

An Application under Section 12A of the Town Planning Ordinance

**The Draft Sai Ying Pun and Sheung Wan Outline Zoning Plan
Proposed Rezoning of the Former Police Married Quarters Site
at Hollywood Road, Sheung Wan, Hong Kong.**

Masterplan Limited

January 2007

Executive Summary

- S.1 On the 25 November 2005 the Metro Planning Committee (MPC) of the Town Planning Board considered an application by several local residents to rezone the subject site from “R(A)” to “G/IC”. While the Committee did not accept the submissions in full they did have sympathy with the proposals. The Committee requested the Planning Department to prepare a Planning Brief for the area and mentioned some areas of concern to investigate.
- S.2 The draft Planning Brief has been prepared and was considered by the Metro Committee on the 17 November 2006 and was accepted as being suitable for consultation with the Central and Western District Council. The Council considered the Planning Brief in December 2006 and rejected the proposals.
- S.3 The proposal in the Planning Brief has given inadequate consideration to the heritage significance of the site and also to the shortage of 70,000 square metres of public open space in the area. It has also not given proper consideration to the traffic and environmental impact of residential development on the site. There is no justification provided as to why this site should be sold for private development given the large number of other sale sites available.
- S.4 The following changes are proposed to the zoning of the site to address these concerns:-
- (a) The rezoning of the lower platform and part of the middle platform for public “Open Space” use;
 - (b) The rezoning of the upper platform and part of the middle platform for “G/IC” use. The ‘G/IC’ zone should be subject to a height limit of 3 storeys the same as the original Queen’s College building.
 - (c) The inclusion of a Note to the “Open Space” and “G/IC” zones indicating that the site is of heritage significance and that the walls, stairs and wall trees need to be retained.
- S.5 The Planning Brief prepared for this site is inadequate and does not represent public aspirations for the site. Procedurally it is also an inappropriate route to take. The changes requested by the public require a reconsideration of how this important area of community land should be used in the long term. There is no need for this site to be a land sale site. Changes to the Outline Zoning Plan are required to ensure this will eventuate and the proposals in this application will enable this to be achieved.

Proposed Rezoning of the Former Police Married Quarters Site at Hollywood Road and Aberdeen Street, Sheung Wan, Hong Kong.

1. Introduction

- 1.1 On the 25 November 2005 the Metro Planning Committee (MPC) of the Town Planning Board considered an application by several local individuals to rezone the subject site from “R(A)” to “G/IC”. While the Committee did not accept the submissions in full they did have sympathy with the proposals. The Committee requested the Planning Department to prepare a Planning Brief for the area and mentioned some areas of concern to investigate.
- 1.2 The draft Planning Brief has been prepared and was considered by the Metro Committee on the 17 November 2006 and was accepted as being suitable for consultation with the Central and Western District Council. The Council considered the Planning Brief in December 2006 and rejected the proposals.
- 1.3 The Planning Brief has been reviewed by the individuals who made the original application and they consider that it does not properly address the community concerns that have been raised and debated. This rezoning request is significantly different from that considered in November 2005 as it has the benefit of additional information made available in MPC Paper 23/06 and the Draft Planning Brief. It is also made in the context of increased public awareness of heritage issues
- 1.4 The location of the site is indicated in Figure 1 which is an extract from the Sai Ying Pun and Sheung Wan Outline Zoning Plan.

2. Fundamental Issues

There are four fundamental issues which need to be considered in relation to this site

2.1 ***Shortage of Open Space***

- 2.1.2 The area has an acute shortage of Public Open Space. Planning Department advised the MPC that there was a shortage of about 7ha (70,000 sm). This is a very large area and there are no alternatives available to make up this shortfall now that reclamation from the Harbour is prohibited. When community land such as the subject site comes available for alternative uses it is essential that priority be given to first making a significant effort to meet community needs and shortfalls in the HKPSG standards.
- 2.1.3 There is a strong general community call for more green spaces in the city, more opportunities for planting trees and more space for recreation. The existing public parks in the vicinity of the subject site are small and limited in usefulness by the difficult topography, their irregular shapes and small sizes. The only significant space which could be used for making a positive contribution towards reducing this deficit is the subject site. If all of this site, which has an area of 6,000 sm. was zoned for open space there would still be a major deficit of around 64,000 sm. There are very strong planning arguments why a large portion of the subject site should therefore be retained for public open space use.

