

**METRO PLANNING COMMITTEE
OF THE TOWN PLANNING BOARD**

MPC Paper No. 1/24

For Consideration by
the Metro Planning Committee on 12.1.2024

**PROPOSED AMENDMENTS TO THE
APPROVED MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/12**

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1. Introduction

This paper is to seek Members' agreement that:

- (a) the proposed amendments to the approved Mid-levels East Outline Zoning Plan (OZP) No. S/H12/12 (**Attachment I**) as shown on the draft OZP No. S/H12/12A (**Attachment II**) and the Notes of the draft OZP (**Attachment III**) are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance); and
- (b) the revised Explanatory Statement (ES) of the OZP (**Attachment IV**) should be adopted as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings of the OZP and is suitable for exhibition together with the draft OZP and its Notes.

2. Status of the Current OZP

- 2.1 On 6.7.2010, the Chief Executive in Council (CE in C) under section 9(1)(a) of the pre-amended Ordinance approved the draft Mid-levels East OZP which was subsequently renumbered as S/H12/12.
- 2.2 On 14.12.2023, the Secretary of Development referred the approved Mid-levels East OZP back to the Board for amendment under section 12(1A)(a)(ii) of the Ordinance. On 22.12.2023, the reference back of the OZP was notified in the Gazette under section 12(2) of the Ordinance.

3. Background

Taking Forward the Decision of the Metro Planning Committee of the Board (the Committee) on the section 12A Application No. Y/H12/2

- 3.1 The private land within the Site (15 and 24 Stubbs Road, and 7 Tung Shan Terrace) was previously occupied by Goodview Garden (a residential development zoned "Residential (Group C)1" ("R(C)1"), and the Lingnan Primary School (LPS) and Lingnan Kindergarten and Day Nursery (LKDN) (both zoned "Government, Institution or Community" ("G/IC(4)"). The LPS and LKDN had been relocated and the Goodview Garden was demolished in 2022 and the whole Site is currently vacant.
- 3.2 On 5.5.2023, the Committee partially agreed to a section 12A application No.

Y/H12/2¹ for rezoning the Site, including a narrow strip of Government Land, to “Residential (Group C)3” (“R(C)3”) with four sub-areas subject to different height restrictions to facilitate a proposed residential development with a privately-initiated residential care home for the elderly (RCHE) (**Drawings 1 to 13**); and details of the amendments to the Notes, ES and the OZP would be submitted to the Committee for agreement prior to gazetting under the Ordinance. To take forward the decision of the Committee, it is proposed to rezone the Site to “R(C)3” as proposed under the section 12A application (**Amendment Item A**). PlanD’s proposed amendments to the Notes and ES are in **Attachments III and IV**.

Reflecting a Completed Residential Development on the OZP

- 3.3 As agreed in the review of “Comprehensive Development Area” (“CDA”) sites by the Committee in 2023², a completed residential development at 18 Stubbs Road (known as Central Peak) which falls within area zoned “CDA” would be rezoned into suitable zoning with appropriate development restrictions to reflect its as-built conditions (**Amendment Items B1 and B2 at Plans 1 to 3 and 5 to 9**).

4. Proposed Amendments to the OZP

Amendment Item A – Rezoning for a partially agreed section 12A application No. Y/H12/2 for proposed residential development with privately-initiated RCHE at 15 and 24 Stubbs Road, and 7 Tung Shan Terrace (about 0.38 ha) (Plans 1 to 9)

