

# **TOWN PLANNING BOARD**

**TPB Paper No. 11008  
For Consideration by the  
Town Planning Board on 27.6.2025**

**REVIEW OF APPLICATION NO. A/H10/97**

**SUBMISSION OF LAYOUT PLAN AND PROPOSED MINOR RELAXATION OF  
BUILDING HEIGHT RESTRICTION FOR PERMITTED FLAT USE**

**REVIEW OF APPLICATION NO. A/H10/97**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Submission of Layout Plan and Proposed Minor Relaxation of  
Building Height Restriction for Permitted ‘Flat’ Use  
at the Ebenezer School and Home for the Visually Impaired,  
131 Pok Fu Lam Road, Pok Fu Lam**

**1. Background**

- 1.1 On 24.11.2023, the applicant, the Ebenezer School and Home for the Visually Impaired Limited represented by Masterplan Limited, sought planning permission for a layout plan and proposed minor relaxation of building height restriction (BHR) from 151mPD to 164mPD (i.e. +13m or +8.6%) for permitted ‘Flat’ use at the application site (the Site) under section 16 of the Town Planning Ordinance (the Ordinance) (the section 16 application). The Site fell within an area zoned “Residential (Group C) 7” (“R(C)7”) on the approved Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/21 at the time of the application. The approved Pok Fu Lam OZP No. S/H10/23 gazetted on 13.6.2025 is currently in force and the “R(C)7” zone of the Site remains unchanged (**Plan R-1**).
- 1.2 On 16.8.2024, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- (a) the applicant failed to demonstrate that the proposed development as shown on the layout plan would have no adverse traffic impact on Pok Fu Lam Road (PFLR); and
  - (b) the applicant failed to demonstrate that there were sufficient planning and design merits to justify the proposed minor relaxation of BHR.
- 1.3 For Members’ reference, the following documents are attached:
- (a) MPC Paper No. A/H10/97B (Annex A)
  - (b) Extract of minutes of the MPC Meeting held on 16.8.2024 (Annex B)
  - (c) Secretary of the Board’s letter dated 9.9.2024 (Annex C)

**2. Application for Review**

- 2.1 On 30.9.2024, the applicant applied, under section 17(1) of the Ordinance, for a review of the MPC’s decision to reject the application (**Annex D**). Subsequently, the applicant has submitted the following documents:
- (a) Further Information (FI) received on 29.11.2024\* (Annex E)
  - (b) FI received on 1.4.2025<sup>#</sup> (Annex F)

\* *accepted but not exempted from publication and recounting requirements*

# *accepted and exempted from publication and recounting requirements*

- 2.2 The proposed residential development comprises four residential blocks of nine to ten domestic storeys atop one level of clubhouse with a total gross floor area (GFA) of not more than 12,274m<sup>2</sup> (i.e. plot ratio (PR) of 1.9) and a maximum BH of 164mPD (i.e. increased by 13m or 8.6% from the BHR of 151mPD<sup>1</sup>). A four-storey car parking/E&M block with emergency vehicular access (EVA)/ driveway on top (G/F) connected to PFLR is located to the east of the four residential blocks. A new vehicular run-in/out (with left-in/left-out arrangement) onto PFLR for the proposed development is proposed<sup>2</sup> (**Drawing R-2**). Layout plans and sections of the proposed development submitted by the applicant are at Drawings A-1 to A-11 of **Annex A**.
- 2.3 In the last section 12A application No. Y/H10/14 for rezoning the Site to facilitate the proposed development (detailed background in paragraph 4.5 below) submitted by the same applicant, the applicant proposed to (i) relocate the existing northbound in-lane bus stop on PFLR northward for the construction of a new vehicular run-in/out for the proposed development to allow sufficient sight distance between the proposed run-in/out and the existing junction of PFLR/ private access road to the Ebenezer New Hope School; and (ii) set back the application site boundary fronting PFLR between the relocated bus stop and the existing pedestrian crossing for footpath widening from 1.9m to 2.5m (**Drawing R-1**). When commenting on the section 12A application, the Commissioner for Transport (C for T) stressed that PFLR is the primary distributor connecting the Western and Southern Districts. The traffic entering/leaving the residential development through the newly proposed run-in/out at PFLR will create traffic obstruction to the traffic flow along PFLR. In response to C for T's comment under the section 12A application, the applicant agreed to provide a bus lay-by subject to further feasibility study in the detailed design stage<sup>3</sup>. However, under the current section 16 application under review, the applicant proposed to relocate the existing in-lane bus stop to about 65m northward

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<sup>1</sup> According to the applicant under the section 16 application, a number of technical requirements pose constraints on the layout of the proposed buildings within the elongated site fronting PFLR, which include (i) provision of a 20m buffer area from the kerbside of PFLR for the proposed development (Drawings A-20 and A-21 of **Annex A**) to comply with air quality and noise standards under the Hong Kong Planning Standards and Guidelines (HKPSG); (ii) provision of sufficient space to meet access and parking requirements; (iii) provision of a 2.5m wide maintenance walkway within the Site for access to the highway structure supporting PFLR (Drawings A-18 and A-19 of **Annex A**); (iv) provision of a 20m building separation from Ebenezer New Hope School for better air ventilation (Drawing A-17 of **Annex A**); (v) provision of building gaps (about 8m between Blocks T3 and T4) (Drawing A-17 of **Annex A**) and provision of a minimum 20% green coverage to meet the requirements as set out in the Sustainable Building Design (SBD) Guidelines; and (vi) provision of a minimum 3m wide footpath/ means of escape (MOE) around the site boundary as required under lease (Drawing A-1 of **Annex A**). As a result, a minor relaxation of BHR is proposed to devise a sensible design and layout for the proposed development.

<sup>2</sup> The existing Ebenezer School and Home for the Visually Impaired (the Ebenezer School) within the Site is accessed via a private access road from PFLM, which is shared between the Ebenezer School and the Ebenezer New Hope School and lies outside the site boundary (**Drawing R-2**).

<sup>3</sup> When commenting on the last section 12A application No. Y/H10/14, C for T offered his 'no objection' to facilitate the proposed amendment in view that the applicant would further examine the feasibility of providing a bus lay-by (instead of an in-lane bus stop) to facilitate vehicles entering/leaving the Site via PFLR and enhance traffic flow thereat when the applicant further develops the layout of the proposed development.

and replace it with a non-standard 14m(L) x 2m(W) bus lay-by with a footpath width of 1.3m by reducing the width of the existing traffic lanes and public footpath at PFLR (Option 1), which C for T considered unacceptable.

