

DRAFT SAI YING PUN & SHEUNG WAN OUTLINE ZONING PLAN NO. S/H3/33
CONSIDERATION OF REPRESENTATIONS
NO. TPB/R/S/H3/33-8 (PART) AND 13 to 57
AND COMMENTS NO. TPB/R/S/H3/33-C3 (PART) AND C6 to C25

(GROUP 2)

Subject of Representation (Amendment Items)	Representers (No. TPB/R/S/H3/33-)	Commenters (No. TPB/R/S/H3/33-)
<p><u>Amendment Item C1</u> Rezoning of the site at 1-7 Tak Sing Lane from “Open Space” (“O”), “Residential (Group A)8” (“R(A)8”), and area shown as ‘Pedestrian Precinct/Street’ (‘PPS’) to “R(A)24” with stipulation of building height restriction (BHR) of 120mPD</p> <p><u>Amendment Item C2</u> Rezoning of Tak Sing Lane from “O” to ‘PPS’</p> <p><u>Amendment Item C3</u> Rezoning of a strip of land adjacent to Goodwill Garden at 83 Third Street from “R(A)8” to ‘PPS’</p> <p><u>Amendment Item C4</u> Rezoning of a portion of the site comprising Goodwill Garden at 83 Third Street from an area shown as ‘PPS’ to “R(A)8”</p>	<p>Total: 46</p> <p><u>Oppose Item C1 and individual item(s) (35)</u> R13 to R47: Individuals</p> <p><u>Oppose all items (11)</u> R8(part)¹, R48 to R57: Individuals</p>	<p>Total: 21</p> <p><u>Support R13 to R57 (1)</u> C6: Individual</p> <p><u>Support R24 (18)</u> C7 to C24: Individuals</p> <p><u>Oppose R8 (part), R13 to R30 and R37 to R57 (1)</u> C25: Owner of existing buildings at 1-7 Tak Sing Lane</p> <p><u>Providing views (1)</u> C3: Individual (R8)</p>

¹ Part of R8 is related to Items A1 to A7 and Item B and it is dealt with by the Group 1 Paper which will be considered by the Board at the same meeting.

Note: The names of all representers and commenters are at **Annex V**. Soft copy of their submissions is sent to the Town Planning Board Members via electronic means; and is also available for public inspection at the Town Planning Board's website at https://www.info.gov.hk/tpb/en/plan_making/S_H3_33.html and the Planning Enquiry Counters (PECs) of the Planning Department (PlanD) in North Point and Sha Tin. A set of hard copy is deposited at the Town Planning Board Secretariat for Members' inspection.

1. Introduction

- 1.1 On 9.8.2019, the draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/33 (**Annex I**) was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The amendments are set out in the Schedule of Amendments at **Annex II** and the location of the amendment items are shown on **Plan H-1**.
- 1.2 During the two-month statutory exhibition period, a total of 57 representations were received. On 8.11.2019, the representations were published for public comments. A total of 25 comments were received.
- 1.3 On 3.3.2020, the Town Planning Board (the Board) agreed to consider the representations and comments in two groups:

Group 1

- (a) collective hearing of 12 representations (**R1 to R7, R8(part) & R9 to R12**) and 5 comments (**C1 to C5**) submitted by the Urban Renewal Authority, a Central and Western District Council (C&WDC) member, Central & Western Concern Group, Friends of the 30 Houses Neighbourhood, owners of the tenement buildings at 10 and 11 Wing Lee Street and individuals, in relation to Items A1 to A7 and Item B; and

Group 2

- (b) collective hearing of 46 representations (**R8(part) & R13 to R57**) and 21 comments (**C3, C6 to C25**) submitted by the owner of the existing buildings at Tak Sing Lane and individuals, in relation to Items C1 to C4.
- 1.4 This paper is to provide the Board with information for consideration of the representations and comments in Group 2. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. Background

- 2.1 On 28.8.2014, the Board received a s.12A application (No. Y/H3/6) to amend the then approved OZP No. S/H3/29 by rezoning a site at 1-7 Tak Sing Lane, Sai Ying Pun (the site) from "O" and area shown as 'PPS' to "R(A)23" and stipulating a BHR

of 120mPD for the “R(A)23” zone. On 17.4.2015, the Metro Planning Committee (MPC) decided not to agree to the application. On 16.7.2015, the applicant lodged a judicial review (JR) application against the decision of the MPC. On 12.1.2018, the Court of First Instance (CFI) handed down the judgment allowing the JR. The CFI quashed the decision of the MPC and ordered that the application be remitted to the Board or its Committee for reconsideration.

