

**DRAFT CENTRAL DISTRICT OUTLINE ZONING PLAN NO. S/H4/17
 CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/H4/17-1 TO 33
 AND COMMENTS NO. TPB/R/S/H4/17-C1 TO C22**

Subject of Representations	Representers (No. TPB/R/S/H4/17-)	Commenters (No. TPB/R/S/H4/17-)
<p>Amendment Item A1 – Rezoning of the northern portion of the Hong Kong Sheng Kung Hui (HKSKH) Compound at Lower Albert Road from “Government, Institution or Community” (“G/IC”) to “G/IC(1)” and stipulation of a building height restriction (BHR) of 135mPD</p> <p>Amendment Item A2 – Rezoning of the southern portion of the HKSKH Compound at Lower Albert Road from “G/IC” to “G/IC(1)” and stipulation of a BHR of 80mPD</p>	<p>TOTAL: 33</p> <p><u>Opposing (32)</u></p> <p><u>Opposing Item A1 (24)</u></p> <p>R1: Government Hill Concern Group</p> <p>R2: Kei Yan Primary School Alumni Concern Group</p> <p>R3: Foreign Correspondents’ Club, Hong Kong</p> <p>R4: Legislative Council (LegCo) Member Hon Tanya CHAN</p> <p>R5 to R24 (20): Individuals</p> <p><u>All Items (8)</u></p> <p>R25: Incorporated Owners of Glenealy Tower</p> <p>R26: TST Residents Concern Group</p> <p>R27: Central and Western District Council (C&WDC) Member Ms Ng Hoi-yan, Bonnie</p> <p>R28: C&WDC Member Ms CHENG Lai-king</p> <p>R31: HKSKH Foundation</p> <p>R29, R30 and R32: Individuals</p> <p><u>Providing Views (1)</u></p> <p>R33: C&WDC</p>	<p>TOTAL: 22</p> <p><u>Opposing R31 (5)</u></p> <p>C1: Kei Yan Alumni Concern Group</p> <p>C3 to C6: Individuals</p> <p><u>Opposing R31 and Supporting R1 (8)</u></p> <p>C2: LegCo Member Hon Tanya CHAN</p> <p>C6 to C13 (7): Individuals</p> <p><u>Opposing R31 and Supporting R1 & R4 (1)</u></p> <p>C14: Individual</p> <p><u>Supporting R25 to R30 (1)</u></p> <p>C15: LegCo Member Hon HUI Chi-fung</p> <p><u>Providing views (4)</u></p> <p>C16: TST Residents Concern Group</p> <p>C17: Incorporated Owners of Glenealy Tower</p> <p>C18 to C19: Individuals</p> <p><u>Supporting R2 (3)</u></p> <p>C20 to C22: Individuals</p>

Note: The names of all representers and commenters are attached at **Annex V(b)**. Soft copy of their submissions is sent to the Town Planning Board (TPB) Members via electronic means at **Annex VI** (for TPB Members only); and is also available for public inspection at the TPB's website at https://www.info.gov.hk/tpb/en/plan_making/S_H4_17.html and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin. A set of hard copy is deposited at the TPB Secretariat for Members' inspection.

1. Introduction

- 1.1 On 24.5.2019, the draft Central District Outline Zoning Plan (OZP) No. S/H4/17 (**Annex I**) 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. The Schedule of Amendments setting out the amendments incorporated into the OZP is at **Annex II** and the location of the amendment items are shown on **Plan H-1**.
- 1.2 During the two-month exhibition period, a total of 33 valid representations were received. On 6.9.2019, the representations were published for public comments and, in the first three weeks of the publication period, a total of 22 valid comments were received.
- 1.3 On 25.10.2019, the Town Planning Board (the Board) decided to consider the representations and comments collectively. This paper is to provide the Board with information for consideration of the representations and comments. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. Background

Heritage Conservation Policy

- 2.1 As promulgated in 2007, the Government seeks "to protect, conserve and revitalise as appropriate historical and heritage sites and buildings through relevant and sustainable approach 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 the general public".
- 2.2 The Government has put in place a grading system for historic buildings to provide an objective basis for determining the heritage value, and hence the preservation need, of historic buildings in Hong Kong. The grading system does not affect the ownership, usage, management and development rights of the historic buildings. By definition, Grade 1 historic buildings are those of outstanding merit, which every effort should be made to preserve if possible; Grade 2 historic buildings are those of special merit, efforts should be made to

selectively preserve; and Grade 3 historic buildings are those of some merit, preservation in some form would be desirable and alternative means could be considered if preservation is not practicable.

- 2.3 To monitor any plan to demolish or alter declared monuments, proposed monuments, graded buildings or buildings proposed to be graded, the Government has established an internal monitoring mechanism which enables the Commissioner for Heritage's Office (CHO) and the Antiquities and Monuments Office (AMO) to take timely follow-up actions to liaise with subject owners and explore conservation options. For private projects that involve historic buildings, where appropriate, project proponents will be required to prepare a conservation management plan (CMP) to set out the guidelines for preserving the historic buildings within the site and proposing mitigation measures to minimize any likely adverse impact to the heritage. The concerned CMP would need to be approved by AMO. Whilst it is not a requirement to include the latest and detailed design of the new development in the CMP, the project proponent should follow the guidelines and measures set out in the approved CMP when preparing the detailed design of the new development for submission to relevant authorities, such as the Building Authority, for approval. Departments being consulted of the building plans (including AMO) will also make sure that the CMP has been strictly followed and implemented.
- 2.4 Under the prevailing heritage conservation policy set out in paragraph 2.1 above and on the premise of respecting private property rights, the established mechanism is considered to have already provided sufficient control, monitoring and protection on privately-owned historic buildings.

