

**Section 12A Application
Proposed Rezoning of an Area Zoned “Road”
to “Commercial (2)” located at Lee Garden
One (33 Hysan Avenue, Causeway Bay)**

Planning Statement

Perfect Win Properties Limited

December 2025

行政摘要

(聲明：此中文譯本僅供參考，如中文譯本和英文原文有歧異時，應以英文原文為準)

S1. 達榮置業有限公司，為希慎興業有限公司之附屬公司，茲根據第 12A 條提交申請，請求將希慎道沿線一狹長私人物業地帶，由「道路」改劃為「商業(2)」地帶，以使規劃界線與利園一期之實際地段界線相符（見圖 S1）。現有「道路」地帶已屬過時，不僅增加不必要的程序障礙，亦與 2023 年旨在簡化發展程序之城市規劃條例修訂精神背道而馳。

S2. 申請將地帶改劃為「商業(2)」可以提升短期及長期之城市改善彈性，有助於建構如示意性發展計劃「市場街」等具活力之公共空間，並藉由擴展地下停車場及整合獲批准之地下隧道系統，提升營運效率。此改劃申請能促進可持續設計及以行人為本之發展，並可避免對交通運輸及基建造成不利影響。此外，此舉可減輕監管機關之行政負擔，提升規劃審批之清晰度，並釋放地段之全面發展潛能，造福長遠公共利益。此申請符合租約規定及相關法定管制，亦切合銅鑼灣等高密度地區之不斷發展需求。

S3. 將地帶由「道路」改劃為「商業(2)」具備合理之規劃依據、政策配合及公共利益，旨在破除過時限制，促進城市優化及土地高效利用。申請人謹此敬請城市規劃委員會批准本次改劃申請。

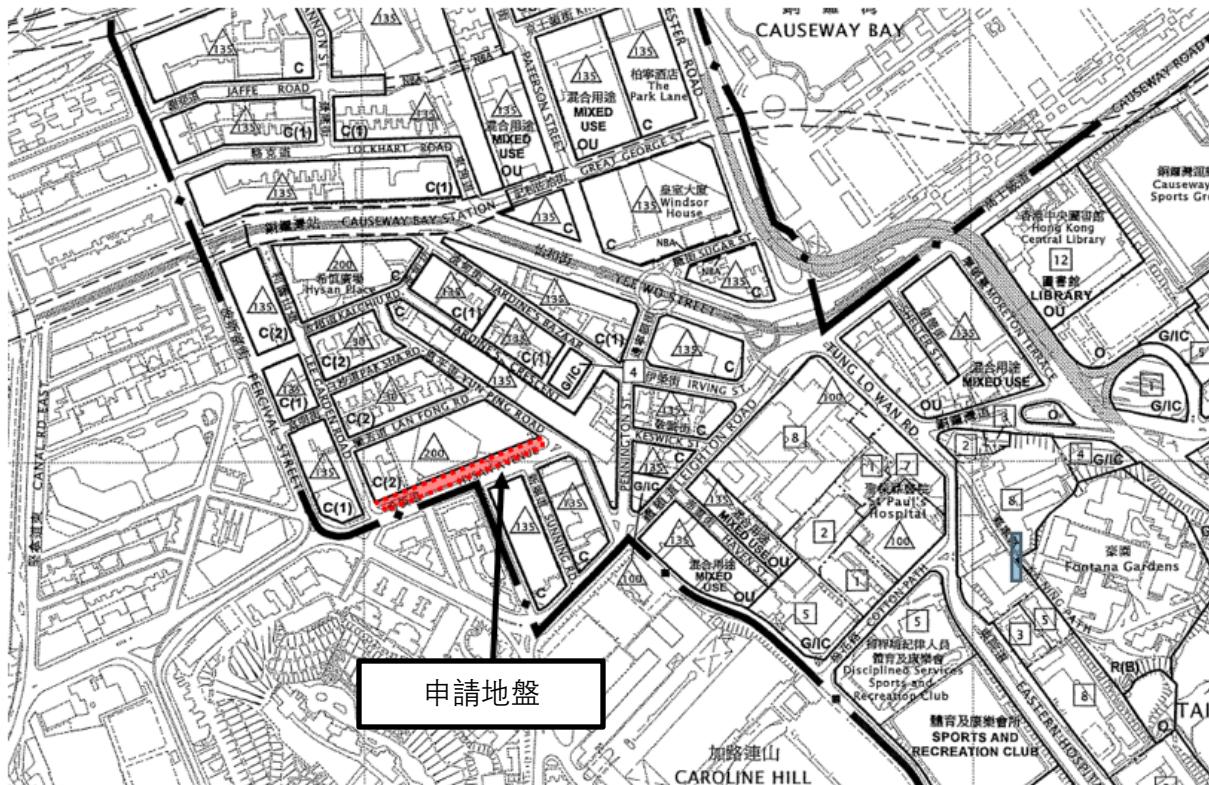
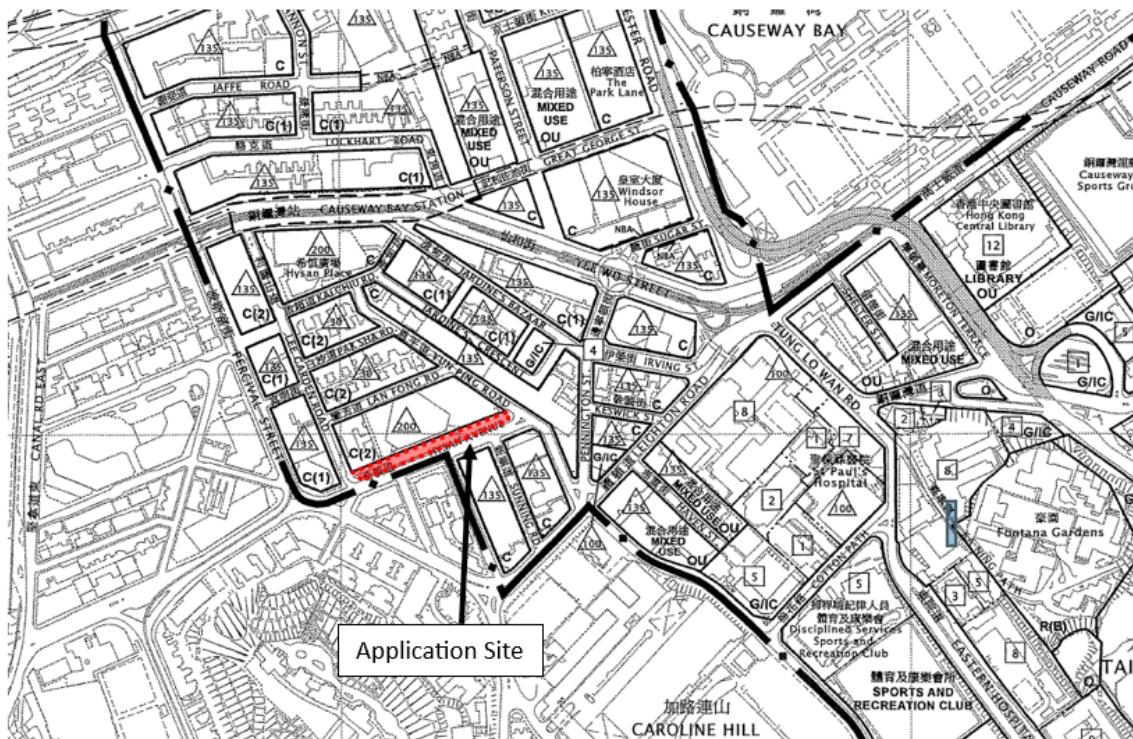


圖 S1：位置圖，顯示申請地盤在銅鑼灣分區計劃大綱圖編號 S/H6/17 摘錄圖中的位置。申請地盤位於希慎道沿利園一期之臨街部份。

Executive Summary

- S1. Perfect Win Properties Limited, a subsidiary of Hysan Development Company Limited, submits this Section 12A application to rezone a narrow strip of private land along Hysan Avenue from "Road" to "Commercial (2)" ("C(2)") to align with the actual lot boundary of Lee Garden One (see **Figure S1**). The current "Road" zoning is outdated, imposes unnecessary procedural hurdles, and conflicts with the 2023 Town Planning Ordinance reforms aimed at streamlining development.
- S2. Rezoning to "C(2)" will enhance flexibility for both short-term and long-term urban improvements, support the creation of vibrant public spaces such as the indicative "Market Street," and improve operational efficiency through expanded basement parking and integration with approved underground tunnels. It promotes sustainable design and pedestrian-friendly planning, and avoids adverse impacts on transport or infrastructure. Additionally, it reduces administrative burden, improves clarity for planning authorities, and unlocks the site's full development potential for long-term public value. The proposal complies with lease conditions and statutory controls, and reflects the evolving needs of high-density districts like Causeway Bay.
- S3. The rezoning from "Road" to "C(2)" is justified by planning merit, policy alignment, and public benefit. It removes outdated constraints, supports urban enhancement, and enables efficient land use. The applicant respectfully requests the Town Planning Board to approve the proposed rezoning.



Contents

	Page
<i>Executive Summary</i>	
1. Introduction	1
2. The Application Site	1
3. The Planning Context	5
4. Relevant Background	7
5. Land Administration	11
6. Purpose of this Application	13
7. Indicative Scheme – One of Many Possibilities	14
8. Planning Assessment and Justification	20
9. Conclusion	28

Consultants

Colliers Limited
Masterplan Limited
Ronald Lu & Partners (Hong Kong) Limited

1. Introduction

1.1 Perfect Win Properties Limited, a wholly owned subsidiary of Hysan Development Company Limited ("Hysan"), is submitting this application to rectify a minor zoning boundary discrepancy on the Causeway Bay Outline Zoning Plan No. S/H6/17 ("OZP"). The "Road" zone covers a portion of the private lots relating to Lee Garden One at 33 Hysan Avenue, which is identified in **Figure 1**. The remainder of the private lots are zoned "Commercial (2)" ("C(2)"). The use of the portion of the lots in the "Road" zone is significantly, and unnecessarily, restricted. The application seeks to realign the zoning boundary to reflect the lot boundary, ensuring consistency and flexibility across the site.