2.2 ***Adequate Conservation of Heritage Components***

- 2.2.1 The site has now been surveyed as to its heritage value and the Draft Planning Brief makes reference to the consideration of the site by the Antiquities Advisory Board on the 27.3.2006. The "Brief Account of Historic Structures" attached as an appendix to the Planning Brief provides information which indicates that the site has structures of heritage value, mainly the walls and gates around the periphery of the site. There are also flights of stone stairs one of which protrudes into the site from Staunton Street and another links the lower and central platforms.
- 2.2.2 The acceptance of the preservation has been compromised by the need for "striking a balance between preserving the architectural merits and historical character of the Site and allowing flexibility to facilitate development". This compromise has resulted in modifications being permitted to the walls and granite plinths and pillars of historical interest and this will inevitably result in damage to these features.

- 2.2.3 The Planning Brief mentions the importance of this area in relation to Dr. Sun Yat-sen and its close proximity to the Historical Trail which has been identified in the general area and which passes by the site. While the Planning Brief mentions that Dr Sun never studied at the school on this site, others are of the view that he visited the school on this site and took part in some activities there. He is known to have attended the foundation stone laying ceremony. This association with Dr Sun, and the fact that many of the other sites on the Sun Yat Sen Historical Trail no longer have any artefacts associated with his time, make it more important that those which do remain should be carefully preserved and retained in a dignified surrounding.
- 2.2.4 There would appear to be the possibility for additional heritage features to be discovered within the site during construction as it is likely that there are remnants of the former school building under the existing platforms and structures. The full heritage value of the site may not have been properly identified at this time.

2.3 ***Need for Community Facilities***

- 2.3.1 The preparation of the Planning Brief has included the need for a Refuse Collection Point (RCP) and a Residential Care Home for the Elderly (RCHE). The provision of these two facilities will occupy a significant portion of the site and should be given a priority over the possible inclusion of private housing on the site.
- 2.3.2 The RCP was approved by the Town Planning Board before the historical significance of the wall structures was known. The access and egress to the RCP will affect the wall structures along Staunton Street and will inherently damage the structure. In fact the heritage importance of the site could be considered to be incompatible with the RCP use. Before the RCP is located on this site a new study should be undertaken to firstly determine if it is still necessary to have this facility, and secondly to see if the previously approved site is the most suitable. It is considered that better layout arrangements for the site could be achieved by relocating the RCP from its presently approved location. The RCP could be implemented by Government in the usual manner by establishing a works item to cover funding and construction. It need not be included in a sale site to be implemented by a private developer.
- 2.3.3 The RCHE is supported in principle as an appropriate facility in an ageing district. The facility would be best provided as a low-rise stand-alone building which was designed with space around it to be compatible with the heritage characteristics of the site and the existing mature trees. The priority should be given to the preservation of the heritage features of the site and the RCHE should only be permitted if it can be shown that there will be no detrimental affect on these features. The RCHE could be implemented by one of the many non-government organisations which provide elderly care. There is no need for this facility to be implemented as part of a major private residential

development.

2.4 **Traffic**

There are two urban renewal projects in the area and other redevelopments which will result in increased traffic generation. One-way streets like Aberdeen Street, Wellington Street and Hollywood Road are already subject to traffic congestion and this will be even greater if residential development takes place on the subject site. The exclusion of residential development from this site will have a positive effect on traffic in the vicinity. There has been no up-dated Traffic Impact Assessment provided to justify the proposal included in the Planning Brief.

2.5 **Environment**

There is an increasing need to retain open areas within the city to improve ventilation and to provide openness and light. Pollution in Central and Sheung Wan is generally high and there needs to be space to allow for better natural ventilation and for the growing of more trees. No ventilation study had been carried out for the Planning Brief. In terms of general improvement to environmental quality, the provision of a significant open space on the subject site will be of great benefit to the community.

