

**SCHEDULE OF PROPOSED AMENDMENT TO  
THE DRAFT CENTRAL DISTRICT OUTLINE ZONING PLAN NO. S/H4/17  
MADE BY THE TOWN PLANNING BOARD  
UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)**

**I. Amendment to Matter Shown on the Plan**

Item A – Revision to the building height restriction stipulated for the northern portion of “Government, Institution or Community (1)” (“G/IC(1)”) zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 135mPD to 80mPD.

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

- (a) Revision to the Remarks of the Notes for the “G/IC” zone by adding a requirement specifying that on land designated “G/IC(1)”, any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

13 March 2020

Town Planning Board

**Proposed Amendments to the Notes of the  
Draft Central District Outline Zoning Plan No. S/H4/17  
in relation to Amendment Plan No. R/S/H4/17-A1**

The Remarks of the Notes for the “Government, Institution, or Community” zone are proposed to be amended to be read as:

**GOVERNMENT, INSTITUTION OR COMMUNITY**

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Animal Boarding Establishment
Animal Quarantine Centre (in Government building only)	Animal Quarantine Centre (not elsewhere specified)
Broadcasting, Television and/or Film Studio	Correctional Institution
Cable Car Route and Terminal Building	Driving School
Eating Place (Canteen, Cooked Food Centre only)	Eating Place (not elsewhere specified)
Educational Institution	Flat
Exhibition or Convention Hall	Funeral Facility
Field Study/Education/Visitor Centre	Holiday Camp
Government Refuse Collection Point	Hotel
Government Use (not elsewhere specified)	House
Hospital	Marine Fuelling Station
Institutional Use (not elsewhere specified)	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
Library	Off-course Betting Centre
Market	Office
Pier	Petrol Filling Station
Place of Recreation, Sports or Culture	Place of Entertainment
Public Clinic	Private Club
Public Convenience	Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation
Public Transport Terminus or Station	Refuse Disposal Installation (Refuse Transfer Station only)
Public Utility Installation	Residential Institution
Public Vehicle Park (excluding container vehicle)	Sewage Treatment/Screening Plant
Recyclable Collection Centre	Shop and Services (not elsewhere specified)
Religious Institution	Utility Installation for Private Project
Research, Design and Development Centre	Zoo
School	
Service Reservoir	
Social Welfare Facility	
Training Centre	
Wholesale Trade	

### Planning Intention

This zone 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, organizations providing social services to meet community needs, and other institutional establishments.

### Remarks

- (1) On land designated “G/IC(1)”, no new development, or addition, alteration, and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height, in terms of metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) ***On land designated “G/IC(1)”, any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.***
- ~~(2)~~(3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the restriction on building height, as stated in paragraph (1) above, may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

**Proposed Amendments to the Explanatory Statement of the  
Draft Central District Outline Zoning Plan No. S/H4/17  
in relation to Amendment Plan No. R/S/H4/17-A1**

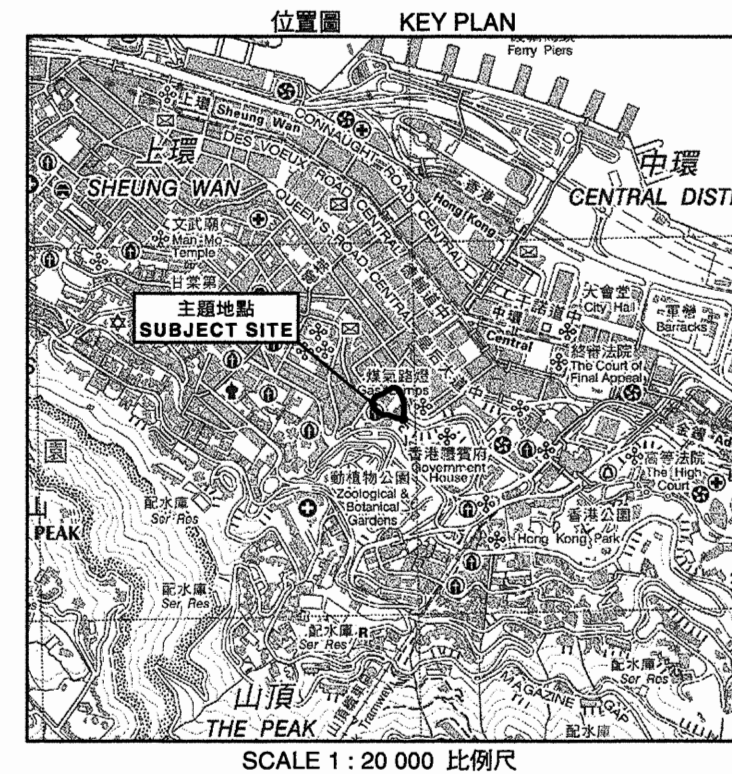
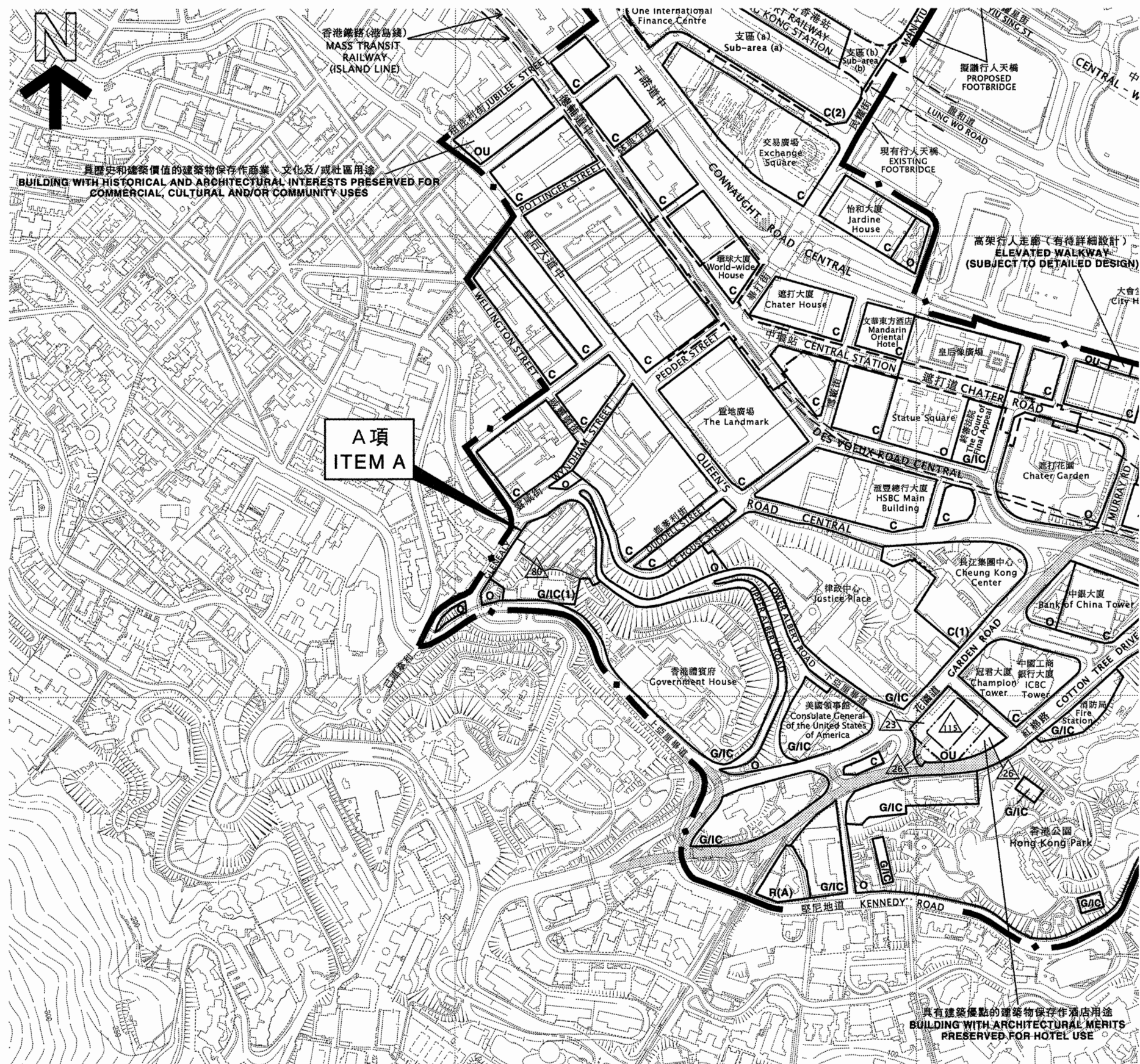
Paragraph 7.5.6 is proposed to be amended as:

**7. LAND USE ZONINGS**

7.5 Government, Institution or Community (“G/IC”) : Total Area 15.23 hectares

7.5.6 The Hong Kong Sheng Kung Hui (HKSKH) Compound at 1 Lower Albert Road is zoned “G/IC(1)” with a building height restriction of **80 mPD**. ***Any new development or redevelopment of existing building(s) at the HKSKH Compound requires permission from the Board under section 16 of the Ordinance. These requirements are*** ~~135mPD for its northern portion and 80mPD for its southern portion~~ to ensure that any new development and/or redevelopment at the site will be compatible, in urban design term, with the historic buildings within the site and the surrounding areas. Minor relaxation of the building height restrictions may be considered by the Board on application. Each application will be considered on its own merits.





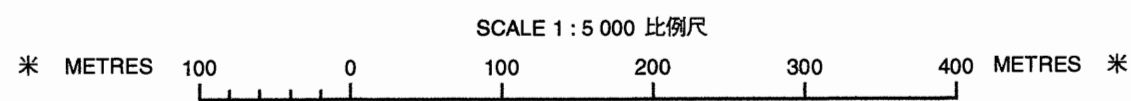
草圖編號 S/H 4/17 的建議修訂  
 PROPOSED AMENDMENT TO DRAFT PLAN No. S/H4/17  
 根據城市規劃條例第 6C(2) 條公布的建議修訂  
 PROPOSED AMENDMENT PUBLISHED UNDER SECTION 6C(2)  
 OF THE TOWN PLANNING ORDINANCE

A 項 ITEM A  
 建築物高度限制由主水平基準上 135 米修訂為主水平基準上 80 米  
 REVISION TO THE BUILDING HEIGHT RESTRICTION FROM 135mPD TO 80mPD

夾附的《註釋》屬這份圖則的一部分，  
 《註釋》的建議修訂已根據城市規劃條例第 6C(2) 條公布。  
 THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN  
 AND THE PROPOSED AMENDMENT THERETO HAS BEEN PUBLISHED  
 UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE  
 (參看附表)  
 (SEE ATTACHED SCHEDULE)

2020年3月13日根據城市規劃條例第6C(2)條公布  
 對草圖編號 S/H 4/17 作出的建議修訂  
 PROPOSED AMENDMENT TO DRAFT PLAN No. S/H4/17  
 PUBLISHED UNDER SECTION 6C(2) OF THE TOWN  
 PLANNING ORDINANCE ON 13 MARCH 2020  
 Fiona LUNG 龍小玉  
 SECRETARY, TOWN PLANNING BOARD 城市規劃委員會秘書

中區分區計劃大綱草圖編號 S/H 4/17 的建議修訂  
 PROPOSED AMENDMENT TO DRAFT CENTRAL DISTRICT  
 OUTLINE ZONING PLAN No. S/H4/17



規劃署遵照城市規劃委員會指示擬備  
 PREPARED BY THE PLANNING DEPARTMENT UNDER  
 THE DIRECTION OF THE TOWN PLANNING BOARD  
 圖則編號  
 PLAN No. R/S/H4/17 - A1

**Summary of Further Representations made on the Proposed Amendments to  
the draft Central District Outline Zoning Plan (OZP) No. S/H4/17**

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
<b>F1</b>	Hong Kong Sheng Kung Hui Foundation (HKSKH)	<ul style="list-style-type: none"> <li>Oppose Amendment Item A and the related amendments to the Notes of the OZP.</li> <li>HKSKH does not agree with the Town Planning Board (the Board)'s interpretation of section 6B(8) of the Town Planning Ordinance (the Ordinance) regarding its entitlement to submit further representation (FR), and indicates that if it is entitled to submit FR, the grounds of Judicial Review (JR) against the Board's decisions on 6.12.2019 and 10.1.2020, as set out in the relevant JR documents<sup>1</sup> served to the Board and the Director of Planning, should be treated as its FR.</li> </ul> <p><u>Grounds of FR:</u></p> <p>(a) HKSKH considers the Board's decisions on 6.12.2019 and 10.1.2020 are <i>ultra vires</i>, <i>Wednesbury</i> unreasonable, amount to a disproportionate infringement of</p>	<ul style="list-style-type: none"> <li>While <b>F1</b>'s challenge regarding its entitlement to submit FR would be dealt with by the Court under the JR proceedings, HKSKH, be it a further representer (<b>F1</b>) or, as claimed by HKSKH, an original representer (<b>R31</b>) is eligible to attend the hearing meeting under the Ordinance.</li> </ul> <p>(i) Whilst the allegations of <b>F1</b> against the Board's decisions of 6.12.2019 and 10.1.2020 encompass some legal issues which will be dealt with separately under the JR proceedings, its major grounds of FR relating to</p>

<sup>1</sup> The Notice of Application for Leave to Apply for JR (O. 53 r. 3(2)) [Form 86], Affidavits and Affirmation documents are attached under **F1** and are available for public inspection at the Board's website at [https://www.info.gov.hk/tpb/en/whats\\_new/Website\\_S\\_H4\\_17.html](https://www.info.gov.hk/tpb/en/whats_new/Website_S_H4_17.html).

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
		<p>HKSKH's property rights, and in breach of natural justice and its <i>Tameside</i> duty, and ought to be quashed.</p> <p><i>Illegality – Exercise of Power outside Specified Purposes</i></p> <p>(b) The Board's decision of 6.12.2019 was <i>ultra vires</i> as it was made solely on the basis of heritage conservation considerations which was outside the Board's plan-making powers conferred under the Ordinance.</p> <p>(c) The proposed amendment on the requirement of s.16 application under section 6B(8) of the Ordinance were not</p>	<p>land use planning issues and the Planning Department (PlanD)'s responses are summarised as follows.</p> <p>(ii) The Board's power and function is to promote the health, safety, convenience and general welfare of the community through the systematic preparation of plans. Conservation of buildings/structures of heritage significance for the purpose of preserving cultural traditions of the community is considered as part of "<i>the general welfare of the community</i>" referred to in the long title and section 3(1) of the Ordinance.</p> <p>(iii) In the plan-making process, the Board's duty is to determine appropriate land use zonings and appropriate development restrictions and such a duty is also applicable to sites of heritage significance. The Board may take into account the surroundings and the urban design perspective with a view to creating an appropriate physical setting to promote conservation, enhance the environment of historic buildings and facilitate integration of the buildings with the surrounding developments through responsive design.</p> <p>(iv) Under section 6B(8) of the Ordinance, the Board shall decide whether or not to propose amendments to the draft plan in question either "in the manner proposed in</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
		within the scope of the representers' proposals.	<p>the representation or otherwise in the manner that, in the opinion of the Board, will meet the representation". Hence, the proposed amendments made by the Board are not limited to those in the representations received, but may also include other amendments that, in the opinion of the Board, will address the concerns expressed in the representations.</p> <p>(v) At the meeting on 6.12.2019, many representers and commenters were concerned about the building bulk and footprint of HKSKH's proposal, which they considered as incompatible with and detrimental to the historic character of the FR site and its surrounding area. Some representers had proposed to tighten the building height restriction (BHR) and/or impose control on the building bulk or to confine the development to the footprint of the former Hong Kong Central Hospital (HKCH). In particular, one representer (<b>R1</b>) proposed, among others, to require permission under section 16 of the Ordinance for any demolition of, or addition, alteration and/or modification of the buildings. Having considered the concerns of the representers and commenters as well as taking account of the urban design aspect in a wider context, the Board agreed that the FR site was located in a prime location and formed part of a historical and culturally important precinct. HKSKH should be required to submit development scheme for any new development or redevelopment of existing building(s) through the s.16 application mechanism in order to ensure that the</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
			<p>proposed development would be compatible, in urban design term, with the historic buildings within the FR site and the surrounding areas.</p> <p>(vi) Indeed, the requirement for s.16 application was not uncommon for sites considered to have special circumstances, such as heritage importance. Some examples of such sites, covering both government and privately-owned sites, include: (i) Murray Building (zoned “Other Specified Uses” (“OU”) annotated “Building with Architectural Merits Preserved for Hotel Use”) where planning permission is required for any new development or any demolition of the existing building; (ii) Central Market (zoned “OU” annotated “Building with Historical and Architectural Interests Preserved for Commercial, Cultural and/or Community Uses”) where planning permission is required for any new development or major addition, alteration and/or modification to, or any demolition of the facades and special architectural features of the building; (iii) Tai Kwun (zoned “OU” annotated “Historical Site Preserved for Cultural, Recreational and Commercial Uses”) where planning permission is required for any new development at the site; (iv) Hong Kong News-Expo (zoned “OU” annotated “Historical Site Preserved for Cultural and Recreational Uses”) where planning permission is required for any new development at the site; (v) PMQ (zoned “OU” annotated “Heritage Site for Creative Industries and Related Uses”) where planning permission is required</p>

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		<p><i>Decision internally inconsistent / Wednesbury Unreasonable</i></p> <p>(d) The Board's decision to impose BHR of 80mPD for the northern portion of the FR site was <i>Wednesbury</i> unreasonable because the decision lacked any basis and was inconsistent with the Board's earlier</p>	<p>for any new development or redevelopment at the site; (vi) London Mission Building at 80 Robinson Road and Ohel Leah Synagogue at 70 Robinson Road (zoned "OU" annotated "Residential Development with Historical Building Preserved (1) and (2)" respectively) where planning permission is required for any demolition of, or addition, alteration and/or modification to (except minor alteration and/or modification works) any of the existing historic buildings; and (vii) Bethel Bible Seminary at 45-47 Grampian Road (zoned "Government, Institution or Community (12)" ("G/IC(12)")) where planning permission is required for any major addition, alteration and/or modification to the historic building (except minor alteration and/or modification works), and any new development or redevelopment of the other buildings. The s.16 requirement would enable the Board to scrutinize the development scheme so that relevant planning concerns could be addressed. With justifications, such requirement has also been applied to sites involving private land.</p> <p>(vii) It should be noted that the Board's key concerns have consistently been the urban design issues arising from the preservation-cum-development proposal at the FR site. On 10.5.2019, the BHR of 135mPD was adopted by the Board as the basis for amending the Central</p>

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		stance since there had not been any relevant or material change in circumstances.	District OZP for the northern portion of the FR site and for inviting representations/comments from relevant stakeholders. The Board's decision was based on the understanding that HKSKH's proposal was already at an advanced stage, the BHR of 135mPD in the northern portion of the FR site was not incompatible with the surrounding BH profile, and the visual impact was not significantly different from the alternative BHR of 120mPD under another option examined. However, at the meeting on 6.12.2019, after looking into HKSKH's written and oral submissions, the Board considered that HKSKH had not provided sufficient information including design scheme and technical assessments to show that the proposed development was already at an advanced stage and was indeed visually compatible with the surrounding environment and technically feasible. The Board considered that there was legitimate reason to reconsider the appropriate BHRs for the northern portion of the FR site. Taking into account the views provided by the representers/commenters, the Board considered that it was premature to allow a BHR of 135mPD for the northern portion of the FR site without submission of a detailed development scheme by HKSKH. Moreover, giving due weight to the strong public sentiments attached to the preservation of the historical ambience of the area and after considering relevant planning considerations including heritage conservation matter in the planning context, the Board considered that the development bulk as permitted under the BHR of

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			<p>135mPD would be regarded as incompatible with the historic setting of the FR site as well as the surrounding areas.</p> <p>(viii) It is acknowledged that BHs of 108mPD (for the northern portion) and 103mPD (for the southern portion) for the FR site had been accepted by the Government to facilitate the preservation-cum-development project originally proposed by the HKSKH in 2011. Had HKSKH proceeded with the redevelopment and obtained approval of building plans on the basis of those BHs before 24.5.2019 when the current draft Central District OZP was exhibited, the latest BHR of 80mPD would not have been applicable to the redevelopment project. While the Board considered at the meeting on 6.12.2019 that the BHR of 135mPD for the northern portion was on the high side (response (vii) above refers), arguably there may be a case to review whether it must be reduced to as low as 80mPD, taking into account the history of the redevelopment project notably the Government's acceptance of a BH of up to 108mPD for the northern portion under HKSKH's preservation-cum-development project in 2011, the fact that the Board had initially accepted during the discussion on 10.5.2019 that the BHR for that portion could be higher than the 80mPD proposed for the southern portion, and the fact that the Board would already be given the opportunity to consider the acceptability of the urban design of the new development or redevelopment project by</p>



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		<p data-bbox="797 890 1122 922"><i>Breach of Tameside Duty</i></p> <p data-bbox="734 967 1335 1294">(e) The Board did not articulate any reasons as to why the alleged practice with respect to the s.16 application requirement should be applicable to the Hong Kong Sheng Kung Hui Compound (HKSKH Compound). Such requirement has effectively converted the zoning to “Comprehensive Development Area” (“CDA”).</p>	<p data-bbox="1424 300 2132 850">imposing the s.16 application requirement (if that requirement is upheld). Besides, the Commissioner for Heritage’s Office (CHO) and the Antiquities and Monuments Office (AMO) also advise that HKSKH might need to revisit the design if a more stringent BHR was imposed (i.e. 80mPD for the entire FR site and not just for the southern portion), which would further delay the implementation of HKSKH’s proposal. The more stringent BHR would also lead to the reduction in the number of hospital beds to be provided as well as the community’s much needed medical services. From heritage conservation perspective, CHO and AMO consider that the HKSKH’s proposal has obtained the Antiquities Advisory Board (AAB)’s general support.</p> <p data-bbox="1361 967 2132 1401">(ix) During the representation hearing on 6.12.2019, there were concerns over the possible impacts that might arise from the HKSKH’s proposal, but HKSKH had not provided sufficient information to ascertain the visual compatibility and technical feasibility of its proposed development. As mentioned in response (vi) above, the s.16 application was not an uncommon requirement for sites considered to have heritage importance as well as sites with other concerns that warrant such requirement. The s.16 requirement would enable the Board to further scrutinize a specific development scheme and to consider whether relevant assessments</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
			<p>have sufficiently addressed the planning concerns. Similar s.16 requirement was also mentioned in <b>R1</b>'s proposal for demolition or addition &amp; alteration works at the FR site.</p> <p>(x) In general, the designation of "CDA" zone is intended to achieve such objectives as to facilitate urban renewal, restructuring/optimization of land uses, providing opportunities for site amalgamation, and/or ensuring better planning arrangements and provision of community facilities through comprehensive planning and integrated development/design. Through the requirement of a Master Layout Plan submission, the "CDA" zone serves as a means of planning control whereby the development mix, scale, design and layout of the development would be vetted by the Board to ensure comprehensive planning and technical acceptability. On the other hand, the s.16 requirement for the FR site is to ensure that the proposed development would be compatible, in urban design term, with the historic buildings within the site and the surrounding areas. Hence, <b>F1</b>'s allegation that the s.16 requirement equates a "CDA" zoning is unfounded.</p> <p>(xi) It should also be noted that the focus of the s.16 requirement for the FR site is not to vet the acceptability or otherwise of that BHR which is already imposed on the "G/IC(1)" zone, but to consider the layout/urban design of the proposed development which takes</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
		<p data-bbox="797 373 1294 408"><i>Failure in the Proportionality Analysis</i></p> <p data-bbox="734 448 1335 592">(f) The restrictions of the proposed amendments were a disproportionate infringement of HKSKH's property rights.</p>	<p data-bbox="1424 301 1697 333">account of that BHR.</p> <p data-bbox="1361 448 2130 703">(xii) In preparing the two BHR options for the rezoning of the HKSKH Compound, PlanD was fully aware of HKSKH's property rights and sought to balance it against the wider public interests and concerns. The Board also carried out the relevant balancing exercise at its meeting on 10.5.2019 in adopting Option 1 proposed by PlanD as the basis for amending the OZP.</p> <p data-bbox="1361 743 2130 1401">(xiii) The FR site is located in a prime location and formed part of a historical and culturally important precinct. The Board has taken into account a host of factors, including the local planning context, the unique heritage value of the FR site, the overall historic ambience of the area, the urban design implications etc., in imposing a suitable BHR for the northern portion of the FR site. At the meeting on 6.12.2019, the Board was clearly apprised of the terms of the lease for the FR site, HKSKH's development rights thereunder, and HKSKH's proposal. The Board asked HKSKH (i.e. <b>R31</b>) and other representers' questions on how various issues such as BHR or conservation concerns might impact on HKSKH's proposal. It is also evident that the Board bore in mind HKSKH's property rights and performed the requisite balancing exercise before reaching the decision on the proposed amendments. In particular, the Board rejected the</p>

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		<p><i>Breach of Natural Justice / Deprivation of Fair Opportunity to be heard</i></p> <p>(g) HKSKH was not aware of the possibility of, or practice relating to the s.16 requirement, and was deprived of the opportunity to make representations on the matter, or any FR under s.6D of the Ordinance.</p>	<p>more aggressive or stringent proposals by other representers<sup>2</sup> (<b>R1, R2, R4, R6 to R24, R26 and R28</b>) on the basis that the proposals would disproportionately affect the HKSKH's private property rights.</p> <p>(xiv) As mentioned in response (viii) above, taking into consideration the planning history of the FR site and that the s.16 application requirement would already allow the Board to consider the urban design aspect of the proposed development, there may be scope to review whether the proposed BHR has to be as low as 80mPD for the northern portion of the FR site.</p> <p>(xv) It should be noted that similar s.16 requirement was mentioned in <b>R1</b>'s proposal for demolition or addition &amp; alteration works at the FR site. HKSKH was entitled to submit a comment in relation to the said representation, but did not choose to do so.</p> <p>(xvi) As mentioned above, HKSKH, be it in the capacity of <b>F1</b> or, as claimed by HKSKH, as the original</p>

<sup>2</sup> **R1, R4, R6 to R24 and R28** proposed, inter alia, to rezone the FR site together with other historical sites in the vicinity to "OU" annotated "Historical Site Preserved for Government and Religious Uses" with the imposition of specific BHRs similar to the height of existing buildings at the FR site. **R1** further proposed to amend the Notes of the OZP such that any demolition of, or addition, alteration and/or modification of the buildings (except minor alterations and/or modifications always permitted under OZP covering Notes) would require planning permission and subject to restrictions: (i) only minor increase to the height of the existing building; (ii) the historic buildings should have an appropriate separate distance from the new development / redevelopment; and (iii) new development / redevelopment should be restricted to follow the site coverage of the existing buildings at the FR site. **R2** proposed to restrict the development area to that of the former HKCH and a piece of land to its north, and to restrict the BH to that of the Ming Hua Theological College (i.e. 60.2mPD). **R26** proposed to retain the BH and building bulk of the existing buildings in the FR site.