- 2.2 On 18.1.2019, the MPC reconsidered the application together with the further information submitted by the applicant which included a revised scheme and updated technical assessments. According to the indicative scheme submitted by the applicant, the proposed development is a 25-storey residential tower with shops on G/F and 1/F, an open space for public use on 1/F and a public staircase of 1.65m wide through the site connecting Tak Sing Lane and Third Street. With the site area of about 410m², the proposed residential tower would have a gross floor area (GFA)/plot ratio (PR) of 3,431m²/8.514, building height (BH) of 120mPD, domestic site coverage (SC) of 33.33%, and non-domestic SC ranging from 90% on G/F to 55% on 2/F. The indicative layout of the proposed development is at **Annex VII**.
- 2.3 Having considered the technical assessments submitted for the proposed residential development including sewerage impact assessment, air ventilation assessment (AVA) and visual appraisal were accepted by the relevant departments, and the Government has no implementation programme for the planned “O” zone at Tak Sing Lane, the MPC decided to partially agree to the application by rezoning the site to an appropriate sub-zone of “R(A)” with stipulation of a BHR of 120mPD and the requirement for provision of a 24-hour public access through the site on the OZP.

Amendments to the OZP

- 2.4 The proposed amendments to the OZP were submitted to the MPC for consideration on 19.7.2019. Having regarded to all relevant planning considerations, the MPC agreed that the proposed amendments were suitable for exhibition under section 7 of the Ordinance. The relevant MPC Paper No. 10/19 is available at the Board’s website at https://www.info.gov.hk/tpb/en/papers/MPC/631-mpc_10-19.pdf and at **Annex III(a)** and the minutes of the MPC meeting is at **Annex III(b)**. On 9.8.2019, the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/33 was exhibited for public inspection under section 7 of the Ordinance.

3. Consultation with the Central and Western District Council (C&WDC)

The current amendments to the OZP were presented to C&WDC through an information paper which was circulated to the C&WDC members on 2.9.2019, as there was no C&WDC meeting during the exhibition period of the OZP. The information paper and its appendices and plans are available at the C&WDC’s website. C&WDC members were invited to submit their comments on the amendments in writing to the Secretary of the Board during the

exhibition period of the OZP. No representation and comment from C&WDC members was received relating to Items C1 to C4 during the statutory exhibition period of the OZP.

4. The Representations Sites and their Surrounding Areas

4.1 The Representation Sites and their Surrounding Areas (Plans H-2 to H-8)

Representations Sites C1 and C2 (Tak Sing Lane Site (TSL Site)) (Plans H-2 and H-4 to H-6)

4.1.1 The TSL Site is occupied by seven 3-storey buildings (i.e. 1-7 Tak Sing Lane) constructed in the early 1950s (i.e. Representation Site C1 of 401m²) and a private pedestrian lane named Tak Sing Lane (i.e. Representation Site C2 of 176m²) (**Plan H-5**). As mentioned in paragraphs 2.1 and 2.2 above, the TSL Site was the subject of a s.12A application No. Y/H3/6 partially agreed by the MPC on 18.1.2019.

4.1.2 There is no direct street frontage or vehicular access to the TSL Site. Access to the TSL Site is via a stepped street connecting to Second Street (**Plan H-6**).

Representations Sites C3 and C4 (Plans H-2 and H-7 to H-8)

4.1.3 Representation Site C3 (with an area of 61m²) is an existing public pedestrian access connecting to Third Street (**Plans H-8**). It is a piece of government land and managed and maintained by the Government.

4.1.4 Representation Site C4 (with an area of 58m²) is a strip of private land which was previously planned as a public access to the previous planned open space at Tak Sing Lane (**Plans H-7**). It was subsequently amalgamated as part of an existing development known as Goodwill Garden at 83 Third Street, when it was redeveloped back in 1990s with the reprovisioning of the public access (i.e. Representation Site C3) to the west of Goodwill Garden.

The Surrounding Area

4.1.5 The surrounding area of the representation sites is mainly zoned “R(A)” and is predominantly residential in nature with commercial uses such as shops and restaurants on ground floor. Three sides of the TSL Site are surrounded by high-rise residential blocks, namely Yue Sun Mansion (92.23mPD), Yee Shun Mansion (87.05mPD) and Goodwill Garden (106.78mPD) (**Plans H-2 and H-4**). All these residential developments are under “R(A)8” zone with a maximum BHR of 120mPD on the OZP (**Plan H-2**). To its immediate

east is an area zoned “Government, Institution or Community” at David Lane which is currently occupied by four 2-storey tenement buildings and Centre Street Sitting-out Area.

