

LEGISLATIVE COUNCIL BRIEF

Town Planning Ordinance
(Chapter 131)

APPROVED SHAU KEI WAN OUTLINE ZONING PLAN NO. S/H9/20

INTRODUCTION

At the meeting of the Executive Council on 14 May 2024, the Council ADVISED and the Chief Executive ORDERED that the draft Shau Kei Wan Outline Zoning Plan (OZP) No. S/H9/19A should be approved under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The plan is now
A renumbered as S/H9/20 at Annex A.

AMENDMENTS TO THE APPROVED SHAU KEI WAN OZP NO. S/H9/18 SINCE ITS REFERENCE BACK

2. Since the reference back of the approved Shau Kei Wan OZP No. S/H9/18 for amendment on 18 October 2022, the draft Shau Kei Wan OZP No. S/H9/19 (the draft OZP) incorporating the amendments was exhibited on 23 June 2023 for public inspection under section 5 of the Ordinance as in force immediately before 1 September 2023 (the pre-amended Ordinance). The amendments incorporated in the draft OZP mainly include:

Proposed Public Housing Development (PHD) at A Kung Ngam Village (AKNV) and Associated Upgrading of AKNV Lane

- (a) rezoning of a site at AKNV and its adjacent areas (about 2.59ha) from "Open Space" ("O"), "Green Belt", "Other Specified Uses" annotated "Business" ("OU(B)"), "Other Specified Uses" annotated "Comprehensive Recreational Development Area" and areas shown as 'Road' to "Residential (Group A)6" ("R(A)6") with stipulation of building height restriction (BHR) of 110 metres above Principal Datum (mPD) and a maximum gross floor area (GFA) of 85,800m² for a proposed PHD by the Hong Kong Housing Authority (HKHA), providing about 1,500 flats (Amendment Item A1);
- (b) rezoning of a site at AKNV Lane (909m²) from "O" and "OU(B)" to an area shown as 'Road', to reflect the proposed upgrading of the existing AKNV Lane (which is a sub-standard distributor road) to standard road for providing necessary access, circulation and connection to the emergency vehicular access (EVA) of the proposed PHD at the

Amendment Item A1 site (Amendment Item A2);

Reflecting the Existing Temple Area and its Proposed Expansion

- (c) rezoning of a site occupied by the Yuk Wong Po Din Temple (玉皇寶殿) and its proposed expansion area (64m²) from "OU(B)" and "O" to "Government, Institution or Community" ("G/IC"), to reflect the existing temple area and the proposed expansion area for installation of smoke abatement facilities (Amendment Item A3);

Proposed Public Rental Housing (PRH) at Shan Pin Terrace (山邊臺)

- (d) rezoning of a site to the north of Ming Wah Dai Ha (about 0.46ha) from "O", "Residential (Group A)" ("R(A)") and "G/IC" to "Residential (Group A)5" ("R(A)5") with stipulation of BHR of 100mPD, to take forward the decision of the Metro Planning Committee (MPC) of the Town Planning Board (the Board) on a rezoning application submitted under section 12A of the pre-amended Ordinance (s.12A) for a proposed PRH with a public vehicle park (PVP) by the Hong Kong Housing Society (HKHS), providing about 646 flats (Amendment Item B);

Proposed Wholesale Conversion of an Existing Building for Hospital Use at 5 AKNV Road

- (e) rezoning of a site at 5 AKNV Road (about 0.21ha) from "OU(B)" to "Other Specified Uses" annotated "Business"1 ("OU(B)1") with the stipulation of BHR of 80mPD, to take forward the decision of the MPC on a s.12A rezoning application for wholesale conversion of an existing building to a hospital by Hong Kong Sanatorium & Hospital (HKSH), providing out-patient and in-patient medical services including hospital and cancer care support services with up to 160 beds (Amendment Item C); and

Proposed Redevelopment of the Salvation Army Shau Kei Wan Community Day Rehabilitation Service Centre (the Centre) at 456 Shau Kei Wan Road

- (f) rezoning of a site at 456 Shau Kei Wan Road (about 0.06ha) from "G/IC", "O" and an area shown as 'Road' to "Government, Institution or Community(1)" ("G/IC(1)") with the stipulation of BHR of 11 storeys, to facilitate the proposed redevelopment of the Centre to expand its welfare services (Amendment Item D). Under the "G/IC(1)" zone, an at-grade public open space of not less than 187m² shall be provided.

3. As set out in various Policy Addresses in recent years, the Government would adopt a multi-pronged approach to build up land reserve. To meet and expedite housing land supply in the short and medium terms, among others, the Government has been carrying out land use reviews to identify more suitable sites for conversion to residential use. Amendment Item A1 site at AKNV was identified for PHD by HKHA. The technical assessments under the

engineering feasibility study (EFS) conducted by the Civil Engineering and Development Department had demonstrated no insurmountable technical problems arising from the proposed PHD. To facilitate the proposed PHD, upgrading of AKNV Lane was proposed to provide a vehicular access and connection to the EVA to its eastern and western portions respectively. The relevant proposed road works were gazetted under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) in August 2023. Amendment Item A2 was to reflect the proposed upgrading of AKNV Lane. Amendment Item A3 was to reflect the existing temple area and its proposed expansion.

4. HKHS intended to develop the site at the former squatter area in Shan Pin Terrace for PRH integrated with supporting community facilities whilst HKSH proposed to undertake wholesale conversion of the existing building occupied by HKSH Eastern Medical Centre – Li Shu Fong Building (養和東區醫療中心 - 李樹芳樓) (HKSH – Li Shu Fong Building) at A Kung Ngam Road to a hospital with out-patient and in-patient medical services. On 6 May 2022 and 2 June 2022, the MPC decided to agree with the relevant s.12A applications submitted by HKHS and HKSH in relation to the proposed PRH and the proposed hospital. Amendment Items B and C were to take forward the decisions of the MPC.

5. As announced in the 2013 Policy Address, the Government would make better use of the land owned by non-governmental organisations through redevelopment or expansion to provide diversified subvented and self-financing facilities. With the support by the Labour and Welfare Bureau/Social Welfare Department, the Salvation Army aimed to expand the existing provision of welfare services by redeveloping the Centre with site area enlarged to include the adjoining sitting-out area. Amendment Item D was to facilitate the proposed redevelopment of the Centre.

6. Corresponding amendments in relation to the rezonings above, including the incorporation of a plot ratio (PR)/GFA exemption clause for Government, institution and community (GIC) facilities in the Notes of “R(A)5” and “R(A)6” zones and a PR exemption clause for PVPs for “R(A)5” zone, and technical amendments in accordance with the latest version of the Master Schedule of Notes to Statutory Plans were also made to the Notes of the draft OZP. The Explanatory Statement (ES) of the draft OZP, which reflects the planning intentions and objectives of the Board for various land use zonings of the draft OZP, was also amended accordingly.

REPRESENTATIONS AND COMMENTS ON REPRESENTATIONS

7. During the exhibition of the draft OZP, four valid representations were received. The representations were published for comment on 8 September 2023 and six valid comments on representations (comments) were received. The representations and comments were considered by the Board at its meeting on 19 January 2024.

Supportive Representations (3)

8. Three supportive representations were submitted by HKHS (R1) supporting Amendment Item B, the Salvation Army (R2) supporting Amendment Item D and an individual (R4 (part)) supporting Amendment Item A3. R4 did not provide any ground/view for supporting Amendment Item A3. The major grounds and views supporting Amendment Item B were that (i) the proposed PRH would better utilise land resources and was in line with the Government's policy to increase housing land supply; (ii) the use, building height and development intensity of the proposed PRH were compatible with the surrounding developments; (iii) the provision of social welfare and retail facilities and a PVP could cater community needs; (iv) the proposed PRH would enhance pedestrian connectivity and streetscape in the area; and (v) the proposed PRH was substantiated by technical assessments. The major grounds supporting Amendment Item D were that the proposed redevelopment of the Centre could fully utilise the land resources and was essential in providing social welfare services to meet the needs of the community and the ageing population.

Adverse Representations (2)

9. Two adverse representations were submitted by an affected lot owner (R3) opposing Amendment Item A2 and an individual (R4 (part)) opposing Amendment Items A1, A2, B, C and D and the exemption clauses for GIC facilities and PVPs. The major grounds, views and proposals were summarised below.

10. For Amendment Item A1, it was considered that (i) the excavation of slopes and tree felling would lead to destruction of natural habitat and environment; (ii) the preliminary natural terrain hazard study and preliminary geotechnical appraisals for the proposed PHD were not convincing; (iii) the PHD should be implemented in developed lots occupied by the ageing industrial buildings; and (iv) the demand for public housing was not well justified. For Amendment Item A2, it was considered that (i) the resumption of the lot no. AKNL 27 S.A. (the Lot) for the proposed upgrading works of the existing AKNV Lane, which was solely for the purpose of providing a vehicular access for Manson Industrial Building, rather than constructing a road for public use, would deprive the lot owner's private property right; (ii) about 92% of the Lot was zoned "O" and the remaining as an area shown as 'Road' before rezoning. The lot owner had submitted three planning applications with a view to redeveloping his land but all applications were rejected mainly for incompatibility with the "O" zoning. However, no open space was implemented in the past 30 years and his development right was deprived; (iii) the Lot within Amendment Item A2 site should be excluded from the land resumption area; and (iv) the structure on the Lot was mistakenly demolished by the Government in 1991. For Amendment Item B, it was considered that (i) the proposed PRH would deprive the ventilation and green panorama of nearby residents; (ii) the tree compensation proposal with compensation ratio of 1:0.8 was undesirable; (iii) the proposed open space would be provided on different levels with no active outdoor recreational facility other than a children's

playground; and (iv) the improvement of pedestrian connectivity was in doubt as access had already been provided. For Amendment Item C, it was considered that private hospitals were in surplus on Hong Kong Island and should be planned in the Northern Metropolis. For Amendment Item D, it was considered that the proposed redevelopment of the Centre would block the ventilation and privatised one of the very few public open spaces in the area. For the exemption clauses for GIC facilities and PVPs, there was concern that the additional/exempted GFA would be unrestricted and converted to other uses.