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			representer (i.e. <b>R31</b> ), has the right to attend the further hearing to make its views known to the Board and will have the opportunity to amplify points it considers to be important. Therefore, the claim that HKSKH was deprived of the opportunity to be heard is unfounded.
<b>F2</b>	李宗德博士	<ul style="list-style-type: none"> <li>Oppose Amendment Item A and the related amendments to the Notes of the OZP.</li> </ul> <p><u>Grounds of FR:</u></p> <p>(a) The proposed amendment of BHR from 135mPD to 80mPD is equivalent to aborting the private hospital development project.</p> <p>(b) Under the Government's heritage conservation policy, on the premise of respecting private property rights, there is a need to provide economic incentives to encourage landowner to preserve privately-owned historic buildings. Given the various site constraints,</p>	<p>(i) The Board has taken into account relevant considerations including the existing BH profile of the FR site, the surrounding site context, the BHRs currently in force in the surrounding areas, heritage conservation implication and visual impact of the BHR, the strong public sentiment attached to the preservation of the historical ambience of the area, and the balance between the need for heritage conservation and respect for private property rights as well as between preservation and development. Responses (vii), (viii), (ix) and (xi) to <b>F1</b> above are also relevant.</p> <p>(ii) Under the prevailing heritage conservation policy, as advised by CHO and AMO, the Government recognises the need to provide economic incentives in order to encourage and facilitate private owners to preserve their historic buildings. In implementing this policy, the Government aims to strike a balance between preservation of historic buildings and respect of private</p>

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		<p>HKSKH's preservation-cum-development proposal has balanced development needs and heritage conservation.</p>	<p>property rights. The requisite economic incentive to achieve the policy objective would be considered on a case-by-case basis.</p> <p>(iii) As far as HKSKH's latest proposal is concerned, the four graded historic buildings within the FR site will be properly preserved at its own cost and will be re-used and open to the public while the rest of the FR site will be utilised for providing non-profit-making medical services to the community. From the heritage conservation perspective, the treatments to the four graded historic buildings are commensurate with their heritage value. CHO and AMO also agree that the historical connection of the FR site and its surrounding area in a wider context has been kept.</p> <p>(iv) CHO and AMO agree that there is a need to respect the property rights of the owners of privately-owned graded buildings and to provide appropriate economic incentives to encourage private owners to conserve their historic buildings through a preservation-cum-development approach. To this end, allowing certain flexibility for development is necessary to support the preservation of historic buildings.</p> <p>(v) From planning point of view, the proposed "G/IC(1)" zone for the FR site with appropriate BHR(s) and the s.16 requirement for new development or redevelopment within the site does not rule out the possibility of a preservation-cum-development</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
		<p>(c) The Board should make reference to the supportive views of the AAB regarding the proposed non-profit-making private hospital.</p> <p>(d) The proposed hospital can alleviate the pressure on public healthcare service.</p> <p>(e) Stringent development restriction should not be imposed on the site in absence of relevant traffic impact assessment.</p>	<p>proposal. It is possible to have a design scheme that balances heritage conservation and development needs as well as addresses the Board's concern on urban design aspect. Comparatively speaking, the proposed BHR of 135mPD may have more design flexibility to enable more economic incentives to achieve the policy objective of heritage conservation. The issue is on striking a fine balance between providing sufficient incentives to facilitate heritage preservation and prescribing an appropriate BHR (80mPD, 135mPD, or other appropriate mPD level) to address the urban design concern. Responses (vi), (vii) and (viii) to <b>F1</b> above are also relevant.</p> <p>(vi) Response (v) above is relevant.</p> <p>(vii) Whether the government, institution and community (GIC) facility on site is a hospital or not is not crucial in determining the appropriate BHR for the FR site. While 'Hospital' use is always permitted under the concerned "G/IC(1)" zone, there are other permitted uses under the "G/IC(1)" zone.</p> <p>(viii)Response (i) above is relevant.</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
<b>F3</b>	Au Chi Wai David	<ul style="list-style-type: none"> <li>Oppose Amendment Item A and the related amendments to the Notes of the OZP.</li> </ul> <p><u>Grounds of FR:</u></p> <p>(a) The Board's decision of 6.12.2019 was sudden and has deviated from the nature of the original amendment (i.e. the stipulation of BHR).</p> <p>(b) Hospital use is a legitimate use in the</p>	<p>(i) Given the unique history and character of the FR site, which formed part of a historical and culturally important precinct in the Central District, the Board considered that development control by BHR alone for the FR site might not be adequate to address urban design concerns such as blocking and massing of buildings in the proposed development, as well as its implication on the historical and cultural ambience of the FR site. Besides, for sites with specific concern or might cause adverse impacts on the surrounding area, it was also the Board's established practice to request project proponents to submit detailed development scheme for the Board's scrutiny through the planning application mechanism. Hence, the Board deliberated and agreed that the requirement to submit a development scheme for any new development or redevelopment of existing building(s) through the planning application mechanism for the Board's consideration should be specified for the FR site so as to ensure that the proposed development would be compatible, in urban design term, with the historic buildings within the FR site and the surrounding areas. Responses (iv) to (vi) to <b>F1</b> above are also relevant.</p> <p>(ii) Response (vii) to <b>F2</b> above is relevant.</p>



Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
		<p>“G/IC” zone and the proposed development is a re-provision of the closed Central Hospital at the site.</p> <p>(c) Instead of the landowner, the party which proposed reduction of development intensity should put up technical assessments to substantiate their proposal. The proposed amendment of BHR to 80mPD is subjective and not scientific.</p> <p>(d) There are insufficient reasons to justify the reduction of BHR of an individual site from 135mPD to 80mPD. District-wide comprehensive building height review should be conducted should such a stringent BHR be imposed.</p> <p>(e) There is no rational reason to require the submission of s.16 planning application for the hospital development at the site. The proposed requirement was spontaneous, aggressive and intrusive, based on limited information without systematic preparation and without consensus.</p> <p>(f) The proposed hospital will help meet the medical and healthcare needs of the residents of Central and Western District.</p>	<p>(iii) Responses (vii) and (viii) to <b>F1</b> above are relevant.</p> <p>(iv) Response (vii) to <b>F1</b> and response (i) to <b>F2</b> above are relevant.</p> <p>(v) Response (i) above is relevant.</p> <p>(vi) Response (vii) to <b>F2</b> above is relevant.</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
		<p><u>Further representer's proposal:</u></p> <p>(g) The OZP should not be amended to meet representations No. <b>R1</b> to <b>R32</b>.</p>	<p>(vii) Response (vii) to <b>F1</b> and response (i) to <b>F2</b> above are relevant. The FR's proposal is therefore not supported.</p>
<b>F4 to F30</b>	For the names of further representers, please see <b>Annex III</b>	<ul style="list-style-type: none"> <li>• Oppose Amendment Item A and the related amendments to the Notes of the OZP.</li> </ul> <p><u>Grounds of FR:</u></p> <p>(a) There is acute need for affordable, high quality hospital services in the private sector to complement public hospital services.</p> <p>(b) Development of affordable community caring hospital will be beneficial to the residents of Central and Western District.</p> <p>(c) The proposed hospital development providing 290 beds is of reasonable scale.</p> <p><u>Further representer's proposal:</u></p> <p>(d) To keep 'Hospital' use as an always-permitted use in the "G/IC(1)" zone without the need for the submission of s.16 planning application, and to keep the BHR of 135mPD for the northern portion of the "G/IC(1)" zone.</p>	<p>(i) Response (vii) to <b>F2</b> above is relevant.</p> <p>(ii) Ditto.</p> <p>(iii) Ditto.</p> <p>(iv) Responses (vii) and (viii) to <b>R1</b>, response (i) to <b>F2</b> and response (i) to <b>F3</b> above are relevant. The FRs' proposal is therefore not supported.</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
<b>F31 to F45</b>	For the names of further representers, please see <b>Annex III</b>	<ul style="list-style-type: none"> <li>Support Amendment Item A and the related amendments to the Notes of the OZP.</li> </ul> <u>Grounds of FR:</u> <ul style="list-style-type: none"> <li>Nil.</li> </ul>	Noted.
<b>F50 to F52</b>	For the names of further representers, please see <b>Annex III</b>	<ul style="list-style-type: none"> <li>Provide views on Amendment Item A and the related amendments to the Notes of the OZP.</li> </ul> <u>Grounds of FR:</u> <p>(a) The Board's decision on 9.12.2019 did not consider the hidden historical value of the HKCH.</p> <p>(b) The request of conserving Bishop Hill and conducting heritage assessment of the HKSKH Compound and the buildings within it were made on solid ground.</p> <p>(c) Major development on the FR site will have irreversible detrimental impact on the fabric and ambience of the historical site and historical neighbourhood.</p>	<p>(i) Response (i) to <b>F2</b> above is relevant.</p> <p>(ii) Noted.</p> <p>(iii) According to the proposed amendments, HKSKH is required to submit a development scheme for any new development or redevelopment of existing building(s) through the planning application mechanism for the Board's consideration to ensure that the proposed development would be compatible, in urban design term, with the historic buildings within the FR site and the surrounding areas. HKSKH is also required to</p>

Further Representation No. (TPB/R/S/H4/17-)	Further Representer	Subject of Further Representation	Response to Further Representation
		(d) Adaptive reuse of the HKCH should be considered in view of its historical interest, architectural merit, social value, rarity and authenticity.	submit a conservation management plan at the lease modification stage, which would set out the general guidelines for preserving heritage and proposed mitigation measures to minimize the adverse heritage impact.  (iv) Given the building is a private property and it is neither a declared monument nor a graded historic building, it would be up to HKSKH to consider whether such a suggestion would be taken forward.
<b>F53 to F70</b>	For the names of further representers, please see <b>Annex III</b>	<ul style="list-style-type: none"> <li>• Provide views on Amendment Item A and the related amendments to the Notes of the OZP.</li> <li>(a) The site is suitable for hospital use.</li> <li>(b) There is a deficit of supply of hospital beds in Central and Western District according to the requirement under the Hong Kong Planning Standards and Guidelines.</li> <li>(c) Timely increase of hospital beds is necessary in face of aging population.</li> <li>(d) Complementary provision of healthcare services from private and public sectors is beneficial to Hong Kong.</li> </ul>	<p>(i) Response (vii) to <b>F2</b> above is relevant.</p> <p>(ii) Ditto.</p> <p>(iii) Noted.</p> <p>(iv) Noted.</p>

有關《中區分區計劃大綱草圖編號 S/H4/17》的進一步申述人名單

**List of Further Representatives in respect of  
Draft Central District Outline Zoning Plan No. S/H4/17**

進一步申述編號 Further Rep. No. (TPB/R/S/H4/17-)	「進一步申述人」名稱 Name of 'Further Representer'
F1	Hong Kong Sheng Kung Hui Foundation
F2	李宗德博士
F3	Au Chi Wai David
F4	Dr Chan Nor Norman
F5	Chan Wun Ching
F6	Dr Walter Chen Wai Chee
F7	Dr Adrian Cheong Yan Yue
F8	Dr Chow Chung Mo
F9	Chow Sin Yee
F10	Dr Ho Hok Kung Marco
F11	Dr Hung Siu Lun Tony
F12	Dr Ko Lap Yan Ryan
F13	Dr Kevin Kwok Chun Kit
F14	Dr Cathy Lam Tse Fun
F15	Lau Kin Fan
F16	Dr Lee Chun Hui
F17	Li Ho Yin
F18	Prof. Li Cheung Wai Leonard
F19	Dr Vincent Luk Ngai Hong
F20	Dr Poon Kam Ha Louisa
F21	Dr Alfred Tam Yat Cheung
F22	Dr Tang Sau Shek Oliver
F23	Lilac To Chi Fei
F24	Tsang Wing Long
F25	Dr Sitt Wing Hung Edward
F26	Dr Chris Wong Kwok Yiu
F27	Yeung Hiu Yan
F28	Dr Sihoe Jennifer Dart Yin
F29	Dr Vethody Kumaran Sugunan
F30	Dr Kwok Po Yin Samuel (with 49 signatures enclosed)
F31	Cheung Kai Yin (Member of Central & Western District Council)

進一步申述編號 Further Rep. No. (TPB/R/S/H4/17-)	「進一步申述人」名稱 Name of 'Further Representer'
F32	Yip Kam Lung Sam (Member of Central & Western District Council)
F33	Leung Fong Wai Fergus (Member of Central & Western District Council)
F34	Rex Chan
F35	Chan Yu Sing
F36	Wing Hei Emily Cheng
F37	Choi Toi Ling
F38	N W Law
F39	Leung Chi Wo Warren
F40	Eric Poon
F41	Zeta Shek
F42	Yeung Tsz Kit
F43	Lam Amelia
F44	Renee Chan
F45	Karen Wan
F50	Mak Ho Shing, Macro
F51	Lee Po Shan
F52	Lee Po Chu
F53	陳學鋒
F54	程柏恒
F55	鄒宝霖
F56	周志曄
F57	徐展基
F58	何美玲
F59	羅青
F60	施能波
F61	湯博文
F62	謝淑雯
F63	楊璋梅
F64	楊偉強
F65	余佩璋
F66	Estella Au
F67	Hoi Shan Mak
F68	Gurung Anita Kumari
F69	Elaine Sze
F70	Tam Kwan Yiu

tpbpd@pland.gov.hk

---

寄件者: [REDACTED]  
寄件日期: 2020年04月06日星期一 16:14  
收件者: tpbpd@pland.gov.hk  
主旨: Your ref: TPB/D/H4/200  
附件: 06042020154422-0001.pdf

Dear Sir/Madam,

Please find in the attachment a letter from HKSKH Foundation to the Town Planning Board on the captioned matter.

Regards,

Kelvin Ng

---

Calvin Ng  
Assistant to Provincial Secretary General

**HONG KONG SHENG KUNG HUI**  
16th Floor, Tung Wai Commercial Building  
109-111 Gloucester Road, Hong Kong  
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Tel: (852) 2533 7700 Fax: (852) 2810 1179 www.pcwoo.com

Please reply to Mr. Simon Tang / Ms. Ariel Chan Date: 3rd April 2020

Our Ref: 134935:SPT:ASM:tom

Direct Tel: 2533 7772 / 2533 7658

Your Ref: TPB/D/H4/200

Direct Fax: 2525 5737

The Secretary  
Town Planning Board  
15/F., North Point Government Offices,  
333 Java Road,  
North Point,  
Hong Kong.

**BY HAND, BY FAX**  
(Fax No.: 2877 0245 & 2522 8426)  
**& BY EMAIL** (tpbpd@pland.gov.hk)

Dear Sirs,

Re: Draft Central District Outline Zoning Plan No. S/H4/17  
Representation No. R31  
H.C.A.L. No. 475 of 2020  
Applicant: Hong Kong Sheng Kung Hui Foundation ("SKH")  
Putative Respondent: Town Planning Board ("TPB")  
Putative Interested Party: Director of Planning  
Further Representations

We act for Hong Kong Sheng Kung Hui Foundation ("SKH") and refer to :-

- SKH's letter of 29 January 2020 ("SKH's Letter");
- the TPB's letter of 4 March 2020 ("TPB's Letter") in response to SKH's Letter; and
- the TPB's Gazette Notice and Schedule of Amendments dated 13 March 2020 in respect of the draft Central District Outline Zoning Plan No. S/H4/17 by which further representations are invited pursuant to sections 6B(8) and 6C of the Town Planning Ordinance (the "Ordinance"), such further representations to be made not later than 3 April 2020.

### Partners

Lester G Huang  
黃嘉純 #\*  
Co-Chairman

Henry HW Lai  
賴顯榮 #\*  
Co-Chairman

Emily YM Lam  
林月明 #A\*

Simon SP Tang  
鄧樹培 A

Rebecca MC Chan  
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Claudia WS Ling  
凌慈珊

Elsa KY Cheng  
鄧嘉裕

Agnes CC Wong  
黃彩芝

Gary KC Wong  
王嘉俊

Calvin CY Chow  
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Joanne YH Fung  
馮若珩

Agatha KY Chun  
秦嘉欣

Cleresa PY Wong  
黃碧如 #

### Consultants

CH Wong  
黃頌頤

Moses MC Cheng  
鄭基智 #\*

Peter KH Ngai  
魏國鴻

\* Notary Public  
A Accredited Mediator  
# China-Appointed  
Attesting Officer

.../P.2

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Town Planning Board

3rd April 2020

In the TPB's Letter, the TPB suggested that SKH may submit further representations so that its further representations in respect of the proposed amendments, if any, could be considered by the TPB, and SKH may attend and be heard at the relevant TPB meetings.

For the reasons stated in SKH's Letter, SKH does not agree with the TPB's interpretation of section 6B(8) of Ordinance as set out in the TPB's Letter, and SKH further considers TPB's decisions of 6 December 2019 and 10 January 2020 ("TPB's 1<sup>st</sup> and 2<sup>nd</sup> Decisions") are *ultra vires*, *Wednesbury* unreasonable, amount to a disproportionate infringement of SKH's property rights, and in breach of natural justice and its *Tameside* duty, and ought to be quashed.

As you are now aware, SKH has filed an application for leave to apply for judicial review ("JR") of the TPB's 1<sup>st</sup> and 2<sup>nd</sup> Decisions and an application for an interim stay of the TPB's 1<sup>st</sup> and 2<sup>nd</sup> Decisions. Leave has been granted by the Court on 1 April 2020, and the Court has further directed that a hearing of the application for the interim stay be fixed for 7 April 2020.

SKH's position is set out in the Form 86 and the supporting Affidavits ("JR Papers"), which have been served on the TPB and the Director of Planning. SKH does not consider that it is entitled to make further representations under sections 6B(8) and 6D(1) of the Ordinance but in case it is wrong (which is not admitted), the TPB should treat this letter and the JR Papers as its further representations, without prejudice to the position of SKH as set out in the JR Papers.

If you have any queries, please do not hesitate to contact our Mr. Simon Tang at [REDACTED] or [REDACTED]

Yours faithfully,

  
P.C. Woo & Co.

Copy to :

The Department of Justice  
6/F, Main Wing and East Wing  
Justice Place, 18 Lower Albert Road  
Central, Hong Kong  
Attn: Mr Mark Chan, Deputy Principal Government Counsel (Ag)  
Your Ref: HCAL 475/2020  
By Fax (2869-0062) and By Email ([markchan@doj.gov.hk](mailto:markchan@doj.gov.hk))

**P. C. Woo & Co.**

Town Planning Board

3

PAGE.....

3<sup>rd</sup> April 2020

Director of Planning  
Planning Department  
The Interested Party  
17/F, North Point Government Offices  
222 Java Road, North Point  
Hong Kong  
By Fax (2877 0389) Only

*[y:\134935 lkskh foundation\letter to town planning board 20200403.doc]*



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**& BY EMAIL (tpbpd@pland.gov.hk)**

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Persons:

Leong Siu Hong

李紹洪

劉國權

Henry Wai Lai

魏利

Lo Chik Koon

羅錫坤

Wally M. Lee

李國威

Simon Tang

唐錫明

Isabel Wai Chai

蔡佩儀

Pauline Yung

容玉英

Cherie Wai Ling

王麗儀

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王慧英

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周卓榮

Chloe Wai Ngai

吳佩儀

Joanne Yung

容玉英

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P. C. Woo &amp; Co.

2

PAGE.....

Town Planning Board

3rd April 2020

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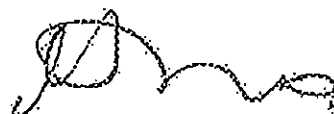
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If you have any queries, please do not hesitate to contact our Mr. Simon Tang at 2533-7614 or [spt@pcwoo.com.hk](mailto:spt@pcwoo.com.hk).

Yours faithfully,



P.C. Woo &amp; Co.

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The Department of Justice  
6/F, Main Wing and East Wing  
Justice Place, 18 Lower Albert Road  
Central, Hong Kong  
Attn: Mr Mark Chan, Deputy Principal Government Counsel (Ag)  
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**P. C. Woo & Co.**

3

PAGE.....

Town Planning Board

3<sup>rd</sup> April 2020

Director of Planning  
Planning Department  
The Interested Party  
17/E, North Point Government Offices  
222 Java Road, North Point  
Hong Kong  
By Fax (2877 0389) Only

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06-APR-2020 16:25

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Our Client : Hong Kong Sheng Kung Hui Foundation  
03/04/2020 12:47

From: Simon Tang [REDACTED]  
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>  
Cc: Ariel Chan [REDACTED] Helen Ting [REDACTED]  
FileRef:

1 attachment

PDF

letter to TPB 2020.04.03.pdf

Dear Sirs,

Re : Draft Central District Outline Zoning Plan No. S/H4/17  
Representation No. R31  
H.C.A.L. No. 475 of 2020  
Applicant: Hong Kong Sheng Kung Hui Foundation ("SKH")  
Putative Respondent: Town Planning Board ("TPB")  
Putative Interested Party: Director of Planning  
Further Representations

I attach a copy letter of even date to the Town Planning Board for your attention.

Best Regards,  
Simon Tang  
Partner  
P. C. Woo & Co.  
Your reference: TPB/D/H4/200  
Our reference: 134935:SPT:ASM:tom

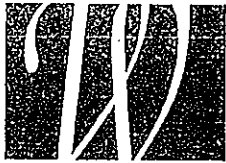
Tel: (852)2533 7614  
Fax: (852)2525 5737

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Please reply to Mr. Simon Tang / Ms. Ariel Chan

Date: 3rd April 2020

Our Ref: 134935:SPT:ASM:tom

Direct Tel: 2533 7772 / 2533 7658

Your Ref: TPB/D/H4/200

Direct Fax: 2525 5737

The Secretary

Town Planning Board

15/F., North Point Government Offices,

333 Java Road,

North Point,

Hong Kong.

BY HAND, BY FAX

(Fax No.: 2877 0245 & 2522 8426)

& BY EMAIL (tpbpd@pland.gov.hk)

Dear Sirs,

Re: Draft Central District Outline Zoning Plan No. S/H4/17

Representation No. R31

H.C.A.L. No. 475 of 2020

Applicant: Hong Kong Sheng Kung Hui Foundation ("SKH")

Putative Respondent: Town Planning Board ("TPB")

Putative Interested Party: Director of Planning

Further Representations

We act for Hong Kong Sheng Kung Hui Foundation ("SKH") and refer to :-

- a. SKH's letter of 29 January 2020 ("SKH's Letter");
- b. the TPB's letter of 4 March 2020 ("TPB's Letter") in response to SKH's Letter; and
- c. the TPB's Gazette Notice and Schedule of Amendments dated 13 March 2020 in respect of the draft Central District Outline Zoning Plan No. S/H4/17 by which further representations are invited pursuant to sections 6B(8) and 6C of the Town Planning Ordinance (the "Ordinance"), such further representations to be made not later than 3 April 2020.

.../P.2



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魏國鴻

\* Notary Public

A Accredited Medi

# China-Appointer

Attesting Offices

Town Planning Board

3rd April 2020

In the TPB's Letter, the TPB suggested that SKH may submit further representations so that its further representations in respect of the proposed amendments, if any, could be considered by the TPB, and SKH may attend and be heard at the relevant TPB meetings.

For the reasons stated in SKH's Letter, SKH does not agree with the TPB's interpretation of section 6B(8) of Ordinance as set out in the TPB's Letter, and SKH further considers TPB's decisions of 6 December 2019 and 10 January 2020 ("TPB's 1<sup>st</sup> and 2<sup>nd</sup> Decisions") are *ultra vires*, *Wednesbury* unreasonable, amount to a disproportionate infringement of SKH's property rights, and in breach of natural justice and its *Tameside* duty, and ought to be quashed.

As you are now aware, SKH has filed an application for leave to apply for judicial review ("JR") of the TPB's 1<sup>st</sup> and 2<sup>nd</sup> Decisions and an application for an interim stay of the TPB's 1<sup>st</sup> and 2<sup>nd</sup> Decisions. Leave has been granted by the Court on 1 April 2020, and the Court has further directed that a hearing of the application for the interim stay be fixed for 7 April 2020.

SKH's position is set out in the Form 86 and the supporting Affidavits ("JR Papers"), which have been served on the TPB and the Director of Planning. SKH does not consider that it is entitled to make further representations under sections 6B(8) and 6D(1) of the Ordinance but in case it is wrong (which is not admitted), the TPB should treat this letter and the JR Papers as its further representations, without prejudice to the position of SKH as set out in the JR Papers.

If you have any queries, please do not hesitate to contact our Mr. Simon Tang at 2533-7614 or [spt@pcwoo.com.hk](mailto:spt@pcwoo.com.hk).

Yours faithfully,



P.C. Woo & Co.

Copy to :

The Department of Justice  
6/F, Main Wing and East Wing  
Justice Place, 18 Lower Albert Road  
Central, Hong Kong  
Attn: Mr Mark Chan, Deputy Principal Government Counsel (Ag)  
Your Ref: HCAL 475/2020  
By Fax (2869-0062) and By Email ([markchan@doj.gov.hk](mailto:markchan@doj.gov.hk))



**P. C. Woo & Co.**

3

PAGE .....

Town Planning Board

3rd April 2020

Director of Planning  
Planning Department  
The Interested Party  
17/F, North Point Government Offices  
222 Java Road, North Point  
Hong Kong  
By Fax (2877 0389) Only

*[y:\134935 hkskl foundation\letter to town planning board 20200403.doc]*

*Ex Parte Application*

**FORM 86**

**HCAL No. / 2020**

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST  
NO. OF 2020**

**BETWEEN**

**HONG KONG SHENG KUNG HUI  
FOUNDATION**

**Applicant**

**and**

**TOWN PLANNING BOARD**

**Proposed Respondent**

**NOTICE OF APPLICATION FOR LEAVE  
TO APPLY FOR JUDICIAL REVIEW (O. 53 R. 3 (2))**

This form must be read together with the Notes for Guidance obtainable from the Registry.

To: the Registrar, High Court, Hong Kong.


Name, address and description of applicants	HONG KONG SHENG KUNG HUI FOUNDATION of 16th Floor, Tung Wai Commercial Building, Nos.109-111 Gloucester Road, Wanchai, Hong Kong
Name and description of the proposed respondent	TOWN PLANNING BOARD (" <b>Board</b> ") of 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong established under the <u>Town Planning Ordinance</u> (Cap. 131) (" <b>TPO</b> ")

Judgment, order, decision or other proceeding in respect of which relief is sought	<p>The decisions of the Board (1) made on 6 December 2019 (“<b>1<sup>st</sup> Decision</b>”), which decision and reasons therefor were made publicly available not before 23 December 2019 and notified to the Applicant by letter dated 27 December 2019, to partially uphold Representation Nos. R1 to R30 for the proposed amendments to the approved Central District Outline Zoning Plan No. S/H4/16; and (2) made on 10 January 2020 (“<b>2<sup>nd</sup> Decision</b>”) confirming and approving the wording of the amendments for publication, namely</p> <ul style="list-style-type: none"> <li>(i) amending the building height restriction of the northern part of Inland Lot No. 7360 (“<b>Site</b>”) from 135mPD to 80mPD;</li> <li>(ii) amending the Notes of the “G/IC(1)” zone by adding a Remark that “<i>On land designated “Government, Institution or Community (1)”, any new development or redevelopment of existing building(s) requires planning permission from the Town Planning Board under section 16 of the Town Planning Ordinance</i>”; and</li> <li>(iii) revising the Explanatory Statement of the Plan with respect to “G/IC(1)” zone as per (ii).</li> </ul>
--	--

#### **Relief Sought**

1. An Order of Certiorari to bring up and quash the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision.
2. An Order of Mandamus to direct the Board to reconsider the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision in accordance with the law.
3. A hearing of this application under Order 53, Rule 3(3) of the Rules of the High Court (Cap. 4A), if leave is not granted on the papers.
4. Such further and other relief as the court may provide.

5. So far as may be necessary, extension of time for the Applicant to apply for leave to challenge the 1<sup>st</sup> Decision.
6. An interim order under Order 53, rule 3(10)(a) of the Rules of the High Court upon the grant of leave that there be a stay of the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision, alternatively a stay of the steps to be taken by the Board to fix and proceed with the meeting under section 6F of the TPO with respect to the amendments the subject matter of the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision, pending the final determination of the judicial review proceedings.
7. An order for costs.

Name, description and address of all interested parties (if any) known to the applicant	Director of Planning, The Government of the Hong Kong Special Administrative Region
	P.C. Woo & Co, 12/F, Prince's Building 10 Chater Road Central, Hong Kong Ref: 134935:SPT:ASM:tom
Signed 	Dated 26 March 2020

## INDEX

	<u>Page</u>
<b>PART A – FACTUAL BACKGROUND AND CHRONOLOGY .....</b>	<b>4</b>
A1. Overview .....	4
A2. SKH and the Site .....	8
A3. Control Regimes Applicable to the Site .....	11
A4. The Proposed Development .....	16
A5. Heritage Conservation Requirements Satisfied.....	18
A6. Previous Proceedings before the Board.....	20
A7. The December 2019 Meeting and the 1 <sup>st</sup> Decision .....	24
A8. The 2 <sup>nd</sup> Decision and Progress to Date.....	28
<b>PART B – GROUNDS FOR CHALLENGE.....</b>	<b>29</b>
B1. Illegality – Exercise of Power Outside Specified Purposes .....	29
B2. Decision Internally Inconsistent / <i>Wednesbury</i> Unreasonable.....	33
B3. Breach of <i>Tameside</i> Duty .....	35
B4. The Decision Fails the Proportionality Analysis.....	36
B5. Breach of Natural Justice – Deprivation of Fair Opportunity to be Heard ....	40
B6. The 2 <sup>nd</sup> Decision .....	42
<b>PART C – STANDING .....</b>	<b>43</b>
<b>PART D – TIMING OF APPLICATION .....</b>	<b>44</b>
<b>PART E – INTERIM STAY .....</b>	<b>46</b>

## **PART A - FACTUAL BACKGROUND AND CHRONOLOGY**

1. References herein to numbers in square brackets<sup>1</sup> are to the bundle of documents which accompanies this Application, which is exhibit "RCKHMPD" to the Affidavit of The Reverend Canon Koon Ho Ming Peter Douglas filed together with this Application.

### **A1. Overview**

2. The Applicant is the Hong Kong Sheng Kung Hui Foundation, a body corporate which holds property on behalf of the Province of the Hong Kong Sheng Kung Hui (香港聖公會, "SKH"), and the registered owner of the Site.
3. The Site, colloquially referred to as "Bishop Hill", abuts Glenealy, Upper Albert Road and Lower Albert Road in Central. It houses the Bishop's House, St. Paul's Church, the former Hong Kong Central Hospital as well as buildings used to provide ecclesiastical, educational and social welfare services that SKH is committed to provide and has continuously provided to the community.
4. Four of the buildings on the Site are graded by the Antiquities Advisory Board ("AAB") to be Grade 1 and Grade 2 respectively. As for the remainder of the Site, the former Hong Kong Central Hospital has fallen into disuse, and the Site is in dire need for re-invigoration to meet SKH's growing needs for service provision.
5. To enhance and better provide its services to the community, SKH proposes to redevelop the Site to construct a 25-storey, not-for-profit private hospital up to the standards and specifications required by the Food and Health Bureau, while undertaking to preserve and maintain the use, at its own cost, of the graded historic buildings on the Site, and to open up part of the Site, which does not currently provide general public access.

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<sup>1</sup> For example, a reference to "[B1/12/345]" means Bundle B1, Tab 12, page 345.

6. SKH's proposal, which falls under the Government's heritage conservation policy and its "Conserving Central" initiative, has been vetted by and has the support of departments with designated statutory and/or administrative responsibilities over heritage conservation, including the Commissioner for Heritage's Office ("CHO"), the Antiquities and Monuments Office ("AMO") and the AAB, who consider SKH's proposal to have struck a proper balance between the need for heritage conservation and respect for private property rights, as well as between preservation and development [B1/13/175, 182; B1/15/229; B2/17/323; B2/18/652-653].
7. Further, an administrative mechanism is in place, through the lease modification procedure, to ensure that SKH's proposed development satisfies various technical requirements including traffic impact, air ventilation and geotechnical safety.
8. The Site, which falls within an area zoned "Government, Institution or Community" ("G/IC") under the approved Central District Outline Zoning Plan ("OZP"), was previously not subject to any building height, plot ratio or site coverage restrictions on the OZP.
9. A previous section 12A application, made in 2018 targeting the Site, to change the G/IC zoning, restrict building height to the height of the existing buildings on the Site (ie no higher than 80 mPD), and impose a requirement to obtain planning permission for any demolition or alteration of existing buildings, was rejected by the Board on the basis that (i) such restrictions would not be proportionate to SHK's rights as landowner, and (ii) to do so would be tantamount to the Board taking over the heritage conservation responsibilities *vis-à-vis* the Site from the designated government departments.
10. At the request of the Board to consider whether the urban design aspect of any redevelopment on the Site should receive scrutiny under the planning regime, the Planning Department ("PlanD") upon assessment proposed amendment to the OZP in the form of imposing building height restriction ("BHR") of 135mPD or

120mPD on the northern portion and 80mPD for the southern portion of the Site. On 10 May 2019, the Board decided to adopt BHR of 135mPD on the northern portion and 80mPD for the southern portion of the Site as the basis for amending the OZP.

11. At the section 6B meeting held on 6 December 2019 (“**December 2019 Meeting**”), the Board decided to partially uphold representation Nos. R1 to R30 and change the proposed amendments to the OZP to:-

- (1) uniform BHR of 80mPD (ie the height of the existing buildings) for the entirety of the Site, with a “minor relaxation clause”; and
- (2) impose a further requirement that any new development or redevelopment of existing buildings should obtain planning permission from the Board under section 16 of the TPO (ie the 1<sup>st</sup> Decision),

notwithstanding the same was expressly rejected by the Board 18 months ago and there being no relevant or material change in circumstances. The Board did so on the basis that this was to recognize the Site being part of a historic and culturally important precinct and to preserve the historic ambience of the Site and its surrounding.

12. The minutes of the December 2019 Meeting recording the Board’s deliberations and reasons (“**Minutes**”) were only confirmed by the Board on 23 December 2019. By letter dated 27 December 2019 [C/23], the Applicant was first informed of the 1<sup>st</sup> Decision and the reasons therefor, and the availability of the Minutes through the Board’s website. The wording of the revised amendments was only confirmed and approved by the Board at its meeting on 10 January 2020 (ie the 2<sup>nd</sup> Decision).
13. The main grounds upon which the Applicant challenges the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision can be summarized as follows:-



- (1) The Board has acted outside the powers conferred by the TPO, in seeking to take over or usurp the heritage conservation functions designated for other public authorities, and targeted the Site in the absence of any underlying planning purpose.
- (2) The 1<sup>st</sup> Decision was *Wednesbury* unreasonable in that the reasoning of the Board was internally inconsistent and also inconsistent with the previous position of the Board with respect to the Site where there had not been any relevant or material change in circumstances.
- (3) In considering that there was an alleged practice of imposing a requirement to seek Board approval under section 16 of the TPO, the Board has taken into account an irrelevant consideration.
- (4) The 1<sup>st</sup> Decision, which engages the constitutional rights of the Applicant under Articles 6 and 105 of the Basic Law, fails the proportionality analysis.
- (5) There was a breach of procedural fairness, in that a material consideration that the Board took into account in its deliberation was not made known to the Applicant (or indeed any of the representers and commenters) prior to the Board's deliberation at the December 2019 Meeting, such that the Applicant was deprived of the opportunity to address the Board on the same.

