

**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/H6/87**

<b><u>Applicant</u></b>	Century Shiner Limited represented by Kenneth To & Associates Limited
<b><u>Site</u></b>	4-4C Tai Hang Road (Part) and adjoining Government land, Tai Hang Road, Hong Kong
<b><u>Site Area</u></b>	About 2,203.9m <sup>2</sup> (including about 2,090.4m <sup>2</sup> (94.8%) of Government land)
<b><u>Lease</u></b>	Inland Lot No. 7426 (a) 75 years from 22.9.1958 (b) restricted for private residential purposes with a Right of Way to and from the lower portion of Tai Hang Road (c) maximum GFA of 2,928m <sup>2</sup> (d) the Lessee shall maintain the slope within the Green Hatched Black Area (GHBA)
<b><u>Plan</u></b>	Draft Causeway Bay Outline Zoning Plan (OZP) No. S/H6/16
<b><u>Zoning</u></b>	“Green Belt” (“GB”) (about 53%)  “Residential (Group A)1” (“R(A)1”) (about 36%) - maximum building height (BH) of 115mPD  “Residential (Group B)” (“R(B)”) (about 5%) - maximum plot ratio (PR) of 5, and maximum BH of 30 storeys including carports  ‘Road’ (about 6%)
<b><u>Application</u></b>	Proposed ‘Flat’ use (access road for residential development and pedestrian link)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for the proposed access road from the upper section of Tai Hang Road (upper Tai Hang Road) to serve exclusively the permitted residential development proposal at 4-4C Tai Hang Road at the adjoining “R(B)” zone and a proposed pedestrian link connecting the development to upper Tai Hang Road and the lower section of Tai Hang Road (lower Tai Hang Road) and further extending to Ormsby Street/Wun Sha Street in the lower part of the Tai Hang area. The application site (the Site) includes a

proposed access road, pedestrian link, an existing staircase between lower Tai Hang Road and Ormsby Street, and two compensatory planting areas for the affected trees (**Plan A-1**). The proposed pedestrian link will be covered and opened to the public 24 hours a day.

- 1.2 The Site falls within an area zoned partly “GB” (about 53%), “R(A)1” (about 36%), “R(B)” (about 5%) and an area shown as ‘Road’ (about 6%) on the draft Causeway Bay OZP No. S/H6/16. The proposed access road and pedestrian link are regarded as ‘Flat’ use as they form part and parcel of the concerned residential development proposal\*. Hence, planning permission from the Town Planning Board (the Board/TPB) is required.

#### Access Road and Traffic Arrangement

- 1.3 The proposed access road of about 42m in length which comprises a 6m wide carriageway and a 2.5m wide footpath will be constructed in the form of elevated structure at about 75.3mPD, which will link upper Tai Hang Road (**Drawings A-1, A-2a, A-5a & A-5d**) to the podium of the planned residential development about the same level. Two carpark floors are proposed below the podium with a one-way spiral down ramp connecting to lower Tai Hang Road at about 24.7mPD (**Drawing A-5b to A-5d**).
- 1.4 The applicant proposes that only goods vehicle will use the access road as both ingress and egress for loading/unloading. Private car and taxi will use the access as ingress only with the access point at lower Tai Hang Road as egress, through the one-way spiral ramp within the residential development. Both the access points at upper and lower Tai Hang Road will be restricted to ‘left-turn’ only. A layby is also proposed at lower Tai Hang Road for pick-up/drop-off for private car and taxi only (**Drawings A-5a & A-5d**).

#### Pedestrian Link

- 1.5 The proposed pedestrian link of about 147.5m in length comprises the footpaths along the proposed access road and on the podium of the planned residential development, an elevated footbridge over lower Tai Hang Road and an elevated walkway sloping down from lower Tai Hang Road towards Ormsby Street and Wun Sha Street (at about +6.21mPD) next to an existing pedestrian staircase. The elevated footbridge over lower Tai Hang Road is proposed to be about 2.5m width with 6m clearance while the walkway towards Ormsby Street/Wun Sha Street is about 2.5m in width with a gradient about 1:12 (**Drawings A-2a to A-2c & A-5a and Plans A-2 & A-9**).
- 1.6 Three passenger lifts are proposed along the pedestrian link at the planned residential development fronting lower Tai Hang Road, Government slope by lower Tai Hang Road and area abutting Ormsby Street (**Drawings A-2a, A-2c & A-5a and Plans A-2 & A-9**).

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\* *The planned residential development at 4-4C Tai Hang Road falls within an area zoned “R(B)”, in which ‘Flat’ use is always permitted. According to the applicant, the indicative typical floor plans/carpark floor plans/section & elevation drawings/photomontages in relation to the planned residential development are submitted for information only and do not form part of the application.*

- 1.7 The applicant proposes to design and build the pedestrian link at his own cost; take up the maintenance and management responsibilities of the entire pedestrian link, unless and until relevant Government department takes up the entire/part of the link; and set up necessary financial arrangement to the satisfaction of relevant Government authorities to support the long term recurrent cost of the link. The applicant has also submitted an undertaking letter (**Appendix If**) addressed to the Secretary of the Town Planning Board (Secy, TPB) to this effect.

Slope Stabilization Works and Drainage System

- 1.8 Registered geotechnical features have been identified and slope stabilization works (**Drawings A-2b & A-3**) are proposed to accommodate the proposed access road and pedestrian link (**Plans A-2 & A-9**). In addition, a new drainage system is also proposed. Surface runoff from the proposed access road and pedestrian link will be discharged to the existing drainage system at lower Tai Hang Road and Ormsby Street (**Appendix 1 of Appendix Ic**).

Landscape and Tree Proposal

- 1.9 Tree survey, landscape proposal and tree felling/compensation proposal are shown in **Drawings A-1 & A-4a to A-4f**. A total of 38 nos. of existing trees (including 3 dead trees) of common species will be felled and 39 nos. of trees are proposed as compensation resulting in a compensation ratio of 1:1.03 in quantity and 1:0.19 in quality. Shrub mix and light standard trees are proposed at two planting areas on the slopes of the proposed access road and the slope adjoining to the proposed lift tower at lower Tai Hang Road. The applicant will implement the landscape and tree compensation proposal and hand over the planting areas to the relevant Government departments upon completion of the landscape works as per DEVB TC(W) No. 6/2015. The elevated footbridge over lower Tai Hang Road will be landscaped with ornamental shrub planting (**Drawings A-6a, A-6e & A-6f**).
- 1.10 In support of the application, the applicant has submitted the following documents:
- (a) Applicant's letter dated 7.6.2018 and application form **(Appendix I)**
  - (b) Supplementary planning statement including traffic impact assessment (TIA), visual impact assessment (VIA), geotechnical planning review report (GPRR), drainage impact assessment (DIA) and tree preservation and landscape proposal **(Appendix Ia)**
  - (c) Applicant's letter dated 27.6.2018 with drawings attached **(Appendix Ib)**
  - (d) Applicant's letter dated 24.8.2018 (FI-1) providing responses to departmental and public comments, revised schematic drawings, feasibility study report and method statement on the constructability and revised technical assessments **(Appendix Ic)**

