

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

APPLICATION NO. Y/H4/12

- Applicant** : Government Hill Concern Group represented by Masterplan Limited
- Plan** : Approved Central District Outline Zoning Plan (OZP) No. S/H4/16
- Application Site** : The Hong Kong Sheng Kung Hui (HKSKH) Compound and Government House (GH) at Upper Albert Road, the former Central Government Offices (CGO) at Lower Albert Road, St. John's Cathedral at Garden Road and the former French Mission Building (FMB) at Battery Path
- Site Area** : 63,020m² (about)
- Land Status** : (i) HKSKH Compound – Inland Lot No. 7360 (with lease term of 999 years from 19.4.1850)
(ii) St. John's Cathedral – Vested in the Trustee of Saint John's Cathedral Church in Hong Kong under Cap. 1014
(iii) GH, former CGO and former FMB – Government Land
- Zoning** : "Government, Institution or Community" ("G/IC")
- Proposed Amendment** : To rezone the application site from "G/IC" to "Other Specified Uses" annotated "Heritage Precinct" ("OU(Heritage Precinct)") or "G/IC(1)"

1. The Proposal

- 1.1 On 2.1.2018, the Town Planning Board received an application proposing to rezone the application site (the Site) from "G/IC" to "OU(Heritage Precinct)" or "G/IC(1)". The applicant indicated that the purpose of the application is to highlight and emphasise the historical significance of Bishop Hill (comprising the HKSKH Compound) and Government Hill (comprising GH, the former CGO, Battery Path, the former FMB and St. John's Cathedral) (**Plan Z-1**) and to impose controls, including building height controls, on development/redevelopment within the Site. The application was submitted in response to HKSKH's recent proposal to develop a 25-storey hospital within its compounds.

- 1.2 The planning intention of the “OU(Historical Precinct)” zone, as proposed by the applicant, is “for the provision of institution or community facilities serving the needs of the local residents as well as the general public, while preserving the historical structures and the associated historic context and landscape in an integral conservation zone”.
- 1.3 The applicant proposes the following development restrictions for the “OU(Heritage Precinct)” zone:
 - (a) no new development, or addition, alteration, and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the height of the existing building;
 - (b) any demolition of, or addition, alteration and/or modification to (except those minor works which are always permitted under the covering Notes) any of the existing buildings within this zone requires planning permission from the Town Planning Board (the Board); and
 - (c) minor relaxation of the building height restriction stated in (a) above may be considered by the Board on application under section 16 of the Town Planning Ordinance.
- 1.4 The “OU(Heritage Precinct)” zone would adopt the same Schedule of Uses as the “G/IC” zone.
- 1.5 The applicant also suggests that the Board may, alternatively, rezone the Site to “G/IC(1)” and either stipulate building height restrictions for the zone in terms of mPD or number of storeys, or restrict any development to the height of the existing building.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 2.1.2018 (Appendix I)
 - (b) Supporting planning statement (Appendix Ia)
 - (c) Further information received on 15.5.2018 (Appendix Ib)
 - (d) Further information received on 1.8.2018 (Appendix Ic)
- 1.7 The applicant did not submit any technical assessments in support of the application.
- 1.8 On 16.3.2018, the Metro Planning Committee (MPC) of the Board agreed to defer the consideration of the application, upon the applicant’s request, to allow time for preparation of a response to departmental and public comments. The MPC also decided that the application should be considered by the full Board.

2. Justifications from the Applicant

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

Conservation of Heritage

- (a) the buildings on Bishop Hill, Government Hill and the surrounding area should be conserved both individually and collectively in their entirety. HKSKH's proposed 25-storey redevelopment would be out-of place and not in keeping with the existing development intensity and building height profile;
- (b) redevelopment proposals adjacent to historical structures should be of heights respecting and relating to the existing low-rise historical structures. This is in line with the Hong Kong Planning Standards and Guidelines (HKPSG) where it is stated that "building heights of new neighbouring developments should generally respect and, if necessary, be lowered towards the heritage features";
- (c) the statutory control measures under the Antiquities and Monuments Ordinance (Cap. 53) protect the historical building itself, but fall short of protecting historical building from the possible impacts of surrounding developments/redevelopments. The Town Planning Ordinance (Cap. 131) fills in the gap as the Board would take into consideration building height profile and urban design;

Visual Impact Assessment Necessary

- (d) redevelopment plans for the former Hong Kong Central Hospital should be based on the existing building height of 7 storeys and building footprint and only minor increase to the existing 7-storey building height would be acceptable. HKSKH's proposed 25-storey development would overwhelm the 6-to 8-storey buildings on Glenealy and Lower Albert Road and detract from the low-rise character of the locality. It would protrude above the greenery backdrop at GH's garden and the Hong Kong Zoological and Botanical Garden (HKZBG) and would interfere with the distant view as seen from HKZBG;
- (e) a visual impact assessment for the HKSKH's proposal should be provided and made available for public comment through the statutory planning process;
- (f) careful design consideration should be given to the streetscape, including a building setback corresponding to the building height so as to achieve a suitable scale in relation to pedestrians;

Conservation of Green Lung

- (g) the greenery at HKZBG and the tree-lined Lower Albert Road represent intrinsic value to the air quality of Central District. This landscape belt should be preserved as the canopy complements the existing skyline of low-rise historic structures;

Adverse Traffic Impact

- (h) traffic in the vicinity is already very congested at various times of the day and on various days of the week which would cause delay for emergency trips. The small site and the inadequate provision of loading/unloading facilities also raises concern on the manoeuvring and parking of ambulances and coffin hearses;