14. Since the 2<sup>nd</sup> Decision confirmed the 1<sup>st</sup> Decision, it should likewise be quashed.

## **A2. SKH and the Site**

15. SKH is the Anglican Church in Hong Kong and Macau. Started in 1843, SKH has been rooting in Hong Kong for 170 years, and is an integral part of Hong Kong.
16. An important feature of the mission of SKH is, and has always been, commitment to social welfare and education.

- (1) SKH started its social ministry in the mid-19<sup>th</sup> century. In response to the needs of the underprivileged, SKH was first to set up a number of parish-based social services units to serve the locals. In 1966, the Hong Kong Sheng Kung Hui Welfare Council was established, dedicated to offering a wide range of social services on person-centred approaches for various age groups and strata in the community. Today, SKH is one of the largest providers of social welfare services in Hong Kong, with more than 230 units providing a wide range of services, including services for family and child care, children and youth, the elderly, rehabilitation service, community development service and other supportive services. SKH has also initiated and promoted many other social service organizations and social service models in Hong Kong.
  - (2) SKH established St. Paul's College, one of the oldest secondary schools in Hong Kong, in 1851. Since then, SKH has been a bulwark in the provision of quality education in the community, and currently administers more than 130 secondary schools, primary schools and kindergartens.
17. The Site, with an area of about 8,714m<sup>2</sup>, is located in Central, bounded by Glenealy to the west, Lower Albert Road to the north, Upper Albert Road to the south, and the Government House to the east. See the plan in Appendix 1.
  18. Colloquially referred to as "Bishop Hill", the Site houses 11 buildings which SKH has used historically to provide ecclesiastical, educational and social welfare services to the community. Particulars of these existing buildings are set out below and their location is identified in the plan in Appendix 1.

	<b>Building</b>	<b>Graded by AAB</b>	<b>Existing mPD</b>	<b>Currently in use?</b>
(1)	Bishop's House (1851 <sup>2</sup> )	Grade 1	51.6	Yes (as SKH office)
(2)	St. Paul's Church (1911)	Grade 1	54.9	Yes
(3)	Church Guest House (also known as Martin House) (1919)	Grade 1	71.3	Yes
(4)	Old Sheng Kung Hui Kei Yan Primary School (1851)	Grade 2	51	Yes (as part of Ming Hua Theological College)
(5)	Hong Kong Central Hospital	--	60.3	No
(6)	Hong Kong Sheng Kung Hui Welfare Council	--	52.3	No
(7)	Hong Kong Sheng Kung Hui Ming Hua Theological College	--	60.2	Yes
(8)	Sheng Kung Hui Kindergarten	--	59.6	No
(9)	Vicarage	--	52.7	Yes
(10)	Alford House	--	71.9	No
(11)	Ridley House	--	78.2	No

19. The 4 graded historic buildings are coloured blue on the plan in Appendix 1. They are located in the southern, western and northern parts of the Site respectively.

20. The surroundings of the Site are:-

- (1) To the west and northwest of the Site are Glenealy and Lower Albert Road (and behind it Wyndham Street) respectively, with buildings for commercial and residential use with building height ranging from 120mPD to 150mPD. See the photographs in Appendix 2A.

<sup>2</sup> Originally built in 1848, then rebuilt in 1851

- (2) To the northeast of the Site are Lower Albert Road (and behind it Ice House Street), with buildings for commercial use, including Shun Ho Tower and Baskerville House, with building height ranging from 65.2mPD to 102.9mPD. See the photographs in Appendix 2B.
- (3) To the south of the Site is Upper Albert Road, and across it the Hong Kong Zoological and Botanical Gardens. See the photograph in Appendix 2C.
- (4) To the east of the Site is lush greenery, and beyond that the Government House. See the photograph in Appendix 2D.

### **A3. Control Regimes Applicable to the Site**

#### **(A3.1) The Lease**

21. The Site is held by the Applicant, Hong Kong Sheng Kung Hui Foundation, a body corporate incorporated under the Hong Kong Sheng Kung Hui Foundation Ordinance (Cap.1159), on behalf of SKH under Government Lease (Inland Lot No.7360) for a term of 999 years commencing from 19 April 1850 (“**Lease**”) [C/22].
22. Under the Lease, the Applicant has covenanted (inter alia):-
  - (1) not to use the Site for any purpose other than as stipulated for the buildings in paragraph 18 above without first obtaining the consent in writing of the Governor (now Chief Executive);
  - (2) not to make any alteration or addition to or demolish or redevelop any of the buildings in paragraph 18 above without first obtaining the consent in writing of the Governor (now Chief Executive); and

- (3) to obtain the prior approval in writing of the Director of Buildings for the design of the exterior elevations and the dispositions and height of any building or buildings to be erected on the Site thereafter.
23. For any modification of lease covenants in paragraph 22(1)-(2) above, there is an established administrative mechanism whereby:-
  - (1) The Lands Department has delegated authority to handle the application for lease modification **[D/28/720]**.
  - (2) The project proponent to submit various technical assessments depending on the nature of and potential issues raised by the proposed project, which assessments would then be vetted by the relevant departments (eg Transport Department for traffic impact assessment) **[D/28/720]**.
  - (3) It is only where the outcome of the technical assessments is to the satisfaction of the relevant departments that the application would be submitted to the Chief Executive in Council for consideration **[B1/14/207-208]**.
  - (4) There would be consultation with the relevant stakeholders on the proposed project **[B1/13/184]**.
  - (5) The Panel on Development of the Legislative Council would be briefed on the application, the progress thereof and reasons therefor from time to time **[D/28]**.
24. Pursuant to the aforesaid mechanism, the Chief Executive had previously on 7 June 2011 approved an application for modification of the Lease for the Site, for SKH to redevelop the Site for ecclesiastical, educational, medical, social welfare and environmental protection uses with buildings of 108mPD and 103mPD in height (see paragraph 38 below).

(A3.2) The OZP

25. The approved OZP applicable to the Site is the Approved Central Outline Zoning Plan No. S/H4/16 (“**Approved OZP**”) [B1/8/89]. This was approved by the Chief Executive in Council under section 9(1)(a) of the TPO on 1 November 2016.

26. Under the Approved OZP, the Site is zoned G/IC, with:-

- (1) 29 uses stipulated under Column 1 as uses always permitted, including “Hospital”, “Religious Institution” and “School”; and
- (2) no restriction on plot ratio, building height or site coverage.

(A3.3) The heritage conservation regime

27. Heritage conservation in Hong Kong is governed by and implemented through the following measures.

28. First, heritage conservation is a matter of administrative policy, promulgated by the Chief Executive in Council and administered by the Secretary for Development through the CHO (the Commissioner for Heritage’s Office).

- (1) The policy, intituled “Progressive Development”, was first promulgated by the Chief Executive in Council on 25 September 2007. The policy is “*to protect, conserve and revitalize as appropriate historical and heritage sites and building through relevant and sustainable approaches for the benefit and enjoyment of present and future generations. In implementing this policy due regard should be given to development needs in the public interest, respect for private property rights, budgetary considerations, cross-sector collaboration and active engagement of stakeholders and general public*” [D/26/691].

- (2) The aforesaid policy is administered by the Secretary for Development, through the CHO.

- (3) The role of the CHO includes (i) supporting Secretary for Development in implementing the heritage conservation policy and reviewing the same; (ii) taking forward new initiatives on heritage conservation; and (iii) acting as the focal point of contact both locally and overseas [D/32/776].
  - (4) The CHO is staffed by a dedicated staff with the necessary expertise for discharging the aforesaid functions.
29. Pursuant to the aforesaid policy, the Government has formulated a number of initiatives, including the “Conserving Central” initiative announced in 2009 which concerns (inter alia) the Site (see paragraph 36 below).
30. Second, where the historic building is or may be declared a “monument” under the Antiquities and Monuments Ordinance (Cap.53), it is protected thereunder.
  - (1) The Secretary for Development is the “Authority” under the Antiquities and Monuments Ordinance, with power to declare “monuments”: *Chu Hoi Dick v Secretary for Home Affairs*, HCAL 87/2007 (*unrep.*, 10 August 2007), §§2, 4, 12.
  - (2) What measures are to be adopted for preservation is a matter for the AMO (the Antiquities and Monuments Office), as the executive arm of the Secretary for Development as the “Authority”: *Chu Hoi Dick* §§5-6.
    - (a) The AMO’s duties include assessing and evaluating the impact of development projects on heritage sites, as well as organizing appropriate mitigation measures [D/31/775].
    - (b) It is staffed by professionals with training and knowledge in heritage conservation: *Chu Hoi Dick* §§19, 30.
    - (c) It is also advised by panels of independent experts, including the Historic Buildings Assessment Panel.

- (3) In discharging his duties under the Antiquities and Monuments Ordinance, the Secretary for Development is advised by the AAB (Antiquities Advisory Board).
  - (4) Once a building is declared a monument, no building work thereon is permitted without a permit: section 6 of the Antiquities and Monuments Ordinance.
  - (5) Where an application for a permit to carry out (inter alia) building works on a monument is rejected, or is granted subject to conditions, compensation may be payable to the owner of the monument under section 8 of the Antiquities and Monuments Ordinance.
31. Third, the AAB adopts a system of administrative grading of historic buildings, which is not legally binding but provides an objective basis to facilitate the AMO's consideration on whether and how a particular building should be preserved, and whether it has crossed the threshold to justify the Secretary for Development's consideration to declare a monument: *Chu Hoi Dick* §§5-6, 26.
32. Fourth, with respect to private land:-
- (1) In implementing the policy in paragraph 28(1) above, the Government recognizes that given possible adverse impacts on private property rights, appropriate economic incentives would have to be offered to encourage or in exchange for private owners to conserve historic buildings in their ownership.
  - (2) To ensure the effectiveness of the aforesaid measures, the Government has set up an internal monitoring mechanism whereby the Buildings Department, the Lands Department, PlanD and the District Offices would inform the CHO and AMO of identified possible threat to declared or proposed monuments



or graded buildings, so that the CHO and AMO could approach the private land owners to explore conservation options.

- (3) Further, where the proposed development may have an impact on declared or proposed monuments or graded buildings, the CHO and AMO would require a conservation management plan (“**CMP**”) to be submitted for approval. All building plans relating to the proposed development would be checked against the approved CMP to ensure compliance.

#### **A4. The Proposed Development**

33. As shown in paragraph 18 above, historically the Site has been used to provide ecclesiastical, educational, medical and social welfare services to the community.
34. Previously, the Site also housed the Hong Kong Central Hospital, a private non-profit hospital and Hong Kong’s largest provider of abortions. The Hong Kong Central Hospital was closed in 2012 and the building has remained vacant since.
35. Over the years, SKH has been suffering from an acute shortage of space at the Site to meet the growing needs of the Anglican Church and its service provision. As a result, SKH has been exploring the possibility to redevelop the Site, so that its precious land resource in Central could be better utilized to serve the community.
36. In the 2009-2010 Policy Address, the Chief Executive announced the “Conserving Central” initiative pursuant to the heritage conservation policy in Section A3.3 above [D/27]. “Conserving Central” was a comprehensive strategy for Central’s future development from a new perspective, through a series of revitalization projects. The Site was expressly identified as one of the 8 revitalization projects under the “Conserving Central” initiative.
37. As a result, SKH put forward a preservation-cum-development proposal for the Site, to preserve (at its own cost) the 4 graded historic buildings in situ (see

paragraph 18 above) and to redevelop the remainder of the Site to provide enhanced community services.

38. Initially, in or around 2010, SKH proposed to redevelop the remainder of the Site into 2 buildings of 108mPD and 103mPD respectively to accommodate facilities for church and religious purposes, a kindergarten, medical facilities, social welfare facilities and environmental protection facilities, on the basis that it was limited by a congested footprint after preserving the 4 graded buildings in situ and some of the intended uses could be relocated to another site it owned in Mount Butler. On 7 June 2011, the Chief Executive approved SKH's Lease modification on the basis of the aforesaid proposal [D/28/716].
39. In the end, noting the growing population arising from developments and the projected shortfall in hospital beds in the Central and Western District in the long term according to the requirements of the Hong Kong Planning Standards and Guidelines, SKH revised its proposal to one for developing a non-profit-making private hospital at the Site ("**SKH Proposal**").
40. In relation to the SKH Proposal:-
  - (1) The Food and Health Bureau requires (inter alia) a minimum of 274 beds in the proposed hospital.
  - (2) The design of the proposed hospital has to take into account:-
    - (a) the typical floor-to-floor height of a hospital of no less than 4.5m;
    - (b) the need for hospital functions to be linked up and be easily accessible, to minimize having to move patients around on trolleys between buildings; and
    - (c) the footprint of the usable area in the Site, after preserving the 4 graded historic buildings in situ, is limited (see Appendix 1).

41. In light of the above, under the SKH Proposal:-

- (1) SKH proposes to build a single-block hospital of 25 storeys high measuring 134.8mPD, with a gross floor area of 36,228m<sup>2</sup> (the total gross floor area of the Site would be 46,659m<sup>2</sup>).
- (2) The hospital block would be on a constrained footprint at a distance from the graded historic buildings, designed to be of a triangular shape with matt glass for exterior walls to improve air ventilation and minimize visual impacts.
- (3) The proposed hospital would house 293 beds, 12 operating theatres and a roof garden.
- (4) The 4 graded historic buildings would be preserved in situ, with the 3 Grade 1 buildings wholly preserved and the façade of the Grade 2 building retained and its interior altered limitedly and appropriately as necessary, at SKH's own cost, and to open up part of the Site, which does not currently provide general public access to facilitate appreciation of the heritage structures.
- (5) See the artistic impression of the Proposed Development in Appendix 3.

42. For the purpose of the Proposed Development, SKH has engaged experts in (inter alia) traffic, visual, air ventilation and heritage conservation, for the purpose of carrying out assessment on various technical aspects and preparing a CMP.

**A5. Heritage Conservation Requirements Satisfied**

43. The relevant authorities for heritage conservation have considered the Proposed Development and are of the view that it satisfies the heritage conservation requirements.

44. The CHO, the AMO and the Historic Buildings Assessment Panel that advises the AMO are of the view that:-
- (1) The proposed treatment of the 4 graded historic buildings within the Site are commensurate with their respective heritage value [**B1/13/173-175; B1/15/229; B2/17/323**].
  - (2) The height of the proposed hospital block, when considered against (i) the height of the building immediately opposite the Site across Glenealy (117mPD) and (ii) the BHR of the area west of the Site (120mPD to 150mPD) (see paragraph 20(1) above), is considered not incompatible with the buildings in the neighbourhood [**B1/13/183; B1/16/307-308**].
  - (3) The constraining of the footprint of the proposed hospital block and the distance between it and the historic buildings are sufficient to preserve the ambience of the historic buildings [**B1/16/304-305**].
  - (4) Given all 4 graded historic buildings within the Site would be properly preserved at SKH's own cost and would be re-used and partially open to the public, the historic connection of the Site and its surrounding areas in a wider context has been kept [**B1/13/173, 182; B1/15/229; B2/17/323; B2/18/652**].
  - (5) The Proposed Development has struck a balance between the need for heritage conservation and respect for private property rights, as well as between preservation and development [**B1/14/174-175, 182; B1/15/229; B2/17/323; B2/18/652**].
45. The CHO and AMO further require SKH to submit a CMP for approval, as per their established practice [**B1/13/168; B1/14/211; B2/17/312**].

46. The AAB, which was consulted on the Proposed Development<sup>3</sup>, also expressed its general support for the Proposed Development at its meeting held on 21 June 2018, and offered a number of comments on fine-tuning the design of the proposed hospital block for SKH to consider [D/30/761-762, 765].

**A6. Previous Proceedings before the Board**

**(A.6.1) The 2018 Application**

47. In January 2018, in response to the Proposed Development, the “Government Hill Concern Group” made an application under section 12A of the TPO to amend the Approved OZP by:-

- (1) rezoning (i) the Site and (ii) “Government Hill” (comprising the Government House, the former Central Government Offices, Battery Path, former French Mission Building and St. John’s Cathedral) from G/IC to “Other Specified Uses (Heritage Precinct)”;
- (2) imposing a requirement that any demolition of, or addition, alteration and/or modification of any of the existing historic buildings requires planning permission from the Board; and
- (3) imposing BHR to the height of the existing buildings (ie no higher than 80mPD, see paragraph 18 above).

**(“2018 Application”) [B1/10].**

48. Although the 2018 Application was made with respect to both the Site and the “Government Hill”, the applicant confirmed at the Board meeting on 10 August 2018<sup>4</sup> (“**2018 Meeting**”) that its main target was the Site (§43(d)) [B1/14/203-204].

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<sup>3</sup> Although SKH was not required to do so under the regime set out in Section A3.3 above.

<sup>4</sup> SKH was not present at the 2018 Meeting.

49. The 2018 Application was not supported by PlanD [B1/13/184].

50. Upon consideration, the Board rejected the 2018 Application:-

- (1) Regarding heritage conservation, there was an existing mechanism through the CHO, the AMO and the AAB which was adequate, and the Board's scrutiny of interference on the heritage conservation aspect might not be necessary. The Board should not take up the CHO's heritage conservation duties for the Site or supervise the CHO's work (Minutes for the 2018 Meeting §§79, 82 [B1/14/218-219]).
- (2) To restrict the building height for any new development or redevelopment to that if the existing buildings would be extremely harsh on the land owner (Minutes for the 2018 Meeting §§82, 98(a) [B1/14/218-219,22]).
- (3) There was no basis or technical assessment put forward to justifying restricting building height to that of the existing buildings. Typically a comprehensive review should be carried out before any specific proposal on BHR could be formulated on the OZP (Minutes for the 2018 Meeting §§95-96 [B1/14/221-222]).
- (4) The existing G/IC zoning was appropriate to reflect the existing and planned uses of the Site (Minutes for the 2018 Meeting §101(a) [B1/14/223]).

Minutes of the 2018 Meeting is at [B1/14].

51. At the same time, the Board expressed concern about the urban design aspect of the Proposed Development (Minutes of the 2018 Meeting §§94, 98(b) [B1/14/221-222]). Accordingly, PlanD was requested to consider suitable amendments to the Approved OZP to ensure that the urban design aspect of any redevelopment proposal on the Site would be subject to the scrutiny of the Board (Minutes of the 2018 Meeting §102 [B1/14/223]).

(A.6.2) The 2019 proposed amendments

52. Following the Board's request, on 30 April 2019 the Chief Executive in Council agreed to refer the Approved OZP to the Board for amendment under section 12(1)(b)(ii) of the TPO.
53. PlanD proposed to rezone the Site from G/IC to "G/IC(1)" with BHRs, either:-
- (1) 135mPD on the northern part<sup>5</sup>, and 80mPD on the southern part, of the Site ("Option 1"); or
  - (2) 120mPD on the northern part, and 80mPD on the southern part, of the Site ("Option 2").
54. PlanD's proposals were put forward upon consideration and assessment from the visual, heritage conservation and air ventilation aspects<sup>6</sup>.
- (1) In terms of visual aspect:-
    - (a) PlanD took into account (i) the existing height profile of the Site; (ii) the surrounding site context; (iii) the BHRs currently in effect in the surrounding areas; and (iv) the Board's concern on the urban design aspect of the Proposed Development.
    - (b) On that basis, PlanD formulated Option 1, given (i) BHR of 135mPD on the northern part would be comparable with the building height restrictions of the surrounding areas (to the west and north of the Site), ranging from 120mPD to 150mPD; and (ii) BHR of 80mPD on the southern part would be the same as the maximum height of the existing building and maintain the current building height profile along Upper Albert Road and its surrounding open views.
    - (c) PlanD considered that Option 2 (in particular 120mPD on the northern part) could also be justified on the basis that this would be an

<sup>5</sup> For delineation of the northern part and the southern part of the Site, see Appendix I.

<sup>6</sup> See TPB Paper No. 10536 at [X].

extension of the existing BHR covering the area along west of Glenealy, Wyndham Street, and Ice House Street.

- (d) Of the visual appraisal conducted on Option 1 and Option 2 in accordance with Town Planning Board Guideline No.41, there was no impact from the strategic viewing points, and of the 6 local viewing points, 4 had minimal to moderate impact, and it was only the 2 local viewing points from the Hong Kong Zoological and Botanical Gardens (which is directly across the road from the Site) that resulted in moderate, and in one case moderate to significant, impact.
  - (2) In terms of heritage conservation, PlanD referred to and relied on the views of the CHO and the AMO (see Section A5 above).
  - (3) In terms of air ventilation, whilst no air ventilation assessment was required under the applicable Technical Circular since the Site has an area of less than one hectare, no significant air ventilation impact was envisaged under Option 1 and Option 2. In any event, SKH would be required to submit technical assessments (including an air ventilation assessment) as part of the Lease modification requirements, which would then be vetted to ensure the Proposed Development would not cause any adverse air ventilation impact on its surroundings.
55. PlanD invited the Board to consider Option 1 or Option 2, or a variation between the two Options.
56. At the meeting of the Board on 10 May 2019 (“**May 2019 Meeting**”):-
- (1) A majority of the members supported Option 1, on the basis that 135mPD was not incompatible with the surrounding building height profile, the visual impact was not significantly different from Option 2, and allowing a higher BHR would help maximize the development potential and land utilization (Minutes of the May 2019 Meeting §26 [B1/16/307-308]).



- (2) Some members supported Option 2, on the basis that a BHR should be adopted, and it should be for SKH to submit further information to justify a higher BHR (Minutes of the May 2019 Meeting §27 [B1/16/308]).
- (3) Two members did not support either Option, on the basis that the Proposed Development would severely affect the historic ambience of the Site and its surrounding (Minutes of the May 2019 Meeting §28 [B1/16/308]).

Minutes of the May 2019 Meeting is at [B1/16].

- 57. In the end, the Board decided to adopt Option 1 as the basis for amending the Approved OZP.

**A7. The December 2019 Meeting and the 1<sup>st</sup> Decision**

- 58. On 24 May 2019, Draft Central District OZP No. S/H4/17 (“**Draft OZP**”) was exhibited for public inspection [B1/9]. The Draft OZP provided for 2 amendments with respect to the Site, corresponding to Option 1:-

- (1) Amendment Item **A1**: to rezone the northern part of the Site to G/IC(1) with BHR of 135mPD.
- (2) Amendment Item **A2**: to rezone the southern part of the Site to G/IC(1) with BHR of 80mPD.

- 59. During the public inspection periods, a total of 33 representations on the Draft OZP (R1 to R33) and 22 comments on the representations (C1 to C22) were received.

With the exception of R31<sup>7</sup> (the Applicant) and R32<sup>8</sup>, the representations and comments all opposed Amendment Item A1 and proposed to limit the BHR to the height of the existing buildings. The major grounds of these adverse representations and comments related to (i) the BHR of 135mPD would be too high; (ii) the Proposed Development would be incompatible with heritage conservation; (iii) the potential impact of BHR had not been adequately addressed and in any event use of BHR alone was inadequate control; (iv) dispute over the need for hospital beds on Hong Kong Island; (v) insufficient technical assessments; and (vi) the Proposed Hospital contradicted the spirit and intent of the Lease.

60. In TPB Paper No.10599 [B2/17], PlanD considered each of the major grounds in the representations and comments, and provided its detailed reasons as to why they could not be substantiated. PlanD did not support the representations and considered that the Draft OZP should not be amended.
61. The December 2019 Meeting held on 6 December 2019 was attended by 29 members (including the Chairperson), of whom 26 also attended the May 2019 Meeting and 20 also attended the 2018 Meeting.
62. At the December 2019 Meeting, the Board expressed its views (inter alia):-
  - (1) The Board considered that given the Site was located at a prime location and formed part of a historical and culturally important precinct in Central, and giving due weight to the strong public sentiments attached to the preservation of the historical ambience of the area, BHR of 135mPD would be incompatible with the historical setting at the Site and the surrounding areas (Minutes §§110(d)&(h), 117 [B2/18/648-649,651]).

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<sup>7</sup> R31 also opposed Amendment Items A1 and A2, but its proposal was to either revert to G/IC without BHR or to increase the BHR to 150mPD (northern part) and 100mPD (southern part).

<sup>8</sup> R32 also opposed Amendment Items A1 and A2, but its proposal was to revert to G/IC without BHR.

- (2) Recognizing that BHR was being imposed on a particular site rather than for various land use zones in a wider district, the Board considered that it was “*essential*” for the determination of the appropriate BHR to have a detailed development scheme, so that technical assessments could then be carried out based on the same (Minutes §110(b)-(c) [B2/18/647-648]).
- (3) In the absence of a detailed development scheme and technical assessments, it was premature to allow BHR of 135mPD for the northern part (Minutes §110(b) [B2/18/647]).
- (4) Nevertheless, the Board decided to adopt a BHR of 80mPD for the northern part of Site, on the basis that this was the maximum height of the existing buildings (Minutes §§112, 117 [B2/18/649-650,651]).
- (5) Although (i) the BHR referred to in (4) above was intended to be a “*baseline*” BHR (since it was adopted in the absence of a detailed development scheme, which was considered essential), and the Board recognized that sufficient flexibility should be provided so that SKH could upon formulation of a detailed development scheme apply to increase the BHR (Minutes §111 [B2/18/649]), and (ii) the Board was advised that a “minor relaxation clause” would result in no more than an increase of 20% (ie 96mPD) (Minutes §113 [B2/18/650]), the Board decided to adopt a “minor relaxation clause” on the basis that it was a standard clause for most land use zones with development restrictions and would accordingly be adequate for the Site (Minutes §114 [B2/18/650]).
- (6) It was stated to be the Board’s established practice, in the case of sites with specific concerns or might cause adverse impacts on the surrounding, to request the project proponent to submit detailed development scheme through the section 16 mechanism, and there would be a case to apply the same practice to the Proposed Development at the Site (Minutes §110(e) [B2/18/648]). In order to preserve the historic ambience of the Site and its

surroundings, the Board decided to require SKH to submit a development scheme for any new development or redevelopment of existing buildings through the section 16 mechanism for the Board's approval (Minutes §§117, 122(c) [B2/18/651,653]).

(7) The Board also expressed doubt over the need for hospital beds, as well as the efficacy of using the Site for a hospital (Minutes §110(f)-(g) [B2/18/648-649]).

(8) The Board considered that the other grounds raised in the opposing representations and comments had all been addressed (Minutes §118 [B2/18/651]).

(9) The Board also confirmed that the G/IC zoning of the Site was appropriate to reflect their existing and planned uses (Minutes §122(f) [B2/18/653]).

63. On the above basis, the Board decided to partially uphold representation Nos. R1 to R30 and amend the Draft OZP to impose:-

- (1) uniform BHR of 80mPD (ie the maximum height of the existing buildings) for the entirety of the Site, with a "minor relaxation clause"; and
- (2) a requirement that any new development or redevelopment of existing buildings should obtain planning permission from the Board under section 16 of the TPO.

(ie the 1<sup>st</sup> Decision)

64. On 23 December 2019, the Board confirmed the minutes of the December 2019 Meeting (ie the Minutes) [B2/18]. The 1<sup>st</sup> Decision was only published by the Board through publication of the Minutes on its website on no earlier than 24 December 2019. By letter dated 27 December 2019 (which the Applicant received on 30 December 2019) [C/23], the Applicant was first informed of the 1<sup>st</sup> Decision

and the reasons therefor, and the availability of the Minutes through the Board's website.

**A8. The 2<sup>nd</sup> Decision and Progress to Date**

65. Thereafter, at its meeting on 10 January 2020, the precise wording of the revised amendments arising from the 1<sup>st</sup> Decision was tabled for the Board's consideration and approval for publication, and the Board agreed to and confirmed the same (ie the 2<sup>nd</sup> Decision) [B2/20/662].
66. On 13 March 2020, the Draft OZP as amended by the 1<sup>st</sup> Decision and as confirmed by the 2<sup>nd</sup> Decision was gazetted and has become available for public inspection under section 6D(1) of the TPO [B2/21].

## PART B - GROUNDS FOR CHALLENGE

### **B1. Illegality – Exercise of Power Outside Specified Purposes**

67. A power exercised outside the statutory purpose is unlawful: see De Smith's Judicial Review, Eighth Edition, §5-090; *R v Secretary of State for Foreign and Commonwealth Affairs, ex p World Development Movement Ltd* [1995] 1 WLR 386.

68. Section 3(1) of the TPO, being the empowering section in terms of preparation of plans, provides that:-

*“With a view to the promotion of the health, safety, convenience and general welfare of the community, the Board shall undertake the systematic preparation of - (a) draft plans for the lay-out of such areas of Hong Kong as the Chief Executive may direct, as well as for the types of building suitable for erection therein. ...”*

See also the long title of the TPO which states that the purpose of the TPO is to “promote the health, safety, convenience and general welfare of the community by making provision for the systematic preparation and approval of plans for the lay-out of areas of Hong Kong as well as for the types of building suitable for erection therein ...”

69. The Board, in making the Decision, has exercised its power outside the statutory purpose in the following respects.
70. In exercising its plan-making power, the Board is required to direct its consideration to and cater for a particular zone or area, as opposed to zooming in on factors which would only affect a particular building of a specific design. Whilst the Board is not prohibited from imposing restrictions which, in order to achieve its broad planning purpose, have incidentally the effect of imposing specific restrictions on redevelopment design of a particular site (sometimes known as “spot zoning”), such

restrictions must serve a planning purpose: see *Hysan Development Co Ltd v Town Planning Board*, CACV 232-233/2012 (*unrep.*, 13 November 2014), §§34-38.

71. Further, heritage conservation is subject to its own statutory and administrative regime as detailed in Section A3.3 above. Thus, whilst section 3(1)(a) empowers the Board to make plans for the promotion of the general welfare of the community, the Board is not empowered to administer, and cannot usurp, the functions on heritage conservation which have been entrusted to other public bodies, namely the CHO, the AMO, the AAB and the Secretary for Development.
72. Indeed, the Board recognized and expressly acknowledged the limits of its power in the 2018 Meeting (see paragraph 50(1) above), and in requesting PlanD to consider amendment to the Approved OZP only for the purpose of addressing the urban design issue (see paragraph 51 above).
73. However, in making the 1<sup>st</sup> Decision to impose (i) BHR of 80mPD for the entirety of the Site and (ii) the requirement that all future development would have to go through the section 16 procedure:-
  - (1) The Board made the 1<sup>st</sup> Decision on the sole basis of what it considered to be inadequate heritage conservation of the Site, namely the Site being “*located in a prime location and formed part of a historic and culturally important precinct*” and “*in order to preserve the historic ambience of the Site and its surrounding*” (see paragraphs 62(1) and (6) above).
  - (2) The Board did so notwithstanding the public bodies with the statutory and administrative mandate over heritage conservation – the CHO, the AMO and the AAB – had concluded that the Proposed Development satisfied the heritage conservation requirements (see Section A5 above), based on their expertise (see paragraphs 28(4) and 30(2) above), which expertise the Board did and could not profess to have. In particular, the CHO, the AMO and

AAB all considered that BHR of 135mPD on the northern part of the Site would be compatible with heritage conservation objectives.