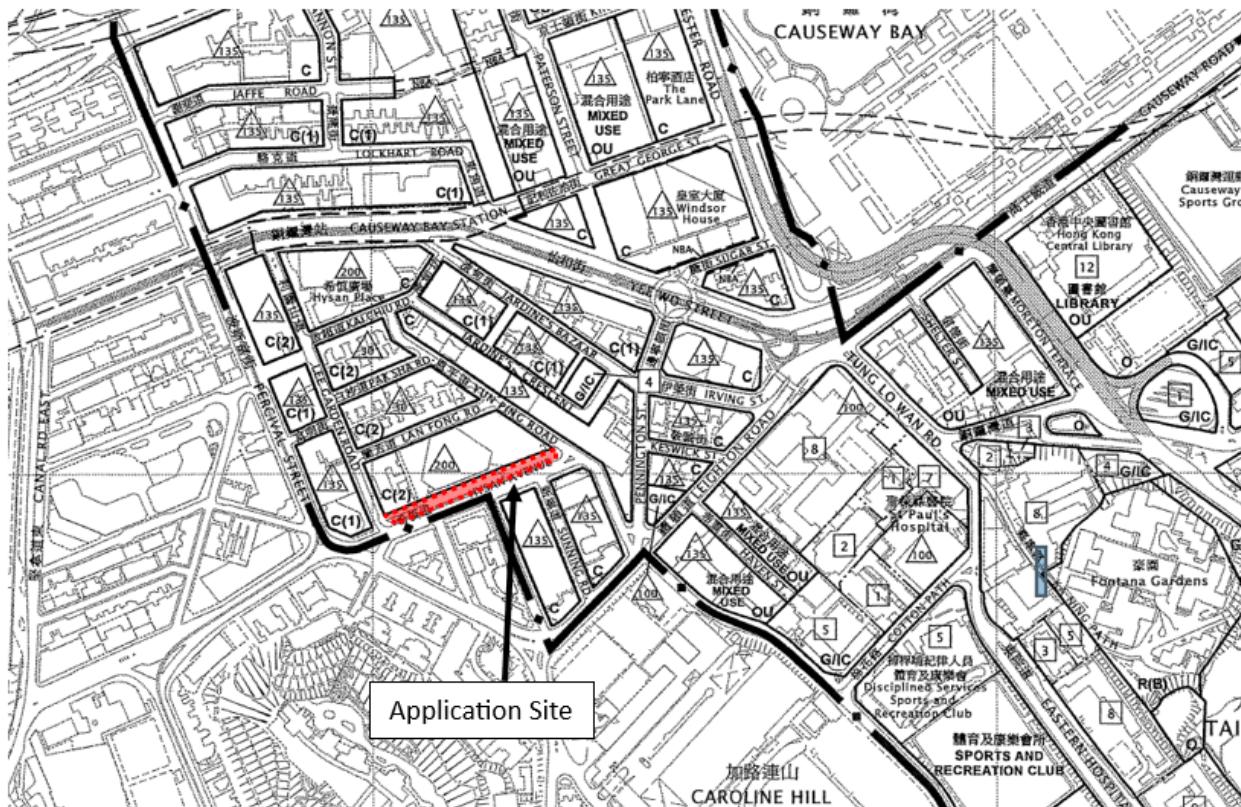


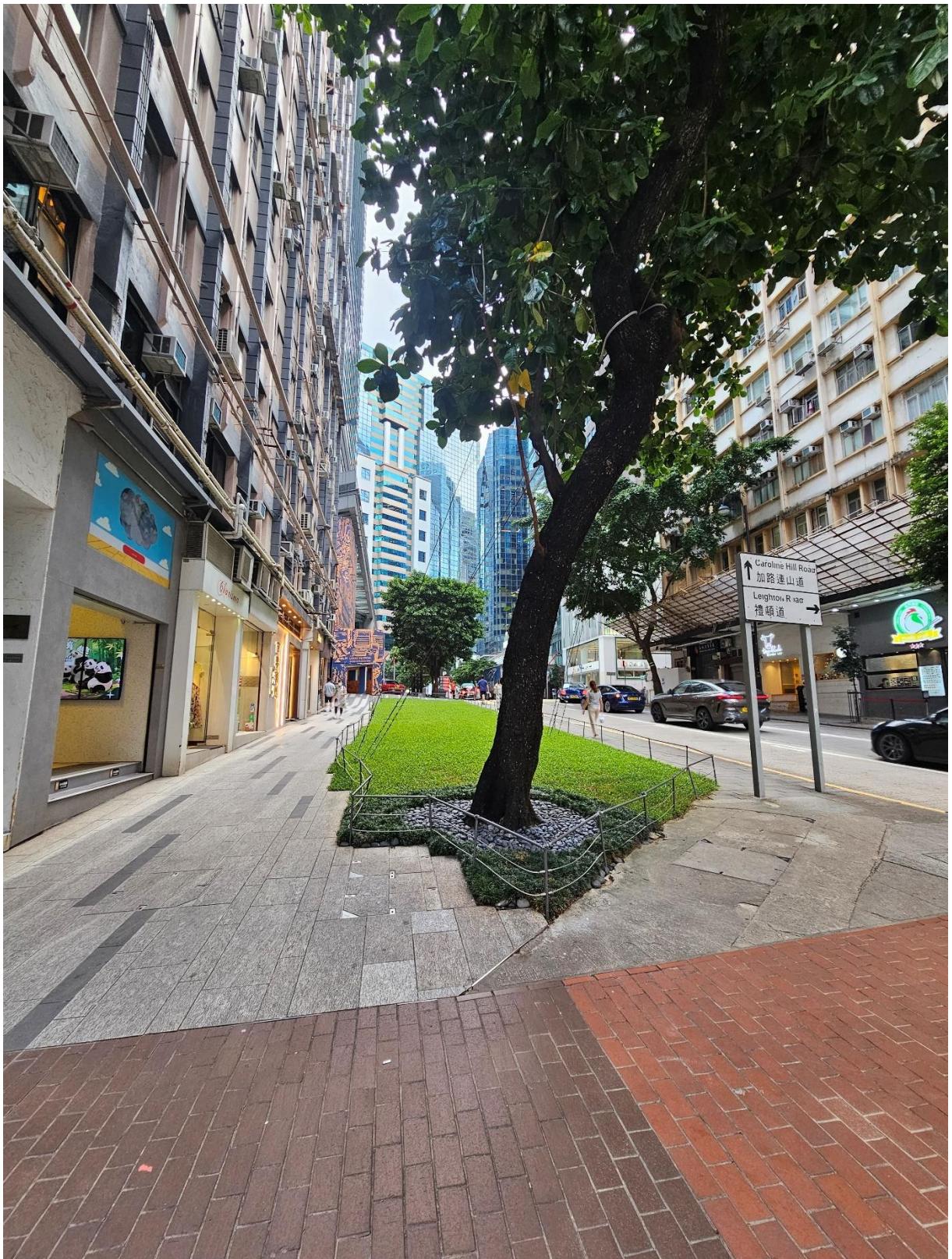
Figure 1: A Location Plan, identifying the location of the application site on an extract of the Causeway Bay Outline Zoning Plan No. S/H6/17. The application site is along the Lee Garden One frontage along Hysan Avenue.

2. The Application Site

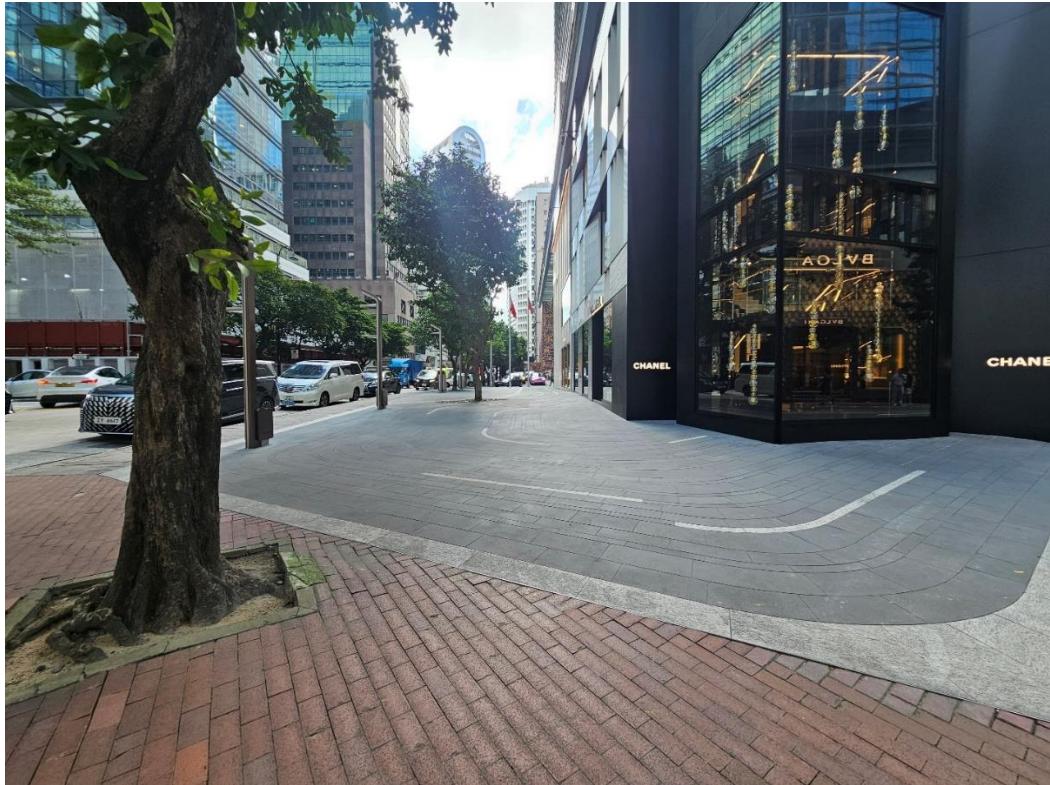
2.1 As illustrated in **Figure 1**, the application site occupies a linear strip of land along the northern side of Hysan Avenue. It is located between the Lee Garden One building and Phoenix Apartments on one side, and the adjacent pedestrian footpath on the other. The application site extends from Lee Garden Road in the west to Yun Ping Road in the east. It falls within the "Road" zone and comprises of a portion of the private lots relating to Lee Garden One at 33 Hysan Avenue. For visual context, refer to **Photographs 1-3**.