Comments on the Representations (6)

11. There were six comments submitted by HKSH Medical Group (C1) supporting Amendment Item C, 筲箕灣社區辦事處 (C2) providing comments on Amendment Item A1 and four individuals (C3 to C6) providing comments on Amendment Items A1 to A3. The major views and proposals for Amendment Items A1 to A3 were that (i) reasonable arrangements on compensation, relocation and rehousing for all affected lot owners should be provided, including the three pieces of land in A Kung Ngam if their occupants' status were legally verified; (ii) a Paifong (牌坊) and a historical museum for AKNV should be constructed; (iii) cultural heritage elements should be integrated in the PHD and land should be reserved for a multi-functional centre for holding traditional festival events and serving as artist/exhibition hub; and (iv) the affected village/squatter households should be settled by means of village resite and land should be given to Ah Kung Ngam Village Tam Kung Association (亞公岩村譚公會) to continue its operation. The major grounds supporting Amendment Items C were that (i) the proposed conversion could enhance service capacity and strengthen HKSH's collaboration with the Hospital Authority while the existing cancer facility at 3 A Kung Ngam Road would remain unchanged; (ii) there was an increasing demand for medical services of ageing population and cancer patients; (iii) the proposed conversion could relieve pressure on public healthcare services and offer affordable private healthcare services; and (iv) the proposed conversion was in line with the Government's policy objectives to build more private hospitals.

The Board's Decision

12. After giving consideration to the representations and comments, the Board noted the supportive views of R1, R2 and R4 (part), decided not to uphold R3 and R4 (part) and agreed that the draft OZP should not be amended to meet the representations for the following reasons –

Amendment Item A1

- (a) the Government had been adopting a multi-pronged approach to increase housing land supply on an on-going basis. An EFS comprising technical assessments on traffic, visual, air ventilation, landscape, environmental and cultural heritage aspects as well as infrastructural capacity and land requirements had been conducted

and confirmed that there was no insurmountable technical problem and no unacceptable adverse impact. The development intensity and building height of the proposed PHD at Amendment Item A1 site were considered appropriate. It was considered appropriate to rezone the Amendment Item A1 site as "R(A)6" for proposed PHD;

- (b) it was necessary to form building platforms at the slopes within Amendment Item A1 site for the proposed PHD, and tree felling was involved. Details of the new tree planting, tree transplanting and compensatory proposals, including off-site planting, would be explored at the detailed design stage in accordance with the latest relevant guidelines and/or technical circular;

Amendment Item A2

- (c) it was considered appropriate to rezone Amendment Item A2 site from "O" and "OU(B)" to an area shown as 'Road' to reflect the proposed upgrading of AKNV Lane to standard road for providing necessary access and connection to the EVA of the future public housing development, Yuk Wong Po Din Temple and Manson Industrial Building;

Amendment Item B

- (d) relevant technical assessments in the agreed s.12A application confirmed that there was no insurmountable impact in respect of development intensity, air ventilation, visual and traffic, arising from the proposed development. Tree Preservation and Removal Proposal should be submitted by the applicant for consideration and approval in accordance with the latest relevant guidelines and/or technical circular. Pedestrian connectivity between areas around A Kung Ngam Road and Shau Kei Wan Main Street East would also be improved and enhanced with barrier-free access, landscape features and enhanced walking environment arising from the proposed development. Rezoning the site from "O", "R(A)" and "G/IC" to "R(A)5" with appropriate planning control was considered appropriate;

Amendment Item C

- (e) Amendment Item C was to allow expansion of existing medical facility through wholesale conversion to include in-patient hospital services, which could help meet the demand for private medical services. Relevant technical assessments in the agreed s.12A application confirmed that there was no insurmountable impact in respect of traffic, environment and sewerage impact arising from the development. Rezoning the site from "OU(B)" to "OU(B)1" with appropriate planning control was considered appropriate;

Amendment Item D

- (f) relevant technical assessments submitted by the project proponent confirmed that there was no insurmountable air ventilation impact arising from the development. The provision of planned district and local open space is generally sufficient to serve the population in Shau Kei Wan, and the affected sitting out area would be reprovisioned in-situ. To expand and improve the provision of rehabilitation facilities and social services for the community, rezoning the site from "G/IC" and "O" to "G/IC(1)" was considered appropriate;

Incorporation of PR and GFA Exemption Clause for GIC Facilities for the "R(A)5" and "R(A)6" Zones

- (g) the amendment was only applicable to GIC facilities required by the Government and the exempted GFA was only equivalent to about 5% of the attainable domestic GFA of the PHD under the prevailing government policy; and

Incorporation of PR Exemption Clause for PVPs for the "R(A)5" Zone

- (h) there would be appropriate control on GFA under lease, Buildings Ordinance and OZP. Any change of use in relation to the exempted GFA would be subject to compliance with the Buildings Ordinance and/or lease and any additional GFA resulting in exceedance of GFA/PR restriction under OZP would require planning permission.

IMPLICATIONS OF THE PROPOSAL

13. The approval of the draft Shau Kei Wan Outline Zoning Plan No. S/H9/19A itself has no civil service implication.

14. Regarding economic implications, the proposed developments under Amendment Items A1 and B will provide about 1,500 and 646 public housing units upon completion respectively, thereby helping to meet the overall public housing demand in Hong Kong. Amendment Items C and D will facilitate the proposed wholesale conversion of the existing HKSH – Li Shu Fong Building to hospital use and the proposed redevelopment of the Centre respectively, which would allow better utilisation of scarce land resources. In-patient medical services and more GIC floor spaces would be provided upon completion of wholesale conversion and redevelopment to help meet the needs of medical and social services respectively.

15. Regarding financial implications, subject to the funding approval of the Finance Committee of the Legislative Council, funds required for the site formation and infrastructure works for the proposed PHD and GIC facilities development under Amendment Item A1 and the road works under Amendment Item A2 will be sought under the Capital Works Reserve Fund

(CWRF). The capital cost of the PHD under Amendment Item A1 will be borne by HKHA, while the recurrent cost will be borne by HKHA in the case of PRH, and Financial Secretary Incorporated and any future individual purchasers in the case of subsidised sale flats. The capital and recurrent costs of the social welfare facilities to be incorporated in the proposed PHD under Amendment Item A1 will be sought in accordance with the established mechanism. The development in AKNV (i.e. site of the proposed PHD under Amendment Item A1) would require both land resumption and clearance. Funds required will be sought under Head 701 of the CWRF in accordance with the established mechanism. The site under Amendment Item B comprises both government land and private lots. No land clearance or resumption is required for the site under Amendment Item B. HKHS has submitted an application for an in-situ land exchange for implementation of the development proposal and the land premium will be determined at a later stage in accordance with the established land policy and practices. The capital cost of the proposed wholesale conversion to hospital use under Amendment Item C and the subsequent management and maintenance costs as well as the recurrent costs will be borne by the private developer. The developer has submitted an application for a proposed modification of the existing waiver to the lease conditions for the implementation of the proposed conversion, which is subject to payment of land premium at full market value. The Salvation Army, as the project proponent of the redevelopment of the Centre under Amendment Item D, may apply for funding to meet the capital cost under the Special Scheme on Privately Owned Sites for Welfare Uses and additional recurrent cost for the subvented welfare services to be provided under the redevelopment according to the established mechanism. The Salvation Army has submitted an application for an in-situ land exchange for the implementation of the development proposal and the land premium will be determined at a later stage in accordance with the established land policy and practices.

16. As far as environmental implications are concerned, no insurmountable environmental impacts associated with the proposed amendments are anticipated with the implementation of appropriate mitigation measures as confirmed in the respective technical assessments, including preliminary environmental studies and environmental assessments. Future developments within the amendment sites will be planned, designed, constructed and implemented in accordance with relevant environmental guidelines and criteria laid down in the Environment Chapter of the Hong Kong Planning Standards and Guidelines.

17. As far as sustainability implications are concerned, the proposed developments could contribute to the better utilisation of land resources for meeting the housing and social needs. The proposed developments may bring about environmental impacts on the local area. Suitable mitigation measures should be implemented to alleviate such possible impacts.

18. On family implications, the increase in housing units under Amendment Items A1 and B may improve the living environment and provide stable living conditions for some families, and in turn foster greater family harmony. The provision of social welfare and GIC facilities such as elderly,

child care and rehabilitation facilities within the proposed PHDs under Amendment Items A1 and B respectively and within the Centre under Amendment Item D, as well as the provision of in-patient medical services at HKSH - Li Shu Fong Building under Amendment Item C would help meet the needs of families for such services and support. The new job opportunities arising from the proposed social and GIC services would also help improve the financial abilities of some families and help individuals build up family assets.

19. On gender implications, the proposed provision of social welfare facilities and GIC facilities such as elderly, child care and rehabilitation facilities within the proposed PHDs under Amendment Items A1 and B and the Centre under Amendment Item D, if materialised, will serve people in need whose carers are often women. The proposals should therefore be conducive to relieving the burden of carers, and facilitating their participation in the workforce.

PUBLIC CONSULTATION

20. The public consultation conducted is detailed in the Town Planning Board Paper No. 10950. The then Planning, Works and Housing Committee (PWHC) of the Eastern District Council (EDC) was consulted on 25 April 2023. PWHC in general supported the amendments, with some concerns expressed. For Amendment Items A1 to A3, there were concerns on potential air quality and noise impacts from the Island Eastern Corridor, infrastructural capacity to accommodate additional population and development programme. For Amendment Items A1 to A3 and B, it was suggested to add new minibus and bus routes to serve the residents. For Amendment Item D, the members enquired about the type of facilities and location/public accessibility of the re-provided open space upon redevelopment and suggested that elderly facilities be provided.

21. EDC members were notified that members of the public could submit representations on the amendments in writing to the Board during the statutory exhibition period of the draft OZP. No representation or comment from members of EDC was received.

PUBLICITY

22. The approved Shau Kei Wan OZP No. S/H9/20 will be printed and exhibited in accordance with section 9D(2) of the Ordinance. A press release will be issued on the day of exhibition. A spokesman will be available for answering media enquiries.

A 23. The approved Shau Kei Wan OZP No. S/H9/20 is at Annex A for Members' reference. A set of Notes listing out the uses which are always permitted and those which may be permitted on application to the Board is at A-I Enclosure I to Annex A. An ES in respect of the approved Shau Kei Wan OZP A-II No. S/H9/20 is at Enclosure II to Annex A.