“OU” and “G/IC(1)” Zones are Common

- (i) “OU” zones for heritage preservation are common. Examples include the “OU” zones for Murray Building, Central Market, the former Police Married Quarters and the Central Police Station Compound;
- (j) “G/IC(1)” zones with building height restrictions are also common. There is also a precedent case for using a “G/IC” sub-zone for heritage preservation purpose. The “G/IC(12)” zone in the approved Kowloon Tong Outline Zoning Plan No. S/K18/21 is intended primarily for the provision of institution or community facilities serving the needs of the local residents as well as the general public, with the graded historic building, Sun Hok Building of the Bethel Bible Seminary, preserved in-situ;

Controls Required for the Non-Graded Buildings

- (k) there is currently no control over the redevelopment/development of non-graded historic buildings and open space within the Site. Nor is there any means to ensure the compatibility between the new structures and the graded buildings/historic ambience;
- (l) while heritage impact assessments and conservation management plans may be suitable mechanisms for heritage protection, they lack the authority to guide the built form of the proposed redevelopment. It is considered necessary to impose statutory planning controls on redevelopment proposals amidst heritage structures;

Normal to Control Private Property

- (m) the proposed development controls are not exceptional or unnecessarily restrictive as the Board has been imposing various development controls on private land through different zonings on OZPs. The proposed development controls could facilitate land owners to use their land beneficially while respecting and protecting the special characters of the neighbourhood;
- (n) the Board has been imposing building height restrictions when planning for the layout of areas and types of the buildings therein with a view to the promotion of the health, safety, convenience and general welfare of the community; and

Public Consultation needs to be proper

- (o) any proposal resulting in pronounced increase in development scale and intensity, and affecting the existing visually sensitive areas, visual amenities and visual resources enjoyed by the public should be processed through the statutory planning process and made available for public comment.

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

Part of the Site involves government land where the “owner’s consent/notification requirements” as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) are not applicable. As for that part of the Site under private ownership, the applicant, who is not a “current land owner”, has complied with the “owner’s consent/notification requirements” by notifying the current land owner in writing. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Heritage Conservation Policy

4.1 According to the Government’s heritage conservation policy promulgated since 2007, the Government seeks “to protect, conserve and revitalise as appropriate historical and heritage sites and buildings through relevant and sustainable approaches for the benefit and enjoyment of present and future generations. In implementing this policy, due regard should be given to development needs in the public interest, respect for private property rights, budgetary considerations, cross-sector collaboration and active engagement of stakeholders and the general public”.

Mechanisms to protect Declared Monuments and Graded Historic Buildings

4.2 At present, the following mechanisms provide statutory and administrative protection to declared monuments and graded historic buildings:

- (a) Declared Monuments: All declared monuments in Hong Kong are under the statutory protection of the Antiquities and Monuments Ordinance (Cap. 53). Under section 6(1) of Cap. 53, except in accordance with the permit granted by the Antiquities Authority (currently the Secretary for Development), no person shall excavate, carry on building or other works, plant or fell trees or deposit earth or refuse on or in a proposed monument or monument; or demolish, remove, obstruct, deface or interfere with a proposed monument or monument;
- (b) Other Statutory Protection: Under Schedule 2 (Q-Miscellaneous) of the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499), any project involving building works partly or wholly in a site of cultural heritage would be a designated project which requires environmental impact assessment and application for Environmental Permit. Declared monuments are defined as “site of cultural heritage” under EIAO by the Environmental Protection Department;

- (c) Internal Monitoring Mechanism: The Government has established an internal mechanism to monitor any demolition of or alterations to declared monuments / proposed monuments or graded buildings / buildings proposed to be graded. Under the mechanism, the Buildings Department, Lands Department and Planning Department will alert the Commissioner for Heritage's Office (CHO) of the Development Bureau (DEVB) and the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) regarding any identified possible threat which may affect privately-owned sites of archaeological interests, monuments and historic buildings that have been brought to the departments' attention through applications and enquiries received and in the normal course of duty such as regular inspections. The monitoring mechanism enables CHO and AMO to take timely follow-up actions with the private owners concerned;
- (d) Heritage Impact Assessment (HIA): Under DEVB's Technical Circular (Works) No. 6/2009 "Heritage Impact Assessment Mechanism for Capital Works Projects", project proponents of all new capital works projects were required to consider whether their projects will affect sites or buildings of historic or archaeological significance (collectively known as "heritage sites"). If the answer is affirmative, a HIA will be required, with mitigation measures to be devised where impacts are identified and the public should be engaged, if considered necessary by the project proponents. The HIA reports have to be endorsed by the Antiquities Advisory Board (AAB); and
- (e) Conservation Management Plan (CMP): For private works project involving historic buildings, where appropriate, project proponents will be required to prepare a CMP, which sets out the general guidelines for preserving heritage and proposing mitigation measures to minimise the adverse impact to the heritage. 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. During the departmental circulation of the building plans of a development, departments being consulted will check the building submissions against the approved CMP to ensure that CMP has been strictly followed and implemented.

Recent Proposals within the Site

Former Central Government Offices and former French Mission Building

- 4.3 The Main Wing (MW), East Wing (EW) and West Wing (WW) of the former CGO together with the former FMB were proposed for use by the Department of Justice (DoJ) as its new headquarters as well as by law-related organisations (LROs). An HIA was undertaken in accordance with the DEVB Technical Circular and the HIA Report was agreed by AMO and supported by AAB in June 2012. Renovation works for the MW and EW have been completed with relevant DoJ offices moved in since 2015. As for the WW and the former FMB,

renovation works are currently in progress and are expected to be completed by end 2018 and mid 2020 respectively.