- (3) On the other hand, no consideration had been given to PlanD's justification of BHR of 135mPD, from the urban design perspective, based on the building height profile of buildings immediately surrounding the Site.
- (4) Instead, the Decision focused on the Proposed Development and essentially rejected it as unacceptable or inappropriate on heritage conservation grounds.
- (5) That the Board was exercising its powers for the purpose of heritage conservation (as opposed to for the purposes under section 3(1)(a)) is further evidenced by the wording of the section 16 requirement it imposed, namely to require approval for "*any new development or redevelopment of existing building(s)*" (emphasis added) on the Site. The powers of the Board should have been exercised for the purpose of determining (inter alia) the types of buildings to be erected within an area, not on preservation of existing buildings.
- (6) Thus, the 1<sup>st</sup> Decision was not based on proper planning purposes and considerations:-
  - (a) No non-Site specific planning purpose could be identified. The Decision and the restrictions therein were only directed at and focused on the Site.
  - (b) As to heritage conservation, (i) it could not be a proper planning purpose, having regard to paragraph 73(2) above; and (ii) insofar as it is contended that conservation of the Site would serve the conservation of Central as a whole, the "Conserving Central" initiative (including various part of Central outside the Approved OZP) is under the purview of the CHO, the AMO and the Secretary for Development (see paragraph 36 above).



- (7) Accordingly, the 1<sup>st</sup> Decision also amounts to impermissible “spot-zoning” in that the restrictions do not serve a legitimate planning purpose.
74. Further:-
- (1) Under section 6B(8) of the TPO, amendments to the Draft OZP may be made by the Board “*in the manner proposed in the representation or otherwise in the manner that, in the opinion of the Board, will meet the representation*”.
- (2) In this case, the only representation that made reference to the use of the section 16 procedure was that of R1, which proposal (under “preference 2”) was that “*any demolition of, or addition, alteration and/or modification of the buildings will require planning permission from the Town Planning Board. This is except for minor alteration and/or modification works which are always permitted under the OZP Covering Notes*” [B2/17/454].
- (3) The Board did not adopt the amendment in the manner proposed in R1’s representation; instead it decided to adopt the amendment set out in paragraph 63(2) above, which is wider in scope as it restricts not only demolition or change to the existing buildings but also future development thereof.
- (4) However, for the reasons set out in paragraph 73 above, such exercise of power by the Board was outside the statutory purposes of the TPO. Accordingly the 1<sup>st</sup> Decision, with respect to the section 16 requirement, is also *ultra vires* section 6B(8) of the TPO.

**B2. Decision Internally Inconsistent / *Wednesbury* Unreasonable**

75. The 1<sup>st</sup> Decision is also open to challenge on *Wednesbury* ground in the following manner.
76. First, the Board's position was that it could not fix the appropriate BHR in the absence of a detailed development plan (see paragraph 62(2)-(3) above). The detailed development plan was stated to be "*essential*" to this end.
77. As such, the Board ought to have deferred decision on the Draft OZP, pending submission from PlanD, or SKH, of the detailed development plan contemplated. The Board plainly has no power to do so on its own volition, under Town Planning Board Guideline No.33 (§3.1) [A/6/55-56].
78. Instead, the Board proceeded to impose BHR of 80mPD on the northern part of the Site. This was *Wednesbury* unreasonable in that there was (as acknowledged by the Board) no basis to adopt it, and it was inconsistent with the previous position of the Board.
- (1) At the December 2019 Meeting, the Board's own position was that a detailed development plan was "*essential*" for the determination of the appropriate BHR (see paragraph 76 above).
- (2) In the absence of such "*essential*" information for a decision on the appropriate BHR, the Board decided to adopt 80mPD because it was referenced to the maximum building height of the existing buildings at the Site (see paragraph 62(4) above).
- (3) However, at the 2018 Meeting (at which 20 out of the 29 members present at the December 2019 Meeting attended), the Board concluded that there was no sufficient justification for imposing BHR of the height of the existing buildings at the Site (Minutes of the 2018 Meeting §95 [B1/14/221]), and

that such BHR would be too restrictive of private ownership right (see paragraph 50(2) above). The Board has thus taken a complete U-turn on its position, without any explanation or change in circumstance identified.

79. Second, the Board's decision to proceed to fix a BHR for the northern part of the Site (notwithstanding absence of "*essential*" information) was premised on its adopting an "*appropriate baseline while providing for sufficient flexibility to relax BHR*" (see paragraph 62(5) above, emphasis added). However:-

- (1) It chose to adopt a "minor relaxation clause". This was an error of law, as "minor relaxation clause" cannot be used to address substantial issues or effect substantive revision of the restrictions imposed: see *Hysan* (CA) §160.
- (2) On the materials before the Board, the "minor relaxation clause" could only achieve no more than 20% of the stipulated BHR (ie the BHR could only be relaxed to no more than 96mPD). This was plainly contrary to the consideration and reasoning of the Board in paragraph 62(5) above.
- (3) Further, the basis of the Board adopting the "minor relaxation clause" was that it was a standard clause for most land use zones with development restrictions (see paragraph 62(5) above). However the Board's very premise was that this was not a standard case since the BHR of 80mPD was fixed without proper basis and was yet to be satisfied to be appropriate.

80. Third, insofar as the Board was entitled to exercise its powers solely on heritage conservation reasons (which is denied), the Board was *Wednesbury* unreasonable in rejecting, without explanation, the CHO and AMO's conclusion that 135mPD would have met heritage conservation considerations (see paragraph 73(1)-(2) above): see *R v Warwickshire County Council, ex p Powergen plc* (1997) 75 P&CR 89.

81. Fourth, for the reasons set out in paragraph 74 above, given the section 16 requirement was (i) imposed for a purpose other than that which is within the statutory purpose of the TPO and (ii) was wider in scope than sought in R1's representation, the 1<sup>st</sup> Decision was also *Wednesbury* unreasonable.

**B3. Breach of Tameside Duty**

82. The Board has a duty to ask the right question and take reasonable steps to acquaint itself with the relevant information to enable it to answer that question correctly: see *Secretary of State for Education and Science v Tameside Metropolitan Borough Council* [1977] AC 1014, 1065; *Capital Rich Development Ltd v Town Planning Board* [2007] 2 HKLRD 155, §63; *Smart Gain Investment Ltd v Town Planning Board*, HCAL 12/2006 (*unrep.*, 6 November 2007), §§86-89; *Hysan Development Ltd v Town Planning Board* [2012] 5 HKC 432, §§90-94.
83. In this case, the Board stated that it had an established practice, in the case of sites with specific concerns or might cause adverse impacts on the surrounding, to request the project proponent to submit detailed development scheme through the section 16 mechanism, and there would be a case to apply the same practice to the Proposed Development at the Site (see paragraph 62(6) above).
84. However:-
- (1) The Board had confirmed at the 2018 Meeting (see paragraph 50(4) above), and re-confirmed at the December 2019 Meeting (see paragraph 62(9) above), that the G/IC zoning was appropriate as reflecting the existing and planned uses of the Site, and no amendment was to be made to the uses stipulated in column 1.(uses always permitted).

- (2) The alleged practice referred to was in the main cases where there were no column 1 uses under G/IC zoning<sup>9</sup>. In other words, in those cases the Notes to the outline zoning plan only provide for column 2 uses, which are uses that may be permitted with or without conditions on application to the Board under section 16. Otherwise, the imposition of a section 16 requirement would have effectively converted the zoning into “comprehensive development area” (CDA), where uses only appear in column 2 and are always subject to approval of the Board.
- (3) As such, the alleged practice was concerned with a different scenario, and could not be applied to the Site in circumstances where the Board confirmed that the G/IC zoning and the column 1 uses remained applicable.
- (4) Nor had the Board articulated any reasons as to why the alleged practice should be applicable to the Site in the circumstances.

85. Accordingly, in deciding to impose a section 16 requirement on the Site, the Board had taken into account an irrelevant consideration and had breached its *Tameside* duty.

**B4. The Decision Fails the Proportionality Analysis**

86. Where a constitutional right is engaged by an administrative decision:-

- (1) The constitutional right engaged must first be identified.
- (2) Next, the legal or administrative measure said to infringe or restrict that right must then be identified.
- (3) Thereafter, one must ask:-

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<sup>9</sup> There were 2 cases where some limited column 1 uses could be found but they concerned the same project proponent and the section 16 requirement was expressly requested by the project proponent.

- (a) whether the restriction pursues a legitimate societal aim;
- (b) whether the impugned restriction is rationally connected with the accomplishment of that aim;
- (c) whether the impugned restriction represent a proportionate means of achieving that end; and
- (d) weighing the detrimental impact of the restriction against the social benefit gained, whether a fair balance has been struck between the rights of the individual and the interests of the community:

see *Hysan Development Co Ltd v Town Planning Board* (2016) 19 HKCFAR 372, §§54, 76, 78; *Kong Yunming v Director of Social Welfare* (2013) 16 HKCFAR 950, §39.

87. In this case:-

- (1) The right of private property guaranteed by Articles 6 and 105 of the Basic Law is engaged, given the Decision imposes restrictions, through BHR of 80mPD and the need to seek the Board's approval under section 16 of the TPO on any new development or redevelopment of the existing buildings, on the Applicant's land, which hitherto was not subject to any such restrictions.
- (2) The legal or administration measure which adversely affects the Applicant's rights is the Decision of the Board, made pursuant to the TPO.
- (3) Articles 6 and 105 of the Basic Law make no express provision regarding permissible restriction.
- (4) As such, a proportionality analysis is required: see *Hysan* (CFA) §54.

88. The proportionality analysis fails for the following reasons.

89. First and foremost, the Board did not address its mind to this issue. There is no evidence in the Minutes (in the “Deliberation session” of the Board, §§106-122 [B2/18/645-653]) showing that the Board had directed its attention to the proportionality analysis, notwithstanding the same was specifically mentioned by the representative of PlanD during the “Question and Answer session” of the December 2019 Meeting and PlanD’s advice was that the Board’s decision made in the 2018 Meeting (see paragraph 50 above) and its decision to adopt Option 1 in the May 2019 Meeting (see paragraph 57 above) were a proportionate response to restriction of the Applicant’s property rights (Minutes §88 [B2/18/637-638]).

Means adopted not proportionate<sup>10</sup>

90. The means adopted by the Board are not proportionate.
91. Given the relevant objective is heritage conservation, the 1<sup>st</sup> Decision – which imposed restrictions hitherto not present in the Approved OZP – is plainly disproportionate, since:-
- (1) BHR of 135mPD for the northern part was considered by the relevant expert authorities (the CHO, the CMO and the AAB) to be compatible for heritage conservation purposes;
  - (2) the Board itself took the view, 18 months prior at the 2018 Meeting, that BHR of the height of the existing buildings (ie no more than 80mPD) would be disproportionate restriction of the private ownership rights of the Applicant (see paragraph 50(2) above). There was no relevant or material change in circumstances between the 2018 Meeting and the December 2019 Meeting;

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<sup>10</sup> The Applicant’s stance in not taking issue with “legitimate aim” in the proportionality analysis is without prejudice to its contentions in Section B1 that the Board had acted in excess of power in using heritage conservation as the sole basis for the Decision.

- (3) the “minor relaxation clause” could not serve the function of providing sufficient flexibility to relax BHR of 80mPD, for the reasons in paragraph 79(1)-(2) above;
- (4) the requirement to seek section 16 approval means that the Applicant would effectively be deprived of the ability to proceed with the column 1 uses without the delay and expense in seeking additional approval from the Board;
- (5) the section 16 requirement was proposed to the Board and was rejected as appropriate at the 2018 Meeting. There was no relevant or material change in circumstances between the 2018 Meeting and the December 2019 Meeting;
- (6) whilst the Board’s objection was directed against the Proposed Development, the Decision impacts the Site and all uses the Site may in future be put to;
- (7) under the applicable heritage conservation regime, private property owners would be offered compensation (for declared monuments under the Antiquities and Monuments Ordinance) or economic incentives (for historic buildings not declared monuments) in exchange for deprivation of their rights to utilize their private property for the purpose of heritage conservation. However, the restrictions imposed through the OZP regime by the 1<sup>st</sup> Decision would have denied the Applicant its right to utilize the Site, without any form of compensation whatsoever;
- (8) insofar as the Proposed Development is concerned, there are existing mechanisms, including the Lease modification procedure and the heritage conservation regime (see Section A3.3 above) with its requirement for an approved CMP (which is only in the course of preparation), that could address any heritage conservation issues as may arise.



No fair balance struck

92. Since the restrictions in the 1<sup>st</sup> Decision are directed only at the Site, the detrimental impacts of these restrictions on the property rights of the Applicant are as set out in paragraph 91 above. For the reasons set out therein, these detrimental effects clearly outweigh the social benefit of heritage conservation said to be gained by the 1<sup>st</sup> Decision, such that there is no fair balance struck.

93. In the premises, the 1<sup>st</sup> Decision fails the proportionality analysis and must be quashed.

**B5. Breach of Natural Justice – Deprivation of Fair Opportunity to be Heard**

94. The principle of natural justice applies to meetings under the TPO: see *R v Town Planning Board, ex p REDA* [1996] 2 HKLR 267; *Hysan* (CA) §§181-182.

95. Where a decision-maker is to take into account or rely on a specific matter or consideration in coming to its decision, fairness would typically require that such matter or consideration be disclosed to the person affected, to enable the affected person to make meaningful and focused representations to the same: see *R v Secretary of State for the Home Department, ex p Doody* [1994] 1 AC 531, 563D-564D.

96. The position is a fortiori in relation to proceedings before the Board, given the statutory scheme of the TPO and the administrative procedures of the Board require (inter alia) publication of the draft plans, publication of Town Planning Board papers prepared by PlanD, publication of representations and comments received, and the right of the persons affected and representers and commenters to be heard orally at a meeting.

97. In this case, the Board took into account, as a material consideration, its alleged established practice, in the case of sites with specific concerns or might cause adverse impacts on the surrounding, to request the project proponent to submit detailed development scheme through the section 16 mechanism, and there would be a case to apply the same practice to the Proposed Development at the Site (see paragraph 62(6) above).
98. The aforesaid matter was not mentioned in the PlanD's paper, any of the representations or comments, or in the open sessions of the December 2019 Meeting. It surfaced for the first time in the "Deliberation session" of the December 2019 Meeting.
99. In the premises, the Applicant was unaware of the same and was unable to address the Board on the relevance or otherwise of such consideration.
100. Contrary to the Board's contention, in its letter dated 4 March 2020 [C/25/689-690] in response to the Applicant's letter dated 29 January 2020 [C/24/685-688], that the Applicant may submit further representation within the three-week period in accordance with section 6D(1) of the TPO and, if the Applicant so wishes, its further representation could be considered by the Board at the meeting to be held under section 6F of the TPO which meeting the Applicant could also attend and be heard:-
- (1) Under section 6D(1), only a person *other than that who has made any representation or comment* after consideration of which the proposed amendments are proposed under section 6B(8) (ie the 1<sup>st</sup> Decision) may make further representations to the Board. As such, the Applicant, being R31, is not entitled to submit further representation under section 6D.
  - (2) Whilst the Applicant, as R31 who has submitted a representation under section 6, is entitled to attend the further meeting to be held under section 6F(2)(b), there is no basis to suggest that the Applicant is entitled, at the

section 6F meeting, to reopen the issues already canvassed at the December 2019 Meeting (held under section 6B).

- (3) On its proper interpretation, the statutory scheme for plan-making under the TPO, with its design for staged publication of draft plan, submission of representations and comments thereto, public meeting to consider the same and where appropriate propose amendments to the draft plan, and a further round of representations and meeting on the proposed amendments, is to distill and crystalize the issues as the draft plan (and amendments there) progress through the different stages of the process, cumulating in a draft plan approved by the Board which would be submitted to the Chief Executive in Council for approval. As such, it would be inimical to the purpose and intent of this statutory process if a representee could, at a subsequent meeting held under section 6F, reopen or re-argue issues already considered and determined at the previous meeting held under section 6B.

101. In the premises, even if the Applicant were to attend the section 6F meeting to be held by the Board, the Applicant would not have been entitled to submit further representation or re-open issues already considered and determined by the Board at the December 2019 Meeting.

**B6. The 2<sup>nd</sup> Decision**

102. Since the 2<sup>nd</sup> Decision confirmed and approved the 1<sup>st</sup> Decision, it should likewise be quashed for the reasons set out in Section B1 to Section B5 above.

### **PART C - STANDING**

103. The Applicant has sufficient interest in the subject-matter of this Application to satisfy the requirements of section 21K(3) of the High Court Ordinance (Cap. 4) and Order 53, rule 3(7) of the Rules of the High Court, in that:-

- (1) The Applicant is the owner of the Site, against which the Decision is directed.
- (2) The Applicant submitted a representation (R31) which was considered by the Board under the TPO.

#### PART D - TIMING OF APPLICATION

104. This Application has been made promptly and in any event within 3 months from the date of the 2<sup>nd</sup> Decision on 10 January 2020.
105. Although the 1<sup>st</sup> Decision was made by the Board on 6 December 2019, the 1<sup>st</sup> Decision was not published at the time. The 1<sup>st</sup> Decision was only published by the Board through publication of the Minutes on its website on no earlier than 24 December 2019. The Applicant first became aware of the 1<sup>st</sup> Decision, the reasons therefor and the availability of the Minutes on the Board's website on 30 December 2019.
106. Further, since early February 2020, with the outbreak of the COVID-19 virus, Hong Kong has been placed in a state of substantial lockdown, during which the majority of government departments and numerous private organizations either did not open, or operated on reduced basis, for public health reasons. This hampered the Applicant's ability to collate information and obtain advice with respect to the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision.
107. Insofar as an extension of time is needed, it may be a good reason to extend time where the applicant lacked essential information needed for the purpose of knowing whether there was anything that was capable of being the subject of a judicial review, and an applicant is not obliged to make an assumption as to facts which would, in the ordinary case, be expected to be highly improbable, or to adopt a confrontational stance with a government branch: see *R v Licensing Authority, ex p Novartis Pharmaceuticals Ltd* [2000] COD 232.
108. For completeness, this Application is not premature, notwithstanding the position taken by the Board in its letter dated 4 March 2020 [C/25] (see paragraphs 100 to 101 above).

- (1) In the planning context, a decision in principle or a preliminary or provisional decision, which can still be revoked or varied at any time prior to grant of the actual planning permission, can be challenged: see *R (The Garden and Leisure Group Ltd) v North Somerset Council* [2003] EWHC 1605, [35]; see also *County Properties Ltd v Scottish Ministers* [2000] SLT 965 (approved by Lord Clyde in *R (Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions* [2003] 2 AC 295, §171).
- (2) Further, given the Applicant's complaint that the Board had acted beyond its power (see Section B1 above), that is not something that can be "cured" or undo at a subsequent hearing before the Board under the TPO procedures.
- (3) In any event, for the reasons in paragraph 100 above, the Applicant would not have been entitled to submit further representation or re-open issues already considered and determined by the Board at the December 2019 Meeting

## **PART E – INTERIM STAY**

109. The Applicant also seeks, upon the grant of leave, a stay of the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision, alternatively a stay of the steps to be taken by the Board to fix and proceed with the meeting under section 6F of the TPO with respect to the amendments the subject matter of the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision, pending the final determination of the judicial review proceedings.
110. The court has power to order a stay of the Decision sought: see Order 53, rule 3(10)(a), Rules of the High Court. Further, the Court has power to grant such a stay on the papers, on condition that (i) the applicant provides an undertaking as to damages; and (ii) the respondent has the right to apply to set aside the stay: see *PCCW-HKT Telephone Ltd v Telecommunications Authority*, HCAL 63/2004 (*unrep.*, 13 August 2004), §§8-9.
111. The principles governing interim relief in public law cases are summarized in *Re Leung Chung Hang Sixtus* [2018] 5 HKC 138, §§12-14:-
- (1) The *American Cyanamid* principles apply, subject to the following modifications.
  - (2) The court should first consider whether there is a serious issue to be tried. In the public law context, the applicant will normally have to establish a strong *prima facie* case that the law is invalid, although exceptionally an applicant may suffer such serious and irreparable harm in the event of the law being enforced against him that it may be just and convenient to restrain its enforcement by an interim injunction even though he is unable to discharge such a heavy burden.
  - (3) In relation to the question of balance of convenience, the court takes a wider view than just the interests of the immediate parties to the application. The court must take into account the public interest in the balancing exercise.

The degree of importance that may be attached to the element of public interest would depend on the nature of the decision under challenge.

- (4) The relevance of damages as an alternative remedy varies depending on the nature of the decision under challenge. Financial consequences will be a relevant consideration in the balance of convenience, albeit not the sole consideration.
- (5) Ultimately, the court should take whichever course that appears to carry the lower risk of injustice if it should turn out to have been wrong in the interim relief application.
- (6) The existence or availability of an early hearing date for the substantive judicial review is a good reason for the court to refuse to grant interim relief.

112. In the present case:-

- (1) For the reasons set out in Section B above, the Applicant is clearly able to demonstrate a strong *prima facie* case that the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision cannot stand, on grounds of illegality, *Wednesbury* unreasonableness, lack of proportionality and breach of natural justice. This Application is also not premature for the reasons in paragraph 108 above.
- (2) Only the Applicant will suffer adverse financial consequences with respect to the Decision, since it is the Applicant's private property (the Site) that is subject to restrictions under the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision.
- (3) The interests of the Board and the public will not be adversely affected by the stay, since there are currently no buildings on the Site that offend the restrictions stipulated in the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision, and there is also no threat of any building works to that effect imminently.



- (4) On the other hand, if the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision are not stayed, the Applicant will have to incur further time and expense in participating in further steps in a TPO procedure that is already vitiated by public law wrongs (as contemplated by the Board in its letter dated 4 March 2020, see paragraph 100 above), thereby further delaying the Applicant's entitlement to utilize its private property for the purpose of providing services to the community.

113. Accordingly, the Applicant respectfully invite the court to grant an interim stay. In the event that the court is minded to grant the same on the papers, the Applicant undertakes to provide an appropriate undertaking as to damages.

Dated this 26<sup>th</sup> day of March 2020

Eva Sit SC

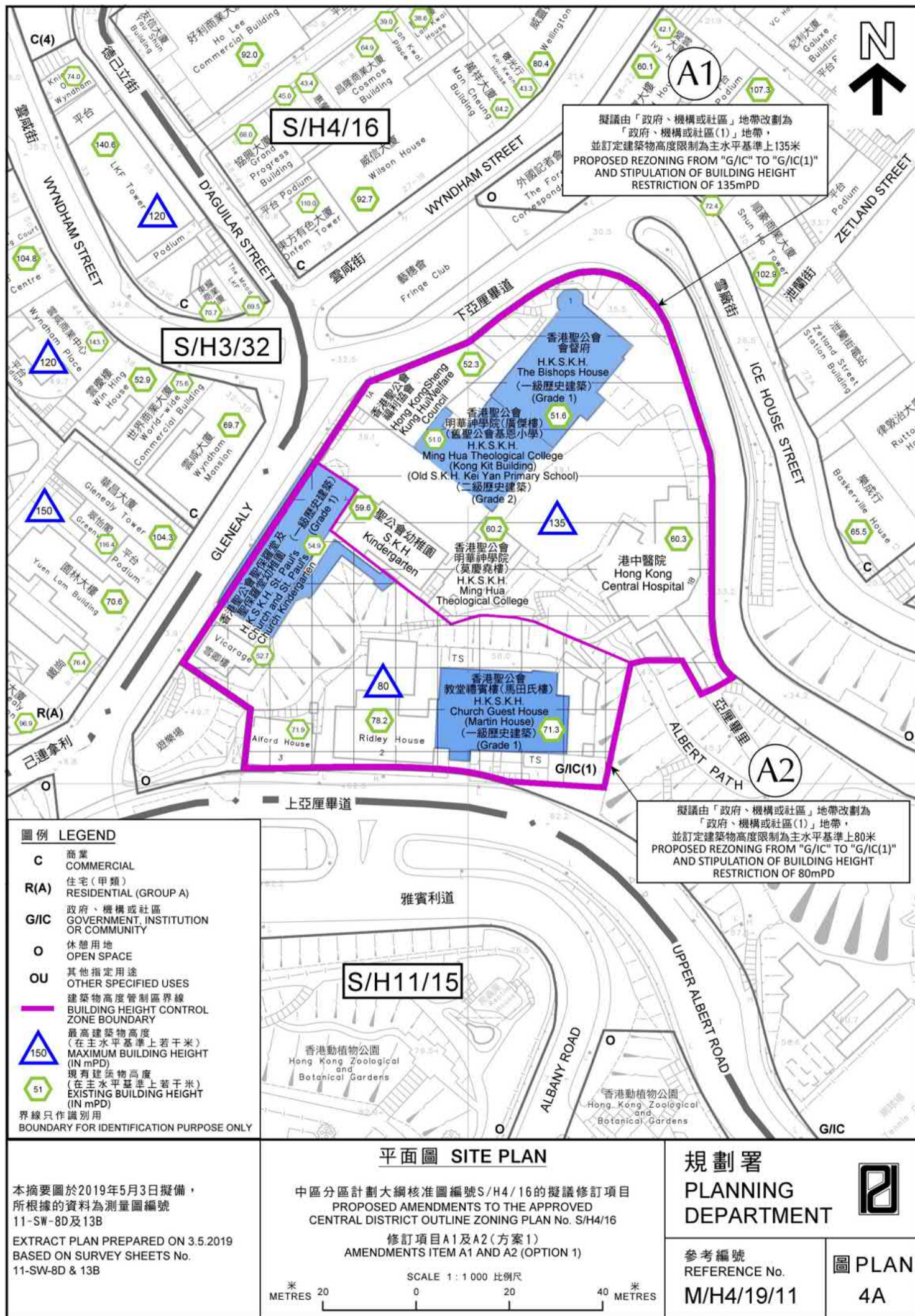
Julia Au

Counsel for the Applicant



P.C. Woo & Co

Solicitors for the Applicant



Appendix 1: Existing building heights and BHR of the Site and its surroundings





Northwest

實林閣  
Botanical Court

百蘭花園  
Bel Mount Garden

福蔭閣  
Fortune Court

樹福大廈  
Glenealy Mansion  
(96.9mPD)

亞畢諾大廈  
Arbuthnot House

翠怡閣  
Greenville  
(116.4mPD)

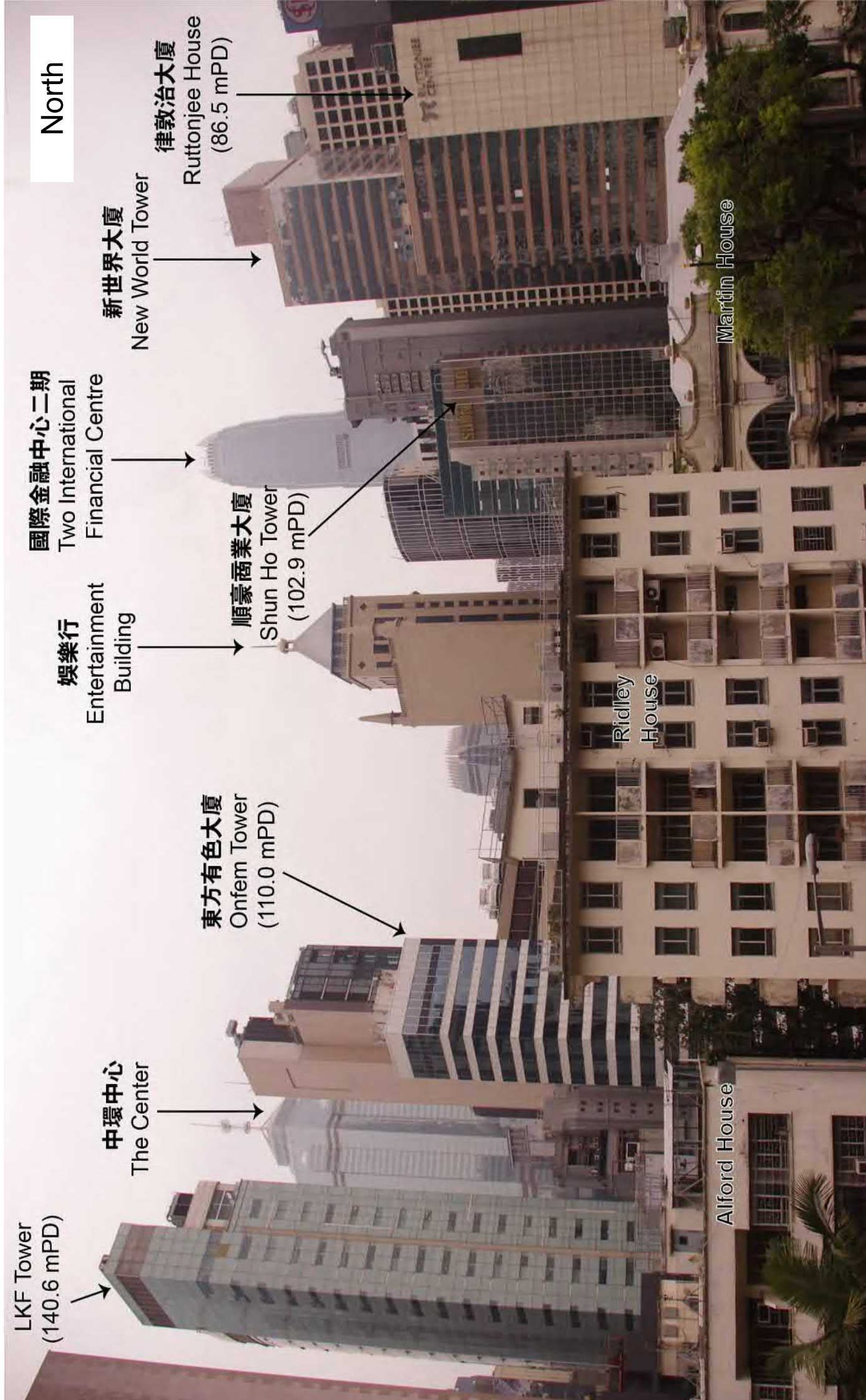
中央廣場  
The Centrium  
華昌大廈  
Glenealy Tower  
(104.3mPD)

己連拿里5-6號  
5-6 Glenealy  
(76.4mPD)

園林大樓  
Yuen Lam Building  
(70.6mPD)

Appendix 2A: Photographs taken facing towards Northwest of the Site





Appendix 2B: Photographs taken facing towards North and Northeast of the Site



渣打銀行  
Standard Chartered  
Bank

匯豐總行大廈  
HSBC Main Building

Club  
Luistano

香港鑽石會大廈  
HK Diamond  
Exchange  
Building

律政中心(西座)  
Justice Place  
(West Wing)





South

Appendix 2C: Photograph taken facing towards the South of the Site



East



Appendix 2D : Photograph taken facing towards the East of the Site





Appendix 3: Artistic Impression of the Proposed Development





**Ex-parte application**

**HCAL No.**                      /    2020

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST  
NO.        of 2020**

**HONG KONG SHENG KUNG HUI FOUNDATION**

**Applicant**

**and**

**TOWN PLANNING BOARD**

**Proposed Respondent**

---

**AFFIDAVIT OF THE REVEREND CANON KOON HO MING PETER DOUGLAS**

---

I, The Reverend Canon Koon Ho Ming Peter Douglas of 16/F, Tung Wai Commercial Building, 109-111 Gloucester Road, Wanchai, Hong Kong, make oath and say as follows:

1. I am the Honorary Secretary of the Hong Kong Sheng Kung Hui Foundation (“**SKH**” or the “**Applicant**”), which is the owner of Inland Lot No. 7360 (the “**Site**”), and have been the overseer (reporting to the Executive Committee) of the Applicant’s project to redevelop the Site.
2. SKH makes this application for leave to apply for judicial review (“**JR Application**”) as the owner of the Site that has been affected by decisions of the Town Planning Board (“**Board**” or “**TPB**”): (i) made on 6 December 2019 (“**1<sup>st</sup> Decision**”) to partially uphold Representation Nos. R1 to R30 for the proposed amendments to the approved Central District Outline Zoning Plan No. S/H4/16 (“**draft Central OZP**”); and (ii) made on 10 January 2020 (“**2<sup>nd</sup> Decision**”) confirming and approving the wording of the amendments, namely:

- (a) Amending the building height restriction of the norther part of the site from 135mPD to 80mPD;
  - (b) Amending the Notes of the "G/IC(1)" zone by adding a Remark that "*On land designated "Government, Institution or Community (1)", and any new development or redevelopment of existing building(s) requires planning permission from the Town Planning Board under section 16 of the Town Planning Ordinance*"; and
  - (c) Revising the Explanatory Statement of the Plan with respect to "G/IC(1)" zone per (b) above.
3. I am duly authorised by the Applicant to make this affirmation in support of the Applicant's JR Application herein. I have read a draft copy of the Form 86, Application for Leave to Apply for Judicial Review dated 26 March 2020, which is filed together with this Affidavit. In this Affidavit, I have used the terms defined in the Form 86 in a consistent manner.
4. Unless otherwise stated, the facts deposed to herein are within my personal knowledge, or obtained from the records and files kept by the Applicants and from advice obtained by the Applicants from its team of consultants engaged to assist in the JR Application.
5. I confirm that the matters of fact stated in the Form 86 are true and correct. I am advised by the Applicant's solicitors, P. C. Woo & Co., and verily believe that the matters of law stated therein are correct.
6. Appended to the Form 86 are three Appendices:
- (a) Appendix 1 is a plan showing the locations of the Site, with a line segregating the northern and southern parts, and showing the existing building heights and the building height restrictions on the various nearby and adjoining sites;
  - (b) Appendix 2 contains photographs of the surroundings of the Site; and
  - (c) Appendix 3 contains an artistic impression of the Proposed Developments.