ENQUIRY

24. Any enquiry on this brief can be addressed to Ms Caroline Tang, Assistant Director of Planning/Board, Planning Department (Tel. No. 2231 4606).

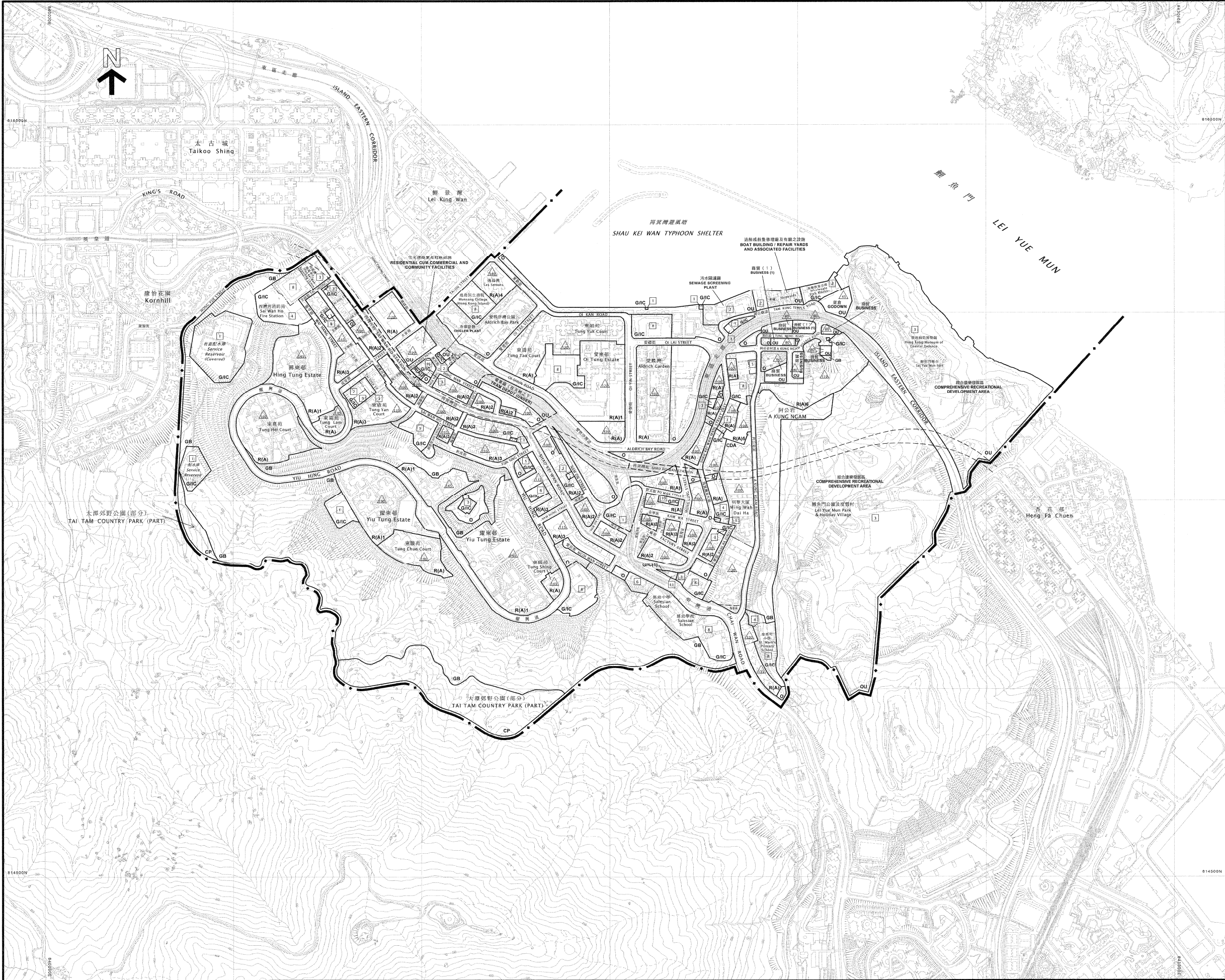
PLANNING DEPARTMENT
May 2024

APPROVED SHAU KEI WAN
OUTLINE ZONING PLAN NO. S/H9/20

Annex A Approved Shau Kei Wan Outline Zoning Plan (OZP) No. S/H9/20

Enclosure I : Notes to the Approved Shau Kei Wan OZP No.
S/H9/20

Enclosure II : Explanatory Statement of the Approved Shau Kei Wan OZP No. S/H9/20



圖例
NOTATION

ZONES		地帶
COMPREHENSIVE DEVELOPMENT AREA	CDA	綜合發展區
RESIDENTIAL (GROUP A)	R(A)	住宅（甲類）
GOVERNMENT, INSTITUTION OR COMMUNITY	GIC	政府、機構或社區
OPEN SPACE	O	休憩用地
OTHER SPECIFIED USES	OU	其他指定用途
GREEN BELT	GB	綠化地帶
COUNTRY PARK	CP	郊野公園
COMMUNICATIONS		交通
RAILWAY AND STATION (UNDERGROUND)		鐵路及車站（地下）
MAJOR ROAD AND JUNCTION		主要道路及路口
ELEVATED ROAD		高架道路
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME		規劃範圍界線
BUILDING HEIGHT CONTROL ZONE BOUNDARY		建築物高度管制區界線
MAXIMUM BUILDING HEIGHT (IN METRES ABOVE PRINCIPAL DATUM)		最高建築物高度（在主水平基準上若干米）
MAXIMUM BUILDING HEIGHT (IN NUMBER OF STOREYS)		最高建築物高度（樓層數目）
NON-BUILDING AREA	NBA	非建築用地

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分率 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
COMPREHENSIVE DEVELOPMENT AREA	3.53	1.75	綜合發展區
RESIDENTIAL (GROUP A)	45.55	22.62	住宅（甲類）
GOVERNMENT, INSTITUTION OR COMMUNITY	16.23	8.06	政府、機構或社區
OPEN SPACE	9.87	4.90	休憩用地
OTHER SPECIFIED USES	44.15	21.92	其他指定用途
GREEN BELT	45.88	22.78	綠化地帶
COUNTRY PARK	5.88	2.92	郊野公園
MAJOR ROAD ETC.	30.31	15.05	主要道路等
TOTAL PLANNING SCHEME AREA	201.40	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

行政長官會同行政會議於2024年5月14日 根據城市
規劃條例第9(1)(a)條核准的圖則
APPROVED BY THE CHIEF EXECUTIVE IN COUNCIL UNDER
SECTION 9(1)(a) OF THE TOWN PLANNING ORDINANCE ON
14 MAY 2024

Ms Carmen KONG 江嘉敏女士
CLERK TO THE EXECUTIVE COUNCIL 行政會議秘書

香港城市規劃委員會依據城市規劃條例擬備的筲箕灣（港島規劃區第9區）分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
HONG KONG PLANNING AREA No. 9 - SHAU KEI WAN - OUTLINE ZONING PLAN

規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER
THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號
PLAN No. S/H9/20

HONG KONG PLANNING AREA NO.9

APPROVED SHAU KEI WAN OUTLINE ZONING PLAN NO. S/H9/20

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3)
 - (a) No action is required to make the existing use of any land or building conform to this Plan until there is a material change of use or the building is redeveloped.
 - (b) Any material change of use or any other development (except minor alteration and/or modification to the development of the land or building in respect of the existing use which is always permitted) or redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Town Planning Board.
 - (c) For the purposes of subparagraph (a) above, “existing use of any land or building” means—
 - (i) before the publication in the Gazette of the notice of the first statutory plan covering the land or building (hereafter referred as ‘the first plan’),
 - a use in existence before the publication of the first plan which has continued since it came into existence; or
 - a use or a change of use approved under the Buildings Ordinance which relates to an existing building; and
 - (ii) after the publication of the first plan,
 - a use permitted under a plan which was effected during the effective period of that plan and has continued since it was effected; or
 - a use or a change of use approved under the Buildings Ordinance which relates to an existing building and permitted under a plan prevailing at the time when the use or change of use was approved.

- (4) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (5) Road junctions, alignments of roads and railway/tram tracks, and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (6) Temporary uses (expected to be 5 years or less) of any land or building are always permitted as long as they comply with any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, and there is no need for these to conform to the zoned use or these Notes. For temporary uses expected to be over 5 years, the uses must conform to the zoned use or these Notes.
- (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except where the uses or developments are specified in Column 2 of the Notes of individual zones:
 - (a) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, road, bus/tram/public light bus stop or lay-by, cycle track, Mass Transit Railway station entrance, Mass Transit Railway structure below ground level, taxi rank, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (b) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (c) maintenance or repair of watercourse and grave.
- (8) In any area shown as 'Road', all uses or developments except those specified in paragraph (7) above and those specified below require permission from the Town Planning Board:

toll plaza, on-street vehicle park, railway track and tram track.
- (9) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (10) In these Notes, "existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

HONG KONG PLANNING AREA NO. 9

APPROVED SHAU KEI WAN OUTLINE ZONING PLAN NO. S/H9/20

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COUNTRY PARK	24

COMPREHENSIVE DEVELOPMENT AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
	<p>Commercial Bathhouse/ Massage Establishment</p> <p>Eating Place</p> <p>Educational Institution</p> <p>Exhibition or Convention Hall</p> <p>Flat</p> <p>Government Refuse Collection Point</p> <p>Government Use (not elsewhere specified)</p> <p>Hotel</p> <p>House</p> <p>Information Technology and Telecommunications Industries</p> <p>Institutional Use (not elsewhere specified)</p> <p>Library</p> <p>Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances</p> <p>Off-course Betting Centre</p> <p>Office</p> <p>Place of Entertainment</p> <p>Place of Recreation, Sports or Culture</p> <p>Private Club</p> <p>Public Clinic</p> <p>Public Convenience</p> <p>Public Transport Terminus or Station</p> <p>Public Utility Installation</p> <p>Public Vehicle Park (excluding container vehicle)</p> <p>Recyclable Collection Centre</p> <p>Religious Institution</p> <p>Research, Design and Development Centre</p> <p>Residential Institution</p> <p>School</p> <p>Shop and Services</p> <p>Social Welfare Facility</p> <p>Training Centre</p> <p>Utility Installation for Private Project</p>

(Please see next page)

COMPREHENSIVE DEVELOPMENT AREA (Cont'd)

Planning Intention

This zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of open space and other supporting facilities. In view of its proximity to the historic site of the former Lyemun Barracks Compound, the zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, visual, traffic and infrastructure constraints as well as air ventilation considerations.