Government House and St. John's Cathedral

4.4 There are no redevelopment plans for GH and St. John's Cathedral.

Hong Kong Sheng Kung Hui Compound

- 4.5 In June 2011, the Chief Executive in Council (CE in C) approved the land lease modification for a proposed preservation-cum development project for HKSKH's Compound at 1 Lower Albert Road (the Central site). According to the proposal, HKSKH would preserve four historic buildings within the Compound, namely, the Bishop's House (Grade 1), St. Paul's Church (Grade 1), the Church Guest House (also known as Martin House, Grade 1), and the Old Sheng Kung Hui Kei Yan Primary School (originally the south wing of St. Paul's College, Grade 2) (**Plan Z-2c**) and other existing buildings would be replaced by new ones to provide needed space for HKSKH's religious and community services as well as a medical centre. To spare sufficient space for the provision of enhanced community services and to accommodate the scale of development at the Central site, HKSKH would relocate the kindergarten and the facilities for theological education at the Central site to its other site at Clementi Road, Mount Butler, Wan Chai (the Mount Butler site). Building plans for the carrying out of the proposed development at the Central site were approved in June 2011. This preservation-cum-development project is one of the eight projects under the "Conserving Central" initiative launched by the Development Bureau in 2009. The purpose of the initiative is to preserve many of the important cultural, historical and architectural features in Central while adding new life and vibrancy to the area. However, having considered the views of the Wan Chai District Office and the local community, HKSKH has revised the proposal at the Mount Butler site, that is, only the kindergarten will be redeveloped and the theological education facilities will not be proceeded with.
- 4.6 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 the development in the Central and Western District, the HKSKH revisited the 2011 Scheme and has decided to build a non-profit-making private hospital within the Central 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. HKSKH has been exchanging views with the Central and Western District Council (C&WDC) in relation to the redevelopment proposal at the Central Site since 2013. In the submission to the C&WDC in March 2013 on "Progress Update on Various Projects under 'Conserving Central' ", it was reported that *"HKSKH is reviewing its proposal for the Central site to explore the feasibility of making amendments to the uses to be provided at the site (including the construction of a private hospital) in the light of its own operational needs."* The C&WDC has been regularly informed of the progress through further submissions. At the C&WDC meeting in July 2015, HKSKH briefed Members on the details of its preliminary proposal of developing a private hospital,

including the number of beds, the number of storeys, as well as the progress in other aspects. In January 2017, HKSKH attended the C&WDC meeting to report on further details of the latest proposal at the Central Site. According to information provided to the C&WDC for the meeting held in January 2017, the proposed hospital at the Central site will be 25 storeys high (including three levels of basement) measuring 134.8mPD, with a total gross floor area of 46,659m². The new hospital will provide 293 beds, 12 operating theatres, and a covered atrium. In line with the HKPSG requirements, 90 car parking spaces will also be provided. Artistic impressions of the revised proposal were also presented at the meeting.

- 4.7 HKSKH indicated that the new hospital development would blend in with the four historic buildings. While the three Grade 1 historic buildings (i.e. Bishop's House, St. Paul's Church, and the Church Guest House) will be fully preserved, the facades of the Old Sheng Kung Hui Kei Yan Primary School (Grade 2) will be retained and its interior altered slightly and appropriately as necessary.
- 4.8 The Food and Health Bureau (FHB) has confirmed its policy support for HKSKH's hospital development upon HKSKH's acceptance of the minimum requirements set out by FHB.

5. Previous Application

- 5.1 Part of the Site covering the former CGO, the former FMB and Battery Path was the subject of a previous application (No. Y/H4/6) submitted by the same applicant on 11.2.2011 to rezone the site from "G/IC" to "OU(Heritage Precinct)" or "G/IC(1)" and to add development restrictions to prohibit the demolition of the existing buildings, to require planning permission from the Board for any changes to the existing buildings and to restrict any development to a building height of 55mPD or the height of the existing building.
- 5.2 The application (No. Y/H4/6) was rejected by the Board on 23.8.2013 on the grounds that the existing "G/IC" zoning of the site was appropriate to reflect its latest planning intention, there was no strong justification to amend the zoning of the site, and the proposed conservation requirements and zoning restrictions were ambiguous and unclear hence inadequate.

6. Similar Application

There is no similar application for amendment to the OZP covering the "G/IC" zone within the Planning Scheme Area of the Central District OZP.

7. The Site and its Surrounding Areas (Plans Z-1 to Z-2c and photos on Plans Z-5 to Z-9)

The Site

- 7.1 The Site has an area of about 6.3 hectares and comprises the HKSKH Compound and GH at Upper Albert Road, the former CGO at Lower Albert Road, St. John's Cathedral at Garden Road and the former FMB at Battery Path. The Lower Albert Road runs through the centre of the Site.
- 7.2 The HKSKH Compound is private land held by HKSKH while St. John's Cathedral is vested in the Trustee of Saint John's Cathedral Church in Hong Kong under Cap. 1014.
- 7.3 The MW and EW of the former CGO is now called Justice Place, which are held and mainly occupied by the Department of Justice (DoJ). The WW of the former CGO and the former FMB that was previously used as the Court of Final Appeal are both held by DoJ and currently under renovation into offices for LROs.
- 7.4 The following declared monuments, graded/proposed to be graded historic buildings and new item pending assessment by AAB are located within the Site (**Plans Z-2a and 2c**):
- (i) GH (declared monument);
 - (ii) Former FMB (declared monument);
 - (iii) St. John's Cathedral (declared monument);
 - (iv) Former CGO, the site (Grade 1);
 - (v) Former CGO, MW (Grade 1);
 - (vi) Former CGO, EW (Grade 1);
 - (vii) Former CGO, WW (Grade 1);
 - (viii) HKSKH Compound, Bishop's House (Grade 1);
 - (ix) HKSKH Compound, St. Paul's Church (Grade 1);
 - (x) HKSKH Compound, Church Guest House (Grade 1);
 - (xi) HKSKH Compound, Old Sheng Kung Hui Kei Yan Primary School (Grade 2);
 - (xii) St. John's Cathedral, New Hall (proposed Grade 2); and
 - (xiii) Battery Path and Steps (new item pending assessment by the AAB).

