# APPLICATION FOR AMENDMENT OF PLAN UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

# APPLICATIONS NO. Y/H10/11 and Y/H10/12

**Applicant** Designing Hong Kong Limited

<u>Plan</u> Approved Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/19

Site Y/H10/11: Telegraph Bay Waterfront

Y/H10/12: Sandy Bay Waterfront

**Site Area** Y/H10/11: about 12,698m<sup>2</sup>

Y/H10/12: about 16,725m<sup>2</sup>

**Land Status** Government Land

**Zoning** Y/H10/11: "Open Space" ("O") (69%) and area not covered by

OZP (31%)

Y/H10/12: "Government, Institution or Community" ("G/IC")

(49%) and area not covered by OZP (51%)

**Proposed Amendment**Y/H10/11: To rezone part of the application site from "O" to "Other Specified Uses" annotated "Promenade"

To rezone part of the application site from "O" to "Other Specified Uses" annotated "Promenade" ("OU(Promenade)") and extend the OZP boundary to include part of Telegraph Bay sea area and zone

as "OU(Promenade)"

Y/H10/12: To rezone part of the application site from "G/IC"

to "O" or "OU(Promenade)" and extend the OZP boundary to include part of Sandy Bay Waterfront

and zone as "O" or "OU(Promenade)"

# 1. The Proposals

1.1 The applicant submits two applications<sup>1</sup> (No. Y/H10/11 and Y/H10/12) to make the following proposals at several coastal areas of Pok Fu Lam at Telegraph Bay and Sandy Bay:

The same applicant has submitted another application (No. Y/H10/10) requesting to rezone the Cyberport Waterfront Park from "O" to "O(1)" (**Plan Z-1**). The application (No. Y/H10/10) will be discussed at the same meeting.

- (a) for Application No. Y/H10/11, the applicant proposes to rezone part of the application site from "O" to "OU(Promenade)" and extend the OZP boundary to include part of Telegraph Bay sea area and zone as "OU(Promenade)" in order to reserve area for development of an elevated walkway or boardwalk (**Drawing Z-1** and **Plan Z-2**); and
- (b) for Application No. Y/H10/12, the applicant proposes to rezone part of the application site from "G/IC" to "O" or "OU(Promenade)" and extend the OZP boundary to include part of Sandy Bay waterfront and zone as "O" or "OU(Promenade)" in order to reserve the entire waterfront as open space (**Drawing Z-2** and **Plan Z-7**).
- 1.2 The planning intention of the "OU(Promenade)" zone, as proposed by the applicant, is primarily for promenade use serving the needs of local residents as well as the general public.
- 1.3 In support of the applications, the applicant has submitted application forms with supplementary information (**Appendices Ia** and **Ib**).

# 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the applications are detailed in the application forms at **Appendices Ia** and **Ib** and are summarised as follows:

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- (a) the proposal is to reserve area for development of an elevated walkway or boardwalk connecting the waterfront of Sandy Bay and Telegraph Bay and to provide clarity to Government and nearby land users on the future intended development;
- (b) this intention has been stated in the Explanatory Statement (ES) of the OZP that a 15m wide waterfront promenade is proposed to link up the Cyberport Waterfront Park and the planned open space in between Cyberport and Sandy Bay; and

## Application No. Y/H10/12

(c) the proposal is to reserve the entire waterfront (including area currently outside the OZP boundary) and designating the concerned area as open space to provide clarity to nearby land users and government departments regarding future developments, maintenance and management.

## 3. Compliance with the "Owner's Consent/Notification" Requirements

As the application sites involve government land only, the "owner's consent/notification" requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the applications.

