

TOWN PLANNING BOARD

TPB Paper No. 10969

**For Consideration by
the Town Planning Board on 17.5.2024**

**DRAFT TSEUNG KWAN O OUTLINE ZONING PLAN NO. S/TKO/29
CONSIDERATION OF REPRESENTATION NO. TPB/R/S/TKO/29-R1**

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Subject of Representation	Representer (No. TPB/R/S/TKO/29-)
<p><u>Amendment to the Plan</u></p> <p><u>Item A</u> Rezoning of a site at Ying Yip Road from “Comprehensive Development Area” (“CDA”) to “Other Specified Uses” annotated “Film Studio and Related Uses” (“OU(Film Studio and Related Uses)”)</p> <p><u>Item B</u> Rezoning of a site at Hang Hau Road from “Residential (Group C)1” (“R(C)1”) to “R(C)2”</p>	<p>Total: 1</p> <p><u>Oppose All Items (1)</u></p> <p>R1: Individual</p>

Note: The name of the representer is attached at **Annex III**. Soft copy of the submission is sent to the Town Planning Board (the Board) Members via electronic means; and is also available for public inspection at the Board’s website at https://www.tpb.gov.hk/en/plan_making/S_TKO_29.html and the Planning Enquiry Counters of Planning Department in North Point and Sha Tin. A set of hard copy is deposited at the Board’s Secretariat for Members’ inspection.

1. Introduction

- 1.1 On 29.12.2023, the draft Tseung Kwan O (TKO) Outline Zoning Plan (OZP) No. S/TKO/29 (**Annex I**) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments to the OZP and its Notes is at **Annex II** and the locations of the amendment items are shown on **Plan H-1**.
- 1.2 During the two-month statutory exhibition period, one valid representation was received. On 12.4.2024, the Board agreed to consider the representation itself.
- 1.3 This Paper is to provide the Board with information for consideration of the representation. The list of representer is at **Annex III**. The representer has been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **Background**

Item A – Proposed Film Studio Redevelopment at Ying Yip Road

- 2.1 The Clear Water Bay Film Studio built in 1958 is located at Ying Yip Road in TKO Area 92 at the north-eastern part of the TKO New Town. The site was previously zoned “CDA” on the OZP intended for comprehensive residential and/or commercial development/redevelopment subject to a maximum total gross floor area (GFA) of 15,700m² and a maximum building height (BH) of 6 storeys over one level of carport (**Plan H-1**). The residential development has not been pursued, and the site is currently still a film studio in operation.
- 2.2 The current land owner, Sil-Metropole Organization Limited, proposes to redevelop the existing film studio into a Film Production Park. Policy support is given by the Culture, Sports and Tourism Bureau (CSTB) with a view that the redevelopment proposal would revitalize the site to add much capability to the development of film production in Hong Kong from various fronts, such as upgrading facilities for developing digital movie shooting and post production, upscaling local production and encouraging co-production with other countries by providing accommodation for production team, as well as providing an incubation area for nurturing young film talents in Hong Kong. Technical assessments and reviews on traffic, environmental, sewage, visual, landscape and geotechnical aspects in the redevelopment proposal conclude that the proposed redevelopment will not result in significant adverse impact in technical terms. To facilitate the redevelopment proposal, the site has been rezoned from “CDA” to “OU(Film Studio and Related Uses)” subject to BH restriction (BHR) of 7 storeys.

Item B – Proposed House Redevelopment at Hang Hau Road

- 2.3 On 18.9.2020, the Rural and New Town Planning Committee (RNTPC) of the Board partially agreed to a section 12A application (No. Y/TKO/5)¹ to rezone part of the application site in TKO Area 36 at Hang Hau Road from “R(C)1” to a suitable sub-area of “R(C)” to facilitate redevelopment for eight 4-storey houses with a plot ratio (PR) of 1.0 and a BH of 4 storeys over one level of carport. To take forward the RNTPC’s decision, the “R(C)1” portion of the application site has been rezoned to “R(C)2” (**Plan H-1**).

Amendments to the Notes and the Explanatory Statement of the OZP

- 2.4 In relation to the above amendment items, the Notes and the Explanatory Statement (ES) of the OZP have been revised accordingly. Opportunity has also been taken to update the general information for various land use zones in the ES to reflect the latest status and planning circumstances of the OZP.

¹ The applicant proposed to rezone Lot 310 in D.D. 224 from “R(C)1”, “Green Belt” (“GB”) and area shown as ‘Road’ to “R(C)2”, while the remaining “R(C)1” zone falling within government land to “GB”. Members generally agreed to the proposed house redevelopment but decided to maintain the “GB” and the area shown as ‘Road’. Therefore, the meeting partially agreed to the application by rezoning the “R(C)1” part of the application site to a suitable sub-area of “R(C)”.