- 4.1.6 To the south of the representation sites across Third Street is the Urban Renewal Authority (URA) Yu Lok Lane/Centre Street project which was completed in 2016, Kau Yan School and Kau Yan Church. The Sai Ying Pun Market and Centre Street Market are located to the west and northwest of representation sites across Centre Street and Second Street respectively.
- 4.1.7 The area is well served by public transport including buses, public light buses and tram, and is about 30m away from an entrance of the Sai Ying Pun MTR Station which is located to the north of the TSL Site across Second Street.

4.2 Planning Intention

- 4.2.1 The “R(A)8” and “R(A)24” zones are intended primarily for a high-density residential development. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. On land designated “R(A)8”, a maximum BH of 140mPD would be permitted for sites with an area of 400m² or more, while on land designated “R(A)24”, a 24-hour public passageway of not less than 1.65m wide connecting Tak Sing Lane and Third Street shall be provided.
- 4.2.2 Area shown as ‘PPS’ is intended to provide an integrated pedestrian circulation system linking all major government, institution or community (GIC) facilities and open space sites within the area, it is intended that, when opportunity arises, some private lots should be resumed for the purpose of pedestrian links between streets; and some private lanes should be surrendered to Government upon redevelopment.

5. The Representations and Comments on Representations

5.1 Subject of Representations

- 5.1.1 All the representations are submitted by individuals and are adverse in nature. **R8(part) & R48 to R57** oppose all items, and **R13 to R47** oppose Item C1 and other individual items. While the representations are opposing either all or different combination of amendment items, they share some similar major opposing grounds. The list of representers is at **Annex V**.
- 5.1.2 The major grounds of representations as well as their proposals, and PlanD’s

responses, in consultation with the relevant government departments, is at **Annex IV** and summarised in paragraphs 5.2 to 5.3 below.

5.2 Major Grounds and Responses to Adverse Representations and Proposals

5.2.1 *Development Intensity*

Major Grounds	Representations
(1) The development/population density in the area are very high.	R13 to R23, R25 to R31, R33 to R43 and R48 to R57
Responses	
(a) The TSL Site was the subject of a s.12A application No. Y/H3/6 which was partially agreed by the MPC on 18.1.2019. According to the indicative scheme submitted by the applicant (Annex VII), the proposed development would have a PR of 8.514 and BH of 120mPD at main roof level. Given the TSL Site is surrounded by other existing high-rise residential buildings with BHs ranging from 87mPD to 107mPD (Plan H-4), the proposed development is considered not incompatible with the surrounding developments.	

5.2.2 *The Original Intention of Open Space*

Major Grounds	Representations
(1) The site should be preserved for the open space use to ensure the living quality of the residents nearby.	R13 to R23, R25, R27 to R29, R31, R33 to R36, R38 to R43 and R48 to R57
(2) The planning intention of the original “O” zoning of the site, which was to control the living density of the area, has been defeated and suggests the Government to resume the land for open space development.	R24
(3) The original “O” zone of the site are surrounded by tall buildings, and a well-planned open space could mitigate the wall effect caused by the surrounding tall buildings and address the deficit of open space in the area.	R8(part)

Responses
<p>(a) In response to (1) to (3), it should be noted that prior to the current amendments to the OZP, the TSL Site was zoned “O” and was planned for open space development since the exhibition of the first statutory plan in 1970. However, the Leisure and Cultural Services Department (LCSD) has indicated previously, in various junctures, that there is no programme to resume private land for open space development. In other words, the “O” zoning of TSL Site has already held up the owners’ development right of the site for about 50 years. As the prospect for implementing the planned open space at the TSL Site is slim, it is considered that the original “O” zoning of TSL Site is no longer appropriate.</p> <p>(b) According to the requirements of the Hong Kong Planning Standards and Guidelines, there is an overall surplus provision of existing and planned open space of 15.66ha and 17.43ha respectively from the district council perspective with a planned population of 261,455. Notwithstanding that, for the area covered by the Sai Ying Pun & Sheung Wan OZP, there is an overall deficit in the provision of existing and planned open space by 4.01ha and 4.61ha respectively mainly due to the shortfall of local open space. Despite the deficit, the provision of local open space has been increased in recent years, which includes the public open space provided at the URA Yu Lok Lane/Centre Street development (about 1,303m²) and the Former Central Police Station Compound (Tai Kwun) (about 3,430m²), some smaller open spaces and sitting-out areas in other parts of Sai Ying Pun and Sheung Wan area (about 256m²), as well as the planned open space of not less than 135m² at 4-10 Shing Wong Street under the “Other Specified Uses” annotated “Cultural, Community, Commercial and Open Space Uses” zone to be implemented by the URA.</p> <p>(c) In view of the above, there is no strong planning justification for retaining the TSL Site as “O”.</p>