*[accepted but not exempted from the publication and recounting requirements]*

- (e) Applicant's letter dated 8.10.2018 (FI-2) providing responses to departmental comments **(Appendix Id)**

*[accepted but not exempted from the publication and recounting requirements]*

- (f) Applicant's letter dated 19.10.2018 (FI-3) providing responses to departmental comments **(Appendix Ie)**

*[accepted and exempted from the publication and recounting requirements]*

- (g) Applicant's letter dated 2.11.2018 (FI-4) providing responses to departmental comments **(Appendix If)**

*[accepted and exempted from the publication and recounting requirements]*

- (h) Applicant's letter dated 23.11.2018 (FI-5) providing responses to departmental comments **(Appendix Ig)**

*[accepted but not exempted from the publication and recounting requirements]*

- (i) Applicant's letter dated 2.1.2019 (FI-6) providing responses to departmental comments **(Appendix Ih)**

*[accepted and exempted from the publication and recounting requirements]*

- (j) Applicant's letter dated 7.1.2019 (FI-7) providing updated drawings (no new information involved) **(Appendix Ii)**

*[accepted and exempted from the publication and recounting requirements]*

1.11 The application was received on 20.6.2018 and was originally scheduled for consideration by the Metro Planning Committee (the Committee) of the Board on 17.8.2018. On 17.8.2018, as requested by the applicant, the Committee decided to defer making a decision on the application pending the submission of FI by the applicant. Seven FIs (FI-1 to FI-7) were subsequently submitted by the applicant as detailed in paragraph 1.10 above. Hence, the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forward by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia** and FI-1 to FI-7 at **Appendices Ic to Ii**. They can be summarized as follows:

- (a) the proposal echoes Government's "Walk in HK" initiative to promote walking and improve connectivity to make Hong Kong a sustainable city;

- (b) the proposal will bring public gain to the neighbourhood by improving accessibility, pedestrian safety and walkability through the provision of barrier-free and covered pedestrian link;
- (c) the scale of the proposed access road and public pedestrian link is appropriate in width and gradient by making reference to the current standards of the Highways Department (HyD). The connection from about +73.5mPD at upper Tai Hang Road to about +5mPD near Wun Sha Street is linked up by a footbridge and an elevated walkway of gentle gradients as well as lifts;
- (d) the public pedestrian link can bring about traffic benefits and is a sustainable mode of transport. Residents from upper Tai Hang Road can use the public pedestrian link to access Tin Hau MTR station (**Drawing A-2d**), Hong Kong Central Library (a common public transport interchange) and Wun Sha Street area. Walking distance from Hong Kong Central Library and Wun Sha Street to upper Tai Hang Road can be reduced to about 770m and 230m respectively;
- (e) the applicant will be responsible for the implementation, maintenance and management of the pedestrian link to the satisfaction of relevant Government authorities;
- (f) the TIA (Appendix 8 of **Appendix 1a** and the responses to comments in FI-1 of **Appendix 1c**) concluded that the proposed traffic arrangement could improve/reduce traffic flow and enhance road safety;
- (g) the site has specific constraints and access only from lower Tai Hang Road will not be able to support a scheme with adequate car parking and load/unloading facilities as well as building services in accordance with modern standards (**Drawing A-7**);
- (h) the proposal has no adverse geotechnical, drainage and visual impacts, and is compatible with the adjoining medium to high-rise development;
- (i) the landscape proposal and compensatory tree planting will result in a compensation ratio of 1:1.03 in quantity and 1:0.19 in quality, the proposed footbridge will be accompanied by ornamental shrub planting. Therefore, there will be no significant adverse landscape impact (**Drawings A-4a to A-4f**); and
- (j) the proposal is in line with the Town Planning Board Guidelines for application for developments within “GB” zone. The proposal only affects a minor portion of “GB” zone and the Site is unique as it has severe geotechnical constraints.

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

The Site involves part of IL 7426 and Government land. As the applicant is the sole “current land owner” of the subject private lot, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) has been met. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to this application. The relevant assessment criteria are as follows:

- (a) there is a general presumption against development (other than redevelopment) in “GB” zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning ground;
- (c) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impacts on the surrounding environment;
- (d) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area; and
- (f) any proposed development on a slope or hillside should not adversely affect slope stability.

#### **5. Previous Application**

There is no previous application on the Site. However, two planning applications (Nos. A/H6/80 and A/H6/82) for a proposed access road and associated works in relation to the planned residential development were submitted but subsequently withdrawn by the same applicant.

#### **6. Similar Application**

There is no similar planning application for the development of access road and pedestrian link for residential use within the Causeway Bay OZP area.

**7. The Site and Its Surrounding Areas (Plans A-1 and A-2 and site photos/aerial photos on Plan A-3 to A-9)**

**7.1 The Site (Plans A-4 to A-9):**

- (a) is elongated in shape with the proposed access road sited to the south, and the proposed pedestrian link toward the north extending to Ormsby Street and Wun Sha Street in Tai Hang with the Tin Hau Station about 800m further north;
- (b) is abutting the upper Tai Hang Road to the south and falling with a section of slope covered with vegetation between 60 Tai Hang Road (The Elegance) and 70 Tai Hang Road (Trafalgar Court);
- (c) covers a steep gradient with level difference sloping down from about 75mPD at the southern site boundary to about 23mPD at lower Tai Hang Road and about 6.7mPD at Ormsby Street; and
- (d) partially falls within a vacant 6-storey residential building at 4-4C lower Tai Hang Road, and a section of slope besides an existing staircase between 3 Tai Hang Road (Winway Court) and 5 Tai Hang Road (Block One of Illumination Terrace), to the north near Ormsby Street.

**7.2 The surrounding areas have the following characteristics (Plans A-1, A-2, A-3 & A-9):**

- (a) the southern part of the Site falls within a large, steep and vegetated slope bounded by upper and lower Tai Hang Road zoned “GB”, and is located immediately behind an area zoned “R(B)”, i.e. the concerned planned residential development at 4-4C Tai Hang Road;
- (b) the northern part of the Site intersects with lower Tai Hang Road, existing residential developments and vegetated slope adjoining an existing staircase leading from lower Tai Hang Road towards Ormsby Street/Wun Sha Street, and three residential developments zoned “R(A)1”, namely Winway Court, Kanfield Mansion and Illumination Terrace;
- (c) two residential developments zoned “R(B)”, Trafalgar Court and The Elegance are at the east and west of the Site; and
- (d) Ormsby Street/Wun Sha Street is characterised with a mix of medium to high rise residential developments many of which have commercial uses on ground floor.