## 4. Background

- 4.1 The draft OZP No. S/H10/18 incorporating the amendments in association with the deletion of the obsolete alignment of Route 7 was gazetted on 27.9.2019 for public inspection. After giving consideration to the representations and comments on 5.6.2020, the Board decided not to uphold those representations with grounds/proposals relating to waterfront connectivity for the reasons that the provision of open space and road (including footbridge) is always permitted on land falling within the boundaries of the OZP and it is considered not necessary to rezone the waterfront areas to "O" for the purpose of providing continuous waterfront promenade. At the same meeting, the Board agreed to revise the ES of the OZP having noted Members' support on enhancing the waterfront connectivity along the coast of Pok Fu Lam. The draft OZP was subsequently approved by the Chief Executive in Council on 5.1.2021 and the approved OZP No. S/H10/19 was exhibited on 15.1.2021.
- 4.2 For Application No. Y/H10/11, the application site is partly zoned as "O" and partly sea area not covered by the OZP No. S/H10/19. Due to deletion of the obsolete alignment of proposed Route 7 from the OZP as mentioned in paragraph 4.1 above, the sea area was excised from the OZP so as to reflect the natural coastline (**Plan Z-6**).
- 4.3 For Application No. Y/H10/12, the application site is partly zoned as "G/IC" and partly rocky area not covered by the OZP No. S/H10/19. Due to deletion of the obsolete alignment of proposed Route 7 as mentioned in paragraph 4.1 above, the existing pedestrian walkway (sandwiched between the University of Hong Kong (HKU) Sports Centre and a man-made sea wall) excluding the rocky area was rezoned to "G/IC" on the OZP (**Plan Z-13**) to reflect the current condition of the existing walkway and to tally with the adjoining "G/IC" zone on the OZP. The walkway was formed when HKU developed its Sports Centre (zoned "G/IC") in 1981.

# 5. Previous Application

There is no previous application at the application sites.

# 6. <u>Similar Applications</u>

There is no similar application for amendment to OZP from "O" to "OU(Promenade)" or from "G/IC" to "O"/ "OU(Promenade)".

## 7. The Site and Its Surrounding Areas

Application No. Y/H10/11 (Plans Z-2 to Z-4 and Site Photos on Plan Z-5)

- 7.1 The application site is:
  - (a) partly vacant government land covered by vegetation/rocks;

- (b) partly sea area at Telegraph Bay; and
- (c) abutting Cyberport Road.
- 7.2 The surrounding areas have the following characteristics:
  - (a) to the north is a pump house for the Queen Mary Hospital which has been allocated to the Hospital Authority;
  - (b) to the east across Cyberport Road are vegetated slopes and low-rise residential developments;
  - (c) to the southeast is the Hong Kong West Drainage Tunnel Western Portal at Telegraph Bay; and
  - (d) to the south is the "O" zone connecting with the existing Cyberport Waterfront Park.

## Application No. Y/H10/12 (Plans Z-7 to Z-9 and Site Photos on Plans Z-10 to Z-12)

- 7.3 The application site is:
  - (a) partly a piece of vacant government land at Sandy Bay rocky beach;
  - (b) partly existing pedestrian walkway being managed by the HKU, which was formed when the HKU developed its Sports Centre and it is sandwiched between the HKU Sports Centre and a man-made seawall. The walkway has been opened for public since the completion of the HKU Stanley Ho Sports Centre; and
  - (c) partly vacant government land covered by vegetation/rocks.
- 7.4 The surrounding areas have the following characteristics:
  - (a) to the north is Sandy Bay Fresh Water Pumping Station;
  - (b) to the east is the existing "G/IC" cluster, which consists of vacant land, Sandy Bay Preliminary Treatment Works, The Duchess of Kent Children's Hospital, Tung Wah Group of Hospitals (TWGH) Fung Yiu King Hospital, TWGH Jockey Club Care & Attention Home for the Elderly, and HKU Stanley Ho Sports Centre; and
  - (c) to the south is a pump house for the Queen Mary Hospital which has been allocated to the Hospital Authority.