Preservation-cum-development Proposal of HKSKH

- 2.5 Announced by the Chief Executive in the 2009-10 Policy Address, a preservation-cum-development project, which is one of the eight projects under the "Conserving Central" initiative, was proposed for the representation site. The Chief Executive in Council approved the land lease modification of the site in 2011 to facilitate the implementation of the said project. According to the proposal, HKSKH would preserve all four historic buildings within the site, namely the Bishop's House (Grade 1), St. Paul's Church (Grade 1), the Church Guest House (Grade 1) and the Old Sheng Kung Hui (SKH) Kei Yan Primary School (Grade 2) while other existing buildings would be replaced by new ones (with building height (BH) of 103mPD and 108mPD) to provide the needed space for HKSKH's religious and community services as well as a medical centre.
- 2.6 In recent years, having taken into account the relocation of a public hospital (i.e. Alice Ho Miu Ling Nethersole Hospital) to another district and the growing population arising from developments in the Central and Western District, HKSKH revisited the project and decided to build a non-profit-making private hospital within the representation site. The aim is to provide the community, particularly residents in the Central and Western District, with alternative healthcare services other than the public ones. Under the "G/IC" zoning of the representation site, hospital development is always permitted and no planning

permission from the Board is required. The proposed hospital will be of 25 storeys high (including three levels of basement) up to 134.8mPD, with a total gross floor area (GFA) of 46,659m². Bearing in mind the conservation of the historic buildings, the new hospital block can only be built basically upon the site of what was once the Hong Kong Central Hospital (HKCH). As far as HKSKH's latest proposal is concerned, the four graded historic buildings within the representation site will be properly preserved at its own cost and will be re-used and open to the public while the rest of the site will be utilised for providing non-profit-making medical services to the community. The three Grade 1 historic buildings will be fully preserved, while the facades of the Old SKH Kei Yan Primary School will be retained and its interior altered slightly and appropriately as necessary. Besides, HKSKH has agreed to open up the site which is not open to the public currently. As advised by CHO and AMO, from the heritage conservation perspective, the conservation of the four graded historic buildings is commensurate with their heritage value.

- 2.7 HKSKH has been exchanging views with the C&WDC since 2013 on the latest proposal. Members of C&WDC generally supported the proposal of developing a non-profit-making private hospital at the representation site whilst some individual members raised comments on the design of the new buildings and traffic arrangements. HKSKH also consulted the Antiquities Advisory Board (AAB) on its proposal in June 2018 and obtained AAB's general support for the proposal, with individual members offering comments on the design of the hospital and the conservation proposal of the four historic buildings. Separately, the Food and Health Bureau (FHB) has confirmed its policy support for the proposed hospital upon HKSKH's acceptance of the minimum requirements, which include, inter alia, a minimum number of hospital beds (which in turn has implications on the necessary GFA), set out by FHB. Already at a very advanced stage of development and in view of the great demand for healthcare services from the community, HKSKH is in the process of finalising the detailed design. At the requests of government departments, HKSKH is carrying out assessments on the impacts of the proposed development on traffic, visual and air ventilation, taking into account the surrounding area of the site. Also, HKSKH has engaged a heritage consultant to draw up a CMP. HKSKH would proceed with the development upon completion of the land lease modification.

Section 12A application submitted by Government Hill Concern Group

- 2.8 On 10.8.2018, the Board considered a s.12A application (No. Y/H4/12) submitted by the Government Hill Concern Group proposing to rezone the representation site and a number of other sites occupied by Government House, Former Central Government Offices, Former French Mission Building, St. John's Cathedral and Battery Path in Central, from "G/IC" to "Other Specified Uses" ("OU") annotated "Heritage Precinct" or "G/IC(1)" and to stipulate BHRs for the zone in terms of mPD or number of storeys, or restrict any development to the height of the existing building¹.

¹ Under the s.12A application, the proposed BHR for the "OU" annotated "Heritage Precinct" zone is the height of the existing building. For "G/IC(1)", it was proposed to stipulate BHR in terms of mPD or number of storeys, or restrict any development to the height of the existing building.

- 2.9 Members of the Board had a thorough deliberation on the existing development control mechanism for heritage conservation, the Board's role in heritage conservation, HKSKH's private property rights, public consultation process for the HKSKH's preservation-cum-development proposal, the need for private hospital and the urban design aspects of the HKSKH's proposal. Members of the Board considered that the existing mechanism through AAB was adequate in heritage conservation and the Board's scrutiny or interference on the heritage conservation aspect might not be necessary. Members also generally did not agree with the Government Hill Concern Group's proposal to restrict the BH of any new development to the height of existing building within the application site and considered that preservation of privately owned historic buildings without regard to private property rights would not be in line with the Government's heritage conservation policy. However, Members were generally concerned about the urban design aspect of HKSKH's proposal and considered some form of planning control was necessary.
- 2.10 After deliberation, the Board decided not to agree to the application for the reasons that the existing "G/IC" zoning was appropriate to reflect the existing and planned uses of the concerned sites, there was insufficient justification/basis for the proposed BHRs, and the rezoning would lead to unnecessary delays in the carrying out of necessary maintenance and repair works to existing historic buildings, and would not be conducive to the preservation-cum-development of privately-owned historic buildings under the Government's heritage conservation policy. Nevertheless, the Board also decided to request PlanD to consider suitable amendment to the OZP to ensure that the urban design aspect of any redevelopment proposal on the representation site would be given due consideration under the planning regime.
- 2.11 To follow up the Board's decision, PlanD prepared two BHR options for the rezoning of the representation site taking into account the BH profile of the site, the surrounding site context, the BHRs that are currently in force in the surrounding area, HKSKH's preservation-cum-development proposal of a non-profit-making private hospital, the heritage conservation implication and visual impact of the BHRs, and Members' concern on the urban design aspect of the redevelopment proposal at the site. The two options included stipulating a BHR of 135mPD and 80mPD (Option 1) and a BHR of 120mPD and 80mPD (Option 2) for the northern and southern portion of the site respectively. The BHR of 135mPD in Option 1 would enable the HKSKH's preservation-cum-development proposal to proceed as planned, while the BHR of 120mPD would be an extension of the existing BHR covering the area along Wyndham Street to the west of Glenealy.
- 2.12 On 10.5.2019, the Board considered the two BHR options presented in TPB Paper No. 10536, which is available on the Board's website ([https://www.info.gov.hk/tpb/en/papers/HK/S-H4-16A/TPB Paper No. 10536 Main Paper.pdf](https://www.info.gov.hk/tpb/en/papers/HK/S-H4-16A/TPB%20Paper%20No.%2010536%20Main%20Paper.pdf)). After deliberation, the Board decided that Option 1 should be adopted as the basis for amending the Central District OZP and agreed that the proposed amendments are suitable for public inspection under section 5 of the Ordinance. The minutes of the respective TPB meeting are at **Annex III**. On 24.5.2019, the draft Central District OZP No. S/H4/17 was exhibited under section 5 of the Ordinance.