**8. Planning Intention**

- 8.1 The planning intention of the “GB” 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 the “GB” zone.

- 8.2 “R(A)1” 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.
- 8.3 “R(B)” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 8.4 The area shown as ‘Road’ is mainly to depict the road network for private cars and public transport services within the planning scheme area.

## **9. Comments from Relevant Government Departments**

- 9.1 The following Government departments have been consulted and their views are summarized as follows:

### Land Administration Aspect

- 9.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

#### *Access Road*

- (a) the existing lease of IL 7426 permits access to and from Tai Hang Road fronting the lot (the lower Tai Hang Road) through a right of way. Transport Department’s (TD) advice should be sought if the proposed access at upper Tai Hang Road is genuinely and solely required for the planned residential development and that it is the only viable solution;
- (b) the proposed access from upper Tai Hang Road is not in accordance with the existing lease conditions and the works other than slope maintenance purposes for constructing a new access road on the GHBA or adjoining Government land is not permitted. In general, direct grant of Government land will not be entertained where the concerned land is capable of separate alienation;

#### *Pedestrian Link*

- (c) there is reservation on the future maintenance and management liability of the new pedestrian walkway system, the proposed access road and the nearby Government slope features to be affected if it is proposed to be borne by the future owners of individual units of the planned residential development taking into account the scale of the development;
- (d) the proposed pedestrian link is not contingent to the development on lot and therefore the proposed pedestrian link and its gazettal



arrangement under the Roads (Works, Use and Compensation) Ordinance fall outside DLO/HKE's purview. Relevant departments should be consulted if there is a public need for the proposed pedestrian link, the applicant's undertaking letter, its implementation including the road gazettal and enforcement;

- (e) if the planning application is approved, the owner needs to apply for a lease modification and/or other appropriate land documentation for such new proposed access arrangement under lease and for such new road and associated works on Government land. However, there is no guarantee that such application will be approved, and if approved, it will be subject to such terms and conditions, including payment of premium and fees, as imposed; and
- (f) other detailed comments are at **Appendix II**.

#### Traffic Aspect

##### 9.1.2 Comments of the Commissioner for Transport (C for T):

###### *Access Road and Traffic Arrangement*

- (a) there will be no noticeable traffic improvement or effect on vehicular traffic to the overall road network arising from the access road and traffic management scheme proposed by the applicant. While the "left-in/left-out" arrangement is proposed for lower Tai Hang Road, a majority of the development-related vehicles will still need to travel along upper Tai Hang Road and right turn into the premises. The proposed access road at upper Tai Hang Road will not bring overall traffic benefit to the adjacent road network. There is no strong justification for the proposed vehicular access at upper Tai Hang Road from the traffic point of view;
- (b) the necessity of the proposed access road depends on whether there are other practical solutions to overcome the geotechnical and other constraints for maintaining a vehicular access at lower Tai Hang Road. The conclusion of technical infeasibility of maintaining a vehicular access only at lower Tai Hang Road is based on geotechnical constraints, on which TD is not in the position to comment. The applicant should provide justification, to the satisfaction of the Buildings Department (BD) and the Civil Engineering and Development Department (CEDD), to demonstrate such technical infeasibility. Nevertheless, it is noted from FI-1 that the proposed one-way ramp system and the notional car-lift system will only occupy a relative small portion of the subject lot I.L. 7426. Furthermore, from traffic point of view, provided that the lot area can be largely or fully utilized, it seems not impossible to provide vehicular ingress and egress to the lot at lower Tai Hang Road;
- (c) the applicant mentioned in FI-3 that "the traffic from the uphill section will only allow right turn into the development, but no right

turn out from the development”. Appropriate traffic management measures should be proposed to effect this left-turn only arrangement at the vehicular egress at upper Tai Hang Road;

- (d) the proposed pick-up/drop-off layby for private car and taxi at lower Tai Hang Road within the lot boundary should be opened for public use and this should be reflected in the relevant land documents. Moreover, adequate traffic measures should be provided to effect the ‘left-in/left-out’ arrangement at lower Tai Hang Road;

*Pedestrian Link*

- (e) no objection in principle to the proposed pedestrian link which could improve accessibility and walkability around the area. Indeed the public has already suggested a hillside escalator/elevator link between Wun Sha Street area and Tai Hang Road. Nevertheless, there are issues on technical feasibility, land and gazettal issues, management and maintenance responsibilities of the walkway system to be resolved. Details should be submitted to TD and relevant Government departments for comments and agreement;
- (f) the applicant proposes in FI-4 to design and build the pedestrian link at his own cost and undertake the future management and maintenance responsibility of the pedestrian link. Should the application be approved, this should be included as an approval condition and land documents as appropriate;
- (g) TD does not support the application if the proposed pedestrian link is not included in the applicant’s proposal for the reason that the proposed access road alone will not bring overall traffic benefit to the adjacent road network and there is no strong justification for the proposed vehicular access at upper Tai Hang Road from traffic planning perspective;
- (h) regarding the public comment stating a cautionary crossing outside 8 Tai Hang Road (i.e. Jolly Villa) proposed by TD (**Plan A-2**), the cautionary crossing is under planning stage and HyD has not yet been requested to carry out the works. As recently advised by HyD, it is not feasible to divert the existing underground utilities and set back the footpath to facilitate the works for the proposed cautionary crossing due to space constraints and the presence of the existing retaining wall. TD is liaising with HyD on other feasible options of the cautionary crossing;
- (i) the applicant has proposed in Appendix V of FI-5 (**Appendix 1g**) the preliminary traffic diversion scheme for installing the steel frame of the proposed pedestrian link across Tai Hang Road. Prior to commencement of works, the applicant should submit a construction traffic impact assessment and detailed temporary traffic arrangement plans to relevant departments (including TD and Hong Kong Police Force) for approval with a view to minimizing disruption to traffic in

the vicinity. This submission should be included as an approval condition of this s.16 application; and

- (j) other detailed comments are at **Appendix II**.

#### 9.1.3 Comments of the Commissioner of Police (C of P):

No specific comment from the Wan Chai Police District. Nonetheless, the developer should be reminded to take note of any requirement to notify/apply permit from relevant departments in respect of any possible road works, loading/unloading on the street, etc.

