

TOWN PLANNING BOARD

**TPB Paper No. 10675
For Consideration by
The Town Planning Board on 11.9.2020**

**CONSIDERATION OF FURTHER REPRESENTATIONS NOS. F1 AND F2
ON PROPOSED AMENDMENTS TO
THE DRAFT WONG NAI CHUNG OUTLINE ZONING PLAN NO. S/H7/20
ARISING FROM THE CONSIDERATION OF
REPRESENTATIONS AND COMMENTS ON THE DRAFT OUTLINE ZONING PLAN**

**CONSIDERATION OF FURTHER REPRESENTATIONS NOS. F1 AND F2
ON PROPOSED AMENDMENTS TO
THE DRAFT WONG NAI CHUNG OUTLINE ZONING PLAN NO. S/H7/20
ARISING FROM THE CONSIDERATION OF
REPRESENTATIONS AND COMMENTS
ON THE DRAFT OUTLINE ZONING PLAN**

Subject of Further Representations	Further Representers (No. TPB/R/S/H7/20-)
<p><u>Amendments to the Notes of the OZP</u> Revision to the Remarks of the Notes for the “Commercial” (“C”) zone to incorporate the requirements relating to the submission of a layout plan for the “C(2)” sub-zone.</p>	<p>Total: 2</p> <p><u>Support (1)</u> F1: Beststride Limited <i>But providing adverse views relating to the amendments</i></p> <p><u>Oppose (1)</u> F2: Individual</p>

Note: The names of all further representers are attached at **Annex III**. 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_H7_20.html and the Planning Enquiry Counters of the Planning Department in North Point and Sha Tin. A set of hard copy is deposited at the TPB Secretariat for Members’ inspection.

1. Introduction

- 1.1 On 24.5.2019, the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/20 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments mainly involve the rezoning of the northern and eastern part of the Caroline Hill Road (CHR) Site fronting Leighton Road from “Other Specified Uses” annotated “Sports and Recreation Club” (“OU (SRC)”) and “Government, Institution or Community” (“G/IC”) to “Commercial (2)” (“C (2)”) with revision to the maximum building height (BH) from 2 storeys and 3 storeys to 135mPD (i.e. Item A) and rezoning of the southern part of the CHR Site from “G/IC” to “G/IC (2)” with revision to the maximum building height from 3 storeys to 135mPD (Item B) (**Annex I**).

- 1.2 During the two-month exhibition period, a total of 629 valid representations were received. On 6.9.2019, the representations were published for public comments. A total of 105 valid comments were received.
- 1.3 After consideration of the representations and comments under section 6B(1) of the Ordinance, the Town Planning Board (the Board) decided on 19.6.2020 to partially uphold representations No. **R6 (part), R7 to R401, R403 to R406, R408 to R424, R427 to R481, R483 to R634**, by revising the Remarks of the Notes for the “C” zone to incorporate the requirement for submission of a layout plan for the “C(2)” sub-zone. The Board also agreed to revise the Explanatory Statement (ES) for the “C(2)” and “G/IC(2)” zones. The relevant TPB Paper No. 10623 and the minutes of the TPB meetings are deposited at the Board’s Secretariat for Members’ inspection. They are also available at the Board’s websiteⁱ.
- 1.4 On 10.7.2020, the proposed amendments were exhibited for public inspection under section 6C(2) of the Ordinance (**Annex II**). Upon expiry of the three-week exhibition period which ended on 31.7.2020, a total of five further representations (FRs) were received. Among which, three (**F3 to F5**) are submitted by the original representer/commenter upheld/partially upheld by the Board (i.e. **R532/C86, R529 and R13/C1** respectively). On 14.8.2020, the Board decided that **F3 to F5** were invalid and should be treated as not having been made under section 6D(1) of the Ordinanceⁱⁱ. The Board also decided to hear the remaining two valid FRs (i.e. **F1 and F2**) collectively in one group as they were related to the proposed amendment item.
- 1.5 This paper is to provide the Board with information for the consideration of the valid FRs. A summary of the FRs with PlanD’s responses, in consultation with the concerned government departments, is at **Annex IV**. The location of the FR site (i.e. the “C(2)” site) is shown on **Plan FH-1**.
- 1.6 In accordance with section 6F(3) of the Ordinance, the original representer/ commenter who have made representations/ comments after consideration of which the proposed amendments have been made, and the further representers **F1 and F2** will be invited to the hearing.

