

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K1/260

<u>Applicant</u>	Flying Snow Limited represented by Kenneth To & Associates Ltd
<u>The Site</u>	The Former Marine Police Headquarters Site, Junction of Canton Road and Salisbury Road, Tsim Sha Tsui, Kowloon
<u>Site Area</u>	11,700m ² (about)
<u>Lease</u>	<p>Kowloon Inland Lot (KIL) 11161R.P.</p> <ul style="list-style-type: none">(a) a lease term of 50 years commencing from 12.6.2003;(b) restricted for non-industrial (excluding private residential, petrol filling station and godown) purposes;(c) to implement the development of the lot in accordance with the Concept Plans, the Alteration and Utilities Plans and the Master Landscape Plans as submitted and deposited with the Director of Lands;(d) works shall be carried out to preserve and maintain the Historic Site and to preserve, restore and renovate the Historic Buildings;(e) the total GFA on the lot excluding the Historic Building shall not exceed 7,213m²;(f) except the Historic Buildings, no part of any building or structure shall exceed 14.5mPD; and(g) the existing formed levels of the lot (which range from 14.3 to 15.1mPD) shall not be altered.
<u>Plan</u>	Approved Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/28
<u>Zoning</u>	<p>“Comprehensive Development Area” (“CDA”)</p> <p>[a maximum building height of 14.5mPD and 29.2mPD at the southern and northern of the site respectively, or the height of the existing building, whichever is the greater.]</p>
<u>Application</u>	Proposed Amendment to the Approved Master Layout Plan

1. The Proposal

- 1.1 The applicant seeks planning permission for an amendment to the approved Master Layout Plan (MLP) under Application No. A/K1/206 for hotel and tourism related development at the Former Marine Police Headquarters (FMPHQ) site (the Site), which was approved with conditions by the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) on 11.11.2015. The Site is

zoned “CDA” on the approved Tsim Sha Tsui OZP (**Plans A-1 and A-2**). The FMPHQ and its compound were declared as monuments under the Antiquities and Monuments Ordinance (Cap. 53) on 14.12.1994. Upon revitalisation, the Site is currently used for hotel and tourism related uses as ‘1881 Heritage’.

- 1.2 In accordance with the approved MLP and Landscape Master Plan (LMP) (**Plan A-3**), a Banyan tree (Tree T54) was retained in a concrete cylinder structure at the plaza area. However, T54 collapsed as a result of the gusty wind when Typhoon Mangkhut struck Hong Kong in September 2018, and was subsequently removed. After examining various remedial actions, the applicant has proposed to amend the approved MLP by removing the existing cylindrical planter structure without other changes to the subject MLP (the Current Scheme). Since the Current Scheme involves changes beyond the Class A or Class B amendments specified in Board’s Guidelines on Class A and Class B Amendments to Approved Development Proposals (TPB PG-No. 36B), a fresh application under s.16 of the Town Planning Ordinance is required.
- 1.3 Comparisons of the MLP and LMP, photomontage and elevation, and the location plan of Railway Protection Zone are shown on **Drawings A-1 to A-9**. In support of the application, the applicant has submitted the following documents:
 - (a) Application Form and Planning Statement (**Appendices I and Ia**) received on 17.4.2020
 - (b) Further information (FI) received on 5.6.2020 (**Appendix Ib**) providing responses to departmental comments, and revised photomontage and plans*

*Remarks: *accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Sections 2 and 3, and Appendix 4 of the Planning Statement, and the FI (**Appendices Ia and Ib** and **Drawing A-1**). They can be summarised as follows:

- (a) When the typhoon Mangkhut struck Hong Kong in September 2018, Tree T54 collapsed as a result of the gusty wind. Upon inspection by tree experts and Certified Arborists, the tree had undergone catastrophic damage. Given its degree of damage, the size of the tree and its exposed position, it was not considered to be practicable to support the tree safely particularly in strong wind. In view of the above, the tree experts and Certified Arborists concluded that the collapsed Tree T54 posed potential danger to the public in the surrounding open space, and therefore should be removed.
- (b) After the removal of Tree T54 (which was of the size of 1.26m (DBH) by 14m (height) and 16m (canopy spread)), the applicant had explored the following remedial options with an aim to enhance the public realm and walking experience:

Remedial Options		Considerations
1.	Transplant a Large Tree	<ul style="list-style-type: none"> • Large tree of the same size of Tree T54 is difficult to be transplanted. The exposed position of the tree made it susceptible to typhoon damage. • The soil body is too small to support the rootball of a large tree and there was evidence of gradual but significant dieback of the canopy over the following years.
2.	Transplant a Smaller Tree/Grow New Trees	<ul style="list-style-type: none"> • Take time to grow into a big tree and will not help to regain the sense of welcoming or recreate the historical setting at the entrance to the development. • Less representative (planting a smaller specimen would not compensate for the loss of Tree T54 in terms of its physical presence).
3.	Leave it as a lawn at the Existing Level	<ul style="list-style-type: none"> • The cylinder forms an incongruous structure in the plaza which forms a significant physical and visual barrier to the movement of pedestrian and visual access to Canton Road and vice versa. • Landscaping the top of the cylinder will not contribute to the landscape quality and aesthetic value of the development or enhance public enjoyment of the Site.
4.	At-grade Tree Planting	<ul style="list-style-type: none"> • Planting a new tree at G/F of the plaza area is not feasible as it encroached into the Railway Protection Zone which passes beneath the plaza at a depth of approx. 1500mm below the paving level (Drawing A- 2). • The stratum of land between the levels at +2mPD and -23mPD is the “Reserved Area” under Special Condition (14) of the land lease, which prohibits the introduction of structures including new planters.
5.	Remove the Cylinder	<ul style="list-style-type: none"> • Create a more spacious, symmetrical and pleasant plaza environment for public enjoyment. • Opening up of views of the main façade of the heritage building and the Site when viewed from Salisbury Road and Canton Road (Drawing A-8). • Allow better visual and physical connectivity with Canton Road and the wider urban landscape.

(c) Upon exploring the above remedial options, the applicant considers that the ‘Remove the Cylinder’ option outperforms the others as it would add value to the public area in the existing hotel/tourism related development. Amendment to the approved MLP has been minimised while performing the applicant’s responsibility to maintain the heritage site for public enjoyment (**Drawings A-3 to A-6**).

(d) According to the applicant, the ‘Remove the Cylinder’ option is also well justified from landscape point of view since it may (i) enhance visual access to the façade of the heritage building from Salisbury Road; (ii) increase the usable plaza area at G/F from 914m² to 1,320m²; (iii) allow the whole plaza area better relate to the active frontages of the adjacent retail space enhancing the sense of vibrancy; and (iv) open up views from Canton Road with a more welcoming entrance experience for visitors (**Drawings A-1, A-8 and A-9**). Additional greening is proposed under the above option e.g. vertical greening on the side of lift shaft and shrub planting at plaza level around the base of the

lift shaft (**Drawing A-9**), which would help to provide a continued landscape belt from 1/F to the plaza level.

3. Compliance with the “Owner’s Consent/Notification” Requirement

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

4.1 The FMPHQ and its compound, including the Main Building, the Stable Block, the Signal Tower (Round House) and the Accommodation Block of the Former Fire Station, were declared as monuments under the Antiquities and Monuments Ordinance (Cap. 53) on 14.12.1994 (**Plan A-2**). The Main Building of the Former Fire Station at the south-eastern corner of the Site is a Grade II historical building. The Site was vacated by the Marine Police in late 1996.

4.2 On 24.5.2002, the Board endorsed the Planning Brief which sets out the planning parameters and development requirements for the Site and which serves as a guide to facilitate the preparation of the MLP.

4.3 On 1.11.2002, the Government issued a tender inviting private sector proposals for the preservation, restoration and conservation of the Site into a tourism-themed development. On 27.5.2003, the Government announced the award of the tender to Flying Snow Limited, i.e. the applicant. The applicant envisages to convert the Main Building of the FMPHQ into a heritage hotel, with some food and beverage outlets and retail facilities under the existing platform of the Site.

4.4 Tree T54 was located to the south of the Main Building. It was retained at its original level (about +14.5mPD) upon a cylindrical planter structure whilst the plaza area is at a level of about +3.5mPD. The construction of the Site, including the cylindrical planter structure around Tree T54, was completed in 2009.