Photograph 1: Lee Garden One, as seen from Yun Ping Road.



Photograph 2: The existing use for the portion of the site in front of Phoenix Apartments is a grassed lawn, photo taken from Lee Garden Road looking to the east.



Photograph 3: The Application Site, looking from the east of the site (Yun Ping Road) to the west towards Lee Garden Road.

2.2 The application site is a significant piece of land with an area of approximately 1,227.7 m². The application site covers 3 lots: IL 29 S.MM, IL 29 S.L RP and IL 457 RP as shown in **Figure 2** below.

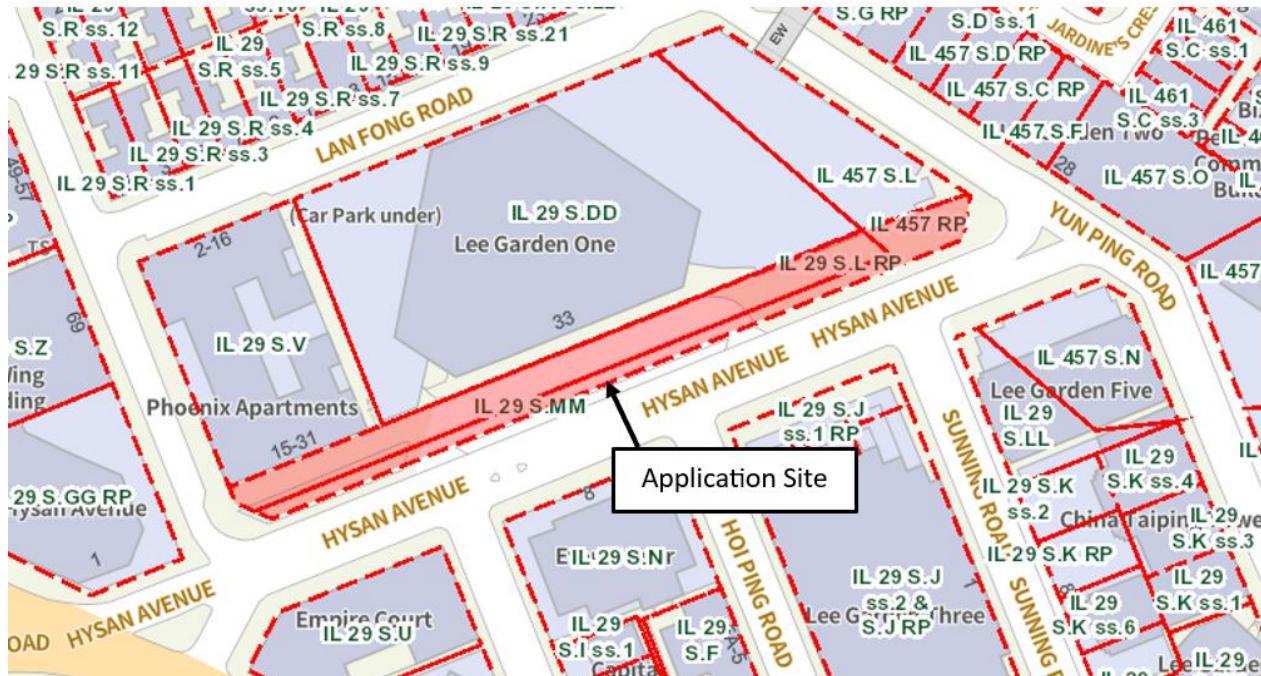


Figure 2: Showing the three lots included within the application site.

3. The Planning Context

3.1 The application site is currently zoned "Road" on the Causeway Bay Outline Zoning Plan No. S/H6/17 ("OZP"). The Proposed Zoning is "C(2)", which is the same zoning as for the Lee Garden One building site.

The "Road" Zone

3.2 The relevant paragraphs from the Notes to the "Road" zone on the OZP are:

"(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, 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:

"on-street vehicle park, railway track and tram track."

The "Commercial (2)" Zone

3.3 The Planning Intention of the "C(2)" zone as contained in the Notes to the zone is:

"This zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre(s) and regional or district commercial/shopping centre(s). There areas are usually major employment nodes."

3.4 All of the uses specified in the Planning Intention for the "C(2)" zone are Column 1 uses in the Notes to the zone.

3.5 The Remarks to the “C(2)” zone include:

- “(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 heights, in terms of metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.*
- (3) *On land designated “Commercial (2)”, a minimum setback of 1.5m from the lot boundary fronting ...Lan Fong Road shall be provided*
- (4) *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.*
- (5) *Under exceptional circumstances, for a development or a redevelopment proposal, minor relaxation of the non-building areas stipulated on the Plan or setback requirements stated in paragraphs (2) and (3) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.”*

Plan 2 – Index of Figures in Explanatory Statement of the OZP

3.6 Plan 2 (shown in **Figure 3** below), contained in the Explanatory Statement of the OZP, illustrates the footpath widening requirements in the Causeway Bay area. According to the plan, there are no such requirements applicable to the application site. However, it is important to note that on the Lan Fong Road side of the Lee Garden One development, a setback of 1.5 metres from the lot boundary has been designated for footpath widening, with a minimum clearance of 3.5 metres from ground level.

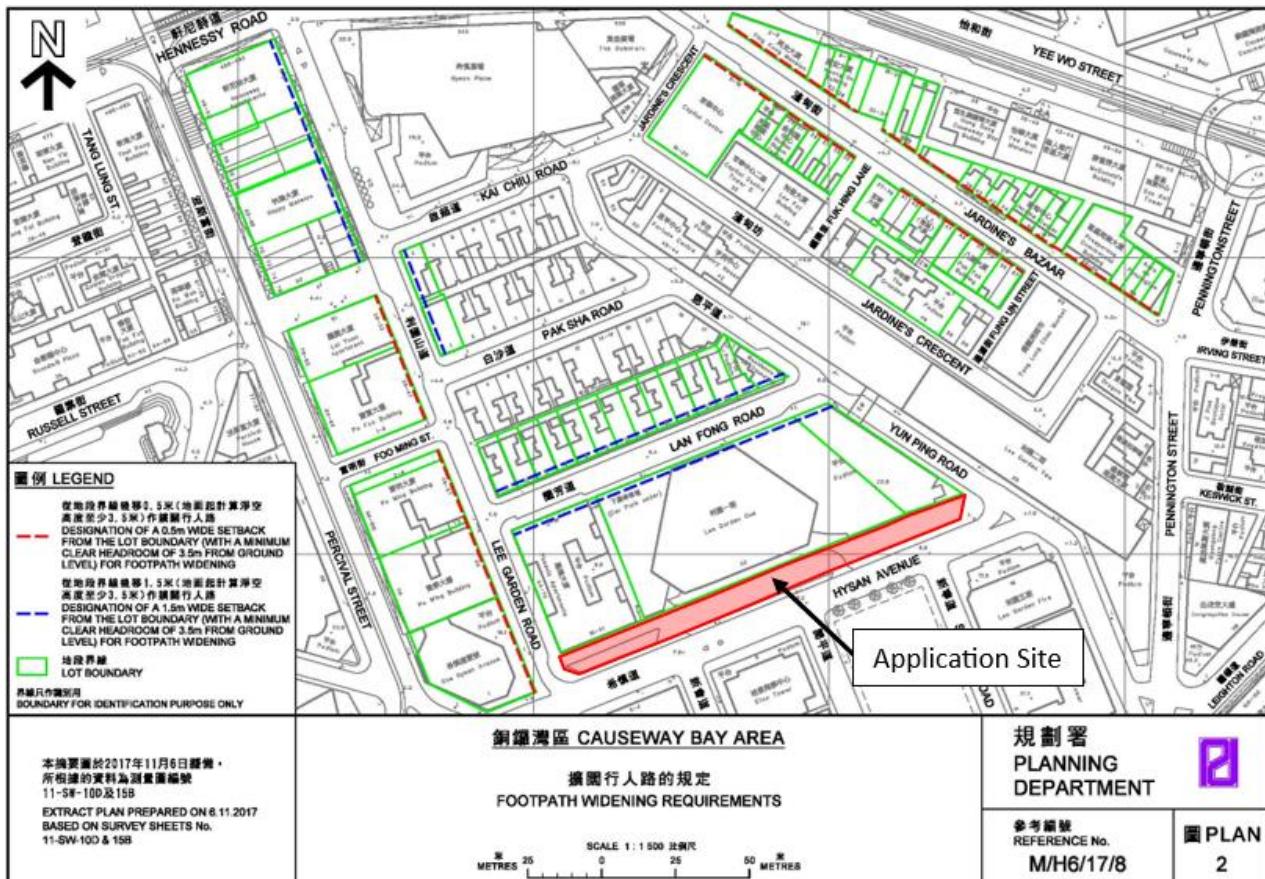


Figure 3: Plan Showing the existing footpath widening requirements (Extract from the Index of Figures in the Explanatory Statement of the Causeway Bay OZP No. A/H6/17).

3.7 Within the Explanatory Statement, in the “Object of the Plan” it is mentioned that:

“3.2 The Plan is to illustrate the broad principles of development within the Planning Scheme Area. It is a small-scale plan and the transport alignments and boundaries between the land use zones may be subject to minor adjustment as detailed planning proceeds.”{Emphasis added}

4. Relevant Background

Hysan's History in the Causeway Bay Area

1923 to the 1960's - History of the Area

4.1 Lee Hysan purchased East Point Hill in 1923 from Jardine Matheson & Co. At the time, the area was largely undeveloped and contained several old "taipan" houses. In the early 20th century, this area was a natural elevation in Causeway Bay, offering panoramic views of the harbour.

4.2 Lee Hysan's vision was to create a space for recreation, culture, and community. Initially Lee Hysan built the Lee Gardens Amusement Park, a landmark development, in the 1920s that helped

transform Causeway Bay into a vibrant entertainment district. The amusement park featured open-air attractions, cultural performances, and recreational spaces, making it a popular destination for locals and visitors alike. The park, and the nearby Lee Theatre, was part of a broader vision to create a community hub that blended leisure, culture, and commerce. It helped shift the entertainment focus from Central to Causeway Bay. Lee Hysan passed his assets on to the family, who managed them until the 1970's where they set up the Hysan Development Company Limited.