7. I am informed and verily believe that:
- (a) Appendix 1 was prepared by the Applicant's planning consultant, Kenneth To & Associates ("KTA"), based on a Plan prepared by the Planning Department, with additional relevant information added by KTA;
  - (b) the contents of the plan in Appendix 1 accurately depict the locations of the Site and the existing building heights and building height restrictions on the various nearby and adjoining sites.
  - (c) Appendix 2 was prepared by KTA, and that the photographs accurately depict the surroundings of the Site.
  - (d) Appendix 3 was prepared by Philip Liao and Partners Limited and was the artistic impression used in the Applicant's submissions to the Planning Department and the Antiquities and Monuments Office.
8. There is now produced and shown to me marked "**RCKHMPD-1**", a List of Documents listing the documents which are referred to in the Form 86, prepared pursuant to Practice Direction SL3, together with a paginated bundle of copies of the documents set out in the List of Documents ("**Bundle**"). References to documents in the List of Documents and Bundle are referred to below as **[File/Tab/page]**, such that, for example **[B/6/56]** is a reference to page 56 under Tab 6 in File B of exhibit "**RCKHMPD-1**".
9. I am advised by the Applicant's solicitors, and verily believe that the documents in Parts A to E of the Bundle comprise mainly: (i) documents obtained from the TPB's secretariat; (ii) documents obtained from the public domain, including information on the TPB's website; and (iii) documents from the files of SKH.
10. The Bundle is comprised of the following:
- (a) Part A of the Bundle comprises documents and guidelines published by the TPB;
  - (b) Part B of the Bundle comprises the draft Central OZP and its Notes and Explanatory Statement ("**ES**"), various submissions to the TPB, papers prepared by the TPB and its Metro Planning Committee ("**MPC**") in relation to the draft Central OZP, and minutes of the relevant TPB and MPC meetings;

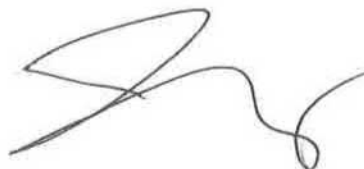
- (c) Part C of the Bundle comprises the Lease for the Site and the Applicant's correspondence with the TPB;
- (d) Part D of the Bundle comprises information pertaining to the Hong Kong SAR Governments Conserving Central Policy, various Papers and Minutes of the Legislative Council, Central and Western District Council and the Antiquities and Advisory Board regarding the Conserving Central Policy and the proposed development at the Site; and
- (e) Part E of the Bundle comprises the draft Central OZP and its Notes and Explanatory Statement ("ES"), various submissions to the TPB, papers prepared by the TPB and its Metro Planning Committee ("MPC") in relation to the draft Central OZP, and minutes of the relevant TPB and MPC meetings; Part E of the Bundle comprises OZPs other than the draft Central OZP and the Notes and ES those OZPs; papers prepared by the TPB, the MPC and the Rural and New Town Planning Committee ("RNTPC") in relation to other TPO section 12A zoning amendment applications and TPO section 16 planning applications under OZPs other than the draft Central OZP, and the minutes of the relevant TPB, MPC and RNTPC meetings.

11. And I solemnly and sincerely sworn that the contents of this Affidavit are true.



(THE REVEREND CANON KOON HO MING PETER DOUGLAS)

SWORN at the offices of Messrs. )  
 Wilkinson and Grist at 6<sup>th</sup> Floor, Prince's )  
 Building, 10 Chater Road, Central, Hong )  
 Kong on this 26<sup>th</sup> day of March 2020 )



WONG JOSHUA  
 Solicitor  
 Hong Kong SAR  
 Wilkinson & Grist

Before me,

(This Affidavit is filed on behalf of the Applicant)

Applicant: RCKHMPD: 1st: 26.03.2020

**Ex-parte application**

**HCAL No.                      /2020**

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FOUNDATION

Applicant

and

TOWN PLANNING BOARD

Proposed Respondent

---

**AFFIDAVIT OF THE REVEREND CANON  
KOON HO MING PETER DOUGLAS**

---

Filed on the 26th day of March 2020

**P C WOO & CO**  
Solicitors  
12<sup>th</sup> Floor, Prince's Building,  
No. 10 Chater Road, Central,  
Hong Kong  
Ref : 134935:SPT:ASM:tom

Applicants: RCKHMPD: 1st: 26.03.2020

**Ex-parte application**

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TOWN PLANNING BOARD

Proposed Respondent

---

**AFFIDAVIT OF THE REVEREND CANON KOON HO MING PETER DOUGLAS**

---

This is the exhibit marked "**RCKHMPD-1**" referred to in the Affidavit of The Reverend Canon Koon Ho Ming Peter Douglas sworn on 26<sup>th</sup> March 2020.

<u>Exhibit Marked</u>	<u>Description of Document</u>	<u>Date</u>	<u>Page(s)</u>
RCKHMPD-1	List of Documents Pursuant to Practice Direction SL3	26 March 2020	4

**Accompanied by 6 lever arch files of documents marked bundles "A" through to "E"**

Before me,

  
**WONG JOSHUA**  
Solicitor  
Hong Kong SAR  
Villiers & Co. Ltd

Ex-parte application

HCAL No. / 2020

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST  
NO. of 2020

HONG KONG SHENG KUNG HUI FOUNDATION

Applicant

and

TOWN PLANNING BOARD

Proposed Respondent

IN THE MATTER of an Application for Leave to Apply  
for Judicial Review pursuant to Order 53, Rule 3 of the  
Rules of the High Court (Cap. 4A)

And IN THE MATTER of the Town Planning Ordinance  
(Cap. 131)

**LIST OF DOCUMENTS PURSUANT TO PRACTICE DIRECTION SL3**

<u>Bundle</u>	<u>Tab</u>	<u>Description</u>	<u>Date</u>	<u>Page</u>
<b>A. TPB Documents and Guidelines</b>				
A	1.	TPB's Master Schedule of Notes ( <i>relevant extracts only</i> )	Undated	001 – 004
	2.	TPB Guidance Note “ <i>Application for Amendment of Plan under Section 12A of the Town Planning Ordinance (Cap. 131)</i> ”	10.2019	005 – 019
	3.	TPB Guidance Note “ <i>Application for Permission under section 16 of the Town Planning Ordinance (Cap. 131)</i> ”	10.2019	020 – 043
	4.	TPB Guideline No.17A	04.2016	044 – 050
	5.	TPB Guideline No.18A	09.2003	051 – 053
	6.	TPB Guideline No.33	04.2005	054 – 059
	7.	Hong Kong Planning Standards & Guidelines, Chapter 10	Undated	060 – 088



Bundle	Tab	Description	Date	Page
<b>B. TPB Papers relating to the Central Draft OZP and Minutes of Meetings</b>				
B1	8.	Approved Central Outline Zoning Plan No. S/H4/16, Notes and Explanatory Statement <i>[Note: The Outline Zoning Plan its Notes and Explanatory Statement are not currently available and will be provided by the Applicant at a later date.]</i>	01.11.2016	089
	9.	Draft Central District Outline Zoning Plan No. S/H4/17, Notes and Explanatory Statement <i>[Note: A copy of the Plan itself is not currently available and will be provided by the Applicant at a later date.]</i>	05.2019	090 – 132
	10.	Government Hill Concern Group s.12A Planning Application Y/H4/16 (without attachments)	12.2017	133 – 154
	11.	MPC Paper No. Y/H4/12 re s.12A Planning Application Y/H4/16	03.2018	155 – 158
	12.	Minutes of the 600 <sup>th</sup> MPC Meeting re s.12A Planning Application Y/H4/16 (relevant extracts only)	16.03.2018	159 – 162
	13.	TPB Paper No. 10460 re s.12A Planning Application Y/H4/16, with Drawings and Plans	08.2018	163 – 197
	14.	Minutes of the 1182 <sup>nd</sup> TPB Meeting re TPB Paper No. 10460 (relevant extracts only)	10.08.2018	198 – 223
	15.	TPB Paper No. 10536 & Attachments	05.2019	224 – 296
	16.	Minutes of the 1200 <sup>th</sup> TPB Meeting re TPB Paper No. 10599 (relevant extracts only)	10.05.2019	297 – 309
B2	17.	TPB Paper No. 10599 & Annexures	12.2019	310 – 593
	18.	Minutes of the 1214 <sup>th</sup> TPB Meeting re TPB Paper No. 10599	06.12.2019	594 – 653
	18A.	TPB Paper in relation to Agenda Item 2 of the 1216 <sup>th</sup> TPB Meeting “Proposed Amendments to the Draft Central District Outline Zoning Plan NO. S/H4/17”	01.2020	653.1 – 653.7
	19.	TPB Paper No. 10615 & Annexures	01.2020	654 – 657
	20.	Minutes of the 1216 <sup>th</sup> TPB Meeting (relevant extracts only)	10.01.2020	658 – 665
	21.	Schedule of Proposed Amendments to the Draft Central Outline Zoning Plan No. S/H4/17	13.03.2020	666 – 669

<u>Bundle</u>	<u>Tab</u>	<u>Description</u>	<u>Date</u>	<u>Page</u>
<b>C. Lease for the Site and Applicant's Correspondence with the TPB</b>				
C	22.	Government Lease (Inland Lot No.7360)	19.04.1850	670 – 680
	23.	Letter from TPB to Townland Consultants	27.12.2019	681 – 684
	24.	Letter from Hong Kong Sheng Kung Hui Foundation to the TPB	29.01.2020	685 – 688
	25.	Letter from the TPB to Sheng Kung Hui	04.03.2020	689 – 690
<b>D. Papers and Minutes of Meetings of the Legislative Council and Antiquities Advisory Board</b>				
D	26.	LegCo Panel on Development Briefing Paper: "Heritage Conservation Policy" (DEVB (CR)(W) 1-55/68/01)	10.2007	691 – 711
	27.	Chief Executive's 2009-2010 Policy Address – Conserving Central §§53-57	14.10.2009	712 – 715
	28.	LegCo Panel on Development Briefing Paper: "Preservation-cum-development of the HKSKH Compound in Central" (DEVB CS/CR 6/5/274)	15.06.2011	716 – 739
	29.	AAB Paper for 182 <sup>nd</sup> AAB Meeting & Annexures	21.06.2018	740 – 755
	30.	Minutes of 182 <sup>nd</sup> AAB Meeting	21.06.2018	756 – 774
	31.	Antiquities and Monuments Office website regarding the mission of the Antiquities and Monuments Office ( <a href="https://www.amo.gov.hk/en/about.php">https://www.amo.gov.hk/en/about.php</a> )	31.07.2018	775
	32.	Commissioner for Heritage's Office website regarding the mission of the Commissioner for Heritage's Office ( <a href="https://www.heritage.gov.hk/en/about/commissioner.htm">https://www.heritage.gov.hk/en/about/commissioner.htm</a> )	02.09.2019	776
<b>E. TPB Papers relating to other Outline Zoning Plans and Minutes of Meetings</b>				
E1	33.	Approved Quarry Bay Outline Zoning Plan No. S/H21/28 and Notes and Explanatory Statement <i>[Note: A copy of the Plan itself is not currently available and will be provided by the Applicant at a later date.]</i>	09.2010	777 – 829
	34.	Minutes of the 377 <sup>th</sup> MPC Meeting re Application to draft Quarry Bay Outline Zoning Plan No. S/H/21/24 ( <i>relevant extracts only</i> )	18.07.2008	830 – 849
	35.	Minutes of the 935 <sup>th</sup> TPB Meeting re s.12A rezoning of the Woodside Site ( <i>relevant extracts only</i> )	15.05.2009	850 – 915
	36.	Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19 and Notes and Explanatory Statement <i>[Note: A copy of the Plan itself is not currently available and will be provided by the Applicant at a later date.]</i>	11.2015	916 – 959

<u>Bundle</u>	<u>Tab</u>	<u>Description</u>	<u>Date</u>	<u>Page</u>
E1	37.	Approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/6 and Notes and Explanatory Statement <i>[Note: A copy of the Plan itself is not currently available and will be provided by the Applicant at a later date.]</i>	12.2013	960 – 1009
E2	38.	Draft Yau Ma Tei Outline Zoning Plan No. S/K2/22 and Notes and Explanatory Statement <i>[Note: A copy of the Plan itself is not currently available and will be provided by the Applicant at a later date.]</i>	05.2014	1010 – 1062
	39.	347th MPC Meeting Minutes re Application Y/K2/3 (HKPU Phase 8 Site) (relevant extracts only)	13.04.2007	1063 – 1067
	40.	Approved Ho Man Tin Outline Zoning Plan No. S/K7/ and Notes and Explanatory Statement <i>[Note: A copy of the Plan itself is not currently available and will be provided by the Applicant at a later date.]</i>	09.2015	1068 – 1105
	41.	MPC Paper No. Y/K7/9 (Poly U Campus Extension)	05.2014	1106 – 1128
	42.	Minutes of 511 <sup>th</sup> TPB Meeting re Application No. Y/K7/9 (Poly U Campus Extension) (relevant extracts only)	09.05.2015	1129 – 1145
	43.	Approved Ngong Ping Outline Zoning Plan No. S/I-PC/6 <i>[Note: A copy of the Plan itself is not currently available and will be provided by the Applicant at a later date.]</i>	09.2006	1146 – 1184

P.C Woo & Co

**Ex-parte application**

**HCAL No.** / 2020

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST  
NO. of 2020**

**HONG KONG SHENG KUNG HUI FOUNDATION**

**Applicant**

**and**

**TOWN PLANNING BOARD**

**Proposed Respondent**

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**2<sup>ND</sup> AFFIDAVIT OF THE REVEREND CANON KOON HO MING PETER DOUGLAS**

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I, The Reverend Canon Koon Ho Ming Peter Douglas of 16/F, Tung Wai Commercial Building, 109-111 Gloucester Road, Wanchai, Hong Kong, make oath and say as follows:

1. I refer to my Affidavit sworn on 26 March 2020 ("**1<sup>st</sup> Affidavit**") and filed together with this affidavit.
2. I am duly authorised by the Applicant, the Hong Kong Sheng Kung Hui Foundation ("**SKH**" or the "**Applicant**"), to make this second affidavit ("**2<sup>nd</sup> Affidavit**"). I have used the terms defined in the Form 86 and in my 1<sup>st</sup> Affidavit in a consistent manner.
3. My 1<sup>st</sup> Affidavit was made in support of SKH's application for leave to apply for judicial review (Parts A to D of the Form 86) ("**JR Application**").
4. This 2<sup>nd</sup> Affidavit is made in support of SKH's application for an interim stay of the Board's 1<sup>st</sup> Decision made on 6 December 2019 and the 2<sup>nd</sup> Decision made on 10 January 2020, or alternatively, a stay of the steps to be taken by the Board to fix and proceed with the meeting under section 6F of the TPO with respect to the amendments the subject

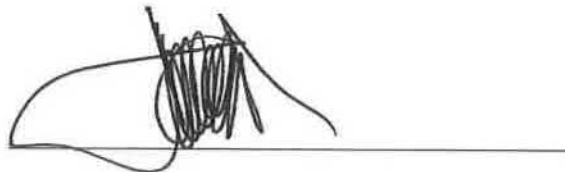
matter of the 1<sup>st</sup> Decision and the 2<sup>nd</sup> Decision, pending the final determination of the judicial review (see Part E of the Form 86) (“**Stay Application**”).

5. I am informed by the Applicant’s solicitors, P.C. Woo & Co, and verily believe that:
- (a) the Court has the power to grant the stay requested by the Applicant on the papers provided that:
    - (i) the Applicant provides an undertaking as to damages; and
    - (ii) the Respondent has the right to apply to set aside the stay.
  - (b) The legal principles upon which the Court will consider whether to exercise its power to grant a stay are as set out in paragraph 111 of the JR Application.
6. I also refer to paragraph 112 of the JR Application and confirm that I was either advised or I verily believe that the matters set out there are correct. In particular:-
- (a) I am advised and verily believe that for the reasons set out in the JR Application, the Applicant is able to demonstrate a strong *prima facie* case that the 1<sup>st</sup> Decision and 2<sup>nd</sup> Decision is unlawful on grounds of illegality, *Wednesbury* unreasonableness, lack of proportionality and breach of natural justice.
  - (b) On balance of convenience between SKH, the Board and the public interest, I verily believe that the only party that would be affected by the stay is SKH, and the interest of the Board and the public are unaffected by the Stay Application. In this regard, I confirm that there currently are no buildings on site that offend the restrictions set out in the 1<sup>st</sup> Decision and 2<sup>nd</sup> Decision, and likewise no building works have yet been planned.
  - (c) On damages as an alternative remedy and the course that carries the lower risk of injustice if it should turn out to have been wrong, I am advised and verily believe that having regard to (b) above, the grant of an interim stay would be the course that carries the lower risk of injustice in the circumstances.

(d) Further, I am advised by the Applicant's solicitors and verily believe that the Courts currently have a heavy workload, and the Court's recent General Adjournment during the period 29 January to 22 March 2020 in connection with the outbreak of the COVID-19 virus have added to the backlog of cases to be handled by the Courts. In the circumstances, it does not appear to the Applicant that a hearing of the JR Application is likely to be imminent or in the near future.


7. Finally, I confirm that, if it is considered necessary by the Court, the Applicant is prepared to provide an undertaking as to damages. However, I am further advised by the Applicant's solicitors and verily believe that the only party that would be affected by the Stay Application is the Applicant as the sole owner of the site may be a relevant factor that the Court may take into account in determining whether such an undertaking would be necessary in the circumstances.

8. And I solemnly and sincerely sworn that the contents of this Affidavit are true.



(THE REVEREND CANON KOON HO MING PETER DOUGLAS)

SWORN at the offices of Messrs. )  
Wilkinson and Grist at 6<sup>th</sup> Floor, Prince's )  
Building, 10 Chater Road, Central, Hong )  
Kong on this 26<sup>th</sup> day of March 2020 )



Before me,

WONG JOSHUA  
Solicitor  
Hong Kong SAR  
Wilkinson & Grist

(This Affidavit is filed on behalf of the Applicant)



Applicant: RCKHMPD: 2<sup>nd</sup>: 26.03.2020

**Ex-parte application**

**HCAL No.                      /2020**

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
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LIST  
NO.        of 2020**

**HONG KONG SHENG KUNG HUI FOUNDATION**  
Applicant

and

**TOWN PLANNING BOARD**  
Proposed Respondent

---

**2<sup>ND</sup> AFFIDAVIT OF THE REVEREND CANON  
KOON HO MING PETER DOUGLAS**

---

Filed on the 26th day of March 2020

**P C WOO & CO**  
Solicitors  
12<sup>th</sup> Floor, Prince's Building,  
No. 10 Chater Road, Central,  
Hong Kong  
Ref : 134935:SPT:ASM:tom

**Ex-parte application**

**HCAL No.** / 2020

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
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NO. of 2020**

**HONG KONG SHENG KUNG HUI FOUNDATION**

**Applicant**

**and**

**TOWN PLANNING BOARD**

**Proposed Respondent**

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**AFFIRMATION OF TO LAP KEE**

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I, TO Lap Kee (also professionally known as Kenneth To) of Unit K, 16/F, MG Tower, 133 Hoi Bun Road, Kwun Tong, Kowloon, Hong Kong, solemnly and sincerely affirm and say as follows:

1. I am a Town Planner, Registered Professional Planner, a Fellow of the Hong Kong Institute of Planners and a Member of the Royal Institute of Planners. I have also obtained qualification for Registered Urban Planner in People's Republic of China. I have over 30 years planning experience in Hong Kong. Before establishing KTA, I worked in another planning consultancy firm, Townland Consultants Limited, from 1988 to 1999. In 2001, I established Kenneth To & Associates Ltd ("KTA"), which is a town planning and development consultancy based in Hong Kong. A copy of Curriculum Vitae is now exhibited and shown to me, marked "TLK-1".
2. KTA advises Government Departments, public corporations, utilities companies, institutions, district based/community organisations, District Councils private developers and end users of premises as well as community groups on the town planning aspects of a



variety of projects. My experience includes also regional and area based land use studies, urban regeneration, nature and heritage conservation, tourism/recreational/cultural and community planning, social impact assessments and statutory town planning submissions on development projects.

3. In my 30+ years of town planning experience, I have been involved in or advising or appearing in applications to the Town Planning Board (“**Board**” or “**TPB**”). I have also had experience with the plan making process, including making representations and objections to the Board.
4. I am therefore in a position to state what the Board’s practice or policy with regard to consideration of applications made under section 16 of the Town Planning Ordinance (Cap. 131) (“**TPO**”), and, in relation to the TPO section 12A plan making process, the consideration of representations and objections pursuant to TPO sections 6 to 6F.
5. As the Managing Director of KTA, I have been retained by the Applicant, Hong Kong Sheng Kung Hui Foundation (“**SKH**” or the “**Applicant**”), in these judicial review proceedings to provide professional advice on the town planning aspects of these judicial review proceedings.
6. I am duly authorised by the Applicant to make this Affirmation in support of the Applicants’ application for leave to apply for judicial review herein. I have read a copy of the Form 86, Application for Leave to Apply for Judicial Review dated 26 March 2020 (“**Form 86**”), which is filed together with this Affirmation. In this Affirmation, I have used the terms defined in the Form 86, in a consistent manner. In this affirmation, I shall focus on Ground 3 of the Form 86 relating to the Board’s breach of its *Tameside* Duty.
7. Unless otherwise stated, the facts stated in this Affirmation are within my personal knowledge, or obtained from the records and files kept by KTA or the Applicant, or from information in the public domain, and are true to the best of my knowledge, information and belief.
8. References to documents in the List of Documents and Bundle which is exhibit “**RCKHMPD-1**” to the 1<sup>st</sup> Affidavit of The Reverend Canon Koon Ho Ming Peter Douglas, are referred to below as [File/Tab/page], such that, for example [B1/6/56] is a

reference to page 56 under Tab 6 in File B of exhibit “RCKHMPD-1”. I have examined the series of drawings and photographs at **Appendix 1** and **Appendix 2** to the Form 86, which have been produced by KTA. I confirm that the contents of those drawings in **Appendix 1** accurately depict the locations of the Applicant’s site (“Site”) and the existing building heights and building height restrictions on the various nearby and adjoining sites, and that the photographs in **Appendix 2** accurately depict the surroundings of the Site.

**A. Breach of Tameside Duty (Ground 3 of the Form 86)**

9. At §110(e) of the Minutes of 1214<sup>th</sup> TPB Meeting on 6 December 2019 (“6/12/19 Minutes”), the Board’s comments that:

*“for sites with specific concern or might cause adverse impacts on the surrounding area, it was the Board’s established practice to request the project proponent to submit detailed development scheme for the Broad’s scrutiny through the [TPO s.16] planning application mechanism. There would be a case to apply the same practice to the proposed development at the Site.” [B2/18/648].*

10. In my experience and to the best of my knowledge, the Board’s practice is not as described at §110(e) of the 6/12/19 Minutes. In the course of preparing this Affirmation, my team at KTA has, under my supervision, reviewed all existing zonings under the prevailing Outline Zoning Plans (“OZPs”). My team and I have identified six main categories of zonings where planning approval under TPO s.16 is required for any new development or redevelopment. The six categories include:
- (a) “Comprehensive Development Area” (“CDA”) zone;
  - (b) Special sub-zones of “Government, Institution or Community” (“G/IC”) zone;
  - (c) “Undetermined” (“U”) zone;
  - (d) “Site of Special Scientific Interest” (“SSSI”) zone;
  - (e) Some special types of “Other Specified” (“OU”) zones; and
  - (f) A special “Recreation” (“REC”) zone under the Ngong Ping OZP.

11. The “CDA” zones are unique in that these are large parcels of land that, as I will elaborate in Section B below, were specifically designated CDA with the intention of restructuring of land uses and phasing incompatible uses through TPB approval of a Master Layout Plan (“MLP”), which is in effect analogous to requiring a TPO s.16 approval in the sense that submission of a MLP for approval is one type of TPO s.16 application.
12. As for the other five categories, each individual instance of where a TPO s.16 planning application requirement was introduced was because of a specific feature of the particular site that was the subject to the zoning. Most of the zonings where planning approval under TPO s.16 is required for any new development or redevelopment were designated either as part of a new draft plan or one of the amendment items to an approved plan under TPO s.5, or as one of the amendment items to a draft plan under TPO s.7.
13. Regarding the “U”, “SSSI”, “OU” and “REC” zones in particular, each of these zones concerns very specific land uses that by their very nature necessitate a TPO s.16 application. The specific reasons prompting a TPO s.16 application are irrelevant to the “G/IC(1)” zone in the draft Central OZP S/H4/17 (“**Draft Central OZP**”), which is also an area that lacks the specific qualities of the “U”, “SSSI”, “OU” and “REC” zones.
14. Based on the examples in Sections C and D below, it is my observation that there is no established practice of introducing a broad requirement for planning approval under a TPO s.16 for “Column 1” uses in a zoning or zoning amendment decision by the TPB.

**B. “CDA”**

15. In my experience, except for special cases to be discussed below, it is only in “CDA” zones that there is a blanket TPO s.16 requirement for planning approval for any development within the zone. This is because “CDA” zones were created within a specific historical context and concerning a large area of land that required a comprehensive planning oversight in its development. Hence the need for a TPO s.16 planning application for any proposed development (see Section 4.2 of TPB Guideline (TPB PG) No. 17A *Designation of “Comprehensive Development Area” (“CDA”)*

*zones and monitoring the progress of “CDA” developments” (“TPB Guideline 17A”)<sup>1</sup> [A/4/47]).*

16. Specifically, the purpose of introducing the “CDA” zone in 1976 was to *“facilitate urban restructuring and to phase out incompatible development and non-conforming uses”* [A/4/44].
17. With such purposes, so unique are “CDA” zones that the TPO even has its own section (TPO s.4A) and TPB Guidelines<sup>2</sup> pertaining specifically to “CDA” zones. Such features of a “CDA” zone are unlike other zones (including the G/IC(1) zone in the Draft Central OZP), and by its very nature “CDA” zones should not be considered applicable to the SKH Site.

**C. Special sub-zones of “G/IC” Zone**

18. In general TPO s.16 application requirement is not imposed on G/IC zones. In KTA’s review of the prevailing OZPs, there are only five instances where a TPO s.16 requirement has been identified. In each case of these cases:
  - (a) there were specific factors (such as a clear pre-existing planning intention for the site, special site conditions, or specific design or zoning requirement) that are peculiar to the site justifying the TPO s.16 requirement; and/or
  - (b) the site was being rezoned from another zoning that had particular features of concern to the Board (e.g. Conservation (“CA”) or Open Space (“O”) to a “G/IC”). As part of the s.12A application process, the TPB considered the TPO s.16 requirement as necessary to ensure the compatibility / appropriateness of the proposed G/IC use at the site.

19. The five instances are:

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<sup>1</sup> Now superseded by TPB Guideline (TPB PG) No. 17A. References to TPB Guideline 17 are therefore based on those in the current TPB Guideline 17A.

<sup>2</sup> TPB Guideline 17A and TPB Guideline TPB PG No. 18A (“**TPB Guideline 18A**”) “*For submission of Master Layout Plan under Section 4A(2) of the Town Planning Ordinance*” [A/4-5/44-53].