- 4.1 To take forward the decision of the Committee, it is proposed to rezone the Site from “R(C)1”, “G/IC(4)” and “Green Belt” (“GB”) to “R(C)3”, with stipulation of a maximum gross floor area (GFA) of 11,010m², and sub-areas (A), (B), (C) and (D) with maximum building heights (BH) of 104mPD, 120mPD, 125mPD and 134mPD respectively (**Plans 2a to 2d, Attachment II**) for a proposed residential development with privately-initiated RCHE. According to the indicative scheme submitted by the applicant (**Drawings 1 to 13**), the proposed development comprised three 3-storey houses and three residential towers not exceeding 12 storeys, on top of a 4-storey podium for carpark and a privately-operated RCHE providing about 60 bed spaces. The proposed domestic GFA for the residential use was 8,749m², and the proposed GFA for the 60-beds RCHE was 2,258m². 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. The applicant also proposed to stipulate in the Remarks of the Notes of the proposed “R(C)3” zone the requirement for provision of a minimum GFA of 2,258m² of social welfare facilities. The applicant would provide shuttle lifts from Stubbs Road to Tung Shan Terrace within the Site which would be opened to public 24-hour.
- 4.2 In considering the application, Members were of the view that when deciding on

¹ The MPC Paper No. Y/H12/2 and the attachments are available at the Board’s website at https://www.tpb.gov.hk/en/meetings/MPC/Agenda/718_mpc_agenda.html

² The MPC Paper No. 4/23 considered on 5.5.2023 is available at the Board’s website at https://www.tpb.gov.hk/en/meetings/MPC/Agenda/718_mpc_agenda.html

the proposed amendments to the OZP, considerations might be given to (i) restrict the 'Social Welfare Facilities' use under Column 1 specifically for 'RCHE and related elderly facilities' in the Notes, and (ii) specify the minimum non-domestic GFA (i.e. 2,258m² as proposed by the applicant) for RCHE and related elderly facilities in the Notes; and (iii) state the minimum number of 60 beds for the RCHE in ES. A Member also remarked that PlanD might further liaise with the applicant to see if the GFA for RCHE or elderly facilities could be further increased. An extract of the relevant meeting minutes of the Committee is at **Attachment V**.

- 4.3 The applicant has further explained the difficulties in providing additional GFA for RCHE or elderly facilities. While the applicant is committed to providing a quality RCHE of not less than 2,258m², further increasing the GFA for such would require an additional podium floor as the podium footprint is constrained by the site coverage restriction and setback requirement of Sustainable Building Design Guidelines and cannot be further enlarged. Due to the proposed BH restriction and in order not to jeopardise flat production, it would not be possible to increase the number of podium floors to accommodate additional GFA for RCHE.
- 4.4 To take forward the decision of the Committee, 'Social Welfare Facilities (on land designated "R(C)3" only)' as a broad use term is proposed to be stipulated under Column 1 of the Notes of the "R(C)3" zone to reflect the planning intention and facilitate the development of social welfare facilities. Moreover, the requirement for provision of a GFA of not less than 2,258m² specifically for RCHE and related elderly facilities within the "R(C)3" zone is proposed to be incorporated in the Remarks of the Notes for the "R(C)" zone to provide statutory planning control over its provision. The requirement for provision of 'not less than 60 beds' of RCHE is proposed to be incorporated in the ES. The above arrangement will allow flexibility in the use of land to meet changing circumstances as well as detailed design to accommodate more beds while ensuring the provision of the specified minimum GFA for RCHE and related elderly services.

Amendment Item B1 – Rezoning of the "CDA" site (Inland Lot No. 8963 (IL 8963) at 18 Stubbs Road to reflect the completed development (about 1.47ha) (Plans 1 to 3 and 5 to 9)

- 4.5 The site at 18 Stubbs Road is zoned "CDA" on the OZP. It is currently occupied by a residential development named Central Peak (IL8963) which was completed in 2021. In the 2023 review of "CDA" sites, the Committee agreed to rezone the site to reflect the completed residential development.
- 4.6 To reflect the as-built condition of the low-density residential development at the site including the GFA and BH of the completed development, and to ensure that developments would not exceed the existing level of Bowen Road to preserve the public view to the north, it is proposed to rezone the site from "CDA" to "R(C)4" with stipulation of a maximum GFA of 16,800m² and a BH restriction of 120mPD (including roof structures) in the Notes.

