

TOWN PLANNING BOARD

Minutes of 766th Meeting of the Metro Planning Committee held at 9:00 a.m. on 6.6.2025

Present

Director of Planning
Mr C.K. Yip

Chairperson

Ms Sandy H.Y. Wong

Vice-chairperson

Mr Stanley T.S. Choi

Mr Ben S.S. Lui

Professor Bernadette W.S. Tsui

Ms Kelly Y.S. Chan

Professor Simon K.L. Wong

Mr Derrick S.M. Yip

Assistant Commissioner/Urban,
Transport Department
Mr B.K. Chow

Chief Engineer (Works),
Home Affairs Department
Mr Bond C.P. Chow

Principal Environmental Protection Officer (Territory South),
Environmental Protection Department
Miss Queenie Y.C. Ng

Assistant Director/Regional 1,
Lands Department
Ms Catherine W.S. Pang

Deputy Director of Planning/District
Ms Donna Y.P. Tam

Secretary

Absent with Apologies

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Tony C.M. Ip

In Attendance

Assistant Director of Planning/Board
Ms Isabel Y. Yiu

Town Planner/Town Planning Board
Ms Sandy S.Y. Yik

Agenda Item 1

Confirmation of the Draft Minutes of the 765th MPC Meeting held on 23.5.2025

[Open Meeting]

1. The draft minutes of the 765th MPC meeting held on 23.5.2025 were confirmed without amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/KC/511 Proposed Comprehensive Development including Flats, Retail and Community Facilities with Minor Relaxation of Plot Ratio and Building Height Restrictions in “Comprehensive Development Area” Zone, Various Lots in S.D.4 and Adjoining Government Land, Kau Wa Keng, Kwai Chung
(MPC Paper No. A/KC/511)

3. The Secretary reported that consideration of the application had been rescheduled.

Hong Kong District

[Ms Janet K.K. Cheung, District Planning Officer/Hong Kong (DPO/HK), Ms Floria Y.T. Tsang, Senior Town Planner/Hong Kong (STP/HK), and Mr Boris J.T. Lai, Assistant Town Planner/Hong Kong were invited to the meeting at this point.]

Agenda Item 4

[Open Meeting]

Proposed Amendments to the Approved Wan Chai Outline Zoning Plan No. S/H5/31
(MPC Paper No. 5/25)

Presentation and Question Sessions

4. With the aid of a PowerPoint presentation, Ms Floria Y.T. Tsang, STP/HK, briefed Members on the background of the proposed amendments to the approved Wan Chai

Outline Zoning Plan (OZP) No. S/H5/31, technical considerations, consultation conducted and departmental comments as detailed in the Paper. The proposed amendments mainly included:

- (a) Amendment Item A – rezoning of a site at 31-36 Sau Wa Fong (SWF) and 8-12 St. Francis Street from “Residential (Group A)” (“R(A)”), “Residential (Group C)” (“R(C)”), and area shown as ‘Road’ to “R(A)9”, with 31-36 SWF designated as sub-area (a) subject to a maximum plot ratio (PR) of 5 and a maximum building height (BH) of 12 storeys, and 8-12 St. Francis Street designated as sub-area (b) subject to a maximum BH of 110 metres above the Principal Datum (mPD). For a single development or redevelopment covering both sub-areas (a) and (b) with provision of direct vehicular access via St. Francis Street and internal loading and unloading facilities, a maximum BH of 110mPD would be permitted. A non-building area (NBA) was stipulated on the OZP to preserve the existing ambience and environment of SWF;
- (b) Amendment Item B1 – rezoning of a site at 1, 1A, 2 and 3 Hill Side Terrace, 55 Ship Street (i.e. Nam Koo Terrace (NKT)), 1-5 Schooner Street, 53 Ship Street, 18 Sau Wa Fong, I.L. 9048 and adjoining government land from “Comprehensive Development Area”, “R(C)”, and area shown as ‘Road’ to “Other Specified Uses” (“OU”) annotated “Residential Development with Historic Building Preserved” (“OU(RDHBP)”), subject to different BH restrictions, i.e. 120 mPD, 35mPD and 2 storeys as stipulated on the OZP. A NBA at the northern corner of the site connecting to the SWF area was stipulated on the OZP to respect the existing character of the SWF area; and
- (c) Amendment Item B2 – rezoning of a site on the stairs of Ship Street from “Open Space” to “OU(Elevated Walkway)”.

