

HONG KONG PLANNING AREA NO. 12

DRAFT MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/13

Amendments

Notes

Schedule of Uses

Explanatory Statement

**SCHEDULE OF AMENDMENTS TO
THE APPROVED MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/12
MADE BY THE TOWN PLANNING BOARD
UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)**

I. Amendments to Matters shown on the Plan

- Item A – Rezoning of a site at 15 and 24 Stubbs Road and 7 Tung Shan Terrace from “Residential (Group C)1” (“R(C)1”), “Government, Institution or Community (4)” (“G/IC(4)”) and “Green Belt” to “Residential (Group C)3” (“R(C)3”) and stipulating Sub-areas on the Plan.
- Item B1 – Rezoning of a site at 18 Stubbs Road from “Comprehensive Development Area” (“CDA”) to “Residential (Group C)4” (“R(C)4”).
- Item B2 – Rezoning of a strip of Government land to the east of 18 Stubbs Road from “CDA” and “R(C)1” to area shown as ‘Road’.

II. Amendment to the Notes of the Plan

- (a) Deletion of the set of Notes for the “CDA” zone.
- (b) Revision to the Remarks of the Notes for “Residential (Group C)” (“R(C)”) zone to incorporate development restrictions for the new “R(C)3” and “R(C)4” sub-areas and minor relaxation clauses.
- (c) Revision to “R(C)” zone to incorporate ‘Social Welfare Facilities (on land designated “R(C)3” only)’ under Column 1 and to correspondingly revise ‘Social Welfare Facilities’ under Column 2 as ‘Social Welfare Facilities (except on land designated “R(C)3”)’.
- (d) Deletion of the Remarks of the Notes for “G/IC(4)” sub-area.
- (e) Deletion of ‘Market’ from Column 2 of “Residential (Group B)” zone and Column 1 of “G/IC” zone.
- (f) Revision of ‘Shop and Services’ to ‘Shop and Services (not elsewhere specified)’ under Column 2 of “G/IC” zone.

Town Planning Board

2 February 2024

HONG KONG PLANNING AREA NO. 12

DRAFT MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/13

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

NOTES

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

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

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

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

HONG KONG PLANNING AREA NO. 12

DRAFT MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/13

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RESIDENTIAL (GROUP B)

| Column 1 Uses always permitted | Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board |
|---|---|
| Flat Government Use (Police Reporting Centre, Post Office only) House Library Residential Institution School (in free-standing purpose-designed building only) Utility Installation for Private Project | Ambulance Depot Eating Place Educational Institution Government Refuse Collection Point Government Use (not elsewhere specified) Hospital Hotel Institutional Use (not elsewhere specified) Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Off-course Betting Centre Office Petrol Filling Station Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Recyclable Collection Centre Religious Institution School (not elsewhere specified) Shop and Services Social Welfare Facility Training Centre |

Planning Intention

This zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

(Please see next page)

RESIDENTIAL (GROUP B) (Cont'd)

Remarks

- (1) On land designated “Residential (Group B)”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 5 and, unless otherwise specified in paragraph (2), a maximum building height of 30 storeys including carports, or the plot ratio and height of the existing building, whichever is the greater.
- (2) The maximum height of any building within each sub-area of the zone shall be limited to that stated below, or the height of the existing building, whichever is the greater:

| <u>Sub-area</u> | <u>Restriction</u> |
|-----------------|---|
| R(B)1 | A maximum building height of 120m above Principal Datum (including roof structures) |
| R(B)2 | A maximum building height of 90m above Principal Datum (including roof structures) |

