

**Minutes of 1229th Meeting of the
Town Planning Board held on 28.8.2020**

Present

Permanent Secretary for Development
(Planning and Lands)

Chairperson

Ms Bernadette H.H. Linn

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Conrad T.C. Wong

Mr Y.S. Wong

Principal Assistant Secretary (Transport) 3,
Transport and Housing Bureau
Mr Andy S.H. Lam

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Terence S.W. Tsang

Assistant Director (Regional 1), Lands Department
Mr Simon S.W. Wang

Director of Planning
Mr Raymond K.W. Lee

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Dr Lawrence K.C. Li

Mr Stanley T.S. Choi

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms April K.Y. Kun

Senior Town Planner/Town Planning Board

Ms W.H. Ho

Opening Remarks

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1228th Meeting held on 14.8.2020

[The item was conducted in Cantonese.]

2. The draft minutes of the 1228th meeting held on 14.8.2020 were sent to Members on 27.8.2020 and tabled at the meeting. Subject to any proposed amendments by Members on or before 31.8.2020, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 31.8.2020 without amendments.]

Agenda Item 2

Matters Arising

[The item was conducted in Cantonese.]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 4 of 2020

Temporary Animal Boarding Establishment and Dog Training Facility for a Period of 3 Years in “Village Type Development” Zone, G/F, Lots 1216 RP (Part), 1217 S.B (Part) and 1217 S.A (Part) in D.D. 114, Sheung Tsuen, Kam Sheung Road,
Yuen Long

[Open Meeting]

3. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 7.8.2020 against the decision of the Town Planning Board (the Board) on 22.5.2020 to reject on review an application No. A/YL-SK/273 for proposed temporary animal boarding establishment and dog training facility for a period of three years

on G/F, Lots 1216 RP (Part), 1217 S.B (Part) and 1217 S.A (Part) in D.D. 114, Sheung Tsuen, Kam Sheung Road, Yuen Long. The site fell within an area zoned "Village Type Development" ("V") on the Shek Kong Outline Zoning Plan.

4. The application was rejected by the Board for the following reasons:
- (a) the applied development was not in line with the planning intention of the "V" zone which was primarily to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. There were no strong planning justifications in the submission to merit a departure from the planning intention of "V" zone, even on a temporary basis;
 - (b) the applied development was incompatible with the surrounding areas which were rural in character with clusters of domestic dwellings/structures in village setting, and the applicant failed to demonstrate that the applied development would not cause adverse environmental impacts to the surrounding area; and
 - (c) approval of the application would set an undesirable precedent for similar applications in the "V" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
5. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

- (ii) New Town Planning Appeal Received
Town Planning Appeal No. 5 of 2020
Proposed House (New Territories Exempted House – Small House) in "Green Belt" ("GB") and "Village Type Development" Zones, Lot 981 S.D in D.D.9, Nam Wa Po, Tai Po
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- [Open Meeting]

6. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 6.8.2020 against the decision of the Town Planning Board (the Board) on 22.5.2020 to reject on review an application No. A/NE-KLH/562 for proposed house (New Territories Exempted House – Small House) at Lot 981 S.D in D.D. 9, Nam Wa Po, Tai Po. The site fell within “Green Belt” (“GB”) and “Village Type Development” (“V”) zones on the Kau Lung Hang Outline Zoning Plan.

7. The application was rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from this planning intention; and
- (b) land was still available within the “V” zone of Nam Wa Po which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

8. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(iii) Updated Appeal Statistics

[Open Meeting]

9. The Secretary reported that as at 28.8.2020, a total of 17 cases were yet to be heard by the Appeal Board Panel (Town Planning) and no appeal decision was outstanding. Details of the appeal statistics were as follows :

Allowed	36
Dismissed	163
Abandoned/Withdrawn/Invalid	203
Yet to be Heard	17
Decision Outstanding	0
<hr/> Total	<hr/> 419

[Mr Alex T.H. Lai and Mr Franklin Yu joined the meeting at this point.]

(iv) [Confidential Item][Closed Meeting]

10. The item was recorded under confidential cover.

[Dr Frankie W.C. Yeung joined the meeting at this point.]

Hong Kong Island

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Further Representations No. F1 to F45 and F50 to F70 on Proposed Amendments to the Draft Central District Outline Zoning Plan No. S/H4/17 Arising from the Consideration of Representations and Comments in respect of the Draft Central District Outline Zoning Plan No. S/H4/17

(TPB Paper No. 10665)

[The item was conducted in Cantonese and English.]

Procedural Matters

11. The Chairperson recapitulated that the draft Central District Outline Zoning Plan (OZP) No. S/H4/17 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) on 24.5.2019. During the exhibition period, 33 representations and 22 comments were received. Hong Kong Sheng Kung Hui

(HKSKH) Foundation was one of the representers (R31). The Town Planning Board (the Board), after consideration of the representations and comments under section 6B(1) of the Ordinance on 6.12.2019, noted R33's views and decided to partially uphold 30 representations (R1 to R30) by amending (i) the building height restriction (BHR) stipulated for the northern portion of the concerned "Government, Institution or Community (1)" ("G/IC(1)") zone from 135mPD to 80mPD, and (ii) the Notes of the "G/IC" zone on the OZP to require planning permission from the Board under section 16 of the Ordinance (hereinafter referred as the section 16 requirement) on any new development or redevelopment of existing building(s) on land designated "G/IC(1)" (i.e. the HKSKH Compound which hereafter was referred as further representation (FR) site). The Board decided not to uphold R31, R32 and the remaining part of R1 to R30. On 10.1.2020, the Board considered the wording of the proposed amendments to the draft OZP, and agreed to make available the proposed amendments for public inspection.

12. On 13.3.2020, the proposed amendments to the draft OZP were exhibited for public inspection under section 6C(2) of the Ordinance. Upon expiry of the exhibition period, 70 FRs were received, including one from HKSKH Foundation (F1) which also lodged a judicial review (JR) against the Board's decisions on 6.12.2019 and 10.1.2020. On 22.5.2020, the Board decided that F46 to F49, which were submitted by the original commenters to the representations that had been partially upheld by the Board, were considered invalid and should be treated as not having been made under section 6D(1) of the Ordinance.

13. The Chairperson said that a few letters/emails had been received from the original representers/commenters in respect of the draft OZP after the TPB paper No. 10665 (the Paper) was issued on 21.8.2020. They raised queries on whether HKSKH Foundation, being one of the representers (R31), was entitled to submit FR (F1) according to section 6D(1) of the Ordinance and the submission made by HKSKH Foundation which had included its JR documents could be considered as part of F1's submission. They considered that F1 should be treated as not having been made (same for F46 to F49) and some of them requested that the Paper should be withdrawn and the meeting should be postponed.

14. The Chairperson said that legal advice had been sought, which confirmed that the established practice adopted by the Board in handling FR was in compliance with section 6D(1) of the Ordinance. She drew Members' attention to section 6D(1) of the Ordinance

which set out that “any person, other than that who has made any representation or comment after consideration of which the proposed amendments are proposed under section 6B(8), may make further representation to the Board in respect of the proposed amendments”. The legal advice was that those representers and related commenters, whose representations and related comments were upheld/partially upheld by the Board with the proposed amendments (i.e. R1 to R30 in the subject case), were excluded from making FR. They would nonetheless be invited to attend the hearing meeting on FRs as the original representers/commenters under section 6F(3) of the Ordinance. On the other hand, any persons, including those representers and related commenters whose representations and related comments were not upheld by the Board (including R31 in the subject case), might make FR to the Board in respect of the proposed amendments. Since HKSKH Foundation (R31) had submitted FR during the exhibition period of the proposed amendments to the draft OZP, it had been invited to attend the subject meeting as F1.

15. Mr Raymond K.W. Lee, the Director of Planning, supplemented that HKSKH Foundation had also cast doubts on its entitlement to submit FR under its application for JR against the Board’s decisions. The Court would deal with the matter under the JR proceedings. In granting leave for the JR, the Court dismissed HKSKH Foundation’s application for interim stay of the Board’s decisions or alternatively the Board’s consideration of FRs. The Board should continue with consideration of the FRs in accordance with the provision of the Ordinance.

16. The Vice-Chairperson said that while there were different interpretations on the relevant provision of the Ordinance, the Board had already made a decision in a previous meeting on the validity of the FRs received in accordance with its established practice and with the benefit of legal advice. There was no need to further discuss with the attendees on the interpretation of section 6D(1) of the Ordinance in this meeting.

17. Members noted that according to the Board’s established practice, HKSKH Foundation was not excluded from making FR in respect of the proposed amendments to the draft OZP under section 6D(1) of the Ordinance and such practice was supported by legal advice sought for the handling of FR in relation to the draft OZP. Members agreed that any challenge raised by HKSKH Foundation, in the context of the JR, about its entitlement to submit FR should be dealt with by the Court under the JR proceedings. The Chairperson would make it clear to the further representers, representers and commenters attending the

subsequent hearing that the interpretation of the relevant provision of the Ordinance and the related procedural matters would not be discussed in the subject hearing. The Board would consider the FRs and decide whether or not to amend the draft OZP either by the proposed amendments in question, or by the proposed amendments as further varied in such manner as it considered appropriate under section 6F(8) of the Ordinance.

Presentation and Question Sessions

18. The Secretary reported that the following Members had declared interests on the item, for owning a property in the area, knowing or having affiliation/business dealings with 李宗德博士 (F2), Dr Walter Chen Wai Chee (F6), the Foreign Correspondents' Club, Hong Kong (FCCHK) (R3), Mary Mulvihill (R29 and C4); and Townland Consultants Limited (Townland), Philip Liao & Partners Limited (PLP), Kenneth To & Associates Ltd. (KTA) and Mr Yeung To Lai Omar (representatives of F1 and R31):

- | | | |
|----------------------|---|--|
| Dr Lawrence K.C. Li | - | his property having direct view of the FR site |
| Mr Stanley T.S. Choi | - | close relative of 李宗德博士 |
| Ms Sandy H.Y. Wong | - | personally knowing Dr Walter Chen Wai Chee |
| Mr K.K. Cheung | - | having business dealings with PLP, his firm having business dealings with FCCHK and Townland, and hiring Ms Mary Mulvihill on a contract basis from time to time |
| Mr Alex T.H. Lai | - | his former firm having business dealings with FCCHK, Townland and PLP, and hiring Ms Mary Mulvihill on a contract basis from time to time |
| Mr Thomas O.S. Ho | - | his firm having business dealings with Townland |
| Mr Daniel K.S. Lau | - | being ex-employee of Hong Kong Housing Society having business dealings with KTA |

Professor John C.Y. Ng - personally knowing Mr Yeung To Lai Omar

19. Members noted that Dr Lawrence K.C. Li and Mr Stanley T.S. Choi had tendered apologies for being unable to attend the meeting. As Ms Sandy H.Y. Wong, Messrs K.K. Cheung, Alex T.H. Lai, Thomas O.S. Ho, Daniel K.S. Lau and Professor John C.Y. Ng had no involvement in the submissions of further representers/representers/commenters, Members agreed that they could stay in the meeting.

20. The Chairperson said that notification had been given to the further representers, representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the further representers, representers and commenters, Members agreed to proceed with the hearing of the FRs in their absence.