Amendment Item B2 – Rezoning of the strip of Government Land outside the eastern boundary of IL 8963 to area shown as ‘Road’ to reflect the as-built condition (about 0.14 ha) (Plans 1 to 3, 6 to 8)

- 4.7 The strip of Government Land abutting the eastern boundary of IL8963 (about 0.14ha) is zoned “CDA” and “R(C)1” on the OZP and is currently occupied by a staircase, pedestrian walkway and an on-street car parking space maintained and managed by Highways Department and a drainage channel managed by Drainage Services Department. To reflect the as-built condition, it is proposed to rezone the strip of land from “CDA” and “R(C)1” to area shown as ‘Road’ on the Plan.

Technical Amendments to the OZP

- 4.8 Apart from the corresponding amendments to the Notes in connection with the above proposed amendments, technical amendments to other parts of the Notes of the OZP have also been made, inter alia, to incorporate the latest revision of the Master Schedule of Notes (MSN) to Statutory Plans (details in paragraph 7.5 below).

5. Provision of Government, Institution and Community (GIC) Facilities and Open Space

- 5.1 Taking into account the proposed amendments as mentioned above, the planned population of the Mid-levels East Planning Area is estimated to be about 8,000 persons. As shown in the summary table (**Attachment VI**), the existing and planned provision of open spaces and major GIC facilities are generally adequate, except for some facilities stated in paragraph 5.2 below, to meet the demand in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG) and concerned bureaux/departments’ assessments.

GIC Facilities

- 5.2 According to the population-based planning standards for community facilities incorporated in the HKPSG, there will be shortfalls in the provision of hospital beds, child care centres, community care services facilities, pre-school rehabilitation services and residential care services. However, the Health Bureau and Social Welfare Department adopt a wider spatial context/cluster in the assessment of provision for such facilities. Besides, the population-based planning standards for elderly services facilities, child care centres and rehabilitation services for persons with disabilities (including pre-school rehabilitation services, residential care services) standards were reinstated in the HKPSG in 2018, 2020 and 2022 respectively. The revised standards reflect the long-term target towards which the provision of elderly, child care and rehabilitation facilities would be adjusted progressively. These facilities could be incorporated in new development or redevelopment in consultation with the relevant government departments when opportunities arise.

Open Space

- 5.3 There is a surplus of about 0.09ha and 0.04ha of district open space and local open space respectively in the Mid-Levels East District. The overall provision of open

space is adequate to meet the demand of the planned population.

6. Proposed Amendment to Matters Shown on the Plan

The proposed amendments as shown on the draft Mid-levels East OZP No. S/H12/12A (**Attachment II**) are as follows:

(a) Amendment Item A (about 0.38 ha) (Plans 1 to 9)

Rezoning of a site at 15 and 24 Stubbs Road, 7 Tung Shan Terrace from “R(C)1”, “G/IC(4)” and “GB” to “R(C)3” with sub-areas (A), (B), (C) and (D).

(b) Amendment Item B1 (about 1.47ha) (Plans 1 to 3 and 5 to 9)

Rezoning of a site at 18 Stubbs Road (IL8963) from “CDA” to “R(C)4”.

(c) Amendment Item B2 (about 0.14 ha) (Plans 1 to 3, 6 and 8)

Rezoning of a strip of Government Land from “CDA” and “R(C)1” to area shown as ‘Road’.

7. Proposed Amendments to the Notes of the OZP

7.1 Amendments to the Notes of the OZP are proposed as follows:

“CDA” zone

7.2 In relation to the Amendment Items B1 and B2 as mentioned in paragraph 6 above, the Notes for “CDA” will be deleted.

“R(C)” zone

7.3 In relation to the Amendment Items A and B1 as mentioned in paragraph 6 above, the Notes for “R(C)” zone will be revised to incorporate the development restrictions for the new “R(C)3” and “R(C)4” sub-areas.

“G/IC” zone

7.4 In relation to the Amendment Item A as mentioned in paragraph 6 above, the Notes for “G/IC” zone will be revised to delete the “G/IC(4)” sub-area.

Technical Amendments

7.5 On 11.1.2019, the Board has promulgated a revised set of MSN to Statutory Plans. Under the revised MSN, ‘Market’ use is being subsumed under ‘Shop and Services’ use. To effectuate such changes, updates have been made to the Notes of “Residential (Group B)” and “G/IC” zones.