- (a) “G/IC(1)” zone under the Approved Quarry Bay OZP No. S/H21/28 [E1/33/796-797];
  - (b) “G/IC(1)” zone under the Approved Ting Kok OZP No. S/NE-TK/19 [E1/36/928-929];
  - (c) “G/IC(5)” and “G/IC(6)” zones under the Approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6 [E1/37/978-979];
  - (d) “G/IC(1)” zone under the Draft Yau Ma Tei OZP No. S/K2/22 [E2/38/1026]; and
  - (e) “G/IC(3)” zone under the Ho Man Tin OZP No. S/K7/24 [E2/40/1082-1084].
20. In some of these 5 “G/IC” zones (sub-areas) (which I shall discuss individually below), there were no Column 1 uses, and the Notes require any development to be permitted with or without conditions upon application to the Board under TPO s.16, even for uses appearing under Column 1 of the Schedule of Uses.
- C.1. Inadequate access: “G/IC(1)” zones under the Approved Quarry Bay OZP No. S/H21/28
21. The “G/IC(1)” zone under Approved Quarry Bay OZP No. S/H21/28 is located to the south of “Woodside” (Grade II historic building) (“**Woodside Adjacent Site**”). This special case involves a piece of sizable un-allocated government land with no readily available road access of adequate standard. Uses therefore had to be limited. This “uncertain” status of the site is repeated in the planning intention in the Notes as below:

*“This zone is intended primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region of the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. In view of the character of the area and the existing condition of the zone, only a limited range of GIC uses may be allowed in this zone on application to the Town Planning Board to ensure that any future development will be compatible with its surrounding environment.” (emphasis added) [E1/33/796].*

22. It was maintained as “G/IC” zone until the exhibition of OZP No. S/H21/25 in 2008. Although not recorded in the minutes, it is my understanding that during the 377<sup>th</sup> MPC

Meeting on 18 July 2008 [E1/34/830-849], the MPC's decision agreeing to exhibit the proposed amendments to the draft Quarry Bay OZP No. S/H21/24A under s.7 of the previous Town Planning Ordinance (prior to its amendment in 2004) ("**Pre-Amended TPO**") was inclusive of the proposed rezoning of the Woodside Adjacent Site [E1/34/849]. The amendments included:

- (a) the rezoning of the Woodside Adjacent Site from "G/IC" to "G/IC(1)" with a new schedule of uses where no uses are found under Column 1 (i.e. requiring a TPO s.16 requirement); and
  - (b) the introduction of a maximum building height restriction of 6 storeys.
23. Following publication of the proposed amendments and consideration of the objections, the Board decided to rezone the Woodside Site from "G/IC" to "G/IC(1)" (see §§ 92 and 94(c) of the Minutes of the 935<sup>th</sup> TPB Meeting on 15 May 2009 [E1/35/914-915]).
- C.2. Monastery grounds: "G/IC(1)" zone under the Approved Ting Kok OZP No. S/NE-TK/19
24. The "G/IC(1)" zone under the prevailing Approved Ting Kok OZP No. S/NE-TK/19 ("**Approved Ting Kok OZP**") refers to a site covering the existing Tsz Shan Temple to the north of Sau Tau Kok Village ("**Tsz Shan Monastery Site**").
25. The relevant TPB Paper and Minutes are not publicly available as the Draft OZP No. S/NE-TK/9 was exhibited before the commencement of Town Planning (Amendment) Ordinance in 2004. However, it is my understanding that the rezoning of the Tsz Shan Monastery Site from "REC" and Green Belt ("**GB**") to "G/IC" zone was the result of a long exercise involving the project proponent, government bureaux / departments, and the TPB, geared towards a very unique and specific purpose for the site, i.e. the Guan Yin Statue and ancillary facilities, as repeated in the planning intention (quoted in §26 below). The requirement of a TPO s.16 planning application for any new development was focused on the special design requirements of the Tsz Shan Monastery and Guan Yin Statue.

26. As noted in the Notes to the Approved Ting Kok OZP, this zone is intended “*primarily for the development of a religious institution use with an outdoor Guan Yin Statue and ancillary facilities*” and the planning intention was that any development on this zone “*shall be compatible and blend in harmoniously with its surrounding environment*”, and further that “[i]n order to preserve the rural character and the natural landscape of the area, with the exception of an outdoor Guan Yin Statue proposed at Area (a), all other parts of the ‘G/IC(1)’ zone should be low-rise in nature” [E1/36/928].
- C.3. Reservation for private hospital and associated staff quarters: “G/IC(5)” and “G/IC(6)” under the Approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6
27. The “G/IC(5)” and “G/IC(6)” zones under Approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6 (“**Approved CWBN OZP**”) are located to the northwest of the Hong Kong University of Science and Technology (“**HKUST**”) in close proximity to the junction of Hiram’s Highway and University Road. The “G/IC(5)” zone was specifically intended “*primarily for the provision of hospital facilities serving the needs of the local residents and/or a wider district, region or the territory*”, and “*to provide land for uses directly related to or in support of the hospital providing medical services to meet community needs*”, while the “G/IC(6)” zone is intended “*to provide land for staff quarters use directly related to or in support of the hospital providing medical services to meet community needs*” (see Notes to the Approved CWBN OZP [E1/37/978-979]).
28. The land falling within the “G/IC(5)” zone and “G/IC(6)” zone was zoned “Conservation Area” (“**CA**”) until the TPB reconsidered an objection under section 6(6) of the Pre-Amended TPO on 31 July 2009 following the decision of the Court of First Instance on 6 November 2007 in HCAL 12/2006 and HCAL 12/2007 (See §2.8 of the Explanatory Statement (“**ES**”) to the Approved CWB OZP [E1/37/992]). As directed by the Court, the TPB reconsidered the Objection and proposed amendments to partially meet the objection.
29. The proposed amendments mainly involved the rezoning of an area between Clear Water Bay Road and Pik Shui Sun Tsuen from “CA” to “G/IC(5)” with a TPO s.16 requirement primarily for the provision of hospital facilities, and rezoning of another area between University Road and Staff Quarters of the HKUST from “CA” to “G/IC(6)” also



with a TPO s.16 requirement primarily for the provision of hospital staff quarters (see §2.9 of the ES to the Approved CWBN OZP [E1/37/992]).

C.4. Oversight of publicly-funded development: “G/IC(1)” under the Draft Yau Ma Tei OZP No. S/K2/22

30. The planning intention of the “G/IC(1)” zone where the existing Phase 8 Development (“**HKPU Phase 8 Site**”) of Hong Kong Polytechnic University (“**HKPU**”) falls within is *“primarily to provide land for higher educational facilities and railway facilities”* [E2/38/1026]. There are four “Column 1” uses under the “G/IC(1)” zone but it is stated in Remark (1) that *“[a]ny new development, except alteration and/or modification to an existing building, requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance”* [E2/38/1026].
31. The land was originally zoned “Open Space” (“O”) under the Approved Yau Ma Tei OZP No. S/K2/17 (See §6(a) of the 347<sup>th</sup> Minutes of the MPC Meeting on 13 April 2007 [E2/39/1056-1057]). In order to enable HKPU to proceed with its Phase 8 campus expansion plans on the “O” zone, it was necessary for area to be rezoned to a “G/IC”. An “O” zone is *“primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public”* [E2/38/1027], which is incompatible with a campus expansion development.
32. A s.12A Amendment of Plan Application (Application No. Y/K2/3) was submitted to the TPB under TPO s.12A, for proposed rezoning of the HKPU Phase 8 Site from “O” to “G/IC”. Given that the rezoning from an “O” zone to a “G/IC” meant the loss of open space that the public had access to, the Board considered the proposed G/IC development may be appropriate if the development scheme was revised to address the concerns raised at the meeting, which included concerns relating to provision of appropriate access, and ensuring some form of public access to the HKPU Phase 8 Site would be maintained. The TPO s.16 requirement was therefore introduced.

C.5. Oversight of privately funded educational space and hostel facilities: “G/IC(3)” under the Approved Ho Man Tin OZP No. S/K7/24



33. The “G/IC(3)” zone refers to the zone where the proposed HKPU Campus Expansion Development is situated in (“**HKPU Campus Expansion Site**”). This is another example where a TPO s.16 requirement was introduced through a TPO s.12A Amendment of Plan Application initiated by HKPU.
34. Similar to the HKPU Phase 8 Site, the land on the HKPU Campus Expansion Site was originally zoned “O” under the Approved Ho Man Tin OZP No. S/K7/24 [E2/40/1085]. A TPO s.12A Amendment of Plan Application (Application No. Y/K7/7) was submitted by HKPU in February 2013, proposing rezoning of the Site from “O” to “G/IC” for its planned further campus expansion. Similar to the situation with the HKPU Phase 8 Site, the TPO s.16 requirement was introduced by the Board to ensure that the design of HKPU’s proposed development will address the concerns raised by concerned bureaux/departments and the public in relation to design aspects of the development and the allocation of GFA for publicly funded facilities (see §§45-48 of the Minutes of the 511<sup>th</sup> MPC Meeting [E2/42/1143-1144]).
35. Again, the introduction and approval of a TPO s.16 requirement arose after HKPU, as the applicant and project proponent, had an opportunity to address the MPC on the appropriateness of a TPO s.16 requirement.

**D. The unique characteristics of the “U”, “SSSI”, “OU”, and “REC” Zones and the specific need for a TPO s.16 Application**

**D.1. “U” Zone<sup>3</sup>**

36. Under TPO s.4(1)(e), the Board’s draft plans prepared under TPO s.3(1)(a) for the lay-out of any such area may show or make provision for zones or districts set apart for undetermined uses, i.e. “U” zones. Accordingly, the need for planning approval under TPO s.16 is self-evident, as reflected in the Covering Notes of any OZPs with “U” zone, where there is a standard clause applicable to developments within the “U” zone:

<sup>3</sup> Having reviewed all prevailing OZPs, it is noted that there are 12 OZPs with “U” zoning. These are: Tai Tam & Shek O OZP No. S/H18/10; Hung Hom OZP No. S/K9/26; Cha Kwo Ling, Yau Tong; Lei Yue Mun OZP No. S/K15/25; Lamma Island OZP No. S/I-LI/11; Mui Wo Fringe OZP No. S/I-MWF/10; North-East Lantau OZP No. S/I-NEL/12; Tai O Fringe OZP No. S/I-TOF/2; Nam Sang Wai OZP No. S/YL-NSW/8; San Tin OZP No. S/YL-ST/8; Tin Shui Wai OZP No. S/TSW/14; and Tong Yan San Tsuen OZP No. S/TL-TYST/12.

*“In the “Undetermined” zone, all uses or developments except those specified in paragraph (7) above require permission from the Town Planning Board.” (see §10 of the TPB’s Master Schedule of Notes (“MSN”) [A/1/3]).*

37. Those uses specified in §7 of the MSN are limited to very specific activities that would in any event be of limited relevance to a proposed development in the G/IC(1) zone in the Draft Central OZP, for example:

- “(a) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, road, bus/light rail\*/tram\*/public light bus stop or lay-by, cycle track, light rail track\*, Mass Transit Railway station entrance\*, Mass Transit Railway structure below ground level\*, taxi rank, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;*
- (b) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and*
- (c) maintenance or repair of watercourse and grave.” [A/1/2]*

38. Moreover, a “U” zoning would only be designated after extensive inquiry. For example, the “U” zoning in the Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/25 was arrived at after extensive and lengthy inquiry by the TPB, a study commissioned by PlanD “*Planning Review on Development of ex-Cha Kwo Ling Kaolin Mine Site*” in 2011 to review the land use and facilitate early release of sites for housing development. After the completion of this PlanD study in mid-2014, the Civil Engineering and Development Department undertook “*Feasibility Study for Development at ex-Cha Kwo Ling Kaolin Mine Site*” to ascertain the engineering feasibility of the development proposal. Both studies were exhibited for the public’s consideration and were the subject of extensive public comments and representations, and discussion by the MPC and TPB.

## D.2. “SSSI” Zone

39. “SSSI” zones are in essence not for development. According to the TPB’s MSN:

*“The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI and to deter human activities or developments within the SSSI.*

*There is a general presumption against development within this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes” [A/1/4].*

40. §3.3.8, Chapter 10 of the Hong Kong Planning Standards and Guidelines (“HKPSG”) also makes it clear that “[n]ormally no new development will be permitted within a ‘SSSI’ zone unless it is necessary for conservation of the site” [A/7/65].
41. There are in total 22 “SSSI” zones covered by a statutory plan, including Tai Long Wan OZP No. S/SK-TLW/5, Sha Lo Tung OZP No. S/NE-SLT/4, and Mai Po OZP No. S/YL-MP/6. All the “SSSI” zones are either having no use under Column 1, or having only “Country Park”, “Wild Animals Protection Area” and/or “Grave (within designated burial ground in ‘SSSI’ only)” uses within the Column 1. Among the 22 “SSSI” zones, only the “SSSI” zone under Approved Tai Long Wan OZP No. S/SK-TLW/5 and the “SSSI(1)” zone under Approved Mai O OZP No. S/YL-MP/6 have no Column 1 uses.
42. Given the special status of “SSSI” zone for conservation purpose, it is unnecessary to elaborate any further as it is self-evident that the permitted “Column 1” uses within the “SSSI” zone have no bearing upon how the SKH Site should be regarded.

D.3. Some special types of “Other Specified” (“OU”) and “REC” zones

43. “OU” zones are designated for specific purposes which do not exist elsewhere in Hong Kong, and therefore the exact usage of that area as specified in detail at the time of the zoning is the only permitted use. As a result, most uses in the “OU” zoning are under “Column 2”, and any permitted development would have set parameters regarding the desired achievement for that particular zoning thereby making it clear to a project proponent what is expected from them.

44. For example, the “OU(Cyber Port)” zoning under the Draft Pok Fu Lam OZP No. S/H10/18 is one that was specifically targeted at developing the reclaimed land into a business park for the innovative digital community and its associated needs.
45. Similarly, consistent with the general planning intention for the area covered by Approved Ngong Ping OZP S/I-PC/6 (“**Approved Ngong Ping OZP**”) is “*to conserve the natural environment by protecting areas of special scientific interest, natural landscape and topographical features from encroachment by development*” (see ES to the Approved Ngong Ping OZP §7.1 [E2/43/1175]), the “REC” zone and the “OU(Cable Car Terminal)” and “OU(Tourist Corridor)” zones under the Ngong Ping OZP were planned for specific purposes relating to “*recreation developments for the use of the general public [to] encourages the development of active and/or passive recreation and tourism/eco-tourism*” (in the case of the “REC” zone); and “*for the development of a cable car terminal*” and “*the development of a tourist corridor that would comprise tourism-related and complementary facilities to serve the visitors to Ngong Ping*” in the case of the two “OU” zones. These specific zonings and purposes are unique to the particular zone and do not appear in other OZPs. Hence, it is appropriate that a TPO s.16 planning approval would be required for any proposed development.
46. In KTA’s review of all statutory plans, a total 16 “OU” zones covered by 14 OZPs have been identified, where TPO s.16 planning approval is required for any new development or redevelopment<sup>4</sup>.

<sup>4</sup> The 16 “OU” zones comprise of: (1) “OU(Comprehensive Redevelopment Area)” zone under the Wan Chai OZP No. S/H5/28; (2) “OU(Cyber Port)” zone under the Pok Fu Lam OZP No. S/H10/18; (3) “OU(Electricity Supply Installation and Hotel)” zone under the Aberdeen & Ap Lei Chau OZP No. S/H15/33; (4) “OU(Cultural and/or Commercial, Leisure and Tourism Related Use)” zone under the Quarry Bay OZP No. S/H21/28; (5) “OU(Commercial Development and Vertical Transport Facility)” zone under the Kwun Tong (North) OZP No. S/K14N/15; (6) “OU(Tourism Related Uses to include Commercial, Hotel and Entertainment)” zone under the Kai Tak OZP No. S/K22/6; (7) “OU(Recreational and Tourism Related Uses)” zone under the Ma Wan OZP No. S/I-MWI/14; (8) “OU(Recreation and Tourism Related Uses)” zone under the Tsing Yi OZP No. S/TY/29; (9) “OU(Comprehensive Residential Development including a Commercial Complex)” under the Peng Chau OZP No. S/I-PC/12; (10) “OU(Cable Car Terminal and related Commercial Development)” zone under the Tung Chung Town Centre OZP No. S/I-TCTC/2; (11) “OU(Spa Resort Hotel)” zone under Ting Kok OZP No. S/NE-TK/19; (12) “OU(Heritage and Cultural Tourism Related Uses)” zone under the Ping Shan OZP No. S/YL-PS/18; (13) “OU(Cable Car Terminal)” and “OU(Tourist Corridor)” zones under the Ngong Ping OZP No. S/I-NP/6; and (14) “OU(Historical Site Preserved for Cultural, Recreational and Commercial Uses)” and “OU(Heritage Site for Creative Industries and Related Uses)” zones under the Sai Ying Pun & Sheung Wan OZP No. S/H3/33.

47. The process for zoning an area as “OU” will generally undergo extensive consultation, and a detailed paper prepared by PlanD justifying and explaining the reasons behind the zoning and the proposed amendments.

AFFIRMED at the offices of Messrs. )  
Wilkinson and Grist at 6<sup>th</sup> Floor, Prince’s )  
Building, 10 Chater Road, Central, Hong )  
Kong on this 26<sup>th</sup> day of March 2020 )



Before me,



WONG JOSHUA  
Solicitor  
Hong Kong SAR  
Wilkinson & Grist

(This Affirmation is filed on behalf of the Applicant)

Applicant: To Lap Kee: 1st: 26.03.2020

**Ex-parte application**

**HCAL No. /2020**

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
CONSTITUTIONAL AND ADMINISTRATIVE LAW  
LIST  
NO. of 2020**

**HONG KONG SHENG KUNG HUI FOUNDATION**  
Applicant

and

**TOWN PLANNING BOARD**  
Proposed Respondent

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**AFFIRMATION OF TO LAP KEE**

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Filed on the 26th day of March 2020

**P C WOO & CO**  
Solicitors  
12<sup>th</sup> Floor, Prince's Building,  
No. 10 Chater Road, Central,  
Hong Kong  
Ref : 134935:SPT:ASM:tom

Applicant: TLK: 1st: 26.03.2020

**Ex-parte application**

HCAL No. / 2020

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
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NO. of 2020**

HONG KONG SHENG KUNG HUI FOUNDATION

Applicant

and

TOWN PLANNING BOARD

Proposed Respondent

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**AFFIRMATION OF TO LAP KEE**

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This is the exhibit marked "TLK-1" referred to in the Affirmation of To Lap Kee affirmed on 26 March 2020.

<u>Exhibit Marked</u>	<u>Description of Document</u>	<u>Date</u>	<u>Page(s)</u>
TLK-1	Curriculum Vitae	March 2020	2

Before me,

  
WONG JOSHUA  
Solicitor  
Hong Kong SAR  
Willinsson & Co. Solicitors

**Name:** TO Lap Kee

**Position:** Managing Director

**Nationality:** Chinese, Hong Kong

**Qualifications:**

- Bachelor of Social Science in Sociology, Chinese University of Hong Kong (1982)
- Master of Science in Urban Planning, The University of Hong Kong (1987)
- Registered Professional Planner, Hong Kong
- Fellow of the Hong Kong Institute of Planners (2002)
- Member of the Royal Town Planning Institute (1990)
- Qualifications for Registered Urban Planner, PRC (2006)



**Years of Experience:** 32

## Profile

Kenneth is a town planner with over 30 years of planning experience in Hong Kong and Mainland China. He has undertaken a wide range of planning and project management work in both the public and private sectors. This work includes government and public funded studies as well as development proposals related to strategic development and infrastructure, railway projects, urban renewal, container port development proposals, environmentally sensitive sites, industrial development issues and heritage conservation. He serves the professional institute and provides advice to District Councils and community groups. He has also taught town planning courses at the University of Hong Kong and the Hong Kong Polytechnic University.

## Selected Relevant Experience

**Proposed Residential Institution cum Ancillary Office (InnoCell) On Chong San Road in Pak Shek Kok (Hong Kong Science and Technology Park) – Submitting Agent:** Provided all planning inputs and advice to Client related to the formulation of development proposal and submission strategy for the planning application and planning review; coordinated work of the consultancy team in the preparation of the Section 16 Planning Application and Section 17 Planning Review; and liaison and lobbying with relevant Government Departments with a view to resolve technical issues and to gain support on the application. The planning application was approved by the TPB on review.

**Proposed Minor Relaxation of Building Height Restriction from 3 to 5 Storeys (plus one level of basement) for the Conservation of a Grade 3 Historic Building - Siu Lo and Residential Care Home for the Elderly ("RCHE") in "G/IC(1)" Zone, Tai Kei Leng, Yuen Long - Submitting Agent:** Submitted planning application to the Town Planning Board for the Conservation-cum-Development Proposal by preserving the existing historic building, Siu Lo, and developing a new building at the remained area of the Site for proposed RCHE with minor relaxation of building height restriction to address the surging need for RCHE places.

**Proposed Religious Institution (Redevelopment of Existing Temple) in "Green Belt" Zone, Government Land at the Hillside of Siu Sai Wan (NGO) - Submitting Agent.** Planning team leader in providing strategic planning advice/inputs to the Client related to the formulation of the scheme proposal and coordinating the planning submission to facilitate approval of the proposed development by Government / Town Planning Board; team coordination and liaison with Planning Department (including pre-submission consultation) and government departments with a view to resolve technical issues and to gain support on the application.

**Proposed Campus Expansion of Hong Kong Polytechnic University at Ho Man Tin Slope (PolyU) - Submitting Agent.** The project involved the development of a hostel and academic facilities on a sloping site with different building height restrictions at different portion. Major duties involved site inspection,



providing planning inputs in the formation of scheme, preparation of submission documents, coordinating efforts of the team, and liaising with government departments.

**Amendment of Plan Application for Proposed Campus Expansion of Hong Kong Polytechnic University at Ho Man Tin (PolyU) - Submitting Agent:** The project involved integrating railway facilities into an institutional use. The Town Planning Board finally agreed to rezone the Site from Open Space to GIC use for the proposed Phase 8 Development of HK PolyU.

**Proposed Minor Relaxation of Building Height Restriction for Extension Works of New Life Building in Shek Kip Mei for New Life Psychiatric Rehabilitation Association - Submitting Agent:** The Project involves the proposed in-situ expansion of New Life Building is one of those projects under the Special Scheme on Privately Owned Sites for Welfare Uses supported by Government's Policy for providing additional and diversified facilities for rehabilitation services.

**Proposed Stormwater Pumping Station, Sheung Wan Waterfront for Drainage Services Department - Submitting Agent:** Submitted planning application to the Town Planning Board to secure co-use of the site for underground pumping station with above ground structure in a public open space on the waterfront. Attended consultation forum and made presentation to gain public support.

**Preliminary Feasibility Study on the Development Potential of the Hong Kong Science Park:** The purpose of the study was to review the existing development intensity of the Hong Kong Science Park and examine the possibility of increase the development intensity of the Hong Kong Science Park. Major duties included conducting baseline review, formulating different development scenarios and options, preparing the study report and liaising with the multidisciplinary team.

**The Study on the Costs and Benefits of Redevelopment and Building Rehabilitation in the Urban Renewal Process (PD) - Deputy Study Director:** The purpose of the study was to compare comprehensively the costs and benefits of redevelopment and building rehabilitation in financial, economic, environmental and social aspects and make recommendations on future directions of urban regeneration in Hong Kong.

**Revitalisation of the Blue House Cluster into Viva Blue House – Planning Team Leader:** The planning team provided planning advice to the client and its project team on the development proposal, especially on whether all proposed uses conform with the prevailing DSP and whether the proposed construction of additional bridges, staircases and lift core are considered as “addition, alteration and/or modification to ... an existing building” which requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

**Planning Study on Formulation of “After Use” Plans for Ho Tung Garden, The Peak Area – Study Director:** co-ordinated a team of consultants to carry out studies on the Site and to collect public views and translate those public aspirations into possible after use plan(s) taking into account site constraints and opportunities; the building's conditions and environs; stakeholders' aspirations; public views experts' advice; analysis of the historical value of the site; land use compatibility and financial viability.

**Property Development Study for Hung Hom Mass Transportation Centre - Planning Consultant:** The Study aimed to come up with comprehensive planning and design for transforming the 18-hectare terminal site into a business hub sitting above an evolving mass transportation center with five railway lines converging.

**Property Development Study for Shatin to Central Link (KCRC) - Planning Consultant:** In this study for the KCRC, Major roles of Kenneth include taking part in the formulation of planning and development strategy along this new railway proposal, identification, assessment, evaluation and selection of potential potential property development sites and preparation of railway-integrated development schemes.

## Employment History

1999 to present	Kenneth To & Associates Ltd – Independent Consultant / Managing Director
1988 to 1999	Townland Consultants Ltd - Executive Director

## Language

Cantonese mother tongue; fluent in English

TPB/R/S/H4/17-F 2

就草圖的建議修訂作出進一步申述

## Further Representation In Respect of Proposed Amendments to Draft Plan

參考編號

200402-104329-10510

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

02/04/2020 10:43:29

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": 先生 Mr. 李宗德

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
I. 就圖則所顯示的事項作出的修訂項目  A 項 — 把位於下亞厘畢道香港聖公會建築群的「政府、機構或社區(1)」地帶北面部分所訂明的建築物高度限制由主水平基準上135米修訂為主水平基準上80米。	反對 Oppose	<p>香港聖公會於中環建築群的擬建「寓保育於發展」項目，內容包括擬興建25層高的非牟利私營醫院。社會上對於此項目有不少意見，其中最大爭議是認為擬建醫院的高度遠超現有建築物。建議修訂把位於下亞厘畢道香港聖公會建築群的「政府、機構或社區(1)」地帶北面部分所訂明的建築物高度限制由主水平基準上135米修訂為主水平基準上80米若然通過，等同否決非牟利私營醫院的項目。</p> <p>文物及歷史保育</p> <p>政府曾在立法會回覆有關歷史建築保育政策檢討的質詢時表示，確認在尊重私有產權的大前提下，有需要為擁有歷史建築的私人業主提供適合的經濟誘因，以鼓勵或換取他們同意保育其歷史建築。現時的經濟誘因包括補償私人業主因保育歷史建築而導致的損失，例如給予他們政策支持申請放寬地積比率及/或上蓋面積，以鼓勵私人業主以「寓保育於發展」的方式保留及活化其歷史建築。</p> <p>香港聖公會的「寓保育於發展」的項目，正正就是讓政府顯示透過經濟誘因對歷史建築保育的支持。香港聖公會保留地段中四幢對聖公會及公眾都意義深遠的歷史建築物。香港聖公會表示，為確保有足夠空間提供社區頗為短缺的</p>

醫療服務，同時兼顧保存歷史建築，地段內餘下可供發展的空間非常有限。新醫院主樓部份基本上只能在前港中醫院的原址上興建。香港聖公會表示地段內可用的空間已完全用作向公眾提供醫療服務。

城規會需要回應社會對善用優越地段的期望，釋放合適土地的發展潛力，以解決土地供應不足的問題。一方面構建更宜居、綠化和可持續發展的環境，另一方面是要闢設足夠的社會、社區和基礎設施，在當中取得適當平衡，以符合香港的最佳利益。

本人向來重視文物及歷史保育，為此，參考了古物諮詢委員會對此個案的意見。根據2018年6月21日古物諮詢委員會的會議記錄，古諮會整體而言贊成在中環地段興建非牟利私營醫院。本人認為，古物諮詢委員會了解香港聖公會於該地段興建25層高非牟利醫院的計劃，並已從文物保育角度作出充份考慮。城規會應參考古物諮詢委員會的意見。

#### 舒緩公營醫療壓力

香港公營醫療服務不足，是眾所周知又長期未有有效解決方案的問題。中西區內私營醫院使用率不高，相信非因市民沒有醫療需要，而是與資源錯配有關。有團體願意營運非牟利醫院，承諾提供有質素及普羅市民可以負擔的醫療服務，有助令公營醫療的壓力得以舒緩，本人對此表示支持及樂見。

#### 對區內交通影響

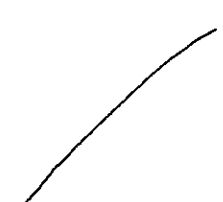
前港中醫院設有 85 張病床，並提供住院、門診及日間護理服務；聖公會在港中醫院範圍擬建的非牟利私家醫院計劃設有293張病床。本人認為因發展醫院可能引致交通問題需要正視，但對於在舊有(但已停運一段時間)的服務之上增加的服務所引致的新增車流人流是否對區內交通擠塞有重大影響，必須進行專業性的數據評估，否則不應對未來發展定下過分嚴格的限制，及輕言阻礙或否決可以為市民增加提供醫療服務的機會。

Form No. S6D 表格第S6D號

For Official Use Only 請勿填寫此欄	Reference No. 檔案編號	
	Date Received 收到日期	

- The further representation should be made to the Town Planning Board (the Board) before the expiry of the specified plan exhibition period. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.  
進一步申述必須於指定的圖則展示期限屆滿前向城市規劃委員會（下稱「委員會」）提出，填妥的表格及支持有關進一步申述的文件（倘有），必須送交香港北角渣華道333號北角政府合署15樓城市規劃委員會秘書收。
- Please read the "Town Planning Board Guidelines on Submission and Publication of Representations, Comments on Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong - Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at <http://www.info.gov.hk/tcb/>.  
填寫此表格之前，請先細閱有關「根據城市規劃條例提交及公佈申述、對申述的意見及進一步申述」的城市規劃委員會規劃指引。這份指引可向委員會秘書處（香港北角渣華道333號北角政府合署15樓 - 電話：2231 4810或2231 4835及規劃署的規劃資料查詢處（熱線：2231 5000）（香港北角渣華道333號北角政府合署17樓及新界沙田上禾輦路1號沙田政府合署14樓）索取，亦可從委員會的網頁下載（網址：<http://www.info.gov.hk/tcb/>）。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The further representation may be treated as not having been made if the required information is not provided.  
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出進一步申述的人士須以打印方式或以正楷填寫表格，填寫的資料宜中英文兼備。倘若未能提供所需資料，則委員會可把有關進一步申述視為不曾提出論。

1. Person Making this Further Representation (known as "Further Representer" hereafter) 提出此宗進一步申述的人士（下稱「進一步申述人」）
Full Name 姓名 / 名稱 (Mr./Ms./Company/Organisation* 先生/女士/公司/機構*)  李崇德
(Note: for submission by person, full name shown on Hong Kong Identity Card/Passport must be provided) (注意：若個人提交，須填上與香港身份證／護照所載的全名)

2. Authorised Agent (if applicable) 獲授權代理人(如適用)
Full Name 姓名 / 名稱 (Mr./Ms./Company/Organisation* 先生/女士/公司/機構*)  
(Note: for submission by person, full name shown on Hong Kong Identity Card/Passport must be provided) (注意：若個人提交，須填上與香港身份證／護照所載的全名)

3. Details of the Further Representation 進一步申述詳情	
Draft plan to which the further representation relates (please specify the name and number of the draft plan to which the proposed amendments is made) 與進一步申述相關的草圖（請註明建議修訂的草圖名稱及編號）	S/H4/17 中區分區計劃大綱草圖

\* Delete as appropriate 請刪去不適用者

Please fill in "NA" for not applicable item 請在不適用的項目填寫「不適用」

Form No. S6D 表格第 S6D 號

3. Details of the Further Representation (Continued)(use separate sheet if necessary)<sup>#</sup>  
進一步申述詳情(續)(如有需要,請另頁說明)<sup>#</sup>

Nature of and reasons for the further representation 進一步申述的性質及理由

Subject matters 有關事項 <sup>@</sup>	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reason 理由
工. 就同則所題示的各項 作出修訂項目 A項 - 把位於干諾道 香港聖公廟建築物高度 限制由主水平基準上135 米修訂為主水平基準上80米	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	請見附件
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	

<sup>#</sup> If supporting documents (e.g. colour and/or large size plans, planning studies and technical assessments) is included in the further representation, 90 copies (or 40 hard copies and 50 soft copies) of such information shall be provided.