3. Public Consultation

The current amendments to the OZP were presented to C&WDC on 4.7.2019. In gist, C&WDC Members had diverse views on the proposed amendments to the OZP with some Members supporting and some Members raising concerns on the zoning amendments. The main concerns raised included the adverse impact on the historic character of the representation site, adverse traffic, air ventilation and visual impacts caused by the proposed hospital development, and whether the BHRs of 135mPD and 80mPD for the northern and southern portion of the site respectively were appropriate and justified. PlanD's representatives had responded to C&WDC Members' questions at the meeting. An extract of the minutes of the meeting is at **Annex IV**. The minutes of the meeting was also submitted by C&WDC to the Board as a representation on the OZP (**R33**).

4. The Representations

4.1 Subject of Representations

- 4.1.1 A total of 33 valid representations were received. Among which, 24 representations (**R1 to R24**) object to Item A1 only, 8 representations (**R25 to R32**) object to both Items A1 and A2 (though the objecting grounds of **R25 to R30** are only on Item A1) and one representation (**R33**) provides views on the amendment items. Out of the 32 adverse representations, 19 are in the form of standard letters/e-mails (**R6 to R24**).
- 4.1.2 The adverse representations were submitted by concern groups (**R1, R2 & R26**), a Legislative Council (LegCo) Member (**R4**), C&WDC Members (**R27 & R28**), the owner of the representation site (**R31**), owners and tenants of the surrounding buildings (**R3 & R25**) and individuals (**R5 to R24, R29, R30 & R32**). The representation providing views was submitted by C&WDC (**R33**).
- 4.1.3 A summary of the representations and PlanD's responses, in consultation with the relevant government departments, is at **Annex V(a)**.

4.2 Major Grounds of Adverse Representations

- 4.2.1 There are contrasting views among the adverse representations. Their grounds are summarised as follows.

BHRs

- 4.2.2 The BHR of 135mPD effectively adopts the BH of HKSKH's development proposal and is not based on any town planning strategy to guide development of this sensitive heritage precinct (**R1**). The OZP amendments are considered tailor-made for HKSKH's plan. There is bias on the part of the Government in favour of HKSKH's hospital proposal and there is suspicion of transfer of benefits (**R28 & R29**). The development permitted under the BHR of 135mPD would be too

high and bulky (**Drawing H-1**). The proposed development does not adopt stepped height profile from the nearby historic buildings or echo the natural topographical profile as suggested in the Hong Kong Planning Standards and Guidelines (HKPSG), protrudes the existing low-rise skyline of the representation site, and ignores relevant precedents of stringent BHR at Tai Kwun, Central Market and PMQ (**R1, R4 to R24**).

- 4.2.3 On the other hand, **R31** and **R32** consider that the imposition of BHR on the representation site is contrary to private development rights. The complex reality of preservation-cum-development proposal should be considered when deriving BHR for the site and sufficient flexibility should be allowed for the potential changes to the preservation-cum-development proposal due to various site constraints. The BHRs on the OZP are too restrictive to allow innovative designs. The BHR imposed will likely threaten the number of hospital beds and service capacity that could be provided due to constraint towards achieving the number of storeys proposed. **R31** also considers that the imposition of BHR on the non-graded Alford House and Ridley House (in the southern part of the representation site) would be a major constraint to the redevelopment of these buildings and is considered premature and unnecessary.

Heritage Conservation Aspect

- 4.2.4 The BH and bulk of the proposed development would be incompatible and detrimental to the historic character of the representation site and its precinct. The proposed development contravenes heritage charters such as the Principles for the Conservation of Heritage Sites in China issued by ICOMOS China (“the China Principles”) (**R1 to R26 & R28 to R30**). All buildings within the Former Sheng Kung Hui Kei Yan Primary School Compound (i.e. the Old SKH Kei Yan Primary School, the Ming Hua Theological College and the SKH Kindergarten) should be preserved. A CMP should be submitted, and the Board should provide sufficient heritage conservation guidelines to control the proposed development at heritage sites (**R2**).
- 4.2.5 On the contrary, **R31** considers the existing mechanism under the Antiquities and Monuments Ordinance is sufficient to guide the preservation-cum-development proposal and further statutory controls under the Ordinance should not be imposed. The preservation-cum-development proposal has adhered to the relevant guidelines for graded buildings. The further imposition of BHRs on the representation site would complicate the development procedures and impede the implementation of a complex heritage redevelopment project.

Urban Design & Landscape Aspects

- 4.2.6 The potential impact of BHR has not been adequately addressed. The existing BH and building bulk should be retained in order to preserve the

current open and green setting of the representation site (**R26**). The BHR of 135mPD is incompatible with its surroundings including Government House.