Remarks

- (1) Pursuant to section 4A(2) of the Town Planning Ordinance, and except as otherwise expressly provided that it is not required by the Town Planning Board, an applicant for permission for development on land designated "Comprehensive Development Area" shall prepare a Master Layout Plan for the approval of the Town Planning Board and include therein the following information :-
- (i) the area of the proposed land uses, the nature, position, dimensions, and heights of all buildings to be erected in the area;
 - (ii) the proposed total site area and gross floor area for various uses, total number of flats and flat size, where applicable;
 - (iii) the details and extent of Government, institution or community (GIC) and recreational facilities, public transport and parking facilities, and open space to be provided within the area;
 - (iv) the alignment, widths and levels of any roads, walkways and footbridges proposed to be constructed within the area;
 - (v) the landscape and urban design proposals within the area;
 - (vi) programmes of development in detail;
 - (vii) an environmental assessment report to examine any possible environmental problems that may be caused to or by the proposed development during and after construction and the proposed mitigation measures to tackle them;
 - (viii) a drainage and sewerage impact assessment report to examine any possible drainage and sewerage problems that may be caused by the proposed development and the proposed mitigation measures to tackle them;
 - (ix) a traffic impact assessment report to examine any possible traffic problems that may be caused by the proposed development and the proposed mitigation measures to tackle them;
 - (x) an air ventilation assessment report to examine any possible air ventilation problems that may be caused by the proposed development and the proposed mitigation measures to tackle them;
 - (xi) a visual impact assessment to examine any possible visual impacts that may be caused by the proposed development and the proposed mitigation measures to tackle them; and
 - (xii) such other information as may be required by the Town Planning Board.

(Please see next page)

COMPREHENSIVE DEVELOPMENT AREA (Cont'd)

Remarks (Cont'd)

- (2) The Master Layout Plan should be supported by an explanatory statement which contains an adequate explanation of the development proposal, including such information as land tenure, relevant lease conditions, existing conditions of the site, the character of the site in relation to the surrounding areas, principles of layout design, major development parameters, design population, types of GIC facilities, and recreational and open space facilities.
- (3) 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 a maximum plot ratio of 6 and the maximum building height as stipulated on the Plan.
- (4) In determining the maximum plot ratio for the purposes of paragraph (3) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (5) Where the permitted plot ratio as defined in the Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio for the building on land to which paragraph (3) above applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio specified in paragraph (3) above may thereby be exceeded.
- (6) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio and building height restrictions stated in paragraph (3) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (7) Under exceptional circumstances, for a development or redevelopment proposal, minor relaxation of the non-building area restriction as shown on the Plan may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP A)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Commercial Bathhouse/ Massage Establishment
Flat	Eating Place
Government Use (not elsewhere specified)	Educational Institution
House	Exhibition or Convention Hall
Library	Government Refuse Collection Point
Market	Hospital
Place of Recreation, Sports or Culture	Hotel
Public Clinic	Institutional Use (not elsewhere specified)
Public Transport Terminus or Station (excluding open-air terminus or station)	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
Public Vehicle Park (excluding container vehicle) (on land designated “R(A)5” and “R(A)6” only)	Office
Residential Institution	Petrol Filling Station
School (in free-standing purpose-designed building only)	Place of Entertainment
Social Welfare Facility	Private Club
Utility Installation for Private Project	Public Convenience
	Public Transport Terminus or Station (not elsewhere specified)
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle) (not elsewhere specified)
	Religious Institution
	School (not elsewhere specified)
	Shop and Services (not elsewhere specified)
	Training Centre

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

In addition, the following uses are always permitted (a) on the lowest three floors of a building, taken to include basements; or (b) in the purpose-designed non-residential portion of an existing building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room:

Eating Place
Educational Institution
Institutional Use (not elsewhere specified)
Off-course Betting Centre
Office
Place of Entertainment
Private Club
Public Convenience
Recyclable Collection Centre
School
Shop and Services
Training Centre

Planning Intention

This zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

Remarks

- (1) On land designated “Residential (Group A)” (“R(A)”), “Residential (Group A)1” (“R(A)1”), “Residential (Group A)2” (“R(A)2”), “Residential (Group A)3” (“R(A)3”), “Residential (Group A)5” (“R(A)5”) and “Residential (Group A)6” (“R(A)6”), 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 maximum building height, in terms of metres above Principal Datum (mPD) as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) On land designated “R(A)2”, a maximum building height of 120mPD would be permitted for sites with an area of 400m² or more.
- (3) On land designated “R(A)3”, a maximum building height of 135mPD would be permitted for sites with an area of 400m² or more.
- (4) On land designated “Residential (Group A)4” (“R(A)4”), 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 maximum building height, in terms of mPD, as stipulated on the Plan.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Remarks (Cont'd)

- (5) On land designated “R(A)”, “R(A)2”, “R(A)3”, “R(A)4” and “R(A)5”, no new development of or redevelopment to a domestic or non-domestic building shall result in a total development and/or redevelopment in excess of a maximum domestic plot ratio of 8 for Class A site, 9 for Class B site and 10 for Class C site, or a maximum non-domestic plot ratio of 15, as the case may be. The definition of Class A, Class B and Class C sites shall be in accordance with the Building (Planning) Regulations.
- (6) On land designated “R(A)”, “R(A)2”, “R(A)3”, “R(A)4” and “R(A)5”, for new development of or redevelopment to a building that is partly domestic and partly non-domestic, the plot ratio for the domestic part of the building shall not exceed the product of the difference between the maximum permitted non-domestic plot ratio of 15 and the actual non-domestic plot ratio proposed for the building and the maximum permitted domestic plot ratio for the building divided by the maximum permitted non-domestic plot ratio of 15. The maximum permitted domestic plot ratios are as stipulated in paragraph (5) above.
- (7) On land designated “R(A)”, “R(A)2”, “R(A)3”, “R(A)4” and “R(A)5”, no addition, alteration and/or modification to an existing building shall result in a total development in excess of the relevant maximum domestic and/or non-domestic plot ratio(s) stated in paragraph (5) or (6) above, or the domestic and/or non-domestic plot ratio(s) of the existing building, whichever is the greater, subject to, as applicable –
 - (a) the plot ratio(s) of the existing building shall apply only if any addition, alteration and/or modification to an existing building is for the same type of building as the existing building, i.e. domestic, non-domestic, or partly domestic and partly non-domestic building; or
 - (b) the maximum domestic and/or non-domestic plot ratio(s) stated in paragraph (5) or (6) above shall apply if any addition, alteration and/or modification to an existing building is not for the same type of building as the existing building, i.e. domestic, non-domestic, or partly domestic and partly non-domestic building.
- (8) On land designated “R(A)1”, 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 a maximum plot ratio of 6, or the plot ratio of the existing building, whichever is the greater.
- (9) On land designated “R(A)6”, 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 a maximum gross floor area of 85,800m².
- (10) In determining the maximum plot ratio for the purposes of paragraphs (5), (6) and (8) above, the area of any part of the site that is occupied or intended to be occupied by free-standing purpose-designed buildings solely for accommodating GIC facilities including school(s) as may be required by Government shall be deducted from calculation of the site area.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Remarks (Cont'd)

- (11) In determining the relevant maximum plot ratio/gross floor area for the purposes of paragraphs (5), (6), (8) and (9) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (12) On land designated "R(A)5" and "R(A)6", in determining the relevant maximum plot ratio/gross floor area for the purposes of paragraphs (5), (6) and (9) above, any floor space that is constructed or intended for use solely as GIC facilities, as required by the Government, may also be disregarded.
- (13) On land designated "R(A)5", in determining the relevant maximum plot ratio for the purposes of paragraphs (5) and (6) above, any floor space that is constructed or intended for use solely as public vehicle parks may be disregarded.
- (14) Where the permitted plot ratio as defined in the Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio/gross floor area for the building on land to which paragraph (5), (6) or (9) applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio/gross floor area specified in paragraphs (5), (6) or (9) above may thereby be exceeded.
- (15) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height/plot ratio/gross floor area restrictions stated in paragraphs (1) to (4), (8) and (9) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

GOVERNMENT, INSTITUTION OR COMMUNITY

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Animal Boarding Establishment
Animal Quarantine Centre (in Government building only)	Animal Quarantine Centre (not elsewhere specified)
Broadcasting, Television and/or Film Studio	Correctional Institution
Eating Place (Canteen, Cooked Food Centre only)	Driving School
Educational Institution	Eating Place (not elsewhere specified)
Exhibition or Convention Hall	Flat
Field Study/Education/Visitor Centre	Funeral Facility
Government Refuse Collection Point	Holiday Camp
Government Use (not elsewhere specified)	Hotel
Hospital	House
Institutional Use (not elsewhere specified)	Marine Fuelling Station
Library	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
Market	Off-course Betting Centre
Pier	Office
Place of Recreation, Sports or Culture	Petrol Filling Station
Public Clinic	Place of Entertainment
Public Convenience	Private Club
Public Transport Terminus or Station	Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation
Public Utility Installation	Refuse Disposal Installation (Refuse Transfer Station only)
Public Vehicle Park (excluding container vehicle)	Residential Institution
Recyclable Collection Centre	Sewage Treatment/Screening Plant
Religious Institution	Shop and Services (not elsewhere specified)
Research, Design and Development Centre	Utility Installation for Private Project
School	Zoo
Service Reservoir	
Social Welfare Facility	
Training Centre	
Wholesale Trade	

Planning Intention

This 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.

(Please see next page)

GOVERNMENT, INSTITUTION OR COMMUNITY (Cont'd)

Remarks

- (1) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in total development and/or redevelopment in excess of the maximum building height, in terms of number of storey(s) as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) In determining the maximum number of storey(s) for the purposes of paragraph (1) above, any basement floor(s) may be disregarded.
- (3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (4) On land designated “Government, Institution or Community (1)”, an at-grade public open space of not less than 187m² shall be provided.

