

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H6/96

<u>Applicant</u>	: Big Wealth Limited represented by PlanPlus Consultancy Limited
<u>Site</u>	: Government Land adjoining Inland Lots (IL) 6621 S.A. and 6621 R.P. and Ext., 58 Tai Hang Road, Causeway Bay, Hong Kong
<u>Site Area</u>	: About 648m ²
<u>Land Status</u>	: Government Land
<u>Plan</u>	: Approved Causeway Bay Outline Zoning Plan (OZP) No. S/H6/17
<u>Zonings</u>	: “Green Belt” (“GB”) [about 93.98%] “Residential (Group B)” (“R(B)”) [about 2.16%] - restricted to a maximum plot ratio (PR) of 5 and a maximum building height of 30 storeys including carports, or the PR and height of the existing building, whichever is the greater Area shown as ‘Road’ [about 3.86%]
<u>Application</u>	: Proposed ‘Flat’ Use (Vehicular Access and Pedestrian Walkway for Residential Development)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed vehicular access exclusively serving a planned residential redevelopment at 58 Tai Hang Road (the planned residential redevelopment) and a proposed pedestrian walkway serving both the planned residential redevelopment and the general public at the application site (the Site) (**Drawing A-1**). The Site is a piece of Government land located within an area mostly zoned “GB” (about 93.98%), with minor portions encroaching upon the “R(B)” zone (about 2.16%) and an area shown as ‘Road’ (about 3.86%) on the approved Causeway Bay OZP No. S/H6/17 (**Plan A-1**). The planned residential redevelopment, located immediately to the east of the Site and currently occupied by a 5-storey residential development over 2 basement levels¹, is situated within an area zoned “R(B)” on the same OZP. The proposed vehicular access and pedestrian walkway are intended primarily for the use of residents of the

¹ According to the Lot Survey Plan submitted by the applicant, the site area of Inland Lot (IL) 6621 s.A, where the planned residential redevelopment will be situated, is about 296.5m².

planned residential redevelopment and, therefore, form an integral part of the 'Flat' use at 58 Tai Hang Road. As such, the proposed vehicular access and pedestrian walkway, which are considered part of the 'Flat' use, require planning permission from the Town Planning Board (the Board) within the "GB" zone and the area shown as 'Road'². The Site is currently a densely vegetated slope.

Proposed Vehicular Access Connecting the Planned Residential Redevelopment and Upper Tai Hang Road (514m²)

- 1.2 Currently, 58 Tai Hang Road lacks direct vehicular access. Residents can only reach the residential development by utilizing a dedicated right-of-way (ROW) located within the car park of the adjoining residential development at 60 Tai Hang Road (The Elegance)³ (**Plan A-2**).
- 1.3 According to the proposed layout submitted by the applicant at **Drawings A-2 and A-3**, the proposed vehicular access, with a total width of 13.2m, will be constructed as an elevated structure cantilevering from upper Tai Hang Road. It will include a 1.5m-wide pedestrian walkway and a 1.5m-wide planter area. Additionally, a turntable with a diameter of 12m will be provided on the proposed vehicular access. According to the applicant, this vehicular access will serve as a dedicated and properly separated connection for residents, as well as an emergency vehicular access (EVA) for the planned residential redevelopment. Furthermore, it will facilitate the redevelopment of 58 Tai Hang Road into a multi-storey residential building comprising 6 to 11 private car parking spaces and a loading/unloading (L/UL) space for light goods vehicles (LGV) in accordance to the Hong Kong Planning Standards and Guidelines (HKPSG)⁴.

² 'Flat' use is always permitted within the "R(B)" zone which is subject to a maximum PR of 5 and a maximum building height of 30 storeys including carports, or the PR and height of the existing building, whichever is the greater. According to the applicant, the typical floor plans, carpark floor plans, section & elevation drawings, and photomontages related to the planned residential redevelopment are submitted for information only and do not form part of the application.

³ According to clause 7 (a) and (c) of the Deed of Mutual Covenant and Management Agreement (DMC) made on 20.12.1986 in respect of the Building at IL No. 6621 RP & Ext. (i.e. The Elegance, 60 Tai Hang Road) (**Plan A-2**), 'the full right at all times hereafter to enter into and upon all parts of the Land and the Building (i.e. 60 Tai Hang Road) with all necessary equipment plant and materials for the purposes of demolishing any existing building on the adjoining premises known and registered in the Land Office as Section A of Inland Lot No.6621 (i.e. 58 Tai Hang Road) and constructing any building on the said adjoining premises and may for such purposes carry out all such works in, under on or over the Land and the Building as it may from time to time see fit provided that no such right shall interfere with the exclusive right and privilege of the Owners to hold use occupy and enjoy the Units and the Car Parking Spaces in the Building...', and 'the right to grant unto the owner... of the adjoining premises (i.e. 58 Tai Hang Road)...to go pass and repass on foot or by vehicle over along and upon such portion or portions of the Land and the Building (i.e. 60 Tai Hang Road) as shown coloured Brown on the Block Plan annexed thereto for the purpose of access to and egress from the said Section A of Inland Lot No.6621...'.