The Surrounding Area

- 7.5 The Site overlooks the Central Business District in Central downhill. Across Queen's Road Central and Ice House Street to the north are predominantly high-rise commercial buildings, including HSBC Main Building, The Landmark, and the Lan Kwai Fong area (**Plan Z-2a**). To the immediate east across Garden Road are also predominantly commercial buildings, including Champion Tower, ICBC Tower and the former Murray Building which has been converted into a hotel (The Murray). To the south of the Site are mainly Government, institution and community (GIC) uses and open spaces, including the Consulate General of the United States of America and HKZBG.
- 7.6 While there are no building height restrictions covering the Site, building height restrictions of not exceeding 120mPD and 150mPD are stipulated for sites to the west of Glenealy under the Sheung Wan and Sai Ying Pun OZP (**Plan Z-1**).

8. Planning Intention

The intention of the “G/IC” zoning is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. Besides, the zone is 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.

9. Comments from the Relevant Government Departments

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

Land administration aspect

9.1.1 The District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) The site is mainly composed of HKSKH Compound on Inland Lot No. 7360, GH, Justice Place (including the MW, EW and WW of the former CGO and the former FMB) held by DoJ under a permanent land allocation, St. John’s Cathedral Church vested in the Trustee of Saint John’s Cathedral Church in Hong Kong under Cap. 1014 and Battery Path. The respective land lease or allocation conditions where appropriate do not have specific height restriction on the developments thereon; and
- (b) Inland Lot No. 7360 is held by the HKSKH Foundation under Government Lease for a term of 999 years commencing from 19.4.1850. The lease contains conditions including, among others, user restrictions clause, design, disposition and height (DDH) clause and tree clause. In order to carry out the preservation-cum-development project proposed by HKSKH, the owner of the subject lot applied to this office for lease modification. The application is now being processed and if approved will be subject to such terms and conditions as may be imposed by the Government.

Heritage aspect

9.1.2 Joint comments from the CHO, DEVB and AMO, LCSD:

- (a) CHO and AMO consider that the established mechanisms set out in paragraph 4.2 above have already provided sufficient control, monitoring and protection on declared monuments and graded historic buildings, etc. including those within the Site. In particular, declared monuments (i.e. GH, Former FMB and St. John’s Cathedral in the subject application) are subject to stringent control under the Antiquities and Monuments

Ordinance. Imposing additional statutory control on declared monuments through the town planning process is an unnecessary duplication;

- (b) the proposed development of HKSKH is consistent with the planning intention of the existing “G/IC” zone, and hospital is a Column 1 use which is always permitted. The “G/IC” zone would not preclude heritage conservation control. With reference to a previous s.12A application No. Y/H4/6 rejected by the Board on 23.8.2013, which covered the former CGO, former FMB and Battery Path (all under government ownership), one of the reasons for the Board to reject that application is that “*the existing “G/IC” zoning was appropriate to reflect the latest planning intention of the application site*”. Given there is no significant change in the use and development of the abovementioned government-owned buildings/area, the Board’s rationale remains valid;
- (c) for the remaining graded historic buildings within the HKSKH Compound, the policy objective in striking a proper balance between preservation of historic buildings and respect for private property rights should be emphasised. CHO and AMO encourage private owners to conserve their historic buildings through a preservation-cum-development approach. To this end, allowing certain flexibility for development is necessary to support the preservation of historic buildings. The proposed controls in the subject application are fairly restrictive, which are not conducive to the preservation of privately-owned historic buildings and are not consistent with the heritage conservation policy;
- (d) HKSKH’s preservation-cum-development project at its Central site is one of the eight projects under the Conserving Central initiative announced by the Chief Executive in the 2009-10 Policy Address. The initiative aims to preserve many of the important cultural, historical and architectural features in Central while adding new life and vibrancy to the area. As far as HKSKH’s latest proposal is concerned, the four graded historic buildings will be properly preserved at its own cost and will be re-used while the rest of the Central site will be utilised for providing non-profit-making medical services to the community. HKSKH has also agreed to open up the Central site, which does not currently provide general public access;
- (e) the Historic and Architectural Appraisal in the applicant’s further information (Enclosure 3 in **Appendix Ib**) was extracted from the research entitled *Central Government Offices – Historic and Architectural Appraisal* commissioned by AMO in 2009 (the Appraisal). The focus of the Appraisal is on the Former CGO site for the purpose of conducting a thorough appraisal of the historical and architectural values of

the former Central Government Offices, instead of the HKSKH Compound in Central or the four graded historic buildings therein. The recommendations offered in the Appraisal are also not legally binding. Having said that, the Government respects the link between the historic government functions of the Former CGO site and the other historic religious, administrative, law and order sites nearby (i.e. St. John's Cathedral, former FMB, HKSKH Compound, Central Police Station Compound, GH). It is worth noting that the four historic buildings within the HKSKH Compound will be preserved in-situ and the religious use of the HKSKH Compound will be maintained in the HKSKH proposal. The historical connection of the HKSKH Compound and its surrounding areas in a wider context has been kept and the proposed treatments for the four graded buildings within the HKSKH Compound are commensurate with their respective heritage value;

