

**CONSIDERATION OF REPRESENTATION  
IN RESPECT OF THE DRAFT TSZ WAN SHAN, DIAMOND HILL AND  
SAN PO KONG OUTLINE ZONING PLAN NO. S/K11/28**

Subject of Representation	Representer	Commenter
<p><b><u>Amendments to the Notes of the Plan</u></b></p> <p>Incorporation of ‘Art Studio (excluding those involving direct provision of services or goods)’ as a Column 1 use in the Schedule II for “Other Specified Uses” annotated “Business” (“OU(B)”) zone and corresponding amendment to replace ‘Place of Recreation, Sports or Culture’ under Column 2 by ‘Place of Recreation, Sports or Culture (not elsewhere specified)’</p>	<p><b><u>Total: 1</u></b></p> <p><u>Support</u></p> <p>R1: 黃國威</p>	<p>Nil</p>

**1. Introduction**

- 1.1 On 24.3.2016, the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/28 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) (**Annex Ia**). The Schedule of Amendments setting out the amendments incorporated into the Plan is at **Annex Ib**. The major amendments involve rezoning of a site at Sheung Fung Street from “Government, Institution or Community” to “Residential (Group A)” with revision of building height restriction (**Item A**) to facilitate the development of a departmental quarters for Customs and Excise Department; and incorporation of ‘Art Studio (excluding those involving direct provision of services or goods)’ as Column 1 use in Schedule II for industrial or industrial-office building under the Notes for “OU(B)” zone.
- 1.2 During the two-month exhibition period, one supportive representation was received. On 3.6.2016, the representation was published for 3 weeks for public comments and no comment was received.
- 1.3 On 19.8.2016, the Town Planning Board (the Board) decided to consider the representation itself.
- 1.4 This paper is to provide the Board with information for the consideration of the representation on the amendments. The overall planning considerations and

assessments on the representation are provided in paragraph 5 of this paper.

- 1.5 The representer has been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

## **2. Background**

- 2.1 With a view to support art development, the feasibility of allowing 'Art Studio' in the industrial and industrial-office buildings has been investigated by relevant bureaux and departments. As the key concern is on fire safety, 'Art Studio' is considered acceptable in the industrial and industrial-office buildings if it does not involve direct provision of services or goods, e.g. art studio which does not involve hobby classes, seminars, sale of goods, open art exhibition, rehearsal for art performance, etc. is allowed. The proposal was generally supported by the stakeholders with no objection from concerned Government departments. To take forward the above proposal, 'Art Studio (excluding those involving direct provision of services or goods)' is incorporated as a Column 1 use in Schedule II of the "OU(B)" zone. As 'Art Studio' is subsumed under the 'Place of Recreation, Sports or Culture' use, corresponding amendment is made to replace 'Place of Recreation, Sports or Culture' under Column 2 in the same schedule by 'Place of Recreation, Sports or Culture (not elsewhere specified)'.

### Amendments to OZP

- 2.2 The OZP amendments were considered and agreed by the Metro Planning Committee (MPC) on 4.3.2016. The relevant MPC Paper No. 3/16 and the minutes of the MPC meeting are deposited at the Board's Secretariat for Members' inspection. The MPC Paper and the minutes are also available at the Board's website.

### Public Consultation

- 2.3 On 19.1.2016, the Wong Tai Sin District Council (WTSDC) was consulted on the main proposed OZP amendments. WTSDC had raised no objection. After the publication of the draft OZP No. S/K11/27 on 24.3.2016, an information note regarding the OZP amendments was sent to WTSDC. No further comment on the amendments from WTSDC was received.

## **3. The Representation**

### 3.1 Subject of Representation

The representation, submitted by a member of the public, is related to amendments to the Notes of the Plan for the "OU(B)" zone (**Annex III**).

### 3.2 Major Grounds of the Representation

3.2.1 The representation (**R1**) supports the amendments to the Notes for the “OU(B)” zone on the grounds that it allows performing artists to make use of industrial land to set up venues for art performance rehearsal and related facilities which are in need, and such amendments are in line with the Government’s policy in supporting cultural and creative industries.

#### *Representer’s Proposal*

3.2.2 According to the Definitions of Terms (DoTs) used in the Statutory Plans adopted by the Board, ‘Art Studio’ excludes any premises to be used for teaching art subjects which will be regarded as a type of ‘school’ use. **R1** proposes to relax such definition so as to allow the art class which is not operated as ‘school’ under the Education Ordinance to be held in the premises of ‘Art Studio’.

## 4. Comment on Representation

No comment was received on the representation during the 3-week exhibition period.