21. The following government representatives, further representers, representers, commenters and their representatives were invited to the meeting:

Government Representatives

Planning Department (PlanD)

Mr Louis K.H. Kau - District Planning Officer/Hong Kong
(DPO/HK)

Ms Karmin Tong - Senior Town Planner/Hong Kong 4
(STP/HK4)

Development Bureau (DEVB)

Mr José H.S. Yam - Commissioner for Heritage (C for H)

Ms Joey C.Y. Lee - Assistant Secretary (Heritage Conservation)³

Further Representatives, Representatives, Commenters and their Representatives

F1 - HKSKH Foundation

P.C. Woo & Co. -

Mr Simon S.P. Tang] Further Representative's
Mr Kenneth L.K. To] representatives
Ms Veronica Luk]

F2 - 李宗德博士

Ms Yip Chui Hung Cecilia - Further Representative's
representative

F3 - Au Chi Wai David

Mr Au Chi Wai David - Further Representative

F6 – Dr Walter Chen Wai Chee

F10 – Dr Ho Hok Kung Marco

F12 – Dr Ko Lap Yan Ryan

F14 – Dr Cathy Lam Tse Fun

F16 – Dr Lee Chun Hui

F18 – Prof. Li Sheung Wai Leonard

F25 – Dr Sitt Wing Hung Edward

F27 - Yeung Hiu Yan

F30 – Dr Kwok Po Yin Samuel

Dr Kwok Po Yin Samuel - Further Representative and Further
Representers' representative

F7 – Dr Adrian Cheong Yan Yue

F8 – Dr Chow Chung Mo

F15 - Lau Kin Fan

F21 – Dr Alfred Tam Yat Cheung

F22 – Dr Tang Sau Shek Oliver

F23 - Lilac To Chi Fei

F28 – Dr Sihoe Jennifer Dart Yin

F29 – Dr Vethody Kumaran Sugunan

Dr Fok Mansion - Further Representatives'
representative

F31 - Cheung Kai Yin

Mr Cheung Kai Yin - Further Representer

F36 - Wing Hei Emily Cheng

R4/C2 - Chan Tanya

R5/C3 - Lee Cheuk Hei

R1 – Government Hill Concern Group

Central and Western Concern Group

Mr Ian Brownlee] Further Representer's,
Ms Wong Oi Chu] Representers' and Commenters'
Mr John Stuart Batten] representatives
Ms Law Ngar Ning Katty]

F52 - Lee Po Chu

R2/C1 - Kei Yan Primary School Alumni Concern Group

R15 – Sam Leung Tat Shun

R14/C20 - Mak Hin Shing Ian

C21 - Ricky Fong

Mr Ricky Fong - Commenter and Further
Representer's, Representers' and
Commenters' representative

R3 - The Foreign Correspondents' Club, Hong Kong

Mr Saugy, Didier Gilbert] Representer's representatives
Mr John Stuart Batten]

R25/C17 - The Incorporated Owners of Glenealy Tower

Mr Peter John Perowne - Representer's and Commenter's
representative

R27 – Ng Hoi Yan

Ms Ng Hoi Yan - Representer

R28 – Cheng Lai King

Ms Cheng Lai King - Representer

R29/C4 - Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

C5 - Law Ngar Ning Katty

Ms Law Ngar Ning Katty - Commenter

Mr Ian Brownlee - Commenter's representative

C7 – Brewer, John Robert

Mr Brewer, John Robert - Commenter

C15 - Hui Chi Fung

Hon Hui Chi Fung - Commenter

C18 – Midgley, Jonathan Nicholas

Mr Midgley, Jonathan Nicholas - Commenter

22. The Chairperson extended a welcome. The Chairperson said that a few letters/emails had been received from the original representers/commenters in respect of the draft OZP after the Paper was issued on 21.8.2020. They raised queries on whether HKSKH Foundation, being one of the representers (R31), was entitled to submit FR (F1) according to section 6D(1) of the Ordinance and the submission made by HKSKH Foundation which had included its JR documents could be considered as part of the F1's submission. The Chairperson said that legal advice had previously been sought which confirmed that the established practice adopted by the Board in handling FR was in compliance with section 6D(1) of the Ordinance. According to the relevant provision of the Ordinance, those representers and related commenters, whose representations and related comments were upheld/partially upheld by the Board with the proposed amendments, were excluded from making FR. On the other hand, any persons, including those representers and related commenters whose representations and related comments were not upheld by the Board, might make FR to the Board in respect of the proposed amendments. The FR submitted by HKSKH Foundation was handled in accordance with such established practice. The Board had agreed that the interpretation of the relevant provision of the Ordinance and

the related procedural matters would not be discussed in the subject hearing. The hearing of the FRs would be proceeded in the usual manner in accordance with the provision of the Ordinance.

23. Mr Ian Brownlee, the representative of a further representer and a few representers and commenters, requested to give their views on the issue. The Chairperson said that the Board had already made a decision on the validity of the FRs received in accordance with its established practice. It would neither be appropriate nor necessary to further discuss the matter.

24. The Chairperson then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the FRs. The further representers or their representatives would then be invited to make oral submissions, followed by the oral submissions of the representers/commenters or their representatives. To ensure the efficient operation of the meeting, each further representer, representer, commenter or his or her representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the further representers, representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending further representers, representers, commenters or their representatives had completed their oral submissions. Members could direct their questions to government's representatives, further representers, representers, commenters and their representatives. After the Q&A session, government's representatives, further representers, representers, commenters or their representatives would be invited to leave the meeting; and the Board would deliberate on the FRs in their absence and inform the further representers, representers and commenters of the Board's decision in due course.

25. The Chairperson then invited PlanD's representative to brief Members on the FRs.

26. Ms Karmin Tong, STP/HK4, with the aid of a PowerPoint presentation, briefed Members on the FRs, including the background of the amendments, the grounds/views/proposals of the further representers, planning assessments and PlanD's views on the FRs as detailed in the Paper.

[Mr Y.S. Wong joined the meeting during PlanD's presentation.]

27. The Chairperson then invited the further representers, representers, commenters and their representatives to elaborate on their FRs, representations and comments.

F1 – HKSKH Foundation

28. Mr Simon S.P. Tang asked the Chairperson's permission to table some documents for Members' information, which included Form 86 and Affirmation of Mr Kenneth L.K. To for the JR application, letters between HKSKH Foundation, P. C. Woo & Co. and the Board, decision of the Court on the interim stay of the proceedings regarding the FRs, and the PowerPoint to be presented by Mr Kenneth L.K. To. The Chairperson said that tabling of further information could not be accepted during the hearing but Members of the Board would listen to their oral submissions.

29. Mr Simon S.P. Tang then made the following main points:

- (a) the Board's decision on the capacity of HKSKH Foundation in making FR was noted. His following presentation would be made either as R31 or F1;
- (b) while the draft OZP gazetted on 24.5.2019 was prepared after a thorough consideration taking into account comments from relevant government departments and public interest, the two proposed amendments to the draft OZP were introduced at the Board's meeting on 6.12.2019 without sufficient and diligent preparation. The proposed amendments had significant differences from the recommendation of PlanD in Paper No. 10599 for that meeting;
- (c) a JR application was lodged by HKSKH Foundation to protect the interest of both the church and the public for the proper use of the HKSKH Compound which had been utilized in public interest, and to ensure that the amendments to the OZP were made in line with the preservation and planning objectives;

- (d) the procedures for the handling of FRs to the proposed amendments gazetted under section 6C(2) of the Ordinance on 13.3.2020 were inadequate for the public to provide input. In particular, only three weeks' time was allowed for the submission of FR and the original representers were excluded from making FR. It was thus requested that the plan-making procedure be paused to allow further consultation and enquiry. The 10-minute presentation time allotted for F1 in the hearing was also not adequate for HKSKH Foundation to deal with the complexity of the proposal. The Board should not rush to make a decision in the subject hearing;
- (e) the Board should consider the status of the Government Hill Concern Group (GHCG) before proceeding to the hearing of the FRs. HKSKH Foundation had written to the Board several times stating that GHCG's status was in doubt and the representation made by GHCG (R1) should be ruled as invalid. The proposed amendments made by the Board to meet part of R1's representation was therefore ultra vires and the hearing of the FRs should be aborted;
- (f) HKSKH Foundation's primary request was that the subject hearing be adjourned and the proposed amendments to the draft OZP be abandoned;
- (g) however, if the Board insisted to make a final decision on the proposed amendments in the subject hearing, HKSKH Foundation was prepared to accept an alternative in order to avoid further delay of the preservation-cum-development project (HKSKH Foundation's proposal):
 - (i) to revert the BHR at the northern portion of the "G/IC(1)" zone to 135mPD or 120mPD; and
 - (ii) to amend the Remarks to the Notes of the "G/IC" zone to "on that part of the land designated "G/IC(1)" on which the former Hong Kong Central Hospital was situated, the design and disposition of any new hospital development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16

of the Town Planning Ordinance”; and

- (h) the alternative was proposed as the concern of the Board and the public on the project was mainly related to the design and disposition of the building to be developed at the location occupied by the former Hong Kong Central Hospital (HKCH), and the revised BHRs of 135mPD/120mPD had been previously scrutinized by relevant government departments and were considered by the Board as compatible with the surrounding uses. A BHR lower than 135mPD/120mPD would affect the feasibility of the proposed hospital development. Besides, the section 16 requirement should only be imposed and limited to development at the location occupied by the former HKCH, such that the other parts of the HKSKH Compound would not be affected by the new requirement. The revised section 16 requirement should be premised on the reverted BHRs of 135mPD/120mPD.

30. With the aid of a PowerPoint presentation, Mr Kenneth L.K. To made the following main points:

- (a) the FR site was zoned “G/IC” since the first Central District OZP. This was in line with the provision under the Ordinance that the draft plans might make provision for reserves for Government, institution and community (GIC) purposes. According to the Master Schedule of Notes, “G/IC” zone had a list of uses that were always permitted without the need for seeking planning permission from the Board;
- (b) HKSKH Foundation had grave concern on the two proposed amendments to the draft OZP published on 13.3.2020. In particular, revision to the Remarks of the Notes for the “G/IC” zone had been made by specifying that on land designated “G/IC(1)”, any new development or redevelopment of existing building(s) required permission from the Board under section 16 of the Ordinance. The intention of the section 16 requirement was not clear. On the one hand, it was mentioned in the Board’s decision letter to R31 dated 27.12.2019 that uses other than hospital, such as clinic, could be explored and it appeared that the intention was to control the future uses at the “G/IC(1)” site. On the other hand, the Explanatory Statement (ES) of

the draft OZP stated that the intention was to ensure any new development and/or redevelopment at the site would be compatible, in urban design term, with the historic buildings within the site and the surrounding areas;

- (c) even if the intention of the section 16 requirement was aimed to control urban design at the FR site, this had not been reflected in the proposed amendment to the Notes of the “G/IC” zone. Besides, the ES was not deemed to constitute a part of the Plan and there was no need to publish its amendment in the gazette. He worried that the actual intention of the section 16 requirement would be eroded over time and any change in the uses of the existing buildings, even for religious institution purpose, would be subject to scrutiny in obtaining planning permission from the Board;

- (d) while examples had been quoted in paragraph 4.3.4 (e) of the Paper to demonstrate that the section 16 requirement was not uncommon, the examples were not comparable to the FR site. It was noted that only one site was retained as “G/IC” zone while the others had been rezoned to “Other Specified Uses” (“OU”). In particular, the site in example (i) regarding the Murray Building was rezoned from “G/IC” to “OU” annotated “Building with Architectural Merits Preserved for Hotel Use” to facilitate conversion of the existing building for hotel use. There was also a change in the ownership of the site. The site in example (ii) regarding the Central Market was rezoned to facilitate revitalization of the existing building for commercial, cultural and/or community uses and a new operator would be identified. The site in example (iii) was a well-known case. The sites in examples (iv) and (v) were revitalized and passed to new operators for new uses. The site in example (vi) involved properties in private ownership. A portion of the site had been developed for residential use and the section 16 requirement was only applicable to the remaining portion with historic building. The site in example (vii) was the subject of a section 12A application to rezone half of the site without historic building to a residential zoning and retain the other half of the site as “G/IC” zone with the stipulation of a section 16 requirement to ensure control over the preservation of the existing historic building and any new development/redevelopment within that portion of the site;

- (e) none of the seven examples quoted in the Paper was similar to HKSKH Foundation's preservation-cum-development project in that HKSKH Foundation was the sole private owner of the FR site, the site had been used for GIC uses in the past and would continue be so used at present and in the future. Given that the FR site would not be changed to commercial or residential uses, he doubted why there was a need to amend the Notes of the "G/IC" zone in the draft OZP to include the section 16 requirement on land designated "G/IC(1)" that would add uncertainty to the future uses at the site;

- (f) preservation of the historic buildings at the HKSKH Compound was one of the projects under the "Conserving Central" initiative. The current preservation-cum-development project was proposed after a long discussion of over 10 years with the Government. The section 16 requirement, which would substantially restrict the future use of the FR site, did not form part of the proposal discussed between HKSKH Foundation and the Government, and deviated from the Board's original intention to impose BHRs for urban design consideration in May 2019. The proposed amendments might render HKSKH Foundation's proposal to start all over again and the issue to be resolved by legal proceedings; and

- (g) if it was Members' intention to allow HKSKH Foundation's proposal to proceed with further refinement, HKSKH Foundation was prepared to accept an alternative as mentioned by Mr Simon S.P. Tang above. It should be noted that the proposed reversion of BHR to 135mPD/120mPD for the northern portion of the FR site was based on the two options proposed by PlanD in May 2019 (TPB Paper No. 10536). Subject to Members' consideration, HKSKH Foundation was prepared to accept the lower end of BHR of 120mPD and further refinement to the wording of the revised section 16 requirement, i.e. "on that part of the land designated "G/IC(1)" on which the former Hong Kong Central Hospital was situated, the design and disposition of any new hospital development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance", with a

view to avoiding further delay of HKSKH Foundation's proposal.

