

Hong Kong District

[Ms. April K. Y. Kun, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/405 Proposed Enhanced Design of Arbuthnot Wing for Cultural, Recreational and Commercial Uses (Proposed Amendments to an Approved Scheme) in "Other Specified Uses" annotated "Historical Site Preserved for Cultural, Recreational and Commercial Uses" zone, Former Central Police Station, Victoria Prison and Central Magistracy Site, Hollywood Road, Central, Hong Kong
(MPC Paper No. A/H3/405)

29. The Secretary reported that the application was submitted by the Jockey Club CPS Ltd., Mr. Raymond Y.M. Chan and Mr. Felix W. Fong had declared an interest in this item as they were ordinary members of the Hong Kong Jockey Club (HKJC). The Committee noted that Mr. Chan had current business dealings with HKJC and agreed that he should leave the meeting temporarily, and Mr. Fong did not have current business dealings with HKJC but he had not arrived to join the meeting yet. Mr. Roger K.H. Luk and Mr. Clarence W.C. Leung also declared an interest in this item as they were voting/ordinary members of HKJC. The Committee noted that Mr. Luk and Mr. Leung did not have current business dealings with HKJC and they could be allowed to stay at the meeting.

30. The Secretary continued to report that Professor S.C. Wong had declared an interest in this item as he had current business dealings with Ove Arup and Partners Hong Kong Ltd., one of the consultants of the application. The Committee considered that the interest of Professor Wong was indirect as he was not involved in the application and he could stay in the meeting.

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Presentation and Question Sessions

31. With the aid of a powerpoint presentation, Ms. April K. Y. Kun, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed enhanced design of the Arbuthnot Wing for cultural, recreational and commercial uses which mainly included :
 - (i) lowering of the soffit of Arbuthnot Wing, which would result in an increase in clear height of the multi-purpose hall from about 6.5m to 8m;

- (ii) inclusion of a technical ceiling inside the multi-purpose hall for a variety of art performance usages;
 - (iii) provision of a new structural core and circulation staircases to connect the multi-purpose hall within Arbuthnot Wing to the covered open space provided underneath;
 - (iv) extension of the building line to align with the revetment wall of Arbuthnot Road;
 - (v) increase in building coverage of Arbuthnot Wing from not more than 3.5% to 4%;
 - (vi) increase in scale of the covered public space from about 600m² to 660m²; and
 - (vii) change in location and provision of more connections between Arbuthnot Wing and D and E Halls;
- (c) departmental comments were detailed in paragraph 8 of the Paper and highlighted below :
- (i) the Commissioner for Heritage, Development Bureau (C for H, DEVB) fully supported the application. He considered that the enhanced design would increase the covered public space within the compound. It would provide a more spacious and technically equipped multi-purpose hall capable of holding a greater variety of art performances and functions. The staircase within the central core of the Arbuthnot Wing could be shared as the means of escape for D and E Halls and thus minimised the disturbances to the historic building by reducing the number of staircase connections to both Halls. The enhanced design also maintained a consistent design approach as the Old Bailey Wing with regard to the relationship with the revetment

wall. As the enhanced design would maintain the same building height and had a similar building envelope as that for the approved scheme, it would not result in any significant increase in building bulk;

- (ii) the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) advised that the new building line was extended to cantilever over the revetment wall of Arbuthnot Road. This was consistent with the design approach of the Old Bailey Wing in the approved scheme. Besides, the lowering of the soffit of Arbuthnot Wing and the inclusion of a technical ceiling above the multi-purpose hall would not result in an increase in overall building height. The revised linking bridges between Arbuthnot Wing and D and E Halls would generate less visual impact on the façades of both Halls and bring less obstruction for appreciating the architectural value of the roof of the Halls;

[Mr. Felix W.Fong arrived to join the meeting at this point.]

- (iii) the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) had no adverse comment on the application. He considered that the enhanced design was similar to the approved scheme in terms of building bulk and height;
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the increase in the internal space of the Arbuthnot Wing by extending the footprint and lowering the soffit of the building would increase the building bulk and decrease the permeability. The current proposal was considered less desirable than the approved scheme in terms of visual effect. She also had reservation on the application from landscape planning point of view. The revised design of the new building was more massive and covered more area of public space underneath it. When compared with the approved scheme, the headroom of the covered

public space would be much reduced. The increase in covered public space was at the expense of the reduction in the adjacent uncovered public space. The landscape quality and provision of the revised design were considered inferior to that of the approved scheme; and

- (v) the Director of Environmental Protection (DEP) advised that the Central Police Station (CPS) Compound Conservation and Revitalisation was a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). An EIA report for the CPS project had been approved and an Environmental Permit (EP) had been issued for the project on 18.4.2011. He would separately seek the views of relevant authorities in the context of EIAO to ascertain whether the proposed changes might possibly entail a material change to the environmental impacts of the CPS project and require a variation of the EP;