5.2.3 *Various Impacts*

Major Grounds	Representations
(1) Further development at the site would cause adverse impacts on air ventilation, light penetration, health, pedestrian safety, fire safety, privacy and living quality in the neighbourhood.	R8(part), R15, R16, R13, R30, R32 to R35, R44 to R47 & R53 to R56

(2) The new development would be too close to the existing buildings and space available for development is limited. Another tall building at the site is not suitable and would cause adverse impacts to nearby building.	R44 to R47
(3) The proposed development will affect the foundation of other nearby buildings.	R30
Responses	
(a) The rezoning of the Representation Site C1 to “R(A)24” would inevitably affect the visual relief offered by the existing low-rise developments at the site to the surrounding buildings. While the Representation Site C1 may not be the most ideal location for high-rise residential development from the urban design perspective, the proposed development is considered not incompatible visually with the surrounding built-up context, as mentioned in the response of paragraph 5.2.1 above. In addition, the technical assessments provided by the applicants in the s.12A application No. Y/H3/6 including sewerage impact assessment, AVA, and visual appraisal have also demonstrated that the proposed development would have no insurmountable impacts on the surrounding developments. Concerned departments including the Environmental Protection Department, BD, and Fire Services Department did not have any adverse comments on the s.12A application. Moreover, the proposed development at the site is subject to the compliance with statutory requirements under relevant ordinances and regulations, including the Buildings Ordinance. Hence, concerns on the adverse impacts on the foundation of nearby buildings, natural lighting and means of escape of the future development will be adequately addressed under the prevailing regulations.	

5.3 Comments on Representations

- 5.3.1 There are 21 comments on representations relating to Items C1 to C4 and they are submitted by individuals (**C3 & C6 to C24**) and the owner of the existing buildings at 1-7 Tak Sing Lane (**C25**). **C3** is also a representer (**R8**) herself. The list of commenters is at **Annex V**.
- 5.3.2 Except **C25** who opposes **R8(part)**, **R13 to R30 & R37 to R57** and provides responses to address their concerns, all commenters (**C3 & C6 to C24**) provide support to individual adverse representations and share similar grounds as those raised in the adverse representations.

5.3.3 The major grounds of comments and PlanD's responses, in consultation with the relevant government departments, are at **Annex IV**. The additional grounds of objecting comments and the major responses provided by **C25** are summarised as follows:

Additional Grounds/Views	Comments
(1) The existing low-rise buildings at Tak Sing Lane are of rich history and local culture and should be retained and preserved.	C3, C8, C9, C12, C14, C17 & C20
(2) The urban fabric of streets and lanes in the area should be respected.	C17
(3) Tak Sing Lane is a unique space which gives quality of living, tranquility and a sense of community to Sai Ying Pun.	C19
(4) The low-rise character of Tak Sing Lane is a relief from high-rise development.	C11
(5) The existing buildings should be preserved to maintain housing diversity in the area.	C22
(6) The "O" zoning of the TSL Site is outdated and has jeopardised the development rights of the land owners as the Government has no programme to implement the planned open space. The proposed open space and 24-hour public access in the future development will benefit the public. (7) The future development will not cause adverse air ventilation and traffic impacts on the local area as demonstrated by the s.12A application (No. Y/H3/6), and the approval of the general building plans ² has confirmed the proposed development is feasible under the Buildings Ordinance. (8) Given the proposed development is of limited scale and is in close proximity to the Sai Ying Pun MTR Station, there will be no provision of parking facilities, and additional pedestrian and vehicular flows generated is limited.	C25

² A set of general building plans was approved by the Building Authority on 12.9.2019 for a composite building at 1-7 Tak Sing Lane.