Lee Gardens Hotel 1960's-1993

4.3 In the late 1960's construction began on a 6-storey commercial building with a flat roof in order to expand the building vertically at a later date (see **Photograph 4**). In 1971 the famous Lee Gardens Hotel was constructed above the original commercial podium to take advantage of Hong Kong's tourism boom (see **Photograph 5**). The 6-storey commercial building, and accordingly, later the Lee Gardens Hotel, included a drop off area and at-grade car park on the frontage of Hysan Avenue as can be seen in the photo in **Photographs 4 and 5**. A similar drop-off area is retained in the current Lee Garden One building (see **Photograph 1**), however the car park has been expanded and moved into the basement levels.

4.4 The Lee Gardens Hotel was famous for being one of Hong Kong's earliest and most luxurious 5-star hotels, and a major catalyst in transforming Causeway Bay into a cosmopolitan hotspot. The Lee Gardens Hotel was one of a very few 5-star hotels in Hong Kong at the time. It was also very large in scale with 900 delux rooms and a grand ballroom for 300 guests. Another distinguishing feature of the hotel was its multiple renowned restaurants and bars, which attracted socialites and celebrities, including: the Rainbow Room, The Pavilion and the Yum Sing Bar. The Lee Gardens Hotel was demolished in 1994.

Lee Garden One – 1997 to the Present Day

4.5 Lee Garden One, a Grade A office building, was completed in 1997 on the former site of the Lee Gardens Hotel. As one of the tallest buildings in Causeway Bay, it benefits from excellent connectivity to public transportation, including the MTR, trams, mini-buses, buses, and taxis. The property also features a basement car park. **Photograph 1** shows the Lee Garden One site.

The History of the Application Site

4.6 Aerial photographs taken in 1949 indicate that there was likely no layby at the Lee Garden One site in 1949, at the time the Deed of Covenant for the open space was signed. What is certain is that the layby and car park along Hysan Avenue were, at the very least, introduced with the construction of the six-storey commercial building in the late 1960s, which subsequently preceded the development of the Lee Gardens Hotel. Outdoor at-grade laybys were common in the period of the 1940's-1960's. As part of the Lee Garden One redevelopment, the existing layby along Hysan Avenue was retained at grade, while the associated car park was relocated to the basement level beneath the Lee Garden One building, excluding the area defined as the application site.

Hysan : The Company Today

- 4.7 Hysan is a property development, investment and management company. It has an investment property portfolio of approximately 3.8 million square feet of retail and office space in Causeway Bay, excluding properties under redevelopment. The Lee family, and eventually Hysan have continued to develop and manage their significant landholdings in Causeway Bay in a manner that not only creates world class commercial and retail spaces, but also encourages and enables a vibrant public realm.
- 4.8 Hysan is at the forefront of Hong Kong's sustainable building development. Hysan's more recent buildings all have green building features that conform to the highest international sustainability standards. Hysan's most recent Causeway Bay Area Rejuvenation project at Lee Gardens includes all-weather pedestrian links connecting Hysan Place and the Causeway Bay MTR Station through to all the Lee Garden Buildings. This is now under construction. This connection has been extended through to Lee Garden Eight at Caroline Hill, serving the surrounding community including future District Court and the South China Athletics Association.



Photograph 4: The construction of the six-storey Lee Gardens commercial building was completed in the late 1960s. The photograph of the completed commercial building clearly shows the presence of both the drop-off and the adjoining car park along Hysan Avenue.



Photograph 5: A photo showing the drop-off and car park along Hysan Avenue, with the completion of the Lee Gardens Hotel constructed above the existing commercial podium.

Initial Assessment of the OZP Zone Boundary

4.9 The zoning of the application site as “Road” remains unexplained in the available planning records. There is no documented rationale or supporting evidence to clarify when, or the basis upon which this zoning was originally applied. It is plausible that the zoning resulted from an administrative error, a misunderstanding of the strip of land, or an assumption regarding future infrastructure development that was never realized. Ultimately, all that can be definitively stated is the rationale for the “Road” zoning is unknown.

5. Land Administration

5.1 The Application Site comprises of three private lots: IL 29 s.L RP, IL 29 s.MM, and IL 457 RP. The relevant conditions under the leases governing the respective lots are summarized below.

- (i) The lease governing IL 29 s.L RP and s.MM is virtually unrestricted except the standard rate and range clause and offensive trades clause. The term of the said lease is 982 years commencing from 25 June 1860. A licence permitting the carrying out of the five standard offensive trades (i.e. Oilman, Tavern Keeper, Victualler, Butcher and Sugar-baker) on these lots was issued on 4 September 1995.
- (ii) The lease governing IL 457 RP is restricted for first class European Houses or Godowns only and is subject to the standard rate and range clause and offensive trades clause. A licence permitting the carrying out of the five standard offensive trades (i.e. Oilman, Tavern Keeper, Victualler, Butcher and Sugar-baker) on these lots was issued on 4 September 1995. The term of the said lease is 999 years commencing from 24 December 1865.

5.2 Apart from the above lease conditions, it is noted from the records of the land registry for lot I.L. 29 s.L RP that a Deed of Covenant dated 18 August 1949 (“the Deed”) was made between the then lot owner (Lee Hysan Estate Company) (“the Company”), the then mortgagee (The Hongkong and Shanghai Banking Corporation (“the Bank”) and “His said Majesty”. Under the Deed the Company and the Bank respectively covenanted with His said Majesty that Section L of Inland Lot No. 29 as coloured green on the plan annexed thereto the Deed (“the Green Strip”) will be maintained as open space throughout the residue of the lease term, upon which no building of whatever type shall be constructed, and any assignment of the Green Strip or any part thereof shall be subject to the said restriction and shall include a covenant by the assignee to be bound by and in all aspects to observe and perform the said covenant.

5.3 The details below about the Deed of Covenant are also noteworthy:

- The Deed of Covenant specified for an Open Space but NOT a road.
- The Deed of Covenant restricts Section L of IL 29 only. It does NOT cover Section MM of IL 29 and Section RP of IL 457 (i.e. the sub-section of IL29/IL457 directly abut on the existing Hysan Avenue).
- Under the Deed of Covenant, “the Company are proposing to develop the land on both sides of Hysan Avenue and for the purpose of improving the district and to enable buildings to be erected to a greater height on both sides of the Avenue have agreed to set back the building line 20 feet namely to the northern border of the said land marked green”.

5.4 The uses as permitted under the proposed “Commercial (2)” zone do not conflict with the lease conditions governing IL 29 s.L RP, IL 29 s.MM and IL 457 RP.

5.5 Existing restrictions under land grants or land documents registered on the Land Registry should not be relevant planning consideration under the planning regime. In general, separate land application(s) could be made to and proceeded by the Lands Department.

5.6 It should be noted that, the “Road” zone area in the OZP is larger than the area restricted by the Deed of Covenant. **Figures 4 and 5** demonstrate where the OZP zone boundary differs.

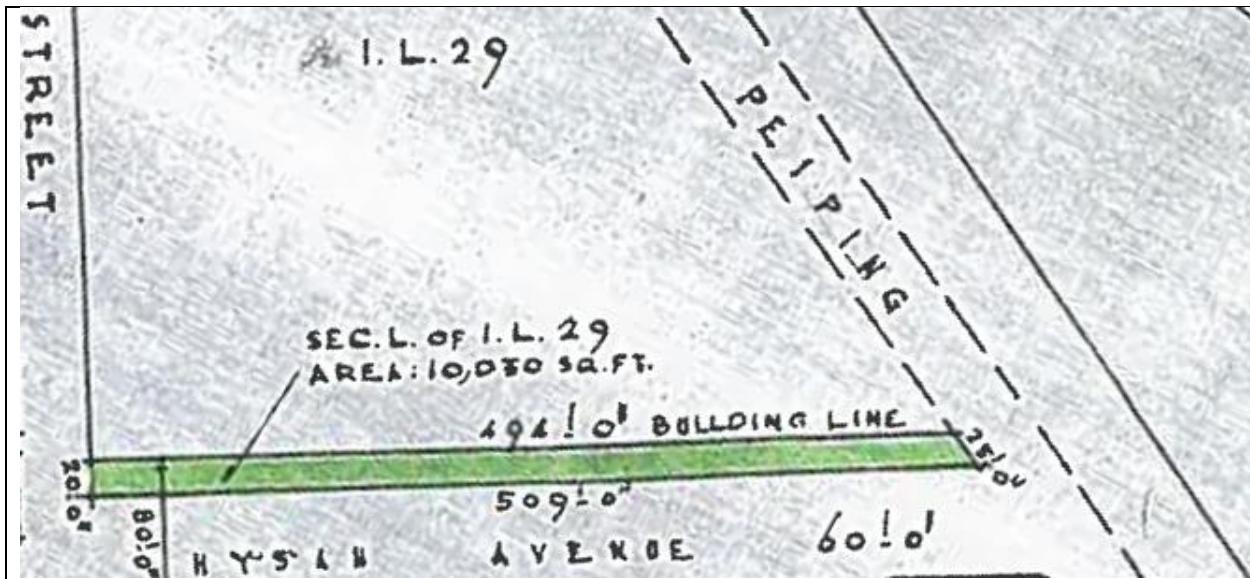


Figure 4: Extract of the Plan - Deed of Covenant dated 16 June 1949

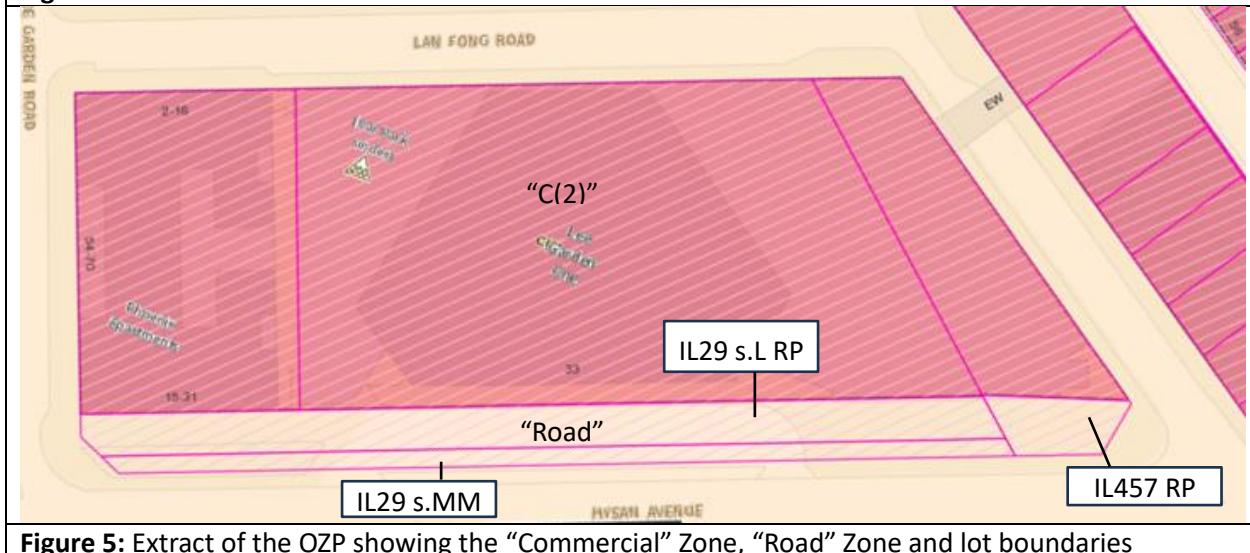


Figure 5: Extract of the OZP showing the “Commercial” Zone, “Road” Zone and lot boundaries