- 4.2.7 BHR, being just one form of urban design control, is inadequate to address the urban design concerns raised by Members of the Board. Other forms of site-specific urban design control such as the designation of view corridors or the requirement to carry out urban design studies should be considered (**R1, R4 to R24**).
- 4.2.8 The intensity of the proposed development will affect the scale of tree felling requirement at the representation site and a tree assessment should be submitted for the Board's consideration (**R2**).
- 4.2.9 However, **R31** considers that the design of the preservation-cum-development proposal has given due consideration to both the urban design and heritage preservation principles in accordance with the HKPSG. Priority has been given to the conservation of graded historic buildings both individually and collectively. The main hospital block is located as far as possible from the historic buildings, and part of it is elevating above the historic buildings to facilitate public viewing of the historic buildings. All the required hospital floor spaces are accommodated into a single block tower to free up space for the public at lower levels.

Need for Private Hospital vs Provision of Other GIC Facilities

- 4.2.10 There is no shortage of hospital beds or private medical facilities on Hong Kong Island. There is a more imminent need for other healthcare/elderly facilities or a specialized clinic. Facilities of similar scale to the former HKCH would be appropriate for the representation site (**R1, R4 to R26 & R28 to R30**). Notwithstanding the policy support from FHB, it does not mean the site context is suitable for a hospital development, nor constitute a benchmark for the number of beds for the hospital (**R1**). The Board should not be concerned with whether a lower BH would affect FHB's requirement for a minimum of 274 hospital beds (**R29**).
- 4.2.11 On the other hand, **R31** considers that the proposed private hospital is to address the need for private hospital facilities in Hong Kong in general and locally in the district. This is in line with the Government's policy to increase the capacity of the medical service to cope with the increasing service demand and can enable the public to have more choices. The provision of 293 beds is below that of a conventional public/private hospital such as St. Paul's Hospital (356 beds) and Queen Mary Hospital (1,400 beds). Any further decrease in the number of beds would entail an increase in charge and affect the quality of services provided.

Insufficient Technical Assessments

4.2.12 The Board was not provided with sufficient information and technical assessments to consider the OZP amendments comprehensively (**R1, R4 to R24**). The proposed hospital will cause an adverse impact on traffic and pedestrian accessibility to the representation site and its surroundings, and no traffic impact assessment (TIA) was provided for the proposed development (**R2, R3, R25, R27, R29 & R30**). The proposed development will cause more air pollution and no environmental assessment was conducted (**R3 & R27**).

Land Matters

4.2.13 The proposed private hospital at the representation site contradicts the spirit and intention of the original land grant and is effectively a privatization of the representation site, which was originally granted to the church to provide basic services essential to the community. The site should be used for community services, nursery, elderly care services, educational and/or recreational facilities to support office workers on weekdays and domestic helpers on weekends (**R26 & R29**).

4.2.14 On the contrary, **R31** opines that for the purpose of heritage preservation, HKSKH has already given up its right to redevelop the HKSKH Compound to its full development potential. The BHRs limit HKSKH's rightful use of its land which is under an unrestricted lease and restrict HKSKH's private property rights enshrined under the Basic Law.

Others

4.2.15 The two BHR options proposed by PlanD have restricted the Board's consideration of the most suitable BHR for the representation site. Some Members of the Board only agreed to the BHR of 135mPD in order to maximize land utilization and to respect HKSKH's proposal. It is, however, inappropriate to maximize land utilization at the site which is of significant heritage value (**R1**).

4.2.16 HKSKH should consider adaptive reuse of the existing buildings. The Old Sheng Kung Hui Kei Yan Primary School should be converted into a SKH religious and cultural museum while the Ming Hua Theological College and SKH Kindergarten should be converted to a theological youth hostel to promote religious education and culture. The slope to the south of the Ming Hua Theological College should be converted into a butterfly themed garden while existing playground should be converted into an entrance plaza (**R2**).

4.2.17 The demolition and construction work would cause an adverse impact on the patronage, operation and financial returns of the Foreign Correspondents' Club (**R3**).

Proposals from Adverse Representations

4.2.18 The proposals of the representations are:

- (a) to expand the boundary of the amendment item to include other heritage sites in the vicinity (**Drawing H-2**) and rezone them as “OU” annotated “Historical Site Preserved for Government and Religious Uses” with imposition of specific BHRs similar to the height of existing buildings at the sites (**R1, R4, R6 to R24 & R28**), or to impose a BHR of 80mPD on Amendment Item A1 (**R1, R4 to R24 & R28**);
- (b) to restrict the development area and the proposed private hospital to the area shown as point 1 in **Drawing H-3** while the BH should be restricted to the BH of the existing Ming Hua Theological College (**R2**);
- (c) to retain the existing BH and building bulk in order to preserve the current open and green setting of the representation site, which is compatible with the presence of some of the oldest buildings in Hong Kong (**R26**); and
- (d) to revert the representation site to its previous “G/IC” zoning without BHR (**R31 & R32**); or to impose a BHR of 150mPD on the northern portion and 100mPD on the southern portion of the site respectively (**R31**).

4.3 Representation Providing Views

C&WDC (**R33**) submitted the minutes of the C&WDC meeting held on 4.7.2019 as a representation on the OZP. As mentioned in paragraph 3 above, the DC Members had diverse views on the proposed amendments to the OZP with some supporting the hospital development and some raising concerns on its impacts on the historic character of the representation site, traffic, air ventilation and visual, and whether the BHRs of 135mPD/80mPD were appropriate and justified. Their concerns are similar to the major grounds of adverse representations above.

