

## **TOWN PLANNING BOARD**

### **Minutes of 772<sup>nd</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 5.9.2025**

#### **Present**

Director of Planning  
Mr C.K. Yip

Chairperson

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Mr Ben S.S. Lui

Professor Bernadette W.S. Tsui

Ms Kelly Y.S. Chan

Dr Tony C.M. Ip

Professor Simon K.L. Wong

Mr Derrick S.M. Yip

Assistant Commissioner/Urban,  
Transport Department  
Mr B.K. Chow

Chief Engineer (Works),  
Home Affairs Department  
Mr Bond C.P. Chow

Principal Environmental Protection Officer (Territory South),  
Environmental Protection Department  
Miss Queenie Y.C. Ng

Assistant Director/Regional 1,  
Lands Department  
Ms Catherine W.S. Pang

Deputy Director of Planning/District  
Ms Donna Y.P. Tam

Secretary

**Absent with Apologies**

Ms Sandy H.Y. Wong

Vice-chairperson

Mr Stanley T.S. Choi

**In Attendance**

Assistant Director of Planning/Board  
Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board  
Ms Anny P.K. Tang

Town Planner/Town Planning Board  
Mr Jack H. Lau

**Agenda Item 1**

Confirmation of the Draft Minutes of the 771<sup>st</sup> MPC Meeting held on 15.8.2025

[Open Meeting]

1. The draft minutes of the 771<sup>st</sup> MPC meeting held on 15.8.2025 were confirmed without amendment.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

## **Hong Kong District**

[Mr Tony K.Y. Yip, Senior Town Planner/Hong Kong (STP/HK), Mr Harvey T.H. Law, Town Planner/Hong Kong (TP/HK), and Mr Ivan S.Y. Fung, Town Planning Graduate/Hong Kong, were invited to the meeting at this point.]

### **Agenda Item 3**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/96	Proposed 'Flat' Use (Vehicular Access and Pedestrian Walkway for Residential Development) in "Green Belt" and "Residential (Group B)" Zones and Area Shown as 'Road', Government Land Adjoining Inland Lots 6621 S.A and 6621 R.P. and Ext., 58 Tai Hang Road, Causeway Bay, Hong Kong  (MPC Paper No. A/H6/96B)
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3. The Secretary reported that the application site (the Site) was located in Tai Hang. Ms Sandy H.Y. Wong had declared an interest on this item for living in Tai Hang. The Committee noted that Ms Sandy H.Y. Wong had tendered an apology for being unable to attend the meeting.

#### **Presentation and Question Sessions**

4. With the aid of a PowerPoint presentation, Mr Tony K.Y. Yip, STP/HK, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) did not support the application.

[Professor Simon K.L. Wong joined the meeting during PlanD's presentation.]

#### *Right-of-Way (ROW) to 58 Tai Hang Road*

5. The Chairperson and some Members raised the following questions:

- (a) details of the dedicated ROW that allowed access to 58 Tai Hang Road through the adjoining residential development at 60 Tai Hang Road (The Elegance);
- (b) whether 58 Tai Hang Road currently provided any car parking spaces, and whether the ROW was used for vehicular access; and
- (c) whether the Incorporated Owners (IO) of The Elegance had formally submitted public comments on the application, and whether the IO of The Elegance denied consent for the use of the ROW by 58 Tai Hang Road.

6. In response, Mr Tony K.Y. Yip, STP/HK, with the aid of some PowerPoint slides, made the following main points:

- (a) 58 Tai Hang Road currently did not have direct vehicular access. Residents could only reach the property on foot via a dedicated ROW located within the car park of The Elegance. With reference to the Deed of Mutual Covenant and Management Agreement (DMC) of The Elegance signed in 1986, access right was granted to 58 Tai Hang Road. However, according to the applicant, as the IO of The Elegance had denied permission to dismantle an existing staircase on their lot for construction of the proposed vehicular access, and to allow construction vehicles to reach 58 Tai Hang Road for the planned residential redevelopment, the applicant had no viable alternative but to construct a new vehicular access;
- (b) no parking spaces were currently provided at 58 Tai Hang Road, and the residents were using the ROW to access 58 Tai Hang Road through The Elegance on foot; and
- (c) the IO of The Elegance had submitted an objecting comment on the application and stated that there were misleading and inaccurate claims about the difficulties in obtaining consent for using the ROW. They were willing to communicate with the owner of 58 Tai Hang Road.