2.6 **Is there a Need for a Sale Site?**

2.6.1 The site is community land which the government should manage in the best long term interests of the community. There are more than 40 sale sites on the Land's Department's application list and there are many potential sale sites which have not yet been listed. There is no absolute need to sell this site as there are other opportunities in newly planned areas where modern provision of G/IC and open space facilities are properly provided. The introduction of more people into this area through the sale of this site will make the existing deficit of public facilities even worse. There is no shortage of sale sites for housing and no need for income generated from this site as the Government has established a financial surplus greater than was anticipated.

2.6.2 There is public demand for a better quality of life through the provision of more open space and a greener environment. The Council on Sustainable Development has carried out studies where this has been identified as an important public planning goal, along with a desire for less dense development generally. The sale of this site for residential development is contrary to this public desire, unnecessary and undesirable.

3. Problems With the Planning Brief

The Draft Planning Brief has been presented without fully giving emphasis to the need for G/IC and Open Space on this site.

Inadequate Starting Point

- 3.1 The Planning Department gave the MPC three options when considering the amount and mix of development on the site. However, none of these options considered the possibility of no residential development on the site. In paragraph 7 of the MPC Paper there are 6 factors mentioned which together justify the need to rezone the site so that residential development is not permitted. However the last item mentioned is “the development intensity should be optimised having regard to the relevant planning considerations and land revenue implications”. This latter point has apparently been given priority but there is no discussion as to what the land revenue implications are for any of the three options proposed, and no consideration of the situation if there is no land sale at all. The starting point should be the situation where there is no residential development and a significant area of open space provided. The proposal in the Planning Brief to increase the provision of Public Open Space from 1,000 square metres to 1,200 square metres is an insignificant contribution given the large deficit that exists.

Scale of Development Too Intense and Too High

- 3.2 The Planning Brief has been written based on a residential plot ratio of 8 on the development site area which is a reduction over that previously permitted on the site. However, a plot ratio of 8 is still high when compared with the new private residential development areas proposed at the Kai Tak development where plot ratios of 5.5 or less have been proposed.
- 3.3 The existing buildings on the site have heights of around 9 storeys and the low-rise nature of the site provides a major “breathing space” in the centre of a more densely developed area. The proposed height limit of 30 storeys will allow another relatively tall form of development to occupy one of the last significant remaining areas in the area. This will have a negative visual impact on the surrounding neighbourhood.

Access and Egress Points

- 3.4 The site is difficult to access for proposed development because of the need to retain and protect the existing walls, the trees and the wall trees in particular. The proposed ingress and egress point to the residential development off Hollywood Road will compromise the retention of the stone wall and will adversely impact on the possible use of the lower platform for public open space.

Inadequate Consideration of Heritage Conservation

- 3.5 The heritage conservation component of the site has been severely compromised by the inclusion of the residential development component. There is a need to clearly state that the preservation of the heritage features is a priority which over-rides any other consideration of the future use of the site. In view of recent changes regarding heritage conservation it is considered necessary for the AAB to review the heritage components of the site and consider whether the proposals submitted in this application would provide for better conservation than that proposed in the Planning Brief. In particular the applicants request that the heritage value of the former Junior Police Call building on the site and the underground toilet be reconsidered.

4. Procedural Issues

- 4.1 There is no provision in the Town Planning Ordinance for the preparation of a Planning Brief and there are no procedures established for public consultation. There is no provision for public comments on the Planning Brief to be systematically collected and the Town Planning Board has not consulted the original initiators of the process. In view of this there the only effective alternative for comments is for them to be made to the Board through a Section 12A application such as this.
- 4.2 There is no statutory provision under the Town Planning Ordinance which allows for the Town Planning Board to approve a Planning Brief and for the requirements of that Brief to be enforced through the statutory planning process. The Board cannot rely on the lease as a means for enforcing the requirements of the Planning Brief as the Lands Department are not bound to follow such an informal document.
- 4.3 The statutory planning system is intended to give certainty to the general public as to the form of development which may be permitted in an area. Unless the present R(A) zoning is changed there is no certainty that any of the provisions will be implemented. It is normal for the Board to impose a height limit by creating a sub-area within a zone and that should be done in this case.
- 4.4 There is an “acute deficit” of public open space in the district and this can only be properly rectified by rezoning an area intended for this purpose to “open space”. The Board also has annotations and zonings for sites which are of heritage importance, and the importance of this site would justify this approach being taken by initiating an amendment to the Outline Zoning Plan.