- 2.4 In the review application, no changes to the development parameters of the proposed development are proposed. Taking into account the findings of the Traffic Impact Assessment (TIA) conducted by the applicant under the section 16 application and various technical constraints, the applicant further proposes two options for re-provision of in-lane bus stop (Option 2 and Option 3) in the review application. The applicant advises that all three options are situated on Government land outside the Site, and none would interfere with existing highway structures and slope features (**Drawings R-2 to R-4**). The three options are summarised below:-

Option 1 (i.e. the section 16 proposal): To relocate the existing in-lane bus stop approximately 65m northward and replace it by a 2m-wide bus lay-by with a 1.3m wide footpath by reducing the width of the existing traffic lanes and public footpath on PFLR (**Drawing R-2**);

Option 2: To relocate the existing in-lane bus stop approximately 65m northward and maintain the existing width of the public footpath. No bus lay-by and no footpath widening are proposed (**Drawing R-3**); and

Option 3: To relocate the existing in-lane bus stop approximately 65m northward and widen the public footpath to 2.5m by reducing the width of PFLR (**Drawing R-4**).

- 2.5 The applicant has committed to implementing the works related to the proposed public footpath and bus lay-by/bus-stop as shown in the above layout options (**Drawings R-2 to R-4**) upon acceptance by the Government and the Board. The applicant also suggests that the future management and maintenance of these public facilities shall be the responsibility of the relevant government departments (**Annex F**).
- 2.6 On 21.2.2025, the Board agreed to the applicant's request to defer making a decision on the review application for two months.

### **3. Justifications from the Applicant**

The justifications put forth by the applicant in support of the review application are detailed in the letter at **Annex D**, review statement at **Annex E** and FI at **Annex F** as summarised as follows:

#### **Requirement for a Layout Plan Submission**

- (a) The requirement to submit a layout plan for new development in the "R(C)7" zone was introduced in the draft Pok Fu Lam OZP (paragraph 4.7 below) as part of the rezoning of the Ebenezer School site from "Government, Institution or Community" ("G/IC") to "R(C)7" under section 12A application No. Y/H10/14.
- (b) The layout plan submission provides a mechanism to address concerns raised by the Director of Environmental Protection (DEP) regarding potential traffic noise, air

quality, and sewerage impacts caused to/ by the future residential development at the “R(C)7” site. It ensures the carrying out of relevant technical assessments and the incorporation of appropriate mitigation measures to address these issues. The layout plan submission, along with the Environmental Assessment (EA) and Sewerage Impact Assessment (SIA), had been made under the section 16 application, and DEP had no in-principle objection to the application.

- (c) Notwithstanding this, the section 16 application had included a TIA, which demonstrated that the proposed development would have no adverse traffic impact on the surrounding road network, including the PRLR.
- (d) As traffic impact is not identified as a matter to be considered in the layout plan submission, it is considered irrelevant to the consideration of the section 16 application, and rejection reason (a) is considered unreasonable.

*Provision of a Bus Lay-by*

- (e) During the section 12A application, C for T had requested for the provision of a bus lay-by on PFLR adjacent to the proposed residential development to improve existing traffic condition. It was accepted by C for T at the time that the provision of a bus lay-by would be subject to a further feasibility study in the detailed design stage. Such a feasibility study was conducted under the section 16 application stage.
- (f) The feasibility study has identified constraints in providing a standard 3.3m-wide bus lay-by. Structurally, it is technically infeasible to avoid imposing additional loading on the existing highway structure (H123) of PFLR, and geotechnical stability concerns regarding slope feature no. 11SW-C/C87 may also arise (**Drawings R-5 and R-6**). As an alternative to an extended cantilever structure, additional columns and footings on the current maintenance walkway below the PFLR, which would affect the maintenance access to the highway structures and slope feature, are considered impractical.
- (g) Given the constraint of maintaining an adequate road width, accommodating a 3.3m-wide bus lay-by would require using part of the applicant’s private lot, raising issues relating to land ownership and future maintenance and management of the public footpath and bus lay-by.
- (h) Taking into consideration the above constraints and challenges, the only feasible option is to provide a modified 2m-wide bus lay-by with a 1.3m-wide public footpath on Government land, minimally reducing the width of PFLR to the standard requirement of 13.5m without causing significant adverse traffic impact (Option 1/ section 16 application proposal) (**Drawing R-2**).
- (i) Compared to the existing Ebenezer School, the proposed residential development would significantly reduce pedestrian and bus stopping at the bus stop adjacent to the Site. Therefore, two additional layout options (Options 2 and 3) recommending an in-lane bus stop are proposed under this review application (**Drawings R-3 and R-4**).

### Relaxation of BHR

- (j) While the Board considered that “the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of BHR”, it should be noted that nowhere in the Notes and the Explanatory Statement (ES) of the OZP is there any requirement that the relaxation in BH must result in ‘planning and design merits that would benefit the public’ (paragraph 21 of **Annex B**). The BH should be considered on its individual merits, and improved residential accommodation for future residents is a suitable reason, as it relates to the health of future residents.
- (k) One of the significant reasons for the proposed minor relaxation of BH is the need to provide a 2.5m-wide maintenance walkway adjacent to the highway structure H123<sup>4</sup>, which constrains the developable area within the small, irregular and elongated site and the layout of the residential blocks.
- (l) Taking into consideration the necessary EVA, vehicular access, parking spaces, greenery, building setback, and building gap to meet relevant technical requirements, the number of building blocks is reduced from five in the section 12A application to four in the section 16 application. To accommodate the permitted GFA of 12,274m<sup>2</sup>, a minor increase in BH from 151mPD to 164mPD was needed.

### Compatibility with Surrounding Developments

- (m) The proposed BH of 164mPD is not excessive and is compatible with the surrounding developments. The surrounding area generally consists of taller buildings, with building heights on the opposite side of PFLR ranging from about 182mPD to 227mPD. To the immediate north and northwest is an area zoned “G/IC(1)” with a BHR of 164mPD reserved for the proposed academic buildings for the Li Ka Shing Faculty of Medicine of the University of Hong Kong (HKUMed). The proposed BH would maintain the existing stepped building height profile descending towards the seaside. According to the planning assessment of PlanD in the section 16 application and the minutes of MPC meeting on 16.8.2024, *‘the proposed development is not incompatible with the surrounding landscape setting’* and *‘the proposed development with a minor relaxation of the BHR to 164mPD was considered not incompatible with the surrounding developments’*.

### Planning and Design Merits

- (n) As evident from various Government published Practice Notes<sup>5</sup>, the proposed 3.5m floor-to-floor (FTF) height is considered a typical and acceptable height for

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<sup>4</sup> Highway structure H123 and slope feature no. 11SW-C/C87(2) are existing structures adjoining the Site. The applicant indicated in the last section 12A application No. Y/H10/14 that the layout plan submitted was indicative design only, and the accessibility to the highway structure and the Highways Department (HyD)’s maintenance requirements of the structure would be addressed at the detailed design stage. The Chief Highways Engineer/Hong Kong (CHE/HK, HyD) reserved his comment on any proposal related to the highway structure at the detailed design stage.