6. The Purpose of the Application

6.1 This application is made under Section 12A of the Town Planning Ordinance, to rezone the Application Site on the OZP. The purpose of the application is to make the zoning boundaries consistent with the private lot boundaries. This is achieved by amending the “Road” zone so that the “Commercial (2)” zone boundary is the same as the boundary of the private lots. The proposed scheme would move the “Commercial (2)” zone boundary from its existing location to the edge of the lot boundary as shown in **Figure 6**.

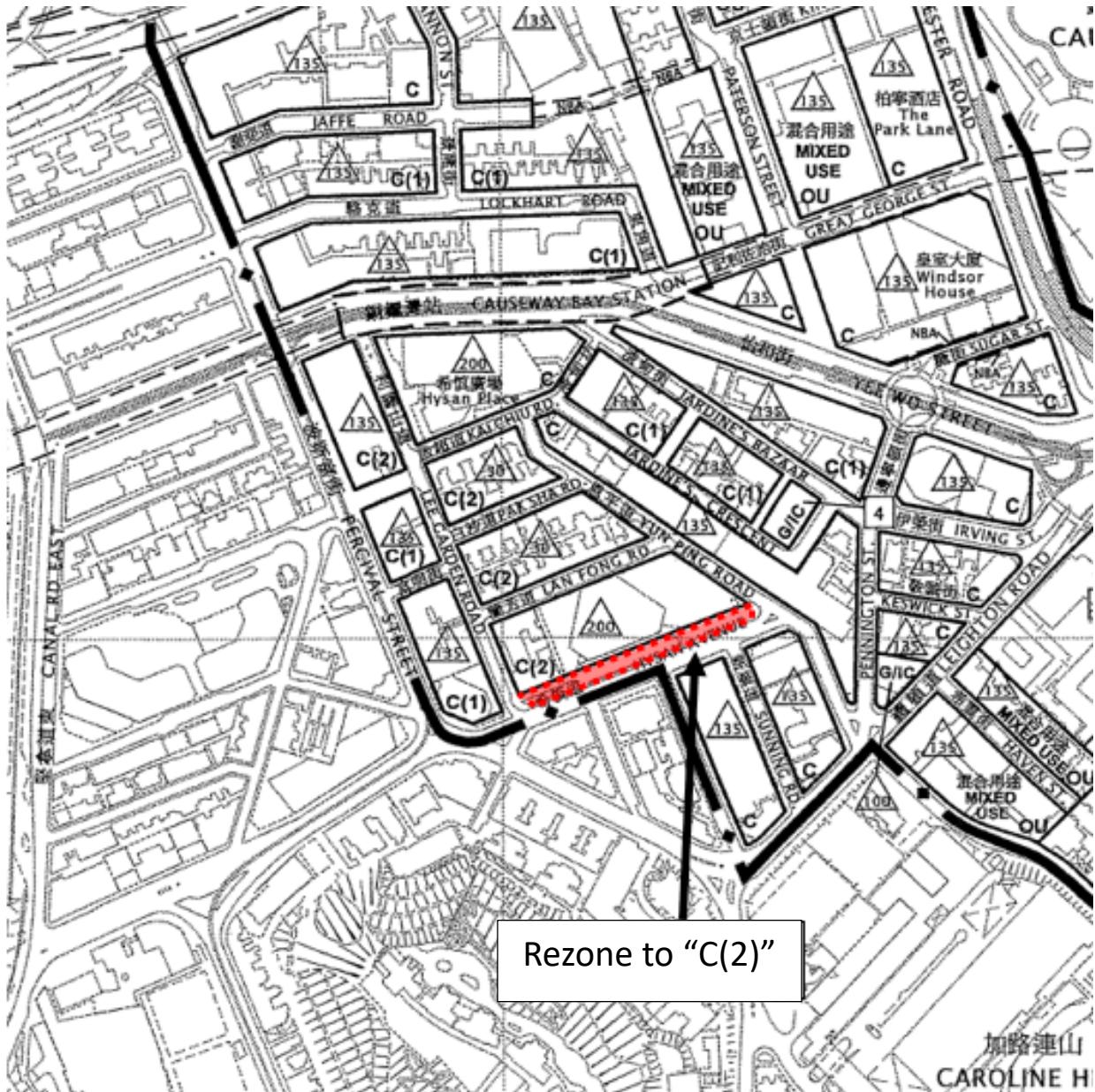


Figure 6: Plan Showing the proposed location of the amended boundary line, between the “C(2)” zone and the “Road” zone on the OZP at the application site.

7. Indicative Scheme – One of Many Possibilities

7.1 An indicative scheme is included in this rezoning application. The intention of the scheme is to illustrate that a number of improvements to the area are not being made due to the current “Road” Zoning. While a section 16 application could be made, it is time consuming and fairly inflexible. If the application site was rezoned to “C(2)” then changes, big and small, could be made through the GBP process as long as they were in accordance with the Column 1 uses on the “C(2)” zone. Under the “Road” zone essentially anything that Hysan would want to do would require a s.16 Approval. This rezoning enhances flexibility for the Hysan to carry out street activation works that enhances the streetscape in a timely manner, in this way they can cater to the quickly changing social needs without being deterred/delayed by a s.16 planning application process. These are uses which are permitted under the existing leases which still have approximately 800 years of validity.

Market Street Concept

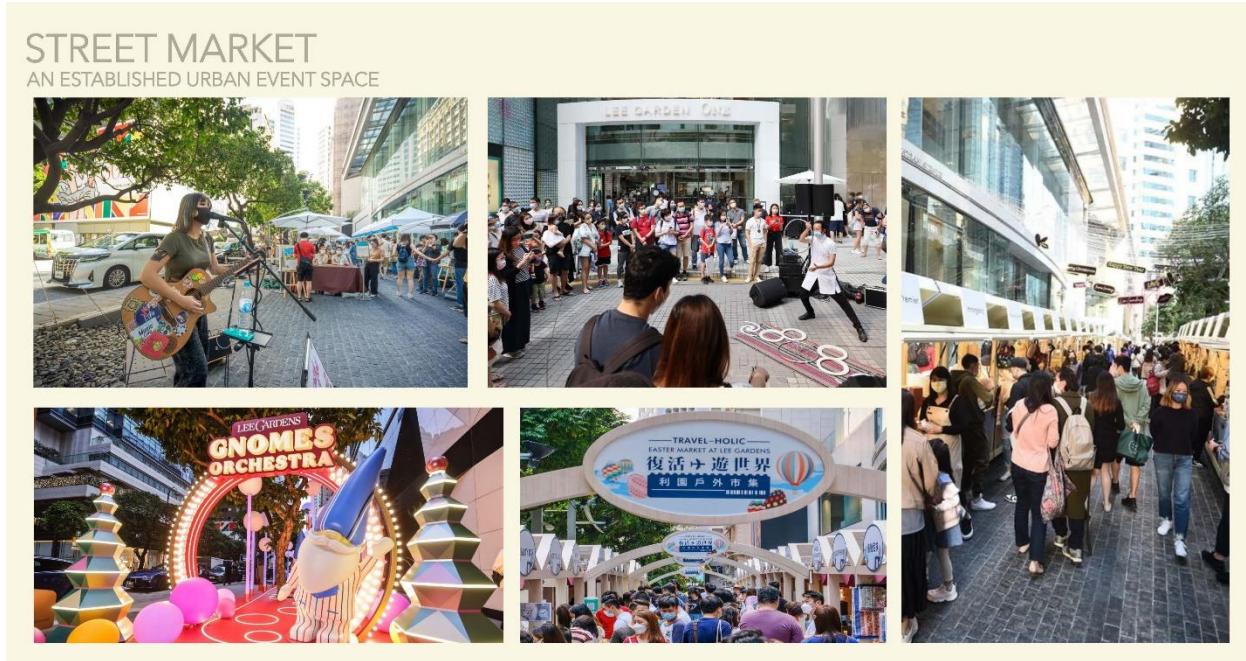


Figure 7: The application site is already an established urban event space, used to host regular temporary events.

7.2 The application site is often used by Hysan as a temporary urban event space (see **Figure 7**). As there is an additional 66 m² of GFA remaining for use on the site, one potential possibility shown in the Indicative Scheme would be to create a ‘Market Street’ to create a permanent venue for cafes or exhibitions to facilitate the use and vibrancy of this area on a daily basis as well as providing a better platform to host future temporary events.

7.3 The Indicative Scheme in **Figure 8** shows a possible location for the pavilions and street furniture that would not interfere with the operation of the layby. A closer layout of the ‘Market Street’ is

shown in **Figure 9**. **Figures 10 to 13** include some renderings to illustrate what the 'Market Street' could look like on a daily basis when there is no larger event taking place.



Figure 8: Indicates a possible location for the proposed pavilions and street furniture.



Figure 9: A plan showing the layout of the indicative 'Market Street' scheme.

7.4 The Indicative Scheme demonstrates that a concept like 'Market Street' could add a lot of public value through gaining more enjoyment from this area. There would be the possibility to grab a coffee or a snack, go to a pop-up shop or gallery, enjoy some possible leisure and entertainment. Most importantly there would be street furniture integrated into the design so that it would encourage people to sit and enjoy the space, creating a focal point for the district.