⁴ The general building plan submission for the planned residential redevelopment at 58 Tai Hang Road was approved by the Buildings Authority (BA) on 28.3.2024. The approved development includes a 19-storey residential tower with 28 residential units, a vehicular access leading from Tai Hang Road through the car park of The Elegance, one accessible car park (with a 5.5m turntable), and a motorcycle parking space. According to the applicant, there is no EVA provision under the approved building plans as EVA is exempted under Building (Planning) Regulation (B(P)R) 41D (1) through the implementation of enhanced fire services provision, such as staircase pressurization system, etc.

Pedestrian Walkway Connecting the Planned Residential Redevelopment and Lower Tai Hang Road (134m²)

- 1.4 The proposed pedestrian walkway of approximately 140m long and 1.5 – 2.1m wide includes a new walkway along the north-western and north-eastern sides of the proposed vehicular access, and a new staircase with some sections reinstating the existing dilapidated staircase near the slope of the planned residential redevelopment. It will slope down from the planned residential redevelopment at 68.3mPD to the existing lane near 16 Tai Hang Road at 36.7mPD, situated at the lower section of Tai Hang Road (**Drawings A-1, A-2 and A-10**).
- 1.5 According to the applicant, this walkway will be accessible to both residents of the planned residential redevelopment and the public on a 24-hour basis and hence would enhance the overall pedestrian access in the area. The applicant has committed to taking up the maintenance and management responsibilities for the entire proposed vehicular access and pedestrian walkway.

Landscape and Tree Treatment Proposal

- 1.6 As outlined in the submitted Landscape and Tree Treatment Proposal, 29 existing trees within the Site will be affected by the development of the proposed vehicular access and pedestrian walkway. None of these trees is classified as old and valuable trees (OVT), potentially registrable OVT, rare species or protected species. The proposal recommends felling all affected trees. To compensate for this loss, the applicant proposes planting 6 new heavy standard trees within the Site and 29 new trees (including 6 heavy standard trees and 23 standard trees) at the planned residential redevelopment at 58 Tai Hang Road (**Drawings A-5 to A-9**).
- 1.7 In support of the application, the applicant has submitted the following documents:
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|---|---------------|
| (a) Application Form with Plans received on 5.2.2025 | (Appendix I) |
| (b) Supplementary Planning Statement (SPS) received on 17.2.2025 | (Appendix Ia) |
| (c) Further Information (FI) received on 7.5.2025 (1 st FI)* | (Appendix Ib) |
| (d) FI received on 29.5.2025 (2 nd FI)* | (Appendix Ic) |
| (e) FI received on 11.7.2025 (3 rd FI)* | (Appendix Id) |
| (f) FI received on 12.8.2025 (4 th FI)* | (Appendix Ie) |
| (g) FI received on 13.8.2025 (5 th FI)* | (Appendix If) |
| (h) FI received on 28.8.2025 (6 th FI)* | (Appendix Ig) |
| (i) FI received on 29.8.2025 (7 th FI)* | (Appendix Ih) |
- *accepted and exempted from recounting requirements*
- 1.8 On 28.3.2025 and 4.7.2025, the Metro planning Committee of the Board (the Committee) agreed to defer marking a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SPS and FIs at **Appendices Ia to Ih**, which are summarised as follows:

- (a) given that the current ROW requires passing through the internal carpark of the adjoining residential development, The Elegance, and its incorporated owners (IO) have denied permission for the dismantling of the staircase (which falls within their lot boundary) and the construction of the proposed vehicular access as shown in the approved building plans, the applicant has no viable alternative but to construct a new vehicular access. The applicant further explains that the capacity to grant the ROW is held by the developer of The Elegance, which has been dissolved. This has made it impossible to obtain the necessary consent for dismantling the staircase to build vehicular access for the planned residential redevelopment at 58 Tai Hang Road. This access is essential to facilitate both construction and ongoing access to the planned residential redevelopment, and reasonable steps have been taken by the applicant to explore alternatives;
- (b) the planned residential redevelopment is designed to provide a sufficient number of car parking spaces to comply with the HKPSG. The proposed vehicular access is considered necessary to allow vehicles to access the residential building. The proposal will also provide a separate and private access point for the planned residential redevelopment, addressing the current reliance on the shared ROW through the internal car park of The Elegance. This arrangement will also address privacy and security concerns between the two private residential developments;
- (c) under the current situation, emergency vehicles are required to park along Tai Hang Road. The proposed vehicular access will provide sufficient space for emergency vehicles to park within the area, reducing the need to park along Tai Hang Road. This will help minimise traffic disruption on Tai Hang Road during emergencies. While the approved building plans do not include an EVA provision, as it is exempted under B(P)R 41D (1) through the implementation of enhanced fire services provision such as staircase pressurization system. Such non-provision of EVA is a compromise due to the physical constraints of the Site. Nevertheless, the EVA provision is undoubtedly a more reliable method of ensuring fire safety;
- (d) the proposed vehicular access is the most viable and cost-effective solution for various loading/unloading activities for 58 Tai Hang Road from both construction and operation perspectives. It eliminates the repeated need to construct and demolish a temporary cantilever platform over the existing slope adjacent to 60 Tai Hang Road for every construction and maintenance works in the future, the repeated need for consent from relevant departments, and the anticipated repeated nuisances to residents at 60 Tai Hang Road;
- (e) the proposal will benefit the neighbourhood by replacing the deteriorated staircase located on the slope between the upper and lower sections of Tai Hang Road with a proper pedestrian walkway, which will be maintained by the applicant. Compared to the current route along Fuk Kwan Avenue and Tai Hang Road, which is approximately 640m long from upper to lower sections, the proposed pedestrian

walkway is only about 140m long. This walkway will provide a more direct route for residents and the public to access the upper and lower sections of Tai Hang Road. Some local residents have expressed that the proposed walkway will benefit the community. While it is not a barrier-free walkway, it offers pedestrians an option to take a shortcut;