5. Previous Applications

5.1 The Site is the subject of four previous applications (Nos. A/K1/196, A/K1/205, A/K1/206 and A/K1/207). The first application No. A/K1/196 for proposed hotel and tourism related development, together with the MLP, was approved with conditions by the Committee on 30.1.2004. Application No. A/K1/205 for proposed amendments to the approved planning scheme (i.e. reduction in the maximum number of hotel guestrooms and construction of a hotel back-of-house level underneath the FMPHQ Main Building) was approved with conditions by the Committee on 5.11.2004. Application No. A/K1/207 for proposed minor amendments to the approved scheme (i.e. revising the approved tree preservation proposal and specifically on the preservation recommendations for four trees) was approved by DPO/TWK under the delegated authority of the Board on 7.4.2005.

5.2 The latest application No. A/K1/206 for proposed amendments to the approved MLP was approved with conditions by the Committee on 11.11.2005. The amendments mainly involved changing the orientation and layout of the commercial podium, splitting the commercial podium into two buildings with a lawn bridge connecting between them, changing the shape of the Grand Piazza from circular to elliptical, construction of a new Heritage Hall, provision of a new basement connection to the existing pedestrian subway at Kowloon Park Drive/Salisbury Road, and underpinning of a retained tree near Canton Road for utilising the underlying space for shop and services use. As compared with the latest approved scheme (No. A/K1/206), the Current Scheme only involves the removal of the cylindrical planter structure at the plaza area. There is no change to the development parameters, and the orientation and layout of buildings at the Site (**Drawings A-3 to A-6**).

6. **Similar Application**

There is no similar application in the vicinity of the Site.

7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2 and Site Photos on Plans A-4 and A-5)

7.1 The Site:

- (a) is bounded by Canton Road to the west, Salisbury Road to the south, Kowloon Park Drive to the east and a commercial/office building, No. 1 Peking Road, to the north;
- (b) accommodates a number of historical buildings and structures, including the Main Building of the FMPHQ, the Stable Block, the Signal Tower (Round House), and the Accommodation Block and the Main Building of the Former Fire Station. The Main Block of the Former Fire Station is a Grade II historical building;
- (c) traversed by the MTR Kowloon Southern Link (KSL) along a north-west to south-east axis. The KSL was in operation since August 2009 (**Plan A-2**); and
- (d) was completed with Occupation Permit issued in February 2009.

7.2 The surrounding areas have the following characteristics:

- (a) predominantly of commercial/office, hotel and Government, institution or community developments;
- (b) to the south across Salisbury Road are several tourist attractions and cultural facilities including the Clock Tower, Hong Kong Cultural Centre, Arts Library, Space Museum, Museum of Arts and the Tsim Sha Tsui Promenade;
- (c) to the west along Canton Road are the large shopping complexes of Ocean Terminal and Harbour City; and

- (d) well served by various modes of public transport including buses, public light buses, taxis, ferries and MTR.

8. Planning Intention

The planning intention of the “CDA” zone is to preserve, restore and convert the compound of the FMPHQ into a tourism-themed commercial development. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of the development, taking account of the heritage significance of the existing historical buildings on the site, as well as various environmental, traffic, infrastructure and other constraints.

9. Comments from Relevant Government Departments

- 9.1 The following bureau and Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) the Site zoned as “CDA” falls within KIL No. 11161 R.P. (“the Lot”) which is held under Conditions of Sale No. 12641 for a term of 50 years commencing on 12.6.2003. According to the lease conditions, the Lot is restricted for non-industrial (excluding private residential, petrol filling station and godown) purposes and is subject to, inter alia, the condition that the Lot shall not be developed except in accordance with the Concept Plans and the MLPs (as defined in the lease) and no building or structure which is not shown on the Concept Plans and the MLPs shall be erected, constructed or maintained on or within the Lot; and
- (b) if the planning application is approved by the Town Planning Board, the applicant is required to apply for consent under lease for alterations to the Concept Plans and the MLPs to implement the proposal. Such application, if received, will be considered by LandsD acting in the capacity as a landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions including payment of premium and administrative fee as may be imposed by LandsD.