F2 – 李宗德博士

31. Ms Yip Chui Hung Cecilia made the following main points:

- (a) 李宗德博士 objected to the proposed amendment to reduce the BHR of the northern portion of the “G/IC(1)” zone on the draft OZP from 135mPD to 80mPD, which effectively precluded implementation of HKSKH Foundation's proposal at the FR site;
- (b) the Government committed to the Legislative Council during its Heritage Conservation Policy Review that private property right would be respected in the conservation of privately owned historic buildings. Suitable financial incentives would be offered to property owners in exchange for their agreement to conserve and revitalise the historic buildings on their land;
- (c) there had been a shortfall in public healthcare services in Hong Kong for a very long period of time, and the proposal would address the territory's shortfall in hospital bed provision by providing high quality, non-profit-making and affordable healthcare services to the general public;
- (d) there was a need for sufficient floor space for the operation of the proposed hospital but there was limited area within the FR site for development after conserving the four buildings of historical significance;
- (e) the Board had an obligation to ensure optimal utilization of prime sites in view of the territory-wide shortage of land. There was also a need to strike a balance between liveability/greening/sustainability and the provision of sufficient GIC facilities and infrastructures for the maximum benefit of Hong Kong;

- (f) according to the minutes of the 182nd meeting of the Antiquities Advisory Board (AAB) held in June 2018, AAB generally supported the development of a non-profit-making private hospital at the FR site. The Board should take AAB's views into consideration;
- (g) the low utilization rate of private hospitals in the Central and Western (C&W) District was not due to a lack of demand, but was a result of mismatch in the allocation of resources; and
- (h) the increased pedestrian and vehicular traffic to/from the FR site arising from the proposed hospital would need to be addressed through a detailed traffic impact assessment (TIA). In the absence of such TIA, stringent development control should not be imposed on the FR site to deter the provision of healthcare services to the public.

F3 – Au Chi Wai David

32. With the aid of a PowerPoint presentation, Mr Au Chi Wai David made the following main points:

- (a) HKSKH Foundation's preservation-cum-development proposal was an agreed deal with the Government, including C for H and PlanD. It was the outcome of over 10 years' discussion/negotiation among relevant parties. He was disappointed to learn that the Board had suddenly changed its mind to reduce the BHR of the site and imposed a planning application requirement during the hearing meeting in last December;
- (b) whilst he agreed that conservation of historic buildings/structures was a part of the general welfare of the community, he found the plan-making process for the draft OZP non-systematic;
- (c) the Board decided to impose a higher BHR of 135mPD for the northern portion of the FR site in May 2019. It was unprecedented and non-systematic that the Board decided in December 2019 to reduce the BHR

to 80mPD and impose a requirement for planning permission for development at the FR site in response to only one representer (R1)'s adverse representation. The BHR of 80mPD had no basis or input from HKSKH Foundation. In particular, the very crude images generated by R1 and presented at the Board's meeting held in December 2019 were made without any architectural design, effectively rendering it the worst case scenario. The underlying assumption was that HKSKH Foundation would adopt the worst design, but no fair chance had been given to HKSKH Foundation to make a response. It was not fair to HKSKH Foundation and it set a very undesirable precedent;

- (d) the seven examples cited by PlanD in paragraph 4.3.4(e) of the Paper were not comparable with the scale and nature of the FR site in that most of the sites were owned by the Government and zoned "OU" while the FR site was privately owned and zoned "G/IC(1)";
- (e) apart from churches, HKSKH Foundation operated some 60 primary schools, 30 secondary schools and numerous community facilities in Hong Kong, including the former HKCH. HKSKH Foundation wanted to upgrade their service by providing a comprehensive non-profit-making healthcare facility. While some representers queried whether the proposed hospital was genuinely non-profit-making, such speculation was not a planning consideration; and
- (f) he requested the Board to rationally and justly consider the case, and review the BHR of 80mPD and the requirement for planning permission for development/redevelopment at the FR site. He opined that there had been too many arguments on the matter, which benefited no one. He did not want to see the matter to be resolved in the court which would be harmful to both the church and public resources.

F6 – Dr Walter Chen Wai Chee

F10 – Dr Ho Hok Kung Marco

F12 – Dr Ko Lap Yan Ryan

F14 – Dr Cathy Lam Tse Fun

F16 – Dr Lee Chun Hui

F18 – Prof. Li Sheung Wai Leonard

F25 – Dr Sitt Wing Hung Edward

F27 - Yeung Hiu Yan

F30 – Dr Kwok Po Yin Samuel

33. Dr Kwok Po Yin Samuel made the following main points:

- (a) he was the chairman of the Association of Private Medical Specialists. He also provided medical service at the former HKCH which was intended to be redeveloped in situ by HKSKH Foundation;
- (b) the former HKCH was a small hospital with less than 100 beds. Due to space and bed number limitations, only small operations could be carried out at the former HKCH. A larger scale hospital with around 300 beds could provide a wider range of services, including Intensive Care Unit and operation theatres. The BHR would dictate the scale and the types of healthcare services to be provided;
- (c) there was a high demand for healthcare services in Hong Kong, and a serious imbalance of public/private hospital bed provisions of 9:1. According to the Hospital Authority (HA)'s latest statistics in October 2019, the waiting time for surgical operations in Hong Kong Island West was 84 weeks; that for orthopedics was 116 weeks; and that for internal medicine was 157 weeks. This demonstrated a serious deficit in healthcare provisions to meet the high demand;
- (d) although HA had eight Public-Private-Partnership (PPP) schemes to outsource some outstanding operations of the public queues to private hospitals, the backlog was still on the rise due to the coronavirus pandemic;

- (e) there were currently 14 private hospitals in Hong Kong providing some 4,000 beds. The beauty of private hospitals was that there was no catchment/service boundary; and
- (f) Central district was Hong Kong's traditional medical centre. There were currently 849 clinics and 1,399 doctors working in the Central district. Private doctors/clinics needed a private hospital to support their operation. Private hospitals would also need private doctors to attend to emergency situations. The former HKCH site was within walking distance from the congested Central district, and hence the most convenient location for the private medical sector.

[Dr Frankie W.C. Yeung left the meeting at this point.]

F7 – Dr Adrian Cheong Yan Yue

F8 – Dr Chow Chung Mo

F15 - Lau Kin Fan

F21 – Dr Alfred Tam Yat Cheung

F22 – Dr Tang Sau Shek Oliver

F23 - Lilac To Chi Fei

F28 – Dr Sihoe Jennifer Dart Yin

F29 – Dr Vethody Kumaran Sugunan

34. Dr Fok Mansion made the following main points:

- (a) he had been a medical doctor for 38 years, 24 of which were in private practice in the Central district. He was Dean of the Faculty of Medicine of the Macau University of Science and Technology and the Director of its University Hospital;
- (b) he knew the HKSKH Foundation's proposal well. HKSKH Foundation had committed over 150 years of dedicated service to the community of Hong Kong, including education and healthcare. The former HKCH was the most affordable private hospital in Hong Kong and had served the middle/lower class citizens of Hong Kong for over 60 years. Its

mission had all along been to provide affordable private medical care to supplement the over-stretched public healthcare demand. The proposed new hospital would continue this mission, and provide outreach active health education, disease prevention and rehabilitation services to workers and residents of the C&W District, including lunchtime and after work medical education, professional continuing medical education programmes and charitable community events;

- (c) there had been a dramatic decrease in hospital beds in the C&W District over the past 20 years, including the closing down of the HKCH, Nethersole Hospital, Tsan Yuk Hospital and the reduction in service due to the Queen Mary Hospital redevelopment project. The suspension of non-essential medical services due to the coronavirus pandemic also called for greater public-private cooperation in healthcare. However, most private hospitals were not affordable to the general public, even those with medical insurance coverage;
- (d) many doctors working in the Central district firmly supported and believed that a hospital of good standards would greatly facilitate and complement their service in the clinics;
- (e) HA had lent support to a new hospital of not less than 270 beds to be built by HKSKH Foundation at the FR site. The current BHR of 80mPD imposed by the Board would reduce the proposed number of beds by 50% and would not allow a hospital meeting this mandatory standard to be built at the FR site;
- (f) during the planning of the proposed new hospital, consideration had been given to minimising traffic disturbance including positioning the ingress/egress at Upper and Lower Albert Road towards Garden Road to avoid traffic entering the most congested portion of the Central district, provision of an escalator walkway and the use of the existing tunnel to minimise vehicular access to the FR site; and

- (g) he opined that taking care of the health of Hong Kong citizens took precedence over any other considerations.

F31 – Cheung Kai Yan

35. Ms Cheung Kai Yan made the following main points:

- (a) she was a Member of the C&W District Council (C&WDC);
- (b) despite support from the previous terms of C&WDC, most Members of the current term of C&WDC objected to the proposal;
- (c) there had been much discussion over the redevelopment of the HKSKH Compound during the C&WDC meetings. However, the minutes of meetings revealed that HKSKH Foundation was not present at most of the meetings. A motion was unanimously passed at the C&WDC meeting on 16.1.2020 to conserve Bishop Hill (i.e. the FR site) and that there should be an assessment of the historic grading of individual buildings within the FR site and an overall assessment of the historic grading of the HKSKH Compound. HKSKH Foundation eventually attended the C&WDC meeting in March 2020 but refused to disclose any details of the proposal using the JR as an excuse;
- (d) HKSKH Foundation's proposal, with a reflective curtain wall design in a massive scale, was totally incompatible with the surroundings. Heritage conservation in the FR site should take precedence over healthcare, particularly when Canossa Hospital at Old Peak Road had spare capacity; and
- (e) whilst doctors in the Central district might prefer a conveniently located private hospital within walking distance, the heritage value of the FR site should not be sacrificed.

F36 – Wing Hei Emily Cheng

R4/C2 – Chan Tanya

R5/C3 – Lee Cheuk Hei

R1 – Government Hill Concern Group

36. With the aid of the visualizer, Mr Ian Brownlee made the following main points:

- (a) R1 submitted a section 12A rezoning application back in 2018 proposing the imposition of BHR on the FR site. The Board rejected the application but took on board some of the suggestions in the section 12A application, and the Board eventually agreed to impose BHR on the FR site in May 2019;
- (b) the Board did not agree with everything that R1 requested but took into account all the heritage, community and technical concerns that had been presented to it at the representation stage in December 2019, and arrived at a logical decision to reduce the BHR for the northern portion of the FR site from 135mPD to 80mPD. It was a well-considered decision, and he requested the Board not to change it;
- (c) he urged the Board not to review the BHR of 80mPD as highlighted in paragraph 6.2 of the Paper since no information had been put forward in the FR hearing to suggest that such a review was necessary or appropriate;
- (d) HKSKH Foundation was present at both the representation and today's FR hearings, but failed to provide even floor plans, photomontages, geotechnical assessments and TIA, etc. to answer simple questions from the Board on the potential impacts of the redevelopment proposal. The proposed amendments to the draft OZP had already provided HKSKH Foundation a basis to take the redevelopment proposal forward. HKSKH Foundation should come back with an application that took into account the points that the Board and the community made, and the most beneficial use on the FR site did not necessarily have to be a hospital; and

- (e) as the Notes of the “G/IC” zone allowed minor relaxation of the BHR, HKSKH Foundation’s development right would not be deprived of.

37. Ms Law Ngar Ning Katty made the following main points:

- (a) the Board heard the representations for a whole day in December 2019 and made a very rational decision, taking into account various considerations including heritage/cultural value of the historic buildings within the site, visual impacts, traffic congestion in the area, and geotechnical issues. The community at large supported the Board’s proposed amendments to the draft OZP. The tightening of BHR on the FR site to the level of the existing buildings was in tandem with the Board’s practice on other projects of “Conserving Central” like Central Market, Tai Kwun and PMQ;
- (b) the FR site was situated in the old city of Hong Kong where there was a conglomeration of declared monuments and historic buildings. This historically important area should be conserved;
- (c) she did not agree with HKSKH Foundation’s arguments that there should be sufficient incentives for heritage conservation as the Government had all along provided funding support for repair and renovation of antiquities and monuments. According to records, St. John’s Cathedral received funding from heritage-related trust for undertaking conservation works including re-roofing and restoration of the Cathedral. She believed that the historic buildings on the FR site would be eligible for such funding. She also found it inconceivable that HKSKH Foundation had no funding for heritage conservation but was able to finance a JR against the Board. Whilst most non-government organizations raised funds to support their mission, she found it amazing that HKSKH Foundation was trying to build a hospital to fund heritage conservation;
- (d) constructing a huge hospital at the FR site, with massive excavation for basement parking, might affect the structural stability of the preserved

buildings rendering conservation more difficult. The damage of allowing the proposal would be irreversible;

- (e) HKSKH Foundation's proposal was not an agreed deal as suggested by F3, and like any other deal, nothing should preclude a rethinking from the parties involved;
- (f) some further representers emphasized C&WDC's and AAB's general support for HKSKH Foundation's proposal, but downplayed their concerns on the scale and traffic and visual impacts of the proposal;
- (g) Hong Kong was in short supply of healthcare services for the low-income group, and hence the long waiting queues in public hospitals. Development of new private hospitals did not and would not help to relieve this shortfall. Developing a new hospital in the Central district might even draw essential medical resources, notably doctors and nurses, away from the public hospital system;
- (h) furthermore, utilization of the nearby Canossa Hospital had remained at around 30% over the past few years, and she saw no reason why another new hospital should be built in the Central district; and
- (i) R1 requested the Board not to be intimidated by HKSKH Foundation's JR and to adhere to its decision made in December 2019.