- (3) In determining the maximum plot ratio for the purposes of paragraph (1) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room, caretaker’s office and caretaker’s quarters, or recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (4) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio and building height restrictions stated in paragraphs (1) and (2) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP C)

| Column 1 Uses always permitted | Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board |
|--|---|
| Flat Government Use (Police Reporting Centre, Post Office only) House Social Welfare Facility (on land designated "R(C)3" only) Utility Installation for Private Project | Ambulance Depot Eating Place Educational Institution Government Refuse Collection Point Government Use (not elsewhere specified) Hospital Hotel Institutional Use (not elsewhere specified) Library Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Petrol Filling Station Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Recyclable Collection Centre Religious Institution Residential Institution School Shop and Services Social Welfare Facility (except on land designated "R(C)3") Training Centre |

Planning Intention

This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

(Please see next page)

RESIDENTIAL (GROUP C) (Cont'd)

Remarks

- (1) On land designated “Residential (Group C)”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height specified for each sub-area as set out below, or the height of the existing building, whichever is the higher:

| <u>Sub-area</u> | <u>Restriction</u> |
|-----------------|--|
| R(C)1 | Maximum building height of 10.67m |
| R(C)2 | Maximum 12 storeys over 1 storey of carports |

- (2) On land designated “R(C)1”, the maximum building height for all building development should be measured from the existing mean site formation level. The overall building height should not exceed 4 storeys including carports.
- (3) On land designated “R(C)2”, based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction for the provision of ancillary facilities may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (4) On land designated “Residential (Group C)3”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area of 11,010m², of which a gross floor area of not less than 2,258m² shall be provided for residential care home for the elderly and related elderly facilities, and maximum building heights of 104m above Principal Datum for sub-area (A), 120m above Principal Datum for sub-area (B), 125m above Principal Datum for sub-area (C) and 134m above Principal Datum for sub-area (D), or the gross floor area and height of the existing building, whichever is the greater.
- (5) On land designated “Residential (Group C)4”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area of 16,800m² and a maximum building height of 120m above Principal Datum (including roof structures), or the gross floor area and height of the existing building, whichever is the greater.
- (6) In determining the maximum gross floor area for the purposes of paragraphs (4) and (5) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room, caretaker’s office and caretaker’s quarters, or recreational facilities and benefit of all owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.

(Please see next page)

RESIDENTIAL (GROUP C) (Cont'd)

Remarks (Cont'd)

- (7) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the gross floor areas and building height restrictions stated in paragraphs (4) and (5) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

GOVERNMENT, INSTITUTION OR COMMUNITY

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

Planning Intention

This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

(Please see next page)

GOVERNMENT, INSTITUTION OR COMMUNITY (Cont'd)

Remarks

- (1) On land designated “G/IC”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height specified for each sub-area as set out below, or the height of the existing building, whichever is the higher:

| <u>Sub-area</u> | <u>Restriction</u> |
|-----------------|--|
| G/IC(1) | A maximum building height of 1 storey |
| G/IC(2) | A maximum building height of 90m above Principal Datum (including roof structures) |
| G/IC(3) | A maximum building height of 8 storeys |

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

OPEN SPACE

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

Planning Intention

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

GREEN BELT

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

Planning Intention

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

HONG KONG PLANNING AREA NO. 12

DRAFT MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/13

EXPLANATORY STATEMENT

HONG KONG PLANNING AREA NO. 12

DRAFT MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/13

EXPLANATORY STATEMENT

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HONG KONG PLANNING AREA NO. 12

DRAFT MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/13

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

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

1. INTRODUCTION

This explanatory statement is intended to assist an understanding of the draft Mid-levels East Outline Zoning Plan (OZP) No. S/H12/13. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the various land use zonings of the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURES

- 2.1 On 9 May 1984, the then Governor under section 3 of the Town Planning Ordinance (the Ordinance) directed the Board to prepare draft plans for those parts of the main urban areas not then covered by statutory plans, including Mid-levels East.
- 2.2 On 9 August 1985, the draft Mid-levels East OZP No. S/H12/1 was prepared and exhibited under section 5 of the Ordinance.
- 2.3 On 1 December 1987, the then Governor in Council, under section 9(1)(a) of the Ordinance, approved the draft Mid-levels East OZP, which was subsequently renumbered as S/H12/2. On 19 January 1999, the Chief Executive in Council (CE in C) referred the approved OZP No. S/H12/2 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended and exhibited for public inspection to reflect the changing circumstances.
- 2.4 On 11 July 2000, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Mid-levels East OZP, which was subsequently renumbered as S/H12/4. On 10 October 2000, the CE in C referred the approved OZP No. S/H12/4 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP had been amended three times and exhibited for public inspection under section 5 or 7 of the Ordinance.
- 2.5 On 29 April 2003, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Mid-levels East OZP, which was subsequently renumbered as S/H12/8. On 9 December 2003, the CE in C referred the approved OZP No. S/H12/8 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended once and exhibited for public inspection under section 5 of the Ordinance.

- 2.6 On 13 September 2005, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Mid-levels East OZP, which was subsequently renumbered as S/H12/10. On 30 June 2009, the CE in C referred the approved OZP No. S/H12/10 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended once and exhibited for public inspection under section 5 of the Ordinance.
- 2.7 On 6 July 2010, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Mid-levels East OZP, which was subsequently renumbered as S/H12/12. On 14 December 2023, the Secretary for Development referred the approved OZP No. S/H12/12 to the Board for amendment under section 12(1A)(a)(ii) of the Ordinance. The reference back of the OZP was notified in the Gazette on 22 December 2023 under section 12(2) of the Ordinance.
- 2.8 On 2 February 2024, the draft Mid-levels East OZP No. S/H12/13 (the Plan), incorporating amendments to rezone a site to the west of Tung Shan Terrace from “Residential (Group C) 1” (“R(C)1”), “Government, Institution or Community (4)” (“G/IC(4)”) and “Green Belt” to “Residential (Group C) 3”, a site at 18 Stubbs Road from “Comprehensive Development Area” (“CDA”) to “Residential (Group C)4”, and a strip of Government Land to the east of 18 Stubbs Road from “CDA” and “R(C)1” to area shown as ‘Road’, was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

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

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and in particular

zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of development to meet changing needs.

- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.tpb.gov.hk/>.

5. THE PLANNING SCHEME AREA

- 5.1 The Area covers an area of about 63.34 hectares of land in the eastern part of the northern intermediate slopes of Victoria Peak. It is bounded by Kennedy Road in the north, Stubbs Road in the east and Bowen Drive in the west, whilst the 200-230 metres contour forms its southern limit.
- 5.2 Rising from the level of an average 50 metres above Principal Datum (mPD) to 200mPD, the topography of the Area is generally steep. The undeveloped part of the Area is densely covered by trees and shrubs. Several sites in the Area command panoramic view of Victoria Harbour. It is an established high class residential area taking advantage of the good harbour view and pleasant environment.

6. POPULATION

According to the 2016 Population By-Census, the population of the Area was about 7,400. It is estimated that the planned population of the Area would be about 8,000.

7. BUILDING HEIGHT RESTRICTIONS IN MID-LEVELS EAST PLANNING SCHEME AREA

- 7.1 In order to provide better planning control on the development intensity and building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, reviews of the Mid-levels East OZP have been undertaken in 2002 and in 2009 respectively for non-"G/IC" and "G/IC" zones with a view to incorporating appropriate building height restrictions in the Notes for various development zones. In the absence of building height control, tall buildings may proliferate at random locations and the scale may be out-of-context in the locality, resulting in negative impacts on the visual quality of the Area. In order to prevent excessively tall or out-of-context buildings, to preserve some key urban design attributes for the Area (e.g. preserving the public view from Bowen Road) and to provide better control on building height profile of the Area, appropriate building height restrictions are imposed for the "Residential (Group B)" ("R(B)"), "Residential (Group C)" ("R(C)") and "G/IC" zones on the Plan.