5. The Chairperson remarked that the proposed amendments were to take forward two section 12A (s.12A) applications (No. Y/H5/7 and Y/H5/8) partially agreed by the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) previously. Members’ comments and suggestions had already been suitably reflected in the Notes and

Explanatory Statements (ES) of the revised OZP. As the presentation of Planning Department (PlanD)'s representative had been completed, the Chairperson invited questions from Members.

Proposed Arts Facilities at SWF under Amendment Item A

6. Noting that some floor spaces were earmarked for arts facilities in the proposed development at SWF, a Member enquired on the details and types of arts facilities to be provided. In response, Ms Janet K.K. Cheung, DPO/HK, said that the applicants indicated that they had liaised with a relevant arts organisation. As indicated in the previous submission under application No. Y/H5/7, a library with a collection of books and archives related to arts history would be provided to support students in relevant disciplines. In addition, regular talks or seminars related to arts or culture would be organised.

7. In response to the same Member's follow-up enquiry, Ms Janet K.K. Cheung, DPO/HK, explained that the proposed arts or culture facilities were generally akin to 'Place of Recreation, Sports or Culture' use, which was a Column 1 use and always permitted under the "R(A)" zone, thereby requiring no planning permission. Apart from arts or culture facilities, the applicants had indicated that shops and services as well as eating place uses including cafeteria would also be provided, which were Column 1 uses on the lowest three floors of the "R(A)" zone. Noting the wide range of permitted uses were allowed, this Member remarked that whether arts or culture facilities were eventually provided would depend on the final decision of the applicants.

8. The Chairperson recalled the applicants' representative in the meeting for discussion of the s.12A application had indicated that the applicants would collaborate with a non-profit organisation (NGO) which had run a similar library in Sheung Wan. A representative of that NGO also attended the meeting in support of the application. It was the intention of the applicants to show their determination in providing arts or culture facilities in the proposed residential-cum-commercial development with a view to strengthening the arts and cultural ambience of the area. While private development with arts or culture characteristics were generally encouraged and supported, flexibility on the detailed uses would be allowed under suitable provision in the Notes.

Judicial Review (JR) Related to SWF under Amendment Item A

9. In response to the Vice-chairperson's enquiry on the implication of the JR against the decision of the Committee to partially agree to the s.12A application (No. Y/H5/7) on Amendment Item A in SWF, Ms Janet K.K. Cheung, DPO/HK, said that the JR was filed by some commenters of the concerned s.12A application against the decision of the Committee on 22.9.2023. The concerns raised by the commenters were mainly related to pedestrian safety, and they had proposed a barrier-free connection between their site and the application site. The major grounds of the JR application were as follows:

- (a) the Board made an uncertain decision and failed to give any adequate reasons by deciding to partially agree to the s.12A application without even specifying which part of the s.12A application it was agreeing to;
- (b) the Board unlawfully delegated to PlanD to decide which part of the s.12A application to accept; and
- (c) the Board failed to take into account the objecting public comments and failed to give any adequate reasons to explain why it rejected the points made in the public comments.

10. Ms Janet K.K. Cheung, DPO/HK, further explained that the Court of First Instance dismissed the JR application in 2024 mainly for the reasons that (i) the Committee had already comprehensively considered the issues, factors, planning considerations and assessments, government departments' comments and PlanD's views in making its decision, and it was clear that the Committee had decided to adopt PlanD's recommendation for partial agreement to the rezoning application with the stipulation of appropriate controls; and (ii) the relevant objecting public comments had been fairly presented to the Committee for consideration during the decision-making process, and the Committee Members were fully aware of the comments. Subsequently, the JR applicants filed a Notice of Appeal to the Court of Appeal against the above judgement without specifying justifications. The date of the hearing had yet to be fixed. There was no injunction granted by the Court refraining the Board from proceeding further with the proposed amendments.

11. The Chairperson supplemented that the JR was filed by a third party and the legal proceedings might span a long time. Holding up the amendment procedures which were already agreed by the Committee under the Town Planning Ordinance would not be appropriate and was unfair to the applicants, given that no legal order was invoked.

Preservation of NKT under Amendment Item B1

12. In relation to the preservation of other associated historic architectural features, such as pavilion, water fountain and hexagonal planter, located outside the grading boundary of NKT, the Vice-chairperson and some Members raised the following questions:

- (a) how the adoption of an integrated and holistic conservation approach in preserving the associated historic architectural features recommended by Members and agreed by the applicant at the previous meeting in considering the s.12A application was suitably reflected in the current proposed amendments to the OZP;
- (b) whether planning permission was required for demolition, alteration or relocation of the associated historic architectural features; and
- (c) how the associated historic architectural features could be preserved through relevant clause in the ES of Amendment Item B1.