7. In response to two Members' follow-up enquiries on the agreement of the access right, Mr Harvey T.H. Law, TP/HK, clarified that although the Indenture of Assignment for the ground floor of 58 Tai Hang Road signed in 1981 stated that an area within The Elegance was designated as the ROW for pedestrian access, both pedestrians and vehicles could use the ROW to access 58 Tai Hang Road according to the DMC of The Elegance.

*Necessity of the Proposed Vehicular Access*

8. Some Members raised the following questions:

- (a) whether 58 Tai Hang Road was under single ownership or multiple ownerships;
- (b) the current and planned number of flats at 58 Tai Hang Road, and thus the number of population that would benefit from the application;
- (c) noting that the approved building plans had parking space requirements, whether the development could comply with these requirements in the event of the unavailability of vehicular access;
- (d) whether the applicant had considered the possibility of developing a temporary vehicular access at the Site to facilitate the access of construction vehicles to 58 Tai Hang Road, and whether planning permission would be required for such temporary vehicular access; and
- (e) whether construction vehicles could enter 58 Tai Hang Road through the car park of The Elegance to implement the planned redevelopment.

9. In response, Mr Tony K.Y. Yip, STP/HK, with the aid of some PowerPoint slides, made the following main points:

- (a) 58 Tai Hang Road was under single ownership, and building plans for the redevelopment were approved by the Building Authority on 28.3.2024 (the

approved building plans), thus redevelopment could proceed at any time;

- (b) currently there were about five flats, and upon redevelopment, 28 flats would be provided according to the approved building plans;
- (c) the approved building plans included provision of a vehicular access within the ROW area at 60 Tai Hang Road, together with one car parking space, one motorcycle parking space and a vehicle turntable within the lot of 58 Tai Hang Road. The Transport Department was aware of the site access constraints at the time of approval and accepted the proposal;
- (d) according to record, the applicant had submitted an application to the Lands Department (LandsD) for temporary vehicular access at the Site to facilitate the planned redevelopment of 58 Tai Hang Road, but it was no longer pursued by the applicant. According to the covering Notes of the Causeway Bay Outline Zoning Plan (OZP), planning permission was not required for temporary uses (expected to be 5 years or less) as long as they complied with any other relevant legislation, the conditions of the government lease concerned, and any other government requirements; and
- (e) the ROW stipulated in the DMC of The Elegance included the passage of construction vehicles to 58 Tai Hang Road. Nevertheless, the size of construction vehicles might be restricted by the headroom of the podium of The Elegance. As such, smaller construction vehicles might be required to carry out the construction works for the planned redevelopment.

10. The Chairperson supplemented that although temporary uses not exceeding 5 years on land within urban OZPs did not require planning permission, any temporary use of government land (GL), including the Site, would require permission from LandsD, who would consult relevant government bureaux/departments (B/Ds), including PlanD. PlanD would raise objection to the application if it deviated from the planning intention of the “GB” zone.

### *Land Administration*

11. In response to a Member's question on relevant considerations on allowing provision of vehicular access for a private development on GL, Mr Harvey T.H. Law, TP/HK, said that for any private development involving GL, an application should be made to LandsD. LandsD would seek B/Ds' comments and assess whether the concerned land would be required by the Government, and the applicant would need to pay the land premium as appropriate. The Chairperson supplemented that from planning perspective, the key considerations were the necessity and environmental acceptability of the proposal. As the planning intention of the "GB" zone was primarily for the conservation of the natural environment, the applicant should provide justifications on the need for the proposed access road within the "GB" zone against the planning intention, and that the potential adverse environmental and landscape impacts could be mitigated.