#### Highways Aspect

#### 9.1.4 Comments of the Chief Highway Engineer/Hong Kong (CHE/HK), HyD:

##### *Highways Structure and Maintenance*

- (a) the proposed pedestrian link would be erected next to the existing elevated covered walkway (HyD's Structure no. HF136), the applicant should carry out impact assessment on the existing HyD's structure for comment;
- (b) the applicant should carry out feasibility study to identify the site constraints and provide the relevant method statements with associated temporary traffic arrangement to demonstrate the constructability for the whole proposed access road and pedestrian link within a limited working space;
- (c) as mentioned in the construction method in FI-1, in particular that part of the proposed pedestrian link would be prefabricated off-site, a comprehensive temporary traffic arrangement scheme should be provided to demonstrate the feasibility of the works;
- (d) the applicant proposes to take up the management and maintenance responsibilities of the proposed pedestrian link, and should therefore provide a management and maintenance demarcation plan to identify the management and maintenance parties for HyD's comment, the applicant should also provide the justification on connectivity and walkability, and implication on environment and sustainability for the consideration of relevant Government departments;
- (e) given that the proposed works will affect and modify slope feature no. 11SE-A/FR106 and the proposed pedestrian link will be maintained by the future lot owner, the future lot owner should also take up the maintenance responsibility of slope feature no. 11SE-A/FR106;

##### *Landscape and Vegetation Maintenance*

- (f) HyD reserves comments from highway landscape and vegetation maintenance point of view upon receipt of future tree preservation

and removal proposal and compensatory planting proposal in accordance with DEVB TC(W) No. 6/2015 – “Maintenance of Vegetation and Hard Landscape Features” and DEVB TC(W) No. 7/2015 – “Tree Preservation”;

- (g) the applicant is required to provide shrub planting matrix to indicate the layout/planting arrangement of the proposed “shrub mix” as shown in the planting plans;
- (h) the applicant is reminded that submission to the Advisory Committee on the Appearance of Bridges and Associated Structures is required in accordance with ETWB TCW No. 36/2004; and
- (i) other detailed comments are at **Appendix II**.

### Geotechnical Aspect

#### 9.1.5 Comments of the Head of Geotechnical Engineering Office (H(GEO)), CEDD:

##### *Access Road*

- (a) according to the GPRR (**Appendix Ia**), the proposed slope stabilisation works is ‘the preferred solution’. It is also noted that the applicant could retain the current vehicular access from lower Tai Hang Road while maintaining the stability of land, therefore, the new access road from upper Tai Hang Road is not the only viable alternative;
- (b) there is no adverse geotechnical comment on the geotechnical feasibility of the proposed access road in the form of elevated deck structure support by rock socketed mini-piles;

##### *Pedestrian Link*

- (c) on the geotechnical feasibility of the proposed pedestrian link, we have the following comments:
  - (i) it is noted that the layout and orientation of the proposed pile foundation of the pedestrian walkway have been revised such that no piles would drive through the existing masonry retaining wall feature no. 11SE-A/FR106. There is no further geotechnical comment on this point. However, the revised pile foundation proposal involves 8 nos. of piles/columns to be constructed at the service lane behind the buildings at No. 44-50 Sun Chun Street. The concerned service lane would be obstructed by the foundation/columns of the pedestrian walkway permanently. Relevant departments should be consulted on this aspect as appropriate;
  - (ii) according to the revised analyses in Annex 3 of FI-5, the proposed excavation and lateral support works for constructing

the lift tower would induce settlement at the level of Tai Hang Road. In addition, it is noted (revised figure No. 9B) that soil nails are still proposed at the retaining wall feature No. 11SE-A/R217 underneath Tai Hang Road. HyD's comment should be sought;

- (iii) realistic assumptions are pre-requisite for making credible geotechnical assessments. The GPRR shall demonstrate the geotechnical feasibility of the proposed pedestrian link based on the actual site conditions. All available records, investigation reports, geotechnical studies shall be reviewed and considered in the geotechnical assessments; and
- (d) other detailed comments are at **Appendix II**.

#### Building Aspect

##### 9.1.6 Comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit (CBS/HKE&H), BD:

- (a) no objection in principle under the Buildings Ordinance (BO);
- (b) any covered pedestrian walkway system/footbridge within the private lot should be accountable for gross floor area (GFA) calculation under regulation 23(3)(a) of the Building (Planning) Regulations (B(P)R 23(3)(a)) and no building/part of building including footbridge should project over street under section 31(1) of BO unless exempted; and
- (c) subject to demonstrating the proposed pedestrian walkway system/footbridge would enhance public safety/convenience and there is no objection to or support from the relevant Government departments, the following modification/exemption under BO would be favourably considered:
  - (i) projection of the proposed pedestrian walkway system/footbridge over street, which is to be constructed wholly or partly within a private lot or gains support from or is connected to a building resting on a private lot, under section 31(1) of BO, as stated in PNAP APP-38;
  - (ii) as part of the proposed pedestrian walkway system/footbridge is within private land, exemption of certain floor area of the new footbridge (and other associated area) from GFA calculations under B(P)R 23(3)(a) may be granted, as stated in PNAP APP-108; and
  - (iii) other comments under BO can only be provided at the building plan submission stage.

### Fire Safety Aspect

#### 9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) no objection to the application subject to fire services installations and water supplies for fire fighting being provided to the satisfaction of his department;
- (b) as no details of the EVA have been provided, comments could not be offered by D of FS at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of Code of Practice for Fire Safety in Buildings 2011 which is administered by BD; and
- (c) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### Architectural and Visual Aspects

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

##### *Access Road*

- (a) the proposed access road would be setting an undesirable precedent;
- (b) the huge blank wall along and under the proposed access road, and the huge columns will have significant undesirable visual impact to the surrounding area, the applicant is advised to submit photomontages/perspectives images from different vantage points to demonstrate how the visual impact could be minimized;
- (c) the compensatory trees are overcrowded and therefore will affect their survival rate, as indicated in **Drawings A-4a & A-4b**, the full grown tree crowns are overlapping with each other and with existing trees;

##### *Pedestrian Link*

- (d) the proposed huge footbridge structure running across Tai Hang Road will have significant undesirable visual impact to the surrounding area. The applicant is advised to submit photomontages/perspectives images of the proposed footbridge structure in its surrounding context from different vantage points to demonstrate how the visual impact could be minimized;
- (e) the maintenance agents for the future maintenance of the compensatory plantings (including vegetation on the footbridge, etc.) and of irrigation system should be identified and confirmed by the applicant at the planning application stage rather than at the detailed design stage to ensure survival of all the plantings and vegetation could be ascertained; and

(f) other detailed comments are at **Appendix II**.