OPEN SPACE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Aviary Field Study/Education/Visitor Centre Park and Garden Pavilion Pedestrian Area Picnic Area Playground/Playing Field Promenade Public Convenience Sitting Out Area Zoo	Eating Place Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Pier Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Religious Institution Service Reservoir Shop and Services Tent Camping Ground Utility Installation for Private Project

Planning Intention

This zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

OTHER SPECIFIED USES

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Business” only

**Schedule I: for open-air development or
for building other than industrial or industrial-office building[@]**

Ambulance Depot	Broadcasting, Television and/or Film Studio
Commercial Bathhouse/ Massage Establishment	Cargo Handling and Forwarding Facility
Eating Place	Government Refuse Collection Point
Educational Institution	Government Use (not elsewhere specified)
Exhibition or Convention Hall	Hospital (not elsewhere specified) (for “OU(B)1” only)
Government Use (Police Reporting Centre, Post Office only)	Hotel
Hospital (wholesale conversion of existing building only) (for “OU(B)1” only)	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
Information Technology and Telecommunications Industries	Non-polluting Industrial Use (not elsewhere specified)
Institutional Use (not elsewhere specified)	Petrol Filling Station
Library	School (not elsewhere specified)
Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods [△])	Social Welfare Facility (excluding those involving residential care)
Off-course Betting Centre	Warehouse (excluding Dangerous Goods Godown)
Office	Wholesale Trade
Place of Entertainment	
Place of Recreation, Sports or Culture	
Private Club	
Public Clinic	
Public Convenience	
Public Transport Terminus or Station	
Public Utility Installation	
Public Vehicle Park (excluding container vehicle)	
Radar, Telecommunications, Electronic Microwave Repeater, Television and/or Radio Transmitter Installation	
Recyclable Collection Centre	
Religious Institution	
Research, Design and Development Centre	
School (excluding free-standing purpose-designed building and kindergarten)	
Shop and Services	
Training Centre	
Utility Installation for Private Project	

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Business” only (Cont'd)

Schedule II: for industrial or industrial-office building [@]

Ambulance Depot	Broadcasting, Television and/or Film Studio
Cargo Handling and Forwarding Facility (not elsewhere specified)	Cargo Handling and Forwarding Facility (Container Freight Station, free-standing purpose-designed Logistics Centre only)
Eating Place (Canteen only)	Industrial Use (not elsewhere specified))
Government Refuse Collection Point	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
Government Use (not elsewhere specified)	Off-course Betting Centre
Information Technology and Telecommunications Industries	Office (not elsewhere specified)
Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods [△])	Petrol Filling Station
Office (excluding those involving direct provision of customer services or goods)	Place of Recreation, Sports or Culture
Public Convenience	Shop and Services (not elsewhere specified) (ground floor only except for Ancillary Showroom [#] which may be permitted on any floor)
Public Transport Terminus or Station	Vehicle Repair Workshop
Public Utility Installation	Wholesale Trade
Public Vehicle Park (excluding container vehicle)	
Radar, Telecommunications, Electronic Microwave Repeater, Television and/or Radio Transmitter Installation	
Recyclable Collection Centre	
Research, Design and Development Centre	
Shop and Services (Motor-vehicle Showroom on ground floor, Service Trades only)	
Utility Installation for Private Project	
Warehouse (excluding Dangerous Goods Godown)	

In addition, for building without industrial
undertakings involving offensive trades or the
use/storage of Dangerous Goods[△], the following use
is always permitted :

Office

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For “Business” only (Cont'd)

In addition, the following uses are always permitted in the purpose-designed non-industrial portion on the lower floors (except basements and floors containing wholly or mainly car parking, loading/unloading bays and/or plant room) of an existing building, provided that the uses are separated from the industrial uses located above by a buffer floor or floors and no industrial uses are located within the non-industrial portion:

In addition, the following use may be permitted with or without conditions on application to the Town Planning Board in the purpose-designed non-industrial portion on the lower floors (except basements and floors containing wholly or mainly car parking, loading/unloading bays and/or plant room) of an existing building provided that the use is separated from the industrial uses located above by a buffer floor or floors and no industrial uses are located within the non-industrial portion:

Commercial Bathhouse/Massage Establishment
Eating Place
Educational Institution
Exhibition or Convention Hall
Institutional Use (not elsewhere specified)
Library
Off-course Betting Centre
Office
Place of Entertainment
Place of Recreation, Sports or Culture
Private Club
Public Clinic
Religious Institution
School (excluding kindergarten)
Shop and Services
Training Centre

Social Welfare Facility (excluding those involving residential care)

- @ *An industrial or industrial-office building means a building which is constructed for or intended to be used by industrial or industrial-office purpose respectively as approved by the Building Authority.*
- △ *Dangerous Goods refer to substances classified as Dangerous Goods and requiring a licence for their use/storage under the Dangerous Goods Ordinance (Cap. 295).*
- # *Ancillary Showroom requiring planning permission refers to showroom use of greater than 20% of the total usable floor area of an industrial firm in the same premises or building.*

Planning Intention

This zone is intended primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or industrial-office buildings.

Remarks

- (1) 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 a maximum non-domestic plot ratio of 12 and a maximum building height of 80 metres above Principal Datum, or the plot ratio and height of the existing building, whichever is the greater.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For “Business” only (Cont'd)

Remarks (Cont'd)

- (2) In determining the relevant maximum plot ratio for the purposes of paragraph (1) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (3) Where the permitted plot ratio as defined in the Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio for the building on land to which paragraph (1) applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio specified in paragraph (1) above may thereby be exceeded.
- (4) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio and building height restrictions stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<u>For “Comprehensive Recreational Development Area” only</u>	
Aviary Barbecue Spot Boating Centre Exhibition or Convention Hall Field Study/Education/Visitor Centre Golf Course Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp Library Park and Garden Picnic Area Pier Place of Entertainment Place of Recreation, Sports or Culture Playground/Playing Field Public Convenience Tent Camping Ground Zoo	Cable Car Route and Terminal Building Eating Place Hotel Marina Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Private Club Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution Service Reservoir Shop and Services (Fast Food Shop and Retail Shop only) Utility Installation for Private Project

Planning Intention

This zone is intended primarily to provide/reserve land for recreational and cultural facilities as well as holiday-camp type accommodation in Lei Yue Mun Park and Holiday Village and the Hong Kong Museum of Coastal Defence and for the preservation of the features of historical significance within the zone.

Remarks

- (1) Any demolition of, or addition, alteration and/or modification to (except those minor alteration and/or modification works which are ancillary and directly related to the always permitted uses) any of the existing historic buildings requires planning permission of the Town Planning Board.
- (2) 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 a maximum building height of 3 storeys, or the height of the existing building(s), whichever is the greater.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For “Comprehensive Recreational Development Area” only (Cont'd)

Remarks (Cont'd)

- (3) In determining the maximum number of storeys for the purposes of paragraph (2) above, any basement floor(s) may be disregarded.
- (4) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (2) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot Eating Place Educational Institution Exhibition or Convention Hall Flat Government Use (not elsewhere specified) Library Off-course Betting Centre Office Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Clinic Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Residential Institution School Shop and Services Social Welfare Facility Utility Installation for Private Project	Broadcasting, Television and/or Film Studio Commercial Bathhouse / Massage Establishment Government Refuse Collection Point Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Petrol Filling Station Public Convenience Religious Institution

Planning Intention

This zone is intended primarily to provide land intended for integrated development of residential, commercial, government and community uses above a Mass Transit Railway station.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For “Residential cum Commercial and Community Facilities” only (Cont'd)

Remarks

- (1) 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 maximum building height as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) 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 a maximum domestic gross floor area of 53,590m² and non-domestic gross floor area of 13,540m².
- (3) In determining the maximum gross floor area for the purposes of paragraph (2) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded. Any floor space that is constructed or intended for use as, or ancillary and directly related to, a Mass Transit Railway station may also be disregarded.
- (4) Where the permitted plot ratio as defined in the Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the gross floor area for the building on land to which paragraph (2) above applies may be increased by the additional gross floor area by which the permitted gross floor area is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum gross floor area specified in paragraph (2) above may thereby be exceeded.
- (5) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height and gross floor area restrictions stated in paragraphs (1) and (2) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<u>For “Godown” only</u>	
Eating Place (Canteen only)	Office not Ancillary to Godown use
Public Utility Installation	Industrial Use (other than Offensive Trades)
Utility Installation for Private Project	
Warehouse (other than Dangerous Goods Godown)	

Planning Intention

This zone is intended primarily to provide/reserve land for purpose-built godown building.

Remarks

- (1) 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 a maximum gross floor area of 25,250m², and the maximum building height as stipulated on the Plan, or the gross floor area and height of the existing building, whichever is the greater.
- (2) In determining the maximum gross floor area for the purposes of paragraph (1) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker’s office, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the gross floor area and building height restrictions stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Sewage Screening Plant ” only

Sewage Treatment/Screening Plant

Government Use (not elsewhere specified)
Public Utility Installation
Utility Installation for Private Project

Planning Intention

This zone is intended primarily for the provision of sewage treatment/screening plant serving the needs of the general public.

Remarks

- (1) 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 maximum building height as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) In determining the maximum number of storeys for the purposes of paragraph (1) above, any basement floor(s) may be disregarded.
- (3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Boat Building/Repair Yards and Associated Facilities ” only

Boat Building/Repairing Yard	Government Use (not elsewhere specified) Public Utility Installation Utility Installation for Private Project
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Planning Intention

This zone is intended primarily for use as boat building/repairing yards and associated facilities.

Remarks

- (1) 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 maximum building height as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) In determining the maximum number of storeys for the purposes of paragraph (1) above, any basement floor(s) may be disregarded.
- (3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For All Other Specified Uses Not Listed Above

As Specified on the Plan	Government Use Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Public Utility Installation Utility Installation for Private Project
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Planning Intention

This zone is intended primarily to provide land for specific purposes including tram depot and air-cooled chiller plant.

Remark

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 a maximum building height above the soffit level of the Island Eastern Corridor.

GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Barbecue Spot Country Park* Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Field Study/Education/Visitor Centre Flat Golf Course Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp House Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution School Service Reservoir Social Welfare Facility Utility Installation for Private Project Zoo

* Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

Planning Intention

The planning intention of this zone is primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone.