# 8. Planning Intention

8.1 The planning intention of the "G/IC" is intended primarily for the provision of Government, institution or community facilities serving the needs of the local

residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

- 8.2 The planning intention of the "O" zone is intended primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- As stated in paragraph 7.7.2 of the ES of the OZP, a 15m wide waterfront promenade is proposed to link up the Cyberport Waterfront Park and the planned open space in between Cyberport and Sandy Bay. Opportunity may be given to explore whether a walking trail could be developed along this planned open space and other coastal areas to enhance pedestrian connectivity along the coast of Waterfall Bay, Telegraph Bay and Sandy Bay at Pok Fu Lam for public enjoyment.

# 9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views are summarised as follows:

# <u>Policy</u>

- 9.1.1 Comments of the Secretary for Development (SDEV):
  - (a) Application No. Y/H10/11 is for rezoning the application site to "OU(Promenade)" to provide pedestrian connections between Sandy Bay and Telegraph Bay. At present, pedestrians can use the footpath along Cyberport Road to walk between Sandy Bay and Telegraph Bay, and enjoy the sea view from a higher level. From connectivity point of view, the proposal requires more justifications as it would involve substantial elevated structures for walkway and boardwalk along the coastal area and covering part of the sea area, noting the Transport Department's (TD) previous advice that the existing pedestrian access would be sufficient to meet pedestrian needs; and
  - (b) the application site of Application No. Y/H10/12 covers an existing pedestrian walkway along HKU Stanley Ho Sports Centre and the adjacent shore areas where the public can access. Consideration could be given to amending the boundary of the Planning Scheme Area to cover the land currently not covered by any zoning for better planning control. While there would be merits in enhancing accessibility and improving the area for public enjoyment as far as possible, a feasible scheme would need to be proposed for consideration.

## **Land Administration**

9.1.2 Comments of the District Lands Officer/Hong Kong West and South, Lands Department:

For Application No. Y/H10/12, the Licence H4715 is relevant to the application. The said licence is still valid and has been granted to the HKU for a term from year to year with effect from January 1981. The licence area shall not be used for any purpose other than (i) as a works area in connection with the construction of pitched slopes and reclamation of the two sports fields at Sandy Bay, Hong Kong and (ii) no structures other than a six-meter wide berm extending beyond and along the seaward boundaries of the piece or parcel of ground known and registered in the Land Registry as Inland Lot No. 8481 and Inland Lot No. 8501(HKU Stanley Ho Sports Centre). According to the relevant Licence conditions, HKU shall be responsible for maintenance and repair of the licence area to the satisfaction of the Director of Lands.

#### Geotechnical

- 9.1.3 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):
  - (a) part of the application site of Application No. Y/H10/11 is overlooked by steep natural terrain, depending on the location, nature and layout of the future development, a natural terrain hazard study and provision of suitable hazard mitigation measures may be required regardless of the zoning. The maximum gradient across the application site from boundary to boundary is greater than 15 degrees. Also, the application site may affect, or be affected by, man-made slopes and/or retaining walls (Feature Nos. 11SW-C/C972 and 11SW-C/R633) (Plan Z-3). The applicant should submit a Geotechnical Planning Review Report (GPRR) with their planning application; and
  - (b) the application site of Application No. Y/H10/12 may affect, or be affected by, man-made slope (Feature No. 11SW-C/F124) (**Plan Z-8**). The applicant should submit a GPRR with their planning application.

## **Traffic Aspects**

9.1.4 Comments of the Commissioner for Transport (C for T):

he has no objection to Applications No. Y/H10/11 and Y/H10/12 subject to the following comment:

the pedestrians currently can use the footpath along Sha Wan Drive and Cyberport Road to travel between Sandy Bay and Telegraph Bay. It is considered that the level of service of the subject footpath is sufficient to pedestrians at the moment.