Heritage Preservation

- 9.1.2 The Executive Secretary of the Antiquities and Monuments Office, Development Bureau (AMO of DEVB) has the following comments:

the applicant is reminded that FMPHQ is a declared monument under the Antiquities and Monuments Ordinance (Cap. 53). As such, no person can carry out work to FMPHQ except with a permit granted by the Antiquities Authority (i.e. the Secretary for Development). Regarding the application for amendment to the approved MLP for the proposed hotel and related tourism

development at the FMPHQ site, AMO has no objection in-principle but needs to comment on the details of the proposed work to be carried out within the monument boundary when the applicant formally applies for a permit under the Antiquities and Monuments Ordinance (Cap. 53).

Traffic

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

she has no objection to the application from traffic engineering viewpoint provided that the removal of the existing cylindrical planter structure with staircases will not affect pedestrian movement using the existing elevator and other existing staircases to be maintained.

Urban Design and Landscape

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

- (a) according to the applicant, the removal of the cylindrical planter structure will not affect the open space as the concerned areas will be left opened to form part of the plaza on the G/F. Besides, additional planting in the form of vertical greening on the side of lift shaft and shrub planting at plaza level around the base of the lift shaft has been proposed. As the Site is a popular venue for visitors, the applicant should explore further opportunity to provide quality landscape treatments, such as seating benches, lawn areas, planting, other adequate facilities, etc. at the plaza area after the removal of the cylindrical planter structure to enhance the public realm/ visitors' experience/ enjoyment to the Site;
- (b) the applicant is advised that approval of the planning application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the lease. The applicant should seek comments and approval from the relevant authority on the concerned tree works and/or compensatory/replacement planting proposal, where appropriate; and
- (c) should the application be approved, an approval condition requiring the submission and implementation of a revised LMP should be imposed.

Environment

9.1.5 Comments of the Director of Environment Protection (DEP):

- (a) she has no comment on the application from the environmental perspective at this stage since the environmental issues under EPD's ambit would unlikely be insurmountable. Approval of the application if granted under the Town Planning Ordinance shall not absolve the applicant from his responsibilities to fulfil statutory requirements under the Environmental Impact Assessment Ordinance (EIAO);

- (b) the following advisory clause should be included for the applicant's attention:

earthworks and other building works partly or wholly in the declared monument, "FMPHQ Compound", are controlled under the Environmental Impact Assessment Ordinance (EIAO). The applicant shall ensure full compliance with the EIAO requirements during the implementation of the proposed removal of the cylinder planter and any other associated works

- (c) other detailed comments are at **Appendix II**.

Fire Services

9.1.6 Comments of the Director of Fire Services (D of FS):

he has no objection in principle to the application. Detailed fire services requirements will be formulated upon receipt of formal submission the general building plans.

9.2 The following government bureau/departments have no objection to/no comment on the application:

- (a) Green, Landscape and Tree Management Section, DEVB
- (b) Comments of the Chief Building Surveyor/Kowloon, Buildings Department
- (c) Chief Highway Engineer/Kowloon, Highways Department (HyD);
- (d) Chief Highway Engineer/Railway Development 1, HyD;
- (e) Commissioner of Police;
- (f) District Officer (YTM), Home Affairs Department; and
- (g) Commissioner for Tourism

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection periods, 25 public comments were received from individuals objecting to the application (**Appendix III**). Their views and concerns are summarized as follows:

- (a) the removal of the historic tree and its cylindrical structure would diminish the historic value and collective memory of the whole FMPHQ and undermine the intention of preserving the Site in its historic context as a whole. The existing landscape character and visual amenity of the Site is one characterized by the historic buildings and significant trees;
- (b) although the cylindrical structure is not part of the historic buildings of the FMPHQ, it blends in well in the '1881 Heritage' development. Over the years, tourists have positive impressions of the cylindrical structure and Tree T54 over it. It is a pity to remove it from the Site;
- (c) there are other potential options, such as transplant a smaller tree/grow new trees or leave it as a lawn at the existing level, which are worth to consider. The evaluation of options in the submission cannot be agreed upon;

- (d) the owner/developer of the Site has responsibility to preserve the tree and the cylindrical structure under the lease. Remedial actions should be taken after the tree was damaged. Opportunity should be given to mitigate a replacement tree, so that the original look of the Site can be resumed. The benefits to the owner resulting from the removal of cylindrical structure and enlargement of the plaza should be provided for consideration;
- (e) the plaza provides a well sense of enclosure and an active frontage to the street. The removal of the cylindrical structure would set an unprecedented effect to the overall design of the Site and be destructive to both pedestrians and the users of the plaza; and
- (f) the removal of the cylindrical planter structure without planting another tree is the intention of the applicant to place its own financial reward above the interest of the public. It would be cheaper to maintain concrete pavement than a healthy tree.