ⁱ TPB Paper No. 10623 and the minutes of the meeting are available at the Board’s website at https://www.info.gov.hk/tpb/en/whats_new/Website_S_H7_20.html and https://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1221tpb_e.pdf respectively. The minutes of the deliberation session on 19.6.2020 is available at the Board’s website at https://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1225tpb_e.pdf

ⁱⁱ Pursuant to section 6D(1) of the Ordinance, any person, other than that who has made any representation or comment and after consideration of which the proposed amendments have been made, may make FR to the Board in respect of the proposed amendments.

2. **Background**

- 2.1 As announced in the Policy Address of the Chief Executive in October 2017, the Government is committed to improving court facilities, including the construction of a District Court comprising the District Courts, Family Courts and Lands Tribunal at CHR. The 2017-18 Budget also indicated that to maintain Hong Kong's status as an international financial centre, it is necessary to ensure a continual supply of office space, especially Grade A office space. In this regard, to meet the long-term needs of District Court-level judicial facilities and to make good use of government land in the core business district, the CHR Site is proposed for District Court and commercial development.
- 2.2 Before demolition works took place at the site, the CHR Site (about 2.66 hectares) was occupied by the ex-Electrical and Mechanical Services Department (EMSD) Headquarters, the ex-Civil Aid Service (CAS) Headquarters, the ex-Post Office Recreation Club and the PCCW Recreation Club. All except the ex-EMSD Headquarters and ex-CAS Headquarters were low-rise buildings. Vehicular accesses to the CHR Site are via the eastern and western sections ends of CHR. The CHR Site is generally demarcated by two platforms at about 10mPD (fronting Leighton Road) and 15mPD (fronting South China Athletic Association (SCAA)).

3. **The FR Site and its Surrounding Area (Plans FH-1 to FH 4b)**

- 3.1 The FR site is the northern portion of the CHR Site (about 1.6 ha) under "C(2)" zone abutting Leighton Road which is proposed for commercial development with a maximum BH of 135mPD and maximum gross floor area (GFA) of 100,000m² (**Plan FH-1**). A range of public facilities would be incorporated in the future commercial development, including public open space of 6,000m², District Health Centre, Child Care Centre, public vehicle park and green mini-bus lay-bys (subject to consultations with stakeholders by the Transport Department). Subsequent to the Board's meeting on 19.6.2020, the Social Welfare Department indicated that they would like to incorporate a 60-places Day Care Centre for Elderly in the CHR commercial project.
- 3.2 The areas to the northwest of the FR site across Leighton Road are zoned "C" with a building height restriction (BHR) of 135mPD on the Causeway Bay OZP No. S/H6/17 which are the core commercial and business areas of Causeway Bay. To the northeast across CHR(East) are existing residential developments at Haven Street and a "G/IC" cluster including St. Paul Hospital. The former is zoned "Other Specified Uses" annotated "Mixed Use" ("OU(MU)") with a BHR of 135mPD on the Causeway Bay OZP, while the St. Paul Hospital is zoned "G/IC" with a BHR of 5 storeys (fronting CHR(East)). To the immediate south of the FR site is the southern portion of the CHR site

zoned “G/IC(2)” with a maximum BH of 135mPD and maximum GFA of 70,000m² and to the further south-east comprises an area of “OU” and “G/IC” zones which are used for sports and recreation clubs, sports ground, schools and hospital with BHRs ranging from 1 to 12 storeys. To the immediate west across CHR(West) is Po Leung Kuk which is also zoned “G/IC” with maximum BHRs of 2 storeys, 19 storeys/ 90mPD and 80mPD. To the further west at uphill locations along Link Road are residential developments under “Residential (Group B)” zone with maximum BHRs ranging from 100 to 170mPD.