COUNTRY PARK

Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

HONG KONG PLANNING AREA NO. 9

**APPROVED SHAU KEI WAN
OUTLINE ZONING PLAN NO. S/H9/20**

EXPLANATORY STATEMENT

HONG KONG PLANNING AREA NO. 9

APPROVED SHAU KEI WAN OUTLINE ZONING PLAN NO. S/H9/20

EXPLANATORY STATEMENT

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HONG KONG PLANNING AREA NO. 9

APPROVED SHAU KEI WAN OUTLINE ZONING PLAN NO. S/H9/20

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

(Note: For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.)

1. INTRODUCTION

This explanatory statement is intended to assist an understanding of the approved Shau Kei Wan Outline Zoning Plan (OZP) No. S/H9/20. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the various land use zonings of the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURES

- 2.1 On 5 May 1967, the draft Shau Kei Wan OZP No. LH 9/31, being the first statutory plan covering the Shau Kei Wan area, was gazetted under section 5 of the Town Planning Ordinance (the Ordinance). On 28 November 1967, the then Governor in Council approved the draft OZP. Since then, the OZP had been amended several times to reflect the changing circumstances.
- 2.2 On 22 October 2002, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Shau Kei Wan OZP, which was subsequently renumbered as S/H9/12. On 1 November 2002, the approved Shau Kei Wan OZP No. S/H9/12 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.3 On 8 July 2003, the CE in C referred the approved Shau Kei Wan OZP to the Board for amendment under section 12(1)(b)(ii) of the Ordinance.
- 2.4 On 27 February 2004, the draft Shau Kei Wan OZP No. S/H9/13, incorporating amendments which involve rezoning of various sites from “Commercial/Residential” (“C/R”) to “Residential (Group A)” (“R(A)”), rezoning of various areas at Shau Kei Wan Foothills to reflect existing land uses upon completion of public housing developments, rezoning of a strip of land on Nam On Street to reflect the completion of a sitting out area, incorporation of plot ratio restrictions into the Notes of the OZP for “R(A)” and “Other Specified Uses” annotated “Business” (“OU(B)”) zones, and revision to the Notes of the OZP in accordance with the revised Master Schedule of Notes to Statutory Plans endorsed

by the Board, was exhibited for public inspection under section 5 of the Ordinance. During the exhibition period, two objections were received. After giving considerations to the objections, the Board decided not to uphold them.

- 2.5 On 4 January 2005, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Shau Kei Wan OZP, which was subsequently renumbered as S/H9/14. On 21 January 2005, the approval of the draft OZP was notified in the Gazette and the approved Shau Kei Wan OZP No. S/H9/14 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.6 On 20 June 2006, the CE in C referred the approved Shau Kei Wan OZP No. S/H9/14 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back was notified in the Gazette on 7 July 2006 under section 12(2) of the Ordinance.
- 2.7 On 7 November 2008, the draft Shau Kei Wan OZP No. S/H9/15 incorporating amendments to impose building height restrictions for “Comprehensive Development Area” (“CDA”), “R(A)”, “Government, Institution or Community” (“G/IC”) and “Other Specified Uses” (“OU”) zones, various zoning amendments and technical amendments to the Notes of the Plan was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 10 representations were received. On 16 January 2009, the Board published the representations for three weeks for public comment, and three comments on the representations were subsequently received.
- 2.8 After giving consideration to the representations to the draft Shau Kei Wan OZP No. S/H9/15 under section 6B(1) of the Ordinance on 29 May 2009, the Board decided to propose an amendment to the OZP to partially meet one representation. On 19 June 2009, the proposed amendment was published under section 6C(2) of the Ordinance for three weeks for further representations. No further representation in respect of the proposed amendment was received.
- 2.9 On 8 December 2009, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Shau Kei Wan OZP, which was subsequently renumbered as S/H9/16. On 18 December 2009, the approved Shau Kei Wan OZP No. S/H9/16 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.10 On 16 September 2014, the CE in C referred the approved Shau Kei Wan OZP No. S/H9/16 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended once and exhibited for public inspection under section 5 of the Ordinance.
- 2.11 On 31 March 2015, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Shau Kei Wan OZP, which was subsequently renumbered as S/H9/18. On 18 October 2022, the CE in C referred the approved OZP No. S/H9/18 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of

the approved OZP was notified in the Gazette on 28 October 2022 under section 12(2) of the Ordinance.

- 2.12 On 23 June 2023, the draft Shau Kei Wan OZP No. S/H9/19, incorporating amendments mainly to rezone the A Kung Ngam Village and its adjacent areas from “Open Space” (“O”), “Green Belt”, “OU(B)”, “OU” annotated “Comprehensive Recreational Development Area” and areas shown as ‘Road’ to “R(A)6”, to rezone a site to the north of Ming Wah Dai Ha from “O”, “R(A)” and “G/IC” to “R(A)5”, to rezone a site at 5 A Kung Ngam Village Road from “OU(B)” to “OU(B)1”, and to rezone a site at 456 Shau Kei Wan Road from “G/IC”, “O” and an area shown as ‘Road’ to “G/IC(1)”, was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, four representations were received. On 8 September 2023, the representations were published for three weeks for public comment and six comments on representations (comments) were received. After giving consideration to the representations and comments on 19 January 2024, the Board decided not to uphold the representations and that no amendment should be made to the draft OZP to meet the representations.
- 2.13 On 14 May 2024, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Shau Kei Wan OZP, which was subsequently renumbered as S/H9/20. On 24 May 2024, the approved Shau Kei Wan OZP No. S/H9/20 (the Plan) was exhibited for public inspection under section 9D(2) of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land use zonings and major transport networks so that development and redevelopment within the Planning Scheme Area (the Area) can be put under statutory planning control.
- 3.2 The Plan is to illustrate only the broad principles of development within the Area. It is a small-scale plan and the transport alignments and boundaries between the land use zones may be subject to minor adjustments as detailed planning proceeds.
- 3.3 Since the Plan is to show broad land use zoning, there would be situations in which small strips of land not intended for building development purposes and carry no development right under the lease, such as the areas restricted as non-building area or for garden, slope maintenance and access road purposes, are included in the residential zones. The general principle is that such areas should not be taken into account in plot ratio and site coverage calculations. Development within residential zones should be restricted to building lots carrying development right in order to maintain the character and amenity of the Shau Kei Wan area and not to overload the road network in this area.

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the type of uses or developments which are always permitted within the Area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of development to meet changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department (PlanD) and can be downloaded from the Board's website at <https://www.tpb.gov.hk/>.

5. THE PLANNING SCHEME AREA

- 5.1 The Area is shown by a heavy broken line on the Plan. It covers about 201 hectares (ha) of land in the north-eastern part of Hong Kong Island.
- 5.2 It is bounded by the Shau Kei Wan Typhoon Shelter to the north and Tai Tam Country Park to the south. To the east is Heng Fa Chuen and to the west are the residential developments of Lei King Wan, Taikoo Shing and Kornhill.
- 5.3 A mixture of commercial and residential uses is found in the Area with the old Shau Kei Wan town centre located mainly along Shau Kei Wan Road and Shau Kei Wan Main Street East (i.e. the inland built-up area) and newer developments on the reclamation and the foothill areas respectively to its north and south. Two large public housing estates, namely Yiu Tung Estate and Hing Tung Estate, and four Home Ownership Scheme (HOS) developments are situated at the foothills. The waterfront area, reclaimed from the former Aldrich Bay Typhoon Shelter, provides additional land mainly for housing, school and open space developments. A new typhoon shelter has been provided to the north of the reclamation.
- 5.4 The eastern portion of the Area at a slightly uphill position is dominated by the Lei Yue Mun Park and Holiday Village and the Hong Kong Museum of Coastal Defence. They occupy the former Lyemun Barracks Compound which is a graded historic site.
- 5.5 The Area covers land on the waterfront of Victoria Harbour. For any development proposal affecting such land, due regard shall be given to the Vision Statement for Victoria Harbour published by the Board and the requirements under the Protection of the Harbour Ordinance (Cap. 531).

6. POPULATION

Based on the 2016 Population By-Census, the population of the Area was estimated by PlanD as about 124,600. It is estimated that the planned population of the Area would be about 127,700.

7. BUILDING HEIGHT RESTRICTIONS IN THE AREA

- 7.1 To provide better planning control on the built-form upon development/redevelopment and to meet public aspirations for a better living environment, a review of the Shau Kei Wan OZP has been taken with a view to incorporating building height restrictions on the Plan for various development zones. In the absence of building height control, excessively tall buildings may proliferate in the Area, intermixing with the older and lower buildings. The presence of protruding buildings could create an unpleasant townscape and may sometimes obstruct air circulation.
- 7.2 The review has taken into account urban design considerations, including preservation of public views from important viewpoints, stepped height concept as recommended in the Urban Design Guidelines Study (with building heights increasing progressively from the waterfront to the inland areas), compatibility of building masses in the wider setting, local topography and characteristics, findings of an air ventilation assessment (AVA) by expert evaluation, as well as the need to strike a balance between the public interest and private development rights. Moreover, due to the presence of the historic site of the former Lyemun Barracks, consideration is given to maintaining a lower building profile for the development areas located in its proximity. In the light of the above, height bands of 100 metres above Principal Datum (mPD), 120mPD and 140mPD are recommended for the waterfront area at the northern part of the Area, 100mPD and 115mPD for the inland built-up area (i.e. the town centre area), 145mPD, 160mPD and 190mPD for the higher platforms at the foothill area. The maximum building height for the 100mPD and 115mPD height band zones could be allowed to increase to 120mPD and 135mPD respectively for sites with an area over 400m². For the sites in the eastern part of the Area, lower building heights of 80mPD (for the business area) to 120mPD are recommended, and at the elevated platform along Chai Wan Road, a slightly higher height band of 135mPD is proposed.
- 7.3 Building height restrictions are also imposed on “G/IC” and “OU” zones in terms of mPD or number of storeys which mainly reflect the existing building heights of developments. The imposition provides visual and spatial relief to the densely built-up environment of the Area.
- 7.4 In general, a minor relaxation clause in respect of building height restrictions is incorporated into the Notes of the Plan in order to provide incentive for developments/redevelopments with design merits/planning gains. Each application for minor relaxation of building height restriction under section 16 of the Ordinance

will be considered on its own merits and the relevant criteria for consideration of such application are as follows:

- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
- (b) accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as a public passage/street widening;
- (c) providing better streetscape/good quality street level public urban space;
- (d) providing separation between buildings to enhance air and visual permeability;
- (e) accommodating building design to address specific site constraints in achieving the permissible plot ratio under the Plan; and
- (f) other factors such as need for tree preservation, innovative building design and planning merits that would bring about improvements to the townscape and amenity of the locality and would not cause adverse landscape and visual impacts.