12. Noting that the site area for the proposed vehicular access was substantial and even exceeded the area of the planned residential redevelopment at 58 Tai Hang Road, a Member enquired whether the Site was capable of separate land sale for residential development through public tender, rather than being granted for vehicular access for a private development through lease modification. At the invitation of the Chairperson, Ms Catherine W.S. Pang, Assistant Director/Regional 1, LandsD said that when processing applications for using GL, LandsD would take into account multiple factors including whether the land had any foreseeable public use, whether the land was incapable of reasonable separate alienation or development, and whether a separate land alienation would yield less favourable financial returns than a land sale.

### Deliberation Session

13. A Member opined that the applicant failed to provide strong justifications for using a piece of GL within the "GB" zone for the construction of an elevated vehicular access platform serving private residential development, and the ROW issue arose from insufficient communication between 58 Tai Hang Road and The Elegance.

14. A Member concurred and remarked that the proposed pedestrian walkway, which was a staircase, offered negligible benefit to the public, while the elevated platform would



create adverse visual impact. There was an existing footpath along Fuk Kwan Avenue which connected upper and lower Tai Hang Road. Noting that 'Flat' was a Column 2 use in the "GB" zone, the same Member considered that approval of the current application could set a precedent, and might give stronger grounds for future application for residential development within the Site in the "GB" zone. Another Member pointed out that the concerned "GB" zone contained mature vegetation critical to the area's ecological integrity, which should be preserved.

15. The Chairperson concluded that Members generally did not support the application, having considered that the proposed development was not in line with the planning intention of the "GB" zone; there was no strong justification for the proposal including its necessity and scale; there would be adverse landscape impact on the Site and its surroundings; and approval of the application might set an undesirable precedent for similar applications.

16. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for conservation of the natural environment and to safeguard it from encroachment by urban-type development. There is a general presumption against development within this zone. No strong justification has been given in the submission for a departure from such planning intention; and
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that there are no exceptional circumstances to justify the proposed development within the “GB” zone; the proposed development is excessive in scale; and the proposed development will alter the existing landscape character of the site and its surroundings.”

[The Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.]

### **Kowloon District**

[Ms Vicki Y.Y. Au, Senior Town Planner/Kowloon (STP/K), and Mr Ryan M.H. Kwok, Town Planner/Kowloon, were invited to the meeting at this point.]

### **Agenda Items 4 and 5**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/349                      Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Carparking and Ancillary Plant Room for the Permitted House Development in "Residential (Group C) 1" Zone, 5 Lincoln Road, Kowloon Tong, Kowloon  
(MPC Paper No. A/K18/349)

A/K18/350                      Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Carparking and Ancillary Plant Room for the Permitted House Development in "Residential (Group C) 1" Zone, 3 Lincoln Road, Kowloon Tong, Kowloon  
(MPC Paper No. A/K18/350)

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17.            The Committee agreed that as the two section 16 (s.16) applications each for proposed minor relaxation of building height restriction to allow for one storey of basement for carparking and ancillary plant room for the permitted house development were similar in nature and the application sites (the Sites) were located adjacent to each other within the same "Residential (Group C) 1" zone, they could be considered together.

18.            The Secretary reported that the Sites were located in Kowloon Tong. The following Members had declared interests on the items:

Mr C.K. Yip  
(*the Chairperson*)

- co-owning with spouse a property and a car parking space in the vicinity of the Sites;

Mr Stanley T.S. Choi

- his spouse being a director of a company which owned properties and car parking spaces in Kowloon Tong; owning a property and a car parking space in the vicinity of the Sites; and his spouse owning properties and car parking spaces in the vicinity of the Sites; and

Professor Simon K.L. Wong

- his spouse owning a property in the vicinity of the Sites.