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

- (a) the proposed development partly falls within an area zoned “GB”, where there is a general presumption against development. Unless there are strong justifications, development should not be allowed within the “GB” zone. Confirmation is required from relevant departments on the necessity of the proposed access road arrangement and whether the proposed access road from upper road is the only viable alternative to serve the planned residential development noting that many adjacent residential developments are directly accessible from lower Tai Hang Road. Otherwise, it would undermine the planning intention of the “GB” zone;
- (b) subject to the comments of C for T and H(GEO) on whether the scheme is the only viable option, the necessity of raising the proposed development by about 47.6m supported by stilted structures is yet to be ascertained;
- (c) it is noted that the proposed access road may cause significant slope cutting and vegetation clearance, which may affect the amenity and lead to negative impact on the townscape in the vicinity. The photomontages from viewpoints (VP) 4 and 5 (**Drawing A-6d** and **Appendix 1a**) have not reflected the clearance of vegetation involved and the proposed residential development served by the access road to show the overall potential visual impact to the surroundings. Hence, the overall potential visual impact including the planned residential development is yet to be ascertained;
- (d) while there are merits from urban design perspective for better connectivity and provision of barrier-free access, the visual impact of pedestrian link accessing the area via staircases from Ormsby Road is yet to be ascertained and considered in the VIA; and whether it is necessary given there are crossing about 100m from the Site would be subject to the comments of C for T;
- (e) in view of the above, the applicant’s submission has not provided enough information to demonstrate that the proposed residential development as a whole would integrate with the surroundings, and the proposed access road arrangement would result in unnecessary raising of the residential development by more than 40m supported by stilted structures. The base structure of about 47m would likely have an imposing visual impact on the pedestrians on lower Tai Hang Road, while the proposed access road would cause significant vegetation clearance which may affect the amenity and lead to negative impact on the townscape in the vicinity; and
- (f) other detailed comments are at **Appendix II**.

Landscape Aspect

9.1.10 Comments of CTP/UD&L, PlanD:

- (a) some reservation on the application due to the following:
  - (i) notwithstanding the proposed compensatory planting, it is considered that the residue impact after mitigation of the adverse impact on the existing landscape resources imposed by the proposed development remains substantial;

*Access Road*

- (ii) there is a general presumption against development in the “GB” zone. Approximate 30% of extensive vegetated areas are inevitably affected due to proposed works. The function and continuity as a green buffer to the surrounding environment will be compromised to some extent and this will adversely affect the general landscape quality of the area;
- (iii) noting the preserved trees are generally semi-mature, there is concern if the stability of these trees will be affected by the proposed formation and construction work at the slope in close proximity. The practicality of tree preservation and proposed compensatory tree planting at the affected slope should be critically assessed;

*Pedestrian Link*

- (iv) more than half of existing trees are proposed to be felled due to the proposed works. There will be compensatory tree planting on the affected slopes, agreement from relevant department in relation to vegetation maintenance has not been sought. The feasibility of tree compensatory proposal cannot be ascertained;
- (b) the applicant should keep new trees outside the canopy spread of existing trees for healthy tree growth and the applicant should improve the tree compensation ratio for quality and the landscape and tree planting proposal for enhancement of the overall greenery effect in the area;
  - (c) should the Committee approve the application, the following landscape condition is suggested to be included in the planning approval:

submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board; and

- (d) other detailed comments are at **Appendix II**.



### Nature Conservation

#### 9.1.11 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) no strong view on the application including the tree preservation proposal and complementary planting proposal; and
- (b) regarding the public comment on the issues of ecological impact of the proposed development on the environment and rare species (e.g. Yellow-crested Cockatoo):
  - (i) the extent of tree felling is reduced in the current application and the trees to be affected are mainly common species;
  - (ii) there is no record of those two species in the Site; and both bird species are not rare in Hong Kong. The Yellow-crested Cockatoo can be found in Pok Fu Lam, Happy Valley, Victoria Park, and Aberdeen, etc. areas, while the Fork-tailed Sunbird is a common resident that widely distributed in Hong Kong;
  - (iii) a survey on the Yellow-crested Cockatoo was conducted in 2011, and about 100 individuals were recorded. It was revealed that most Yellow-crested Cockatoo roosted in the Hong Kong Park. Other roosting sites included the Hong Kong Zoological and Botanical Garden, The University of Hong Kong and the Stonecutters Island; and
  - (iv) for potential impact of the proposed development on the Yellow-crested Cockatoo, the Agriculture, Fisheries and Conservation Department's field observation did not reveal any sign of usage of the Site by the cockatoo. Besides, most of the trees that would be affected are of relatively small size and generally not suitable to serve as roost trees.

### Environmental Aspect

#### 9.1.12 Comments of the Director of Environmental Protection (DEP):

No objection to the application since no insurmountable environmental problem is anticipated, and no planning approval condition is required.

### Drainage Aspect

#### 9.1.13 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) a holistic detailed DIA of the whole development, including the planned residential development, access road and pedestrian link, is

required at the detailed design stage as the size/arrangement of the building is still preliminary. The detailed DIA should verify the drainage impact for the planned residential development, access road and pedestrian link, and after development;

- (b) the mitigation measures shall be provided to cope with the increase of runoff discharging to the downstream and other areas concerned; and
- (c) other detailed comments are at **Appendix II**.

#### Water Supplies Aspect

9.1.14 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C,WSD):

- (a) no objection to the application;
- (b) the applicant should check the mains record plans before commencement of any road excavation works;
- (c) there are some existing fresh water mains within the Site and are affected by the proposed development. Free access should be allowed for WSD at any time to carry out operation and maintenance of these water mains;
- (d) if the applicant considers that diversion of water mains is required, he should study the feasibility and submit proposal for WSD's consideration and approval. Diversion work shall be carried out by the applicant at his own cost to the satisfaction of WSD, who will only carry out the connection works to the existing WSD's water mains and other associated connection cost should be borne by the applicant/project proponent; and
- (e) other detailed comments are at **Appendix II**.

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

- (a) there should be sound justification according to the engineering consideration and intrinsic conditions of each individual tree in supporting the tree removal. By generalizing the affected trees are of poor form and fair health may not be justified enough for tree removal;
- (b) it is observed that some of the mature trees locating within the Site are said to be in conflict with the works and proposed to be felled. From tree preservation perspective, the applicant shall review the proposed design and layout so that they could be preserved and retained on site as far as possible;

- (c) according to the revised tree compensatory proposal in FI-2 at **Appendix 1d**, 39 nos. of new trees are proposed to be planted to compensate for the felling of 38 nos. of existing trees within the Site. It is at 1:1.03 ratio by quantity and 1:0.19 ratio by quality. The applicant shall further review the opportunity to maximize the greening/tree planting in the landscape and tree compensation proposal and explore any possible of maximizing shrub planting on site to compensate for loss of greenery under the development;
- (d) for the compensatory planting proposal, please advise the demarcation for the management and maintenance responsibility on the proposed compensatory trees. The future management and maintenance responsibilities for the compensatory landscape work and irrigation system amongst parties concerned should be ascertained at the earliest possible opportunity to avoid any possible dispute amongst the applicant and Government if the responsibilities cannot be identified eventually; and
- (e) other detailed comments are at **Appendix II**.

