comprising retail, office and hotel uses. Hence, GFA restrictions on specific uses were considered not necessary for the IFC site. The stipulation of the specific requirement on the maximum retail GFA for the CKC site was to ensure that any future development would be in line with the approved development scheme which had taken into consideration the appropriate development nature on this site within the Central District including the traffic situation. The CKC development was predominantly an office development located at the entrance of Queen's Road Central. TD advised that the traffic generation rate of retail use was much higher (about 35% more for the am peak) than that of office use. Any increase in retail use on the site might have adverse traffic impact on the area. As such, a retail GFA restriction was imposed on the CKC to prevent the change of office GFA or car parking spaces to retail use without any planning control.

19. In response to Mr. Kenneth Wong's comments on the late provision of the replacement page of the TPB Paper, Ms. Brenda Au said that the replacement page was issued to provide the latest comments from TD to facilitate Members' consideration of F1. In reply, Mr. Kenneth Wong said that the traffic situation mentioned in the replacement page was a new issue raised by PlanD. F1 had no opportunity to assess this point and no response could

be provided at this hearing. Mr. Wong requested the Board not to take this issue into account in considering the further representation. The Chairman said that it was the established practice of the Board to take into account all relevant views and comments submitted by the relevant parties, including the points discussed at the hearing.

20. In response to a Member's enquiry as to whether the traffic concern was a new issue raised by PlanD, Mr. Kenneth Wong replied that according to the TPB Paper, the main objective of rezoning the CKC site from "C" and "G/IC" to "C(1)" with stipulation of development restrictions was to reflect the existing development on the site. However, it was highlighted in the replacement page just issued by PlanD that the traffic situation was one of the reasons for imposing the retail GFA restriction. It should be noted that under the previous "C" zoning, retail use was always permitted and no planning permission was required for any increase of retail use. However, under the Notes of the "C(1)" zone for the CKC site, there was a restriction of not more than 680m² of retail GFA. Another Member said that the traffic impact assessment (TIA) previously undertaken for the approved development scheme when it was still a proposal should be updated if any changes were to be made to the development. Mr. Kenneth Wong said that when the proposed development scheme for the CKC site was submitted for the Board's consideration, a TIA was prepared to support the development proposal. Recently, F1 had prepared an updated TIA in relation to a lease modification for converting some of the car parking spaces for retail use. The updated TIA had been submitted to LandsD and TD for consideration. Since 'retail' use was a Column 1 use always permitted under the "C" zone, any proposed increase in retail GFA did not require planning approval from the Board. Therefore, the updated TIA had not been submitted to PlanD for consideration. Moreover, the issue on the traffic situation was only mentioned in the replacement page received by F1 on 14.4.2011. As such, F1 did not have sufficient time to provide responses to the issue. Mr. John Batten disagreed that the traffic concern raised by TD was a new issue as traffic congestion was a well known problem in Central.

21. Mr. Paul Zimmerman said that taking into account the traffic situation and road infrastructure around the IFC site, he considered that similar restriction on the provision of car parking spaces should also be imposed on the IFC site. Ms. Brenda Au said that TD's views on the traffic outside the IFC site had previously been sought in respect of a representation (R1) relating to the IFC site. As mentioned in paragraph 4.3.5(c) of TPB Paper No. 8703, TD advised that the Government was constructing new road networks to cater for the traffic

growth in that area. The traffic situation would be further improved after commissioning of the Central Wan-Chai Bypass in 2017.

22. Ms. Katty Law said that the Central District had serious traffic congestion problem. To facilitate the Board in considering development/redevelopment in the area, TD should provide an updated and comprehensive traffic assessment for the whole district.

23. The Chairman said that in his presentation, F1 emphasized that a large part of the GIC portion of the CKC site was used as a public open space. Taking this line of argument, the Chairman asked Mr. Kenneth Wong whether he would agree that the area should be zoned "Open Space" instead of "G/IC". Mr. Wong replied that about 5,200m² of public open space was provided at the GIC portion of the site. However, there was also a total of 23,000m² GFA of public facilities including public car park, post office and public toilet provided thereat. Mr. Wong said that the GIC portion should be reinstated as "G/IC" instead of "O". In response to the Chairman's enquiry, the Secretary said that GFA was different from site area. There should not be a direct comparison between the two. The public open space occupied a site area of 5,200m², whereas the public facilities had 23,000m² GFA as mentioned by Mr. Wong occupied a much smaller site area. In response to the enquiry of the Chairman, Ms. Brenda Au replied that in general, public car park within private developments would not be designated as "G/IC".