- (d) during the statutory publication period, a total of 35 comments were received. Of the public comments received, 26 comments were from Designing Hong Kong Limited, two District Councillors and members of the public and they supported or had no objection to the application. Eight comments were from the Central and Western Concern Group and members of the public and they objected to the application. One comment was from a member of the public who provided some general comments. The views received were summarised as follows :

Supporting Views/Comments

- (i) the revised design met the demand for small to medium scale performance venue;

- (ii) a performance venue without a false ceiling for lighting equipment or curtains would not be of much use and it was welcomed that change was introduced;

- (iii) the project should not be delayed incessantly and this would be a loss to the public and art organizations;
- (iv) the revised design would create more covered public space to allow for a broader range of activities;
- (v) the application only involved minor amendments without increasing the building height and bulk and there was no visual impact on the local residents;

Objecting Views

- (vi) no additional structural changes should be made to dilute the historic value of the premises. The revised design would have a significant visual impact when viewed from Arbuthnot Road. The new building structure was more bulky and uglier than the previous scheme. By increasing the covered public space, the already limited public open space was reduced;
- (vii) the increase in ceiling height and inclusion of technical ceiling could be achieved without revising the building line to align with Arbuthnot Road;
- (viii) there was no assessment on the impact of the new building;
- (ix) there was no explanation on whether the proposed changes had met the requirement of the approved EP;
- (x) the step by step approach of additional alterations to the plans further impinges on the integrity and historic context of the site; and
- (xi) public consultation was inadequate and there had not been any public engagement prior to the submission of the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
- (i) planning permission had been granted by the Committee to two new developments, namely Old Bailey Wing and Arbuthnot Wing, under Application No. A/H3/399 for cultural, recreational and commercial uses. The subject application involved changes to the design of the Arbuthnot Wing. The proposed gross floor area and building height of the Arbuthnot Wing maintained at 3,100m² and 80mPD respectively. C for H, DEVB considered that the revised design provided a more technically equipped multi-purpose hall capable of holding a greater variety of art performances and functions and achieved a better utilization of the site;
 - (ii) CTP/UD&L, PlanD considered the proposal less desirable than the approved scheme in visual terms due to the increase in building bulk and decrease in permeability. Moreover, the increase in the covered public space was at the expense of reduction in the adjacent uncovered public space. However, AMO, LCSD advised that the revised linking bridges between Arbuthnot Wing and D and E Halls would generate less visual impact on the façades of both Halls and bring less obstruction for appreciating the architectural value of the roof of the Halls. Besides, with the alignment of the revetment wall, the new building line gave a distinctive and consistent framework to both the old and new buildings. CA/ASC, ArchSD considered that the revised design was similar to the approved scheme and had no adverse comment. The functional merits of the revised design and the reduced impact on the adjacent historic buildings (i.e. D and E Halls) vis-à-vis the visual and landscape impacts, the revised proposal for Arbuthnot Wing was considered acceptable;

- (iii) whether the proposed changes might possibly entail a material change to the environmental impacts, DEP would seek the views of relevant authorities in the context of EIAO to ascertain if a variation of the EP would require an EIA. As the compliance with the Town Planning Ordinances (TPO) and the EIAO were two separate statutory processes, they could be proceeded in parallel; and
- (iv) regarding the public comments on inadequate consultation on the application, the application was published for public comments in accordance with the provisions of the TPO. As regards the comments on the revised design of Arbuthnot Wing, the assessments in paragraphs (i) and (ii) above were relevant. Regarding the comments on the absence of impact assessments, the application only proposed some changes to the design of the Arbuthnot Wing and there were no changes to other parts of the approved scheme.

32. In response to a Member's enquiry, Ms. April K.Y. Kun said that by reference to the photomontage on Drawing A-11 of the Paper, the headroom of the covered public space was about 8m.

33. A Member asked whether the applicant would need to revise the EIA report, taking into account the change in the design of the revised scheme. In response, Mr. Ken Y.K. Wong, Principal Environmental Protection Officer (Metro Assessment) of the Environmental Protection Department (EPD) said that the TPO and EIAO were two separate ordinances and the revised scheme would need to comply with both ordinances. The EIA report for the CPS project had been approved and an EP for the approved scheme had been issued. If the proposed amendments to the approved scheme did not entail a material change to the environmental impact of the CPS project, the applicant would not be required to conduct another EIA. However, the applicant would have to apply for a variation of the current EP under the EIAO to cater for the proposed changes in design. For this purpose, the applicant had submitted an Environmental Review Report to EPD in January 2012 to ascertain whether there would be material changes. The Report was being considered by the concerned authorities under the EIAO.