The Draft OZP

- 2.5 On 8.12.2023, RNTPC agreed that the proposed amendments to the approved TKO OZP No. S/TKO/28 were suitable for exhibition under section 5 of the Ordinance. RNTPC Paper No. 9/23 is available at the Board's website² and extract of the minutes of the RNTPC meeting is at **Annex IV**. Subsequently, the draft TKO OZP No. S/TKO/29 was gazetted on 29.12.2023.

3. Local Consultation

- 3.1 Upon the gazettal of the draft OZP on 29.12.2023, Sai Kung District Council (SKDC) members were notified on the same date that members of the public could submit views on the amendments in writing to the Secretary of the Board. Moreover, an information paper was circulated by the Secretariat of SKDC to SKDC members on 17.1.2024 that members were invited to submit comments on the OZP amendments in writing to the Secretary of the Board during the statutory exhibition period. No representation from SKDC members was received.
- 3.2 On 25.1.2024, Hang Hau Rural Committee (HHRC) was consulted on the amendments incorporated in the draft OZP. While HHRC members and villagers generally had no objection to the amendment items, some members raised concerns on the traffic arrangement of the proposed Film Production Park and Ying Yip Road public housing development and suggested possible road improvement works at Ying Yip Road and the roundabout at Ying Yip Road, Clear Water Bay Road and Hang Hau Road. According to the Traffic Impact Assessment (TIA) submitted by the land owner, the traffic generation by the proposed Film Production Park is considered minimal and would not induce significant adverse impact on the surrounding road network. Commissioner for Transport (C for T) has no comment on the TIA from traffic engineering perspective. The Planning Department (PlanD) had conveyed others comments not related to the amendment items received at the meeting to relevant government departments for follow up action if appropriate. No representation from HHRC members was received.

4. The Representation Sites and their Surrounding Areas

4.1 The Representation Sites and their Surrounding Areas

Representation Site under Item A (Plans H-1, H-2, H-3, H-4a and H-4b)

- 4.1.1 The site under Item A (Item A Site) (about 4.27 ha) is zoned "OU(Film Studio and Related Uses)" subject to BHR of 7 storeys. It comprises Lots 368 and 371 in D.D. 224 and adjacent government land at Ying Yip Road (**Plan H-2**). The two private lots are located on a sloping ground descending topographically from north to south. Lot 368 at the northern part is currently occupied by a film studio comprising a number of 1 to 4-storey (about 28mPD

² RNTPC Paper No. 9/23 and the attachments are available at the Board's website at https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/732_rnt_agenda.html.

to 41mPD) buildings/structures on a number of terraces including studios for film shooting, equipment warehouses, workshops and other related supporting facilities for film production uses. Lot 371 at the southern part is currently occupied by five 3-storey (about 25mPD) staff quarters buildings for the existing film studio. The two lots are accessible by two separate access roads located at the north and northwest leading to Ying Yip Road. The government land to the east, north and west of Lot 368 is mainly vegetated slopes with trees.

4.1.2 According to the indicative development scheme of the redevelopment proposal, Lot 368 will be developed into four areas comprising Film Studios (FS), Post-production and Creativity Hub (PCH), Elites' Workshops cum Dormitories (EWD), as well as an outdoor filming area located at the centre, while the existing staff quarters at Lot 371 and the adjacent government land including the two access roads would remain in-situ (**Drawing H-1**). The major development parameters of the indicative development scheme are summarized as follows:

Development Parameters	Indicative Development Scheme^[1] for the Film Production Park at Lot 368	Existing Staff Quarters^[2] at Lot 371
Zoning Area ^[3] (about)	42,700m ²	
Development Site Area (about)	17,094m ²	5,574m ²
Total GFA (about)	20,512.8m ² ^{[4][5]} (FS ^[6] : 1,300m ² PCH ^[6] : 12,072.8m ² EWD ^{[6][7]} : 7,140m ²)	2,807.3m ²
Site Coverage	not exceeding 30%	not exceeding 23%
No. of Blocks	4	5
BH (about)	50mPD to 70mPD	24.6mPD
No. of Storeys	1 to 7 (including 1 level of carport) (FS ^[8] : 1 PCH ^[8] and EWD: 7 (including 1 level of carport))	3
Total Car Parking Spaces & Loading / Unloading (L/UL) Bays	143	15
- Private Car Parking Spaces	120	15
- Motorcycle Parking Spaces	12	-
- L/UL Bays	11	-

Notes:

[1] The proposed scheme is indicative in nature and subject to change during detailed design stage.