## 5. Planning Considerations and Assessments

### 5.1 The Representation Sites and their Surrounding Areas (Plan H-1)

The representation is related to amendments to the Notes for the “OU(B)” zone. All the “OU(B)” zones on the OZP fall within the San Po Kong Business Area (SPKBA) and are shown on Plan H-1. They are occupied by business/industrial buildings under private ownership. To the north and south of SPKBA are the Diamond Hill Comprehensive Development Area and Kai Tak area respectively. To the east and west are mainly existing residential developments with some open space, Government, institution and community uses.

### 5.2 Planning Intention

The planning intention of “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or industrial-office buildings.

### 5.3 Responses to Grounds of Representation and Representer's Proposal

- 5.3.1 The supportive view of **R1** is noted. However, it should be pointed out that, as set out in paragraph 2, venue for rehearsal of art performance is considered as involving provision of services, and does not fall in the definition of 'Art Studio (excluding those involving direct provision of services or goods)'.

#### *Representer's Proposal*

- 5.3.2 The incorporation of 'Art Studio (excluding those involving direct provision of services or goods)' as a Column 1 use in Schedule II for the "OU(B)" zone is to support art development and provide greater flexibility in the use of industrial and industrial-office buildings. Due to fire safety concern, uses or activities involving direct provision of services or goods, such as hobby classes and venue for rehearsal of art performance are not included in Column 1, and should remain under Column 2 which requires planning permission from the Board.
- 5.3.3 In respect of **R1**'s proposal to amend the DOTs to allow the holding of art class in premises of Art Studio, the Director of Fire Services (D of FS) does not support the proposal from fire safety perspective as it contradicts with the view that 'Art Studio' use should be purely used as a working place by the operators and their employees and should not attract visitors to the premises. Moreover, other activities such as promoting the public's knowledge/interest of art, experience sharing, etc. should be avoided.

## 6. Consultation

D of FS and Secretary for Education (SED) have been consulted on the representation, and D of FS's comments have been incorporated in the above paragraphs where appropriate and SED has no comment.

## 7. Planning Department's View

The supportive view of **R1** is noted. Based on the assessments in paragraph 5 above, PlanD does not support the proposal of **R1** for the following reason, and considers that the OZP should not be amended to meet the representation.

- the proposed amendment to the DOTs used in statutory plans to allow holding of art class in Art Studio is considered not acceptable from fire safety perspective.

## **8. Decision Sought**

The Board is invited to give consideration to the representation and decide whether to propose/not to propose any amendment to the OZP to meet/partially meet the representation.

### **Attachments**

<b>Annex Ia</b>	Draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/28 (reduced size)
<b>Annex Ib</b>	Schedule of Amendments to the approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/27
<b>Annex II</b>	Submission of the Representer ( <b>R1</b> )
<b>Plan H-1</b>	“Other Specified Uses” annotated “Business” zone on the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/28

**PLANNING DEPARTMENT  
OCTOBER 2016**



Annex Ia of  
TPB Paper No. 10181

圖例  
NOTATION

ZONES		地帶
COMPREHENSIVE DEVELOPMENT AREA	CDA	綜合發展區
RESIDENTIAL (GROUP A)	R(A)	住宅(甲類)
RESIDENTIAL (GROUP E)	R(E)	住宅(戊類)
GOVERNMENT, INSTITUTION OR COMMUNITY	GIC	政府、機構或社區
OPEN SPACE	O	休憩用地
OTHER SPECIFIED USES	OU	其他指定用途
GREEN BELT	GB	綠化地帶
COMMUNICATIONS		交通
RAILWAY AND STATION (UNDERGROUND)		鐵路及車站(地下)
MAJOR ROAD AND JUNCTION		主要道路及路口
ELEVATED ROAD		高架道路
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME		規劃範圍界線
BUILDING HEIGHT CONTROL ZONE BOUNDARY		建築物高度管制區界線
MAXIMUM BUILDING HEIGHT (IN METRES ABOVE PRINCIPAL DATUM)		最高建築物高度 (在主水平基準上若干米)
MAXIMUM BUILDING HEIGHT (IN NUMBER OF STOREYS)		最高建築物高度 (樓層數目)
NON-BUILDING AREA	NBA	非建築用地