- 7.2 The building height restrictions are to preserve the public view from Bowen Road and the general amenity of the Bowen Road area, taking account of the local area context, and the need to maintain visually compatible building masses in the wider setting. Bowen Road has a very unique environment. It generally follows the 120m contour line and has a green backdrop provided by the natural landscape of the southern hillslopes and enjoys seaview to its north. Because of its narrow width, low vehicular traffic and open views, it has become a very popular jogging and walking trail attracting local residents as well as territory-wide visitors. In view of its uniqueness and popularity, views from this road should be preserved for the enjoyment of the general public.
- 7.3 Developments in “R(B)” zones are restricted to 30 storeys, with its sub-area “R(B)1” restricted to a maximum height of 120mPD with a view to protecting public view from Bowen Road and the general amenity of the area. For the “R(B)2” zones located at the Wan Chai Gap, a maximum height of 90mPD is imposed specifically to preserve public view from Bowen Road along the visual corridor of Wan Chai Gap. The low-rise developments at Tung Shan Terrace and along Bowen Road are zoned “R(C)1” restricted to a height of 10.67m and not exceeding 4 storeys including carports, whilst those at Shiu Fai Terrace which are zoned “R(C)2” are restricted to 12 storeys over 1 storey of carport. The “R(C)3” zone at Stubbs Road is restricted to four building height bands descending from 134mPD at the southern portion to 125mPD, 120mPD and 104mPD at the northern portion. The “R(C)4” zone at Stubbs Road is also restricted to 120mPD to ensure that developments would not exceed the existing level of Bowen Road to preserve the public view to the north.
- 7.4 Specific building height restrictions for the “G/IC” zones in terms of mPD and/or number of storeys, which mainly reflect the existing and planned building heights of developments, have been incorporated into the Plan to provide visual and spatial relief to the Mid-levels East Area.
- 7.5 A minor relaxation clause in respect of building height restrictions is incorporated into the Notes of the Plan in order to provide incentive for developments/redevelopments with design merits/planning gains. Each application for minor relaxation of building height restriction will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
- (a) integrating building design with the natural setting/local context for achieving better urban design and local area improvements;
 - (b) accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air and visual permeability; and

- (e) other factors, such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

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

8. LAND USE ZONINGS

8.1 Residential (Group B) (“R(B)”) : Total Area 4.35 ha

8.1.1 This zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. The zone covers residential areas along Kennedy Road and the eastern part of Shiu Fai Terrace.

8.1.2 In view of the limited road capacity and the need to preserve the existing character of the area, developments within the “R(B)” zone are subject to a maximum plot ratio of 5 and a maximum building height of 30 storeys including carports. Some developments along Kennedy Road are designated as sub-areas under the “R(B)” zone with specific restrictions on building height to ensure that public view, particularly from Bowen Road and Wan Chai Gap, can be preserved. The sites (i.e. the Merry Gardens at 88–90 Kennedy Road and the developments at 98, 120, 122 and 124 Kennedy Road) located at Wan Chai Gap are zoned “R(B)2” restricted to a maximum height of 90mPD (including roof structures) as this section of Bowen Road immediately above the sites has been identified by the Island West Development Statement to be a view corridor. Other medium-rise developments along Kennedy Road are zoned “R(B)1” restricted to a maximum height of 120mPD (including roof structures). Depending on the site conditions, there is no guarantee that the developments on individual sites in these sub-areas can attain the maximum plot ratio of 5 permitted in the “R(B)” zone.

8.1.3 Application for minor relaxation of the stated restrictions may be made to the Board under section 16 of the Ordinance. Consideration of such applications would be on individual merits, taking into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.