- 3.3 The pedestrians in Caroline Hill area rely on at-grade footpaths and pedestrian crossings including signalised and cautionary crossings along CHR(East), CHR (West) and Leighton Road to/from the central area of Causeway Bay, MTR Station and public transport facilities. The major pedestrian corridors from the MTR Station to the CHR Site are mainly along Leighton Road and Yun Ping Road. The stone retaining walls (including drainage pipes) are located at the northern and eastern peripheries of the CHR Site, of which those situated at the eastern boundary are confirmed as Grade 3 historic building by the Antiquities Advisory Board on 12.12.2019 (**Plan FH-5**).

4. The Further Representations

4.1 Subject of Further Representations

- 4.1.1 There are a total of 2 valid FRs. **F1** supports the incorporation of a requirement for submission of a layout plan but providing adverse views on the way that the amendments have been made, while **F2** objects to the proposed amendments.
- 4.1.2 The major grounds and proposals of FRs and PlanD’s responses, in consultation with the relevant government departments, are at **Annex IV** and summarised in paragraphs 4.2 and 4.3 below.

4.2 Major Grounds and Responses to Supportive Further Representation

- 4.2.1 **F1** indicates support for the proposed amendments and the supportive view is noted. The adverse views of **F1** are detailed in paragraph 4.3 below together with the adverse FR.

4.3 Major Grounds/ Proposals and Responses to Adverse Further Representation

4.3.1 Submission Arrangement for Development at “C(2)” site

Major Grounds/ Proposals	FRs
I. It is uncertain whether those Column 1 uses of the “C” zone are subject to the approval of the Board under the layout plan submission. If the developer is given a free hand to determine, it should be stated in the Remarks that the composition of uses permissible under Column 1 and the respective GFA are not subject to the Board’s approval. If not, the intended composition of land uses (Column 1 use) and their respective GFA should be stipulated in the Notes.	F2
II. It is unclear whether the layout plan will be submitted under section 16 of the Ordinance and published for public’s view and comments. Publishing information on the layout plan should be avoided as it is repeating the rezoning exercise of the site.	F2
Responses	
(a) The requirement for submission of layout plan is to allow the Board to scrutinise the design and layout of the proposed commercial development with GIC facilities and public open space. The submission is required even if the proposed uses are Column 1 uses. It will be up to the future developer to propose the actual development mix of the commercial development as long as the proposed uses comply with the provision of the “C(2)” zone.	
(b) The future developer will be required to submit a layout plan under section 16 of the Ordinance. Hence, the layout plan will be processed under the provision of the Ordinance including publication for public inspection. The layout plan prepared by PlanD at the rezoning stage is conceptual in nature mainly for illustration purpose, while the layout plan to be submitted by the future developer at the section 16 application will be the actual scheme to be implemented upon approval by the Board. The level of details of a development proposal at the section 16 stage is very different from that at the rezoning stage.	

4.3.2 Landscape and Open Space Arrangement

Major Grounds/ Proposals	FRs
I. The Board should be the approval authority of the open space and landscaping proposal. This will enable the public to comment on the landscaping proposal and submission of the	F1

same under lease is therefore not necessary and the requirement should be deleted from the ES.	
II. The proposed road in “C(2)” zone will divide the FR site into two portions. The road should be covered with a landscaped deck to optimize the extent and quality of the public area. The design requirement of this landscape deck should be added to the ES.	F1
Responses	
<p>(a) In response to (I), according to the proposed revisions to the Notes for the “C(2)” zone of the OZP, the future developer will be required to submit a layout plan for the approval of the Board, which would include the landscape and urban design proposals within the FR site as well as the details and extent of the open space to be provided within the site. The layout plan will be published for public inspection in accordance with the provision of the Ordinance.</p> <p>(b) The above requirement does not obviate the need for landscape submission under lease when the project enters into its operational stage. The landscape clause under lease shall ensure the continuous maintenance and management of the public open space after implementation of the landscape proposal approved by the Board. Thus, setting out the requirement of landscape submission under lease in the ES is considered necessary.</p> <p>(c) In response to (II), the new access road will be necessary to provide access to both the commercial development and District Court. Under the Notes of the “C(2)” zone, the developer will have to submit information of elevated walkways and roads to be constructed within the FR site in the layout plan submission to illustrate the connectivity within the site. Whether the new access road should be decked over by a landscape deck is subject to the detailed design of the future developer. It is considered not appropriate to set out such design requirement in the ES of the OZP.</p>	