- (f) the Legislative Council Panel on Development, C&WDC and AAB all supported the Conserving Central initiative when consulted subsequent to its announcement. Moreover, HKSKH has been engaging the C&WDC since 2013 in developing the private hospital proposal. Meetings of the C&WDC were open to the public, and its agenda and papers were available to the public. C&WDC had also given opportunities for concern groups to express views on the proposal at its meeting. In the C&WDC meeting in January 2017, HKSKH further briefed the C&WDC on the details of the proposed hospital development including the number of beds, building height and number of storeys, number of car parking spaces, the arrangement for fees and charges, etc. Artistic impressions of the proposed hospital development were also presented at the meeting. Members of the C&WDC generally supported the proposal of developing a non-profit-making private hospital at the Site as it could meet the local needs on medical services, while some individual members raised concerns on the design of the new buildings and traffic arrangements. HKSKH would take into account Members' views when finalising its proposal, and will report to the C&WDC again when more details are available. CHO and AMO consider that public views have been collected and will continue to be so collected through the existing arrangements;
- (g) on 21.6.2018, HKSKH has also consulted the AAB on its proposal, out of its own initiative. The AAB generally supported HKSKH to develop a non-profit-making private hospital at the Site. Individual members offered comments on the design of the hospital and its implications on the four historic buildings. HKSKH has undertaken to take into account AAB's views when finalising the details of its proposal;
- (h) from the heritage conservation perspective, it is considered that HKSKH's proposal has balanced between the need for heritage

conservation and respect for private property rights, as well as between preservation and development. The conservation approaches applied to the graded historic buildings are commensurate with their heritage value. As such, CHO and AMO in-principle accept HKSKH's proposal and CHO is prepared to give policy support to it.

9.1.3 Comments of the Department of Justice (DoJ):

- (a) the sites involving the former CGO and the former FMB have been allocated to DoJ. The buildings on the site will be used for accommodating DoJ offices as well as offices for selected LROs, while the open space in between MW, EW and WW of the former CGO will be developed by DEVB and further assigned to LCSD for operation of a public open space (POS). It is understood that the POS is targeted for completion by around mid-2020;
- (b) the proposed requirement under the "OU(Heritage Precinct)" zoning that "any demolition of, or addition and/or modification of (except those minor alteration and/or modification works which are always permitted under the covering Notes) any of the existing historical buildings requires the permission from the Board" will have implications on the renovation/conversion works of WW and the former FMB currently in progress and will affect the works programme. There is concern that the proposed requirement, in actual operation, will have serious impact on the future maintenance of MW, EW, WW and the former FMB. Moreover, if the Board's approval is required for minor alteration works (such as changes in internal office configuration), such works could not be carried out in a timely and efficient manner and as a result, the operation of DoJ and LROs concerned will also be seriously affected; and
- (c) in respect of the proposed requirements on the maximum building height, it is relevant to note that maximum building height for the buildings is already provided for in the conditions agreed by AMO, with regard to the heritage status of the buildings, for the development of the buildings concerned.

9.1.4 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) the building height restriction not to exceed the existing building height proposed by the applicant will limit the flexibility of design, disposition and configuration of massing for the future new development;
- (b) the restriction to require planning permission for any demolition of, or addition and/or modification of any of the existing historical buildings (except those minor alteration and/or

modification works which are always permitted under the Covering Notes) will have implication on maintenance works, fitting out works and minor building works as the degree of ‘demolition of, or addition, alteration and/or modification’ might be subject to interpretation, including whether conversion and refurbishment works or related works are covered under this clause. There will be difficulties in determining what constitutes change that require approval from the Board. This will delay or affect the maintenance works, fitting out works, minor building works and works for the adaptive re-use of the buildings;

- (c) there are already existing mechanisms to protect government and other historical buildings under the Antiquities and Monuments Ordinance (Cap. 53), DEVB Technical Circular No. 6/2009 on Heritage Impact Assessment Mechanism for Capital Works Projects and the EIAO. The requirement of submission to the Board for approval seems to be a duplication of the control mechanism;
- (d) the works being carried out under the “Restoration Works for the WW of CGO” (PWP No. 118KA) and “Conversion of the former French Mission Building for accommodation use by Law-related Organisations” (PWP No. 123KA) has commenced, and the Public Open Space project (PWP No. 366ZX) will also commence soon. If the works are still in progress when the rezoning becomes effective, there is concern on whether the project proponent (DoJ) would need to submit the design to the Board for approval and, in case the design or details were slightly changed from the original design (such as to suit the site conditions), whether it would be necessary to submit such changes to the Board for approval before carrying out those part of the works, might be subject to various interpretations. The submission and approval process will certainly cause great delay to the projects; and
- (e) if separate submissions to AMO and the Board is required, there is concern on which authority will give the final decision.