- (f) the proposed vehicular access will feature a “two-lane-two-way” configuration with separated driveway and walkway, enhancing road safety and visibility for both pedestrians and drivers/motorists;
- (g) the proposed vehicular access and pedestrian walkway are compatible with the surrounding environment in terms of land use and development intensity;
- (h) the impact of the proposed vehicular access on traffic along Tai Hang Road has been carefully considered. Given the existing road network and traffic patterns, the design of the proposed access aims to minimize congestion by optimizing vehicle flow and ensuring smooth accessibility. The additional traffic generated from the planned residential redevelopment, with the provision of vehicular access, is forecasted to be 4 vehicles (generation)/ 4 vehicles (attraction) in AM Peak, and 4 vehicles (generation)/ 4 vehicles (attraction) in PM Peak. Hence, the increase in traffic flow is considered minimal, and there will be limited traffic impact on Tai Hang Road;
- (i) the proposal has no adverse geotechnical, visual, environmental and landscape impacts. A Geotechnical Planning Review Report (GPRR) has been prepared to demonstrate that the proposed vehicular access and pedestrian walkway will not bring adverse impacts on the surrounding slope stability and landslide risk. A geotechnical assessment report will also be submitted during the detailed design stage. The proposed vehicular access will be mostly shielded by the dense trees on the slope. With considerable mitigation measures of compensatory planting, the proposed access would not create insurmountable visual impact to the public. The size of the proposed vehicular access has already been kept to the minimum provision possible, and its impact on existing landscape resources has been reduced to the minimum feasible extent. A Landscape Proposal demonstrates that a compensation ratio of 1:1 for the tree lost in terms of quantity has been achieved;
- (j) the proposed vehicular access and pedestrian walkway are in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) as its scale, design and layout are compatible with the character of the surrounding area and will not result in anticipated environmental or landscape impacts;
- (k) detailed modification/diversion of the affected existing catch pit and fresh water mains within the site will be formulated at the building plan submission stage; and
- (l) the applicant reaffirms the commitment to address all detailed design requirements for the proposed vehicular access and pedestrian walkway to the satisfaction of the Board and relevant government departments during the approval condition and general building plan submission stage.

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

As the Site involves government land only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable to the application.

4. Town Planning Board Guidelines

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

- (a) there is a general presumption against development (other than redevelopment) in a “GB” zone;
- (b) an application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development should be compatible with the character of surrounding areas;
- (c) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (d) the vehicular access and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

5. Previous Application

There is no previous application on the Site.

6. **Similar Application**

There is one similar application for a proposed vehicular access for a private residential development within a “GB” zone on the OZP. Application No. A/H6/87, which sought planning permission for a proposed vehicular access for an adjacent residential development and a public pedestrian link at 4-4C Tai Hang Road, was rejected by the Board upon review on 14.8.2020. The rejection was based on the grounds that the proposed development was not in line with the planning intention of the “GB” zone which was primarily for conservation of the natural environment and to safeguard it from encroachment by urban-type development. There was a general presumption against development in “GB” zone, and there was no strong justification nor overriding public benefit for a departure from such planning intention. Details of the application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-3 and Photos on Plans A-4 to A-7)

7.1 The Site is:

- (a) currently a natural slope covered by dense vegetation;
- (b) sandwiched between the upper and lower Tai Hang Road, with a significant level difference of over 30m (ranging from 36mPD to 70.3mPD); and
- (c) abutting the upper Tai Hang Road at the southwest and connected to the lower Tai Hang Road via an existing lane near 16 Tai Hang Road at the northeast.

7.2 The surrounding areas have the following characteristics:

- (a) surrounded by a cluster of low to medium-rise residential developments zoned “R(B)” and “Residential (Group C)” along Tai Hang Road;
- (b) to the immediate east are residential developments at 58 Tai Hang Road (currently a 5-storey residential development over 2 basement levels) and The Elegance (a 17-storey residential building); while further east lies a large vegetated slope and low-rise residential developments, such as Fuk Kwan House, Regent Court, Yik Kwan Villa, and Jade Court;
- (c) to the north is a cluster of medium-rise residential developments, including the Cherry Court, Y.I and Jolly Villa along the lower Tai Hang Road;
- (d) to the immediate south of the Site across the upper Tai Hang Road is low-rise residential building namely Fuk Kwan Mansion; and
- (e) to the west is a large, vegetated slope and low-rise residential developments, such as Grandview Mansion.