19. The Committee noted that Mr Stanley T.S. Choi had tendered an apology for being unable to attend the meeting. As the property co-owned by Mr C.K. Yip with spouse and the property of Professor Simon K.L. Wong's spouse had no direct view of the Sites, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

20. With the aid of a PowerPoint presentation, Ms Vicki Y.Y. Au, STP/K, briefed Members on the background of the applications, the proposed developments, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the applications.

21. Some Members raised the following questions:

- (a) noting the substantial size of the basements with the provision of only four car parking spaces, whether there was a mechanism to monitor and enforce the proposed uses at the basements if the applications were approved, thereby preventing potential unauthorised or illegal uses in the basements;
- (b) whether the scale of the plant rooms and the car parks at the proposed basements could be controlled under the planning regime; and

- (c) whether the car parking spaces provided in the Sites were mandated by relevant statutory requirements.

22. In response, Ms Vicki Y.Y. Au, STP/K, with the aid of some PowerPoint slides, made the following main points:

- (a) if planning permissions were granted, PlanD would continue to monitor the developments at the subsequent building plan submission stage. If the uses and areas of the basements as shown on the building plans did not conform with the approved schemes under the current s.16 applications, PlanD could raise objection to the submitted building plans;
- (b) according to the applicants' submissions, each of the basements would accommodate plant rooms and four parking spaces with adequate manoeuvring and circulation spaces. The Buildings Department (BD) and Transport Department (TD) had no comment on whether the scale of the plant rooms and car parks at the basements was excessive. The Electrical and Mechanical Services Department's detailed comments on the scale of the plant rooms might be sought by BD during the building plan submission stage, if necessary. As any excessive area would be countable towards the total gross floor area (GFA), the development might not be permitted under the planning regime if the total GFA exceeded the maximum plot ratio of 0.6 under the current applications and the OZP; and
- (c) according to the latest standards of the Hong Kong Planning Standards and Guidelines (HKPSG), each of the Sites was required to provide about three car parking spaces taking into account relevant factors such as the flat sizes were over 160m<sup>2</sup> and the Sites were located outside the 500m radius of rail station. The provision of visitor car parking space and loading and unloading bay was subject to TD's advice. The applicants had taken into account TD's comments and proposed four car parking spaces (including one accessible car parking space) and one loading and unloading bay in each of the Sites.

23. In response to a Member's follow-up question on the monitoring mechanism after the approval of building plans, Ms Vicki Y.Y. Au, STP/K, said that if the building plans were approved, BD would be the authority to take enforcement actions against any illegal uses and unauthorised building works. While lease modifications might also be required to implement the development schemes under the current applications, the uses of the basements would be indicated on the relevant leases. For any breach of lease conditions, the Lands Department (LandsD) would take lease enforcement action as appropriate. The Chairperson supplemented that the Buildings Ordinance and the land lease provided the necessary regulatory framework, empowering BD and LandsD to conduct monitoring and enforcement.

24. A Member commented that the required parking standard could prevent visitor and goods vehicles from obstructing public streets. On the issue of applicability, the Chairperson said that all new developments or redevelopments were required to comply with the parking standards set out in HKPSG and assessments by TD, which were based on site specific factors.

#### Deliberation Session

25. The Chairperson recapitulated that as with many previously approved similar applications for basements for carparking and ancillary plant rooms, there were monitoring mechanisms under the building and lands regimes. Upon approval of the applications, PlanD would, at the building plans submission stage, scrutinise details such as the proposed uses at the basements as well as the ground-level greening provisions proposed as merits of the applications to ensure compliance with the planning permissions granted.

26. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board. Each of the permission should be valid until 5.9.2029, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The Committee also agreed to advise the applicants to note the advisory clauses as set out in the appendix of the Paper.

[The Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.]

**Agenda Item 6**

**Any Other Business**

[Open Meeting]

27.           There being no other business, the meeting was closed at 10:10 a.m.