8.2 Residential (Group C) (“R(C)”) : Total Area 8.55 ha

- 8.2.1 This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Like “R(B)” zone, this zone is primarily for residential use. However, this zone is subject to more specific control on building height to ensure that future development is compatible in scale with the existing development and within the capacity of the existing road system.
- 8.2.2 This zone mainly comprises residential developments at Tung Shan Terrace, Shiu Fai Terrace, Bowen Road and Stubbs Road.
- 8.2.3 For sub-area “R(C)1”, development is restricted to a maximum building height of 10.67 metres. The maximum height for all building development should be measured from the existing mean site formation level in order to prevent undesirable raising of site levels and to maintain the character of the area. A maximum building height of 4 storeys including carports is also specified to preserve the existing low-rise and low-density character of the neighbourhood.
- 8.2.4 For sub-area “R(C)2”, development is restricted to 12 storeys over one storey of carports. Minor relaxation of the building height restriction to cater for the provision of ancillary facilities in future residential developments may be considered by the Board upon application under section 16 of the Ordinance to allow for greater design flexibility. Consideration of such application for height relaxation would be on individual merits, taking into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.
- 8.2.5 For sub-area “R(C)3”, future development is restricted to a maximum gross floor area (GFA) of 11,010m², of which a GFA of not less than 2,258m² shall be provided for residential care home for the elderly (not less than 60 beds) and related elderly facilities. To preserve public view from Bowen Road to the north and the general amenity of the Bowen Road area, taking into account the local topography, stepped building height restrictions descending from 134mPD at the southern portion to 125mPD, 120mPD and 104mPD at the northern portion of this zone are imposed. Since Tung Shan Terrace is currently served by narrow and steep local access road without proper footpath, vehicular access to the future development in this zone would be via a slip road off Stubbs Road instead of from the local access road of Tung Shan Terrace. A barrier-free vertical pedestrian access comprising shuttle lifts and covered walkway with entrances at Stubbs Road and Tung Shan Terrace shall be provided and open to public 24-hour to improve connectivity.
- 8.2.6 For sub-area “R(C)4”, development is restricted to a maximum GFA of 16,800m². To preserve public view from Bowen Road to the north and the general amenity of the Bowen Road area, the sub-area is restricted to a maximum building height of 120mPD (including roof structures).

8.2.7 For sub-areas “R(C)3” and “R(C)4”, minor relaxation of the GFA and building height restrictions may be considered by the Board on application. Each application would be considered on its own merits. The criteria given in paragraph 7.5 above would be relevant for assessment for minor relaxation of building height restrictions. The GFA controls under “R(C)3” and “R(C)4” zones are regarded as being stipulated in a “new or amended statutory plan” according to the Joint Practice Note No. 4 “Development Control Parameters Plot Ratio/Gross Floor Area” promulgated on 18 October 2021, and shall be subject to the streamlining arrangements stated therein.

8.3 Government, Institution or Community (“G/IC”) : Total Area 4.61 ha

8.3.1 This zone is intended primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

8.3.2 Since the Area is primarily a residential area with a small population, it is not intended to be self-contained in terms of provision of GIC facilities. Residents in the Area have to rely on some of the facilities provided in adjoining areas.

8.3.3 In order to prevent out-of-context developments or redevelopments, building height restrictions have been imposed on the sites under “G/IC” zoning. The Bowen Road Fresh Water Service Reservoir in sub-area “G/IC(1)” is restricted to a maximum building height of 1 storey. The cluster of schools and the care and attention home near Shiu Fai Terrace in sub-area “G/IC(3)” is restricted to a maximum building height of 8 storeys. To provide flexibility for redevelopment, basement floor(s) may be disregarded in determining the relevant maximum number of storeys.

8.3.4 St. James’ Settlement, St. James’ Primary School and St. James’ Church at Kennedy Road in sub-area “G/IC(2)” are restricted to a maximum building height of 90mPD (including roof structures) to preserve the public view from Bowen Road along the visual corridor of Wan Chai Gap.

8.3.5 Minor relaxation of the building height restrictions based on the merits of individual development proposals may be considered by the Board upon application under section 16 of the Ordinance to allow for greater design flexibility.