[Mr Philip S.L. Kan joined the meeting during Ms Law Ngar Ning Katty's presentation.]

[Mr Franklin Yu left the meeting at this point.]

38. Mr Gilbert John Batten made the following main points:

- (a) he co-founded the concern group with Ms Law Ngar Ning Katty 13 years ago and had been addressing the Board on many occasions;
- (b) the FR site was granted to HKSKH Foundation because it was the church of Empire. Its location was carefully chosen by the colonial

Government to be adjacent to Government Hill where the Colonial Secretariat was and the Government House where the Governor resided;

- (c) HKSKH Foundation had been providing a lot of social services to Hong Kong, but building a private hospital was not a social service. If HKSKH Foundation were proposing any social service development at the FR site for the good of Hong Kong, the concern group's attitude might be different; and
- (d) the Board represented the wider community rather than sectoral interests. He requested the Board to adhere to its decision of imposing a BHR of 80mPD and impose the planning application requirement for the FR site.

F52 – Lee Po Chu

R2/C1 – Kei Yan Primary School Alumni Concern Group

R15 – Sam Leung Tat Shun

R14/C20 – Mak Hin Shing Ian

C21 – Ricky Fong

39. With the aid of a PowerPoint presentation, Mr Ricky Fong made the following main points:

- (a) he represented Kei Yan Primary School Alumni Concern Group. The group was established in July 2019 and had 90 members which included alumni and teachers of the school, Christians, stakeholders of the former HKCH and locals;
- (b) the FR site had high historic value and was adjoining other buildings of historical significance;
- (c) to date, HKSKH Foundation had not released any technical assessments required for the proposal, including Conservation Management Plan, TIA, environmental impact assessment, visual impact assessment and geotechnical assessment, to convince the Board or the public to accept its proposal;

- (d) despite HKSKH Foundation's claim that the proposed hospital would be non-profit-making and providing affordable healthcare services to the public, no fee level had been announced. There was also insufficient consultation with stakeholders like alumni of Kei Yan Primary School, C&WDC and the locals; and
- (e) the group wrote to AAB after the Board's representation hearing in December 2019 to request:
 - (i) a historic grading for the former HKCH building;
 - (ii) re-classifying Kei Yan Primary School as a Grade 1 historic building;
 - (iii) re-classifying Kei Yan Primary School, HKSKH Ming Hua Theological College and Sheng Kung Hui Kindergarten as a Grade 1 historic building group; and
 - (iv) declaring the Bishop House as a monument.

40. With a pre-recorded video presentation, Mr Mak Hin Shing Ian made the following main points:

- (a) he was born in the former HKCH and graduated from Kei Yan Primary School. He was a town planner and a conservation architect;
- (b) according to Buildings Department's Building Records Access and Viewing On-line website, the former HKCH was built in 1948 with Mr Kuo Yuan Hsi as architect. Mr Kuo was the first generation of Chinese architects, and the former HKCH building was probably Mr Kuo's last architectural piece in Hong Kong. The building was also the territory's only surviving Bauhaus medium-rise architecture. Unfortunately and unlike the three other surviving Bauhaus low-rise buildings in Hong Kong, the former HKCH building remained ungraded;

- (c) the former HKCH was not only an abortion hospital as some people suggested. There were many births at the hospital as well, including many of his family members;
- (d) there were calls from the public to refurbish the former HKCH building as a clinic, quarantine facility and testing centre for the coronavirus pandemic. The Government had rejected such suggestions on technical grounds, which the concern group considered unconvincing; and
- (e) the group was also disappointed with the JR lodged by HKSKH Foundation in the midst of the coronavirus pandemic.

R3 – Foreign Correspondents’ Club, Hong Kong (FCCHK)

41. Mr Saugy, Didier Gilbert said that he was the general manager of the FCCHK, and would like to relay the FCCHK’s support to the proposed amendments to the draft OZP. Mr John Stuart Batten said that he was a member of the FCCHK, and FCCHK members generally had concern on the traffic and overlooking effect on the FCC Building (ex-Dairy Farm Building) generated from any high-rise development at the FR site.

R25/C17 – The Incorporated Owners of Glenealy Tower

42. Mr Peter John Perowne made the following main points:
- (a) he was the chairman of the Incorporated Owners of Glenealy Tower and represented about 100 people residing in the building. Glenealy Tower overlooked the FR site;
 - (b) Bishop Hill had been a gem for Hong Kong people to appreciate for many years, and any development thereat would destroy it;
 - (c) the FR site had limited space and it was unsuitable to put a huge hospital there, which would ruin the elegant low-rise buildings therein;

- (d) traffic along Glenealy was already congested during the peak hours, and any development at the FR site would add to the congestion;
- (e) the Board was requested not to change its decision made on 6.12.2019.

R27 – Ng Hoi-yan

43. Ms Ng Hoi-yan made the following main points:

- (a) she was a Member of C&WDC;
- (b) while there were tall buildings around the FR site, any development at the FR site should be compatible with the low-rise buildings therein;
- (c) some people considered Tai Kwun a successful heritage revitalization project, which she did not agree. She considered that the essence of the place had been ruined by the new development of a centre for arts;
- (d) while the territory was in short supply of healthcare services, it was doubtful as to whether a huge hospital was needed at the FR site, particularly in light of the upcoming completion of the Queen Mary Hospital redevelopment in 2024; and
- (e) C&WDC requested HKSKH Foundation to provide more information, including traffic and visual impact assessments, on the proposal but to no avail;
- (f) Bishop Hill was worth conserving because it was unique. C&WDC unanimously agreed that there should be an overall historic grading for Bishop Hill. To that end, C&WDC would conduct its own heritage conservation study for the district, including Bishop Hill; and
- (g) 80mPD should be the absolute maximum building height (BH) for the FR site. Any redevelopment at the FR site should not exceed the height of the former HKCH.

[Mr Andy S.H. Lam left the meeting at this point.]

R28 – Cheng Lai King

44. Ms Cheng Lai King made the following main points:

- (a) she was the Chairman of C&WDC;
- (b) she studied in HKSKH Foundation's primary school;
- (c) she was excited when the Government announced 'Conserving Central' in 2006. Since then, 'Conserving Central' had been a regular item on C&WDC's agenda, and project after project, heritage buildings in the Central district were revitalized and opened for the public's enjoyment;
- (d) despite support was given to HKSKH Foundation's proposal from the previous C&WDC terms, the current term of C&WDC objected to the proposal on the ground of its excessive scale rather than the proposed hospital use;
- (e) Bishop Hill was an important 'prologue' in Hong Kong's history. She was upset that important historic buildings within Bishop Hill were left vacant and dilapidated. The development of a huge building within this important heritage site would destroy Hong Kong's history over the last 160 years;
- (f) redevelopment of the FR site had dragged on for 14 years since 2006. Many years ago, HKSKH Foundation approached C&WDC about the proposal, explaining how important the proposed hospital was, including the need to meet the extant Private Healthcare Facilities Ordinance. She was shocked to learn about the proposal to make use of an existing tunnel underneath Bishop Hill leading to the Central Building for doctors to access the proposed hospital by foot to perform emergency operations. She

opined that the tunnel should be opened to the public for appreciation rather than used as a doctors-only access;

- (g) there was no need to demolish the former HKCH building for the construction of a new hospital. HKCH could be refurbished to serve the public. HKCH was built in 1948, the same year that other important historic buildings like the ex-Bridges Street Market (now the Hong Kong News-Expo) and PMQ were built. To that end, C&WDC would request AAB to assess the historical grading of HKCH; and
- (h) the roads near the FR site was heavily congested, but no TIA had been provided for the proposal.

C7 – Brewer, John Robert

45. Mr Brewer, John Robert made the following main points:

- (a) he had worked in Duddell Street near the FR site for over 20 years. He had been living in Happy Valley for over 30 years, above the Hong Kong Sanatorium and Hospital, and had experienced the adverse impact of a huge hospital in a residential neighbourhood. He therefore urged the Board not to be persuaded to repeat that kind of problem;
- (b) he had studied the submission of F1, and as a barrister, he was of the opinion that the combined effect of section 6B(8) and section 6D(1) of the Ordinance did allow HKSKH Foundation to submit FR. That said, the submission by F1 was about HKSKH Foundation's JR against the Board, and there was no information in the submission to address the proposed amendments to the draft OZP. It followed that whilst F1 was a valid FR, the content of its submission was not particularly relevant to the focus of the Board's discussion; and
- (c) section 3 of the Ordinance imposed a duty on the Board to undertake systematic preparation of draft plans with a view to the promotion of the health, safety, convenience and general welfare of the community. The

permitted uses at the FR site 150 years ago or in 2011 could not fetter this power of the Board. He had analysed the Board's decision on 6.12.2019 regarding the consideration of representations and comments to the draft OZP and how the Board came to the proposed amendments through paragraphs 106 to 122 of the minutes of the meeting. He found the Board's decision very sound, and the Board should adhere to it.

46. The meeting was adjourned for lunch break at 1:00 p.m.

[Dr Lawrence W.C. Poon left the meeting at this point.]

47. The meeting was resumed at 2:00 p.m.

48. The following Members and the Secretary were present at the resumed meeting:

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Conrad T.C. Wong

Mr Y.S. Wong

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Terence S.W. Tsang

Assistant Director (Regional 1), Lands Department
Mr Simon S.W. Wang

Director of Planning
Mr Raymond K.W. Lee

Agenda Item 3 (Continued)

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Further Representations No. F1 to F45 and F50 to F70 on Proposed Amendments to the Draft Central District Outline Zoning Plan No. S/H4/17 Arising from the Consideration of Representations and Comments in respect of the Draft Central District Outline Zoning Plan No. S/H4/17
(TPB Paper No. 10665)

[The item was conducted in Cantonese and English.]

Presentation and Question Sessions (Continued)

49. The following government representatives, further representers, representers, commenters and their representatives were invited to the meeting:

Government Representatives

Planning Department (PlanD)

Mr Louis K.H. Kau - District Planning Officer/Hong Kong
(DPO/HK)

Ms Karmin Tong - Senior Town Planner/Hong Kong 4 (STP/HK4)

Development Bureau (DEVB)

Mr José H.S. Yam - Commissioner for Heritage (C for H)

Ms Joey C.Y. Lee - Assistant Secretary (Heritage Conservation)³

Further Representatives, Representatives, Commenters and their Representatives

F1 - HKSKH Foundation

P.C. Woo & Co. -

Mr Simon S.P. Tang] Further Representative's

Mr Kenneth L.K. To] representatives

Ms Veronica Luk]

F36 - Wing Hei Emily Cheng

R4/C2 - Chan Tanya

R5/C3 - Lee Cheuk Hei

R1 – Government Hill Concern Group

Central and Western Concern Group

Mr Ian Brownlee] Further Representative's,

Ms Wong Oi Chu] Representatives' and Commenters'

Ms Law Ngar Ning Katty] representatives

F52 - Lee Po Chu

R2/C1 - Kei Yan Primary School Alumni Concern Group

R15 – Sam Leung Tat Shun

R14/C20 - Mak Hin Shing Ian

C21 - Ricky Fong

Mr Ricky Fong - Commenter and Further
Representer's, Representers' and
Commenters' representative

R25/C17 - The Incorporated Owners of Glenealy Tower

Mr Peter John Perowne - Representer's and Commenter's
representative

R29/C4 - Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

C5 - Law Ngar Ning Katty

Ms Law Ngar Ning Katty - Commenter

Mr Ian Brownlee - Commenter's representative

C15 - Hui Chi Fung

Hon Hui Chi Fung - Commenter

C18 – Midgley, Jonathan Nicholas

Mr Midgley, Jonathan Nicholas - Commenter

50. The Chairperson welcomed the further representers, representers and commenters to continue attending the hearing of FRs in respect of the draft OZP.