24. Regarding the relevance of the TPB Guidelines No. 16 to the rezoning of the CKC site, Ms. Brenda Au said that the TPB Guidelines No. 16 was a set of guidelines to facilitate the Board in considering s.16 planning applications for development/redevelopment within the "G/IC" zone for uses other than GIC uses. The said guidelines had no direct relevance to the zoning amendment for the CKC site which was intended to reflect the approved development scheme on the site. Mr. Kenneth Wong stated that the extension of "C" zone to cover the "G/IC" zone contravened TPB Guidelines No. 16 which stated that the Board might consider rezoning a "G/IC" site if the development was for predominantly non-GIC uses. The Guidelines provided a general reference for the Board in considering amendments to "G/IC" zone.

25. A Member enquired whether it was F1's views that the OZP should not reflect the completed development scheme on the CKC site even if the Board considered that the

comprehensive development scheme developed on the site was appropriate. Mr. Kenneth Wong said that as stated in the TPB Paper, the zoning amendment made to the CKC site was to reflect the existing completed development. However, it was not a proper planning consideration to reflect the as-built situation on the OZP. Planning should be visionary and take into account the relevant planning considerations and needs of the area. It should be noted that after the planning permission was granted by the Board in 1995, the approved development scheme was further amended in 1997, 2001, 2002, 2005, 2005 and 2006 to meet the changing requirements. The OZP amendment should not simply reflect the completed development. The same Member enquired whether F1 would raise any objection if the Board made reference to the completed development in setting the planning controls for the CKC site. Mr. Kenneth Wong replied that the Board could make such reference in setting the planning controls for the site. However, it was not appropriate if the main objective of rezoning the CKC site to “C(1)” was to reflect the completed development on the site. Mr. Wong said that according to paragraph 4.3.4 of the TPB Paper No. 8703, it was stated that the rezoning of the CKC site to “C(1)” was to reflect the completed development on the site. The site was the subject of several planning applications approved by the Board within the previous “G/IC” and “C” zones. The planning application history was set out in paragraph 3.4 of the paper. The stipulation of the specific GFA restrictions in the Notes followed the entitlements under the lease which reflected the approved scheme relating to the existing development. The Chairman said that without the approved development scheme, there would not be the existing completed development. The development restrictions stipulated on the “C(1)” zone reflected the scheme approved by the Board and the planning intention for the site which the Board considered appropriate.

26. In response to a Member’s enquiry, Mr. Kenneth Wong stated that as the GIC portion of the CKC site was used to provide a public open space and public facilities, it was not reasonable to extend the “C” zoning to cover this portion of the site. F1 requested the Board to reinstate the “G/IC” zoning for that part of the site. Ms. Katty Law stated that the PR of the CKC development was calculated based on the whole site, i.e. both “G/IC” and “C” portions. She enquired if the CKC site was reinstated back to “C” and “G/IC” zones, whether F1 would accept that when the CKC building was redeveloped in future, its redevelopment GFA would be based on the site area of the “C” site only, but not including the “G/IC” site. Mr. Kenneth Wong replied that PR restriction was imposed under the Buildings Ordinance. There was no PR restriction stipulated in the Notes of the OZP. Besides, the PR of the

existing building was not relevant to the zoning amendments of the CKC site and the consideration of the further representation.

27. Ms. Brenda Au said that it was misleading to state that there were two portions, namely the GIC and commercial portions in the CKC development. The “GIC” and “C” zones referred by F1 was the previous zonings covering the Beaconsfield House and ex-Garden Road Multi-storey Car Park, and the ex-Hilton Hotel respectively. They had already been redeveloped for a comprehensive and integrated development. In the relevant approved planning application for the CKC development, the various portions all fell within one application site, which was also the development site adopted in working out the plot ratio of about 15 under the Building (Planning) Regulations.

28. Ms. Katty Law said that it was the responsibility of the Board to promote the health, safety and welfare of the community. The environment in the Central District was getting worse with more dense development, traffic congestion problems and environmental problems. R2 supported the Board to impose planning controls and development restrictions on the CKC site. It was the Board’s responsibility to impose planning controls to safeguard the public interests.

29. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the further representation in the absence of the further representer, representer and commenter. They would be informed of the Board’s decision in due course. The Chairman thanked the representatives of the further representer, representer and commenter as well as PlanD for attending the meeting. They all left the meeting at this point.

30. The meeting was adjourned for a 5-minute break.

[Mr. K.Y. Leung and Dr. W.K. Lo left the meeting at this point.]

Deliberation Session

Rezoning of the CKC Site as “C(1)”

31. Members did not agree with the submission put forward by F1 on reinstating the previous “G/IC” zone for part of the CKC site. A Member said that the CKC site had been developed into a comprehensive development according to the approved development scheme. There was no reason to reinstate the previous “C” and “G/IC” zonings. The whole CKC site should be zoned as “C(1)”. In this regard, Members considered that the stated planning intention of the “C(1)” zone, i.e. intended primarily for comprehensive development/redevelopment for office use and the provision of public car park, government facilities and public open space, with supporting shop, services and eating place was appropriate. F1 did not provide any adequate arguments to persuade the Board to amend the planning intention in the Notes and the ES.

Amendments to Reflect the Approved Development Scheme

32. Members did not agree with F1’s argument that the zoning amendment and the stipulation of the development restrictions for the CKC site only reflected the as-built development. The zoning reflected the development scheme approved by the Board in relation to the existing development on the site. In considering the development scheme for the site when it was still a proposal, the Board had taken into account the appropriate nature, component and scale of the development, the long-term planning intention of the site, the TIA that forecast the future traffic impact arising from the proposed scheme and other relevant considerations. Members agreed that the zoning amendments made to the CKC site had reflected the appropriate nature, component and scale of the development and the long-term planning intention of the site.

Different Treatments on CKC and IFC Sites

i) Provision of Public Facilities

33. Members noted F1’s argument that there were different treatments on the CKC and IFC sites. For the CKC site, apart from the maximum non-domestic GFA of 144,840m², development restrictions were also imposed on retail use and the provision of government facilities, public car parking spaces and public open space (of not less than 5,200m²). For the IFC site, it was only subject to a maximum non-domestic GFA and provision of public open space (of not less than 13,000m²). A Member opined that the two sites were not identical and hence the development restrictions could rightly be different. Imposition of restrictions on

the public car park, government facilities and open space was to ensure the continuous provision of the public facilities which were for the reprovisioning of similar facilities in the ex-Garden Road Multi-storey Carpark and the ex-Beaconsfield House and the provision of public open space for public enjoyment. The same requirements would be imposed on the IFC site if it had the same development history/background. Members agreed.

ii) Requirement on Car Parking Spaces

34. Members considered that since the CKC development had incorporated the ex-Garden Road Public Carpark and it was a specific planning requirement in the approved s.16 planning application that the public car park needed to be reprovisioned, it was necessary to stipulate the public car parking space requirement in the Notes to ensure the continuous provision. A Member pointed out that the car parking requirement had been reviewed by TD, taking into account the developments/redevelopments in the area. TD had advised that it was prudent to keep the car park spaces in the site. Another Member said that the CKC site was located at the entrance of the Queen's Road Central leading to the core of the CBD. It played an important role in meeting the car parking requirements for the CBD. Although F1 stated that the utilization rate of the public car park was only 70%, the spare capacity should be retained to meet any changing needs. In this regard, this Member considered that the 800 car parking spaces requirement was not excessive from the traffic management point of view. Members agreed that the requirement on the car parking provision should be retained. A Member said that since the public car park at the CKC site was for the reprovisioning of the ex-Garden Road Multi-storey Carpark, this public asset should be safeguarded. In response to the Chairman's enquiry, Mr. Jeff Lam said that the developer had paid the land premium for the land exchange where the two government sites (the Beaconsfield House and the Garden Road Multi-storey Carpark Building) were part of the lot granted. Another Member asked whether the land premium of the CKC site would be different if there were no requirement to provide public car parking spaces on the site. Mr. Jeff Lam said the land premium of a site was basically assessed according to its lease conditions. If there were changes to the lease conditions, such as the provision of public car park, the premium might be different.

[Professor C.M. Hui left the meeting at this point.]