Old and Valuable Trees

7.5 The importance of the Old and Valuable Trees along Hysan Avenue is understood and any design that went forward would have a proper tree management plan in place to ensure that the trees are protected. This would include, but not be limited to, using permeable designs and materials within the drip line of the trees to ensure their wellbeing.



Figure 10: The view of the 'Market Street' as seen from the opposite side of Hysan Avenue looking towards Yun Ping Road.



Figure 11: The view of the 'Market Street' as seen from the same side of Hysan Avenue looking towards Leighton Road.



Figure 12: The view of the ‘Market Street’ as seen from Lee Garden One entrance looking down the application site, with Hysan Avenue behind the ‘Market Street’. The “Market Street” is located adjacent to Lee Garden One and is on private land.



Figure 13: The view of the ‘Market Street’ as seen from the corner of Yun Ping Road and Hysan Avenue.

Implications of the Zoning Boundaries on the Basement Car Park Provision

- 7.6 The configuration of the existing underground car park at Lee Garden One illustrates the tangible impact of zoning boundaries on development outcomes, an issue warranting careful consideration by the TPB. The basement car park terminates precisely at the edge of the “C(2)” zone, suggesting that zoning constraints directly limited its extent.
- 7.7 Had the “C(2)” zone extended to the full perimeter of the private development lots, it is reasonable to assume that the basement car park would have been designed to occupy the maximum feasible substructure footprint. This would have enabled a greater provision of parking spaces throughout the lifecycle of the Lee Garden One development. Given the consistently high demand for car parking in Causeway Bay, such an outcome would have delivered long-term benefits to both the development and the surrounding urban area.

Tunnels T1 and T2 – Approved Applications A/H6/93 and A/H6/94

- 7.8 In two separately approved Section 16 applications (A/H6/93 and A/H6/94), provision has been made for two future underground vehicular tunnels—Tunnel T1 and Tunnel T2. These were approved on the 28 February 2025. Tunnel T1 is located beneath Hysan Avenue connecting Lee Garden One and Lee Garden Three (1 Sunning Road) (refer to **Figure 14**), while Tunnel T2 is located beneath Yun Ping Road, connecting Lee Garden One and Lee Garden Two. These tunnels link to the Level 3 basement car park of Lee Garden One and are intended to enhance at-grade traffic circulation by facilitating vehicular movement below ground. However, the implementation of these tunnels results in a net reduction of 12 car parking spaces within the development.
- 7.9 In the Indicative Scheme in **Figure 15**, it is demonstrated that if the “C(2)” zone was extended to the full boundary of the private development lots, one basement floor (Basement Level 2) of Lee Garden One could provide an additional 17 car parking spaces. This extension would effectively offset the 12 spaces lost due to the tunnel connections and providing an additional 5 spaces. Such an adjustment would contribute positively to long-term parking provision in Causeway Bay, where demand remains consistently high.

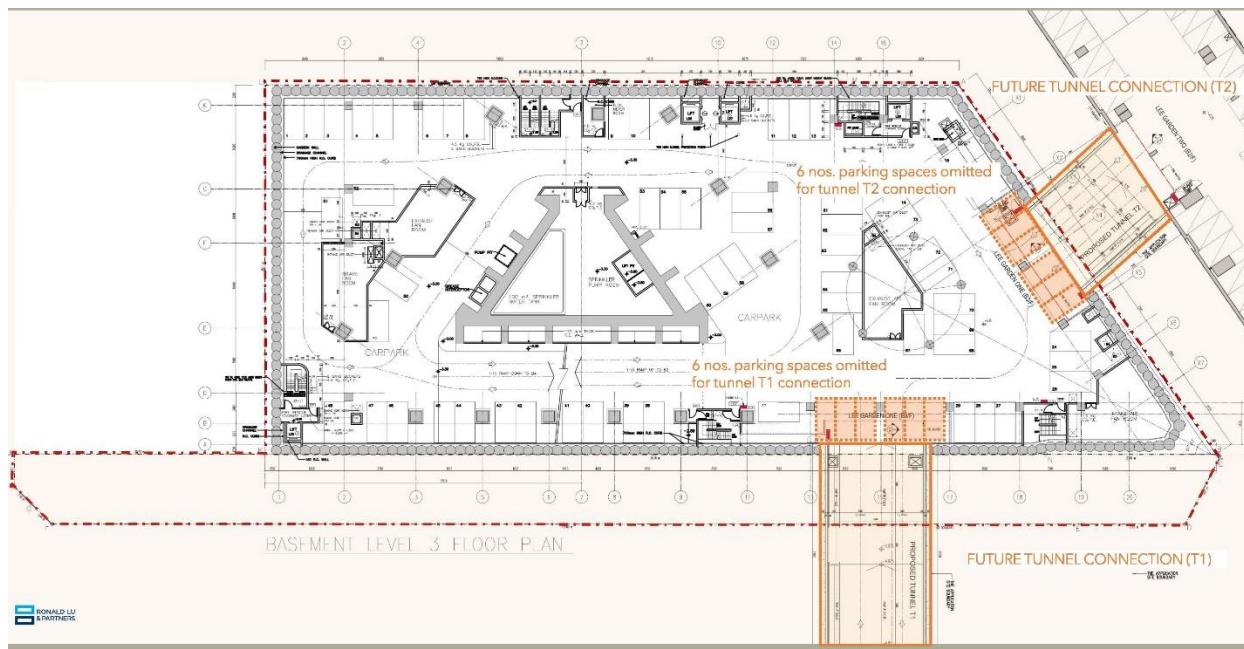


Figure 14: Shows the location of the Approved Tunnels T1 and T2, which relate to the s.16 Application Numbers A/H6/93 AND A/H6/94. It can be seen the car park currently only extends to the boundary of the “C(2)” zone.

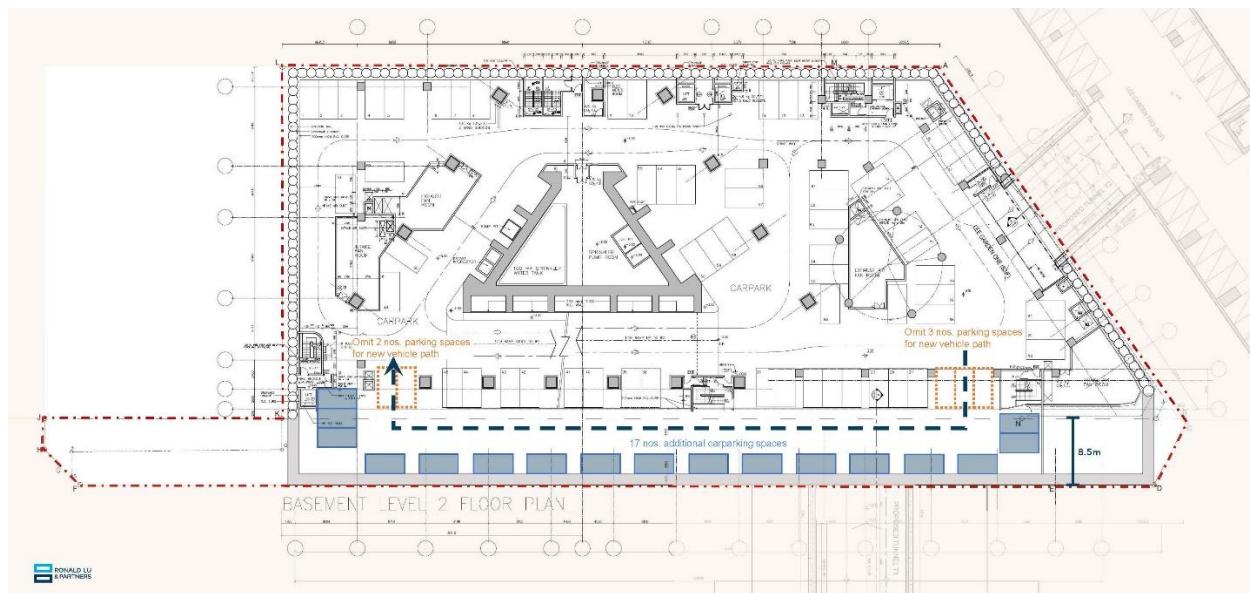


Figure 15: Illustrates the potential location of the 17 additional car parking spaces that could be provided in the Indicative Scheme.

8. Planning Assessment and Justification

Public and Community Benefits

Hysan's Commitment to Urban Enrichment

8.1 For more than a century, Hysan has demonstrated a dedication to shaping vibrant, progressive urban environments. These spaces have been designed to stay ahead of societal trends, fostering new opportunities for public enrichment and encouraging community engagement. Through this ongoing commitment, Hysan has continually delivered dynamic experiences that benefit both the broader community and the general public in the Causeway Bay area.

Rezoning Application and Future Site Use

8.2 This application proposes the conversion of the existing "Road" zoning to "C(2)", granting Hysan increased flexibility in utilizing the site, which is under its sole ownership. Although the application does not provide detailed plans for the property's long-term future - given that current leases will remain in effect for over 800 more years - the proposal clearly aims to keep future possibilities open and adaptable to evolving needs.

Ethos of Public and Community Benefits

8.3 Hysan is pursuing extending the "C(2)" zoning for Lee Garden One - not because of immediate redevelopment plans, but to enable more creative and flexible possibilities for the site's future, both short-term and long-term. The current Section 16 requirement, tied to its "Road" zoning, restricts rather than supports public and community interests. Neither the Government nor the Applicant currently believes that expanding the road at this location would deliver meaningful community benefits. Since road widening is no longer under consideration, the existing zoning is outdated. Rezoning to "C(2)" would better reflect the site's potential and serve the broader interests of the community.

Tradition and Future Potential

8.4 Since 1925, Hysan has been committed to developing commercial spaces that provide notable public and community benefits, a tradition it actively seeks to uphold. Looking to the future, expanding the zoning to encompass all of the private lots will offer greater flexibility, foster creativity, and broaden the scope for public benefit as redevelopment opportunities arise.