<sup>5</sup> Buildings Department Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) App-5, Lands Department Lands Administration Office Practice Note No. 4/2014 and Joint Practice Note (JPN) No. 5 Development Control Parameters Building Height Restriction.

residential flats. The proposed increase in FTF height is a design measure to improve the quality of the internal living space, benefiting future residents. The proposed 3.5m FTF height would enhance natural ventilation, achieving a healthier, safer, and more energy-efficient internal living environment. This in itself is a design merit that should be encouraged to meet the needs for better flow of natural light and air into the units.

- (o) Compared to the section 12A scheme, the modifications made to the layout plan led to the formulation of an improved design scheme. By reducing the number of blocks from five to four blocks, it would create a building gap of about 8m between Block T3 and T4, and enhance building separation with the adjacent Ebenezer New Hope School. The change of building disposition, widened building separation, and setback from PFLR would improve air ventilation, amenity in this part of PFLR, and benefit the public as well as existing and future residents in this locality. These changes fulfil the requirements set out in PNAP APP-152 Sustainable Building Design (SBD) Guidelines and improve the sustainability of the development.
- (p) The proposed minor relaxation of BHR, which allows an increase in the site formation level<sup>6</sup>, would reduce the excavation volume from about 50,400m<sup>3</sup> to 47,000 m<sup>3</sup>, reduce the amount of construction wastes, shorten the time required for site formation works, and lessen noise nuisance and air pollution in the neighbourhood.

#### **4. The Section 16 Application**

##### **The Site and Its Surrounding Areas (Plans R-1 to R-9)**

- 4.1 The situations of the Site and its surrounding areas at the time of the consideration of the section 16 application by the MPC were set out in paragraph 7 of **Annex A**. There has been no material change of the situation since then except for the “U” zoning as explained in paragraph 4.3(d) below.
- 4.2 The Site:
  - (a) is currently occupied by a 6-storey building providing educational and social welfare services for the visually impaired, a vacant 4-storey building and a single storey carport; and
  - (b) is accessible to PFLR (a primary distributor road which is a 4-lane carriageway without central divider) via the private access of the adjacent Ebenezer New Hope School; and
  - (c) is at a level of about 128mPD, i.e. lower than that of PFLR (about 138mPD).
- 4.3 The surrounding areas have the following characteristics:

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<sup>6</sup> Compared with the section 12A application Y/H10/14, the scheme under the current section 16 application No. A/H10/97 under review increases the site formation level of T1 to T3 from 120mPD to 122mPD (i.e. 2m) and T4 from 121.4mPD to 125.4mPD (i.e. 4m) (**Drawing A-9** and **Drawing Z-3** of **Appendix II** of **Annex A**).

- (a) to the immediate north and northwest is an area zoned “G/IC(1)” with a BHR of 164mPD<sup>7</sup> reserved for proposed academic buildings for the Faculty of Medicine of the University of Hong Kong (HKUMed). To the further north and northwest are major GIC facilities including Block T of Queen Mary Hospital (231mPD) across PFLR and clusters of HKU facilities along Sassoon Road (123mPD to 190mPD);
- (b) to the northeast across PFLR are various medium-rise residential developments including Royalton and Royalton II (216mPD), Radcliffe (216mPD), Dor Fook Mansion (182mPD) and Jessville Tower (227mPD);
- (c) to the immediate south is the Ebenezer New Hope School (RBL1015<sup>8</sup>)(141mPD). Further south is a vegetated slope zoned “Residential (Group C)6” (“R(C)6”) with a BHR of 137mPD; and
- (d) to its immediate west is a vegetated slope which is zoned “Undetermined” (“U”) on the OZP No. S/H10/23<sup>9</sup>.

#### Planning History of “R(C)7” Zone

4.4 The Site has been subject to a long history of rezoning proposals<sup>10</sup> to enable the

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<sup>7</sup> During the hearing of representations and comments on the proposed amendments to the OZP in relation to the rezoning of the “G/IC(1)” zone on 10.2.2023, HKU committed to further explore lowering the BH of the proposed academic building to 161mPD to address the local concerns.

<sup>8</sup> RBL1015 is restricted to uses for young people who are visually impaired under the lease, and excluded from the current application site. The Ebenezer New Hope School will continue to be operated by Ebenezer.

<sup>9</sup> The draft Pok Fu Lam OZP No. S/H10/22, incorporating amendments including, among others, rezoning of a site between PLFR and Victoria Road from “GB”, “R(C)6” and area shown as ‘Road’ to “Other Specified Uses” annotated “Global Innovation Centre” (“OU(Global Innovation Centre)”), was exhibited under section 5 of the Ordinance. After giving consideration to the representations, the Board on 29.11.2024 decided to partially meet representations by rezoning the site from “OU(Global Innovation Centre)” to “U”. After giving consideration to the further representations, the Board maintained the “U” zoning for the site. The “U” zoning, as an interim land use zoning, would allow HKU to review its original plan for the Centre and adjust it in response to views as expressed by the local community, taking into account HKU’s commitment to strategically review and amend the development plan of the Centre, and to step up engagement with the community.

<sup>10</sup> The site was the subject of four previous rezoning applications (No. Y/H10/1, Y/H10/4, Y/H10/5, and Y/H10/14). Most of the taller residential developments in the vicinity of the Site had not been completed at the time when the first three applications were considered. The MPC rejected application No. Y/H10/1 on 24.8.2007 and No. Y/H10/4 on 18.4.2008 mainly on the grounds of excessive development intensity (PR of 3, BH of 244.8mPD and 224mPD), not in line with the planning intention, potential adverse traffic, visual and noise impacts, and having no strong justifications to merit the proposed rezoning. On 19.6.2009, the MPC considered the rezoning application No. Y/H10/5. While some MPC Members were sympathetic to the need of the Ebenezer for a new school, some MPC Members expressed concern that once the Site was rezoned for residential use, there was no mechanism to ensure that the services currently provided to the visually impaired would not be interrupted, as the lease of the Site is virtually unrestricted and lease modification would not be required for residential development. After deliberation, the MPC decided to defer a decision on the application pending whether there was any possible mechanism to ensure the continuous provision of school and social facilities for the visually impaired and adequate planning control on the redevelopment proposal could be maintained. On 15.4.2011 the MPC further considered the rezoning application No. Y/H10/5. While the MPC considered that the proposed residential use with a PR of 1.9 and BH of 151mPD was not incompatible with the surroundings, it considered that the proposed set of Notes for the “R(C)7” zone was unacceptable as it would place an unnecessary burden on the MPC to guarantee the



redevelopment of the Site for residential purposes, which would financially support the relocation of Ebenezer School and the provision of a new school and home with state-of-the-art facilities for the visually impaired. After about 10 years of site search, a private developer had offered a relocation site in Tung Chung in exchange for the Site. On 6.5.2022, the MPC partially agreed to the last section 12A application No. Y/H10/14<sup>11</sup> (Indicative Scheme at Appendix II of **Annex A** and its major development parameters at Appendix III of **Annex A**) to rezone the Site from “G/IC” to “R(C)7” with a maximum PR of 1.9 and a maximum BH of 151mPD, which are the same as the existing school buildings. In formulating the indicative scheme of this approved section 12A application, a number of technical requirements, such as the provision of a 20m buffer area from PFLR to comply with air quality and noise standards under the HKPSG, the provision of sufficient space to meet access and parking requirements, the provision of a minimum 3m-wide means of escape, and the provision of greenery to meet the requirements as set out in the SBD Guidelines, have already been taken into consideration.