35. The Secretary said that as stipulated in the Notes of the "C(1)" zone, a minimum

of 800 public car parking spaces had to be provided at the CKC site. There was, however, no provision in the Notes for minor relaxation of the number of car parking spaces. In response to a Member's enquiry, the Secretary said that apart from reprovisioning the ex-Garden Road Multi-storey Car Park, car parking spaces ancillary to/supporting the office development had also been provided according to the requirements set out in the HKPSG. A Member opined that it was reasonable to provide a mechanism for considering revision to the car parking spaces requirement to meet the changing circumstances and needs. Some Members shared this view. A Member said that with the provision of minor relaxation of the car parking requirement, the applicant would still need to submit relevant information and assessments, including TIA, to demonstrate that the conversion of the car parking spaces to other uses would not have any adverse impacts on the area. It also allowed the Board to assess the planning merits of the relaxation. Other Members agreed.

[Mr. Andrew Y.T. Tsang left the meeting at this point.]

iii) Restriction on Retail GFA

36. A Member considered that in view of the planning history and background of the CKC development, it might be appropriate to impose a restriction on the retail use. Another Member opined that whether or not a restriction of retail GFA should be imposed on the "C(1)" zone should be considered from a planning perspective, rather than purely on the planning history.

37. A Member pointed out that there was no retail GFA restriction imposed on the site under the previous "C" zone. Another Member said that the zoning amendments to both the IFC and the CKC sites were to reflect the approved development schemes. However, restriction on the retail GFA was only imposed on the CKC site. In response to a Member's enquiry, the Secretary said that restriction on the retail GFA had been stipulated in the leases of both the CKC and IFC sites which also reflected the parameters under the development schemes then approved by the Board on these sites. A Member opined that imposition of development restrictions on the IFC and CKC sites should be consistent. Hence, to achieve the consistency, this Member suggested deleting the restriction on the retail GFA for the "C(1)" zone. This suggestion was agreed by other Members.

38. In response to the Chairman's enquiry, the Secretary replied that if the Board

agreed to delete the retail GFA restriction, the developer still needed to seek planning permission from the Board for converting the public car parking spaces to retail use. However, as both the retail and office uses were always permitted under the “C(1)” zone, no planning permission would be required if the developer converted the office GFA to retail GFA in future. Members noted.

New Issue on the Traffic Situation

39. Regarding F1’s request of not accepting the point on traffic situation covered in the replacement page, the Chairman said that it was the established practice for the Board to consider all the relevant views/comments submitted by the concerned parties, including those points raised at the hearing.

40. The Chairman concluded that the zoning amendment to the CKC site were appropriate. The stated planning intention had reflected the approved development scheme which had taken into consideration the appropriate development nature, the forecast traffic impact of the development scheme and the long-term planning intention of the site. Members considered that the Notes for CKC had been worked out with reference to the planning history/background and nature of the development and taking into consideration the planning intention of the site. Members agreed that in view of the development history, there was a need to ensure the continuous provision of the public facilities and stipulate the corresponding requirements in the Notes of the “C(1)” zone. However, Members considered that flexibility should be allowed by providing a mechanism for the Board to consider any application for minor relaxation of the restriction on the minimum number of public car park spaces to meet the changing circumstances. Members also agreed to delete the imposition of restriction on retail GFA from the Notes of the “C(1)” zone so that it would be consistent with the development restrictions imposed on the IFC site.

41. After further deliberation, the Board decided to amend the Notes and Explanatory Statement of the draft Central District OZP to partially meet the further representation to delete the retail GFA restriction and to incorporate provision for minor relaxation of the restriction on the minimum number of public car parking spaces on application for the “C(1)” zone. In this regard, the Board requested the Secretariat to work out the amendments of the Notes and Explanatory Statement of the OZP for the Board’s further consideration.

42. After further deliberation, the Board decided not to uphold the remaining parts of the further representation in relation to the Cheung Kong Centre site for the following reason:

To address the concern of some representers and commenter as well as the public on possible loss of G/IC facilities and public open space due to the rezoning amendment of the CKC site from “G/IC” and “C” to “C(1)”, it was considered appropriate to explain clearly the history/rationale of the rezoning and the planning control imposed on the site by revising the relevant parts of the Notes and ES to clearly set out that the planning intention of the “C(1)” zone which was primarily for office use and the provision of public car park, government facilities and public open space, with supporting shop, services and eating place.

Agenda Item 3

[Confidential Item]

[Closed Meeting]

43. This item was recorded under confidential cover.

Agenda Item 4

Any Other Business

[Confidential Item]

[Closed Meeting]

44. This item was recorded under confidential cover.

45. There being no other business, the meeting was closed at 3:15 p.m.