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for a proposed amendment to the approved MLP for the removal of the cylindrical planter structure within an area zoned “CDA” on the Tsim Sha Tsui OZP. The cylindrical planter structure was designed for the retention of Tree T54 at its original level (about +14.5mPD) whilst the plaza area is at a level of about +3.5mPD. The construction the cylindrical planter structure around Tree T54 was completed in 2009. After the Tree T54 collapsed due to the typhoon Mangkhut struck in September 2018, the applicant has explored various remedial options and considered that the ‘Remove the Cylinder’ option outperforms the others as it would create a more spacious and pleasant plaza environment, enhance the public realm with additional landscape treatments at the plaza area, improve the visual permeability when viewed from the direction of Salisbury Road and Canton Road to the Site, and increase the size of the plaza area at G/F from 914m² to 1,320m² (+406m² or +44.4%) for public enjoyment (**Drawings A-1, A-7 to A-9 and Plan A-5**). While additional planting near the lift shaft area has been proposed by the applicant, CTP/UD&L, PlanD suggests that the applicant should explore further opportunity to provide quality landscape treatments at the plaza area at G/F after the removal of the cylindrical planter structure to enhance the public realm/ visitors’ experience/ enjoyment to the Site. She therefore recommends that an approval condition on the submission and implementation of revised LMP should be imposed if the application is approved.
- 11.2 As compared with the latest approved scheme (No. A/K1/206), the Current Scheme only involves the removal of the cylindrical planter structure and there is no change to the approved development parameters. The cylindrical planter structure, which was constructed for containing Tree T54, is not a heritage item, and the proposed removal of the structure will not affect the historical buildings at the Site. The pedestrian circulation will also not be adversely affected as there are elevators, escalators and staircases available within the Site. In this regard, AMO of DEVB and C for T have no objection on the application from the heritage conservation and traffic engineering perspectives.

- 11.3 Given the cylindrical planter structure is located within the boundary of the declared monument of “FMPHQ” under the Antiquities and Monuments Ordinance, its removal works requires permission from the Antiquities Authority. Meanwhile, amendment to the EP under the EIAO is also required since the proposed removal of the cylindrical planter structure would involve earthworks and likely other building works. Relevant government departments consulted including DO(YTM), HAD, DLO/KW, LandsD and CHE/K, HyD have no objection to/no adverse comment on the application.
- 11.4 Regarding the concerns raised in the public comments, the planning assessments above and the departmental comments in paragraph 9 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taking into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application under section 16 of the Town Planning Ordinance, the following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan, taking into account the approval condition (b) below to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

the applicant fails to demonstrate that the proposed removal of the cylindrical planter structure is acceptable after the collapse of Tree T54.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition and advisory clause(s), if any, to be attached to the permission.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachment

Appendix I	Application Form
Appendix Ia	Planning Statement
Appendix Ib	Further information received on 5.6.2020
Appendix II	Detailed Comments from Government Department
Appendix III	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Landscape and Urban Design Benefits
Drawing A-2	Location of Railway Protection Zone
Drawing A-3	Comparison between approved and current scheme – G/F
Drawing A-4	Comparison between approved and current scheme – Podium 1
Drawing A-5	Comparison between approved and current scheme – Podium 2
Drawing A-6	Comparison between approved and current scheme – Podium Deck
Drawing A-7	Comparison of Approved and Proposed Landscape Master Plan
Drawing A-8	Comparison of Elevation
Drawing A-9	Comparison of Photomontage (View towards Canton Road/Star House)
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Approved Master Layout Plan and Landscape Master Plan
Plans A-4 and A-5	Site Photos

**PLANNING DEPARTMENT
JUNE 2020**