- 4.5 Under this approved section 12A application, the applicant proposed (i) to provide a new left-in/left-out vehicular run-in/out; (ii) to set back the application site boundary fronting PFLR for footpath widening for the benefit of general public; and (iii) to provide traffic cylinders on PFLR to avoid vehicles from making right turns to the Site. In response to C for T’s comment that a bus lay-by should be provided instead of the proposed relocation of the in-lane bus stop to facilitate the vehicles maneuvering from the Site to PFLR, the applicant also committed to providing the bus lay-by subject to further feasibility study in the detailed design stage. In response to CHE/HK, HyD’s comment that the proposed building wall facing PFLR will be in contact with highway structure H123 and slope feature no. 11SW-C/C87(2) maintained by HyD, the applicant responded that accessibility to highway structure will be considered, and HyD’s maintenance requirements will be addressed at the detailed design stage.
- 4.6 As the lease of the Site is virtually unrestricted and lease modification would not be required for the proposed development, DEP requested effective mechanism to ensure the implementation of proper design and measures to satisfy the relevant requirements under HKPSG in terms of air quality and traffic noise, as well as a further assessment of SIA. The MPC agreed to include a requirement for the submission of a layout plan through a planning application under section 16 of the Ordinance for the new “R(C)7” zone, so as to identify the potential impacts and respective mitigation measures at an early stage of the proposed residential development.
- 4.7 On 22.7.2022, the draft Pok Fu Lam OZP No. S/H10/20 incorporating, inter alia, the proposed new “R(C)7” zone was exhibited for public inspection. After giving consideration to the representations and comments on 10.2.2023, the Board decided not to uphold the representations and determined that no amendments should be

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continuous provision of services to the visually impaired in considering a planning application. As there was no relocation programme for the Ebenezer yet, the MPC decided not to agree to the application for rezoning the site to “R(C)7”.

<sup>11</sup> The MPC Paper No. Y/H10/14 is available at the Board’s website at [https://www.tpb.gov.hk/en/meetings/MPC/Agenda/694\\_mpc\\_agenda.html](https://www.tpb.gov.hk/en/meetings/MPC/Agenda/694_mpc_agenda.html); and the minutes are available at [https://www.tpb.gov.hk/en/meetings/MPC/Minutes/m694mpc\\_e.pdf](https://www.tpb.gov.hk/en/meetings/MPC/Minutes/m694mpc_e.pdf).

made to the draft OZP to meet the representations. On 30.5.2023, the draft OZP was approved by Chief Executive in Council. On 9.6.2023, the approved Pok Fu Lam OZP No. S/H10/21 was exhibited for public inspection. The “R(C)7” zoning of the Ebenezer has remained unchanged since then.

#### Planning Intention

- 4.8 The planning intention of “R(C)” zone is primarily for low to medium-rise and low to medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 4.9 The Notes of the OZP also stipulate that for any new development or redevelopment of an existing building on land falling within the “R(C)7” zone, a layout plan shall be submitted for the approval of the Board. The layout plan should include the following information:
- (a) the proposed land use(s), and the form, disposition and heights of all buildings (including structures) to be erected on the site;
  - (b) the proposed total GFA for various uses and facilities;
  - (c) an Environmental Assessment report to examine any environmental problems in terms of air quality and traffic noise that may be caused to the proposed development and the proposed mitigation measures to tackle them;
  - (d) a SIA report to examine any sewerage problem that may be caused by the proposed development and the proposed mitigation measures to tackle them; and
  - (e) such other information as may be required by the Board.
- 4.10 The Notes of the “R(C)” zone also provide that minor relaxation of the BH restriction, based on individual merits, may be considered by the Board upon application under section 16 of the Ordinance.
- 4.11 According to the Explanatory Statement of the OZP, the purpose of the provision for application for minor relaxation for the “R(C)” zone is to allow the Board to consider proposals for building layout and design which, while not strictly complying with the stated restrictions, meet the planning objectives. It is intended to encourage imaginative designs which are adapted to the characteristics of particular sites, and overcome the need for stiling or allow for conservation of environmentally important natural features or mature vegetation. Each proposal will be considered strictly on its own merits.

#### Previous Application

- 4.12 The Site is not the subject of any previous section 16 application.

#### Similar Application (Plan R-1)

- 4.13 There is one application for minor relaxation of BHR for permitted residential development within “R(C)” zone on the Pok Fu Lam OZP. Application No. A/H10/86 for relaxing the BHR from 17.22m to 22.255m (+29.2%) for permitted house development at Bisney Road (within “R(C)2” zone) to cater for the need to provide a more desirable vehicular access with greater sightline distance was approved with conditions by the MPC on 4.4.2014.

## 5. Comments from Relevant Government Departments

- 5.1 Comments on the section 16 application made by relevant government departments are stated in paragraph 9 of **Annex A**. Their advisory comments, if any, are at Appendix V of **Annex A**.
- 5.2 For the review application, relevant government departments have been further consulted. C for T, CHE/HK, HyD and the Chief Highways Engineer/Bridges and Structures, HyD (CHE/B&S, HyD) maintain their previous adverse views which are recapitulated below. Other relevant government departments maintain their previous views of having no adverse comments on/ no objection to the section 16 application and have no further comments on the review application:

### Traffic

#### 5.2.1 Comments of C for T:

##### Provision of Bus Lay-by

- (a) In the last section 12A application No. Y/H10/14, the applicant proposed to relocate the existing in-lane bus stop on PFLR for the construction of a new left-in/left-out vehicular run-in/out for the Site, and set back the application site boundary fronting PFLR between the relocated bus-stop and the existing pedestrian crossing for the footpath to be widened from 1.9m to 2.5m. As stated in TD’s previous comments on the last section 12A application, PFLR is the primary distributor connecting the Western and Southern District with high traffic flow. Vehicles are usually travelling at high speed. The increase in ingress/egress traffic entering/ leaving the proposed residential development through the newly proposed run-in/out at PFLR would impede the movement of other vehicles along PFLR and would create traffic obstruction to the traffic flow. Given the newly proposed run-in/out at PFLR cannot be avoided, provision of a standard bus lay-by as committed in the section 12A application No. Y/H10/14 is required to minimise the potential obstruction created by pick up/drop off activities of bus services. The applicant should provide a bus lay-by instead of relocating the existing in-lane bus stop on PFLR.
- (b) According to the Response to Comments (F3) submitted by the applicant dated 22.4.2022 in the last section 12A application No. Y/H10/14, the applicant agreed to provide the bus lay-by subject to further feasibility study in the detailed design stage. In view of the

fact that the applicant would further examine the feasibility of providing a bus lay-by to facilitate vehicles manoeuvring from the Site to PFLR and enhance traffic flow thereat when the applicant further develops the layout of the proposed development, C for T offered 'no objection' on the last section 12A application No. Y/H10/14.

- (c) In the section 16 application and section 17 review, the applicant fails to demonstrate the technical infeasibility of providing a standard bus lay-by and a 2.5m-wide pedestrian footpath as committed in the section 12A application. HyD has advised that, in case the applicant considers constructing additional columns and footings above the maintenance walkway, the existing maintenance walkway could be realigned, and the existing clear width of 2.5m shall be maintained after realignment to facilitate the future maintenance of the existing highway structure H123 and slope feature no. 11SW-C/C87 (**Drawings R-5 and R-6**). Besides, the applicant may make reference to the technical design for the new run-in/out at PFLR for the formation of the bus lay-by.
- (d) He expresses no objection in principle to take up the management responsibility of the newly formed widened footpath and bus lay-by provided that (a) the area is constructed up to TD and HyD's standards; (b) the area would be surrendered to the Government; and (c) HyD would take up its maintenance responsibility. Alternatively, the applicant may consider dedicating the area of the widened footpath and bus lay-by within the private lot for free public passage, where appropriate.
- (e) The applicant should incorporate the proposed provision of the bus lay-by as committed in the last section 12A application No. Y/H10/14 in their current development proposal.

#### Footpath Widening

- (f) The applicant proposes to widen the section of the footpath between the relocated bus stop and the existing pedestrian crossing to 2.5m wide by setting back the site boundary in the last section 12A application No. Y/H10/14. However, this proposal is omitted in the section 16 and 17 applications. The applicant should incorporate the proposed footpath widening as indicated in the last section 12A application No. Y/H10/14 in their current development proposal.

#### The Three Options

- (g) The proposals do not incorporate the arrangement to widen the footpath to 2.5m wide by setting back the site boundary as proposed in the section 12A application No. Y/H10/14.
- (h) Under Option 1 (**Drawing R-2**), the applicant proposes to relocate

the existing in-lane bus stop approximately 65m northward by providing a 2m-wide bus lay-by with a 1.3m-wide public footpath adjacent to the lay-by by reducing the width of the PFLR carriageway, which is the same proposal as the section 16 planning application. The proposed provision of a non-standard 2m-wide bus lay-by by reducing the width of existing traffic lanes and public footpath at PFLR is not acceptable. At present, the width of the carriageway is around 14.6m along the concerned section of PFLR. The proposed local narrowing of the carriageway at curve section would create a bottleneck and lead to adverse traffic impact to PFLR. Besides, the footpath width of 1.3m adjacent to the proposed bus lay-by is insufficient for passenger boarding/aligning at the bus stop while maintaining sufficient width for pedestrian passage.

- (i) Under Option 2 (**Drawing R-3**), the applicant proposes to relocate the existing in-lane bus stop approximately 65m north to its current location and to maintain the existing width of the public footpath. No bus lay-by and no footpath widening are proposed.
- (j) Under Option 3 (**Drawing R-4**), the applicant proposes to relocate the existing in-lane bus stop approximately 65m north to its current location without the provision of bus lay-by and to widen the public footpath to 2.5m by reducing the width of PFLR carriageway, which does not comply with the committed arrangement to widen the footpath to 2.5m-wide by setting back the site boundary, as proposed in the section 12A application.

5.2.2 Comments of the CHE/HK, HyD and Chief Highways Engineer/Bridges and Structures, HyD (CHE/B&S, HyD):

- (a) Since the applicant has not made an agreement with TD during the course of the section 16 application and section 17 review for confirming a feasible scheme for the provision of a bus lay-by and footpath widening, the effects on the existing highway structure H123 and slope feature no. 11SW-C/C87 could not be determined, which made HyD unable to provide technical advice from a highways maintenance viewpoint.
- (b) However, if the applicant intends to construct additional columns and footings, or other structural forms (e.g. backfill and construction of a retaining wall) to support the proposed up-to-standard 3.3m-wide bus lay-by and the widened footpath, it is anticipated that the existing maintenance access, which has a clear width of 2.5m and runs along the northeastern boundary and below the level of PFLR, will likely be affected and may need to be re-aligned. Under this scenario, the clear width of the realigned maintenance access shall be maintained to accommodate maintenance plants and materials for future ad-hoc or routine maintenance of the existing highway structure H123 and slope feature no. 11SW-C/C87 when necessary. Given the proposed schemes have not been agreed between the applicant and TD, the applicant has not provided corresponding

structural assessment for any proposed structures to confirm technical feasibility.

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

- 6.1 On 18.10.2024 and 6.12.2024, the review application was published for public inspection. During the statutory public inspection periods, 170 public comments (**Annex G**) were received, of which 80 supported the application whilst 90 raised objections to and/or concerns/views on the application.

### Supporting Comments

- 6.2 80 public comments were submitted by individuals supporting the application on grounds, which are similar to those raised at the section 16 stage, as summarised below:
- (a) the proposed residential development would facilitate the relocation of the Ebenezer School and Home for the Visually Impaired;
  - (b) the proposed BH is compatible with the adjoining proposed HKUMed development and residential developments;
  - (c) the proposed residential development with a minor relaxation of BHR would not induce adverse impacts on the existing infrastructure in the Pok Fu Lam area;
  - (d) the proposed widening of the public footpath along PFLR (in Option 3 only), provision of greenery wall along PFLR, provision of building setback from PFLR, and provision of building gaps between buildings under the current application would provide visual relief and enhance pedestrian and air ventilation in the surrounding area; and
  - (e) the proposed residential development would provide extra housing supply.