若進一步申述附有支持其論點的補充資料(例如彩色及/或大尺寸的圖則、規劃研究及技術評估),則須提供 90 份複本(或 40 份印文本和 50 份電子複本)。

<sup>@</sup> Please specify the amendment item number provided in the Schedule of Amendments.  
請註明在修訂項目附表內的修訂項目編號。

Please fill "NA" for not applicable item 請在不適用的項目填寫「不適用」



李宗德 GBS, OStJ, 太平紳士  
Joseph Lee GBS, OStJ, JP

致：城市規劃委員會

有關《中區分區計劃大綱草圖編號 S/H4/17》

反對修訂項目「把位於下亞厘畢道香港聖公會建築群的「政府、機構或社區(1)」地帶北面部分所訂明的建築物高度限制由主水平基準上 135 米修訂為主水平基準上 80 米」

香港聖公會於中環建築群的擬建「寓保育於發展」項目，內容包括擬興建 25 層高的非牟利私營醫院。社會上對於此項目有不少意見，其中最大爭議是認為擬建醫院的高度遠超現有建築物。建議修訂把位於下亞厘畢道香港聖公會建築群的「政府、機構或社區(1)」地帶北面部分所訂明的建築物高度限制由主水平基準上 135 米修訂為主水平基準上 80 米若然通過，等同否決非牟利私營醫院的項目。

文物及歷史保育

政府曾在立法會回覆有關歷史建築保育政策檢討的質詢時表示，確認在尊重私有產權的大前提下，有需要為擁有歷史建築的私人業主提供適合的經濟誘因，以鼓勵或換取他們同意保育其歷史建築。現時的經濟誘因包括補償私人業主因保育歷史建築而導致的損失，例如給予他們政策支持申請放寬地積比率及/或上蓋面積，以鼓勵私人業主以「寓保育於發展」的方式保留及活化其歷史建築。

香港聖公會的「寓保育於發展」的項目，正正就是讓政府顯示透過經濟誘因對歷史建築保育的支持。香港聖公會保留地段中四幢對聖公會及公眾都意義深遠的歷史建築物。香港聖公會表示，為確保有足夠空間提供社區頗為短缺的醫療服務，同時兼顧保存歷史建築，地段內餘下可供發展的空間非常有限。新醫院主樓部份基本上只能在前港中醫院的原址上興建。香港聖公會表示地段內可用的空間已完全用作向公眾提供醫療服務。

城規會需要回應社會對善用優越地段的期望，釋放合適土地的發展潛力，以解決土地供應不足的問題。一方面構建更宜居、綠化和可持續發展的環境，另一方面是要闢設足夠的社會、社區和基礎設施，在當中取得適當平衡，以符合香港的最佳利益。

本人向來重視文物及歷史保育，為此，參考了古物諮詢委員會對此個案的意見。根據 2018 年 6 月 21 日古物諮詢委員會的會議記錄，古諮會整體而言贊成在中環地段興建

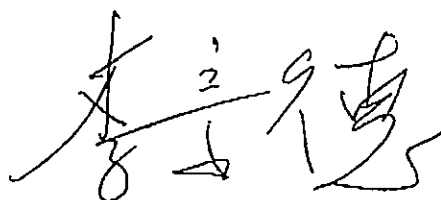
非牟利私營醫院。本人認為，古物諮詢委員會了解香港聖公會於該地段興建 25 層高非牟利醫院的計劃，並已從文物保育角度作出充份考慮。城規會應參考古物諮詢委員會的意見。

#### 舒緩公營醫療壓力

香港公營醫療服務不足，是眾所周知又長期未有有效解決方案的問題。中西區內私營醫院使用率不高，相信非因市民沒有醫療需要，而是與資源錯配有關。有團體願意營運非牟利醫院，承諾提供有質素及普羅市民可以負擔的醫療服務，有助令公營醫療的壓力得以舒緩，本人對此表示支持及樂見。

#### 對區內交通影響

前港中醫院設有 85 張病床，並提供住院、門診及日間護理服務；聖公會在港中醫院範圍擬建的非牟利私家醫院計劃設有 293 張病床。本人認為因發展醫院可能引致交通問題需要正視，但對於在舊有(但已停運一段時間)的服務之上增加的服務所引致的新增車流人流是否對區內交通擠塞有重大影響，必須進行專業性的數據評估，否則不應對未來發展定下過分嚴格的限制，及輕言阻礙或否決可以為市民增加提供醫療服務的機會。



李宗德博士, GBS, OStJ, 太平紳士 啟

2020 年 4 月 3 日

tpbpd@pland.gov.hk

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 8:53  
收件者: tpbpd@pland.gov.hk  
副本: David Au  
主旨: FURTHER REPRESENTATION IN RESPECT OF PROPOSED AMENDMENTS TO DRAFT PLAN UNDER SECTION 6D(1) OF THE TOWN PLANNING ORDINANCE (CAP. 131) Draft Central District Outline Zoning Plan (OZP) No. S/H4/17  
附件: 1\_FURTHER REPRESENTATION\_PROPOSED AMENDMENTS TO DRAFT PLAN UNDER SECTION 6D\_SH4\_17\_Form6D\_DA.pdf; 2\_FURTHER REPRESENTATION\_PROPOSED AMENDMENTS TO DRAFT PLAN UNDER SECTION 6D\_SH4\_17\_DA.pdf

To: The Secretary, Town Planning Board,

Dear Sir/Madam,

I submit herewith:-

1. Form No. S6D
2. Supporting document (letter to TPB) with detailed reasons for my further representation of the Draft Central District Outline Zoning Plan (OZP) No. S/H4/17.

I would be grateful to your follow up action and attention.

Best regards,  
Au Chi Wai David

Contact tel no. [REDACTED]



For Official Use Only 請勿填寫此欄	Reference No.	
	檔案編號 Date Received 收到日期	

1. The further representation should be made to the Town Planning Board (the Board) before the expiry of the specified plan exhibition period. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.  
進一步申述必須於指定的圖則展示期限屆滿前向城市規劃委員會（下稱「委員會」）提出，填妥的表格及支持有關進一步申述的文件（倘有），必須送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會秘書處。
2. Please read the "Town Planning Board Guidelines on Submission and Publication of Representations, Comments on Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong – Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at <http://www.info.gov.hk/tplb/>.  
填寫此表格之前，請先細閱有關「根據城市規劃條例提交及公佈申述、對申述的意見及進一步申述」的城市規劃委員會規劃指引。這份指引可向委員會秘書處（香港北角渣華道 333 號北角政府合署 15 樓 - 電話：2231 4810 或 2231 4835 及規劃署的規劃資料查詢處（熱線：2231 5000）（香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓）索取，亦可從委員會的網頁下載（網址：<http://www.info.gov.hk/tplb/>）。
3. This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The further representation may be treated as not having been made if the required information is not provided.  
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1. **Person Making this Further Representation (known as "Further Representer" hereafter)**  
**提出此宗進一步申述的人士 (下稱「進一步申述人」)**

Full Name 姓名 / 名稱 (Mr./Ms./Company/Organisation\* 先生/女士/公司/機構\*)

Au Chi Wai David

(Note: for submission by person, full name shown on Hong Kong Identity Card/Passport must be provided)  
 (注意: 若個人提交, 須填上與香港身份證/護照所載的全名)

2. **Authorised Agent (if applicable) 獲授權代理人(如適用)**

Full Name 姓名 / 名稱 (Mr./ Ms./Company/Organisation\* 先生/女士/公司/機構\*)

NA

(Note: for submission by person, full name shown on Hong Kong Identity Card/Passport must be provided)  
(注意: 若個人提交, 須填上與香港身份證/護照所載的全名)

<b>3. Details of the Further Representation 進一步申述詳情</b>	
Draft plan to which the further representation relates (please specify the name and number of the draft plan to which the proposed amendments is make) 與進一步申述相關的草圖 (請註明建議修訂的草圖 名稱及編號)	Draft Central District Outline Zoning Plan (OZP) No. S/H4/17

\* Delete as appropriate 請刪去不適用者

Please fill in "NA" for not applicable item 請在不適用的項目填寫「不適用」

**3. Details of the Further Representation (Continued)(use separate sheet if necessary)<sup>#</sup>**  
**進一步申述詳情(續)(如有需要,請另頁說明)<sup>#</sup>**

Nature of and reasons for the further representation 進一步申述的性質及理由		
Subject matters 有關事項 <sup>@</sup>	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reason 理由
The proceeding of the plan making process	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	Please see attached letter
Amendment to Matter Shown on the Plan Item A – Revision to the building height restriction stipulated for the northern portion of “Government, Institution or Community (1)” (“G/IC(1)”) zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 135mPD to 80mPD.	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	Please see attached letter
Amendments to the Notes of the Plan (a) Revision to the Remarks of the Notes for the “G/IC” zone by adding a requirement specifying that on land designated “G/IC(1)”, any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	Please see attached letter
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	

<sup>#</sup> If supporting documents (e.g. colour and/or large size plans, planning studies and technical assessments) is included in the further representation, 90 copies (or 40 hard copies and 50 soft copies) of such information shall be provided.

若進一步申述附有支持其論點的補充資料(例如彩色及/或大尺寸的圖則、規劃研究及技術評估),則須提供 90 份複本(或 40 份印文本和 50 份電子複本)。

<sup>@</sup> Please specify the amendment item number provided in the Schedule of Amendments.

請註明在修訂項目附表內的修訂項目編號。

Please fill “NA” for not applicable item 請在不適用的項目填寫「不適用」

To: Town Planning Board

2<sup>nd</sup> April 2020

Dear Chairman and members of the TPB,

FURTHER REPRESENTATION IN RESPECT OF PROPOSED AMENDMENTS TO  
DRAFT PLAN UNDER SECTION 6D(1) OF THE TOWN PLANNING ORDINANCE (CAP.  
131)

Draft Central District Outline Zoning Plan (OZP) No. S/H4/17

Subject matter (1)

**The proceeding of the plan making process**

Supporting or opposing the subject matter?

✓ **oppose**

Reasons

1. On 24.5.2019 when this plan, the draft Central District Outline Zoning Plan (OZP) No. S/H4/17, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments to the OZP mainly involve rezoning of the HKSKH Compound site (the representation site) from "G/IC" to "G/IC(1)" with stipulation of BHRs of 135mPD (northern portion) and 80mPD (southern portion). Amendments were also made to the Notes of the "G/IC" zone to set out the restrictions applicable to the "G/IC(1)" zone together with a minor relaxation clause.

At the TPB meeting on 6 Dec 2019, the Board made a sudden and sharp turn to become a major rezoning exercise for the Bishop Hill site, rejecting the recommendation from PlanD to stipulate BHR at 135mPD (northern portion) and 80mPD (southern portion), but redefine the "G/IC(1)" zone shall require permission from the Town Planning Board under section 16 of the Town Planning Ordinance. This is a huge deviation from the intended agenda of BHR. This is also against the spirit of the Cap. 131

TOWN PLANNING ORDINANCE which states:- *"To promote the health, safety, convenience and general welfare of the community by making provision for the systematic preparation and approval of plans....."* My question: is the proceeding systematic? When the future use of a piece of valuable land in Central is being considered and when the landowner was expecting to discuss on height control only which was explicit in the discussion paper, the discussion turned to something else.

2. Hospital is a fully legitimate land use and part of the planning intention of the land lot. Some representers /commenters share their personal experience that there are surplus in the provision of medical facilities. Some are guessing the intention of the operator to profit. May I ask if there is any proof? Can a plan making process become such a subjective process? Has the Planning Authority carried out any systematic review of such? According to all official planning standards, we are not in any surplus (please read the government information in the appendix 1). Has Town Planning Board considered the issue territorial-wise review with proper research backing before rushing to a decision not originally intended for such purpose? Furthermore, the new hospital is a re-provision for an old and dilapidated hospital which was closed down already, and the provision of private hospital bed space is clearly in deficit according to HKPSG (appendix 1), are these figures from HKPSG irrelevant? Perhaps let us see the situation of Hong Kong and the world pandemic today with the COVID19, I dare someone can come out to say that we have enough hospitals. And the project is also NOT funded by public money!
3. Many argued the lack of sufficient technical assessment reports, the agenda was to talk about height control and the proposal was a moderate one with PlanD's support. Technical assessments were therefore considered not necessary for such purpose. I wonder if the party which proposed substantial reduction of development intensity should put up their technical assessments rather than land owner who has the right and is following the legitimate plan should prove his innocence? This is a very intrusive act to strip the right and act of social responsibility to provide a hospital in response *"to promote the health, ..... of the community"*. Should a decision be based on subjective and rhetorical arguments?

4. Among arguments overturning the as-of-right use of the GIC site and demonstration of the ugliness of the possible future project, 3D block images generated by CAD model. This is grossly unfair to the development proposer as the image was only depicting the worst case scenario of a project 100% site covered to its full legal height with no design or allowance of technical or design competence. The latest proposed height reduction from 135mPD to 80mPD was again subjective, and not scientific.

#### Subject matter (2)

##### **Amendment to Matter Shown on the Plan**

Item A – Revision to the building height restriction stipulated for the northern portion of “Government, Institution or Community (1)” (“G/IC(1)”) zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 135mPD to 80mPD.

#### Supporting or opposing the subject matter?

✓ **oppose**

#### Reasons

There are insufficient reasons to justify the reduction of height restriction from 135mPD to 80mPD when the surrounding area's height restrictions are unrestricted to its north, 120mPD to its west and 150mPD to its south west. The argument put up to the board is based on an objector's submission of a worst case scenario of the site with 100% site coverage to its full height with no allowance of technical requirement of design provisions. Before an objective and comprehensive study by the Government, no height restriction should be imposed unless with the mutual agreement with development proposer. It is also unfair only to focus on one individual project and letting going so many ones which are immediately adjoining. Height restrictions which have major and substantial intrusive impact to land use should only be carried out by an objective party in a systematic and comprehensive manner which follows the intention of the Town Planning Ordinance of “systematic preparation of plan.....” and not to rely on private funded study or purposed proposal to deprive the interest of legitimate owner and the welfare benefit of the bigger public society. When the landowner and developer has agreed to preserve the historical

buildings and design the new buildings to accommodate the visual connections, why should he be further penalized? If this site should be so drastically lowered, adjacent ones should also be reviewed, comprehensively, independently and scientifically under a district-wide study.

Subject matter (3)

#### **Amendments to the Notes of the Plan**

- (a) Revision to the Remarks of the Notes for the "G/IC" zone by adding a requirement specifying that on land designated "G/IC(1)", any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.**

Supporting or opposing the subject matter?

**✓ oppose**

Reason

This is by far the most unreasonable proposal. There are no legitimate or rational reasons for the proposed major revision to turn the G/IC use to require permission from the Town Planning Board for any new development or redevelopment. This effectively rezones the area to become a "Comprehensive Development Area".

The original discussion of a height issue which the PlanD had persuaded the development proposer to accept was turned into a planning exercise which removed the right of the original planned land use, and all happened during one meeting scheduled for the discussion of the BHR of a site. I fail to see how the discussion process of BHR can turn to removing the development right, subject to submission and any conditions to be imposed. The proposal is such a catastrophic change and is based on so limited information of a privately funded consultancy and a group of sympathizing supporters. One would really wish to know if there should be a more systematic preparation of plan. The Central District Outline Zoning Plan which was among the earliest OZP in existence since 1961 and was developed gradually to its current state. The use and height restrictions are all developed systematically, rationally, gradually and supported with objective studies and general consensus of key stakeholders. The current

change proposed only shows an aggressive, intrusive and major material change and without consensus.

#### Conclusions and final remarks

Perhaps the Board may wonder why most opinions in the earlier stage representation and commenting are not in support of the original issue of revising BHR to 135mPD, it is because most of the supporters of the hospital scheme have faith in the system, that it will be making decisions based on proper and solid information. We do not think there should be a need to represent or comment further with all the independent and objective study and considerations by government authorities.

I sincerely hope that the proposed amendment can be reconsidered and accept the view as put up by PlanD on 6 Dec 2019 that "PlanD does not support the representations R1 to R32 and considers that the OZP should not be amended to meet the representations". And that above conclusion was drawn after consulting the following departments:-

- |   |  |
|---|--|
| (a) Secretary for Development;                                  | (f) Chief Highway Engineer/Hong Kong, Highways Department; |
| (b) Secretary for Food and Health;                              | (g) District Lands Officer/Hong Kong West & South, LandsD; |
| (c) Commissioner for Heritage, Development Bureau (DEVB);       | (h) Director of Environmental Protection; and              |
| (d) Executive Secretary, Antiquities and Monument Office, DEVB; | (i) Chief Town Planner/Urban Design and Landscape, PlanD.  |
| (e) Commissioner for Transport;                                 |  |

Thank you for the attention.

Best regards,



Au Chi Wai David

BSc MSc(UP)(HKU), MSc(LEDm)(Lond), PDip(Cons)(HKU)  
FHKIP, RPP(HK), CMLI(UK), Hon MIH(HK), MHKICON, ICOMOS(China), MHKIUD  
Contact e-mail: [REDACTED]

**Appendix 1 : Further Representations to the Proposed Amendment to the Draft  
Central District Outline Zoning Plan No. S/H4/17 – need of hospitals**

Aspects	Key Points
<b>The Role of Private Hospitals in Hong Kong</b>	<ul style="list-style-type: none"> <li>▪ The private health care sector would complement the public healthcare service by providing personalized choices and more accessible services to those who are able and willing to pay for private healthcare services.</li> <li>▪ In the face of an ageing population, increase of demand for services from the public hospitals will be expected. The introduction of Voluntary Health Insurance Scheme ("VHIS") by the Government in April 2019 would encourage more people to use private healthcare services through hospital insurance, thus relieving the pressure on the public healthcare system.</li> <li>▪ The implementation of the VHIS would require an increase of around 9-30% in capacity for private healthcare services over the next 10 years, and possibly up to 50% by 2036 (<i>"My Health, My Choice" - Healthcare Reform Second Stage Consultation Document prepared by Food and Health Bureau in 2010 attached refers</i>). The development of new private hospitals in the past decades has been sluggish and the increase in number of private hospital beds from 2008 to 2018 is only 945 (an increase of about 25%) (<i>Hong Kong Annual Digest of Statistics (2019) attached refers</i>). Hence, more private hospital beds will be needed to make the implementation of VHIS viable.</li> </ul>
<b>The Need of Private Hospital in Central and Western District</b>	<ul style="list-style-type: none"> <li>▪ The Hong Kong Planning Standards and Guidelines ("HKPSG") (attached refers) set out the standard of provision of 5.5 hospital beds per 1,000 persons (including both beds in public and private sectors). There is a deficit of about 800 nos. of beds in the Central and Western ("C&amp;W") District at present.</li> <li>▪ There is only one private hospital in C&amp;W District (i.e. Canossa Hospital) after the closure of Hong Kong Central Hospital in 2012.</li> <li>▪ The proposed hospital at the Site will provide 274 nos. of private hospital beds to meet the medical and healthcare need of the residents in the C&amp;W District.</li> <li>▪ The vacancy of private hospital is due to many factors such as fee level, perceived quality of healthcare service and hospital operation/management. Planning should be forward thinking to cater for the long term need of the public by taking into account future population growth and the need for different types of hospital beds.</li> <li>▪ Good accessibility and a reasonably central location to the area served are the principal factors to be taken into account in the reservation of sites for hospitals in accordance with HKPSG (attached refers).</li> </ul>



TPB/R/S/H4/17-F 4

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

**Reference Number:**

200403-131121-89063

提交限期

**Deadline for submission:**

03/04/2020

提交日期及時間

**Date and time of submission:**

03/04/2020 13:11:21

「進一步申述人」全名

**Full Name of "Further Representer":** Dr Chan Nor Norman

「獲授權代理人」全名

**Full Name of "Authorized Agent":**

與進一步申述相關的草圖

**Draft plan to which the further representation relates:**

S/H4/17

進一步申述性質及理由

**Nature of and Reasons for Further Representation:**

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

s current international standards should be of reasonable size to include multiple subspecialties and facilities for community healthcare services. The proposed 290 beds submission of HKSKH is in my view appropriate.

With the current global Pandemic that threatens the health of all citizens, I envision that this new hospital will in future serve also as a centre for scientific research & development, medical education and training, and community service to educate the public in preventive care. Currently with space restriction of clinics in Central, all the aforementioned activities are not possible, a new hospital with sufficient space in addition to treatment areas will serve well these objectives.

I sincerely urge the Town Planning Board to keep 'Hospital' as an always permitted use in the "G/IC(1)" zone without the need for the submission of s16 Planning Application and to keep the building height restriction of 135mPD in order to allow a hospital of reasonable scale on Site. My fellow healthcare professionals in the private sector and I are willing to play our part in ensuring that the hospital will provide an excellent patient-first hospital care, and to undertake commitment to community education and charitable care services, especially for the underprivileged within the District.

TPB/R/S/H4/17-F 5

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-170957-00566

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 17:09:57

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": Chan Wun Ching

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

S/H4/17

Draft plan to which the further representation relates:

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 6

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

**Reference Number:**

200403-120148-97586

提交限期

**Deadline for submission:**

03/04/2020

提交日期及時間

**Date and time of submission:**

03/04/2020 12:01:48

「進一步申述人」全名

**Full Name of "Further Representer":** Dr Walter Chen Wai Chee

「獲授權代理人」全名

**Full Name of "Authorized Agent":**

與進一步申述相關的草圖

**Draft plan to which the further representation relates:**

S/H4/17

進一步申述性質及理由

**Nature of and Reasons for Further Representation:**

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 7

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

**Reference Number:**

200403-121933-31888

提交限期

**Deadline for submission:**

03/04/2020

提交日期及時間

**Date and time of submission:**

03/04/2020 12:19:33

「進一步申述人」全名

**Full Name of "Further Representer":** Dr Adrian Cheong Yan Yue

「獲授權代理人」全名

**Full Name of "Authorized Agent":**

與進一步申述相關的草圖

**Draft plan to which the further representation relates:**

S/H4/17

進一步申述性質及理由

**Nature of and Reasons for Further Representation:**

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 8

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-125628-02289

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 12:56:28

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": Dr Chow Chung Mo

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

S/H4/17

Draft plan to which the further representation relates:

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 9

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-163058-03975

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 16:30:58

「進一步申述人」全名

Full Name of "Further Representer": Chow Sin Yee

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 10

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-164325-73607

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 16:43:25

「進一步申述人」全名

Full Name of "Further Representer": Dr Ho Hok Kung Marco

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 11

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-131358-30755

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 13:13:58

「進一步申述人」全名

Full Name of "Further Representer": Dr Hung Siu Lun Tony

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
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就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-121658-50392

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 12:16:58

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": Dr Ko Lap Yan Ryan

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

S/H4/17

Draft plan to which the further representation relates:

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 13

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-122242-52752

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 12:22:42

「進一步申述人」全名

Full Name of "Further Representer": Dr Kevin Kwok Chun Kit

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>



s current international standards should be of reasonable size to include multiple subspecialties and facilities for community healthcare services. The proposed 290 beds submission of HKSKH is in my view appropriate.

With the current global Pandemic that threatens the health of all citizens, I envision that this new hospital will in future serve also as a centre for scientific research & development, medical education and training, and community service to educate the public in preventive care. Currently with space restriction of clinics in Central, all the aforementioned activities are not possible, a new hospital with sufficient space in addition to treatment areas will serve well these objectives.

I sincerely urge the Town Planning Board to keep 'Hospital' as an always permitted use in the "G/IC(1)" zone without the need for the submission of s16 Planning Application and to keep the building height restriction of 135mPD in order to allow a hospital of reasonable scale on Site. My fellow healthcare professionals in the private sector and I are willing to play our part in ensuring that the hospital will provide an excellent patient-first hospital care, and to undertake commitment to community education and charitable care services, especially for the underprivileged within the District.

TPB/R/S/H4/17-F 14

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

**Reference Number:**

200403-121411-61198

提交限期

**Deadline for submission:**

03/04/2020

提交日期及時間

**Date and time of submission:**

03/04/2020 12:14:11

「進一步申述人」全名

**Full Name of "Further Representer":** Dr Cathy Lam Tse Fun

「獲授權代理人」全名

**Full Name of "Authorized Agent":**

與進一步申述相關的草圖

**Draft plan to which the further representation relates:**

S/H4/17

進一步申述性質及理由

**Nature of and Reasons for Further Representation:**

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 15

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-130433-30949

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 13:04:33

「進一步申述人」全名

Full Name of "Further Representer": Lau Kin Fan

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 16

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

**Reference Number:**

200403-131915-35381

提交限期

**Deadline for submission:**

03/04/2020

提交日期及時間

**Date and time of submission:**

03/04/2020 13:19:15

「進一步申述人」全名

**Full Name of "Further Representer":** Dr Lee Chun Hui

「獲授權代理人」全名

**Full Name of "Authorized Agent":**

與進一步申述相關的草圖

**Draft plan to which the further representation relates:**

S/H4/17

進一步申述性質及理由

**Nature of and Reasons for Further Representation:**

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 17

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-163352-51264

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 16:33:52

「進一步申述人」全名

Full Name of "Further Representer": Li Ho Yin

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 18

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-130818-16696

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 13:08:18

「進一步申述人」全名

Full Name of "Further Representer": Prof Li Sheung Wai Leonard

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

s current international standards should be of reasonable size to include multiple subspecialties and facilities for community healthcare services. The proposed 290 beds submission of HKSKH is in my view appropriate.

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TPB/R/S/H4/17-F 19

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-122529-95820

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 12:25:29

「進一步申述人」全名

Full Name of "Further Representer": Dr Vincent Luk Ngai Hong

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 20

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-130011-34232

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 13:00:11

「進一步申述人」全名

Full Name of "Further Representer": Dr Poon Kam Ha Louisa

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector mostly in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>



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TPB/R/S/H4/17-F 21

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-162838-51761

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 16:28:38

「進一步申述人」全名

Full Name of "Further Representer": Dr Alfred Tam Yat Cheung

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 22

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-162320-36623

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 16:23:20

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": Dr Tang Sau Shek Oliver

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 23

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-125342-87674

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 12:53:42

「進一步申述人」全名

Full Name of "Further Representer": Lilac To Chi Fei

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 24

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-165053-56140

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 16:50:53

「進一步申述人」全名

Full Name of "Further Representer": Tsang Wing Long

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

s current international standards should be of reasonable size to include multiple subspecialties and facilities for community healthcare services. The proposed 290 beds submission of HKSKH is in my view appropriate.

With the current global Pandemic that threatens the health of all citizens, I envision that this new hospital will in future serve also as a centre for scientific research & development, medical education and training, and community service to educate the public in preventive care. Currently with space restriction of clinics in Central, all the aforementioned activities are not possible, a new hospital with sufficient space in addition to treatment areas will serve well these objectives.

I sincerely urge the Town Planning Board to keep 'Hospital' as an always permitted use in the "G/IC(1)" zone without the need for the submission of s16 Planning Application and to keep the building height restriction of 135mPD in order to allow a hospital of reasonable scale on Site. My fellow healthcare professionals in the private sector and I are willing to play our part in ensuring that the hospital will provide an excellent patient-first hospital care, and to undertake commitment to community education and charitable care services, especially for the underprivileged within the District.

TPB/R/S/H4/17-F 25

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

**Reference Number:**

200403-121005-51340

提交限期

**Deadline for submission:**

03/04/2020

提交日期及時間

**Date and time of submission:**

03/04/2020 12:10:05

「進一步申述人」全名

**Full Name of "Further Representer":** Dr Sitt Wing Hung Edward

「獲授權代理人」全名

**Full Name of "Authorized Agent":**

與進一步申述相關的草圖

**Draft plan to which the further representation relates:**

S/H4/17

進一步申述性質及理由

**Nature of and Reasons for Further Representation:**

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 26

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

**Reference Number:**

200403-120653-62804

提交限期

**Deadline for submission:**

03/04/2020

提交日期及時間

**Date and time of submission:**

03/04/2020 12:06:53

「進一步申述人」全名

**Full Name of "Further Representer":** Dr Chris Wong Kwok Yiu

「獲授權代理人」全名

**Full Name of "Authorized Agent":**

與進一步申述相關的草圖

**Draft plan to which the further representation relates:**

S/H4/17

進一步申述性質及理由

**Nature of and Reasons for Further Representation:**

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 27

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-131619-44127

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 13:16:19

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": Yeung Hiu Yan

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 28

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-163546-21753

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 16:35:46

「進一步申述人」全名

Full Name of "Further Representer": Dr Sihoe Jennifer Dart Yin

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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TPB/R/S/H4/17-F 29

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-162603-27304

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 16:26:03

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": Dr Vethody Kumaran Sugunan

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
All items	反對 Oppose	<p>I am a healthcare professional working in Hong Kong private sector in the business district of Central.</p> <p>I support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.</p> <p>I believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.</p> <p>I concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.</p> <p>The defunct Central Hospital had historically served well the community and the underprivileged. A new hospital that meet</p>

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寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 17:29  
收件者: tpbpd@pland.gov.hk  
主旨: Further representation on draft plan S/H4/17  
附件: S\_H4\_17 further representation by Dr Kwok Po Yin Samuel.pdf

Dear Sir/Madam,

Please find my further representation on draft plan S/H4/17 in the attachment.