8.4 Open Space (“O”) : Total Area 0.97 ha

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

- 8.4.2 Existing open spaces are located to the north of Shiu Fai Terrace and to the west of Tung Shan Terrace. Residents living along Kennedy Road are within walking distance of the open space and other recreational facilities provided along Bowen Road, which are also popularly used by the general public. A district open space near the junction of Wan Chai Gap Road and Bowen Road has been completed.
- 8.4.3 Though not included in this zone, the public tennis court provided on the top of the service reservoir at Bowen Drive and other recreational facilities such as fitness trails and a sitting-out area along Bowen Road also serve the recreational needs of the population within the Area.

8.5 Green Belt (“GB”) : Total Area 41.52 ha

- 8.5.1 The planning intention of this zone is primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone.
- 8.5.2 This zone comprises the slopes in the central and southern parts of the Area. The difficult topography and steep terrain prevent the area from being used for urban development or active recreational uses. Urban type development within this zone will be strictly controlled and assessed individually on its merits through the planning permission system.
- 8.5.3 The green belt forms a visually and aesthetically pleasant background of the Area. It also provides additional opportunities for passive informal type of recreational uses.

9. COMMUNICATIONS

9.1 Roads : Total Area 3.34 ha

- 9.1.1 The road network of the Area comprises a hierarchy of distributor and local roads. Main distributor roads consist of Stubbs Road and Kennedy Road. Stubbs Road serves Tung Shan Terrace and Shiu Fai Terrace, besides being an alternative access to the Peak and to the Southern District. Kennedy Road, which forms the northern boundary of the Area, provides an east-west link for commuters travelling within the Area as well as to other districts.
- 9.1.2 The above mentioned roads are supported by a network of subsidiary local roads which provide direct access to development at Shiu Fai Terrace and Tung Shan Terrace.

9.2 Public Transport

Due to the high rate of car ownership of local residents, the Area is served only by limited bus services which are supplemented by green minibus and taxis.

10. UTILITY SERVICES

- 10.1 The Area has an adequate supply of gas and electricity. The provision of telephone service is also sufficient. The Area is well served with piped fresh water supply. Salt water supply is only available at low-level areas at the north-eastern part of the Area. For the remaining areas without salt water supply, temporary mains water for flushing is being used.
- 10.2 The Area is within the Wan Chai East and Wan Chai West Sewerage Districts and is served by existing sewage screening plant and submarine outfall at Wan Chai East and West.

11. CULTURAL HERITAGE

- 11.1 The 21-Arch Section of the Bowen Aqueduct (declared monument), the building at 64 Kennedy Road (Grade 3 historic building), and the South Mark of Hong Kong Meridian (Government Historic Site identified by the Antiquities and Monuments Office (AMO)) are situated in the Area. The list of declared monuments and graded buildings will be updated from time to time.
- 11.2 On 19 March 2009, the Antiquities Advisory Board (AAB) released the list of 1,444 buildings, and accorded grading to some buildings/structures within the Area. The AAB also released a number of new items pending grading assessment by the AAB. Details of the list of 1,444 historic buildings and new items have been uploaded onto the official website of AAB at <https://www.aab.gov.hk/en/historic-buildings/results-of-the-assessment/index.html>.
- 11.3 Prior consultation with AMO of the Development Bureau should be made, if any works, development, redevelopment or rezoning proposals may affect declared monuments, proposed monuments, historic buildings and sites graded by the AAB, sites of archaeological interest or Government historic sites identified by AMO; the new items mentioned in paragraph 11.2 above; or any other buildings/structures identified with heritage value, both at grade and underground, and their immediate environs. Information of the declared monuments, proposed monuments, historic buildings and sites graded by the AAB, sites of archaeological interest and Government historic sites identified by AMO are available on the website of AMO: <https://www.amo.gov.hk/en/historic-buildings/hia/index.html>.

12. IMPLEMENTATION

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