5. Comments on Representations

5.1 The 22 valid comments on representations were submitted by some of the representers themselves (**R2, R4, R5, R14, R25, R26 & R29**), two LegCo Members (**C2** (i.e. **R4**) & **C15**) and individuals. They are all objecting comments. The major grounds of these comments are similar to those raised in the adverse representations. The additional grounds of the objecting comments are summarised as follows:

Heritage Conservation Aspect

- (a) the collective memory of the educational compound including the Grade

2 Old Kei Yan Primary School may be lost against the bigger cultural landscape in Central. The representation site should be nominated for the United Nations Educational, Scientific and Cultural Organization (UNESCO) world heritage site to promote the history of Hong Kong. HKSKH should proactively propose the grading of Alford House and Ridley House as historic buildings and revitalize them for community service uses in order to demonstrate their historical value as well as to illustrate the glory of HKSKH's religious and educational contribution in Hong Kong (**C1** (i.e. **R2**));

- (b) the claim that HKSKH has already preserved the historic buildings is shifting the discourse of heritage preservation of individual buildings while ignoring the impact of the proposed hospital development on the integrity of the representation site as a whole (**C4** (i.e. **R29**)); and
- (c) the proportionality test of private property rights is important. Issues including the significant built heritage and historic ambience of the representation site are of public interests and should be taken into consideration by the Board (**C5 to C14**).

5.2 A summary of the comments and PlanD's responses, in consultation with the relevant government departments, is at **Annex V(a)**.

6. Planning Consideration and Assessment

6.1 The Representation Site and its Surrounding Areas (Plans H-1 to H-4b)

6.1.1 The representation site (about 8,714m²) is bounded by Lower Albert Road and Ice House Street to the north/northeast, the Government House to the southeast, Upper Albert Road and Albany Road to the south and Glenealy to the west. It is also a sloping site with the lowest site level at 30.5mPD near Lower Albert Road and the highest site level at 62.5mPD near Upper Albert Road.

6.1.2 The representation site is held by the HKSKH Foundation under Government Lease (Inland Lot No. 7360) for a term of 999 years commencing from 19.4.1850. The lease contains several requirements including, among others, a user restriction clause; a design of exterior elevations, disposition and height clause; restriction on alteration, addition, demolition or redevelopment clause and a tree preservation clause. The lease provides that any use other than those specified for individual buildings in the lease and any alteration/addition/demolition/redevelopment of any building or buildings would be allowed subject to prior written consent of the Chief Executive.

6.1.3 The BHs and grading of the existing buildings within the representation site (**Plan H-2b**) are as follows:

- (a) Bishop's House (**Grade 1**) (51.6mPD);
- (b) St. Paul's Church (**Grade 1**) (54.9mPD);
- (c) Church Guest House (also known as Martin House) (**Grade 1**) (71.3mPD);
- (d) Old SKH Kei Yan Primary School (**Grade 2**) (51mPD);
- (e) HKCH (60.3mPD);
- (f) HKSKH Welfare Council (52.3mPD);
- (g) HKSKH Ming Hua Theological College (60.2mPD);
- (h) SKH Kindergarten (59.6mPD);
- (i) Vicarage (52.7mPD);
- (j) Alford House (71.9mPD); and
- (k) Ridley House (78.2mPD).

6.1.4 The area to the west of the representation site across Glenealy is covered by the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/33 where BHRs are imposed. As shown on **Plan H-2a**, the northern part of the street block along Glenealy adjoining the site is zoned "Commercial" ("C") with a BHR of 120mPD, while the southern part of the street block is zoned "Residential (Group A)" ("R(A)") with a BHR of 150mPD. The area to the north of the site is mainly zoned "C" with no BHRs on the Central District OZP comprising largely of high-rise commercial developments.

6.2 Planning Intention

The "G/IC" 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.

6.3 Responses to Grounds and Proposals of Adverse Representations

BHRs

6.3.1 The BHRs of the representation site was determined by the Board having regard to a number of factors including the BH profile, the surrounding site context, the BHR currently in force in the surrounding areas, the preservation-cum-development proposal at the site, heritage conservation implication and the visual impact of the proposed BHRs.

6.3.2 As mentioned in paragraphs 2.8 to 2.12 above, when considering the s.12A application (No. Y/H4/12) in August 2018, the Board agreed that to restrict the BH of any new development to the height of the existing building within the representation site was extremely harsh on the landowner and preservation of privately owned historic buildings without regard to private property rights would not be in line with the

Government's heritage conservation policy. While rejecting the s.12A application, the Board decided to request PlanD to consider suitable amendment to the OZP. On 10.5.2019, PlanD submitted two BHR options for the rezoning of the site to the Board for consideration (i.e. 135mPD/80mPD and 120mPD/80mPD for the northern and southern portion respectively). After deliberation, the Board decided that 135mPD/80mPD should be adopted as the basis for amending the OZP.

- 6.3.3 A lower BHR of 80mPD is adopted at the southern portion of the representation site to reflect the maximum BH of the existing buildings therein (i.e. Ridley House at 78.2mPD) and to maintain the current BH profile along this section of Upper Albert Road having regard to the surrounding site context and open public views from the Hong Kong Zoological and Botanical Gardens. A higher BHR of 135mPD is adopted at the northern portion of the site as it is not incompatible with the surrounding BH profile ranging from 120mPD (the "C" zone at northern part of the street block along Glenealy) to 150mPD (the "R(A)" zone at the southern part of the street block) and the visual impact was not significantly different from the alternative BHR of 120mPD. Besides, if a more stringent BHR is imposed which may necessitate HKSKH to revisit the design of its proposal, it would further delay the implementation of the proposed development, which was first initiated in 2013 seeking to provide the much needed healthcare services for the community. A more stringent BHR would also lead to the reduction in the number of hospital beds to be provided, not to mention the possibility of HKSKH not being able to meet the requirements from FHB (i.e. a minimum of 274 beds). Moreover, allowing a BHR of 135mPD for the site would help maximize its development potential and land utilisation. Hence, the proposals to revise the BHR of the northern portion of the representation site to 80mPD or the height of the existing buildings or the Ming Hua Theological College (**R1, R2, R4 to R24, R26 & R28**) is not supported.
- 6.3.4 Regarding the cases of Tai Kwun, Central Market and PMQ, these sites are under government ownership and subject to more stringent requirements. For historic buildings under private ownership, there is a need to strike a balance between heritage preservation and private property rights in accordance with the heritage conservation policy promulgated in 2007. In this regard, allowing certain flexibility for development is necessary to support the preservation of historic buildings by private owners as in the case of the representation site.
- 6.3.5 Regarding **R2**'s proposal to restrict the hospital development to the area shown as point 1 in **Drawing H-3** (i.e. the former HKCH site plus a piece of vacant land to its north), it should be noted that given the limited space available, such proposal would create further constraint to the proposed development and would not be conducive to the preservation of privately-owned historic buildings through the preservation-cum-development approach. Moreover, it would likely

result in a building with a BH of more than 135mPD if the proposed hospital is to provide the same number of hospital beds and hence, induce a more significant visual impact on the surrounding developments. Hence, it is not supported.