R29/C4 – Mary Mulvihill

51. With the aid of the visualizer, Ms Mary Mulvihill made the following main points:

- (a) HKSKH Foundation ceased to provide health care and education services at the FR site for some time, and many buildings therein had been left vacant. HKCH was closed in 2012 and left vacant ever since. The building could have been used as a quarantine or testing facility for the coronavirus pandemic. The Bishop House was used as an office rather than the Bishop's residence as stipulated under the lease. The Government had apparently failed to carry out its duty to inspect the uses at the FR site to ensure that they were in compliance with the lease;
- (b) there was deficit in many community facilities like day-care and district health centres in the Central district, but the FR site was not providing any of them. HKSKH Foundation did not put forward any use at the FR site that was beneficial to the general public. The church was merely trying to maximise revenue that could be generated from the FR site as only the rich and famous could afford private hospital. Whilst there was no dispute on the proposed hospital use, she was concerned about the scale and the private nature of the proposed hospital. Furthermore, no details had been provided and the proposal lacked transparency. There was also no guarantee that the proposed private hospital would indeed be affordable as claimed;
- (c) there were many private hospitals on Hong Kong Island, and yet PlanD mysteriously projected a deficit of about 400 hospital beds for Hong Kong Island. She suspected that the claimed deficit was to cater for provision of private hospital only. As many private hospitals were patronized mainly by mainlanders, she considered it more sensible to develop new private hospitals near the boundary crossings;
- (d) most of the medical professionals submitting/signing to give support to HKSKH Foundation's hospital proposal were associated with Virtus Medical Group Ltd. which she suspected had an interest in the proposal, and such interest should be disclosed;

- (e) no TIA had been submitted to address the traffic issues generated by the hospital proposal; and
- (f) she urged the Board to adhere to the proposed amendments made in December 2019 which gave the community a right to participate in decisions on the FR site. The site was given to the church 150 years ago for the benefits of the community, and it should continue to function that way.

C5 – Law Ngar Ning Katty

52. Ms Law Ngar Ning Katty made the following main points:

- (a) upon the consideration of amendments to the approved Central District OZP No. S/H4/16 at its meeting held in May 2019, Members were seemingly only allowed to choose between the two BHR options of 120mPD and 135mPD put forward by PlanD, though some Members considered that both BHR options were not appropriate. The discussion was more open during the representation stage in which all stakeholders' views were relayed to the Board, and the Board had made an informed decision at the meeting held in December 2019;
- (b) that said, traffic was a neglected aspect in the process and the Government did not propose any measure to address the existing congestion in the area. She was surprised by PlanD's view highlighted in para. 6.2 of the Paper that "the Board may consider whether there is scope to review this BHR given the planning history of the site and the s.16 requirement which can ensure that the proposed development would be compatible, in urban design term, with the historic buildings within the FR site and the surrounding areas". She queried the basis on which this statement was made, and what assessments were made or what changes in circumstances had there been since the representation hearing to justify such statement. The Board made a very wise decision last December, and should adhere to it;

- (c) the so-called doctors' support of the proposed hospital came from the same medical group in the Central district. The genuine need for healthcare services did not lie in the Central district; and
- (d) Government Hill and Bishop Hill were important parts of the old city of Hong Kong that should be conserved.

C15 – Hui Chi Fung

53. Mr Hui Chi Fung made the following main points:

- (a) he was commenting in the capacity of a Legislative Councillor as well as a Member of C&WDC. He was also the DC member of the district covering Bishop Hill;
- (b) C&WDC had expressed concerns on HKSKH Foundation's proposal over the past 10 years. In particular, the current term of C&WDC had unanimously passed a motion at its meeting on 28.5.2020, which supported the Board's decision to impose a BHR of 80mPD on the FR site, objected to HKSKH Foundation's JR application, and urged the Government to review the conservation plan in Bishop Hill given its historic value and open up the site for public uses. The BHR eased C&WDC's concern on the excessive scale of the proposed hospital and the associated traffic impact;
- (c) C&WDC respected private property rights, and did not object to the proposed hospital use. C&WDC was concerned about the scale of the proposed development and the delay in putting the land into use due to the JR. He had consulted the locals but none of them indicated a strong preference to receiving medical treatment in a private hospital in the Central district;
- (d) throughout the hearing process, HKSKH Foundation was only concerned about the BHR, without expressing much care on what the public needed or heritage conservation; and

- (e) the FR site was not a piece of ordinary private land, but one that had a public element because of its “G/IC(1)” zoning, and the public expected it to be put into beneficial community use. The Board should adhere to its decision in the last representation hearing.

C18 – Midgley, Jonathan Nicholas

54. Mr Midgley, Jonathan Nicholas made the following main points:

- (a) the Board should make the right decision for the good of Hong Kong, and should respect its own decision made in December 2019;
- (b) there was no need for more private hospital beds in the Central district given that most private hospitals in Hong Kong were under-utilized. There were also traffic and air ventilation issues with HKSKH Foundation’s proposal, and the FR site was simply too small for the proposed hospital in such scale; and
- (c) he was disappointed that HKSKH Foundation decided to intimidate the Board with legal action.

55. As the presentations of PlanD’s representatives, the further representers, representers, commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the further representers, representers, commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties.

56. The Chairperson said that the current hearing was to consider the FRs in respect of the two proposed amendments after the Board’s consideration of the representations and comments under section 6B(1) of the Ordinance on 6.12.2019, namely, amending (i) the BHR stipulated for the northern portion of the concerned “G/IC(1)” zone from 135mPD to

80mPD, and (ii) the Notes of the draft OZP to require planning permission from the Board under section 16 of the Ordinance on any new development or redevelopment of existing building(s) on land designated “G/IC(1)” zone. As such, the focus of discussion in the current meeting was on the two proposed amendments to the draft OZP rather than the future use of the “G/IC(1)” site. The Chairperson then invited Members for questions.

Stipulation of BHRs

57. Members raised the following questions:

- (a) background for imposing BHRs at the FR site;
- (b) background for the changes in the proposed BHRs between the Board’s meeting on 10.5.2019 and 6.12.2019;
- (c) whether one of the Board’s considerations in proposing a BHR of 135mPD for the northern portion of the FR site on 10.5.2019 i.e. HKSKH Foundation’s proposal was already at an advanced stage, was still applicable when the Board considered the representations and comments at its meeting on 6.12.2019; and
- (d) whether the proposed amendments to the draft OZP made after the Board’s meeting on 6.12.2019 would reflect a systematic problem in the current plan-making process as alleged by F3.

58. Mr Louis K.H. Kau, DPO/HK, with the aid of some PowerPoint slides, made the following responses:

- (a) the Board considered on 10.8.2018 a section 12A application (No. Y/H4/12) submitted by the GHCG proposing to rezone the HKSKH Compound and a number of other sites in the area from “G/IC” to “OU” annotated “Heritage Precinct” or “G/IC(1)” and to stipulate BHRs for the zone. Whilst the Board did not agree with the application, Members were generally concerned about the urban design aspect of HKSKH

Foundation's proposal for the FR site known at that time and considered that some form of planning control was necessary. The Board thus requested PlanD to consider suitable amendment to the OZP to ensure that the urban design aspect of any redevelopment proposal at the HKSKH Compound would be given due consideration under the planning regime;

- (b) the proposed amendments in terms of BHRs to the approved Central District OZP No. S/H4/16 were submitted to the Board for consideration on 10.5.2019. Two options of BHRs of 120mPD and 135mPD for the northern portion and a BHR of 80mPD for the southern portion of the FR site were proposed. The Board adopted a BHR of 135mPD as the basis for amending the Central District OZP for the northern portion of the FR site and for inviting representations/comments from the public. On 24.5.2019, the draft OZP was exhibited for public inspection under section 5 of the Ordinance. On 6.12.2019, after considering the representations and comments, the Board decided to partially uphold 30 representations by proposing amendments to the BHR stipulated for the northern portion of the FR site from 135mPD to 80mPD, and the Notes of the "G/IC" zone on the OZP by incorporating the section 16 requirement on land designated "G/IC(1)". On 13.3.2020, the proposed amendments to the draft OZP were exhibited for public inspection and for making FR;
- (c) the Board's decision on 10.5.2019 was based on the understanding that HKSKH Foundation had been discussing with relevant government bureaux and departments on the proposed hospital development which was already at an advanced stage, and HKSKH Foundation might need to revisit the design if a more stringent BHR was imposed, which would further delay the implementation of the proposed development. However, as recorded in the minutes of the Board's meeting on 6.12.2019, after considering HKSKH Foundation's written and oral submissions, the Board was of the view that HKSKH Foundation had not provided sufficient information including design scheme and technical assessments to show that the proposed development was already at an advanced stage and was indeed visually compatible with the surrounding environment and

technically feasible. Taking into account the views of the representers/commenters and the historical significance of the FR site, the Board came up with the two proposed amendments to the draft OZP; and

- (d) the whole plan-making process for the amendment to the Central District OZP had been proceeded in accordance with the provision of the Ordinance. Referring to the minutes of meeting on 6.12.2019, the Board had taken into account a host of factors before proposing amendments to the draft OZP, which included the existing BH profile of the FR site, the surrounding site context, the BHRs currently in force in the surrounding areas, heritage conservation implication and visual impact of the BHR, the strong public sentiment attached to the preservation of the historic ambience of the area, and the balance between the need for heritage conservation and respect for private property rights as well as between preservation and development. Given the whole process was conducted in compliance with the Ordinance and followed the Board's established practice, he did not agree with F3 that the plan-making process was non-systematic.

59. Noting that PlanD had highlighted in the Paper that the Board might consider whether there was scope to review the BHR of 80mPD for the northern portion of the FR site, a Member asked DPO/HK to explain the rationale behind. Mr Louis K.H. Kau, DPO/HK, with the aid of a PowerPoint slide, explained the following:

- (a) land lease modification for the HKSKH Compound to facilitate the implementation of the HKSKH Foundation's preservation-cum-development project was approved by the Chief Executive in Council (CE in C) in 2011. While the proposal at that time was not for hospital development, all four graded historic buildings would be preserved in-situ and the other existing buildings would be replaced by new ones with BH of 108mPD at the northern portion and 103mPD at the southern portion to provide the needed space for HKSKH Foundation's religious and community services as well as a medical centre;

- (b) in considering the amendments to the approved Central District OZP by imposing BHRs for the FR site on 10.5.2019, the Board had initially accepted that the BHR for the northern portion could be higher than that for the southern portion; and
- (c) by imposing the section 16 requirement as one of the proposed amendments to the draft OZP after the Board's meeting on 6.12.2019, the Board would have the opportunity to consider the acceptability of the urban design aspect of the redevelopment project through the planning application mechanism.

60. A Member asked the rationale for drawing the boundary between the northern and southern portions of the FR site for imposing BHRs. Mr Louis K.H. Kau responded that the boundary was drawn based on the natural slope at the FR site as well as HKSKH Foundation's proposal. The Chairperson supplemented that according to the Board's discussion on 10.5.2019, a lower BHR of 80mPD was proposed for the southern portion to maintain a buffer and minimise the visual impact on the Hong Kong Zoological and Botanical Gardens across Upper Albert Road. Regarding the northern portion, Members considered that a higher BHR of 135mPD, which was comparable with the BHRs of the surrounding areas, could be proposed for consultation. Subsequently, the BHR for the northern portion was proposed to be revised after the Board's consideration of representations and comments on 6.12.2019 and whole site was subject to a BHR of 80mPD.

The Section 16 Requirement

61. Some Members enquired on the concern of HKSKH Foundation if the section 16 requirement was imposed. Mr Kenneth L.K. To, F1's representative, responded that the section 16 requirement was applicable to any new development or redevelopment of existing building(s) in the "G/IC(1)" zone. He considered the section 16 requirement had fundamentally and drastically altered the structure and provision of the "G/IC" zone as planning permission was required for all uses, including the Column 1 uses, rendering the "G/IC(1)" zone no longer a real "G/IC" zone. The introduction of more stringent

restriction on the originally always permitted uses would set an undesirable precedent and might result in unintended restrictions on the future use of the FR site. While it was emphasized that only the urban design aspect would be scrutinized in the section 16 application, such intention was not reflected in the Notes of the “G/IC(1)” zone on the OZP. He doubted whether the future scrutiny of the proposal by the Board would only be confined to urban design aspect as promised today. If the Board’s concern was related to the design and impact of the proposed hospital development and to address the public concerns in those aspects, HKSKH Foundation was willing to submit a section 16 application for hospital development for the Board’s consideration. However, the requirement should only be confined to hospital use and where the former HKCH was situated.

62. Given that the alternative proposed by HKSKH Foundation was first introduced at the subject meeting, the Chairperson invited the representative of F1 to clarify the intention of F1’s proposed revision to the section 16 requirement, in particular the wording “on that part of the land designated “G/IC(1)” on which the former HKCH was situated”. Mr Kenneth L.K. To, F1’s representative, explained that the intention was to confine the requirement to hospital use and where the former HKCH was situated. While the footprint of the proposed hospital development might be larger than that of the former HKCH, the section 16 requirement would apply whenever the core of the proposed development would overlap with the former HKCH footprint. As such, the alternative could address the Board’s concern regarding the urban design of the proposed hospital, and at the same time avoid unnecessary restriction on other parts of the FR site.