4.3.3 Traffic Concern and Access Arrangement

Major Grounds/ Proposals	FRs
I. Traffic is a major concern of the proposed development but there is no requirement for the future developer to submit Traffic Impact Assessment (TIA) under the section 16 application. It should be made as a requirement in the Notes of the “(C)2” zone rather than in the lease.	F1
II. Stonewalls along Leighton Road and Caroline Hill Road (East) will restrict street level pedestrian access/ egress from	F1

the site. The reference to the stonewalls in the ES should be amended to allow for pedestrian access/ egress to the site.	
Responses	
<p>(a) In response to (I), the Board had deliberated the representations raising concern about the traffic issues at its meeting on 19.6.2020 and noted that the Traffic Review (TR) in support of the rezoning was accepted by the Transport Department. Noting that the future developer might propose alternative traffic measures, the Board decided to propose revision to state in the ES that the future developer will be required to undertake an updated traffic review under lease. The purpose of requiring layout plan submission is to allow the Board to scrutinise the design and layout of the proposed commercial development with GIC facilities and public open space instead of reconfirming the feasibility of the development in traffic terms, hence incorporating the submission of TR in the Notes of the “C(2)” zone is considered not appropriate.</p> <p>(b) Regarding (II), the statement in the ES on stone retaining walls is not the subject of the proposed amendment. Besides, any pedestrian access proposal within the “C(2)” site (even if involving demolition of the stone walls) could be dealt with through the layout plan submission for consideration by the Board. The AMO will also be consulted during the process.</p>	

4.3.4 Provision of GIC Facilities

Major Grounds/ Proposals	FRs
I. The GFA that can be developed for commercial purposes at the “C(2)” is uncertain. The types and GFA of GIC facilities should be clearly stated in the Remarks of the “C(2)” zone.	F2
II. It is unlikely that additional GIC facilities will be provided as there is no requirement or incentive for the future developer to provide such facilities. The GFA for additional GIC facilities should be permitted through minor relaxation of the GFA restriction of 100,000m ² . Such intention should be stated in the ES.	F1
Responses	
<p>(a) In response to (I), a District Health Centre, a Child Care Centre and a Day Care Centre for the Elderly should be provided at “C(2)” site. However, the exact GFA could not be confirmed at this stage as it is subject to the detailed design of the future developer. Instead, the Net Operating Floor Area as required by the concerned departments are stipulated in the ES as well as the lease to ensure that the proposed facilities can meet their requirements.</p> <p>(b) In response to (II), the Board noted that there were various possibilities and constraints in the provision of additional GIC facilities in the FR</p>	

site, hence the ES of the OZP only indicates the intention of providing additional GIC facilities at the site, such as Day Care Center for the Elderly which is in deficit in Wan Chai District and that performing arts and cultural facilities are also compatible uses in the FR site. There is already existing mechanism for the Board to consider application for minor relaxation of GFA restriction based on individual merits of the case including additional GIC facilities to be proposed by the developer, which may be submitted in tandem with the layout plan submission. Amendment to the ES is therefore not necessary.

4.3.5 “G/IC(2)” zone

Major Grounds/ Proposals	FRs
I. The size of “G/IC(2)” site planned for the development of District Court should be reduced to enable better use of land and better integration with the “C(2)” zone. Additional GIC facilities should be provided therein.	F1
II. The ES should be further amended to include a requirement that the landscaping and open space within the “G/IC (2)” site be integrated and designed to be compatible with the landscaping of the “C(2)” zone.	F1
Responses	
The “G/IC(2)” is not the subject of the proposed amendment. The size and use of the “G/IC(2)” zone as well as its integration with “C(2)” zone were fully deliberated by the Board at its meeting on 19.6.2020 and the Board has already decided that the size of the “G/IC(2)” zone is appropriate.	