Provision of Drop-off / Pick-up Facilities at Lee Garden One

Drop-off and Pick-up Facilities: Zoning Considerations

8.5 The inclusion of a lay-by for drop-off and pick-up purposes at Lee Garden One does not require the site to be zoned as “Road”. In commercial developments of comparable scale and intensity, such facilities are typically integrated within the overall site design, facilitating efficient vehicular access while maintaining pedestrian safety and urban functionality. Greater flexibility in the location and configuration of these facilities can deliver enhanced planning and operational benefits, especially when considered as part of a longer-term future comprehensive redevelopment. These potential improvements should be evaluated in the context of a full redevelopment proposal, taking into account prevailing urban conditions, planning objectives, and technical assessments at the appropriate time.

Potential Benefits of Flexible Drop-off Facility Placement

8.6 Allowing flexibility in determining the precise location and configuration of drop-off and pick-up areas would enable the integration of broader planning and operational factors into a redevelopment strategy, such as: pedestrian movement, air ventilation, streetscape enhancement, and traffic management. The opportunity to reposition the lay-by could provide numerous benefits including improved pedestrian movement, better alignment with air ventilation corridors, enhanced public realm, and more efficient site access arrangements. A number of possible alternative locations for the drop-off are discussed below; these options should be considered holistically within a comprehensive redevelopment plan.

Facilitating Pedestrian Movement on Lan Fong Road

8.7 As indicated in Plan 2 of the Index of Figures in the Explanatory Statement of the OZP (refer to **Figure 3**), the Transport Department has not specified that any footpath widening requirement along the Hysan Avenue frontage of Lee Garden One. However, a 1.5-meter footpath widening setback has been specified along the Lan Fong Road frontage. Should the entire Lee Garden One site, including the current application site, be zoned “C(2),” it would provide flexibility to potentially relocate the drop-off area to the Lan Fong Road side. This adjustment could enhance pedestrian space and improve the pedestrian environment in the vicinity, aligning with broader planning intentions to improve pedestrian circulation and streetscape quality.

8.8 Repositioning the lay-by to Lan Fong Road could enable integration of the required footpath setback into a more generous pedestrian zone, supporting walkability, safety, and comfort for those using the area. This strategy would further support planning objectives for pedestrian-friendly environments in dense commercial districts like Causeway Bay, reducing pedestrian-vehicle conflict and contributing to a more coherent and accessible streetscape. However, technical assessments, such as a Traffic Impact Assessment, would be needed to ensure there

were no issues with traffic congestion or any other potential issue at the time a redevelopment proposal was considered.

Optimizing Air Ventilation through Drop-off Placement

- 8.9 In the longer-term context of comprehensive redevelopment, strategically relocating or redesigning the drop-off area presents an opportunity to optimize air ventilation in the vicinity of Lee Garden One. This design approach was successfully applied in Hysan's recent Lee Garden Eight development, where air ventilation patterns were carefully considered to create a more breathable urban environment. The configuration and orientation of buildings in a dense area like Causeway Bay have a substantial impact on air movement at street level. By reassessing the lay-by location, natural ventilation corridors can be enhanced, heat accumulation reduced, and pedestrian comfort improved, contributing to sustainable urban design and healthier public spaces.
- 8.10 Determining the optimal drop-off location would depend on existing site conditions, including building massing, street geometry, and wind patterns at the time of redevelopment. Adopting a flexible zoning arrangement would allow these factors to be comprehensively evaluated, enabling air ventilation strategies to be incorporated into the site layout.

Locating Drop-off in the Basement for Improved Public Realm and Site Access

- 8.11 Relocating the drop-off area to the basement level offers the potential to significantly enhance site access and circulation efficiency. This design decision would free up the ground plane, providing greater flexibility in shaping the superstructure and improving the urban realm at street level. Removing vehicular access from the surface would create a more pedestrian-oriented environment, especially along Lan Fong Road, with expanded public spaces, improved landscaping, and better connectivity. This approach would also support increased pedestrian movement and provide adequate space for mini-bus queuing, with enhancements supported by widened footpaths, active frontages, and upgraded streetscape design.
- 8.12 Integrating approved basement tunnels (T1 and T2), anticipated to be completed prior to any redevelopment, would allow vehicular connections to car parks and ingress/egress points for Lee Garden Two and Lee Garden Three, reducing conflicts between vehicles and pedestrians and allowing for a more adaptable site layout. Additionally, an underground location option offers opportunities to incorporate air ventilation strategies responsive to the surrounding built environment and microclimatic conditions.

Drop-off Location Conclusions

8.13 Together, these measures promote a sustainable, people-focused redevelopment vision in line with broader objectives for urban livability, walkability, and environmental resilience. The feasibility and design implications should be assessed holistically as part of a comprehensive redevelopment strategy. However, such options are contingent on rezoning the application site to “C(2)” to provide the necessary flexibility for their implementation.

Absence of Road Widening Requirements

8.14 There are no current or anticipated plans for road widening along Hysan Avenue. In the pre-submission consultation with Government Departments, Transport Department confirmed that there is no planned expansion or realignment for this road. The existing road network is well-established and functions effectively within the urban context.

8.15 As Transport Department have not identified Hysan Avenue as a location requiring road widening, and the surrounding developments, including Lee Garden One, have been integrated into the existing road layout without necessitating road widening. This supports the view that the “Road” zoning for the application site is outdated and does not serve a practical transport function.

8.16 Maintaining the “Road” zoning imposes unnecessary planning constraints on private land that could otherwise be utilized for urban renewal and community benefit. The lack of foreseeable road infrastructure needs, further justifies rezoning the site to “C(2),” aligning it with surrounding land uses and unlocking its development potential.

Deed of Covenant is Not a Relevant Planning Consideration

8.17 The Deed of Covenant is addressed in detail in Section 5 of this Planning Statement. It is important to reiterate that the Deed of Covenant should not be treated as a relevant planning consideration. It should also be noted that the Deed of Covenant specifies an “Open Space” rather than a “Road”.

8.18 In this instance, the Deed of Covenant is in favour of the Government, acting as landlord, and functions in effect as a restriction under the terms of the Government Lease. However, lease-based restrictions are not uncommon and are typically not relevant to planning decisions. A common example is where a Government Lease designates land for agricultural use, yet an application is made to the Town Planning Board to rezone the site for commercial, residential, or other purposes. If the rezoning is approved, the developer would then proceed to apply to the Lands Department for a lease modification or a surrender and regrant.

8.19 The Deed of Covenant may be removed through a variation or release of the deed (collectively referred to as “deed variation”) executed by the Government, represented by the Director of Lands. According to Section 13 of the Town Planning Ordinance, *“approved plans and approved parts of partly approved plans must be used by all public officers and bodies as standards for guidance in the exercise of any powers vested in them.”* Accordingly, the Government is unlikely

to agree to a lease modification unless and until the rezoning of the “Road” zone is approved by the Town Planning Board.

8.20 Finally, it should be noted that the Deed of Covenant is historical in nature, and its precise origin is unclear. Ultimately, however, the rezoning must precede any variation of deed. The Deed of Covenant was signed in 1949 - more than seven decades ago. Developments should keep pace with modern needs and serve better economic functions.

The TPB Should Consider the Rezoning Application on its Planning Merits

8.21 In the absence of detailed records or rationale explaining why the private lots within the application site were originally zoned as “Road,” it is both reasonable and necessary for the TPB to reassess the appropriateness of this zoning of private property in light of the current planning standards and guidelines, sustainable building development guidelines (SBDG), and general best practices as well as the future urban needs.

8.22 Planning decisions must evolve with the changing context of the city. What may have been considered suitable under the Building Regulations and controls in the 1950’s, 1960s and 1970s may no longer reflect the realities of 2025. Newer controls like the SBDG are more appropriate in the modern context, especially in a dynamic and high-density commercial district like Causeway Bay. The continued zoning of privately owned land as “Road”, without any known infrastructure requirement or transport function, imposes unnecessary constraints on land use, stifling opportunities for renewal, enhancement, and better integration with surrounding developments.

8.23 Moreover, the long-term nature of land leases in Hong Kong, in this case extending for over 800 years, underscores the importance of forward-looking planning decisions. Retaining outdated zonings without clear justification risks perpetuating inefficiencies and missed opportunities for generations to come. It could be reasonably assumed that the buildings on this site could be demolished and rebuilt 6 or 7 times during the term of the lease.

8.24 In light of these considerations, the TPB should approach the rezoning application with a focus on planning merit and long-term public interest, rather than historical zoning decisions that may no longer be relevant or defensible. We believe the latter is the situation for the application site.

Changing Face of Commercial and Office Spaces Requiring More Communal “Third Spaces”

8.25 The evolving nature of urban life and work has significantly reshaped the expectations placed on commercial and office environments. In particular, there is a growing demand for communal “third spaces”. These are areas that are neither home nor traditional workplaces, but serve as informal, flexible environments for social interaction, collaboration, relaxation, and cultural engagement. This shift is driven by several interrelated trends:

- *Changing Work Patterns:* The rise of hybrid and remote work models has reduced the need for rigid office layouts, prompting a reimaging of office buildings as multi-functional hubs that support both productivity and community.

- *Experiential Retail:* Retail spaces are no longer solely transactional. To remain relevant, they must offer immersive experiences, curated events, and lifestyle programming that foster emotional connection and repeat visitation.
- *Wellness and Social Connectivity:* Urban dwellers increasingly seek spaces that promote mental well-being, physical comfort, and social interaction. This includes green areas, lounges, event zones, and cultural venues integrated into commercial developments.
- *Generational Preferences:* Younger generations value authenticity, flexibility, and community. They gravitate toward environments that blend work, leisure, and social engagement in seamless, dynamic ways.

8.26 In this context, the rigid zoning for “Road” can hinder the ability of developers to respond to these evolving needs. Rezoning (e.g., to “C(2)”) would allow Hysan to create vibrant, inclusive, and future-proofed urban spaces.

Unintended Consequences of Retaining the “Road” Zone

8.27 When the first Causeway Bay OZP was drafted in 1968, it is highly unlikely that planners could have anticipated the development of a 50-storey landmark Grade A office building at Lee Garden One. Nor would they have foreseen that the delineation of the “Road” zone boundary would later constrain the scale of basement car parking in the 1997 redevelopment of Lee Garden One.

8.28 Although Hysan could have technically submitted a Section 16 application to extend the Lee Garden One car park beneath the application site, this did not occur. The current building was approved through the General Building Plan process, as it was a Column 1 use permitted as of right under the “C(2)” zone.