- 6.3.6 Regarding the representers' proposals of either deleting the BHRs (**R31 & R32**) or revising the BHRs to 150mPD on the northern portion and 100mPD on the southern portion of the representation site (**R31**), it should be noted that the imposition of the BHRs is to address the Board's concerns on the urban design of the HKSKH's preservation-cum-development proposal and the BHRs of 135mPD and 80mPD are considered appropriate having regard to a number of factors as mentioned in paragraph 6.3.1 above. In addition, the proposed BHRs of 150mPD and 100mPD as suggested by **R31** would induce a more significant visual impact on the surrounding developments (photomontages at **Plans H-5, H-6a to H-6c** refer). There is also no strong planning justification for deleting or relaxing the BHRs. Hence, the proposals are not supported.

Heritage Conservation Aspect

- 6.3.7 The objective of the heritage conservation policy is to strike a proper balance between preservation of historic buildings and respect for private property rights. AMO encourages 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.
- 6.3.8 As mentioned in paragraph 2.6 above, the four graded historic buildings within the representation site will be properly preserved at its own cost and will be re-used and open to the public while the rest of the site will be utilised for providing non-profit-making medical services to the community. CHO and AMO advise that, from the heritage conservation perspective, the historical connection of the HKSKH Compound and its surrounding areas in a wider context has been kept and the conservation of the four graded historic buildings is commensurate with their heritage value. Besides, at the requests of government departments, HKSKH is carrying out assessments on the impacts of the proposed development on traffic, visual and air ventilation, taking into account the surrounding area of the site. HKSKH has also engaged a heritage consultant to draw up a CMP. CHO and AMO advise that given the need to preserve the four historic buildings within the site, the space available to accommodate the proposed hospital building is limited. In this regard, it would not be conducive to the preservation of privately-owned historic buildings if further restrictions are to be imposed such as designations of visual corridors and the requirement of urban design studies. CHO and AMO consider that HKSKH's hospital proposal has struck a balance between the need for heritage conservation and respect for private property rights as well as between preservation and development.

- 6.3.9 Regarding some representations' concern (**R1 to R26 & R28 to R30**) that the proposed development contravenes the China Principles, CHO and AMO point out that Commentary 14.4 of the China Principles advised that “*aspects of a landscape that may reduce the values of a site should be addressed on a case-by-case basis through analysis and discussion among professionals; there should be no single, rigidly determined, and generally applied solution to deal with such problems.*” In this regard, the China Principles allow the consideration of a development proposal on a case-by-case basis. CHO and AMO consider that the established heritage conservation mechanism/controls set out in paragraphs 2.1 to 2.4 above is effective for HKSKH's preservation-cum-development proposal. In addition, as mentioned in paragraph 2.9 above, in considering the s.12A application (No. Y/H4/12), the Board noted that the existing mechanism through AAB was adequate in heritage conservation and the Board's scrutiny or interference on the heritage conservation aspect might not be necessary.
- 6.3.10 **R2** suggested that all buildings within the Former SKH Kei Yan Primary School Compound (i.e. the Old SKH Kei Yan Primary School, the Ming Hua Theological College and the SKH Kindergarten) should be preserved. However, it should be noted that only the Old SKH Kei Yan Primary School is a Grade 2 historic building and that the other buildings within the said Compound are not graded buildings.
- 6.3.11 According to the UNESCO's World Heritage Resource Manual: “Preparing World Heritage Nominations” Second Edition 2011, for every nomination, the involvement and support of owners of the nominated properties are important. It is understood that HKSKH has no plan to apply for such nomination at this stage.

Urban Design & Landscape Aspects

- 6.3.12 Given the need to preserve the four historic buildings within the representation site, the space available to accommodate the proposed hospital building is limited. In this regard, it would not be conducive to the preservation of privately-owned historic buildings if further restrictions are to be imposed such as designation of visual corridors. The scope of any urban design studies for the site would also be limited.
- 6.3.13 Visual appraisal of the two BHR options (i.e. 135mPD/80mPD and 120mPD/80mPD for the northern and southern portion of the representation site respectively) had already been conducted and presented to facilitate Members of the Board to visualize the three-dimensional relationship of the proposed development with the surrounding context. A total of 8 viewing points have been selected in accordance with the ‘TPB Guidelines on submissions of Visual Impact Assessment for Planning Applications to the Town Planning Board’ (TPB-PG No. 41) (viewing point locations at **Plan H-5**). While the photomontages from the two strategic viewing points have

shown that the proposed developments would be shielded by the dense and high-rise building clusters in the central business district of Central District and would not be visible, photomontages from four of the local viewing points have shown that the proposed development would be located amidst and largely blended in with a cluster of high-rise commercial buildings, or blocked by existing vegetation in the immediate surroundings of the representation site, the resultant visual impact would be minimal to moderate. Photomontages from the remaining two local viewing points (**Plans H-6a and H-6b**) have shown that the proposed development would become more prominent and the visual impact would be moderate to significant as these viewing points are closer to the site. In response to the representor's concern, an additional viewing point (**Plan H-6c** from the Government House) has been added and the photomontage has shown that the visual impact of the BHRs of 135mPD/80mPD would be moderate.