8. Planning Intention

- 8.1 The “GB” zone is intended primarily for the conservation of the existing natural environment amid the build-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within the “GB” zone.
- 8.2 The “R(B)” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on the application to the Board.
- 8.3 The area shown as ‘Road’ is mainly to depict the road network for private cars and public transport services within the planning scheme area.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application and public comments are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):
 - (a) the Site falls within unleased and unallocated Government land and would affect two registered slopes which are maintained by Slope Maintenance Section (SMS) of LandsD and the lot owner of IL 6621 s.A respectively; and pavement or lane maintained by Highways Department (HyD) (i.e. the public pavement along Tai Hang Road at the proposed run-in/ out and the side lane sandwiched between Cherry Court and Harmony Court);
 - (b) advice from relevant departments, including Transport Department (TD) and Buildings Department (BD) should be sought on whether the proposed vehicular access with a total width of 13.2m together with the pedestrian walkway with staircase connecting the upper Tai Hang Road and lower Tai Hang Road is genuinely required for the planned residential redevelopment and whether it is justified as the only viable solution (i.e. contingent to the planned residential redevelopment);
 - (c) if the planning application is approved by the Board, the applicant is required to apply lease modification and/or other appropriate land documentation to implement the proposal over Government land. Such application, if approved, would be subject to terms and conditions, including payment of administrative fee and premium as might be imposed by LandsD in the capacity of landlord; and
 - (d) other detailed comments are in **Appendix III**.

Traffic

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

- (a) according to the record, IL 6621 was divided into s.A (i.e. 'the Lot') which accommodates 58 Tai Hang Road, and the R.P. which accommodates the original building (i.e. 60 Tai Hang Road) by an assignment by private parties. It is noted that the carving out of IL 6621 in 1970 and the subsequent redevelopment of 60 Tai Hang Road (i.e. The Elegance) in 1986 had rendered the Lot in breach of the car parking requirement. In this connection, a temporary waiver waiving the parking requirement for the lifetime of the building standing at 58 Tai Hang Road was granted via a waiver letter dated 22.11.1988. In this regard, the lot owner should already know the limitation and uncertainty of the vehicular access and/or ROW to be allowed by adjacent lot. In the planning of redevelopment, there should be no obligation by the Government to provide separate vehicular access to the lot owner;
- (b) from a traffic engineering perspective, the lot owner should consider appropriate traffic and transport arrangements to support the construction and operation of the planned residential redevelopment under the given land conditions and constraints. The provision of a turntable with a 12m diameter at the proposed vehicular access should be well justified, given that the provision of internal transport facilities within 58 Tai Hang Road is not indicated and the manoeuvring of vehicles within 58 Tai Hang Road is not demonstrated;
- (c) at present, the residents of 58 Tai Hang Road can access the development through The Elegance. Additionally, pedestrians can use the existing footpath along Fuk Kwan Avenue and Tai Hang Road for connection between upper Tai Hang Road and lower Tai Hang Road (**Plan A-2**). It is considered that the proposed pedestrian walkway, by means of a stairway, cannot bring significant improvement on walkability and accessibility to the area from a traffic engineering point of view;
- (d) the use of government land for any private purpose (i.e. to construct a vehicular access) should be subject to LandsD's and PlanD's views from land administration and/or planning perspectives; and
- (e) it is advised to impose conditions on i) the submission of a traffic impact assessment and detailed temporary traffic arrangement plans prior to the commencement of works for the proposed vehicular access; and ii) the submission and implementation of any necessary traffic management plan for the proposed development, if the planning application is approved by the Board.

9.1.3 Chief Highway/Hong Kong, Highways Department (CHE/HK, HyD):

he has no comment from a highways maintenance point of view and presumes the proposed vehicular access and pedestrian walkway will be managed and maintained by the applicant at its own cost.

Building Matters

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

- (a) general building plans submission for a redevelopment proposal for 58 Tai Hang Road was approved on 28.3.2024. The applicant claimed in this planning application that the redevelopment proposal could not be implemented without the consent from 60 Tai Hang Road. It is noted that the planning application proposes a new vehicular access and a new pedestrian walkway on Government land in order to improve the vehicular and pedestrian access and safety to the residential site;
- (b) for buildings/building works under the purview of the Buildings Ordinance (BO), necessary site formation plans should be submitted to BD for approval under the BO, while BD will take into consideration the geotechnical comments of the Geotechnical Engineering Office (GEO). For buildings/building works on unleased government land, the works are exempted from the provisions of the BO under section 41(1) of the BO. If the concerned Government land will be granted / allocated to the owners through lease modification and/or other appropriate land document by DLO to implement the proposal, the proposed works will then be under the purview of BO; and
- (c) detailed comments under the BO could only be provided upon the submission of general building plans for 58 Tai Hang Road.

Urban Design and Visual

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

- (a) the Site is surrounded by a green slope and low- to medium-density residential developments. According to the photomontages provided by the applicant (**Drawings A-11 to A-15**), the Site is a vegetated steep slope next to Tai Hang Road;
- (b) based on the submission, the proposed vehicular access and the associated structural support appear to be visually intrusive on the vegetated slope within the “GB” zone; and
- (c) the applicant is reminded to ensure the accuracy of the proposed vehicular access and the associated structural support shown in the

photomontage(s) in terms of scale, taking into account the submitted Tree Treatment Plans.

9.1.6 Comments of the Chief Architect/ Advisory & Statutory Compliance Division, Architectural Services Department (CA/ACS, ArchSD):

according to the photomontages, the proposed vehicular access may not be incompatible with the surrounding environment. He has no particular comment from an architectural and visual impact point of view. However, the applicant may wish to consider the treatment/ articulation of the proposed access in the design stage to blend in more harmoniously with the surrounding neighbourhood.