8.29 The Indicative Scheme submitted with this application is not intended to depict a definitive development proposal. Rather, it serves to illustrate the real-world implications of retaining the “Road” zoning, namely, the opportunity cost of limiting future development potential in Causeway Bay. If the site were rezoned to “C(2)” as proposed, it would create meaningful flexibility for Hysan to explore options such as extending basement car parking or other enhancements. This would allow a currently underutilized parcel of private land to be revitalized, creating new possibilities for the district. These benefits could be realized well in advance of a full redevelopment of the site, which is not anticipated to occur in the near future.

8.30 Just as the drafters of the 1968 OZP could not have foreseen today’s urban landscape, it is equally impossible to predict the long-term implications of retaining the “Road” zone, whether for another 57 years or the remaining approximately 800 years of the lease term. In the context of contemporary planning principles, there is no compelling rationale to preserve the “Road” designation. It is therefore appropriate for the Applicant to raise this matter with the Town Planning Board. A coherent and rational case exists for rezoning the private land of the application site to “C(2)” to ensure consistency and unlock future potential.

Meeting the Planning Intention and Restrictions of the “C(2)” Zone

8.31 The majority of the Lee Garden One lots are zoned “C(2)” and as a result anything that would be proposed on the property by Hysan, for alterations or redevelopment, would conform to the requirements of that zone. This would mean that should the application site be rezoned to “C(2)” it would also be required in the future to meet the Planning Intention on this portion of the lot. The Planning Intention is stated in paragraph 3.3 above.

8.32 The Planning Intention identifies uses that Hysan also agree are appropriate for the site such as *“office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre(s) and regional or district commercial/shopping centre(s)”*. The building height restriction on the zone is 200mPD, and there is a 1.5m set back required on Lan Fong Road. In addition, any future development would need to comply with the Sustainable Building Design Guidelines, which promote environmental performance, pedestrian connectivity, and urban integration. These requirements are entirely suitable for the site and would remain unchanged if the “Road” portion is rezoned to “C(2)”.

8.33 Importantly, rezoning the application site would allow future development to proceed through the General Building Plan submission process, without the need for a Section 16 planning application. This streamlines the approval pathway while maintaining full compliance with the Planning Intention and statutory controls, thereby removing unnecessary procedural hurdles and enabling more efficient land use planning.

Current Zoning is Contrary to the Overall Intention of the 2023 Amendments to the Town Planning Ordinance

8.34 The Town Planning Ordinance was Amended in 2023 with three principal objectives:

1. to streamline and shorten statutory time limits;
2. **to avoid repetitive procedures of a similar nature**; and
3. to strengthen enforcement power in the rural New Territories.

The Planning Department Information Pamphlet on the Amendment states that *“Society has a broad consensus for the Government to take bolder steps to expedite the supply of land.”* This reflects a clear policy direction toward efficiency, responsiveness, and freeing-up land resources to meet pressing development needs.

8.35 In the event that Lee Garden One is redeveloped or altered in the future, such works would be carried out in accordance with the “C(2)” zoning, which already applies to the majority of the site. However, the retention of the “Road” zoning over a portion of the site introduces an unnecessary procedural hurdle. Any proposed use on that portion, despite being identical in nature to those permitted under “C(2)”, would require a Section 16 planning application. This creates a duplicative and avoidable process that directly contradicts the second stated objective of the 2023 amendments: to eliminate repetitive procedures of a similar nature.

8.36 There is no known planning or transport rationale for maintaining the “Road” zoning. There are no proposals to use the area as a public street, nor is there any identified infrastructure need. In contrast, there are clear and tangible benefits to rezoning the site entirely to “C(2)” in line with the existing lot boundaries. Doing so would:

- Accurately reflect the long-term commercial use of the land as permitted under the lease;
- Eliminate the need for future Section 16 applications for otherwise permissible uses;
- Streamline the development process for the landowner; and
- Reduce the administrative burden on the Planning Department, relevant government departments, and the Town Planning Board.

8.37 In essence, the proposed rezoning aligns with the spirit and intent of the 2023 legislative reforms. It promotes efficiency, removes outdated constraints, and supports the broader policy goal of expediting land supply and urban renewal in high-value districts such as Causeway Bay.

The OZP and the Lot Index Plan Are Inaccurate and Should Not Be Overlayed

8.38 A notable discrepancy exists between the OZP zoning boundaries and the Lot Plan, as revealed through the Lot Overlay feature on the Town Planning Board's Statutory Planning Portal 3 ("SPP 3"). This misalignment is more substantial than initially anticipated and has significant implications for the long-term redevelopment, alteration, or enhancement of the Lee Garden One property. The extent of the inconsistency has prompted the urgent need to address the issue through this Section 12A rezoning application.

8.39 Both the OZP and the Lot Index Plan are generalized representations and were never intended to be used as precise tools. Hysan considers the overlaying of these two broad-brush plans in the SPP 3 to be inappropriate and potentially misleading. This practice introduces a high risk of spatial inaccuracies that could affect planning decisions and development rights.

8.40 A key concern is the uncertainty surrounding how this overlayed data will be interpreted and applied in future planning applications, especially when compared to accurate CAD drawings and surveyed coordinates. In the case of Lee Garden One, the discrepancy between the overlay and actual surveyed data is pronounced, raising questions about the reliability of the overlay as a basis for statutory planning decisions.

8.41 Given the availability of precise survey information and digital mapping tools, planning assessments should rely on verified data rather than composite overlays of inherently imprecise plans. The current approach undermines clarity and could lead to procedural inefficiencies or unintended constraints on development potential.

Air Ventilation Requirements

8.42 Regarding Air ventilation requirements as set out in the Explanatory Statement, in paragraph 7.7, it states that "*Major air paths should be maintained at a width of at least 15m as far as practicable.*" The width of Hysan Avenue from the Lot boundary to the closest point of the lot boundary on the opposite side of the application site is shown in **Figure 16** below. The gap between the lot boundaries on the opposite sides of Hysan Avenue is greater than 15m and should not cause any air ventilation impacts upon additions/redevelopment of the Lee Garden One site. Any new development/ additions would also be designed to meet the sustainable buildings best practices and be in compliance with the SBDG, as are all of the newer buildings in the Hysan Portfolio.

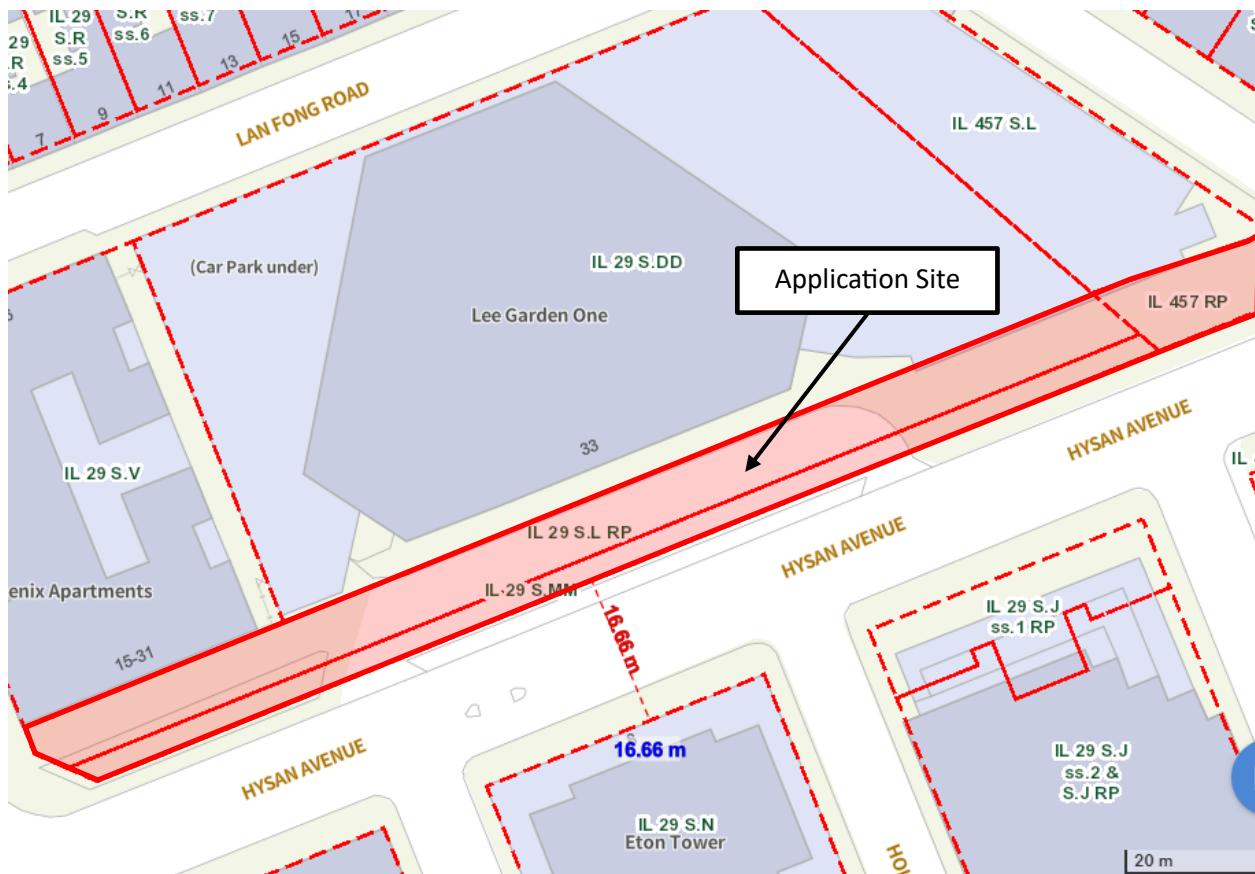


Figure 16: Showing the distance between the lot boundaries on the opposite sides of Hysan Avenue are over 15m.

9. Conclusion

9.1 The Planning Statement establishes that rezoning the Application Site to “C(2)” would contribute to a more dynamic urban environment and better align with existing private property boundaries. It has been demonstrated that the current “Road” zoning is outdated and no longer fulfils a practical transportation function, as there is no intention to use the land as a road. This Planning Statement has presented several reasons supporting the proposed rezoning to “C(2)”, and we respectfully request that the TPB assess this application on its merits and approve the proposal.