- [2] No change in the existing development parameters at Lot 371.
- [3] The proposed “OU(Film Studio and Related Uses)” zone will include Lots 368 and 371 in D.D. 224 as well as adjoining government land.
- [4] According to the land owner, the proposed GFA is calculated from the development restrictions for Lot 368 under the existing land lease.
- [5] Assumes GFA exemption/non-accountable GFA for provision of carport, covered driveway and electrical and mechanical facilities, etc. subject to approval by the Building Authority at building plan submission stage.
- [6] Comprises film studios and other related uses including film and movie workshops, media centre, post-production studios, elites’ workshop and film production office.
- [7] Comprises ancillary facilities including dormitories (GFA of 5,950m²) and canteen. 150 workshops cum dormitories would be provided for accommodating a population of about 150 for short stay of movie production team to work and reside in the same building with an average stay from one week to three months.
- [8] Five film studios with headroom ranging from 14 to 24.5m to suit different film production and operation needs would be constructed. High headrooms and design for film studios to meet the single storey requirement are subject to approval by the Building Authority at building plan submission stage.

4.1.3 During RNTPC’s consideration of the proposed amendments to the draft OZP, some Members raised concerns on the tree preservation and removal proposals. The land owner is now carrying out detailed design of the redevelopment proposal. According to their latest proposal, the compensatory tree planting ratio would be 1:1.7 in terms of number and all compensatory trees would be of heavy standard size³. In any case, as stated in ES of the OZP, the future developer will be required to make a landscape submission under lease. Also, minor relaxation of the BHR may be considered by the Board based on individual merits, taking into account tree preservation and other relevant factors that would enhance the landscape quality of the site and the amenity of the locality.

4.1.4 Ying Yip Road public housing development with two blocks not higher than 170mPD under construction is located to the northwest. Areas to the immediate south and east are low-rise residential developments (1 to 3 storeys) including Hang Hau Village, Shui Bin Village and house developments in the “R(C)” zones along Hang Hau Road and Clear Water Bay Road. To the further south are Fu Ning Garden (about 103mPD to 105mPD) and schools.

Representation Site under Item B (Plans H-1, H-2, H-3, H-4a and H-4c)

4.1.5 The site under Item B (Item B Site) (about 0.34ha) is zoned “R(C)2” subject to a maximum BH of 4 storeys over one level of carport and a maximum PR of 1. It comprises major part of Lot 310 in D.D. 224 and adjacent government

³ On the land owner’s latest proposal, all of the 29 trees within Lot 368 are proposed to be felled. The land owner had explained that all 29 trees were found in poor form or structural conditions and tree preservation or transplantation are technically infeasible taking into account various constraints e.g. operational need of film studio (the need of an outdoor filming area, spacious floor space and high headroom of film studio, etc.), anticipated low survival rate, and that some affected trees are located on sloping ground without balanced rootball formation etc.. According to their latest landscape proposal, the total number of compensatory trees will be 49 (1:1.7 compensatory ratio). All compensatory trees are of heavy standard size, and the diameter at breast height of the compensatory tree is between 100mm and 120mm. The land owner considers the proposed compensatory planting proposal to be most optimal taken into consideration sufficient growing space for healthy long-term establishment of the compensated trees, operational need of the film studio as well as better establishment of younger trees over semi-mature or mature trees after planting.

land, and is currently occupied by some dilapidated 1 to 2-storey buildings and an outdoor swimming pool (**Plans H-4a and 4c**). According to the indicative development scheme, eight 4-storey houses will be developed over one level of carport (**Drawing H-4**).

4.1.6 The site is located at Hang Hau Road partly surrounded by vegetated slopes zoned “GB”. The surrounding developments are mostly low-rise and low-density residential developments including Shui Bin Village and Hang Hau Village to its southwest, and other house development along Hang Hau Road and Clear Water Bay Road to its east, north and south (**Plan H-2**).

4.2 Planning Intentions

The planning intentions of the relevant zones in relation to the above representation sites are as follows:

- (a) the “OU(Film Studio and Related Uses)” zone is intended primarily for the provision of a film studio and related uses to facilitate film production, distribution and other related functions.
- (b) the “R(C)2” zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

5. The Representation

5.1 Subject of Representation

5.1.1 There is one representation (**R1**) submitted by an individual opposing both Items A and B.

5.1.2 The major grounds of representation and PlanD’s responses, in consultation with the relevant government bureaux/departments (B/Ds), are summarised in paragraph 5.2 below.