9.1.5 Comments of the Chief Highway Engineer/Hong Kong, Highways Department (HyD):

he has no objection to the Applications No. Y/H10/11 and Y/H10/12 subject to the following comments:

- (a) only if TD takes up the management responsibility of the proposed elevated walkway or boardwalk connecting the waterfront of Sandy Bay and Telegraph Bay and the application site of Application No. Y/H10/12, HyD will consider taking up its maintenance responsibility; and
- (b) if the current management and maintenance responsibility of the application site of Application No. Y/H10/12 by HKU is to be changed due to the captioned proposed amendment, comments from the Leisure and Cultural Services Department (LCSD) should be sought.

## Open Space

- 9.1.6 Comments of the Director of Leisure and Cultural Services (DLCS):
  - (a) no particular view on the proposals as the two applications would not cause to reduce the total area of open space in the Pok Fu Lam area or require the department for any development in connection;
  - (b) the Telegraph Bay Waterfront is not under the management of LCSD and the proposal to rezone the application site of Application No. Y/H10/11 from "O" to "OU(Promenade)" for development of elevated walkway/boardwalk connecting the waterfront of Sandy Bay and Telegraph Bay and extend OZP to cover part of Telegraph Bay sea area will not cause to decrease in total open space provision in the Southern District, LCSD would have no particular comment on the proposal; and
  - (c) it is understood that the current management and maintenance of the "G/IC" site (the application site of Application No. Y/H10/12) by HKU shall remain unchanged. Hence, LCSD would have no particular view on the proposal to rezone the application site from "G/IC" to "O" or "OU(Promenade)" for provision of open space and extending boundary to include part of waterfront area of Sandy Bay.

# Environment

- 9.1.7 Comments of the Director of Environmental Protection (DEP):
  - (a) according to the information provided, they noted that the application sites would cover part of Telegraph Bay sea area and Sandy Bay Waterfront area. In particular, it is noted that

Application No. Y/H10/11 aims to facilitate elevated walkway or boardwalk development at the application site. It is unclear whether marine works will be required for the proposed development or uses that are always permitted under the OZP amendment proposals. Without details, the potential water quality impact and environmental acceptability could not be confirmed; and

(b) in view of the above, they currently cannot lend support to the subject planning applications from environmental planning perspective with the above limited information. The applicant is advised to provide further details of the proposed development at the application sites and relevant environmental information to confirm the environmental acceptability of the proposed OZP amendments under the applications.

# Urban Design and Landscape

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD):

# Landscape

- (a) the applicant proposed to rezone the application site of Application No. Y/H10/11 from "O" to "OU(Promenade)" for development of an elevated walkway or boardwalk along the waterfront. As no information on the extent of which the development might be extended to the rocks and sea area, and information on existing vegetation cover (i.e. species, size, condition etc.) is not provided in the application, potential landscape impact on existing landscape resources (i.e. existing vegetation, Telegraph sea area etc.) and landscape character (i.e. inshore waters) arising from the application cannot be ascertained. Moreover, the proposed promenade is a Column 1 use under the "O" zone. The existing "O" zone for the land area is considered appropriate which would allow more flexibility in uses than "OU(Promenade)";
- (b) majority of the application site of Application No. Y/H10/12 falls within area zoned "G/IC" with minor portion in area shown as sea or rocks not covered by OZP. The site is mostly paved, significant adverse landscape impact arising from this application is not anticipated. The proposed rezoning of the site to "O" to "OU(Promenade)" for provision of open space is considered not incompatible with its surrounding environment. In view of the above, they have no adverse comment on the application from the landscape planning perspective; and

## **Urban Design**

(c) no specific comment on applicant's proposals.