Landscape

9.1.7 Comments of the CTP/UD&L, PlanD:

- (a) based on the aerial photo of 2024, the Site is located in an area of Residential Urban Fringe landscape character surrounded by densely vegetated slopes and low-rise to high-rise residential buildings. The proposed vehicular access of approximately 12m x 34m will lead to the loss of trees and vegetation within the “GB” zone and create a large shaded void beneath the proposed vehicular access. According to the latest landscape and tree treatment proposal submitted by the applicant (**Appendix Ie**), a total of 29 trees within the Site are proposed to be felled, as they would unavoidably be affected by the proposed works and are not suitable for transplantation. Impacts on existing landscape resources within the Site arising from the proposed development are anticipated. Moreover, it is observed from the Tree Survey Plans in the latest proposal that many existing and surrounding trees outside the site and within the same “GB” zone are close to the site boundary, which are also likely to be affected by the construction of the proposed works. The proposed development under this planning application will alter the existing landscape character of the Site and its surroundings;
- (b) to compensate, 6 heavy standard new trees are proposed to be planted within the Site, while 29 standard new trees are proposed to be planted outside the site boundary. Given the extensive coverage of the proposed structure for vehicular access and the dense shading by surrounding trees around the void beneath the proposed road, there is limited space for meaningful landscaping and there may not be much more opportunities to further enhance new tree planting/greening within the Site. In view of the site constraint mentioned above, it is considered not necessary to impose a landscape condition; and
- (c) the applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant is reminded to seek approval for

any proposed tree works from relevant departments prior to commencement of the works.

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

it is observed that the proposed development will affect some trees under the purview of Leisure and Cultural Services Department (LCSD) on unallocated and unleased government land. From the tree preservation point of view, the applicant should make every possible measures to preserve and protect the existing trees from being adversely affected through careful and proper planning, design, implementation of protective measures, site monitoring and post-construction maintenance at all stages of the project. Should trees be inevitably affected, the applicant should adhere to the procedure and requirement stipulated in Development Bureau (DevB) Technical Circular (TC)(W) No. 4/2020 and relevant guidelines promulgated by the Greening, Landscape and Tree Management Section of Development Bureau on tree preservation.

Geotechnical

9.1.9 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no comment on the revised GPRR (**Appendix Ic**) and the s.16 planning application. It is considered that imposition of an approval condition regarding geotechnical submission is not required; and
- (b) necessary geotechnical submission(s) should be submitted to BD for approval as required under the provisions of the BO.

9.1.10 Comments of the Chief Geotechnical Engineer (Slope Maintenance Section), Lands Administration Office, Lands Department (CGE(SMS), LAO, LandsD):

the applicant is required to take up the maintenance responsibility of portion of feature No. 11SE-A/CE408(2) under the footprint of the proposed vehicular access and pedestrian walkway (**Plan A-2**) under the “beneficiary-maintains” principle in DEVB TC(W) No. 6-2011 by inclusion of suitable clauses in the lease documents during lease modification.

Infrastructural

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

- (a) it is noted that the applicant has assessed that there will be no impact on the drainage system. Comments will be provided upon receiving further information; and

- (b) in view of the existing adjoining stormwater drainage systems and the nature of the proposed works, it is considered that drainage impact assessment (DIA) is not necessary provided that a proper stormwater drainage system will be incorporated in the proposed works.

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

there are some existing fresh water mains within the Site that are affected by the proposed works. In case the applicant considers that diversion of these water mains is required, they should study the feasibility of diverting these water mains. If diversion is considered feasible, the applicant should submit the proposal for WSD's consideration and approval. WSD will only carry out the connection works to the existing network, and the associated connection cost should be borne by the applicant.

Local Views

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

DO(WC) received five local comments raising objection to the application for the proposed vehicular access and pedestrian walkway. Of which, two comments were also submitted to the Board and have been included as public comments under **Appendix IVb**. The grounds and concerns of these local comments are similar to the public comments and views as detailed in paragraph 10.3 below.

9.2 The following departments have no adverse comments on or no objection to the application:

- (a) Director of Environmental Protection (DEP);
- (b) Director of Fire Services (D of FS);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (e) Commissioner for Police (C of P).

10. Public Comments Received During the Statutory Publication Period

10.1 During the statutory publication period, 127 public comments are received (**Appendices IVa to IVc**), including 10 supporting comments (**Appendix IVa**), 113 adverse comments raising objections and/or concerns on the application (two referred from HAD) (**Appendix IVb**), and 4 comments expressing no opinion on the proposed vehicular access and pedestrian walkway (**Appendix IVc**). Among these, 118 comments are through three sets of standard replies organized by the IOs of The Elegance (60 Tai Hang Road), The Trafalgar Court, and a political party.

10.2 The supporting comments are submitted by nearby residents, locals, and individual members of the public. While a few express concerns regarding slope stability

associated with the proposed developments, some indicate their support contingent upon the provision of briefing sessions conducted by slope engineering experts to address slope safety and stability issue. The majority, however, believe that the proposed development will not adversely affect slope stability and will not lead to landslides or safety hazards for neighbouring developments.