#### Local Views

9.1.16 Comments of the District Officer (Wan Chai), Home Affairs Department (DO(WC), HAD):

Local views on the application are received by DO(WC) as follows:

- (a) at the Development, Transport and Planning Committee (DTPC) of the Wan Chai District Council (WCDC) meeting held on 26.7.2018, DTPC members expressed strong views opposing to the application. The key comments of the WCDC members are summarized as follows:

##### *Environmental Degradation*

- (i) the application would have various far-reaching implications to the surrounding environment by damaging the adjacent “GB” area;

##### *Pedestrian Link*

- (ii) there were concerns over the future maintenance and management responsibilities of the proposed pedestrian link. Some members opined that the future maintenance cost could be high, and the applicant might discontinue the maintenance of the pedestrian link, leaving the maintenance responsibility to the Government;
- (iii) the pedestrian link would infringe the privacy of nearby residents due to its close proximity to residential developments especially Jolly Villa and Kanfield Mansion;

- (iv) security issue at night time might arise as pedestrian flow are expected to be low;

*Others*

- (v) the applicant had submitted planning applications repeatedly with minor amendments, which was very disturbing to local residents as they need to voice their opposing views to the Board repeatedly on the same application;
  - (vi) the existing application mechanism should be reviewed to limit the number of times that an applicant is allowed to submit planning applications; and
  - (vii) concerns of WCDC members should be appropriately addressed when processing the planning application;
- (b) DO(WC) received one local comment on the application via WCDC, objecting to the proposed development as it would generate adverse ecological and visual impacts to the surrounding area in Tai Hang; the Site occupies extensive Government land; lack of justifications and merits for the provision of pedestrian link; and lack of information provided by the applicant on future maintenance and management of the pedestrian link; and residents should be consulted on the footbridge design and agreed upon construction;
  - (c) on FI-1, DO(WC) received one local comment raising objection to the application for the proposed access road and pedestrian link. This local comment was also submitted to the Board and has been included as a public comment under **Appendix III**. The grounds and concerns of this local comment are similar to the public comments and views as detailed in paragraph 10.3 below; and
  - (d) on FI-2, DO(WC) received 12 local comments, which are same in content, raising objection to the application for the proposed access road and pedestrian link and the supplementary information submitted by the applicant. The concerns raised by these 12 local comments are similar to the local comments received by DO(WC) in paragraphs 9.16 (b) and 9.16 (c) above and the public comments and views as detailed in paragraph 10.3 below.

## **10. Public Comments Received During Statutory Publication Periods**

- 10.1 During the first three weeks of the statutory publication periods of the application and FIs, a total of 9,229 public comments were received (**Appendix III**). A brief summary of the 9,229 comments are as follows:

	Supporting/ Positive Comments	Objecting/ Express Concerns	Total
1 <sup>st</sup> Publication	685	647	1,332
Publication of FI-1	1,185	1,081*	2,266
Publication of FI-2	2,626	711 <sup>#</sup>	3,337
Publication of FI-5	1,197	1,097	2,294
			9,229
	5,693 (incl. 5,689 standard letters and/or with same content)	3,536 (incl. 3,391 standard letters and/or with same content)	---

Remarks:

\* including 6 returns with names provided only

# including 4 returns with names provided only

10.2 The supporting comments were from residents living in the locality and individuals mainly on the following grounds:

- (a) lower Tai Hang Road is not capable of withstanding more traffic, the proposed traffic arrangement will minimize the traffic burden on lower Tai Hang Road;
- (b) the proposed pedestrian footbridge can directly serve pedestrian to Ormsby Street and Brown Street and ensure safety and convenience of pedestrians with barrier free access, it is beneficial to the traffic circulation in the area; and
- (c) the further information provided by the applicant has clarified the proposed development in terms of implementation, visual appearance, tree and landscape and potential impacts on the surroundings.

10.3 The objecting comments were from two Legislative Council members (Hon. Gary FAN Kwok-wai and Hon. KWONG Chun-yu), three WCDC members (Miss Clarisse YEUNG, Mr. Anson LAM and Mr. Joey LEE), and 19 Incorporated Owners (ICs) and management offices of nearby residential developments<sup>1</sup>, nearby residents/locals/individual members of the public and two interest groups (Central and Western Concern Group and Green Sense). Major points of the objections/concerns, comments and issues raised are summarized below:

*Traffic*

- (a) inadequacy of the TIA report and the traffic survey undertaken in August 2017 in which the actual traffic situation has been grossly under-represented, lack of information about the planned residential development (e.g. car parking spaces), lack of justifications and merits for the proposed access road and traffic arrangement, adverse traffic impact

<sup>1</sup> Fontana Gardens; Trafalgar Court; Sunrise Court; Royal Court; Wah Fung Mansion; Rosedale; Scenic Lodge; Illumination Terrace; Jolly Villa; One Wang Fung Terrace; 4A-4D Wang Fung Terrace; Y.I.; Grand Deco Tower; Yukon Heights; Carnation Court; The Legend; The Elegance; Fuk Kwan Mansion; and Kanfield Mansion (**Plan A-2**)

on Tai Hang Road and the adjacent transport network, endangering road and pedestrian safety, inadequate sightline, aggravating traffic congestion of the existing narrow road, etc.;

*Pedestrian*

- (b) request for an independent study to assess the usage of the existing pedestrian link/staircase linking Tai Hang Road and Ormsby Street and the transportation options for the proposed walkway, lack of details and assessments (e.g. air ventilation assessment and VIA) for the pedestrian walkway system, query on the need for and feasibility of the proposed pedestrian walkway system, causing disturbance including privacy to the residents living nearby which will result in further disruption to the slopes and existing trees/vegetation in the Wun Sha Street area, lack of information on the future management and maintenance responsibility of the proposed pedestrian link;

*Geotechnical*

- (c) excessive slope stabilization works and slope cutting without sound justifications affecting slope stability and slope safety, adverse impact on the foundation and structural safety of the neighbouring developments (eg. Trafalgar Court, The Elegance, 58 Tai Hang Road, Jolly Villa, Y.I. and Cherry Court), lack of justifications to demonstrate the proposed road scheme and slope stabilization works as the only feasible option without other alternative, etc.;

*Drainage*

- (d) the proposed development will cause bottleneck to the drainage system and may cause landslide, drainage and flooding problems to the area, the sample size in the DIA report is too small, etc.;

*Environmental impact*

- (e) lack of environmental impact assessment (including noise, air, visual and construction impacts, etc.) to demonstrate the proposed road scheme will not result in adverse environmental impact on the neighbourhood and the "GB" zone, etc.;