Deliberation Session

34. A Member agreed with PlanD's assessments that the revised design was less desirable than the approved scheme in terms of visual impact. However, there was also a functional improvement in that it provided a more spacious and technically equipped multi-purpose hall which could meet the demand for high quality performance venue. Another Member shared similar views that a technical ceiling for the multi-purpose hall was necessary to cater for the need of various performance usages. The lowering of the soffit of the Arbuthnot Wing would, however, affect the visual impact and the permeability of the building. The Chairman noted Members' concern on the visual impact of the revised design. He said that the CPS project was a large-scale revitalisation project. During the implementation of the project, further adjustments to the detailed design of the scheme to meet the needs of future users were not uncommon.

35. A Member noted that one of the major amendments of the revised design was the addition of a technical ceiling for the multi-purpose hall. In order to maintain the design merits of the previous approved scheme and allow more design flexibility, this Member asked whether consideration would be given to relax the building height restriction of 80mPD for the Arbuthnot Wing. In response, Ms. April K.Y. Kun said that the applicant had tried to achieve the revised design within the building height restriction under the Outline Zoning Plan. The Secretary pointed out that the stipulation of building height restriction for the site had gone through a due process of public consultation under the Town Planning Ordinance, and taken into account different public views and various planning considerations, such as compatibility with the adjacent historic buildings. The relaxation of building height restrictions should only be considered with strong justifications.

36. The Secretary continued to point out that the Urban Design and Landscape Unit of the Planning Department had discussed with the consultants regarding the visual impact of the revised design and suggested them to improve the permeability. However, the applicant had its own considerations and adopted the revised scheme. From the urban design perspective, the revised design was less desirable as the permeability had been reduced. However, there was an overall improvement in the functions of the Arbuthnot Wing.

37. A Member said that other than the functional merits mentioned above, the lowering of the soffit of Arbuthnot Wing for the revised linking bridges would result in a better connectivity between the Arbuthnot Wing and the adjacent D and E Halls. This could not be achieved if there was an increase in the overall building height of the Arbuthnot Wing.

38. The Chairman summarised Members' views and concluded that the revised design under application would provide a more technically equipped multi-purpose hall for a variety of art performance usage and achieved a better utilisation of the internal space. The connectivity between Arbuthnot Wing and the adjacent historic buildings would also be improved. However, the revised design was less desirable in terms of visual impact. Considering the revised scheme as a whole and taking into account the above aspects, the revised proposal for Arbuthnot Wing was acceptable. Members agreed.

39. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the implementation of the mitigation measures identified in the archaeological investigation report to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the TPB;
- (b) the design and provision of vehicular access to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of traffic improvement measures, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (d) the design, provision and maintenance of the footbridge extension, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (e) the submission and implementation of tree preservation proposal and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (f) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;

40. The Committee also agreed to advise the applicant of the following :

- (a) the approval of the application did not imply that the proposed gross floor area (GFA) exemption would be granted by the Building Authority. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. In addition, if GFA concession was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to TPB might be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, BD as set out in the MPC Paper No. A/H3/399A regarding the compliance of sections 31(1) and 42 of the Buildings Ordinance, the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-87 and 151, the 'Code of Practice for the Provision of Means of Escape in case of Fire 1996', as well as the proposed footbridge;
- (c) to note the comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department with regard to the applicant's responsibility to bear the costs and undertake improvement and upgrading works to the existing public sewerage systems for handling additional discharge due to the redevelopment;

- (d) to note the comments of the Commissioner for Transport as set out in the MPC Paper No. A/H3/399A regarding the proposed traffic improvement measures and the applicant's responsibility to fund all improvement works;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the pedestrian environment underneath the proposed footbridge, as well as the provision of more greenery/landscape plantings at the two courtyards and two new buildings as set out in the MPC Paper No. A/H3/399A, and to refer to the 'Design and Management Guidelines on Public Open Space in Private Developments' published by the Development Bureau;
- (f) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department as set out in the MPC Paper No. A/H3/399A on the provision of adequate separation between the new buildings, and the design of the footbridge should be further reviewed so that it might be visually more compatible with the surrounding context;
- (g) to note the comments of the Director of Leisure and Cultural Services as set out in the MPC Paper No. A/H3/399A on the need to approach the District Lands Officer/Hong Kong West and South, Lands Department for formal approval of transplanting/felling of trees;
- (h) to note the comments of the Director of Fire Services on the compliance of the 'Code of Practice for Means of Access for Fire-fighting and Rescue'; and
- (i) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department as set out in the MPC Paper No. A/H3/399A on the need to submit any upgrading works to the masonry walls to the Antiquities and Monuments Office for comments and a detailed program showing the master construction sequences for

interfacing work to BD for approval.

[The Chairman thanked Ms. April K.Y. Kun, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. K.S. Ng, STP/HK, was invited to the meeting at this point.]