### Objecting Comments and/or Raising Concerns

- 6.3 90 adverse comments were submitted by nearby residents and their representatives, including the Incorporated Owners of Royalton, Royalton II, Woodbury Court, Jessville, and La Mer, as well as individuals. Their major grounds of objections and/or concerns/views on the review application, which are similar to those raised at the section 16 stage, are summarised below:

#### Land Use and BH Compatibility

- (a) not in line with the planning intention set out in the ES of the OZP, which states that ‘on the seaward side along the section of PFLR to the north of its junction with Chi Fu Road, it is intended to keep developments below the level of PFLR as far as possible in order to preserve public views and amenity and also the general character of the area’. The proposed minor relaxation of BHR will have negative implications for the preservation of

public views, amenities and overall character of the area;

- (b) violating the specific BHR of 151mPD for the proposed residential development, i.e. not exceeding that of the existing building, as set forth in the last section 12A application No. Y/H10/14 approved/ partially agreed by the Board;
- (c) the review application should be considered with the context of the Global Innovation Centre proposed by HKU located to the west of the Site;

*Need for Relaxation of BHR*

- (d) the applicant fails to demonstrate strong and distinctive planning and design merits and convincing justifications for the proposed minor relaxation of BHR. The so-called planning and design merits in the current proposal correspond solely to the existing mandatory requirements and guidelines, which should not be seen as additional planning and design merits, e.g. access, parking and building setback requirements under HKPSG, 3m wide footpath/MOE around the site boundary as required under lease, etc. The proposal has not addressed existing environmental and traffic issues that the proposed development will bring. The elongated shape of the maintenance walkway and widening for public footpath along PFLR should not largely affect the building footprint and development layout. There is flexibility for layout adjustments and the feasibility to address the site constraints;
- (e) the FTF height of the scheme in the current s.16 application and that of the scheme under the section 12A application No. Y/H10/14 are 3.5m and 3.15m respectively. The proposed relaxation of BHR for a private residential development to achieve a FTF height far exceeding the prevailing norms should not be approved;

*Visual Impact*

- (f) the VIA is deemed to downplay the visual impacts of the proposed development. Some of the photomontages (e.g. VP6) (Drawing A-16 of **Annex A**) are considered misleading and the selected vantage points are distant views which could not reflect the overall visual impacts to the surroundings. Referencing the vantage points in section 12A application No. Y/H10/13<sup>12</sup>, the proposed residential development exhibits a much more substantial presence and would adversely affect the views from surrounding residential developments;
- (g) approval of the proposed development would set a precedent for other relaxation of building height and create poor landscape for the Pok Fu Lam area, e.g. the Global Innovation Centre proposed by HKU, Wah Fu Estate Redevelopment, Cyberport Expansion, etc.;

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<sup>12</sup> Y/H10/13 was a section 12A application to rezone a site between PFLR and Victoria Road to the immediately north of the Site from “Green Belt” to “G/IC(1)” to facilitate development of the proposed academic buildings for the HKUMed.

Traffic Aspect

- (h) PFLR is a road where vehicles travel at speed. A bus lay-by must be provided. Failing to do so poses significant risks to other road users if and when buses make abrupt stops. The applicant should also consider providing a bus-stop shelter, and dedicating a lane for entering and exiting the development;
- (i) there is no railway serving the area. The proposed development with increased number of units from 83 to 135 (+60%) would exacerbate traffic congestions, compromise emergency access, and impose additional burden on public transport services;

Air Ventilation

- (j) the proposed development, with a continuous block from the northwest to the southeast, poses a potential obstruction to the prevailing summer wind (from SSE, S and SSW) reaching the northern residential area. The proposed 8m wide separation between residential blocks T3 and T4 is seemed insufficient to facilitate optimal wind penetration;

Geotechnical Aspect

- (k) the proposed development is embedded with a potential landslide risk, and poses a series threat to the safety and stability of the area. The overall excavation area would be increased by about 12% when compared to the section 12A scheme;

Environment and Other Aspects

- (l) the proposed development would cause adverse air quality impact, and reduce natural sunlight reaching the nearby residential units;
- (m) the proposed development would affect the ecosystem of the Pok Fu Lam area; and
- (n) the increase in population would result in lack of sufficient educational and social welfare facilities in the area.

**7. Planning Considerations and Assessments**

- 7.1 The application is for a review of the MPC's decision on 16.8.2024 to reject the section 16 application for planning permission of a layout plan and proposed minor relaxation of BHR for permitted 'Flat' use at the Site zoned "R(C)7" on the OZP. The rejection reasons are that (i) the applicant fails to demonstrate that the proposed development as shown on the layout plan would have no adverse traffic impact on PFLR and (ii) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of BHR.



7.2 In support of the review application, the applicant has submitted a letter (**Annex D**), a review statement (**Annex E**) and a FI (**Annex F**) stating the following:

- (i) the TPB should consider the application in relation to the stated requirements for a layout plan submission in the Notes of the OZP, which are directly relevant to the potential traffic noise, air quality, and sewerage impacts caused to/ by the future residential development at the “R(C)7” site. The layout plan submission, along with the EA and SIA, has been made under the section 16 application. The key issues relating to environmental and sewerage aspects have been addressed, and relevant government departments have no in-principle objection to the application;
- (ii) traffic impact has not been identified as a matter to be considered in the submission of the layout plan. The applicant has carried out a TIA, and it has demonstrated that the proposed development would have no adverse traffic impact on the surrounding road network, including PFLR. Taking into account the constraints and challenges of the Site, the 2m-wide bus lay-by with a 1.3m-wide public footpath proposed in the section 16 application (Option 1) is a result of a thorough feasibility study and is found to be the feasible bus lay-by proposal given the site constraints. Two additional technically feasible layout options (Options 2 and 3), recommending an in-lane bus stop with or without footpath widening, are also proposed in the review application;
- (iii) the proposed minor relaxation of BHR is to accommodate the technical requirement for a maintenance walkway within the site, to increase FTF height as a design measure to improve quality of internal living space, and to improve the sustainability of the development by reducing the excavation volume. It has been shown that the proposed building height of 164mPD is compatible with the surrounding developments; and
- (iv) compared with the section 12A scheme, the modifications proposed in the section 16 application would result in an improved design scheme. This would lead to improved air ventilation, enhanced amenity in this part of PFLR, and benefits for the public as well as existing and future residents in this locality.

7.3 The major development parameters and layout of the proposed development remain unchanged in the review application (except for the two additional layout options, i.e. Options 2 and 3, recommending an in-lane bus stop with or without footpath widening outside the Site). Since the consideration of the section 16 application by the MPC on 16.8.2024, there has been no material change in the planning circumstances, except for the “U” zoning as explained in paragraph 4.3(d) above. The planning considerations and assessments on the review application are appended below.