9.1.5 Comments of the Permanent Secretary, Chief Executive’s Office (PermSecy/CEO):

- (a) GH is currently the official residence of the Chief Executive (CE). It is also the venue for receiving dignitaries and other official guests visiting Hong Kong, hosting official functions and events (e.g. official hospitality, the HKSAR Honours and Awards Presentation Ceremony, etc.) and organising community events (e.g. GH Open Day). It has been serving these functions over the years, and it is envisaged that this arrangement will be maintained. In view of the prestigious status of GH, the above-mentioned functions it serves and in the interest of heritage conservation, it is of crucial importance that

the property is kept in good repair, and that any necessary maintenance or repair works are carried out in a professional and timely manner;

- (b) as a declared monument, GH is subject to statutory protection under the Antiquities and Monuments Ordinance (Cap 53). Section 6(1) of Cap. 53 provides that unless exemption is given under section 6(4) of Cap. 53, “no person shall (a) excavate, carry on building or other works, plant or fell trees or deposit earth or refuse on or in a ... monument; or (b) demolish, remove, obstruct, deface or interfere with a ... monument except in accordance with a permit granted by the Authority” (i.e. Secretary for Development). AMO, staffed by personnel with the necessary professional expertise in the conservation of built heritage, is the executive arm of the Authority under Cap. 53. Any proposed works to be carried out at a declared monument such as GH have to be approved by the Authority on the recommendation of AMO;
- (c) insofar as GH is concerned, an effective control regime to ensure the proper protection of the property is already in place. As the office entrusted with the custody of the property, CEO will continue to make diligent effort to conserve it and will strictly observe the statutory control requirements under Cap.53. The applicant’s proposal requires specified types of works to be carried out at GH to be subject to parallel approval by the planning authority under the Ordinance (Cap. 131). This would duplicate the statutory regime under Cap. 53, unduly complicate the compliance effort and inevitably prolong the lead time required for necessary maintenance and repair works to be carried out at GH. This would not be conducive to the effective conservation of GH; and
- (d) paragraph 7.5 of the supporting planning statement (**Appendix Ia**) states that it may be acceptable to the applicant if the Board considers alternative amendments to the OZP such as stipulation of building height restriction and introduction of “G/IC(sub-group)”. As pointed in paragraph (c) above, an effective control regime under Cap. 53 already applies to GH. There is no need for the imposition of duplicate control from the town planning perspective on GH.

Urban Design and Visual aspect

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

no adverse comment on the application from the urban design and visual point of view.

Landscape aspect

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

- (a) no objection to the application from the landscape planning point of view; and
- (b) the Site is located in an area of urban fringe landscape character, comprising of dense high rise buildings at its north, roads, some tree groups and woodland. Numbers of historic/heritage buildings, features or monuments and HKZBG are adjacent to the Site. Hong Kong Park is separated from the Site by Garden Road and Cotton Tree Drive. Besides, significant tree groups are found along the southern and northern side of the Site that create a good greening buffer. Based on the Register of Old and Valuable Trees (OVTs) in 2017, there are 8 nos. of registered OVTs within the Site (**Plan Z-4**). There are existing administrative mechanisms and guidelines for preservation and maintenance of the registered trees.

Other aspect

9.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

as a POS adjacent to the former CGO is under construction and proposed to be handed over to LCSD for management in Q1 2019 and mid-2020 by two phases, this office has no specific comments on the application as long as the future management and maintenance in the area taken over by LCSD such as execution of Pleasure Grounds Regulation and relevant departmental rules and carrying out routine facilities repairing, replacement or improvement such as plants replacement, trees planting/felling or installation of new garden bench, rain shelter and etc. will not be affected or restricted after rezoning.

District Officer's View

9.1.9 Comments of the District Officer (Central & Western), Home Affairs Department (DO(C&W), HAD):

the Central & Western District Council did not discuss the current application. However, as HKSKH's proposal for a non profit-making private hospital has been a Standing Item under Conserving Central, C&WDC has been informed and consulted on the proposal. Special attention should be paid to the two C&WDC meetings held on 19.1.2017 and 18.5.2017 where the proposal was discussed and members expressed their views. While DC members supported the proposal in general, individual members have raised concerns on the traffic impact and compatibility of the building's outlook with the surrounding area and reminded HKSKH to duly complete necessary assessments and continue to consult C&WDC on any update on its

proposal.

9.2 The following bureaux/departments have no objection to/no in-principle objection to/no adverse comments on the application:

- (a) Planning Unit, DEVB;
- (b) Food and Health Bureau;
- (c) The Judiciary;
- (d) Buildings Department;
- (e) Civil Engineering and Development Department;
- (f) Water Supplies Department;
- (g) Drainage Services Department;
- (h) Environmental Protection Department;
- (i) Commissioner for Transport;
- (j) Highways Department;
- (k) Commissioner of Police;
- (l) Fire Services Department;
- (m) Food and Environmental Hygiene Department; and
- (n) Government Property Agency.

10. Public Comments Received During Statutory Publication Period

10.1 During the statutory publication periods of the application and the further information submitted, a total of 888 public comments were received with 675 supporting, 212 objecting and 1 providing comments. Supporting comments are from two Legislative Council members including Chan Suk-chong Tanya and Hui Chi-fung Ted, C&WDC member Cheng Lai-king, Owners Corporation of Glenealy Tower, Owners of 3, 4 & 6 Glenealy, The Foreign Correspondent's Club Hong Kong, Designing Hong Kong Limited as well as members of the general public. Objecting comments are from HKSKH, The Trustee of St. John's Cathedral, C&WDC member Chan Hok-fung, Wan Chai DC member Lam Wai-man Anson, Democratic Alliance for the Betterment and Progress of Hong Kong (Central & Western Branch) as well as members of the general public. A full set of the public comments received are at **Appendix II** for Members' inspection.

