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Subject:

AMENDMENTS TO THE APPROVED CHEUNG SHA WAN OZP  
NO. S/K5/39

Submission Number:  
TPB/R/S/K5/40-S1

## AMENDMENTS TO THE APPROVED CHEUNG SHA WAN OZP NO. S/K5/39

Dear TPB Members

**Item A** – about 0.05ha. Rezoning of a site at Castle Peak Road from “Other Specified Uses” annotated “Hotel” (“OU(Hotel)”) to “Commercial(5)” with stipulation of building height restriction.

Y/K5/3 Approved 16 Feb.2024

412-420 Castle Peak Road, Cheung Sha Wan

Site area: About 518.4sq.m

Zoning: "Other Specified Uses" annotated "Hotel"

Proposed Amendment: Rezone o "Commercial (5)" / PR 12 / 100mPD (83.49) / SC 59% / 34 Vehicle Parking

In view of the glut in the supply of commercial buildings that will take years to reduce and the increase in the number of tourists, one has to question the viability of this application. The existing ‘hotel’ zoning would be more appropriate in view of the current robust demand for student hostels and service flats. Alternatively, a rezoning back to the original Res “A” would also be more in tune with the current climate.

Developers always insist they are responding to market demands and government initiatives!

Y/K5/1 approved 15 Aug 2008 Cheung Sha Wan OZP No. S/K5/32 25 Mar 2011

*“the proposed hotel would be a hotel for tourists/visitors from Mainland China and overseas. This was in line with the Chief Executive’s Policy Address to enhance the appeal of Hong Kong as an international convention, exhibition and tourist capital”*

Sound familiar???

While the only item is a small site and the impact of the increase in BH will not be significant, this OZP should provide the opportunity for members to question the possible impact of:

“A planning application approved under Section 12A of the Hong Kong Town Planning Ordinance **does not have a specific, fixed expiry date like a temporary planning permission**. Section 12A deals with amendments to existing plans, and once approved, the amendment is incorporated into the plan **and is not subject to a separate expiry.**”

Development plans always purport to be in the interests of the community, the economy and in line with government policy. For approvals under Section 16 there are deadlines, usually 3 years or 5 years. If the operation is not launched within that time then the applicant has to submit a fresh application.

This provides the opportunity for the intention to be viewed in light of current circumstances and prevailing economic conditions.

But Sec 12 / OZP have no timeline nor deadline. So developments that were touted as addressing particular issues may or may not be constructed.

This might not have had much significance previously but now with the one site multi use formula many private developments include a quota of community facilities. When these are not delivered then there is certainly a negative impact on the community as the provision of services can be delayed for many years.

Members should now seek a review to consider if the open-ended format is desirable and if there should be a timeline placed on developments approved via Sec 12 / OZP.

In addition, with the change in zoning comes an impression that there is so much land in a district devoted to particular land uses when this might not be physically the case.

Members should request data on the number of approved OZP amendments for developments that have not been executed. The data should include

District

Zoning

Size of site

Type of development approved

This exercise could provide some enlightening data and highlight areas in which desirable facilities have not materialized and how to address the shortfall.

Note that this development despite an increase in height and the multi-use focus of the podium does not include any 'GIC' facilities. There is no HKPSG data included in the papers but the 2022 OZP indicates that there is a deficit in a number of community facilities in the district so consideration should be given to including a provision in the approval, perhaps some type of outreach service?

Hopefully members will take the initiative to be creative and think outside the box so that the OZP process stimulates the need to constantly question the rationale of the process.

Mary Mulvihill