*Requirement for a Layout Plan Submission*

7.4 Regarding the applicant’s argument that traffic impact is not a key concern to be examined under a layout plan submission for the proposed development in the “R(C)7” site according to the Notes of the OZP, it should be clarified that in the last section 12A application (No. Y/H10/14), the applicant agreed to provide the bus lay-by subject to further feasibility study in the detailed design stage. In view of the

applicant's commitment to further examine the feasibility of providing a bus lay-by to facilitate vehicles manoeuvring from the Site to PFLR and enhance traffic flow thereat when developing the layout of the proposed development, C for T offered 'no objection' to this section 12A application.

- 7.5 During the consideration of this section 12A application, as the lease of the Site is virtually unrestricted and lease modification would not be required for the proposed development, DEP requested an effective mechanism to ensure the implementation of proper design and measures to satisfy the relevant requirements under HKPSG in terms of air quality and traffic noise, as well as further environmental and sewerage impact assessments<sup>13</sup>. MPC agreed to include a requirement for the submission of a layout plan through a section 16 planning application for the "R(C)7" zone to identify the potential impacts and respective mitigation measures at an early stage of the proposed residential development<sup>14</sup>.
- 7.6 The current application seeks approval for a layout plan to fulfil the requirements as stipulated in the Notes for the "R(C)7" zone (detailed requirements in paragraph 4.7 above) and for minor relaxation of BHR from 151mPD to 164mPD (i.e. +13m or +8.6%) for the proposed permitted 'Flat' use. According to Remarks (3)(v) of the Notes of the "R(C)" zone, the layout plan submitted for approval of the Board should include '*such other information as may be required by the Board*'. Even though MPC did not include the traffic aspect as a major concern during the consideration of the section 12A application, C for T has clearly conveyed to the applicant the requirement for the provision of a feasible bus lay-by during the section 12A application stage, and the applicant has agreed to provide the bus lay-by subject to further feasibility study in the detailed design stage. Therefore, it is justifiable for C for T to request the applicant to provide a feasible bus lay-by in the layout plan submission under the section 16 application.

*Provision of Bus Lay-by and Traffic Impact*

- 7.7 To facilitate vehicles manoeuvring from the Site to PFLR and improve the traffic condition at PFLR, the applicant has proposed to relocate the existing in-lane bus stop on PFLR for the construction of a new left-in/left-out vehicular run-in/out for the Site and replace the current in-lane bus stop either by a bus lay-by (Option 1) or by relocating the in-lane bus stop with or without widening the footpath (Options 2 and 3).
- 7.8 According to C for T, PFLR is the primary distributor connecting the Western and Southern District with high traffic flow. Vehicles are usually travelling at high speed. The increase in ingress/egress traffic entering/ leaving the proposed residential development through the newly proposed run-in/out at PFLR would impede the movement of other vehicles along PFLR and would create traffic

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<sup>13</sup> See paragraph 18 of the minutes of the MPC meeting held on 6.5.2022.

<sup>14</sup> On 22.7.2022, the draft Pok Fu Lam OZP No. S/H10/20 incorporating, inter alia, the proposed new "R(C)7" zone was exhibited for public inspection. After giving consideration to the representations and comments on 10.2.2023, the Board decided not to uphold the representations and determined that no amendments should be made to the draft OZP to meet the representations. On 30.5.2023, the draft OZP was approved by Chief Executive in Council. On 9.6.2023, the approved Pok Fu Lam OZP No. S/H10/21 was exhibited for public inspection. The "R(C)7" zoning of the Ebenezer has remained unchanged since then.

obstruction to the traffic flow. Given the newly proposed run-in/out at PFLR cannot be avoided, provision of a standard bus lay-by as committed in the section 12A application No. Y/H10/14 is required to minimise the potential obstruction created by pick up/drop off activities of bus services. The applicant should provide a bus lay-by instead of relocating the existing in-lane bus stop on PFLR. Under the section 16 application, a preliminary layout for the bus lay-by of 14m(L) x 2m(W) with a footpath width of 1.3m has been proposed by the applicant (Drawing A-12 of **Annex A**) (i.e. Option 1 under the review application). C for T explained at the MPC meeting held on 16.8.2024 that the proposal was not acceptable as the proposed 2m-wide bus lay-by was non-standard and would reduce the width of the existing carriageway and public footpath along PFLR. At present, the width of the carriageway is around 14.6m along the concerned section of PFLR. The proposed local narrowing of the carriageway at curve section would create a bottleneck and lead to adverse traffic impact to PFLR. Besides, the footpath width of 1.3m adjacent to the proposed bus lay-by is insufficient for passenger boarding/aligning at the bus stop while maintaining sufficient width for pedestrian passage.

- 7.9 Further, the three options proposed by the applicant do not incorporate the arrangement to widen the footpath to 2.5m wide by setting back the site boundary as proposed in the section 12A application No. Y/H10/14. Under Options 2 and 3, no bus lay-by is proposed. Under Option 2, the applicant proposes to relocate the existing in-lane bus stop approximately 65m north to its current location without the provision of a standard bus lay-by, and maintain the existing width of the public footpath (**Drawing R-3**). Under Option 3, the applicant proposes to relocate the existing in-lane bus stop approximately 65m north to its current location without the provision of a standard bus lay-by, and widen the public footpath to 2.5m by reducing the width of the PFLR carriageway (**Drawing R-4**), which does not comply with the committed arrangement to widen the footpath to 2.5m wide by setting back the site boundary, as proposed in the section 12A application. The applicant fails to demonstrate the technical infeasibility of providing a standard bus lay-by and a 2.5m-wide pedestrian footpath, as committed in the section 12A application. Hence, C for T does not support the application from a traffic engineering perspective, as the applicant has not yet demonstrated that the proposed development has no adverse traffic impact on PFLR. Taking into account the applicant's justifications in the review statement and FI (**Annex E** and **Annex F**), C for T considers the three proposed options not acceptable and maintains his adverse views on the application.
- 7.10 CHE/HK of HyD also maintains his views that since the applicant has not confirmed a feasible scheme with TD for the provision of a bus lay-by and footpath widening, the effects on the existing highway structure H123 and slope feature no. 11SW-C/C87 could not be determined, and he is unable to provide technical advice from a highways maintenance viewpoint. Any proposed structural changes (e.g., additional columns or footings, or backfill and construction of retaining wall) to support a standard 3.3m-wide bus lay-by and widened footpath would affect the 2.5m-wide maintenance access and may require realignment when necessary. The applicant has not conducted a structural assessment to confirm the technical feasibility of providing such structures for supporting the proposed up-to-standard 3.3m-wide bus lay-by and the widened footpath.