63. In response to some Members’ questions regarding the purpose of the section 16 requirement imposed by the Board, Mr Louis K.H. Kau, DPO/HK, said that the section 16 requirement was not aimed to restrict future use of the FR site. It was made clear in the ES of the OZP that the requirement was to ensure that any new development and/or redevelopment at the site would be compatible, in urban design term, with the historic buildings within the site and the surrounding areas. The requirement was applicable to the whole site as both the northern and southern portions of the FR site might be affected by the proposed development/redevelopment. The Chairperson supplemented that the section 16 requirement was applicable to proposed development/redevelopment involving any of the uses permissible within the “G/IC(1)” zone but only the urban design aspect would be scrutinized by the Board. Similar requirements had also been imposed to other sites in

various zones.

64. In response to a Member's question, Mr Louis K.H. Kau, DPO/HK, clarified that with the section 16 requirement, planning application would need to be submitted for the Board's consideration in respect of development/redevelopment involving any of the uses including Column 1 uses permissible within the "G/IC(1)" zone but the scrutiny would focus on the urban design aspect. If only BHRs were imposed, planning permission for development/redevelopment of Column 1 uses would not be required as long as the proposed development/redevelopment was in compliance with the BHRs.

65. A Member asked the view of Mr Ian Brownlee, the representative of a further representer and a few representers and commenters, on the alternative proposed by HKSKH Foundation regarding the section 16 requirement. In response, Mr Ian Brownlee said that HKSKH Foundation's proposed hospital development would cover an area much larger than the footprint of the former HKCH, which might create significant impacts on the other existing buildings and ambience of the whole site. Given that neither detailed design nor assessment had been provided by HKSKH Foundation on the proposed hospital development, the section 16 requirement proposed by the Board could help assess the actual impacts when more details of the proposal were available. The alternative proposed by HKSKH Foundation, which only covered part of the FR site, could not help assess the impacts on the amenity of the whole site, as well as the relationship between the proposed development and the buildings that would be affected, in particular the graded historic buildings. He further pointed out that the preservation-cum-development project approved by CE in C did not include hospital use, and it was not the current proposal being pursued by HKSKH Foundation.

Examples regarding Similar Section 16 Requirement

66. Noting that F1 and F3 alleged that the seven examples mentioned in paragraph 4.3.4(e) of the Paper were inappropriate, a Member asked the relevance of the examples. In response, Mr Louis K.H. Kau, DPO/HK, said that the examples were provided in response to HKSKH Foundation's allegation that imposing the section 16 requirement had effectively converted the zoning to "Comprehensive Development Area". It should be noted that the requirement for section 16 application was not uncommon for sites considered

to have special circumstances, such as heritage importance. Such requirement had been imposed on both government and privately-owned sites.

67. In response to a Member's question, Mr Ian Brownlee, the representative of a further representer and a few representers and commenters, said that similar section 16 requirement had been applied to land sale sites, including the sites at Sai Yee Street and Caroline Hill Road. The section 16 requirement, which was applicable to all Column 1 uses of the respective zones of the sites, was aimed to achieve good urban design for the future development, in particular when details of the future design was not available. Besides, the Board had the flexibility to allow for a higher BH for the proposed development through minor relaxation of BHR if the proposed development was considered compatible with the surrounding context.

68. In response to a Member's question, Mr Kenneth L.K. To, F1's representative, said that majority of the examples quoted by PlanD were not currently zoned "G/IC". In those examples, the uses in the existing buildings were changed and the site was re-planned for new uses and passed to different operators. The subject case was different from the quoted examples in the Paper and the land sale sites in that the ownership of the FR site would not be changed and the proposed uses was confined to GIC uses only.

69. The Chairperson asked DPO/HK whether the Column 1 uses of the "G/IC(12)" zone for Bethel Bible Seminary (BBS) (i.e. example (vii) in paragraph 4.3.4(e) of the Paper) were subject to similar section 16 requirement. In response, Mr Louis K.H. Kau said the BBS site was the subject of a section 12A application to rezone half of the site for residential uses and retain the other half for seminary related uses. The seminary was still in use with a new extension building, which was similar to the subject case. Mr Kenneth L.K. To raised objection to DPO/HK's interpretation. He said that as half of the original BBS site had been carved out and rezoned for residential uses, not the whole site was retained as "G/IC" zone. The Chairperson explained that her question was just related to whether the section 16 requirement was imposed to all Column 1 uses within the "G/IC(12)" zone of BBS. Mr Louis K.H. Kau, with the aid of the visualizer, responded that according to the schedule of uses for the "G/IC(12)" zone, there were a number of uses in Column 1, and the section 16 requirement was applicable to all Column 1 uses of that zone.

Preservation-cum-Development Project

70. Members raised the following questions to the government representatives regarding background of HKSKH Foundation's proposal:

- (a) whether there was an "agreed deal" between HKSKH Foundation and the Government on the preservation-cum-development project as alleged by F3;
- (b) how had the relationship between the individual historic buildings and the ambience of the whole site been taken into account in deriving the conservation plan for HKSKH Compound; and
- (c) how preservation and development within HKSKH Compound could be balanced in the current proposal.

71. Mr José H.S. Yam, C for H, with the aid of a plan shown in the visualizer, made the following responses:

- (a) the Government announced eight projects in the 'Conserving Central' initiative in the 2009-10 Policy Address to preserve the important cultural, historical and architectural features in Central, which included the HKSKH Compound. HKSKH Foundation then proposed a preservation-cum-development project for discussion with the Government, and the lease modification to facilitate the implementation of the project was approved by the CE in C in 2011. According to the proposal, all four graded historic buildings within HKSKH Compound would be preserved, namely the Bishop's House, St. Paul's Church and the Church Guest House which were Grade 1 buildings, and the Old SKH Kei Yan Primary School which was a Grade 2 building. The other existing buildings would be replaced by new ones with BH of 108mPD at the northern portion and 103mPD at the southern portion of the site to provide the needed space for HKSKH Foundation's religious and community services as well as a medical centre. HKSKH Compound was zoned "G/IC" without

restriction on development parameters in the planning regime at that time. In 2013, HKSKH Foundation revisited the project and decided to build a non-profit-making private hospital within the northern portion of the site. HKSKH Foundation had been exchanging views with the C&WDC since 2013 and consulted AAB on its proposal in June 2018 and obtained AAB's general support for the proposal. The Food and Health Bureau (FHB) had confirmed its policy support for the proposed hospital upon the provision of a minimum number of 274 beds. HKSKH Foundation had applied for land lease modification to facilitate the hospital development before the Central District OZP was amended to incorporate BHRs. As such, there had been a relatively thorough discussion between HKSKH Foundation and the relevant government bureaux and departments on the development parameters for the proposed hospital development before the BHRs were imposed on the OZP. The C for H's Office also considered that the footprint of the proposed hospital had been reduced to minimize adverse impacts on the nearby graded historic buildings. If there was no restriction in the planning regime, the proposed hospital development could commence after submission of the lease modification proposal to CE in C and the approval of CE in C being obtained;

- (b) in deriving the conservation plan for HKSKH Compound, the heritage value of individual buildings as well as the ambience of the whole site had been taken into account. Among the 11 existing buildings at HKSKH Compound, all four graded historic buildings would be preserved in-situ. According to HKSKH Foundation's proposal, the three Grade 1 historic buildings would be fully preserved. For the Old SKH Kei Yan Primary School, only the facades would be retained as a major alteration to the interior of the building was undertaken in 2007. With a view to conserving the graded historic buildings, the new hospital block could only be built basically on the site of the former HKCH. While a relatively large footprint was required for the proposed hospital, the footprint had been minimised with a view to providing a reasonable buffer between the graded historic buildings. Besides, the footprint of the proposed hospital would not overlap with the Old SKH Kei Yan Primary School as it would

deck over the fabrics of the historic building. The three existing non-graded buildings at the southern portion would also be preserved; and

- (c) there was no hard and fast rule for the balance of preservation and development and each preservation-cum-development proposal would be considered based on its own merit. Given the site constraint in HKSKH Compound, the area left for development was rather limited after preservation of all four graded historic buildings. While there were capacity constraints for a hospital development, efforts had been made by HKSKH Foundation to reduce its impact on the graded historic buildings. HKSKH Foundation was also required to submit a conservation management plan at the lease modification stage, which would set out the general guidelines for preserving heritage and proposed mitigation measures to minimise the adverse heritage impact for the consideration of the Antiquities and Monuments Office.

72. A Member asked if the BHRs of 108mPD and 103mPD of HKSKH Compound as approved by CE in C in 2011 had gone through statutory planning procedures. Another Member asked if no BHR was imposed on the OZP, whether HKSKH Foundation could proceed with the proposed hospital development without the need to seek permission from the Board. In response, Mr Louis K.H. Kau, DPO/HK, said there was no BH control on HKSKH Compound site before the amendments to the approved Central District OZP for imposing BHRs were gazetted on 24.5.2019. If HKSKH Foundation had proceeded with the project as approved by CE in C before the imposition of BHRs on the OZP, planning permission from the Board would not be required.

73. Some Members raised questions regarding the control in the land administration and the planning regimes, and the right of HKSKH Foundation to proceed with the proposed development before and after the proposed amendments to the Central District OZP. The Chairperson responded that while HKSKH Foundation could proceed with the project approved by CE in C in 2011 without the need to apply for planning permission before BHRs were imposed on the OZP, it still had to go through other development procedures and to obtain approval from various authorities. The major terms of the lease modification approved by CE in C in 2011 were drawn upon HKSKH Foundation's earlier development

plan, but HKSKH Foundation had submitted another application for lease modification based on the revised development plan which had yet to be approved by CE in C. Proposal to impose planning control for HKSKH Compound was first initiated by a section 12A application, which was considered by the Board on 10.8.2018. Whilst not agreeing to the application, the Board requested PlanD to consider suitable amendment to the OZP to ensure that the urban design aspect of any redevelopment proposal on HKSKH Compound would be given due consideration under the planning regime. Had HKSKH Foundation proceeded with the redevelopment on the basis of those BHs approved by CE in C before the draft OZP was exhibited on 24.5.2019, the BHR on the OZP would not have been applicable to the redevelopment project. Mr José H.S. Yam supplemented that the lease approved by CE in C in 2011 had provided a broad framework for the preservation-cum-development project with uses including church, religious facilities, non-profit making community and medical services, and a piazza opened to the public. Two new buildings with BH of 108mPD and 103mPD at the northern and southern portions of the site were allowed. Apart from lease modification, HKSKH Foundation still needed to go through other procedures before the project could be proceeded.

74. Members raised the following questions to F1:

- (a) noting that the former HKCH had a BH of 60.3mPD, whether HKSKH Foundation had reviewed the feasibility of the proposed hospital development with the latest BHR of 80mPD, as well as the number of hospital beds to be provided;
- (b) noting that F1 was prepared to accept BHRs of 135mPD or 120mPD for the norther portion of the FR site, what differences between the two BHRs in terms of development feasibility and provision of facilities were; and
- (c) the status of the proposed hospital development, specifically how ready HKSKH Foundation was in proceeding with the project.

75. Before answering the question, Mr Simon S.P. Tang, F1's representative, cautioned that they were making oral submission at the meeting just in case the Court would rule in future that they were entitled to make FR with regard to the proposed amendments to

the draft OZP gazetted on 13.3.2020.

76. Mr Kenneth L.K. To, F1's representative, made the following responses:

- (a) the study team had been working on the design of the proposed hospital based on a relatively high BH. Given that the feasibility of a hospital development involved a host of considerations including design parameters, operation mode and business plan, the whole package would need to be revisited again from a very preliminary stage before its feasibility with a BHR of 80mPD could be ascertained. As such, no quick answer could be provided at the moment;
- (b) the scale and type of facilities to be provided in the proposed hospital would need to be reviewed with a reduction in BHR. Given a BHR of 120mPD had been previously proposed and was more comparable to the original BH that the study team adopted for the design, they were more confident to work out a scaled down design for the proposed hospital based on a BHR of 120mPD. However, if a BHR of 80mPD was imposed, the whole scheme including the use of the site, might need to be revisited again. It was noted that there was a suggestion from a representative of a further representer and a few representers and commenters, proposing to resolve the issue by imposing a lower BHR of 80mPD and use the minor relaxation mechanism to cater for the additional BH for the proposed development. While the suggestion could allow some flexibility in BHR, it would be rather difficult, if not impossible, to rely on the minor relaxation clause to achieve a suitable BH for the proposed development to accommodate all facilities proposed under a BHR of 120mPD; and
- (c) a comprehensive set of schematic drawings for the proposed hospital development with a BH of 135mPD was available. Whilst more detailed technical drawings on different aspects including structural support, electrical and mechanical installations and drainage facilities were required, the schematic drawings would suffice for meeting requirements

at the planning stage.