## District Officer's Comments

9.1.9 Comments of the District Officer (South), Home Affairs Department (DO(S), HAD):

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(a) a proposed District Minor Work (DMW) project namely 'Connecting the promenade from Sandy Bay near HKU Sport Centre to Telegraph Bay' proposed by a Southern District Council (SDC) member, Mr. Paul Zimmerman, is relevant to the application (**Plan Z-14**). The said proposed project is estimated to exceed the allowable budget limit for DMW and thus cannot be proceed under the DMW programme; and

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- (b) a DMW project namely 'construction of a trail along the rocky shore at Sandy Bay (S-DMW450)' proposed by a SDC member, Mr. Paul Zimmerman, is relevant to the application. The feasibility study of the said DMW project was reported at the meeting of the Working Group on DMW Projects under the SDC on 19.9.2019. Only portion 1 of the proposed trail has been proceeded to the next stage for carrying out the topographic, trees and underground utility survey in order to facilitate the preliminary design, while portion 2 of the proposed trail is subject to further study in view of the portion 2 of the trail has records of slope collapse during extreme weather and not recommended to proceed at the time being (Plan Z-15).
- 9.2 The following government departments have no objection to/no comment on the application:
  - (a) Chief Architect/Central Management Division 2, Architectural Services Department;
  - (b) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
  - (c) Chief Building Surveyor/ Hong Kong West, Buildings Department;
  - (d) Chief Engineer/Hong Kong & Islands, drainage Services Department;
  - (e) Chief Engineer/Port Works, CEDD;
  - (f) Project Manager (South), CEDD;
  - (g) Commissioner of Police;
  - (h) Director of Agriculture, Fisheries and Conservation;
  - (i) Director of Fire Services; and
  - (j) Director of Marine.

## 10. Public Comments Receiving During Statutory Publication Periods

10.1 On 26.3.2021, the applications were published for public inspection. During the first three weeks of public inspection periods, a total of 1,041 and 1,043 public comments were received for Applications No. Y/H10/11 and Y/H10/12

respectively and as summarised in the table below.

Application No	<u>Y/H10/11</u>	<u>Y/H10/12</u>
Support	1,037	1,041
	• 1,035 <sup>2</sup> standard letter	• 1,039 <sup>2</sup> standard letter
	format and the	format and the
	remaining by individuals	remaining by individuals
	(Appendix IIa)	(Appendix IIIa)
	• 2 letters by individuals	• 2 letters by individuals
	(Appendix IIb)	(Appendix IIIb)
Oppose/ Concern	4 by individuals	2 by individuals
	(Appendix IIc)	(Appendix IIIc)
Total	<u>1,041</u>	<u>1,043</u>

- 10.2 The supporting comments for both applications are mainly on the ground that supporting a continuous waterfront in Pok Fu Lam.
- 10.3 For Application No. Y/H10/11, the opposing comments are mainly due to the reasons of high maintenance cost of a coastal elevated walkway, the proposed elevated walkway would damage the coastline and human traffic would disturb wildlife. For Application No. Y/H10/12, the opposing comments are mainly due to the reason that there is already an existing walkway serving the recreation purpose. Some commenters are also concerned about the adverse traffic impact on the existing GIC facilities due to increase in visitors.

# 11. Planning Considerations and Assessments

- 11.1 For Application No. Y/H10/11, the applicant proposes to rezone part of the application site from "O" to "OU(Promenade)" and extend the OZP boundary to include part of Telegraph Bay sea area and zone it as "OU(Promenade)" in order to reserve area for development of an elevated walkway or boardwalk. For Application No. Y/H10/12, the applicant proposes to rezone part of the application site from "G/IC" to "O" or "OU(Promenade)" and extend the OZP boundary to include part of Sandy Bay Waterfront and zone it as "O" or "OU(Promenade)" in order to reserve the entire waterfront as open space. The proposals under the two applications are to enable a continuous waterfront along the coast of Telegraph Bay and Sandy Bay (Plan Z-1).
- 11.2 For both Applications No. Y/H10/11 and No. Y/H10/12, according to the covering Notes of the OZP, the provision of open space (including promenade) is always permitted on land falling within the boundaries of the OZP. Hence, the provision of a continuous open space network or promenade along the coast of Pok Fu Lam is always permitted, even though the concerned area is now mainly zoned "G/IC" and "O" on the OZP. Besides, as stated in paragraph 4.1 above, the Board has duly considered the representers' views in relating to waterfront connectivity during the hearing meeting held on 5.6.2020 and agreed that it is