土地用途及面積一覽表  
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
COMPREHENSIVE DEVELOPMENT AREA	7.18	2.21	綜合發展區
RESIDENTIAL (GROUP A)	105.91	32.58	住宅(甲類)
RESIDENTIAL (GROUP E)	0.93	0.29	住宅(戊類)
GOVERNMENT, INSTITUTION OR COMMUNITY	48.80	14.40	政府、機構或社區
OPEN SPACE	28.04	8.90	休憩用地
OTHER SPECIFIED USES	13.82	4.28	其他指定用途
GREEN BELT	70.43	21.87	綠化地帶
MAJOR ROAD ETC.	51.03	15.70	主要道路等
TOTAL PLANNING SCHEME AREA	325.04	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分，  
現經修訂並按照城市規劃條例第5條展示。  
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN  
AND HAVE BEEN AMENDED FOR EXHIBITION UNDER  
SECTION 5 OF THE TOWN PLANNING ORDINANCE

核准圖編號 S/K11/27 的修訂  
AMENDMENT TO APPROVED PLAN No. S/K11/27

AMENDMENT EXHIBITED UNDER SECTION 5  
OF THE TOWN PLANNING ORDINANCE

AMENDMENT ITEM A

(參看附表)  
(SEE ATTACHED SCHEDULE)

2016年3月24日  
核准圖編號 S/K11/27 的修訂  
AMENDMENT TO APPROVED PLAN No. S/K11/27 EXHIBITED  
UNDER SECTION 5 OF THE TOWN PLANNING ORDINANCE ON  
24 MARCH 2016  
Raymond LEE 李啟榮  
SECRETARY 城市規劃委員會秘書

香港城市規劃委員會依據城市規劃條例擬備的慈雲山、鑽石山及新蒲崗(九龍規劃區第11區)分區計劃大綱圖  
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD  
KOWLOON PLANNING AREA No. 11 - TSZ WAN SHAN, DIAMOND HILL & SAN PO KONG - OUTLINE ZONING PLAN



規劃署遵照城市規劃委員會指示準備  
PREPARED BY THE PLANNING DEPARTMENT UNDER  
THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號  
PLAN No. S/K11/28

本圖於2016年9月27日擬備  
PLAN PREPARED ON 27.9.2016

參考編號  
REFERENCE No. R/S/K11/28

**SCHEDULE OF AMENDMENTS TO THE  
APPROVED TSZ WAN SHAN, DIAMOND HILL AND SAN PO KONG  
OUTLINE ZONING PLAN NO. S/K11/27  
MADE BY THE TOWN PLANNING BOARD  
UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)**

**I. Amendments to Matters shown on the Plan**

- Item A           – Rezoning of a site at Sheung Fung Street from  
“Government, Institution or Community” to “Residential  
(Group A)” with stipulation of building height restriction.

**II. Amendments to the Notes of the Plan**

- (a)       Incorporation of ‘Art Studio (excluding those involving direct provision of services or goods)’ as a Column 1 use in the Schedule II for “Other Specified Uses” annotated “Business” zone and corresponding amendment to replace ‘Place of Recreation, Sports or Culture’ under Column 2 by ‘Place of Recreation, Sports or Culture (not elsewhere specified)’.

Town Planning Board

24 March 2016

就草圖作出申述  
Representation Relating to Draft Plan

參考編號  
Reference Number: 160428-164729-79893

提交限期  
Deadline for submission: 24/05/2016

提交日期及時間  
Date and time of submission: 28/04/2016 16:47:29

提出此宗申述的人士  
Person Making This Representation: 先生 Mr. 黃國威

申述詳情  
Details of the Representation:

與申述相關的草圖  
Draft plan to which the representation relates: S/K11/28

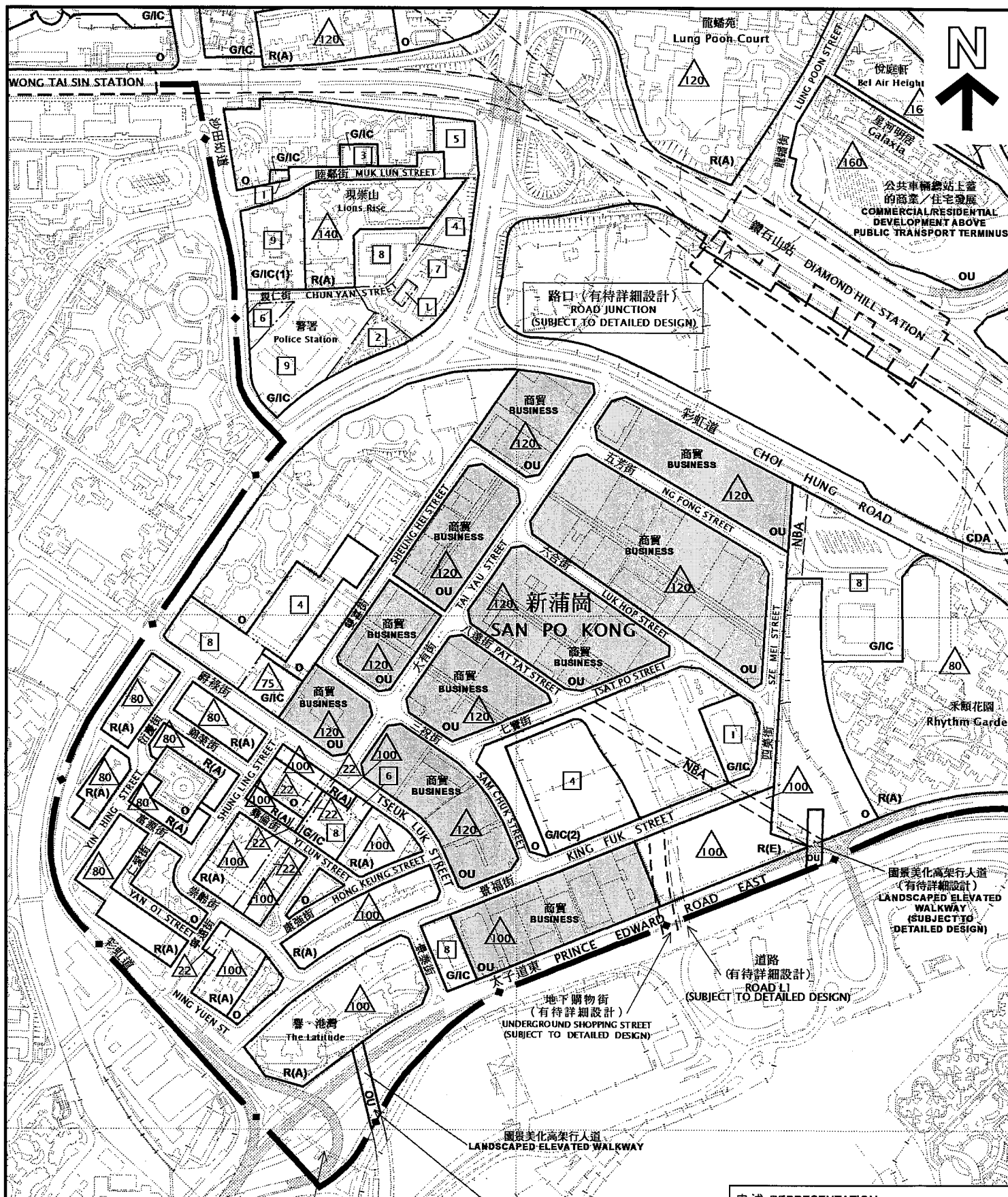
申述的性質及理由  
Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
II. 就圖則《註釋》作出的修訂項目	支持 Support	此修訂容許表演藝術家在工業用途的用地設立表演藝術排練室及相關用途設施，有助解決他們對排練場地的需求，配合政府支持文化及創意產業的政策。

對草圖的建議修訂(如有的話)  
Proposed Amendments to Draft Plan(if any):

應考慮放寬在「藝術工作室」在「詞彙釋義」([http://www.info.gov.hk/tpb/tc/forms/dot\\_revised\\_index\\_ptoz.html#art](http://www.info.gov.hk/tpb/tc/forms/dot_revised_index_ptoz.html#art))對「不包括用於教授藝術科目的處所」的限制，容許在「藝術工作室」處所舉行不屬於《學校條例》定義的「學校」的藝術興趣班。





#### 圖例 LEGEND

其他指定用途 (商貿)  
OTHER SPECIFIED USES (BUSINESS)

本摘要圖於2016年9月14日擬備，  
所根據的資料為於2016年3月24日  
展示的分區計劃大綱圖編號S/K11/28  
EXTRACT PLAN PREPARED ON 14.9.2016  
BASED ON OUTLINE ZONING PLAN No.  
S/K11/28 EXHIBITED ON 24.3.2016

#### 位置圖 LOCATION PLAN

「其他指定用途」註明「商貿」  
在慈雲山、鑽石山及新蒲崗  
分區計劃大綱草圖編號S/K11/28  
"OTHER SPECIFIED USES" ANNOTATED "BUSINESS" ZONE  
ON THE DRAFT TSZ WAN SHAN, DIAMOND HILL AND SAN PO KONG  
OUTLINE ZONING PLAN No. S/K11/28

SCALE 1:5 000 比例尺  
100 0 100 200  
METRES METRES

#### 申述 REPRESENTATION

R1 SUPPORTS THE AMENDMENTS TO THE  
NOTES FOR "OTHER SPECIFIED USES"  
ANNOTATED "BUSINESS" ZONE

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
R/S/K11/28

圖 PLAN  
H - 1