- 10.3 The objecting comments are submitted by a Legislative Council member (Hon. Edward LEUNG Hei), four Wan Chai District Council members (Mr. LEE Man-lung, Joey, MH; Ms. LAU Pui-shan, MH; Ms. MOK Ruby and Mr. LAM Wai-man, Anson), four IOs and management offices of nearby residential developments (The Elegance (60 Tai Hang Road); The Trafalgar Court (70 Tai Hang Road); Fuk Kwan Mansion (53-55 Tai Hang Road); Y.I. (10 Tai Hang Road) and nearby residents/locals/individual members of the public on the grounds summarised below:
- (a) the proposed development does not align with the planning intention of the “GB” zone and lacks strong justification. The current scheme is not the only viable option, and a comprehensive review of the proposed vehicular access should be provided for consideration;
 - (b) the scale of proposed vehicular access is excessive, doubling the size of the development itself;
 - (c) the applicant has failed to justify why its own lot cannot be used for vehicular and pedestrian circulation purposes, and there is insufficient justification for providing a pedestrian walkway for public use;
 - (d) the proposed development would generate additional vehicular traffic, particularly affecting Tai Hang Road, with potential adverse traffic impacts and pedestrian safety concerns. Specifically, the additional road proposed between two existing residential development (i.e. 60 and 70 Tai Hang Road) would cause safety concern for road users;
 - (e) the efficiency of the proposed turntable to enhance emergency services is questionable, yet it might adversely affect the residents of No. 58 Tai Hang Road if it malfunctions;
 - (f) the proposed slope work/cutting could affect slope stability and safety, posing risks of landslides and creating safety hazards for neighbouring developments (e.g. Trafalgar Court, The Elegance, Jolly Villa, Y.I. and Cherry Court);
 - (g) the applicant has not conducted relevant technical assessments to demonstrate that the proposed redevelopment at 58 Tai Hang Road will not result in adverse impacts on the neighbourhood;
 - (h) the proposed redevelopment may lead to adverse environmental and ecological impacts, such as air, noise and light pollution, etc., and the applicant has not proposed sufficient mitigation measures. The proposed development could negatively affect the local living quality during both the construction and operational phases;

- (i) the proposed development requires excessive felling of trees and clearance of natural vegetation, resulting in the loss of natural landscape and disturbance to the natural environment. This could affect the area's ecology and slope stability. The compensation ratio for the loss of natural green resources is far below what is adequate⁵;
- (j) approval of the application would adversely affect the function and continuity of the existing "GB" zone and set an undesirable precedent for other planning applications. Alternative feasible solutions with less disturbance should be considered;
- (k) the developer should have been aware of the actual geographical constraints and access restrictions when purchasing the property. The proposed vehicular access and pedestrian walkway compromise the public interest of the residents in the vicinity;
- (l) the applicant conducted insufficient public engagement with neighbouring local stakeholders. Owners of The Trafalgar Court stated that their views were completely disregarded before the submission of the planning application, while the IO of The Elegance claimed that there were misleading and inaccurate claims about the difficulties in obtaining consent for using the ROW;
- (m) future maintenance and management of the affected slope and its surrounding areas should be at the expenses of the applicant; and
- (n) the proposed development may affect the 'fung shui' of the neighbourhood.

11. Planning Considerations and Assessments

11.1 The applicant seeks planning permission to use a piece of Government land (about 648m²) primarily zoned "GB"⁶ for the construction of (i) a new vehicular access (about 514m²) exclusively for the adjoining planned residential redevelopment at 58 Tai Hang Road, and (ii) a new pedestrian walkway with staircases (about 134m²) connecting the upper Tai Hang Road at 70mPD, the planned residential redevelopment at 68.3mPD, and the downhill section of Tai Hang Road at 36.7mPD serving both residents and the public on a 24-hour basis (**Drawings A-1 and A-2** and **Plan A-2**). According to the applicant, the proposed vehicular access and pedestrian walkway are intended to facilitate the residential redevelopment at 58 Tai Hang Road, which falls within a site of approximately 296.5m² zoned "R(B)" subjecting to a maximum PR of 5 and a maximum building height of 30 storeys including carports. As the proposed vehicular access and pedestrian walkway

⁵ The original tree compensation ratio proposed by the applicant was 1:0.37.

⁶ With minor portions encroaching upon the "R(B)" zone (about 2.16%) and an area shown as 'Road' (about 3.86%) on the OZP. The proposed vehicular access and pedestrian walkway, serving primarily the adjoining planned residential redevelopment, are regarded as 'Flat' use. The development requires planning permission from the Board within the "GB" zone and the area shown as 'Road' while it is always permitted under the "R(B)" zone.

form an integral part of the planned residential redevelopment, it requires planning permission from the Board within the “GB” zone.

- 11.2 The Site is currently a densely vegetated slope. The planning intention of the “GB” zone is primarily for the conservation of the existing natural environment amid the build-up areas/ at the urban fringe, to safeguard it from encroachment by urban type development. There is a general presumption against development within the “GB” zone. The proposed vehicular access and pedestrian walkway serving the planned residential redevelopment are not in line with the planning intention of the “GB” zone. While the applicant argues that the proposed vehicular access will provide a dedicated access route and an EVA for the planned residential redevelopment at 58 Tai Hang Road, and the proposed pedestrian walkway will offer a 24-hour pedestrian access for both residents and the public traveling up and down Tai Hang Road, viable alternatives exist. Future residents of 58 Tai Hang Road can gain access via a dedicated ROW located in the adjoining residential development (The Elegance). Moreover, residents and pedestrians can use the existing footpaths along Fuk Kwan Avenue and Tai Hang Road to connect between the upper and lower sections of Tai Hang Road (further details are elaborated in paragraphs 11.3 to 11.6 below). There is no strong planning justification to remove the dense vegetation at this piece of Government land for private purposes, and hence a departure from the planning intention of the “GB” zone.