- 6.3.14 There is a tree preservation clause under the existing lease of the representation site to protect the existing trees within the site. Any removal of trees is also governed by existing guidelines including the Lands Administration Office (LAO) Practice Note No. 7/2007 on Tree Preservation and Tree Removal Application for Building Development in Private Projects, under which the Lands Department (LandsD) is responsible for vetting any tree felling application.

Need for Private Hospital and Provision of GIC Facilities

- 6.3.15 Facing the challenges of an ageing population, public demand for healthcare services will increase in the future. The Government's policy is to facilitate the further development of private hospitals to serve the Hong Kong community, in order to promote the healthy development of a dual-track healthcare system in Hong Kong and alleviate the burden of the public healthcare system in the long run. The implementation of the Voluntary Health Insurance Scheme in April 2019 would further facilitate members of the public to use private healthcare services in the future. It is FHB's policy to encourage private hospitals to make effective use of their sites and provide more beds to meet the rising demand for healthcare services. The current minimum number of beds of the proposed hospital (i.e. 274 beds) was part of the minimum requirements agreed between HKSKH and FHB in 2013. FHB confirms its policy support for the HKSKH hospital development based on the agreed minimum requirements.
- 6.3.16 Regarding whether the representation site is suitable for a hospital development, it should be noted that the site is zoned "G/IC" where hospital is a use always permitted. Based on the existing and planned provision of major government, institution and community facilities in the Central and Western District (**Annex VII**), there are shortfall in the provision of hospital (801 beds), community care services facilities (1,110 subsidised places) and residential care homes for the elderly (898 subsidised beds) as compared with the requirement of the HKPSG.

- 6.3.17 While the existing shortfall of hospital beds in the area can be catered for by the surplus provision of hospital beds in the Southern District which is within the same hospital cluster, the provision of hospital beds in the Central and Western District can be improved by the materialization of HKSKH's proposed non-profit-making private hospital project at the representation site.
- 6.3.18 Regarding the existing shortfall in the provision of community care services facilities and residential care homes for the elderly, it should be noted that the population-based planning standards for elderly services and facilities were reinstated in the HKPSG on 28.12.2018. The revised standards reflect the long-term target towards which the provision of elderly services and facilities would be adjusted progressively. It may not be appropriate to compare the standards with the provision of elderly services and facilities for the existing population. PlanD and the Social Welfare Department will liaise closely to identify suitable premises to meet the requirements of elderly facilities in the long term.

Insufficient Technical Assessments

- 6.3.19 Both hospital and religious institution uses are currently always permitted under the "G/IC" zone. Since the current amendment to the "G/IC" zone is to impose BHRs to address the concern on the urban design aspect of the redevelopment proposal, no technical assessment has been undertaken on the traffic and environmental aspects for the OZP amendment. Notwithstanding this, lease modification is required for HKSKH to take forward its preservation-cum-development proposal. HKSKH would be required to submit various technical assessments, if any, to the satisfaction of the relevant government departments. The Commissioner for Transport also considers that a comprehensive TIA report that covers all the proposed development including both hospital and religious institution uses should be furnished for review. Hence, there is existing mechanism to ensure that the technical concern arising from the proposed development would be adequately addressed.
- 6.3.20 The Director of Environmental Protection considers that air pollution due to increased traffic congestion is not anticipated.

Land Matters

- 6.3.21 The lease contains several requirements including, among others, a user restriction clause and restriction on alteration, addition, demolition or redevelopment clause. The lease provides that any use other than those specified for individual buildings in the lease and any alteration/addition/demolition/redevelopment of any building or buildings would be allowed subject to prior written consent of the Chief Executive. Although hospital is allowed at the former HKCH building, lease modification is required for the

preservation-cum-development proposal as the proposed hospital extends beyond the footprint of the former HKCH building with additional proposed uses. To take forward the proposal, HKSKH has already applied to LandsD for a lease modification. The lease modification is currently under processing.

- 6.3.22 On **R31**'s concern on the BHR infringing private property rights, it should be noted that at the judicial review case of Hysan Group of Companies vs the Town Planning Board, the Court of Final Appeal (CFA) held that where it is factually established that planning restrictions imposed by the Board encroach upon a landowner's property rights, the extent, if any, of the encroaching measure's validity is determined by a four-step proportionality analysis². The CFA came to the conclusion that town planning restrictions, assuming them to be unassailable on traditional judicial review grounds, would in general only be susceptible to constitutional review if the Court is satisfied that they are manifestly without reasonable foundation.
- 6.3.23 As mentioned in paragraph 6.3.1, the BHRs of 135mPD and 80mPD for the northern and southern portions of the representation site were formulated taking into account a host of factors including the existing BH profile of the site, the surrounding site context, the BHRs currently in force in the surrounding areas, the HKSKH's preservation-cum-development proposal, heritage conservation implication and visual impact of the BHRs. In this regard, the BHRs are considered to have struck the right balance between private development rights and the public interests.

Others

- 6.3.24 The two BHR options prepared by PlanD served only as a basis for the Board to determine the appropriate BHRs for the representation site. The Board had considered other alternatives during the consideration of the proposed amendments to the OZP as indicated in the minutes of the meeting held on 10.5.2019 (**Annex III**).
- 6.3.25 Regarding **R2**'s suggestion on adaptive reuse of the existing buildings and spaces in the representation site, as advised by CHO, the HKSKH's proposal has already struck a balance between preservation and development. Moreover, as the proposed alternative uses are always permitted under the "G/IC(1)" zone or may be permitted on application to the Board, they could be taken forward by HKSKH if it so wishes, and no amendment to the OZP is required.
- 6.3.26 The demolition and construction works for any development would

² The four-step proportionality analysis is asking (1) whether the intrusive measure pursues a legitimate aim; (2) if so, whether it is rationally connected with advancing that aim; (3) whether the measure is no more than necessary for that purpose; and, where an encroaching measure has passed the first three steps, a fourth step asking (4) whether a reasonable balance has been struck between the societal benefits of the encroachment and the inroads made into the constitutionally protected rights of individual, asking in particular whether the pursuit of the societal interest results in an unacceptable harsh burden on the individual.

need to meet the requirements of the Buildings Ordinance and other relevant legislation. Such works would unlikely affect adversely the users and operation of other buildings in the vicinity.