77. In response to a Member's question on whether the BHR of 80mPD would significantly affect the feasibility of HKSKH Foundation's proposal at the FR site, Mr José H.S. Yam, C for H, said that HKSKH Foundation was welcome to submit a new proposal based on the BHR of 80mPD for further discussion. However, any revised proposal should not affect the preservation of the four graded historic buildings.

Conservation Issue

78. Some Members raised the following questions:

- (a) whether AAB would consider the request of the representers/commenters regarding the assessment of the former HKCH for incorporation into the list of graded historic buildings; and
- (b) whether there was restriction on the demolition of graded historic buildings in HKSKH Compound.

79. Mr José H.S. Yam, C for H, made the following responses:

- (a) requests for a review of the grading assessment for the existing buildings in HKSKH Compound, including to declare the Bishop's House as a monument and upgrading the Old SKH Kei Yan Primary School from Grade 2 to Grade 1, had been received. As a comprehensive grading assessment for 1,444 buildings, including the concerned buildings, had been conducted, no reassessment would be carried out unless there was substantiated new information provided according to the established practice. The Secretariat of AAB replied to the relevant parties in February and April 2020; and
- (b) according to the lease for HKSKH Compound, any demolition of the existing buildings required approval from CE in C.

80. A Member asked whether HKSKH Foundation had any proposal to redevelop Ridley House and Alford House in the southern part of HKSKH Compound. In response, Mr Kenneth L.K. To, F1's representative, said that he was not aware of any redevelopment plan in the southern part of HKSKH Compound. It was noted that HKSKH Foundation would not propose uses other than the Column 1 uses of the "G/IC(1)" zone.

Private Property Right

81. Noting that HKSKH Foundation had stated in its submission that the restrictions of the proposed amendments to the draft OZP were a disproportionate infringement of its property rights, a Member asked for an elaboration of the statement. Mr Simon S.P. Tang, F1's representative, responded that the building of the former HKCH was in private ownership and not a graded building. The proposed amendments to the draft OZP which involved a stringent BHR and additional requirement of section 16 application had affected a property which was in private ownership and not a graded building.

Others

82. Members raised the following questions:

- (a) whether DPO/HK had any further observation in respect of F1's submission; and
- (b) the required procedure if the Board decided to amend the proposed BHR of 80mPD in the subject meeting.

83. Mr Louis K.H. Kau, DPO/HK, made the following responses:

- (a) while F1's submission had included legal documents, the major grounds of the FR relating to land use planning issues and PlanD's responses had been included in the Paper; and
- (b) the Board would decide whether or not to amend the draft OZP by the proposed amendments, or by the proposed amendments as further varied in

such manner as it considered appropriate in the subject meeting. The amendments would form part of the draft OZP and the Board would make the amendment available for public inspection in accordance with section 6H of the Ordinance. The draft OZP together with a schedule of the amendments made by the Board and a schedule of the representations, comments and further representations would be submitted to CE in C for approval.

84. As Members did not have any further point to raise, the Chairperson thanked the government representatives as well as the further representers, representers, commenters and their representatives for attending the meeting. The Board would deliberate the FRs in closed meeting and would inform the further representers, representers and commenters of the Board's decision in due course. The government representatives as well as the further representers, representers, commenters and their representatives left the meeting at this point.

Deliberation Session

85. The Secretary reported that Professor John C.Y. Ng had declared an interest for having affiliation with Mr Au Chi Wai David (F3) who was a project director of the Hong Kong Countryside Foundation for which Professor Ng was a director of the Board. As Professor Ng had no involvement in the submissions of F3, Members agreed that he could stay in the meeting.

86. The Chairperson briefly recapitulated the key points raised in the Presentation and Question Sessions. She reminded Members that the focus of the discussion was whether the two proposed amendments to draft OZP made by the Board after consideration of representations and comments on 6.12.2019 i.e. amending (i) the BHR stipulated for the northern portion of the FR site from 135mPD to 80mPD; and (ii) the Notes of the "G/IC" zone on the OZP to impose the section 16 requirement on land designated "G/IC(1)", were appropriate after the consideration of the FRs. HKSKH Foundation had submitted an alternative proposal, i.e. to (i) revert the BHR at the northern portion of the FR site to 135mPD or 120mPD; and (ii) amend the section 16 requirement to confine the requirement to hospital use and where the former HKCH was situated. The Chairperson re-capitulated PlanD's views as set out in TPB Paper 10665 that given the long history of the discussion

between HKSKH Foundation and the Government on the preservation-cum-development project including CE in C's previous approval of a proposal involving BHs of 103mPD and 108mPD, the Board's initial readiness to consider a BHR for the northern portion which was higher than that for the southern portion, and the opportunity for the Board to consider the urban design aspect of redevelopment project at the FR site through the imposition of the section 16 requirement, Members could consider whether there was scope to review the BHR of 80mPD for the northern portion of the FR site as highlighted in the Paper, after taking into account also the information and views provided by the further representers, representers and commenters. Besides, Members could also consider whether the revised section 16 requirement as proposed by HKSKH Foundation was acceptable taking into account the Board's original intention of examining the urban design aspect for the entire FR site.

87. Mr Raymond K.W. Lee, the Director of Planning, briefed Members on the procedures for processing the FRs. He explained that the two proposed amendments to the draft OZP decided by the Board on 6.12.2019 had not yet taken effect and the current statutory restrictions for the FR site on the OZP were BHRs of 135mPD and 80mPD for the northern and southern portions respectively. After the hearing of the FRs, the Board could decide whether or not to amend the draft OZP by the two proposed amendments or by the proposed amendments as further varied in such manner as it considered appropriate under section 6F(8) of the Ordinance. It meant that the Board could (i) confirm; (ii) abolish; or (iii) vary the two proposed amendments. After the Board's decision in the subject meeting, the proposed amendments or the proposed amendments as further varied would become statutory restrictions on the FR site and form part of the draft OZP. The Board would make the amendments available for public inspection in accordance with section 6H of the Ordinance. The draft OZP together with a schedule of the amendments made by the Board and a schedule of the representations, comments and further representations would be submitted to CE in C for approval.

Building Height Restriction

88. Members noted that the following BH figures had been discussed in relation to the FR site:

- (a) the lease modification for a proposed preservation-cum-development project at the FR site approved by CE in C in 2011 with BHs of 103mPD (the southern portion) and 108mPD (the northern portion) for new buildings;
- (b) the BHRs proposed by PlanD for consideration of the Board on 10.5.2019 included (i) a BHR of 80mPD for the southern portion of the FR site to maintain a buffer and minimise the visual impact on the Hong Kong Zoological and Botanical Gardens across Upper Albert Road; and (ii) two options of BHRs of 120mPD and 135mPD for the northern portion of the FR site. The BHR of 135mPD was comparable with the BHRs of the surrounding areas and would enable the HKSKH Foundation's proposal for a hospital project to proceed as planned, while the BHR of 120mPD would be an extension of the existing BHR covering the area along Wyndham Street to the west of Glenealy;
- (c) the Board on 10.5.2019 adopted BHRs of 80mPD for the southern portion and 135mPD for the northern portion of the FR site as a basis for amending the Central District OZP to be gazetted for public inspection; and
- (d) after consideration of the representations and comments on 6.12.2019, the Board proposed amendment to the BHR of the northern portion of the FR site from 135mPD to 80mPD by making reference to the maximum BH of the existing buildings at the FR site.

89. Members noted that there were queries from some further representers on whether the Board had undertaken systematic preparation of plans in accordance with the Ordinance. It was alleged that the Board's decisions were not made in a consistent manner with due diligence and the plan-making process was non-systematic. In particular, some considered that the Board had acted inconsistently when the Board, after deciding to adopt a higher BHR (i.e. 135mPD rather than 120mPD) for the northern portion of the FR site on 10.5.2019, had proposed amendments to the draft OZP on 6.12.2019 by reducing the BHR for the northern portion from 135mPD to 80mPD. On such queries, Members generally agreed that there was a need to make the following clarifications and put the record straight so as to maintain integrity of the Board:

- (a) in considering the proposed amendments to the approved Central District OZP at the Board's meeting on 10.5.2019, two options of BHRs (i.e. 120mPD and 135mPD) for the northern portion of the FR site were proposed by PlanD. During the meeting, Members had raised queries on the rationale of deriving the BHRs and had a detailed discussion on the appropriate BHRs for the FR site. Members also noted that according to the provision of the Ordinance, the amendment item to include BHRs for the FR site on the Central District OZP would be subject to submission of representations/comments from relevant stakeholders as part of the statutory consultation process. As such, while some Members considered that the two proposed BHRs for the northern portion were still on the high side for the FR site, the Board agreed that one of the two options could be put forward as a basis for consultation and there would be opportunity to propose amendment to the draft OZP upon consideration of representations and comments under section 6B of the Ordinance;

- (b) the BHR of 135mPD was adopted at the Board's meeting on 10.5.2019 mainly on the considerations that the proposed BHR of 135mPD in the northern portion of the FR site was not incompatible with the surrounding BH profile, allowing a higher BHR would help maximise the development potential and land utilisation, and the proposed hospital development was in a very advanced stage and HKSKH Foundation might need to revisit the design if a more stringent BHR was imposed, which would further delay the implementation of the proposed development;

- (c) on 6.12.2019, the Board conducted a hearing of the representations and comments received in respect of the proposed amendments under section 6B(1) of the Ordinance. After considering HKSKH Foundation's written and oral submissions, the Board was of the view that HKSKH Foundation had not provided sufficient information including design scheme and technical assessments to show that the proposed development was already at an advanced stage and was indeed visually compatible with the surrounding environment and technically feasible. Taking into account the views of the

representers/commenters and the historical significance of the FR site, the Board considered that a BHR of 80mPD for the northern portion of the FR site was appropriate. The Board's decision was made in accordance with section 6B(8) of the Ordinance; and

- (d) it was legitimate for Members to consider the appropriate BHR for the FR site taking into account the views provided by the representers/commenters and after a thorough discussion on the appropriate BHR for the northern portion of the FR site. The allegation that the Board's decisions on 10.5.2019 and 6.12.2019 were inconsistent and there was systematic problem in the plan-making process was unfounded.

90. A few Members considered that there might be scope to review the BHR of 80mPD for the northern portion of the FR site and had the following views:

- (a) there was a long discussion between HKSKH Foundation and the Government on the preservation-cum-development project and a lease modification was approved by CE in C in 2011 for new buildings with a BH of up to 108mPD for the northern portion of the FR site. A BHR of 108mPD might be appropriate for the northern portion as it respected the allowable BH previously approved by CE in C;
- (b) the Board had initially accepted a stepped BHR at the FR site, which was comparable with the existing buildings in the surrounding area. If the BHR for the northern portion of the FR site was reduced to 80mPD, which was the same as the BHR in the southern portion, there would be no variation in the BH profile within the FR site;
- (c) the two BHR options of 120mPD and 135mPD for the northern portion of the FR site, which were proposed by PlanD for consideration of the Board on 10.5.2019, had made reference to the BH profile in the surrounding areas. HKSKH Foundation's proposal to revert the BHR for the northern portion of the FR site to those two figures was not ungrounded; and

- (d) HKSKH Foundation had already made some compromises by proposing an alternative to the proposed amendments to address the Board's concern. Taking into account the experience of the unsuccessful preservation cases such as Ho Tung Garden and the proposed heritage hotel at the Peak, overly stringent restrictions might discourage the private land owner from proceeding with the preservation-cum-development project.