- 4.5 The Board is therefore requested to consider the appropriate process in relation to the zoning and development controls for this site. It should be consistent with the normal practices and procedures that it uses when considering the zoning and development controls for any site.

5. Central and Western District Council

The Central and Western District Council was consulted on the Planning Brief in December 2006 and decisively rejected it. The Council has a firm view which has been mentioned many times. Consultation which such bodies should be genuine and carried out sincerely. The Council is opposed to residential development on this site for various reasons and it's views should be respected. The Minutes of that meeting are attached as Appendix 1 to this application.

6. Proposed Changes to the Sai Ying Pun and Sheung Wan Outline Zoning Plan

- 6.1 The following changes are proposed to the zoning of the site and are illustrated on Figures 2 and 3:-

- (a) The rezoning of the lower platform and part of the middle platform for public "Open Space" use;
- (b) The rezoning of the upper platform and part of the middle platform for "G/IC" use. The "G/IC" zone should be subject to a height limit of 3 storeys the same as the original Queen's College building.
- (c) The inclusion of a Note to the "Open Space" and "G/IC" zones and on the plan indicating that the site is of heritage significance and that the walls, stairs and wall trees need to be retained.

7. Conclusion

The Planning Brief prepared for this site is inadequate and does not represent public aspirations for the site. Procedurally it is also an inappropriate route to take. The changes requested by the public require a reconsideration of how this important area of community land should be used in the long term. There is no need for this site to be a land sale site. Changes to the Outline Zoning Plan are required to ensure this will eventuate and the proposals in this application will enable this to be achieved.