Need for the Proposed Vehicular Access and Pedestrian Walkway

- 11.3 According to the applicant, the current ROW for the residential development at 58 Tai Hang Road necessitates passage through the internal carpark of The Elegance at 60 Tai Hang Road. As the IO of The Elegance denied permission for using the current ROW for constructing the vehicular access for the planned residential redevelopment at 58 Tai Hang Road as proposed under the general building plans approved by BA in 2024, and the developer of 60 Tai Hang Road who has the capacity to grant the ROW to the applicant has been dissolved, the applicant asserts that there is no viable alternative but to construct a new vehicular access to facilitate access and construction of the planned residential redevelopment. The proposed development is intended to provide a proper vehicular connection to the planned residential redevelopment, enabling the provision of car parking spaces and a L/UL space in accordance with the HKPSG. Additionally, the applicant aims to provide an EVA as per the B(P)R and Code of Practice for Fire Safety in Buildings.
- 11.4 Having consulted relevant departments, it is considered the necessity of the proposed vehicular access and pedestrian walkway cannot be established in the planning application. Regarding the vehicular access and parking requirements, C for T advises that 58 Tai Hang Road was carved out from IL 6621 since 1970. A temporary waiver waiving the parking requirement for the lifetime of the building standing at 58 Tai Hang Road was granted via a waiver letter dated 22.11.1988. C for T is of the view that the lot owner of 58 Tai Hang Road should have been aware of the limitations and uncertainties regarding vehicular access and/or ROW permitted by The Elegance. In the planning of redevelopment, there is no obligation for the Government to provide separate vehicular access to the lot owner. From a traffic engineering perspective, the lot owner should consider appropriate traffic and transport arrangements to support the construction and operation of the planned residential redevelopment, given the existing land conditions and

constraints. The provision of a turntable with a 12m diameter at the proposed vehicular access should also be well justified⁷. Regarding the dispute among parties on the DMC, it is a contractual issue and should not be an overriding reason for deviating from the planning intention of “GB” zone⁸.

- 11.5 For the provision of an EVA, it is understood from the approved building plans for the planned residential redevelopment that Tai Hang Road currently serves as the EVA for parking emergency vehicles under the present situation. The applicant has also indicated in his submission that the approved building plans do not include an EVA provision, as it is exempted under B(P)R 41D (1) through the implementation of enhanced fire services provision, such as staircase pressurization system. As such, the applicant has failed to demonstrate in his current submissions that the proposed vehicular access is the only viable option for EVA to serve the planned residential redevelopment.
- 11.6 Regarding the proposed pedestrian walkway, while the applicant argues that the new walkway (about 140m) will offer a more direct and efficient route for residents and the public compared to the current routes along Fuk Kwan Avenue and Tai Hang Road (about 640m), C for T considers that the proposed pedestrian walkway, designed as a stairway, would not significantly improve walkability or accessibility to the area from a traffic engineering perspective. In this regard, the necessity and effectiveness of providing a new pedestrian walkway as a planning merit are questionable.

Scale of the Proposed Development

- 11.7 The 13.2m-wide vehicular access of about 514m², featuring a turntable with a 12m diameter, will be constructed as an elevated structure cantilevering from upper Tai Hang Road. The pedestrian walkway of about 134m² measures approximately 140m long and 1.5 – 2.1m wide. This walkway will connect the upper Tai Hang Road at 70mPD and the planned residential redevelopment at 68.3mPD to the existing lane near 16 Tai Hang Road at 36.7mPD, located at the lower section of Tai Hang Road.
- 11.8 The total site area (about 648m²) for the proposed development is roughly double the size of the planned residential redevelopment site. The proposed layout also indicates extensive stilted structures with a maximum height of 16m beneath the proposed vehicular access (**Drawings A-3 and A-4**). The proposed development is considered disproportionate to the scale of the planned residential redevelopment

⁷ Regarding the appropriate traffic and transport arrangements, the applicant indicates that a traffic and transport assessment, which considers the prevailing land conditions and constraints, will be submitted to the relevant departments for review after obtaining planning application approval. As for further justifications for the provision of a 12m diameter turntable, the applicant has conducted swept path analyses for large fire appliances and light good vehicles entering and exiting the proposed vehicular access. These analyses demonstrate that there is sufficient space for these vehicles to navigate.

⁸ According to the public comment submitted by the IO of The Elegance, they are always open to discussing legitimate matters related to 60 Tai Hang Road with any parties. The IO also wishes to draw the attention of the Board to the fact that, apart from the letter issued by the ‘owner representative of 58 Tai Hang Road’ informing them of the intent to use the ROW at 60 Tai Hang Road to facilitate the planned residential redevelopment works at 58 Tai Hang Road, no other form of discussions has been initiated by the representative of 58 Tai Hang Road.

and excessive in scope. While CA/ACS of ArchSD considers that the proposed vehicular access and pedestrian walkway may not be incompatible with the surrounding area, CTP/UD&L of PlanD points out that the proposed vehicular access and the associated structural support appear to be visually intrusive on the vegetated slope within the “GB” zone. The applicant is also reminded to ensure the accuracy of the proposed vehicular access and the associated structural support depicted in the photomontage(s) in terms of scale. There is insufficient information to justify the extensive scale of these structure, particularly in light of the genuine needs of the proposed development.