5. Departmental Consultation

The following government departments have been consulted and their comments have been incorporated in paragraph 4 above and **Annex IV**, where appropriate:

- (a) Antiquities and Monuments Office
- (b) Assistant Commissioner for Traffic Engineering (HK)
Division/Urban Regional Office, Transport Department
- (c) Chief Project Manager 103, Architectural Services Department
- (d) Chief Secretary for Administration’s Office
- (e) Chief Town Planner/Urban Design and Landscape, PlanD
- (f) District Lands Office/Hong Kong West and South, Lands
Department
- (g) Judiciary
- (h) Secretary for Development

6. Planning Department's Views

- 6.1 The supportive views of **F1** are noted.
- 6.2 Based on the assessment in paragraph 4 above, PlanD does not support the remaining part of **F1** as well as **F2**, and considers that the draft OZP should be amended by the proposed amendments:
- (a) the development mix of the FR site will be subject to the detailed design of the future developer as long as the proposed uses comply with the provision of the “C(2)” zone. The future developer will be required to submit a layout plan under section 16 of the Ordinance, which will be processed in accordance with the provision of the Ordinance including publication for public inspection (**F2**). There is already provision for application for minor relaxation of the GFA restriction to cater for additional GIC facilities to be proposed in the FR site (**F1** and **F2**);
 - (b) under the Notes of the “C(2)” zone, the future developer will have to submit information of elevated walkways and roads to be constructed within the FR site in the layout plan submission to illustrate the connectivity within the site. Whether the new access road will be covered by a landscape deck is subject to the detailed design by the future developer. It is not appropriate to set out such design requirement in the ES (**F1**); and
 - (c) the TR in support of the rezoning has been accepted by the Transport Department. The purpose of layout plan submission is to allow the Board to scrutinise the design and layout of the FR site with the provision of GIC facilities and public open space, instead of reconfirming the feasibility of the development in traffic terms. Hence, requiring the submission of TR under the Notes of the “C(2)” zone is not supported (**F1**).

7. Decision Sought

- 7.1 The Board is invited to give consideration to the FRs taking into consideration the points raised in the hearing, and decide whether to amend the draft OZP by the proposed amendment(s) as further varied during the hearing.
- 7.2 Members are also invited to agree that the draft OZP, together with their respective Notes and updated ES, are suitable for submission under section 8 of the Ordinance to the CE in C for approval.

8. Follow-up Action

- 8.1 Should the Board decide to amend the draft OZP by the proposed amendments or the proposed amendment(s) as further varied, such amendment(s) shall form part of the draft Wong Nai Chung OZP No. S/H7/20. In accordance with section 6H of the Ordinance, the OZP shall thereafter be read as including the amendment(s). The amendment(s) shall be made available for public inspection until the CE in C has made a decision in respect of the draft OZP in question under section 9 of the Ordinance.
- 8.2 Administratively, the Building Authority and relevant government departments will be informed of the decision of the Board and will be provided with a copy/copies of the amendment(s).
- 8.3 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.

9. Attachments

Plan FH-1	Location Plan of FR Site
Plan FH-2	Site Plan of FR Site
Plan FH-3	Aerial Photo of FR Site
Plans FH-4a and 4b	Site Photos of FR Site
Plan FH-5	Location Plan of the Grade 3 Stone Retaining Walls (Including Drainage Pipes)
Annex I	Draft Wong Nai Chung OZP No. S/H7/20 (reduced size)
Annex II	Schedule of Proposed Amendment, Amendment Plan and proposed amendments to the Explanatory Statement of the draft Wong Nai Chung District OZP No. S/H7/20
Annex III	List of Further Representers
Annex IV	Summary of valid Further Representers and PlanD's Responses

**PLANNING DEPARTMENT
SEPTEMBER 2020**