7.5 However, for any existing building with building height already exceeding the building height restrictions in terms of mPD and/or number of storeys as shown on the Notes of the Plan and/or stipulated on the Plan, there is a general presumption against such application for minor relaxation unless under exceptional circumstances.

8. NON-BUILDING AREAS

8.1 The AVA by expert evaluation carried out to assess the likely impact of the proposed building heights of the development sites in the Area on the pedestrian wind environment finds that the major prevailing annual winds come from the north-east direction. In terms of seasonal behaviour, the easterlies and southerlies dominate the spring and summer months, while the north-easterlies dominate the autumn and winter months. Developments along the waterfront and at the foothill areas generally enjoy good ventilation and existing open space and Government, institution or community (GIC) developments on the waterfront help to bring seabreezes inland. However, some of the air paths into the central part of the Area, particularly along Shau Kei Wan Road and Sai Wan Ho Street, could be impeded by surrounding developments.

8.2 To facilitate better air ventilation in the Area, the AVA has recommended non-building areas across the Ming Wah Dai Ha and Yiu Tung Estate sites which are not only large in size but located, respectively, to the east and south of the Shau Kei Wan town centre, i.e. the directions of major winter and summer winds. It is therefore important that the future development on these sites should not shield the inland area against the prevailing winds. Apart from recommending detailed AVA

studies to be carried out when the sites are proposed for redevelopment, two non-building areas within the Ming Wah Dai Ha site (respectively a strip of land at least 10m in width across its central portion aligned with Kam Wa Street and another at its southern boundary abutting Chai Wan Road), and another non-building area running in a south to north direction at the Yiu Tung Estate site have been proposed to enhance the air paths to the town centre.

- 8.3 The exact alignment, width, level above ground and elevation of the non-building areas across the two subject sites are to be considered under detailed AVAs for the future redevelopment of the sites. However, for the non-building area at the southern boundary of the Ming Wah Dai Ha site which serves purposes other than air ventilation (e.g. tree preservation), its alignment is delineated on the Plan. As the designation of non-building areas is primarily for the purpose of above ground air ventilation, the non-building area requirements will not apply to underground developments. No above ground structure is allowed except for landscape feature, boundary fence/boundary wall that is designed to allow high air porosity, and minor structure for footbridge connection or covered walkway may be allowed. Moreover, minor relaxation clause has been incorporated in the Notes of the relevant zone to allow minor relaxation of the non-building area requirements as shown on the Plan under exceptional circumstances.
- 8.4 Furthermore, future developments, especially those in the inland built-up area, are encouraged to adopt suitable design measures to minimise any possible adverse impacts. These include greater permeability of podium, wider gap between buildings, positioning of buildings to align with the prevailing wind directions, etc.

9. LAND USE ZONINGS

9.1 Comprehensive Development Area (“CDA”) : Total Area 3.53 ha

- 9.1.1 This zone is intended primarily for comprehensive development/redevelopment of the area for residential use with provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, visual, traffic, infrastructure constraints, as well as air ventilation considerations.
- 9.1.2 The Ming Wah Dai Ha site at A Kung Ngam Road is under this zoning. In view of its proximity to the historic site of the Lyemun Barracks, visual and air ventilation impacts as well as traffic concerns, redevelopment within this zone is subject to a maximum plot ratio of 6 (calculated on a net site basis excluding slopes) as well as a maximum building height of 100mPD for the northern part of the zone and 120mPD for the southern part.
- 9.1.3 As stated in paragraph 8.2 above, in order to improve air ventilation into the inner parts of the Area, two non-building areas are required for the site, i.e. a

corridor of at least 10m in width across the central portion of the site generally aligning with Kam Wa Street (which is to be detailed in the master layout plan submission including an AVA report), and another at its southern boundary to enhance the air path along Chai Wan Road as shown on the Plan.

- 9.1.4 Minor relaxation of the plot ratio and building height restrictions may be considered by the Board on application. Each application for minor relaxation of the plot ratio and building height restrictions will be considered on its own merits, taking into account the relevant criteria as set out in paragraph 7.4 above.
- 9.1.5 Under exceptional circumstances, for a development or redevelopment proposal, minor relaxation of the non-building area restriction may be considered by the Board on application.

9.2 Residential (Group A) (“R(A)”) : Total Area 45.55 ha

- 9.2.1 This zone is intended primarily for high-density residential developments. Commercial uses such as shops and services and eating places are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. The lowest three floors of a building include basements but exclude any floor used wholly or mainly for carparking, loading/unloading bay and/or plant room. Commercial uses on any floor above the lowest three floors will require permission from the Board.
- 9.2.2 This zone includes public housing estates, HOS, Private Sector Participation Scheme and private residential developments in Shau Kei Wan foothills, the Aldrich Bay Reclamation Area and the A Kung Ngam Area, and private residential developments to the south of Sai Wan Ho Street and along Shau Kei Wan Road, Mong Lung Street, Shau Kei Wan Main Street East and Chai Wan Road. The residential developments near Island Eastern Corridor (IEC) would be subject to traffic noise impacts. Where appropriate, the building design of new development/redevelopment should take into account the need to mitigate the traffic noise impacts from the IEC. Efforts should also be made to reduce the noise level at source, such as provision of noise reducing friction course on road surface.
- 9.2.3 In the consideration of the overall transport, environmental and infrastructural constraints, as well as the adequacy in the provision of community facilities, developments or redevelopments within the “R(A)”, “R(A)2”, “R(A)3”, “R(A)4” and “R(A)5” zones are subject to plot ratio restrictions specified in the Notes, i.e. a maximum plot ratio of 8 for Class A site, 9 for Class B site and 10 for Class C site for a domestic building, or a maximum plot ratio of 15 for a non-domestic building depending on the site

class of development site. The definition of Class A, Class B and Class C sites shall be in accordance with the Building (Planning) Regulations.

- 9.2.4 To provide a better living environment, on land designated “R(A)1” covering Oi Tung Estate, Yiu Tung Estate and Hing Tung Estate, a maximum plot ratio of 6 (calculated on a net site basis excluding slopes, public roads and free-standing GIC facilities), or the plot ratio of the existing building, whichever is the greater, is imposed. For the site at the lower platform of Yiu Tung Estate broadly bounded by Yiu Hing Road, the maximum plot ratio of 6 should only be taken as the maximum level for the purpose of technical assessments, including traffic impact assessment and air ventilation assessment, and the actual permitted level is subject to satisfactory demonstration of no adverse impacts based on the technical assessments.
- 9.2.5 Development and redevelopment within the “R(A)”, R(A)1”, “R(A)2”, “R(A)3”, “R(A)5” and “R(A)6” zones are subject to building height restrictions as stipulated on the Plan or the height of the existing building, whichever is the greater. Redevelopment within the “R(A)4” zone covering the Les Saisons site, however, should conform to the stipulated maximum building height in view of its prominent waterfront location.
- 9.2.6 Developments and redevelopments within the “R(A)2” and “R(A)3” zones are subject to maximum building height restrictions of 100mPD and 115mPD respectively to allow a better wind environment in the inland area, especially along Sai Wan Ho Street. Nonetheless, to cater for amalgamation of sites and inclusion of on-site parking and loading/unloading and other supporting facilities for larger sites, maximum building heights of 120mPD and 135mPD would be permitted within the “R(A)2” and “R(A)3” zones respectively for sites with an area of 400m² or more.
- 9.2.7 The “R(A)5” site to the north of Ming Wah Dai Ha has an area of about 0.46ha and is intended for public housing development. Development within this zone is restricted to maximum plot ratio as stated in paragraph 9.2.3 above and a maximum building height restriction of 100mPD. Social welfare facilities, public vehicle park and retail facilities will be provided within the housing site. The use of premises for GIC facilities would be subject to change to cope with the prevailing demand as requested by relevant Government departments.
- 9.2.8 The “R(A)6” site covering an area to the south of A Kung Ngam Village Road and Tung Kin Road in A Kung Ngam area has an area of about 2.59ha and is intended for public housing development. Development within this zone is restricted to a maximum gross floor area (GFA) of 85,800m². In order to avoid out-of-context and incompatible developments, a maximum building height restriction of 110mPD is imposed on the site. GIC facilities including social welfare facilities will be provided within the housing site. The use of premises for GIC facilities would be subject to change to cope

with the prevailing demand as requested by relevant Government departments. A planning brief setting out the planning parameters and special design requirements will be prepared to guide the future development of the site. A Preliminary Air Ventilation Assessment(AVA)-Expert Evaluation has been carried out for the “R(A)6” site and mitigation measures such as building orientation and building separation have been proposed in the assessment to alleviate the potential air ventilation impacts on the surrounding wind environment. A quantitative AVA shall be carried out at the detailed design stage. Requirements of the design measures and quantitative AVA shall be incorporated in the planning brief for implementation as appropriate.

- 9.2.9 In order to facilitate the provision of GIC facilities, in determining the relevant maximum plot ratio/GFA for land designated “R(A)5” and “R(A)6”, any floor space that is constructed or intended for use solely as GIC facilities, as required by the Government, may be disregarded.
- 9.2.10 In order to facilitate the provision of public vehicle parks, in determining the relevant maximum plot ratio for land designated “R(A)5”, any floor space that is constructed or intended for use solely as public vehicle parks may be disregarded.
- 9.2.11 The plot ratio/GFA control under “R(A)5” and “R(A)6” zones are regarded as being stipulated in a “new or amended statutory plan” according to the Joint Practice Note No. 4 “Development Control Parameters Plot Ratio/Gross Floor Area”, and shall be subject to the streamlining arrangements stated therein.
- 9.2.12 In the circumstances set out in Regulation 22 of the Building (Planning) Regulations, the above specified maximum plot ratios/GFA (except that of “R(A)1” zone) may be increased by what is permitted to be exceeded under Regulation 22. This is to maintain flexibility for unique circumstances such as dedication of part of a site for road widening or public uses.
- 9.2.13 Minor relaxation of the plot ratio/building height/GFA restrictions may be considered by the Board on application under section 16 of the Ordinance. Each application for minor relaxation of the plot ratio and building height restrictions will be considered on its own merits, taking into account the relevant criteria as set out in paragraph 7.4 above.