5.2 Major Grounds and Responses

Item A

Major Ground(s)	Representation No.
(1) Without PR restriction on the OZP, the permissible GFA at the site will be unlimited. The proposed GFA of the indicative development scheme is significantly greater than the maximum GFA of the previous “CDA” zone.	R1
(2) The proposed development is extremely bulky and significantly impacts the views of the ridgeline behind.	

- (3) The statutory procedure of section 12A or section 16 planning application is omitted for the proposed amendment of the OZP.

Responses

In response to (1) and (2):

- (a) The previous maximum GFA of 15,700m² of the “CDA” zone was mainly stipulated to facilitate comprehensive re-planning of the area for low-density residential development to ensure compatibility with the existing natural and built environment and the capacity of existing and planned infrastructure in the area⁴. The current “OU(Film Studio and Related Uses)” zoning is intended primarily for the provision of a film studio and related uses with the maximum BH of 7 storeys of the previous “CDA” zone maintained. Unlike typical low-density residential development, the proposed Film Production Park involves special-purpose building (e.g. film shooting studio) which may have special building design and spatial requirement to meet the operational needs (e.g. high headroom) where the exact GFA/PR can only be confirmed at the detailed design stage. According to District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD), if Lot 368 is to be redeveloped following the redevelopment proposal, the registered owner of the lot will need to submit the application to LandsD for modification of the lease. Given there is maximum BH stipulated under the OZP to ensure a compatible BH of the proposed development, and to allow design flexibility, appropriate GFA/PR control will be considered at the later stage.
- (b) The rezoning of Item A Site from “CDA” to “OU(Film Studio and Related Uses)” has no material change of the BHR of 7 storeys except without specifying that the lowest storey should be one level of carport to provide design flexibility. As shown on the photomontages (**Drawings H-3a and H-3b**), the proposed Film Production Park with BHs ranging from 50mPD to 70mPD is considered not incompatible with the existing developments in the surrounding having BHs ranging from 18mPD to 170mPD. According to the land owner’s indicative scheme (**Drawings H-1 and H-2**), special urban design features will be incorporated in the layout and building disposition to reduce visual bulk including multi-level terraces, stepped BH profile, building separation, set back from lot boundary and opening up central area. Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) advises that with the BHR of the previous “CDA” zone maintained, the proposed development would not induce significant impact on the visual character of the surrounding environment. Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) has no comment from architectural and visual impact point of view.

⁴ The “CDA” zoning was to meet an objection submitted by the then land owners against the previous “OU(Film Studio)” (about 81%) and “Undetermined” (about 19%) zones on the first draft TKO OZP No. S/TKO/1 gazetted on 11.12.1992. At the preliminary consideration of the objection on 13.5.1994, the Board decided to meet the objection by rezoning the objection site to “CDA” with a maximum total GFA of 15,700m² and a maximum BH of 6 storeys over carport.

In response to (3):

- (c) Given the project is in line with the government policy on creative industries development backed up by relevant policy support from CSTB and no adverse comment or objection from relevant government B/Ds on the proposal, it is appropriate to initiate the rezoning through proposed amendments to the OZP under section 5 of the Ordinance direct in lieu of section 12A application to streamline the statutory process.

Item B

Major Ground(s)	Representation No.
(1) The PR and BH of the proposed development has almost doubled. The development is out of character with the surrounding area which creates significant visual impact.	R1
(2) One of the houses within the proposed development is located at the lot boundary, which generates possible impact to the adjoining government land within the “GB” zone.	
(3) The proposed development will not only greatly diminish the integrity of the “GB” zone and its existing eco-system, but will also encourage applications for further development on “GB” zone. Development in “GB” zone can no longer be justified as there is over-supply of private residential development.	
Responses	
In response to (1) to (3):	
(a) Item B is to reflect a section 12A application partially agreed by RNTPC to facilitate house redevelopment subject to a maximum PR and BH of 1 and 4 storeys over one level of carport respectively on the OZP. According to the applicant’s indicative scheme, the eight houses with a maximum BH of 70mPD will be built on a lower platform which is not incompatible with the surrounding urban fringe setting mainly characterised by low-rise and low-density residential developments including Shui Bin Village, Hang Hau Village and other “R(C)” zones to the north and east with maximum PRs ranging from 0.2 to 0.6 and a maximum BH of 3 storeys including carport as well as high-rise residential and planned public housing development to the south and northwest with BH ranging from 35 to 42 storeys. According to the applicant’s Visual Impact Assessment, negligible visual impact is observed from different viewpoints (Drawings H-5a and H-5b). The existing vegetated slope located at its west would also alleviate the potential visual impact from Hang Hau Village. CTP/UD&L, PlanD advises that the proposal is not	

incompatible with the surrounding environment, and considers that the proposed development would not generate significant adverse visual impact to the surrounding area.