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Among the supporting comments, three are submitted by Incorporated Owners including Woodbury Court, Blocks 41 to 44 of Baguio Villa and Scenic Villas.

not necessary to rezone the waterfront areas to "O" for the purpose of providing continuous waterfront promenade. There is also no change in the planning circumstances since then. It is therefore considered not necessary to rezone the application sites to "OU(Promenade)" or "O" as proposed by the applicant.

- 11.3 For the sea area currently not covered by OZP under applicant's proposal in Application No. Y/H10/11, the applicant has not submitted any information on the proposed elevated walkway or boardwalk. In this regard, as advised by H(GEO), CEDD, CTP/UD&L and DEP respectively, while a GPRR is required to be submitted by the applicant, the potential landscape impact on existing landscape resources and landscape character as well as the potential water quality impact and environmental acceptability of the proposal could not be ascertained. Furthermore, as advised by C for T, the existing pedestrian access between Sandy Bay and Telegraph Bay is sufficient for the pedestrians. In view of this and in the absence of a feasible proposal, there is no justification for extending the OZP boundary as proposed by the applicant.
- 11.4 For the rocky area currently not covered by OZP under the applicant's proposal in Application No. Y/H10/12, it is basically the seawall with some vegetated area (**Plan Z-12**). Given the function of the seawall, the concerned area is not considered suitable to be developed as open space. As its management and maintenance, as mentioned in paragraph 9.1.2, it is the responsibility of HKU. Therefore, there is no planning justification to extend the OZP boundary to the concerned area as proposed by the applicant.

## **Public Comments**

11.5 Regarding the public comments received as stated in paragraph 10 above, the planning assessments in paragraphs 11.2 to 11.4 above and departmental comments in paragraph 9 above are relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the two applications for the following reason:
  - (a) the current zonings of part of the application sites have already allowed for the provision of a waterfront promenade; and
  - (b) there is no strong planning justification for extending the OZP boundary.
- 12.2 Alternatively, should the Metro Planning Committee (the Committee) decide to agree or partially agree to the application, an amendment to the approved Pok Fu Lam OZP No. S/H10/19 will be submitted to the Committee for agreement prior to gazetting under section 5 of the Ordinance.

# 13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to agree, partially agree, or not to agree to the applications.
- 13.2 Should the Committee decide not to agree or to partially agree to the application(s), Members are invited to advise what reason(s) for the decision should be given to the application(s).

## 14. Attachments

**Appendix Ia** Application form and supplementary information received

on 18.3.2021 for Application No. Y/H10/11

**Appendix Ib** Application form and supplementary information received

on 18.3.2021 for Application No. Y/H10/12

**Appendices IIa to IIc** Public comments for Application No. Y/H10/11 **Appendices IIIa to IIIc** Public comments for Application No. Y/H10/12

**Drawing Z-1** Location plan submitted by the applicant for Application

No. Y/H10/11

**Drawing Z-2** Location plan submitted by the applicant for Application

No. Y/H10/12

**Plan Z-1** Location plan for Applications No. Y/H10/10 to 12

## Application No. Y/H10/11

Plan Z-2 Location plan
Plan Z-3 Site plan
Plan Z-4 Aerial photo
Plan Z-5 Site photos

Plan Z-6 Extract of draft OZP No. S/H10/18

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Plan Z-7 Location plan
Plan Z-8 Site plan
Plan Z-9 Aerial photo
Plans Z-10 to Z-12 Site photos

Plan Z-13 Extract of draft OZP No. S/H10/18

Plan Z-14 Proposed DMW at Application No. Y/H10/11
Plan Z-15 Proposed DMW at Application No. Y/H10/12

# PLANNING DEPARTMENT JUNE 2021