*Ecological and landscape*

- (f) excessive felling of existing trees and clearance of natural vegetation causing loss of natural landscape and disturbance to the natural environment, affecting the ecology of the area, adverse impact on the rare species (e.g. Fork-tailed Sunbird, Yellow-crested Cockatoo, etc.) found in the "GB" zone, etc.;

*Building and architectural design*

- (g) the elevated deck structure for the proposed access road and excessive foundation and podium structures (about 15m) for the planned residential development will result in adverse visual impact, causing overcast/shadow effect and blocking of open views in Tai Hang area, massive foundation structures causing eyesore and adverse visual impact, etc.;

*Public interest*

- (h) inappropriate use of public resources for private interest, loss of public space and deprivation of public enjoyment, concern on the previous unauthorized actions undertaken by the applicant including tree felling, cordon off the public road for authorized works on the slope, the new pedestrian walkway will take up more Government land which would extend the disturbance further towards lower Tai Hang Road to the residential neighbourhood in Wun Sha Street without bringing any benefits to the public, etc.;

*Procedural matter*

- (i) request for extension of publication period for public comments and increase the number of consulting bodies, request the Committee to reject the application, concern on the abuse on procedure with repeated submission of applications with similar proposals by the applicant, etc. and

*Irregularities*

- (j) there are significant number of supporting letters having similar style of handwriting, signatures, etc., and contain erroneous information such as wrong application number and post-dated letters (dated of letter later than the date officially received by the Board Secretariat), all of which have casted doubt on the authenticity and accuracy of the actual number of support from the public/locals to the application.

## **11. Planning Considerations and Assessment**

- 11.1 The application is for a proposed access road and pedestrian link to serve the applicant's planned residential development at 4-4C Tai Hang Road which is zoned "R(B)". The Site falls within areas partly zoned "GB", "R(A)1", "R(B)" and shown as 'Road' (**Plan A-2**). The access road is proposed for exclusive use of the planned residential development while the pedestrian link is proposed to be open to the public 24 hours a day. The applicant also proposes to build, maintain and manage the pedestrian link at his own cost, and set up necessary financial arrangements to the satisfaction of relevant authorities in an undertaking letter addressed to the Secy, TPB. Two compensatory planting areas are proposed for the affected trees, which will be handed back to the relevant Government departments upon completion of the landscape works as per DEVB TC(W) No. 6/2015.

Access Road

- 11.2 The proposed access road of about 127m<sup>2</sup> largely falls within Government land zoned "GB". The planning intention of the "GB" zone is primarily for the conservation of the natural environment and to safeguard it from encroachment by urban type developments. There is a general presumption against development in "GB" zone. The proposed access road, which serves as an exclusive vehicular access to the planned residential development, is not in line with the planning intention of the "GB" zone. As there is a general presumption against development in "GB" zone, any application for development must be justified with very strong planning grounds. In addition, DLO/HKE states that, in general, direct grant of Government land will not be entertained where the concerned land

is capable of separate alienation.

- 11.3 Similar to other existing residential developments along lower Tai Hang Road, the existing building at 4-4C Tai Hang Road (currently vacant) has vehicular access directly leading onto lower Tai Hang Road (**Plans A-1, A-2 & A-4**). Although the applicant claims that a new access from upper Tai Hang Road is required as there is limited space within the planned residential development for vehicular access due to the proposed slope upgrading works for the planned residential development at 4-4C Tai Hang Road (**Drawing A-2a**), H(GEO) considers that the proposed new access road from upper Tai Hang Road is not the only viable alternative in developing the Site given the applicant has stated in the GPRR that the proposed slope works is a 'preferred solution'.
- 11.4 C for T considers that the proposed access road alone will not bring overall traffic benefit to the adjacent road network and there is no strong justification for such proposal from the traffic planning perspective. He also advises that provided the concerned lot for the planned residential development can be largely or fully utilized, it seems not impossible to provide vehicular ingress and egress to the lot at lower Tai Hang Road. He also notes from FI-1 that the proposed one-way ramp system and the notional car-lift system will only occupy a relative small portion of the lot. It should also be noted that the applicant has proposed an egress point and vehicular layby at lower Tai Hang Road for private car and taxi pick-up/drop-off while maintaining the stability of slope. In view of the above, there is no exceptional circumstance to warrant special consideration for the application. The application does not comply with criterion (b) of the TPB PG-No. 10 as set out in paragraph 4 above.
- 11.5 The applicant also proposes that the private cars and taxis will use the proposed access road as ingress and the access at lower Tai Hang Road as egress, and all the access points when egress are restricted to 'left-turn' only. C for T considers that appropriate traffic management measure should be proposed to effect the 'left-turn' only arrangement at the vehicular egress at upper Tai Hang Road. If the proposed access road is used for both ingress and egress for all traffic associated with the planned residential development, it has yet been ascertained by the applicant that the traffic impact on upper Tai Hang Road is acceptable.
- 11.6 The design of the proposed access road itself will not only have impacts on the surrounding areas but also affect the overall design, such as height, disposition and massing of the applicant's planned residential development. According to the applicant's indicative scheme for the residential development, with the proposed access at upper Tai Hang Road at about 75mPD, extensive stilted structure of over 50m tall (measured from lower Tai Hang Road at about 23mPD) will need to be constructed beneath the residential tower (**Drawing A-5d**). Such structure will have significant impacts on the streetscape, visual and landscape amenities of the surrounding area (**Plan A-4**). However, other than two photomontages (**Drawings A-6a and A-6e**), no comprehensive assessment has been conducted on the overall visual impact of the proposed development (including the proposed access road and pedestrian link, as well as the planned residential development), especially along lower Tai Hang Road. Both CA/CMD2 and CTP/UD&L have raised concern on the lack of suitable visual assessment from different vantage points to demonstrate the overall visual



impacts and how such impacts could be minimized. In the absence of further assessment, the overall potential visual impact cannot be ascertained. Therefore, the application does not comply with criterion (c) of the TPB PG-No. 10.

- 11.7 CA/CMD2 has also raised concerns on landscape and tree felling/compensatory planting proposals which would affect the tree survival rate while CTP/UD&L has reservation on the proposal which would not only adversely affect the general landscape quality of the area, but also have substantial residual impact on the existing landscape resources. Therefore, the application does not comply with criterion (d) of the TPB PG-No. 10.