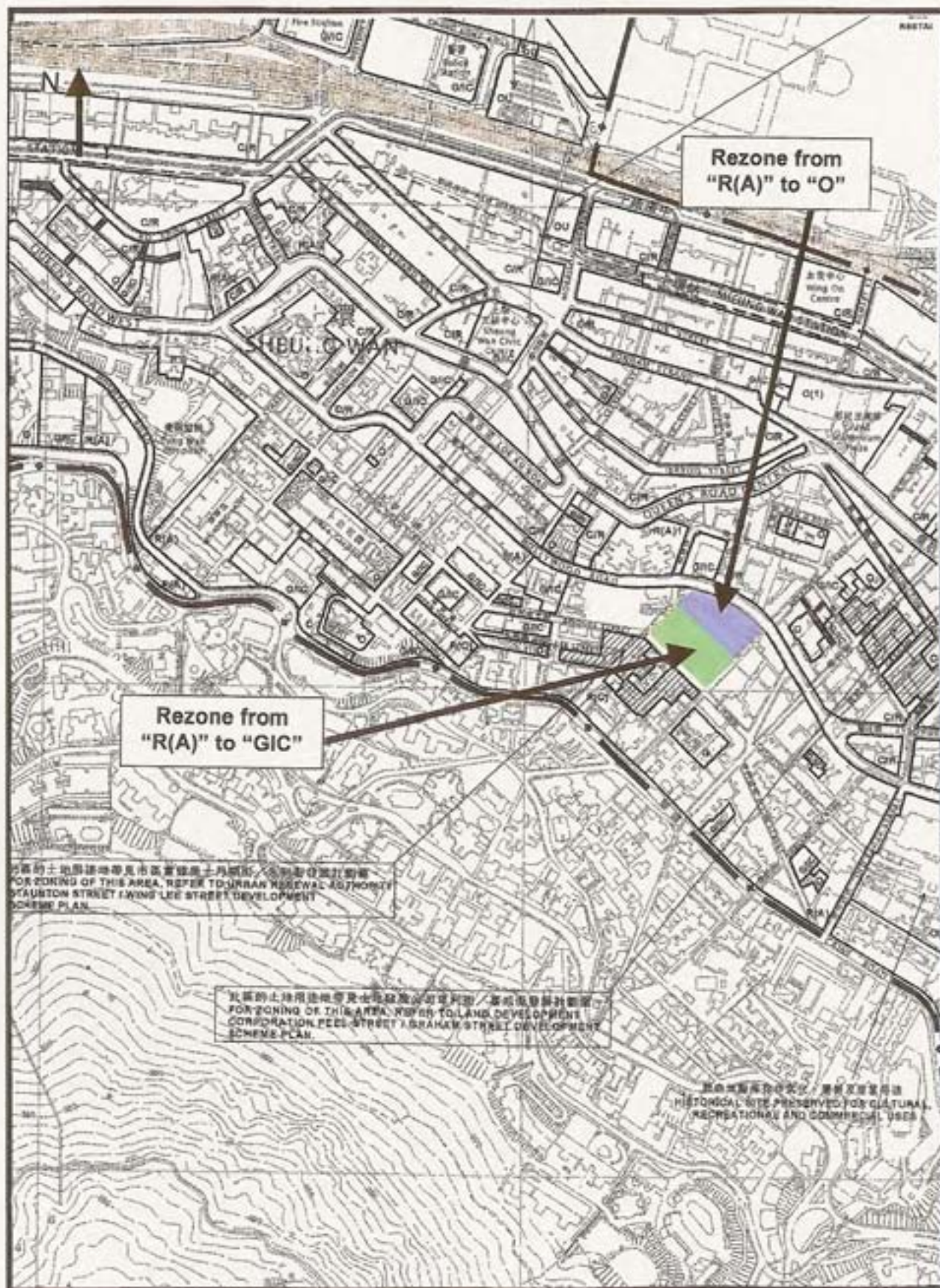


Figure 2: A plan showing the proposed rezoning.
 (Extract from the Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan
 No. S/H3/21)

Appendix 1

**Extract from the Minutes of the Central
and Western District Council Committee
Meeting held on 13 December 2006**

計等問題，務求達致更佳的街道美化計劃。

第 14 項：香港荷李活道前已婚警察宿舍用地規劃大綱擬稿
(中西區環工會文件第 81/2006 號)

(下午 6 時至 6 時 38 分)

30. 規劃署李志茵女士於會上按投影片及桌上文件，向委員介紹荷李活道前已婚警察宿舍用地規劃大綱擬稿的背景及內容。李志茵女士表示就中西區區議會過去就該地點所通過的動議，規劃大綱已回應了關於保護古樹和古牆、減低發展密度和高度、及增加公眾休憩用地和社區設施等訴求。半山區關注組代表羅雅寧小姐在主席的邀請下，按其所預備的補充資料作出簡報，並強調在可容許修建的設計條件下，居民擔心地產發展商會傾向遷移士丹頓街及鴨巴甸街的古蹟圍牆。

31. 副主席憂慮未來的地盤打樁工程會威脅到古蹟圍牆，也恐怕住宅發展內設置的公眾休憩用地會變為私人地方，不開放予公眾使用。現時居民從士丹頓街前往荷李活道，必須先經過城皇街及鴨巴甸街；她關注未來興建住宅後，發展商又會否在住宅發展內設置前往荷李活道的捷徑。楊少銓先生不滿規劃大綱擬稿沒有解決本已嚴重擠塞的交通問題。陳捷貴先生不滿沒有全面保障古物古蹟，而擬建的高密度屏風式的住宅樓宇會影響已成立十年的中山史蹟徑風貌，同時也會吸納更多人口，加重交通負荷。鍾蔭祥先生認為建議略為增加的社區設施，未能配合半山急劇增長的老化人口問題。他建議發展商考慮在住宅發展內設置停車場，配以一條直接通往山下的道路。甘乃威先生表示從天星碼頭拆卸的經驗及結果所得，區議會日後必會堅決地就其對事件上的立場作明確表態，以免間接促使政府進行一些無法挽回的決定。他指出規劃署沒有就區議會過去所通過的動議作出滿意的回應。甘乃威先生、阮品強先生及李志恒先生皆反對有關的規劃大綱，同時不滿箇中沒有解決交通、環境及社區設施等方面的問題。李志恒先生反對署方將該用地劃作住宅用途。副主席及甘乃威先生強烈要求把該住宅用地改為「政府、機構或社區設施」用途。