91. More Members, however, considered that the proposed BHR of 80mPD was appropriate for the northern portion of the FR site and had the following views:

- (a) the FR site was located at a prime location and formed part of a historical and culturally important precinct in the Central district, with the Government House located to its immediate south-east. Appropriate BHRs for the FR site should not be derived based on a particular use (i.e. the proposed hospital development in the subject case) as there were other permitted uses under the "G/IC(1)" zone, but should focus on the historic and cultural ambience of the FR site and its surrounding area. Whether the GIC facility on site was a hospital or not was not crucial in determining the appropriate BHR for the FR site;
- (b) given the historical significance of the FR site, BHRs should not be derived by making reference to commercial and/or residential developments in the surrounding areas, which were situated in a different context. In order to preserve the ambience of the area, reference should be made to the adjacent Government House and the existing historic buildings at the FR site. The proposed BHR of 80mPD, which had made reference to the BHs of the tallest existing building, namely the Ridley House at 78.2mPD, within the HKSKH Compound, was considered compatible with the FR site and the surrounding historical context;
- (c) the proposed BHR of 80mPD for the northern portion of the FR site was made after a rigorous process in the consideration of representations and comments and a thorough discussion on 6.12.2019. Further variation to the BHR, in particular relaxing the BHR, should only be made with sufficient information

such as design scheme to ascertain that the proposed development would be compatible with the surrounding area. As the proposed amendments to the draft OZP were made with due diligence, any further variation without sufficient justifications would affect the integrity of the Board;

- (d) no relevant information was provided by HKSKH Foundation in the subject meeting to address the Board's concern. In particular, the revised BHRs of 135mPD or 120mPD were proposed without further justifications or supporting documents such as design scheme or technical assessment to demonstrate why 135mPD or 120mPD would be the minimum to be required. No details had been provided to explain why the proposed hospital development would not be feasible with a BHR of 80mPD. Besides, the submissions made by HKSKH Foundation mainly focused on procedural matter without much elaboration to address the public concerns regarding urban design and preservation issues;
- (e) while it was highlighted in the Paper that there was scope to review the BHR of 80mPD for the northern portion of the FR site, the justifications put forward were not convincing enough to override the considerations arguing for 80mPD. Specifically, it remained a fact that HKSKH Foundation had not proceeded with the preservation-cum-development project after the approval of CE in C in 2011, in which case there should be no obligation to give allowance to any committed project. Furthermore, the Board's decision made on 10.5.2019 for stepped BHRs at the FR site was not a final one;
- (f) in the absence of supporting information such as design scheme and relevant visual impact assessment, there was no basis for the Board to consider how 80mPD for the northern portion would present insurmountable difficulties and why HKSKH Foundation would need a minimum BH of 120mPD or 135mPD to make gainful use of the site. In particular, HKSKH Foundation's proposal, as presented in F1's written and oral submissions, could not be considered as being at an advanced stage; and

- (g) if the Board was given the opportunity to consider the acceptability of the urban design aspect of the redevelopment project through the planning application mechanism, there was flexibility to allow for a higher BH for the proposed development through minor relaxation of BHR if the proposed development was considered compatible with the surrounding context.

92. On point (g), the Chairperson reminded Members that according to previous Court's judgment, the Board should not rely on the minor relaxation clause in determining an appropriate BHR for a site. Should the Board consider that a certain BHR was appropriate, such BHR should be imposed to achieve the planning objectives without the need to resort to the minor relaxation mechanism.

The Section 16 Requirement

93. Members agreed that the scrutiny by the Board under the section 16 requirement was mainly related to urban design aspect of the proposed development or redevelopment rather than on the future uses permissible under the "G/IC(1)" zoning for the FR site. Members generally considered that the section 16 requirement should be maintained for the following reasons:

- (a) given the unique history and character of the FR site, development control by BHR alone might not be adequate to address urban design concerns such as blocking and massing of the proposed development/redevelopment, as well as its implication on the historic and cultural ambience in the area. As such, the section 16 requirement should be applicable to any development/redevelopment in the whole "G/IC(1)" zone. It would not be logical to accept the alternative proposed by HKSKH Foundation confining the requirement to hospital use and area where the former HKCH was situated, particularly in view that hospital use was only one of the permitted uses within the "G/IC(1)" zone;
- (b) it had been stated in the ES of the draft OZP that the section 16 requirement was not aimed to control uses in the FR site but to ensure that any new development and/or redevelopment at the site would be compatible, in urban

design term, with the historic buildings within the site and the surrounding areas. There was sufficient clarity that the main concern of the Board was about urban design matter; and

- (c) the requirement for the section 16 application was not uncommon for sites considered to have special circumstances, such as heritage importance. Similar requirement had been imposed in other sites involving both government and privately-owned land.

Private Property Right

94. A Member said that while the Board had borne in mind HKSKH Foundation's property rights in making proposed amendments to the draft OZP, private property rights should not be an excuse to preclude reasonable restriction at a site, or otherwise planning control could no longer be imposed on private property. Another Member said that according to the Court's judgments on other JR cases, the Board could impose planning related restrictions on privately owned properties with reasonable grounds and planning justifications, provided that the restrictions imposed were proportionate. Members generally considered that the Board had performed the requisite balancing exercise in the consideration of F1's submission.

95. The Chairperson concluded that Members generally considered that as the FR site was located in a prime location with historic and cultural significance, the two proposed amendments to the draft OZP should be maintained. The BHR of 80mPD for the northern portion of the FR site, which made reference to the BH of the tallest existing building at the FR site as well as the Government House located to its immediate south-east, was appropriate. The section 16 requirement was imposed not for controlling which of the uses permissible under the "G/IC(1)" zoning should be pursued on site but for ensuring that any new development and/or redevelopment at the FR site would be compatible, in urban design term, with the historic buildings within the site and the surrounding areas. That intention had been clearly stated in the ES of the OZP and reconfirmed at today's FR hearing. Members generally considered that the Board had balanced HKSKH Foundation's property rights and the wider public interests and concerns with respect to heritage conservation in the consideration of FRs.

96. Members generally considered that other grounds and proposals of the FRs had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

97. After deliberation, the Board noted the views of supportive further representations No. F31 to F45. The Board also decided not to uphold further representations No. F1 to F30 and F50 to F70, and considered that the draft OZP should be amended by the proposed amendments for the following reasons:

- “(a) heritage conservation, which encompasses conservation of buildings/structures with the purpose of preserving culture and traditions of the community, is considered to be a planning consideration or purpose that is within the purview of the Town Planning Board (the Board) under the Town Planning Ordinance (F1);
- (b) the proposed building height restriction (BHR) of 80mPD for the northern portion of the further representation (FR) site is considered appropriate as it has taken into account all relevant considerations including the BH of the tallest existing building within the site, the FR site being located at a prime location and forming part of a historical and culturally important precinct in the Central district, heritage conservation implication, the strong public sentiment attached to the preservation of the historic ambience of the area, and the balance between the need for heritage conservation and development with due respect for private property rights (F1 to F30);
- (c) the requirement to obtain planning permission from the Board for any new development or redevelopment of existing building(s), together with the submission of relevant technical assessments in support of its proposal, is not an uncommon requirement for sites considered to have heritage importance as well as sites with other characteristics that warrant such requirement. For the FR site, it is to ensure that the proposed development would be compatible, in urban design term, with the historic

buildings within the FR site and the surrounding areas; the requirement is not for vetting the acceptability or otherwise of the BHR already imposed on the “Government, Institution or Community (1)” (“G/IC(1)”) zone on the outline zoning plan (OZP) or for controlling which of the uses permissible under the “G/IC(1)” zoning should be pursued on site. To confine the section 16 requirement to hospital use and where the former HKCH is situated cannot achieve the planning intention (F1, F3, F4 to F30 and F50 to F52);

- (d) whether the government, institution and community facility on site is a hospital or not is not crucial in determining the appropriate BHR for the FR site. While ‘Hospital’ use is always permitted under the concerned “G/IC(1)” zone, there are other permitted uses under the “G/IC(1)” zone (F2 to F30 and F53 to F70); and
- (e) given Hong Kong Central Hospital (HKCH) is a private property, it would be up to Hong Kong Sheng Kung Hui Foundation to decide whether it would take forward the suggestion of adaptive reuse of HKCH (F50 to F52).

98. Members also agreed that the draft OZP (amended by the proposed amendments), together with their respective Notes and updated ES, were suitable for submission under section 8 of the Ordinance to the CE in C.

99. The Board also noted that, in accordance with section 6H of the Ordinance, the OZP should thereafter be read as including the amendments. The amendments should be made available for public inspection until CE in C had made a decision in respect of the draft OZP in question under section 9 of the Ordinance.

[Messrs Stephen L.H. Liu, Alex T.H. Lai, Conrad T.C. Wong and Mr Y.S. Wong left the meeting at this point.]

Agenda Item 4

[Open Meeting]

Request for Deferment of Review of Application No. A/H6/89 (*1st Deferment*)

Proposed ‘Office’, ‘Eating Place’ and ‘Shop and Services’ Uses in “Commercial (1)” Zone and area shown as ‘Road’, 281 Gloucester Road, Causeway Bay, Hong Kong (TPB Paper No. 10666)

[The item was conducted in Cantonese.]

100. The Secretary reported that the application site was located in Causeway Bay. The application was submitted by Excelsior Hotel (BVI) Limited (Excelsior), with Jardines Group Companies (JG) and Hongkong Land Limited (HKL) as affiliated companies of Excelsior. MVA Hong Kong Limited (MVA) and Ronald Lu & Partners (Hong Kong) Limited (RLP) were two of the consultants of the applicant. The following Members had declared interests on the item:

- | | |
|---------------------|---|
| Mr Wilson Y.W. Fung | - being an ex-employee of JG |
| Mr Thomas O.S. Ho | - having current business dealings with HKL, MVA and RLP |
| Mr K.K. Cheung | - his firm having business dealings with JG, HKL, MVA and RLP |
| Mr Alex T.H. Lai | - his former firm having business dealings with JG, HKL, MVA and RLP |
| Ms Sandy H.Y. Wong | - being an ex-employee of Maxim’s Group Companies, an associate company of JG |

101. Members noted that Mr Alex T.H. Lai had already left the meeting. As the interest of Mr Thomas O.S. Ho was direct, and Mr Wilson Y.W. Fung was previously involved in the project related to the application, Members agreed that they should be allowed to stay at the meeting but should refrain from participating in the discussion. As Ms Sandy H.Y. Wong and Mr K.K. Cheung had no involvement in the application, Members agreed that they could stay in the meeting.

102. The Secretary reported that in view of the latest position related to the novel coronavirus infection, some meetings of the Board had been rescheduled. The hearing of representations and comments on the draft Central District Outline Zoning Plan, being one of the backlog cases, was rescheduled for today's meeting and it was anticipated that there would not be sufficient time for the Board to consider the review application. The Planning Department (PlanD) had requested the Board to adjourn the review to a later date.

103. Members noted that according to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations, and Applications made under the Town Planning Ordinance (TPB PG-No. 33), the Board might, under special circumstances and/or on reasonable grounds as the Board thought fit, adjourn the meeting for consideration of the submissions and reschedule the relevant meeting to another date.

104. After deliberation, the Board decided to adjourn the meeting for consideration of the review application to a later date as requested by PlanD. The application would be submitted to the Board for consideration once the rescheduled meeting was fixed by the Secretariat of the Board.

Tuen Mun & Yuen Long West District

Agenda Item 5

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-LFS/356 (*1st Deferment*)

Proposed Temporary Electric Vehicle Charging Station and Private Car Vehicle Park with Ancillary Office and Shroff for a Period of 3 Years in "Residential (Group C)" Zone, Lot 2150 in D.D. 129, Lau Fau Shan, Yuen Long
(TPB Paper No. 10668)

[The item was conducted in Cantonese.]

105. The Secretary reported that in view of the latest position related to the novel coronavirus infection, some meetings of the Board had been rescheduled. The hearing of representations and comments on the draft Central District Outline Zoning Plan, being one of the backlog cases, was rescheduled for today's meeting and it was anticipated that there would not be sufficient time for the Board to consider the review application. The Planning Department (PlanD) had requested the Board to adjourn the review to a later date.

106. Members noted that according to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations, and Applications made under the Town Planning Ordinance (TPB PG-No. 33), the Board might, under special circumstances and/or on reasonable grounds as the Board thought fit, adjourn the meeting for consideration of the submissions and reschedule the relevant meeting to another date.

107. After deliberation, the Board decided to adjourn the meeting for consideration of the review application to a later date as requested by PlanD. The application would be submitted to the Board for consideration once the rescheduled meeting was fixed by the Secretariat of the Board.

Agenda Item 6

[Open Meeting]

Request for Deferment of Review of Application No. A/TM/530 (*2nd Deferment*)

Columbarium Use in "Government, Institution or Community" Zone, Lot2011 (Part) in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun
(TPB Paper No. 10669)

[The item was conducted in Cantonese.]

108. The Secretary reported that the application was for columbarium use and the following Members had declared interests on the item:

- Mr Lincoln L.H. Huang - being a member of the Private Columbaria Appeal Board (PCAB);
- Mr K.K. Cheung - his firm being the legal advisor of the Private Columbaria Licensing Board (PCLB); and
- Mr Alex T.H. Lai - being a past member of the PCAB, and his former firm being the legal advisor of the PCLB.

109. Members noted that Mr Alex T.H. Lai had already left the meeting. As the interests of Messrs Lincoln L.H. Huang and K.K. Cheung were indirect, Members agreed that they could stay in the meeting.

110. The Secretary briefed Members that on 29.7.2020, the applicant's representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months to allow time to address public concerns and to provide more details on the background of Gig Lok Monastery and operation of the columbarium. It was the second request for deferment of the review application.

111. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare further information (FI) in support of the review application, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

112. After deliberation, the Board decided to defer a decision on the review application as requested by the applicant pending the submission of FI from the applicant. The Board agreed that the review application should be submitted for its consideration within three months from the date of receipt of FI from the applicant. If the FI submitted by the applicant was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that two months were allowed for preparation of the submission of the FI. Since it was the second deferment and a total of four months had

been allowed for preparation of submission of FI, no further deferment would be granted unless under very special circumstances.

Agenda Item 7

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

113. There being no other business, the meeting was closed at 6:45 p.m.