#### Pedestrian Link

- 11.8 The proposed pedestrian link (except the section on the podium of the planned residential development and the passenger lift within the lot) falls mainly on Government land with extensive vegetation cover (**Plans A-3, A-5 & A-9**). In this regard, DLO/HKE considers that the proposed link is not contingent to the proposed residential development and advises that direct grant of Government land will not be entertained where the concerned land is capable of separate alienation.
- 11.9 While C for T considers that proposed pedestrian link could improve accessibility and walkability around the area (**Drawings A-1 and A-2a**), he advises that technical feasibility, land and gazettal issues, management and maintenance responsibilities of the proposed link have yet to be resolved. H(GEO) considers that information submitted by the applicant is inadequate to demonstrate the geotechnical feasibility of the proposed link. Notwithstanding the provision of an undertaking letter to the Secy of TPB (**Appendix 1f**), which is considered not an appropriate mean for enforcement, the applicant has not provided sufficient details on its implementation, management and maintenance arrangements, and financing mechanism to ensure the long-term viability of the proposed pedestrian line. There is also no in-principle agreement from concerned Government departments on those issues related to the proposed pedestrian link have been obtained. DLO/HKE also has reservation on the future maintenance and management liability if it would be borne by the future owners of individual units of the planned residential development, given the scale of the pedestrian link not to mention about other liabilities associated with the proposed access road and the slope.
- 11.10 Both CA/CMD2 and CTP/UD&L have concern on the visual impact of the proposed pedestrian link. Furthermore, CTP/UD&L is concerned about its landscape impact while CA/CMD2 considers that the maintenance responsibilities of the compensatory plantings and of the irrigation system should be ascertained at this stage rather than at the detail design stage to ensure survival of the plantings and vegetation. CHE/HK also points out that the applicant should provide justification on connectivity and walkability and implication on environment and sustainability of the pedestrian link.
- 11.11 Although the proposed pedestrian link will provide a more direct pedestrian access from upper Tai Hang Road towards Wun Sha Street, there are already a number of pedestrian facilities within 200m from the Site, such as two signalized crossings at lower Tai Hang Road and a zebra crossing at Fuk Kwan Avenue

between Fi Kwan Avenue and access road leading onto lower Tai Hang Road, serving the local residents (**Plan A-2**). TD is also liaising with HyD on other feasible options of improving pedestrian crossing at lower Tai Hang Road. In view of this and other technical concerns above, the applicant has failed to demonstrate the benefits and implementability of the proposed pedestrian link.

- 11.12 Regarding the adverse public comments summarised in paragraph 10.3 above, the departmental comments and the assessment as set out in paragraphs 9 and 11.2 to 11.11 above respectively are relevant. As for the public concerns on the application procedure, extension of publication period and repeated submissions by the applicant, it should be noted that the application is processed in accordance with the provisions of the Town Planning Ordinance (the Ordinance) and the relevant TPB Guidelines. Under the provision of the Ordinance, there are no restrictions, amongst others, on any person and/or the number of submissions in seeking planning application for any site-specific development and/or the development being sought, provided that all the statutory planning procedures and planning guidelines are complied with. As to the alleged irregularities on the supporting comments received, it is required under the Ordinance to make all planning applications available for public inspection and any person may make comments to the Board in respect of such planning applications. All public comments received will be processed in accordance with the relevant TPB Guidelines. In considering the planning applications, among other things, comments from relevant Government departments and the public will be considered. However, it is the content and substance instead of number of supporting and/or opposing comments that form the basis for deliberation of planning applications.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, PlanD does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “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 in “GB” zone, and there is no strong justification for a departure from such planning intention;
  - (b) the applicant fails to demonstrate that the proposed access road is the only viable option in geotechnical terms to serve the planned residential development and that the proposed access road does not result in adverse visual and landscape impacts; and
  - (c) the applicant fails to demonstrate the implementability of the proposed pedestrian link and that the proposed link does not result in adverse visual and landscape impacts.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.1.2023, and after the said date,

the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the design, provision, management and maintenance of the proposed access road and pedestrian link as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the proposed pedestrian link and associated pedestrian access should be open for public use at all times to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) prior to commencement of works for the proposed pedestrian link and associated pedestrian access, the submission of a construction traffic impact assessment and detailed temporary traffic arrangement plans to the satisfaction of the Commissioner of Transport or of the Town Planning Board;
- (d) the submission and implementation of a traffic management plan for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission of a revised Geotechnical Planning Review Report and the implementation of the necessary geotechnical remedial works identified therein, in respect of the section of proposed pedestrian link between the planned residential development at 4-4C Tai Hang Road and Ormsby Street to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board;
- (f) the submission of a revised Drainage Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (g) the submission and implementation of a landscape proposals for the proposed access road and pedestrian link to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to

consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

#### **14. Attachments**

##### **Appendix I Appendix Ia**

Applicant's letter dated 7.6.2018 and application form

Supplementary planning statement including a VIA, a GPRR for the proposed access road, a GPRR for the proposed pedestrian link, a DIA for the proposed access road, a DIA for the proposed pedestrian link, a tree preservation and landscape proposal and a TIA

##### **Appendix Ib**

Applicant's letter dated 27.6.2018

##### **Appendix Ic**

Applicant's letter dated 24.8.2018 (FI-1)

##### **Appendix Id**

Applicant's letter dated 8.10.2018 (FI-2)

##### **Appendix Ie**

Applicant's letter dated 19.10.2018 (FI-3)

##### **Appendix If**

Applicant's letter dated 2.11.2018 (FI-4)

##### **Appendix Ig**

Applicant's letter dated 23.11.2018 (FI-5)

##### **Appendix Ih**

Applicant's letter dated 2.1.2019 (FI-6)

##### **Appendix Ii**

Applicant's letter dated 7.1.2019 (FI-7)

##### **Appendix II**

Detailed comments of Government departments

##### **Appendix III**

Public comments (CD-Rom)

##### **Appendix IV**

Advisory clauses

##### **Drawing A-1**

Overall layout plan

##### **Drawing A-2a**

Access road proposal and proposed pedestrian link

##### **Drawing A-2b**

Section of proposed pedestrian link

##### **Drawing A-2c**

Section showing the lifts of the proposed access road and pedestrian link

##### **Drawing A-2d**

Possible pedestrian routing between the proposed development and Tin Hau station

##### **Drawing A-3**

Sections showing the proposed slope stabilization works

##### **Drawing A-4a to A-4f**

Landscape proposals (layout plan, section, tree felling plan and compensatory tree planting plan)

##### **Drawing A-5a to A-5d**

Indicative layout plans of the proposed access road and pedestrian link with the planned residential development at the "R(B)" zone

##### **Drawings A-6a to A-6g**

Photomontages showing the proposed access road and the planned residential development at the "R(B)" zone from lower Tai Hang Road

##### **Drawing A-7**

Site constraints affecting G/F layout and vehicular circulation

##### **Plan A-1**

Location plan

##### **Plan A-2**

Site plan

##### **Plan A-3**

Aerial photo

##### **Plans A-4 to A-9**

Site photos