Landscape Impact

- 11.9 The applicant argues that the size of the proposed vehicular access and pedestrian walkway has already been kept to the minimum provision possible, and their impact on existing landscape resources have been reduced to the minimum feasible extent, and the revised Landscape and Tree Treatment Proposal proposes 6 heavy standard new trees within the Site and 29 new trees at the planned residential redevelopment at 58 Tai Hang Road as landscape enhancement and tree compensation for the greenery loss.
- 11.10 The above applicant’s tree planting proposal is considered inadequate to address the landscape impact arising from the proposed development. As pointed out by CTP/UD&L of PlanD, the proposed vehicular access of approximately 12m x 34m will lead to the loss of trees and vegetation within the “GB” zone and create a large shaded void beneath the proposed vehicular access. Impacts on existing landscape resources within and surrounding the Site arising from the proposed development are anticipated. As shown in the Tree Survey Plans in the revised proposal, many existing and surrounding trees outside the Site and within the same “GB” zone are close to the site boundary and are also likely to be affected by the construction of the proposed works. The proposed development will alter the existing landscape character of the Site and its surroundings.

Technical Assessments

- 11.11 To confirm the technical feasibility of the proposed development, the applicant has submitted a GPRR to demonstrate that the proposed vehicular access and pedestrian walkway will not adversely affect the stability of the surrounding slopes. H(GEO) of CEDD raises no comment on the revised GPRR and the s.16 planning application but requires the applicant to submit a Geotechnical Assessment Report during the detailed design stage. Given the existing adjoining stormwater drainage systems and the nature of the proposed works, CE/HK&I of DSD considers that DIA is not necessary provided that a proper stormwater drainage system will be incorporated in the proposed works in the future. The applicant has also committed to formulating detailed modification or diversion of the affected existing catch pit and fresh water mains within the site at the building plan submission stage.

TPB PG-NO.10

- 11.12 In light of the above, it is considered that the proposed development does not meet the relevant assessment criteria (a), (b), (c) and (d) of the TPB PG-No.10 as

mentioned in paragraph 4 above. Specifically, there are no exceptional circumstances to justify the proposed development within the “GB” zone; the proposed development is disproportionate to the scale of the planned residential redevelopment and is excessive; the proposed development, which involves the felling of all trees within the Site and extensive stilted structures to support the proposed vehicular access, will alter the existing landscape character of the Site and its surroundings; and no strong planning grounds have been provided to justify the proposal as set out in the assessments in paragraphs 11.1 to 11.10 above. Approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar application will result in a general degradation of the natural environment and the general amenity of the area.

Similar Application

11.13 As mentioned in paragraph 6 above, a similar application (No. A/H6/87) for a proposed vehicular access for a private residential development within the same “GB” zone was rejected by the Board upon review in 2020, based on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; there was a general presumption against development in “GB” zone, and there was neither strong justification nor overriding public benefit for a departure from such planning intention. Taking into account the above considerations and assessments, the rejection of the current application is generally consistent with the Board’s previous decision.

Public Comments

11.14 Among the 127 public comments received, 113 objected to the application, mainly due to concerns about potential adverse impacts on natural vegetation, visual amenity, environmental quality, ecology, road safety, and slope safety. The applicant’s justifications, departmental comments, and planning assessments as set out in paragraphs 2, 9 and 11.1 to 11.13 above are relevant to these concerns.

12. Planning Department’s Views

12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, PlanD does not support the application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for conservation of the natural environment and to safeguard it from encroachment by urban-type development. There is a general presumption against development in “GB” zone, and there is no strong justification for a departure from such planning intention; and
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the Green Belt zone in that there are no exceptional circumstances to justify the proposed development within the “GB” zone; the proposed development is excessive

in scale; and the proposed development will alter the existing landscape character of the site and its surroundings.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 5.9.2029, 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) prior to commencement of the works for the proposed vehicular access, the submission of a traffic impact assessment and detailed temporary traffic arrangement plans to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) the submission and implementation of any necessary traffic management plan for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, should the Committee 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.

14. Attachments

Appendix I	Application Form with Plans received on 5.2.2025
Appendix Ia	SPS received on 17.2.2025
Appendix Ib	FI received on 7.5.2025
Appendix Ic	FI received on 29.5.2025
Appendix Id	FI received on 11.7.2025
Appendix Ie	FI received on 12.8.2025
Appendix If	FI received on 13.8.2025
Appendix Ig	FI received on 28.8.2025
Appendix Ih	FI received on 29.8.2025
Appendix II	Similar Application

Appendix III
Appendices IVa to IVc
Appendix V

Detailed Departmental Comments
Public Comments
Recommended Advisory Clauses

Drawings A-1 and A-2
Drawings A-3 and A-4
Drawings A-5 to A-9
Drawing A-10
Drawings A-11 to A-15

Layout Plans
Section Plans
Landscape Proposal
Proposed Pedestrian Routing
Photomontages

Plan A-1
Plan A-2
Plan A-3
Plans A-4 to A-7

Location Plan
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
SEPTEMBER 2025