10.2 The comments received during the public inspection periods can be summarized as follows:

Supportive comments

- (a) the ambience and intrinsic value of the heritage in the Site should be retained and respected as the significance of the Site as a heritage precinct with its listed monuments and heritage buildings are locally and internationally recognized;
- (b) the low-rise skyline and greenery in the area should be preserved to keep the historical integrity and ambience of the Site;

- (c) over-development in the Central district fragmented the comprehensiveness of the heritage building clusters in Central and caused adverse visual impact, incompatibility and downgrade of group value;
- (d) the rezoning can keep St. John's Cathedral and Bishop House intact;
- (e) the redevelopment proposal of the former Hong Kong Central Hospital into a 25-storey hospital compound is excessive and in contradiction with the HKPSG's provision on heritage. A smaller scale structure, such as a specialist medical clinic, would be more appropriate;
- (f) building height control is effective in conserving the heritage building in Central;
- (g) the rezoning proposal is in-line with the Government's "Conserving Central" and "Old Town Central" initiative;
- (h) heritage and cultural landscape preservation encourages tourism which is beneficial to Hong Kong;
- (i) any redevelopment proposal within the Site should go through statutory planning control and public consultation, visual impact assessment, HIA and CMP are also necessary to protect the historical ambience and comprehensiveness of the area;
- (j) "OU" zoning for preservation of historical items is now common for similar heritage sites. The existing "G/IC" zoning of the Site should be rectified to achieve consistency in strategic planning; and
- (k) the proposed redevelopment will generate additional traffic and cause adverse traffic impact to the area, it will also threaten pedestrian safety and cause air pollution to the area.

Objecting comments

- (a) Heritage should be protected under the Antiquities and Monuments Ordinance and there is no reason to duplicate the responsibilities causing ambiguity and bureaucratic inefficiencies;
- (b) the present "G/IC" zoning has efficiently reflected the proposed uses in the area and should not be changed;
- (c) balance between heritage conservation and development should be sought;
- (d) the rezoning is an infringement of property and development rights;
- (e) the rezoning proposal will create administrative barrier for the new hospital which would serve the needs of the people in the district;

- (f) there is a need for future expansion for the members of the church for congregation, community outreach programs and office space for clergy and administrative staff. Rezoning with limitations on building height will not alleviate the shortage of space; and
- (g) the rezoning proposal is too generic without the support of detailed figure for justification, the scale is too large which will further limit the development possibility of the area.

11. Planning Considerations and Assessments

The Rezoning Proposal

- 11.1 The applicant's proposal is to rezone the Site to "OU(Historical Precinct)" with the same Schedule of Uses as the "G/IC" zone but with development controls restricting the building height of the future development to the existing building height, and to require planning permission for any demolition, addition, alteration and/or any modification (except for minor alteration and modification works) to the existing historic building. Alternatively, the applicant proposes to rezone the Site to "G/IC(1)" and either stipulate building height restrictions for the zone in terms of mPD or number of storeys, or restrict any development to the height of the existing building.

Current Situation

- 11.2 While there are currently no redevelopment plans for GH and St. John's Cathedral, the former CGO is partly occupied by DoJ and partly being renovated into offices for DoJ and LROs. The former FMB is also being renovated into offices for LROs. It should be noted that GH, St. John's Cathedral and the former FMB are all declared monuments.
- 11.3 HKSKH's preservation-cum-development project was one of the eight projects under the Conserving Central initiative announced by the Chief Executive in the 2009-10 Policy Address. A land lease modification was subsequently approved in 2011 to facilitate the project with the preservation of four historic buildings and new development to provide additional floorspace for HKSKH's religious and community services as well as a medical centre. Building plans for the proposed development were also approved in June 2011. Since 2013, HKSKH has put forward a revised proposal to develop a non-profit-making private hospital at the site and consulted the C&WDC several times in 2013, 2015 and 2017. In 2018, the HKSKH also consulted AAB on their latest proposal. Whilst the details of the revised proposal are still being finalised, both C&WDC and AAB have provided in-principle support to HKSKH's project and FHB has confirmed its policy support for the proposed private hospital development. HKSKH is in the process of finalising the detailed design and the necessary technical assessments taking into account the comments received with a view to commencing the development upon completion of the land lease modification.

Conservation Aspect

- 11.4 For those buildings within the Site that are already declared monuments, i.e. the GH, former FMB and St. John's Cathedral, they are under the statutory protection of the Antiquities and Monuments Ordinance (Cap.53). It is considered that the rezoning of the Site to either "OU(Heritage Precinct)" or "G/IC(1)" would result in a duplication of control and could lead to delay in the carrying out of necessary maintenance and repair works to these declared monuments, which are still actively being used for GIC purposes.
- 11.5 For other graded historic buildings within the Site, adequate measures are in place under the established mechanism for protecting their historic values. For government-owned buildings, an HIA would need to be conducted if any major capital work is proposed, and the HIA reports would be subject to endorsement by AAB. For privately-owned buildings, a CMP would need to be prepared for approval by AMO before commencement of any development.
- 11.6 On the applicant's concern that the proposed 25-storey hospital within the HKSKH Compound was out-of-place and not in keeping with the existing low-rise historic structures at the Site, CHO and AMO have pointed out that the Government's heritage conservation policy objective for privately-owned graded buildings needs to strike a proper balance between preservation of historic buildings and respect for private property rights. The usable area for development within the HKSKH Compound is rather limited. To ensure there will be sufficient space to provide for the community's much needed medical services, and at the same time 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.
- 11.7 The redevelopment scheme proposed by HKSKH in 2011 was considered in line with the CE's Conserving Central initiative in preserving the cultural, historical and architectural features in Central while adding new life and vibrancy to the area. As far as HKSKH's latest proposal for a private hospital is concerned, the four graded historic buildings within the HKSKH Compound will be properly preserved at its own cost and reused while the remaining part of the Compound will be utilised for providing non-profit-making medical services to the community.
- 11.8 Although the details of the hospital development are not yet finalised, CHO and AMO consider that HKSKH's proposal has balanced between the need for heritage conservation and respect for private property rights, as well as between preservation and development. CHO is prepared to give policy support to the proposal from the heritage conservation perspective. CHO and AMO also consider that the controls proposed for the Site under the "OU(Heritage Precinct)" and "G/IC(1)" zoning in the current application are fairly restrictive, not conducive to the preservation of privately-owned historic buildings, and not consistent with the heritage conservation policy.
- 11.9 Even though there is no requirement for the proposed hospital development to be submitted to the AAB, HKSKH has taken the initiative to seek the views of AAB on its proposal. The AAB generally supported the proposed