9.3 Government, Institution or Community (“G/IC”) : Total Area 16.23 ha

- 9.3.1 This 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,

organisations providing social services to meet community needs, and other institutional establishments.

9.3.2 This zone includes sites for Government and community facilities such as police station, clinic, market, public convenience, public bathhouse, refuse collection point, school and bus terminus. Uses such as temple, church, electric substation and telephone exchange also fall within this zone.

9.3.3 Development and redevelopment within the “G/IC” zone is subject to building height restrictions as stipulated on the Plan or the height of the existing building, whichever is the greater. Minor relaxation of the building height restrictions may be considered by the Board on application. Each application for minor relaxation of the building height restriction will be considered on its own merits, taking into account the relevant criteria as set out in paragraph 7.4 above.

9.3.4 A site at 456 Shau Kei Wan Road is designated for “G/IC(1)” zone with a building height restriction of 11 storeys to facilitate the redevelopment of the Salvation Army Shau Kei Wan Community Day Rehabilitation Service Centre for day activities centre, hostel places for severely mentally handicapped persons as well as a family and child development centre. An at-grade public open space of not less than 187m² shall be provided.

9.4 Open Space (“O”) : Total Area 9.87 ha

9.4.1 This zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9.4.2 Whilst most of the existing open space sites are small sitting-out areas, they are well distributed within the Area and easily accessible on foot. Active recreational facilities can be found at the open space site on Nam On Street. Additional open space sites including a 15m wide promenade and three large open space sites are provided on the Aldrich Bay Reclamation Area to serve the population in the Area. The waterfront promenade and open space to the north of Oi Lai Street have been completed.

9.5 Other Specified Uses (“OU”) : Total Area 44.15 ha

9.5.1 This zone is intended for specific development(s) and/or use(s), which is/are specified in the annotation of the zone. Two large sites under this zoning with a total area of about 39.9 ha are annotated “Comprehensive Recreational Development Area”. They cover the Lei Yue Mun Park and Holiday Village and the Hong Kong Museum of Coastal Defence, providing recreational and cultural facilities as well as holiday-camp type of accommodation. As these are on the historic site of the former Lyemun Barracks Compound, any demolition of, or addition, alteration and/or

modification to (except those minor alteration and/or modification works which are ancillary and directly related to the always permitted uses) any of the existing historic buildings requires planning permission of the Board. Moreover, prior consultation with the Antiquities and Monuments Office (AMO) should be made if any development or redevelopment may affect the site or its buildings. A maximum building height restriction of three storeys, or the height of the existing building, whichever is the greater, is imposed on this zone.

- 9.5.2 About 1.18 ha of land is zoned “OU” annotated “Business” (“OU(B)”) and “OU(B)1”. The planning intention of the business zone is primarily for general business uses. Under this zoning, a mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. However, in order to ensure that the concerns on fire safety and environmental impacts are properly addressed, only less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial and industrial-office (I-O) buildings. As it is not possible to phase out existing polluting and hazardous industrial uses all at once, it is necessary to ensure compatibility of the uses within the same industrial or I-O building in the A Kung Ngam Industrial Area (AKNIA) until the whole area is transformed to cater for the new non-polluting business uses. For sites at 3 and 5 A Kung Ngam Village Road, “OU(B)1” zone is designated to facilitate the development of a private hospital specialised in cancer treatment and radiotherapy, as well as a private hospital providing in-patient and out-patient services respectively. To facilitate the hospital development, wholesale conversion of existing building for hospital use is always permitted whereas other hospital development on these sites require permission from the Board under section 16 of the Ordinance. Development within this zoning should make reference to the relevant Town Planning Board Guidelines. In order to protect the view from the former Lyemun Barracks behind AKNIA, development within this zone is subject to a maximum building height of 80mPD or the height of the existing building, whichever is the greater. Developments within this zone are also subject to a maximum non-domestic plot ratio of 12. In the circumstances set out in Regulation 22 of the Building (Planning) Regulations, the above specified maximum plot ratio may be increased by what is permitted to be exceeded under Regulation 22.

- 9.5.3 Other sites falling within this zone include the godown, the sewage screening plant and the boat building/repair yards in the A Kung Ngam area, the integrated development of residential use and commercial and community facilities at Tai On Street, Sai Wan Ho, and the tram depot underneath the IEC. These sites are subject to building height restrictions and, where appropriate, GFA restrictions as stipulated on the Plan and/or indicated in the Remarks of the Notes.

9.5.4 Minor relaxation of the plot ratio/GFA and/or building height restrictions imposed on the “OU” zones may be considered by the Board on application. Each application for minor relaxation of the plot ratio/GFA and/or building height restrictions will be considered on its own merits, taking into account the relevant criteria as set out in paragraph 7.4 above.

9.6 Green Belt (“GB”) : Total Area 45.88 ha

The planning intention of this zone is primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type developments and to provide additional outlets for passive recreational activities. These areas are generally well wooded hill slopes forming a green backdrop to Shau Kei Wan. Where appropriate, passive recreational facilities such as walking trails and sitting-out areas are provided. There is a general presumption against development within this zoning to promote conservation of the natural environment. The “GB” zone comprises areas of steep terrain or difficult topography and hence is not suitable for development.

9.7 Country Park (“CP”) : Total Area 5.88 ha

Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). The main purpose of this zoning is to conserve the natural environment and to provide for recreational facilities where appropriate. The planning and development within this zoning are under the jurisdiction of the Country and Marine Parks Authority pursuant to the Country Parks Ordinance. Approval from the Board is not required. This zone covers the portion of Tai Tam Country Park which falls within the boundary of the Area.

10. COMMUNICATIONS

10.1 Roads

10.1.1 Shau Kei Wan Road, Chai Wan Road and the IEC are major roads connecting Shau Kei Wan with the other parts of Hong Kong Island.

10.1.2 To cater for the developments on Aldrich Bay Reclamation Area, link roads have been provided at Tai On Street, Mong Lung Street and A Kung Ngam Village Road.

10.2 Public Transport

10.2.1 The Area is served by various modes of public transport including Mass Transit Railway, buses, trams, public light buses and taxis. An existing bus terminus is located at the junction of Aldrich Street and Nam On Street. An additional bus terminus has been provided in Yiu Tung Estate.

- 10.2.2 Two Mass Transit Railway stations, namely Sai Wan Ho and Shau Kei Wan, are located within the Area, providing easy access to and from other districts. Most parts of the Area are within walking distance from these stations.

11. UTILITY SERVICES

The Area is adequately provided with water supply, electricity, gas, telephone and drainage services. A sewage screening plant is provided at A Kung Ngam. The screened effluent is transferred through a deep tunnel conveyance system to the Stonecutters Island Sewage Treatment Works for chemically enhanced primary treatment before discharging into the western harbour through a submarine outfall. A site located to its west has been reserved for the extension of the plant.

12. CULTURAL HERITAGE

- 12.1 A number of buildings within the former Lyemun Barracks Compound are declared monuments and graded historic buildings. Blocks 7, 10 and 25 of the Compound are declared monuments. Blocks 18, 20, 21, 30, 31 and 32 of the Compound are Grade 1 historic buildings whereas Blocks 3, 5, 17, 33 and 34 of the Compound are Grade 2 historic buildings. Also, there are a number of temples in Shau Kei Wan which are graded historic buildings. They include Shing Wong Temple (Grade 3), Tin Hau Temple (Grade 2) and Tam Kung Temple (Grade 3). The Main Building and Villa of the Salesian Mission House are Grade 2 historic buildings.
- 12.2 On 19 March 2009, the Antiquities Advisory Board (AAB) released the list of 1,444 historic buildings, and accorded grading to some buildings/structures within the Area. There are also a number of new items in addition to the list of 1,444 historic buildings. These items are subject to the grading assessment by AAB. Details of the list of 1,444 historic buildings and new items for grading assessment have been uploaded onto the official website of AAB at <http://www.aab.gov.hk>. Information of the declared monuments, site of archaeological interest and Government Historic Sites Identified by AMO can be obtained from the official websites of AAB and AMO.
- 12.3 Prior consultation with the AMO should be made if any development, redevelopment or rezoning proposals which may affect the declared monuments, historic buildings/structures graded by AAB, new items pending grading assessment by AAB or site of archaeological interest, Government Sites Identified by AMO, any other historic buildings/structures identified, both at grade and underground, and their immediate environs.

13. IMPLEMENTATION

- 13.1 Works for the Aldrich Bay Reclamation were completed in early 1999. Planned housing developments, Government, institution and community facilities and open spaces have been completed.
- 13.2 Although existing uses non-conforming to the statutory zonings are tolerated, any material change of use and any other development/redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Board. The Board has published a set of guidelines for the interpretation of existing use in the urban and new town areas. Any person who intends to claim an “existing use right” should refer to the guidelines and will need to provide sufficient evidence to support his claim. The enforcement of the zonings mainly rests with the Buildings Department, the Lands Department and the various licensing authorities.
- 13.3 The Plan provides a broad land use framework within which more detailed non-statutory plans for the Area are prepared by the Planning Department. These detailed plans are used as the basis for public works planning and site reservation within Government departments. Disposal of sites is undertaken by the Lands Department. Public works projects are co-ordinated by the Civil Engineering and Development Department in conjunction with the client departments and the works departments, such as the Highways Department and the Architectural Services Department. In the course of implementation of the Plan, the Eastern District Council would also be consulted as appropriate.
- 13.4 Planning applications to the Board will be assessed on individual merits. In general, the Board’s consideration of the planning applications will take into account all relevant planning considerations which may include the departmental outline development plans/layout plans and the guidelines published by the Board. The outline development plans and layout plans are available for public inspection at the Planning Department. Guidelines published by the Board are available from the Board’s website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board’s website and are available from the Secretariat of the Board, the Technical Services Division and the relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.