7.6 The proposed amendments to the Notes of the OZP (with additions in **bold and**

italics and deletions in ‘~~crossed-out~~’) are at **Attachment III** for Members’ consideration.

8. Revision to the ES of the OZP

The ES of the OZP has been revised to take into account the proposed amendments as mentioned in the above paragraphs. Opportunity has also been taken to update the general information for various land use zones to reflect the latest status and planning circumstances of the OZP. The proposed amendments to the ES of the OZP (with additions in ***bold and italics*** and deletions in ‘~~crossed-out~~’) are at **Attachment IV** for Members’ consideration.

9. Plan Number

Upon exhibition for public inspection, the OZP will be renumbered as S/H12/13.

10. Consultation

Departmental Consultation

10.1 The proposed amendments to the OZP together with the draft Notes and ES have been circulated to the relevant bureaux/departments for comment. No objection or adverse comments have been received and their comments (if any) have been incorporated into the proposed amendments to the OZP as appropriate. The bureaux/departments include:

- (a) Secretary for Development;
- (b) Secretary for Education;
- (c) Commissioner for Heritage, Development Bureau;
- (d) Executive Secretary (Antiquities and Monuments), Development Bureau;
- (e) District Lands Officer/Hong Kong East, LandsD;
- (f) Director of Environmental Protection;
- (g) Director of Social Welfare;
- (h) Director of Agriculture, Fisheries and Conservation;
- (i) Director of Leisure and Cultural Services;
- (j) Director of Fire Services;
- (k) Director of Electrical and Mechanical Services;
- (l) Project Manager (South), Civil Engineering and Development (CEDD);
- (m) Head of the Geotechnical Engineering Office, CEDD;
- (n) Commissioner for Transport;
- (o) Commissioner of Police;
- (p) Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department;
- (q) Chief Architect/Advisory and Statutory Compliance Division, Architectural Services Department;
- (r) Chief Highway Engineer/Hong Kong, Highways Department;
- (s) Chief Engineer/Construction, Water Supplies Department;
- (t) Chief Engineer/Hong Kong & Islands, Drainage Services Department;

- (u) Chief Town Planner/Urban Design & Landscape, PlanD; and
- (v) District Officer (Wan Chai), Home Affairs Department.

Public Consultation

10.2 If the proposed amendments are agreed by the Committee, the draft Mid-levels East OZP No. S/H12/12A (to be renumbered as S/H12/13 upon exhibition) and its Notes will be exhibited under section 5 of the Ordinance for public inspection. Members of the public can submit representations on the OZP amendments to the Board during the two-month statutory public inspection period. The Wan Chai District Council will be informed on the proposed amendments during the statutory exhibition period of the draft OZP.

11. Decision Sought

Members are invited to:

- (a) agree to the proposed amendments to the approved Mid-levels East OZP and that the draft Mid-levels East OZP No. S/H12/12A at **Attachment II** (to be renumbered to S/H12/13 upon exhibition) and its Notes at **Attachment III** are suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised ES at **Attachment IV** for the draft Mid-levels East OZP No. S/H12/12A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES will be published together with the OZP.

12. Attachments

Attachment I	Approved Mid-levels East OZP No. S/H12/12 (reduced size)
Attachment II	Draft Mid-levels East OZP No. S/H12/12A
Attachment III	Notes of the draft Mid-levels East OZP No. S/H12/12A
Attachment IV	ES of the draft Mid-levels East OZP No. S/H12/12A
Attachment V	Extract of the minutes of the MPC meeting on 5.5.2023
Attachment VI	Provision of Major GIC Facilities and Open Space in Mid-levels East Planning Area
Drawings 1 to 13	Indicative Scheme of section 12A application No. Y/H12/2
Plan 1	Comparison of Existing and Proposed Zonings on the Mid-levels East OZP
Plans 2 to 9	Site Plan, Aerial Photo and Site Photos for Amendment Items A, B1 and B2