non-profit-making private hospital at the site, with individual members offering comments on the design of the hospital and its implications on the four historic buildings. HKSKH has undertaken to take into account AAB's views when finalising the details of the private hospital proposal.

Land Use Aspect

- 11.10 From the land use point of view, the "G/IC" zoning for that part of the Site covering the former CGO, former FMB, GH and St. John's Cathedral is appropriate as it is currently used as government offices, offices for LROs and church. Given there is no significant change in planning circumstances of the Site, it is considered that the rejection reasons under the previous application (No. Y/H4/6), in particular that the existing "G/IC" zoning was appropriate to reflect the latest planning intention of the Site, are still applicable.
- 11.11 The "G/IC" zoning is also considered appropriate for the HKSKH Compound as both the current uses of the four historic buildings and the proposed uses upon redevelopment of the remaining portion of the Compound are genuine GIC uses. As the Schedule of Uses proposed by the applicant under the "OU(Heritage Precinct)" and "G/IC(1)" zoning are the same as those for the "G/IC" zone, there is no justification to rezone the site to "OU(Heritage Precinct)" or "G/IC(1)" from the land use perspective.

Building Height Aspect

- 11.12 In general, the purpose of imposing building height restrictions on the OZP is mainly to prevent excessively tall or out-of-context buildings, to preserve the views of the ridgelines and to provide better control on the building heights of developments in the area under concern.
- 11.13 For the declared monuments within the Site, the proposal to impose building height restrictions would result in a duplication of control as those monuments are already well protected under the Antiquities and Monuments Ordinance. For the graded historic buildings, there is also adequate control through the existing mechanisms, i.e. the need for HIA and CMP submissions.
- 11.14 It should be noted that the site is very close to the Central Business District and is surrounded by tall buildings, such as The Galleria (185mPD) and The Centrium (180mPD). The need for imposing controls to prevent excessively tall or out-of-context buildings or to preserve the views of the ridgelines at this location is not justified.
- 11.15 As far as the proposed building height of HKSKH's proposed private hospital development is concerned, it is considered that the proposed building height of 134.8mPD is not incompatible with that of the adjacent building at 2 Glenealy which is 117mPD and the building height restrictions of the area to the west of the Site (on the western side of Glenealy) ranging from 120mPD to 150mPD (**Plan Z-1**).

Zoning Aspect

- 11.16 While the applicant has cited 5 examples of “OU” or “G/IC” zones for heritage preservation purposes, it should be noted that the zoning of these sites were designated with reference to their unique background and site context. Each case should be considered on its individual merits.

Local Consultation

- 11.17 As mentioned in paragraph 4.6 above, HKSKH has been exchanging views with the C&WDC on its private hospital proposal since 2013 and members of the C&WDC generally supported the proposal, although individual members have concern on the design of the new buildings and the traffic arrangements. It is also worth noting that the land lease modification application by HKSKH for its preservation-cum-development proposal is now being processed and one of the procedures required local consultation to be carried by the District Office. District Officer (Central & Western) has just completed the local consultation and HKSKH is preparing its response to the comments received.
- 11.18 With regard to the public comments in paragraphs 10.2 above concerning the heritage conservation, land use zoning and building height control aspects, the planning assessments in paragraphs 11.1 to 11.17 above are relevant. With regard to the public comments concerning traffic aspects, it should be noted that the details of HKSKH’s proposal are still being finalised and HKSKH is still preparing the necessary traffic impact assessment for Transport Department to consider.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, PlanD does not support the application for the following reasons:
- (a) the existing “G/IC” zoning is appropriate to reflect the existing and planned uses of the application site;
 - (b) the rezoning will result in a duplication of control over the declared monuments and graded buildings as well as other developments on the Site and, as such, could lead to unnecessary delays in the carrying out of necessary maintenance and repair works to historic buildings and in the taking forward of worthy preservation-cum-development projects; and
 - (c) the rezoning proposals are not conducive to the preservation of privately-owned historic buildings and not consistent with Government’s heritage conservation policy.
- 12.2 Alternatively, should the Board decide to agree or partially agree to the application, the proposed amendment to the approved Central District Outline Zoning Plan No. S/H4/16 would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

13. Decision Sought

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

14. Attachments

Appendix I	Application form received on 2.1.2018
Appendix Ia	Supporting Planning Statement
Appendix Ib	Further information received on 15.5.2018
Appendix Ic	Further information received on 1.8.2018
Appendix II	Public Comments
Drawing Z-1	Location Plan submitted by the applicant
Plan Z-1	Location Plan
Plans Z-2a to 2c	Site Plans
Plan Z-3	Aerial Photo
Plan Z-4	Old and Valuable Trees within the Application Site
Plans Z-5 to Z-9	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**