Minor Relaxation of BHR and Compatibility with Surrounding Developments

- 7.11 The applicant explained in the section 16 application that the proposed minor relaxation of BHR from 151mPD to 164mPD (i.e. +13m or 8.6%) is to meet technical requirements, including (i) provision of a buffer area from PFLR for the proposed development to comply with air quality and noise standards under the HKPSG; (ii) provision of sufficient space to meet access and parking requirements; (iii) provision of a maintenance walkway within the Site for access to the highway structure supporting PFLR; (iv) provision of a 20m building separation from Ebenezer New Hope School; (v) provision of a minimum 20% green coverage to meet the requirement as set out in the SBD Guidelines; (vi) and provision of a minimum 3m-wide footpath/ MOE around the site boundary as required under the lease. The applicant further justifies that as the buildings on the eastern side of PFLR are much taller with BHs ranging from about 182mPD to 227mPD, the proposed development with a maximum BH of 164mPD is compatible with the surrounding residential developments and comparable with the adjoining proposed academic buildings for HKUMed, which falls within “G/IC(1)” zone subject to a BHR of 164mPD, and could still maintain the existing stepped BH profile descending towards the seaside. In terms of BH, PlanD considers that the proposed development with a minor relaxation of the BHR to 164mPD not incompatible with the surrounding developments.
- 7.12 In considering the section 16 application for the proposed development, some MPC members questioned whether there were genuine technical difficulties and sufficient planning and design merits to justify the proposed minor relaxation of BHR. Some MPC members noted that the technical requirements, such as the provision of a buffer area, access and parking facilities, MOE and greenery mentioned by the applicant, are mandatory requirements under lease, HKPSG or SBD Guidelines. These requirements have already been taken into consideration when formulating the indicative scheme of the section 12A application with a maximum BH of 151mPD to achieve the same PR of 1.9 and GFA of 12,274m<sup>2</sup> supported by relevant technical assessments. No additional technical requirements have been imposed by relevant authorities since then.
- 7.13 Compared with the indicative scheme of the section 12A application, it should be noted that the increase in BH from 151mPD to 164mPD proposed in the current section 16 application is largely contributed by changes in building design, namely the addition of one domestic storey for each block (i.e. from 9 storeys to 10 storeys for Block T1-T3 and from 8 storeys to 9 storeys for Block T4<sup>15</sup>), the increase in domestic FTF height from 3.15m to 3.5m<sup>16</sup>, reduced excavation resulting from rise of the formation level from 120mPD to 122mPD for Blocks T1 to T3 and to 125.4mPD for Block T4, and the newly added 8m-wide building gap between buildings. These changes in building design are not directly resulted from the above constraints suggested by the applicant.

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<sup>15</sup> Compared with the indicative scheme under section 12A application, the number of domestic blocks is reduced from 5 to 4 now.

<sup>16</sup> According to Building Department’s PNAP-APP 5, the minimum height of rooms for habitation is 2.5m, and BD may accept a range of storey heights for domestic buildings not exceeding 4m for topmost floor and 3.5m for typical floor of flats.

Planning and Design Merits

- 7.14 Regarding the applicant's argument that there is no requirement in the Notes and the ES of the OZP stipulating that a relaxation in BHR must result in 'planning and design merits that would benefit the public', it is explicitly stated in the Notes that minor relaxation of the BHR may be considered by the Board upon a section 16 application based on individual merits. The Board has the authority to exercise its own judgment in determining what constitutes 'individual merits' when considering such applications within their specific context. During the MPC meeting considering the section 16 application, members generally opined that the proposed relaxation of the BHR lacked sufficient planning and design merits that would benefit the public.
- 7.15 Although some MPC members noted that the rise of the site formation level and the new 8m-wide building gap between residential blocks T3 and T4 might reduce the excavation volume and improve air ventilation respectively, the MPC members generally held the view that there was insufficient planning and design merits to justify the proposed minor relaxation of BHR. In the review statement submitted under the current review application (**Annex E**), the applicant reiterates the needs to provide a maintenance walkway, necessary EVA and vehicular accesses, parking spaces, greenery, building setback and building gap to meet the relevant technical requirements, and reiterates the same planning and design merits which include 3.5m FTF height to improve internal air ventilation and reduction in number of blocks and provision of building gap of about 8m between Block T3 and T4 to enhance air ventilation and building separation with the adjacent Ebenezer New Hope School, and reduction in excavation volume. Compared with the section 16 scheme, there is no change to the parameters and layout of the scheme, the suggested planning and design merits are elaborations of justifications previously considered in the section 16 application. The applicant has not provided additional information to respond to MPC members's comments that there is insufficient planning and design merit to justify the proposed minor relaxation of BHR from 151mPD to 164mPD.

Public Comments

- 7.16 Regarding the public comments objecting to the review application as mentioned in paragraph 6 above, government departments' comments in paragraph 5 and the planning considerations and assessments above and paragraphs 9 and 11 of **Annex A** are relevant.

**8. Planning Department's Views**

- 8.1 Based on the assessments made in paragraph 7 and having taken into account the public comments mentioned in paragraph 6, and given that there is no major changes in the planning circumstances since the consideration of the subject application by the MPC on 16.8.2024, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the applicant fails to demonstrate that the proposed development as shown on the layout plan has no adverse traffic impact on Pok Fu Lam Road; and
  - (b) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

- 8.2 Alternatively, should the Board decide to approve the application, it is suggested that the permission shall be valid until 27.6.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised environmental assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) in relation to (b) above, the implementation of improvement works as identified in the revised sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission of an updated traffic impact assessment and implementation of traffic improvement measures as identified therein to the satisfaction of the Commissioner of Transport or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Annex H**.

**9. Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the MPC's decision and decide whether to grant or refuse to grant permission.
- 9.2 Should the Board decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

**10. Attachments**

<b>Annex A</b>	MPC Paper No. A/H10/97B
<b>Annex B</b>	Extract of Minutes of the MPC Meeting held on 16.8.2024
<b>Annex C</b>	Secretary of the Board's Letter dated 9.9.2024
<b>Annex D</b>	Letter from the Applicant's Representative dated 30.9.2024 Applying for a Review of MPC's Decision
<b>Annex E</b>	FI received on 29.11.2024

<b>Annex F</b>	FI received on 1.4.2025
<b>Annex G</b>	Public Comments
<b>Annex H</b>	Recommended Advisory Clauses

<b>Drawing R-1</b>	Comparison of Section 12A Application No. Y/H10/14 Proposal and Section 16 Application A/H10/97 Proposal
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<b>Drawings R-2 to R-4</b>	Layout Options 1 to 3
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<b>Drawings R-5 and R-6</b>	Highway Structure H123 and Slope Feature No. 11SW-C/C87
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<b>Plan R-1</b>	Location Plan
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<b>Plan R-2</b>	Site Plan
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<b>Plan R-3</b>	Aerial Photo
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<b>Plans R-4 to R-9</b>	Site Photos
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**PLANNING DEPARTMENT**  
**JUNE 2025**