6.3.27 Regarding the proposal by **R1, R4, R6 to R24 & R28** to expand the boundary of the amendment item to include other heritage sites in the vicinity and rezone them as “OU” annotated “Historical Site Preserved for Government and Religious Uses”, it should be noted that the proposed boundary is exactly the same as the application site of the s.12A application No. Y/H4/12. In rejecting the s.12A application, the Board considered that the existing “G/IC” zoning of the representation site and the other sites was appropriate to reflect their existing and planned uses.

6.4 Responses to Grounds of Comments

For the grounds of comments similar to those raised in the representations, the responses to the adverse representations in paragraphs 6.3 above are relevant. For the additional grounds of objection as highlighted in paragraph 5.1 above, the responses are as follows:

6.4.1 On **C1**'s comment that Alford House and Ridley House should be graded as historic buildings, CHO indicates that the HKSKH Central Compound, consisting of eleven buildings (including Alford House and Ridley House), have been holistically looked into on their heritage value. Amongst them, four were assessed and accorded with grading, namely the Bishop's House (Grade 1), St. Paul's Church (Grade 1), the Church Guest House (Grade 1) and the Old SKH Kei Yan Primary School (Grade 2).

6.4.2 For the concern on the impact of the proposed development on the integrity of the representation site as a whole, the response to the adverse representations in paragraph 6.3.8 above is relevant.

6.4.3 For the proportionality test of private property rights, the response to the adverse representations in paragraph 6.3.22 above is relevant.

7. Consultation

7.1 The following government departments have been consulted and their comments have been incorporated in the above paragraphs and **Annex V(a)** where appropriate:

- (a) Secretary for Development;
- (b) Secretary for Food and Health;
- (c) Commissioner for Heritage, Development Bureau (DEVB);
- (d) Executive Secretary, Antiquities and Monument Office, DEVB;
- (e) Commissioner for Transport;
- (f) Chief Highway Engineer/Hong Kong, Highways Department;
- (g) District Lands Officer/Hong Kong West & South, LandsD;

- (h) Director of Environmental Protection; and
- (i) Chief Town Planner/Urban Design and Landscape, PlanD.

8. Planning Department's Views

- 8.1 The views of **R33** on Amendment Items A1 and A2 are noted.
- 8.2 Based on the assessment in paragraph 6 above, PlanD does not support the representations **R1 to R32** and considers that the OZP should not be amended to meet the representations for the following reasons:
- (a) the BHR of 135mPD and 80mPD for the northern and southern portions of the representation site respectively are considered appropriate as they have taken into account all relevant considerations including the existing BH profile of the site, the surrounding site context, the BHRs currently in force in the surrounding areas, the preservation-cum-development proposal, heritage conservation implication and visual impact of the BHRs. A balance has been struck between private development rights and the public interests;
 - (b) given all four historic buildings within the representation site will be properly preserved and the religious use of the site will be maintained, the historical connection of the site and its surrounding area in a wider context has been kept. The BHRs for the site have struck a proper balance between the need for heritage conservation and respect for private property rights, as well as between preservation and development. The existing heritage conservation control mechanism through the CHO, AMO and AAB is adequate;
 - (c) the proposed non-profit-making private hospital would help reduce the deficit in the provision of hospital beds in the Central and Western District;
 - (d) HKSKH would be required to submit all necessary technical assessments including traffic assessment at the lease modification stage in support of its preservation-cum-development proposal. There is existing mechanism to ensure that the technical concern arising from the proposed development would be adequately addressed;

Representers' proposals

- (e) the proposals of revising the BHR of the northern portion of the representation site to 80mPD, or the height of the existing building or Ming Hua Theological College, or restricting the development area of the proposed hospital are not supported as it is not in line with the Government's heritage conservation policy and would not be conducive to the preservation of privately-owned historic buildings through the preservation-cum-development approach (**R1, R2, R4 to R24, R26 & R28**);

- (f) there is no strong planning justification for either deleting the current BHRs of the representation site (**R31 & R32**) or revising the BHRs of 135mPD and 80mPD to 150mPD and 100mPD for the northern and southern portion of the representation site respectively (**R31**); and
- (g) the current “G/IC” zoning of the representation site and other nearby heritage sites is appropriate to reflect their existing and planned uses.

9. Decision Sought

The Board is invited to give consideration to the representations and comments and decide whether to propose/not to propose any amendment to the Plan to meet/partially meet the representations.

Attachments

Annex I	Draft Central District OZP No. S/H4/17 (reduced size)
Annex II	Schedule of Amendments to the Draft Central District OZP No. S/H4/16
Annex III	Extract of Minutes of the TPB Meeting held on 10.5.2019
Annex IV	Extract of Minutes of the C&WDC Meeting held on 4.7.2019
Annex V(a)	Summary of Representations and Comments and PlanD’s Responses
Annex V(b)	List of representers and commenters in respect of the draft Central District OZP No. S/H4/17
Annex VI	Submissions of all representations and comments (for Members only)
Annex VII	Provision of major GIC facilities and open space in the Central and Western District
Drawing H-1	Photomontage viewing from Wyndham Street submitted by representer R1
Drawing H-2	Rezoning proposal submitted by representer R1
Drawing H-3	Proposal submitted by representer R2
Plan H-1	Location plan
Plans H-2a to 2b	Site plan and existing building height profile
Plan H-3	Aerial photo
Plans H-4a to 4b	Site photos
Plan H-5	Viewing points of proposed development restriction for the HKSKH Compound in Central
Plans H-6a to 6c	Photomontages of proposed development restriction for the HKSKH Compound in Central