- (b) The “GB” zone is not involved in the current OZP amendment. Item B involves the rezoning of majority part of Lot 310 in D.D. 224 with minor portion on government land from “R(C)1” to “R(C)2” with increased development intensity but without changing the zoning boundary. The proposed house redevelopment would be confined entirely within the “R(C)2” zone, and would not encroach onto the adjoining “GB” zone. Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the OZP amendment. According to DLO/SK, LandsD, a land exchange application for redevelopment of Lot 310 with the adjoining government land to implement the said house redevelopment was received and is being processed.

6. Departmental Consultation

6.1 The following government B/Ds have been consulted and their comments have been incorporated in the above paragraphs, where appropriate:

- (a) DLO/SK, LandsD;
- (b) CA/ASC, ArchSD;
- (c) DAFC; and
- (d) CTP/UD&L, PlanD.

6.2 The following government B/Ds have no comment on the representation:

- (a) Secretary for Culture, Sports and Tourism;
- (b) Project Manager (East), Civil Engineering and Development Department (CEDD);
- (c) Head of Geotechnical Engineering Office, CEDD;
- (d) Project Team Leader/Housing, CEDD;
- (e) Director of Environmental Protection;
- (f) Director of Housing;
- (g) District Officer (Sai Kung), Home Affairs Department;
- (h) C for T;
- (i) Chief Highway Engineer/New Territories East, Highways Department;
- (j) Chief Engineer/Construction, Water Supplies Department;
- (k) Chief Engineer/Mainland South, Drainage Services Department;
- (l) Chief Building Surveyor/ New Territories East (2) and Rail, Buildings Department;
- (m) Director of Fire Services;
- (n) Director of Leisure and Cultural Services;
- (o) Commissioner of Police; and
- (p) Director of Electrical and Mechanical Services.

7. PlanD's Views

7.1 Based on the assessments in paragraph 5 above, PlanD does not support R1 and considers that the OZP should not be amended to meet the representation for the following reasons:

Item A

- (a) The “Other Specified Uses” annotated “Film Studio and Related Uses” zone is intended primarily for the provision of film studio and related uses which involves special design and spatial requirement to meet operational needs. The current zoning with a maximum building height restriction of 7 storeys is considered as an appropriate statutory planning control. The proposed development is considered not incompatible with surrounding neighbourhood;
- (b) With relevant policy support, and given no adverse comment or objection from relevant government bureaux/departments, it is appropriate to initiate the rezoning through proposed amendments to the Outline Zoning Plan under section 5 of the Town Planning Ordinance direct in lieu of section 12A application to streamline the statutory process; and

Item B

- (c) The amendment item is to reflect a section 12A application partially agreed by RNTPC. The proposed house redevelopment with a maximum plot ratio of 1 and a maximum building height of 4 storeys over one level of carport is not incompatible with the surrounding urban fringe setting. The adjoining “Green Belt” zone will not be affected by the proposed house redevelopment.

8. Decision Sought

- 8.1 The Board is invited to give consideration to the representation taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendments to the draft OZP to meet/partially meet the representation.
- 8.2 Should the Board decide that no amendment should be made to the Plan to meet the representation, Members are also invited to agree that the draft OZP, together with its Notes and updated ES, are suitable for submission under section 8(1)(a) of the Ordinance to the Chief Executive in Council for approval.

9. Attachments

Annex I	Draft TKO OZP No. S/TKO/29 (reduced size)
Annex II	Schedule of Amendments to the Approved TKO OZP No. S/TKO/28
Annex III	List of Representer
Annex IV	Extract of Minutes of RNTPC Meeting held on 8.12.2023
Annex V	Provision of Major Community Facilities and Open Space

in TKO Planning Area

Drawing H-1	Master Layout Plan for Item A
Drawing H-2	Cross Section Plan for Item A
Drawings H-3a and H-3b	Photomontages for Item A
Drawing H-4	Overall Block Plan under Section 12A Application No. Y/TKO/5 for Item B
Drawings H-5a and H-5b	Photomontages for Item B
Plan H-1	Location Plan of the Representation Sites
Plan H-2	Site Plan of the Representation Sites
Plan H-3	Aerial Photo of the Representation Sites
Plans H-4a to 4c	Site Photos of the Representation Sites

**PLANNING DEPARTMENT
MAY 2024**