Responses
<p>(a) C25's responses to the adverse representations are noted.</p> <p>(b) In response to (1), it should be noted that despite the existing seven 3-storey residential buildings at 1-7 Tak Sing Lane were completed in the early 1950s, they are not historic buildings graded by the Antiquities Advisory Board.</p> <p>(c) In response to (2) and (3), it should be noted that the "R(A)24" zone (Item C1) requires the provision of a 24-hour public passageway of not less than 1.65m wide connecting Tak Sing Lane and Third Street, and the two existing pedestrian access at Tak Sing Lane (Item C2) and Third Street (Item C3) are designated as area shown as 'PPS' to clearly reflect the planning intention of providing the pedestrian connection between Third Street and Second Street. This has also retained the urban fabric of streets and lane in the area.</p> <p>(d) In response to (4), response in paragraph 5.2.3 above is relevant.</p> <p>(e) In response to (5), the existing buildings are not graded historic buildings, with due regard to private development right, there is no strong justification to require the owner to preserve the existing buildings.</p>

6. Departmental Consultation

6.1 The following government departments have been consulted and their responses have been incorporated in the above paragraphs, where appropriate:

- (a) District Officer (Central and Western), Home Affairs Department ;
- (b) District Lands Officer/Hong Kong West and South, Lands Department;
- (c) Chief Building Surveyor/Hong Kong West, BD;
- (d) Commissioner for Transport;
- (e) Chief Highway Engineer/Hong Kong, Highways Department;
- (f) Director of Environmental Protection;
- (g) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (h) Chief Engineer/Construction, Water Supplies Department;
- (i) Director of Fire Services;
- (j) Chief Town Planner/Urban Design & Landscape, PlanD;
- (k) Chief Architect/Central Management Division 2, Architectural Services Department;
- (l) Director of Leisure and Cultural Services;

- (m) Director of Food and Environmental Hygiene;
- (n) Project Manager (South), Civil Engineering and Development Department (CEDD);
- (o) Head of Geotechnical Engineering Office, CEDD; and
- (p) Commissioner of Police.

7. Planning Department's Views

Based on the assessments in paragraphs 4 and 5 above, and for the following reasons, PlanD does not support **R8(part)** and **R13 to R57** and considers that the draft OZP should not be amended to meet the representations:

- (a) the designation of “R(A)24” zone with a BHR of 120mPD for the Representation Site C1 is considered appropriate having regard to its compatibility with the surrounding high-rise built-up context and the findings of various technical assessments. There would be no insurmountable impacts on the surrounding in terms of traffic, air ventilation, sewerage, fire safety, and natural light penetration aspect (**R8(part), R13 to R24, R30, R32 to R35, R37, R38, R44 to R47 and R53 to R56**);
- (b) the designation of Tak Sing Lane and the existing pedestrian access at Third Street to area shown as ‘PPS’ is considered appropriate, as the ‘PPS’ together with the 24-hour public passageway provided at the Representation Site C1 would enhance the connection between Third Street and Second Street and retain the urban fabric of streets and lane. Hence, there is no strong planning justification for retaining the “O” zone for the Representation Site C2 (i.e. Tak Sing Lane) (**R8(part), R25 to R30 and R37 to R57**); and
- (c) there is no programme to resume the private land for open space development and there is an overall surplus of open space provision in Central and Western District. The original “O” zoning of the Representation Site C1 has held up the owners’ development right of the site for about 50 years and hence is considered inappropriate. Hence, there is no strong planning justification for retaining the “O” zone for the site (**R8(part) and R13 to R57**).

8. Decision Sought

- 8.1 The Board is invited to give consideration to the representations and comments taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendment to the Plan to meet/partially meet the representations.
- 8.2 Should the Board decide that no amendment should be made to the draft OZP to meet the representations, Members are also invited to agree that the draft OZP, together with

its respective Notes and updated Explanatory Statement, are suitable for submission under section 8 of the Ordinance to the CE in C for approval.

Attachments

Annex I	Draft Sai Ying Pun & Sheung Wan OZP No. S/H3/33 (reduced size)
Annex II	Schedule of Amendment to the Draft Sai Ying Pun & Sheung Wan OZP No. S/H3/32
Annex III(a)	MPC Paper No. 10/19 (without attachments)
Annex III(b)	Extract of Minutes of the MPC Meeting held on 19.7.2019
Annex IV	Summary of Representations and Comments and PlanD's Response
Annex V	List of Representers and Commenters
Annex VI	Provision of Major GIC and Recreational Facilities and Open Space in Sai Ying Pun and Sheung Wan Area
Drawings H-1 to H-2	First Floor Layout Plan and Section Plan
Plan H-1	Location Plans of Representations Sites C1 to C4
Plan H-2	Site Plan of Representations Sites C1 to C4
Plan H-3	Aerial Photo
Plans H-4 to H-8	Site Photos

**PLANNING DEPARTMENT
JULY 2020**

TPB Paper No. 10661
For Consideration by the
Town Planning Board on 17.7.2020

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