13. In response, Ms Janet K.K. Cheung, DPO/HK, made the following main points:

- (a) Members' concerns on the preservation of the associated historic architectural features were noted. A relevant clause was stipulated in the ES to reflect the intention of preserving those features as far as practicable, thereby maintaining the integrity of NKT for public appreciation. To allow flexibility for the applicant to relocate the associated historic architectural features within the forecourt of NKT while maintaining an open view of NKT from Queen's Road East, a Remark was stipulated under the Notes to disregard those associated historic architectural features from the determination of the BH restriction of 35 mPD;

- (b) the historic building mentioned in Remark (1) under the Notes of the “OU(RDHBP)” zone referred to the Grade 1 historic building of NKT, as listed by the Antiquities Advisory Board (AAB). To preserve the historic building, only minor alteration and/or modification works were permitted. Any demolition, substantial modification or redevelopment of NKT would require planning permission from the Board. The restriction, however, was not applicable to the associated historic architectural features; and
- (c) to protect the local character and historical value of the non-graded associated historic architectural features located outside the grading boundary, a statement was incorporated in the ES to reflect the intention for the developer to preserve those associated historic architectural features as far as practical.

14. In response to a Member’s follow up question and another Member’s enquiry on any follow-up actions initiated by the applicant to preserve the associated historic architectural features, Ms Janet K.K. Cheung, DPO/HK, stated that no further information had been submitted by the applicant. According to the applicant, the original proposal to remove those associated historic architectural features was intended to enhance the compatibility with the landscape design and ensure unobstructed views of NKT. Nevertheless, the applicant committed to exploring the possibility of preserving the non-graded associated historic architectural features during the detailed design stage to address Members’ concerns on holistic conservation of NKT. The Chairperson supplemented that the grading assessment of historic buildings would be considered by AAB on a case-by-case basis, taking into account factors such as historic value and merits. NKT was listed as a Grade 1 historic building and would be preserved in-situ for adaptive reuse. As to other associated historic architectural features, despite not graded by AAB, the applicant agreed to revisit the proposal with a view to preserving those associated historic architectural features in-situ or relocating them. Stipulation of a requirement in the ES to this effect was appropriate.

15. The Committee noted that the relevant clause had been stipulated in the ES, requiring the applicant to preserve other associated historic architectural features outside the

grading boundary as far as practical, as agreed by the applicant. The Vice-chairperson recapitulated that, according to the minutes of the meeting considering the s.12A application, the applicant had initially proposed to remove the non-graded associated historic architectural features. Throughout the discussion, the applicant ultimately agreed to revisit and explore the possibility of preserving the associated historic architectural features, including the pavilion, water fountain, and hexagonal planter, during the detailed design stage. To maintain flexibility, the Notes was constructed to allow the BH restriction to accommodate those features. A suitable clause was also incorporated in the ES to reflect the intention of preserving those associated historic architectural features as far as practicable.

16. The Chairperson remarked that Members generally supported the proposed amendments to the OZP which were mainly to take forward two s.12A applications partially agreed by the Committee. Should the Committee agree with the proposed amendments, the draft OZP would be gazetted for public inspection for 2 months and the representations received, if any, would be submitted to the Board for consideration.

17. After deliberation, the Committee decided to :

- “(a) agree to the proposed amendments to the approved Wan Chai Outline Zoning Plan (OZP) No. S/H5/31 and that the draft Wan Chai OZP No. S/H5/31A at Attachment II of the Paper (to be renumbered as S/H5/32 upon exhibition) and its Notes at Attachment III of the Paper are suitable for exhibition under section 5 of the Ordinance (the Ordinance); and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Wan Chai OZP No. S/H5/31A (to be renumbered as S/H5/32 upon exhibition) as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings of the OZP and the revised ES will be published together with the OZP.”

18. Members noted that as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before their publication under the Ordinance. Any major revisions would be

submitted for the Board's consideration.

[The Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/H8/441	Proposed Shop and Services in "Other Specified Uses" annotated "Pier" Zone, Shop A of Upper Deck and Shops B, C, D, E & F of Lower Deck, North Point (East) Ferry Pier, North Point, Hong Kong (MPC Paper No. A/H8/441)
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19. The Secretary reported that the application was withdrawn by the applicant.

Agenda Item 6

Any Other Business

[Open Meeting]

20. There being no other business, the meeting was closed at 9:45 a.m.