Samuel Kwok

For Official Use Only 請勿填寫此欄	Reference No. 檔案編號	
	Date Received 收到日期	

- The further representation should be made to the Town Planning Board (the Board) before the expiry of the specified plan exhibition period. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.  
進一步申述必須於指定的圖則展示期限屆滿前向城市規劃委員會（下稱「委員會」）提出，填妥的表格及支持有關進一步申述的文件（倘有），必須送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會秘書收。
- Please read the "Town Planning Board Guidelines on Submission and Publication of Representations, Comments on Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong – Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at <http://www.info.gov.hk/tpb/>.  
填寫此表格之前，請先細閱有關「根據城市規劃條例提交及公佈申述、對申述的意見及進一步申述」的城市規劃委員會規劃指引。這份指引可向委員會秘書處（香港北角渣華道 333 號北角政府合署 15 樓 - 電話：2231 4810 或 2231 4835 及規劃署的規劃資料查詢處（熱線：2231 5000）（香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輋路 1 號沙田政府合署 14 樓）索取，亦可從委員會的網頁下載（網址：<http://www.info.gov.hk/tpb/>）。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The further representation may be treated as not having been made if the required information is not provided.  
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出進一步申述的人士須以打印方式或以正楷填寫表格，填寫的資料宜中英文兼備。倘若未能提供所需資料，則委員會可把有關進一步申述視為不曾提出論。

<b>1. Person Making this Further Representation (known as "Further Representer" hereafter)</b> <b>提出此宗進一步申述的人士（下稱「進一步申述人」）</b>
Full Name 姓名 / 名稱 (Mr./Ms./Company/Organisation* 先生/女士/公司/機構*)  Dr Kwok Po Yin Samuel  (Note: for submission by person, full name shown on Hong Kong Identity Card/Passport must be provided) (注意：若個人提交，須填上與香港身份證／護照所載的全名)

<b>2. Authorised Agent (if applicable) 獲授權代理人(如適用)</b>
Full Name 姓名 / 名稱 (Mr./Ms./Company/Organisation* 先生/女士/公司/機構*)    (Note: for submission by person, full name shown on Hong Kong Identity Card/Passport must be provided) (注意：若個人提交，須填上與香港身份證／護照所載的全名)

<b>3. Details of the Further Representation 進一步申述詳情</b>	
Draft plan to which the further representation relates (please specify the name and number of the draft plan to which the proposed amendments is make) 與進一步申述相關的草圖（請註明建議修訂的草圖名稱及編號）	S/H4/17

\* Delete as appropriate 請刪去不適用者

Please fill in "NA" for not applicable item 請在不適用的項目填寫「不適用」

**3. Details of the Further Representation (Continued)(use separate sheet if necessary)<sup>#</sup>**  
**進一步申述詳情(續)(如有需要,請另頁說明)<sup>#</sup>**

Nature of and reasons for the further representation 進一步申述的性質及理由

Subject matters 有關事項 <sup>@</sup>	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reason 理由
All items	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	Please refer to the 8-page attachment.
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	

<sup>#</sup> If supporting documents (e.g. colour and/or large size plans, planning studies and technical assessments) is included in the further representation, 90 copies (or 40 hard copies and 50 soft copies) of such information shall be provided.

若進一步申述附有支持其論點的補充資料(例如彩色及/或大尺寸的圖則、規劃研究及技術評估),則須提供 90 份複本(或 40 份印文本和 50 份電子複本)。

<sup>@</sup> Please specify the amendment item number provided in the Schedule of Amendments.

請註明在修訂項目附表內的修訂項目編號。

Please fill "NA" for not applicable item 請在不適用的項目填寫「不適用」

To the Secretary of the Town Planning Board

Dear Sir / Madam,

Re: Proposed Amendment to the draft Central District Outline Zoning plan No. S/H4/17

We the undersigned, are a group of medical doctors, nurses and allied health workers working in Hong Kong private sector mostly in the business district of Central.

We support in full the proposed new hospital development of the Hong Kong Sheng Kung Hui for the Compound at 1 Lower Albert Road.

We believe there is an acute need for affordable, high quality hospital services in the private sector in Hong Kong to complement public hospital services, and to develop additional services in community health prevention and education, early diagnostic, rehabilitation, on top of good therapeutic care for patients.

We concur with the vision of Hong Kong Sheng Kung Hui to develop an affordable community caring hospital that can be a beacon of hope and good health for the residents of Central and Western District.

The defunct "Central Hospital" had historically served well the community and the underprivileged. A new hospital that meets current international standards should be of reasonable size to include multiple subspecialties and facilities for community healthcare services. The proposed 290 beds submission of HKSKH is in our view appropriate.

With the current global pandemic that threatens the health of all citizens, we envision that this new hospital will in future serve also as a center for scientific research & development, medical education and training, and community service to educate the public in preventive care. Currently with space restriction of clinics in Central, all the aforementioned activities are not possible, a new hospital with sufficient space in addition to treatment areas will serve well these objectives.

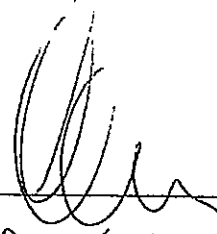
We sincerely urge the Town Planning Board to keep 'Hospital' as an always permitted use in the "G/IC(1)" zone without the need for the submission of s16 Planning Application and to keep the building height restriction of 135mPD in order to allow a hospital of reasonable scale on Site. We are willing to play our part in ensuring that the hospital will provide an excellent patient-first hospital care, and to undertake commitment to community education and charitable care services, especially for the underprivileged within the District.

Thank you for your kind attention.

Yours sincerely,

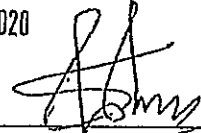


Dr Oliver Tang



Dr. TANG SALL SHEE OLIVER  
- 2 APR 2020

Dr NETHODY KUMARAN  
SUGUNAN



Dr. Sugunan Vethody Kumaran  
- 2 APR 2020

Dr Aifred TAM



Dr. TAM YAT CHEUNG ALFRED  
- 3 APR 2020


CHOW SIN YEE  
RN



- 3 APR 2020

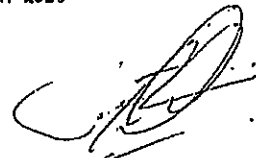
LI HO YIN

Pharmacist



- 3 APR 2020

Dr JENNIFER SIHOE



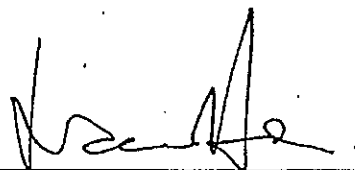
Dr. Sihoie Dart Yen Jennifer  
- 3 APR 2020

TSANG WING LONG  
Registered Nurse

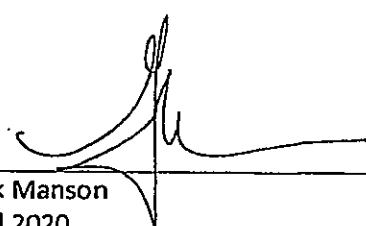


03 APR 2020

Dr Ho, Hok-kung, Marco

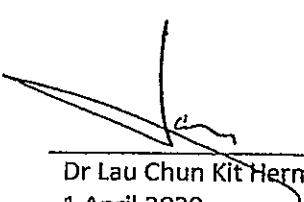


3 April 2020

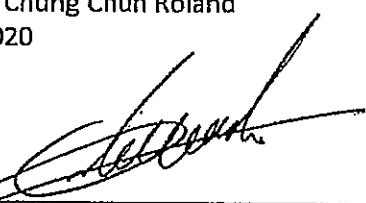
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Dr Fok Manson  
1 April 2020

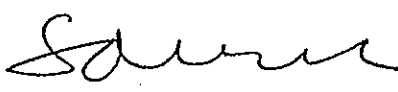
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Dr Lau Chun Kit Herman  
1 April 2020

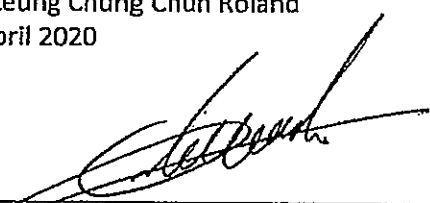
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Dr Leung Chung Chun Roland  
1 April 2020


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Dr Kwok Po Yin Samuel  
1 April 2020

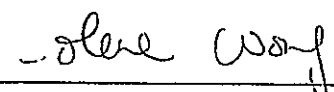
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Dr Ho Kai Leung Kelvin  
1 April 2020

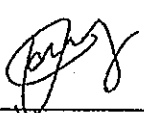
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Dr Lee Chan Wing Francis  
1 April 2020


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WONG SAU YIN (RN)  
1 APRIL 2020


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Peking Hui Yau (Dietitian)  
1 April 2020

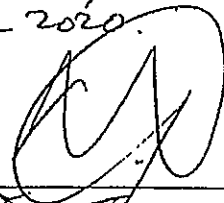
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DR. LAU GREGORY ZAN SIU KEE  
1 APRIL 2020

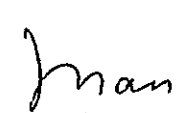
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Dr. CHAN KWOK BILL (Apr. 2020)

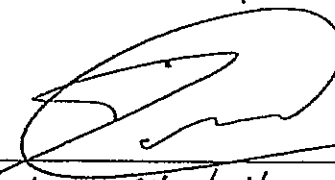
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CHUNG PIK TO  
April 1, 2020


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Dr. Chung Wai Man (Physiotherapist),  
1. April. 2020

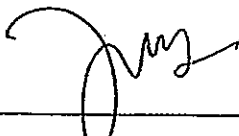
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LEE CHUN HUI April 1, 2020


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Dr. Lo Hok King Stanley  
1 April 2020

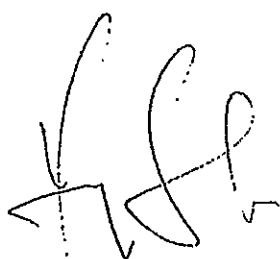
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LI TAT WING FRANCIS  
1/4/2020

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LEE KA SHING (PHARMACEUTIST)  
1/4/2020



---

Dr Hung Siu Lun, Tony

1 April 2020



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Dr Cheng Pui Lam, Steve

1 April 2020



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Dr Leung Tung Yeung

1 April 2020

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1/4/2020  
R/W Chen San Chun

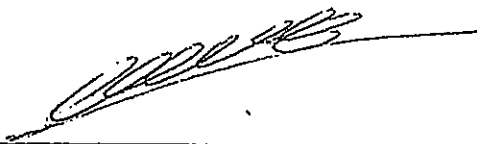
Chen

1/4/2020  
Clara Law  
LAW Mei Yan

Rylen  
YIP LING CHU RYNN  
1/4/2020


Chen  
CHAN NOR NORMAN  
1/4/2020

Leonard Li  
Li Sheung Wai Leonard  
1/4/2020



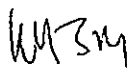
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Dr Walter Chen Wai Chee  
1 April 2020




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Dr Chris Wong Kwok Yiu  
1 April 2020



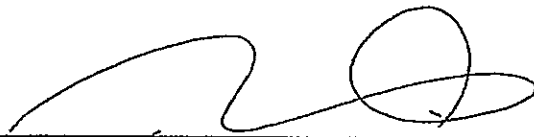
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Dr Sitt Wing Hung Edward  
1 April 2020



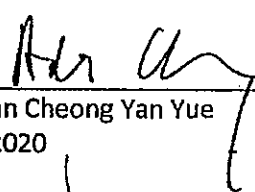
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Dr Cathy Lam Tse Fun  
1 April 2020




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Dr Ko Lap Yan Ryan  
1 April 2020



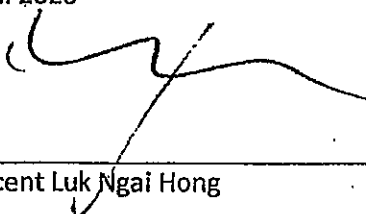
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Dr Adrian Cheong Yan Yue  
1 April 2020



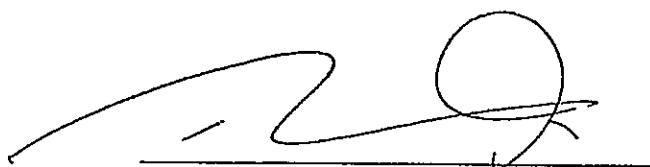
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Dr Kevin Kwok Chun Kit  
1 April 2020



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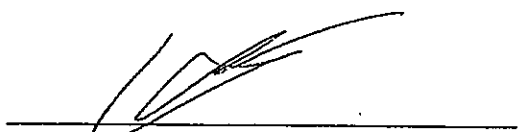
Dr Vincent Luk Ngai Hong



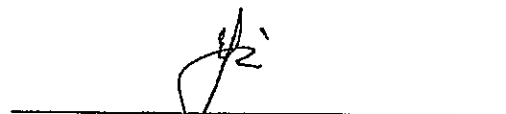
ADRIAN KO



DR. VINCENT LUK



Lilac To Chi Fong (Pharmacist)



DR. LAI CHI WAI



Dr. CHOW Chung Mo




Dr. POON Kam Ha Louisa



LAU Kin Fan (Registered Nurse)



CHAN MUN CHING  
 RN

RN

Dr Victor Hsue

Doctor  
Josh Ron

Doctor

July 20

寄件者: [REDACTED]  
寄件日期: 2020年04月02日星期四 18:10  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. I support:

- . the imposing of a 80mPD height restriction, and
- . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Your sincerely,

My name: Cheung Kai Yin (District Councillor of Central and Western District)

HKID # (first 4 digits): [REDACTED]

Postal address or email address: [REDACTED]

電話(Tel) : 5444 7850

傳真(Fax) : 2549 4146

地址(Address) : 西營盤第二街56-72號福滿大廈1樓B舖

Shop R, 1/F, Pook Moon Building, No. 56-72 Third Street, Sai Ying Pun



tpbpd@pland.gov.hk

寄件者: [REDACTED]  
寄件日期: 2020年04月02日星期四 19:20  
收件者: tpbpd@pland.gov.hk  
主旨: Re: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. We support:

- . the imposing of a 80mPD height restriction, and
- . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Your sincerely

Yip Kam Lung Sam  
Member of Central and Western District Council

HKID # (first 4 digits): [REDACTED]  
[REDACTED]  
[REDACTED]

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 14:36  
收件者: tpbpd  
主旨: Re: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong

**Re: Draft Central District Outline Zoning Plan No. S/H4/17**

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. I support:

- . the imposing of a 80mPD height restriction, and
- . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Yours sincerely,

LEUNG Fong Wai Fergus (HKID: [REDACTED])  
Member of Central & Western District Council

tpbpd@pland.gov.hk

---

寄件者: [REDACTED]  
寄件日期: 2020年04月02日星期四 23:35  
收件者: tpbpd@pland.gov.hk  
主旨: Re: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong TPB Email: tpbpd@pland.gov.hk

Re: Draft Central District Outline Zoning Plan No. S/H4/17

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. We support:

. the imposing of a 80mPD height restriction, and . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

--

Best  
Rex Chan  
HKID# [REDACTED]

Hon Design & Associates

L3-05B JCCAC, 30 Pak Tin Street  
Shek Kip Mei, Kowloon Hong Kong  
tel 2529 6855 | fax 2529 7815  
www.hondesign.com

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 14:40  
收件者: tpbpd@pland.gov.hk  
主旨: The Chairman, Town Planning Board, Hong Kong

Draft Central District Outline Zoning Plan No. S/H4/17

I/we support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. We support:

- . the imposing of a 80mPD height restriction, and
- . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Your sincerely

Chan yu sing  
HKID # (first 4 digits): [REDACTED]  
email address: [REDACTED]

tpbpd@pland.gov.hk

寄件者: [REDACTED]  
寄件日期: 2020年04月02日星期四 17:35  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong  
TPB Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)  
Re: Draft Central District Outline Zoning Plan No. S/H4/17

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. We support:

- . the imposing of a 80mPD height restriction, and
- . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Your sincerely,

My name: Wing Hei Emily Cheng

HKID # (first 4 digits): [REDACTED]

Postal address or email address: [REDACTED]

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 19:27  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. I support: - the imposing of a 80mPD height restriction, and - the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider. Your sincerely Choi Tol Ling (HKID [REDACTED])

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 16:58  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong TPB

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17.

I support:

- 1) the imposing of a 80mPD height restriction, and
- 2) the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Your sincerely

N W LAW

HKID [REDACTED]

tpbpd@pland.gov.hk

TPB/R/S/H4/17-F 39

寄件者: [REDACTED]  
寄件日期: 2020年04月02日星期四 18:20  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. We support:

. the imposing of a 80mPD height restriction, and . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Your sincerely,  
Leung Chi Wo Warren  
HKID #: [REDACTED]



寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 14:29  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong Re: Draft Central District Outline Zoning Plan No. S/H4/17 I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17.

I support: . the imposing of a 80mPD height restriction, and . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider. Your sincerely

ERIC POON  
[REDACTED]

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 16:07  
收件者: tpbpd@pland.gov.hk  
主旨: Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong

I/we support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. We support:

- . the imposing of a 80mPD height restriction, and
- . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Your sincerely

My name: Zeta Shek  
HKID # (first 4 digits): [REDACTED]  
Postal address or email address: [REDACTED]

Sent from Yahoo Mail on Android

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 15:34  
收件者: tpbpd@pland.gov.hk  
主旨: Re: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong  
TPB Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

Re: Draft Central District Outline Zoning Plan No. S/H4/17

I/we support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. We support:

- . the imposing of a 80mPD height restriction, and
- . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Your sincerely  
Kit Yeung

My name: Yeung Tsz Kit

HKID # (first 4 digits): [REDACTED]

Postal address or email address: [REDACTED]

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 17:15  
收件者: tpbpd@pland.gov.hk  
主旨: Supporting Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman,  
Town Planning Board,  
Hong Kong

**Re: Draft Central District Outline Zoning Plan No. S/H4/17**

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. We support: the imposing of a 80mPD height restriction, and the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

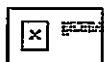
Thank you.

Your sincerely

Lam Amelia

HKID: [REDACTED]

email address: [REDACTED]



Virus-free. [www.avq.com](http://www.avq.com)

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 17:53  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17

To: The Chairman, Town Planning Board, Hong Kong

Re: Draft Central District Outline Zoning Plan No. S/H4/17

I support the Town Planning Board's recent decision and the further amended Outline Zoning Plan number S/H4/17. I support:

- . the imposing of a 80mPD height restriction, and
- . the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submitting of a Section 16 application for the Town Planning Board and the general public to consider.

Yours sincerely

Renee Chan

HKID # (first 4 digits): [REDACTED]

Postal address or email address: [REDACTED]

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 21:38  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17

I support the Town Planning Board 's recent decision and the further amended Outlining Zoning Plan number S/H4/17. I support:  
. the imposing of a 80mPD height restriction, and  
. the requirement that any new development or redevelopment of existing buildings at Bishop Hill requires the submission of a Section 16 application for the Town Planning Board and the general public to consider.

Yours sincerely,

Karen Wan

HKID# [REDACTED]  
[REDACTED]

tpbpd@pland.gov.hk

TPB/R/S/H4/17-F 46

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 19:53  
收件者: tpbpd@pland.gov.hk  
主旨: Draft Central District Outline Zoning Plan No. S/H4/17- 80mPD inviting further representation  
附件: WEM -- Government Hill (April 3, 2020).pdf

Dear Town Planning Board,

Please find attached my submission made earlier today. I am writing to amend my personal details.

Full Name: Wilhelmina Evelyn MOORE

HKID: [REDACTED]

Regards,  
Evelyn Moore

## 就草圖的建議修訂作出進一步申述

## Further Representation Relating of Proposed Amendments to Draft Plan

多謝你的提交。

Thank you for your submission.

參考編號

Reference Number

200403-194651-06680

提交日期及時間

Date and Time of Submission

03/04/2020 19:46:51

申請編號

Application No.

S/H4/17

「進一步申述人」全名

Full Name of "Further  
Representer"

女士 Ms. Evelyn Moore

「獲授權代理人」名稱

Name of "Authorised Agent"

進一步申述性質及理由

Nature of and Reasons for Further Representation

有關事項 Subject Matter	性質 Nature	理由 Reasons
I. Amendment to Matter Shown on the Plan Item A – Revision to the building height restriction stipulated for the northern portion of "Government, Institution or Community (1)" ("G/IC(1)") zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 135mPD to 80mPD.	支持 Support	Height limit more suitable to surrounding environment.
II. Amendments to the Notes of the Plan (a) Revision to the Remarks of the Notes for the "G/IC" zone by adding a requirement specifying that on land designated "G/IC(1)", any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.	支持 Support	Necessary as existing neighborhood is congested and cannot support additional redevelopments.



就草圖的建議修訂作出進一步申述

# **Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-194651-06680

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 19:46:51

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": 女士 Ms. Evelyn Moore

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
I. Amendment to Matter Shown on the Plan Item A – Revision to the building height restriction stipulated for the northern portion of “Government, Institution or Community (1)” ( “G/IC (1)”) zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 135mPD to 80mPD.	支持 Support	Height limit more suitable to surrounding environment.
II. Amendments to the Notes of the Plan (a) Revision to the Remarks of the Notes for the “G/IC” zone by adding a requirement specifying that on land designated “G/IC(1)”, any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.	支持 Support	Necessary as existing neighborhood is congested and cannot support additional redevelopments.

TPB/R/S/H4/17-F 47

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-194953-47889

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 19:49:53

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": 女士 Ms. Genevieve Moore

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
I. Amendment to Matter Shown on the Plan Item A – Revision to the building height restriction stipulated for the northern portion of “Government, Institution or Community (1)” ( “G/IC(1)”) zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 13.5mPD to 80mPD.	支持 Support	necessary given congested nature of neighborhood.
II. Amendments to the Notes of the Plan (a) Revision to the Remarks of the Notes for the “G/IC” zone by adding a requirement specifying that on land designated “G/IC(1)”, any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.	支持 Support	necessary given congested nature of neighborhood.

TPB/R/S/H4/17-F 48

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

Reference Number:

200403-194052-70669

提交限期

Deadline for submission:

03/04/2020

提交日期及時間

Date and time of submission:

03/04/2020 19:40:52

「進一步申述人」全名

Full Name of "Further Representer": 先生 Mr. John Moore

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
I. Amendment to Matter Shown on the Plan Item A – Revision to the building height restriction stipulated for the northern portion of “Government, Institution or Community (1)” (“G/IC(1)”) zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 135mPD to 80mPD.	支持 Support	More suitable for surrounding environment.
II. Amendments to the Notes of the Plan (a) Revision to the Remarks of the Notes for the “G/IC” zone by adding a requirement specifying that on land designated “G/IC(1)”, any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.	支持 Support	Necessary given the already congested nature of the neighborhood-including the buildings and road network.

TPB/R/S/H4/17-F 49

就草圖的建議修訂作出進一步申述

**Further Representation In Respect of Proposed Amendments to Draft Plan**

參考編號

200403-194349-73403

Reference Number:

提交限期

03/04/2020

Deadline for submission:

提交日期及時間

03/04/2020 19:43:49

Date and time of submission:

「進一步申述人」全名

Full Name of "Further Representer": 女士 Ms. Melanie Moore

「獲授權代理人」全名

Full Name of "Authorized Agent":

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/H4/17

進一步申述性質及理由

Nature of and Reasons for Further Representation:

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
I. Amendment to Matter Shown on the Plan Item A – Revision to the building height restriction stipulated for the northern portion of “Government, Institution or Community (1)” ( “G/IC(1)”) zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 135mPD to 80mPD.	支持 Support	More suitable to surrounding environment.
II. Amendments to the Notes of the Plan (a) Revision to the Remarks of the Notes for the “G/IC” zone by adding a requirement specifying that on land designated “G/IC(1)”, any new development or redevelopment of existing building(s) requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.	支持 Support	Necessary given the congested nature of surrounding neighborhood-both buildings and road network.

F50-52

tpbpd@pland.gov.hk

---

寄件者: [REDACTED]  
寄件日期: 2020年04月03日星期五 3:14  
收件者: tpbpd@pland.gov.hk  
主旨: NO. S/H4/17 Further Representation  
附件: 20200403 Further Representation.pdf

Dear Sir/ Mandom,

Please find the attached further representation regarding the Town Planning Board decision made on 6th December 2019.

Regards,  
Central Hospital Concern Group

56-58

Secretary, Town Planning Board  
15/F, North Point Government Offices  
333 Java Road, North Point  
Hong Kong

Fax: 2877 0245 or 2522 8426  
E-mail: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

Dear Sir/Madam,

**Draft Central District Outline Zoning Plan No.S/H4/17  
Further Representation on the Town Planning Board (the Board)  
Decisions Made on 6 December 2019**

We are the Hong Kong Central Hospital Concern Group (CHCG) - we were born at Hong Kong Central Hospital, gave birth there, spent our years serving the community there - and are worried about its future, refer to the above Draft OZP and Town Planning Board (the Board) decisions made on 6 December 2019, and make a public comment regarding the building height restriction (BHR) of the northern part of the Site from 135mPD to 80mPD, and amending the Notes of the "Government, Institution or Community (1)" ("G/IC(1)") zone. The decisions have not considered the hidden historical value of the Hong Kong Central Hospital (HKCH) in the Bishop's Hill site holistically, for the following reasons:

- a) The requests are set upon solid ground. The Central and Western District Council has agreed on an impromptu motion on 16 January 2020 to demand conservation of Bishop Hill (i.e. the Hong Kong Sheng Kung Hui Complex includes Hong Kong Central Hospital, or the Complex henceforth), and to request heritage assessment of the Complex and the buildings within it. This echoes the long-standing and growing awareness of the buildings' heritage value and the Complex's position in the local community.
- b) any major redevelopment at the site will have an irreversible detrimental impact on the fabric and ambience of the historical site and the historical neighbourhood.
- c) The structure and interior of HKCH are all in excellent condition. Adaptive re-use of the building as a district medical clinic should be considered, given its significance to Hong Kong's community and medical history.
- d) Adaptive reuse should not be restricted to government owned sites. In this case HKSKH who is a charitable body benefited from a small land premium should also apply adaptive reuse of existing buildings. HKSKH overlooks Hong Kong Central Hospital tangible and intangible values, they are historical interest, architectural merit, social value, rarity and authenticity. It also illustrates the glory of Hong Kong S.K.H. religious education and healthcare contributions in Hong Kong.

(i) Historical Interest –

The building of Hong Kong Central Hospital (HKCH) has not been rated. In 1947, HKCH was designed by China's first-generation formally-trained architect Yuan-Hsi Kuo (過元熙) who was the contemporary of and shared fame with "Father of Modern Chinese Architecture" Sicheng Liang (梁思成). HKCH is one amongst the first six hundred modern architectures constructed in China.

Yuan-Hsi Kuo (過元熙) graduated from Tsinghua Civil Engineering Department in 1930. He obtained the Master of Architecture in MIT and graduated from Philadelphia Academy of Fine Arts. He was also in charge of directing and managing the construction of the Chicago World Expo.

(ii) Architectural Merit –

HKCH is a seven-storey utilitarian building of reinforced concrete frame construction built in the Modernist or International Modern style. This style of architecture is generally accepted as having originated in Germany at the Bauhaus school of art in the 1920s.

The main themes of the building were asymmetry, smooth flat plain undecorated surfaces often painted white, the complete elimination of all mouldings and ornament, flat roofs, large expanses of glass held in steel frames often in the form of curtain walling, and long horizontal streamlined bands of windows. Very free planning was made possible by the adoption of steel-framed or reinforced concrete post-and-slab construction with flat slab floors.

(iii) Group Value, Social Value & Local Interest –

The hospital operates between 1966-2012. HKCH was the only building that focuses on medical services within Bishop Hill Compound - affordable medical services to be more precise. The generations of Central residents and workers turned to Hong Kong Central Hospital for professional medical consultation and treatment. The hospital was a non-profit, general private hospital located in the Central area of Hong Kong Island.

(iv) Rarity & Authenticity –

HKCH has been little altered since it was built, therefore retains its authenticity. It stands out as the only high-rise building (seven-storey) in Hong Kong with post-Bauhaus architectural features. It is a rare, excellent local example of the International Modern Style with definite built heritage value. The three other remaining architectures are Wan Chai Market, Central Market, and Bridges Street Market.

Yours Sincerely,  
Hong Kong Central Hospital Concern Group

1	Name	Mak Ho Shing, Macro			
	Email Contact				
	I.D. no.		56		TPB/R/S/H4/17-F 50
2	Name	Lee Po Shan			
	Email Contact				
	I.D. no.		57		TPB/R/S/H4/17-F 51
3	Name	Lee Po Chu			
	Email Contact				
	I.D. no.		58		TPB/R/S/H4/17-F 52

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名:

陳學鋒

身份證號碼:

聯絡方式:

2020 年 4 月 3 日



TPB/R/S/H4/17-F 54

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
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- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: 程柏恒

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

就中區(港島規劃區第 4 區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
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- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: 鄧卓霖

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
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此致

城市規劃委員會

姓名:

司榮輝

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

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此致

城市規劃委員會

姓名:

徐展基

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

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此致

城市規劃委員會

姓名:

何美玲

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

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此致

城市規劃委員會

姓名:

羅清

身份證號碼:

聯絡方式:



2020 年 4 月 3 日

TPB/R/S/H4/17-F 60

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
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此致

城市規劃委員會

姓名:

施能波

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

TPB/R/S/H4/17-F 61

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
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- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: 湯博文

身份證號碼:

聯絡方式:

2020 年 4 月 3 日



敬啟者:

TPB/R/S/H4/17-F 62

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 一 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 一 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 一 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 一 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 一 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: 謝淑雯

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

TPB/R/S/H4/17-F 63

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: 楊瑞梅

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

TPB/R/S/H4/17-F 64

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 一 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 一 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 一 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 一 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 一 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: 楊偉強

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

TPB/R/S/H4/17-F 65

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: 余佩璋

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

就中區(港島規劃區第 4 區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: Eselle Au

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: Hoi Shan Mak.

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

TPB/R/S/H4/17-F68

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: GURUNG ANITA KUMAR

身份證號碼:

聯絡方式:

2020 年 4 月 3 日

TPB/R/S/H4/17-F 69

敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: Elaine So

身份證號碼:

聯絡方式:

2020 年 4 月 3 日



敬啟者:

就中區(港島規劃區第4區)分區計劃大綱圖(S/H4/17)，本人有以下意見：

- 就近期的新冠疫情，可以看出現時香港的公營醫療系統已接近不勝負荷階段，確實有需要透過分流部份患病者到私家醫院，以減輕公營醫院的負擔。早前亦有團體建議將前港中醫院重新開放作醫療用途，足以證明上址位置完全合適作為醫院的用途。這不單能在緊急關頭支援公營醫療系統，在平常時期，亦可為病人提供多一個私營醫院的選項；
- 根據香港規劃標準與準則規定，每 1000 人應該擁有不少於 5.5 張醫院病床(包括公共與私家醫院)。按此標準，中西區現時仍欠缺約 800 張病床供應；
- 隨著香港人口不斷老化，以上的病床需求只會越見緊張，若未來未能在增加病床數量早下決心，到香港面對老齡化問題時才來解決，已是悔不當初；
- 聖公會重建之醫院位置，正是私家醫生雲集的中區核心地帶，這不僅方便私家醫生照顧有需要病人，亦對住院病人帶來更有效、更貼身的醫療服務。
- 完善的公私營互補醫療配套，有利香港繼續保持國際金融中心的地位；

此致

城市規劃委員會

姓名: TAN KUAN YIN

身份證號碼:

聯絡方式:

2020 年 4 月 3 日