

TOWN PLANNING BOARD

TPB Paper No. 11039

**For Consideration by
the Town Planning Board on 2.1.2026**

**REVIEW OF APPLICATION NO. A/H6/96
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

Proposed 'Flat' Use (Vehicular Access and Pedestrian Walkway for Residential Development)

**Government Land adjoining Inland Lots 6621 S.A. and 6621 R.P. and Ext.,
58 Tai Hang Road, Causeway Bay, Hong Kong**

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on Government Land adjoining Inland Lots (IL) 6621 S.A. and 6621 R.P. and Ext.,
58 Tai Hang Road, Causeway Bay, Hong Kong**

1. Background

- 1.1 On 5.2.2025, the applicant, Big Wealth Limited represented by PlanPlus Consultancy Limited, sought planning permission for a proposed vehicular access exclusively serving a planned residential redevelopment¹ 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) under section 16 of the Town Planning Ordinance (the Ordinance) (the s.16 application)². The Site is a piece of Government land (about 648m²) located within an area mostly zoned “Green Belt” (“GB”) (about 93.98%), with minor portions encroaching upon the “Residential (Group B)” (“R(B)”) zone (about 2.16%) and an area shown as ‘Road’ (about 3.86%) on the approved Causeway Bay Outline Zoning Plan (OZP) No. S/H6/17 (**Plan R-1**). The Site is currently a densely vegetated slope (**Plan R-3**).
- 1.2 Currently, 58 Tai Hang Road lacks direct vehicular access. Residents can only reach the residential development at 58 Tai Hang Road by utilising a dedicated right-of-way (ROW) through the car park of the adjoining residential development at 60 Tai Hang Road (The Elegance)³ (**Plan A-2**). Under the s.16 application, the

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 levels, falls within a site of approximately 296.5m² zoned “Residential (Group B)” subjecting to a maximum plot ratio of 5 and a maximum building height of 30 storeys including carports.

² The proposed vehicular access and pedestrian walkway, serving primarily the adjoining planned residential redevelopment, are regarded as ‘Flat’ use, which require planning permission from the Town Planning Board within the “Green Belt” zone and the area shown as ‘Road’ while it is always permitted under the “Residential (Group B)” zone.

³ According to clause 7 of Section II of the Deed of Mutual Covenant and Management Agreement (DMC) made on 20.12.1986 in respect of the Building at IL No. 6621 R.P. & Ext. (i.e. The Elegance, 60 Tai Hang Road) (**Plan R-2**), ‘there is reserved unto **the Registered Owner its successors and assigns** (a) **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. The right of the Registered Owner to enter the Land and the Building to carry out such works shall extend equally to all necessary contractors agents workers and other persons authorized by the Registered Owner...; and (c) **the right to grant unto the owner... of the adjoining premises known and registered in the Land Office as Section A of Inland Lot No. 6621** (i.e. 58 Tai Hang Road)...to go

applicant proposed a 13.2m-wide elevated vehicular access (including a 1.5m-wide pedestrian walkway, a 1.5m-wide planter strip, and a turntable with a diameter of 12m) cantilevering from upper Tai Hang Road (**Drawings A-2 and A-3 of Annex A**). According to the applicant, this vehicular access would serve as a dedicated and properly separated connection for residents, as well as an emergency vehicular access (EVA) for the planned residential redevelopment⁴. It would facilitate access and construction of 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 bay for light goods vehicles (LGV) in accordance to the Hong Kong Planning Standards and Guidelines (HKPSG)⁵.

- 1.3 In addition, a pedestrian walkway of approximately 140m long and 1.5 – 2.1m wide, which comprised 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, was proposed under the s.16 application. The walkway would 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 Tai Hang Road (**Drawing A-1 of Annex A**). According to the applicant, the pedestrian walkway would be open to both residents and the public on a 24-hour basis to enhance pedestrian connectivity in the area, and the management and maintenance of both the vehicular and pedestrian access facilities would be undertaken by the applicant.
- 1.4 On 5.9.2025, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (a) 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 within this zone. No strong justification had been given in the submission for a departure from such planning intention; and
 - (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that there were no exceptional circumstances to justify the proposed development within the “GB” zone; the proposed development was excessive in scale; and

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 hereto **for the purpose of access to and egress from the said Section A of Inland Lot No. 6621...**’.

⁴ A set of general building plans (GBPs) for the planned residential redevelopment at 58 Tai Hang Road was approved previously by the Buildings Authority (BA) on 28.3.2024. The approved development, which complies with the building height and plot ratio restrictions as stipulated on the OZP, has a plot ratio of 4.999 and consists of 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) Regulations 41D (1) through the implementation of enhanced fire services provision.

⁵ As advised by the Commissioner for Transport under the s.16 application, 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.

the proposed development would alter the existing landscape character of the site and its surroundings.

1.5 For Members' reference, the following documents are attached:

- (a) MPC Paper No. A/H6/96B (Annex A)
- (b) Extract of minutes of the MPC Meeting held on 5.9.2025 (Annex B)
- (c) Secretary of the Board's letter dated 19.9.2025 (Annex C)

2. Application for Review

- 2.1 On 6.10.2025, the applicant applied, under section 17(1) of the Ordinance, for a review of the MPC's decision to reject the application, with a review statement in support of the review application (Annex D).
- 2.2 In the review application, no changes to the layout and design of the vehicular access and pedestrian walkway are proposed by the applicant.

3. Justifications from the Applicant

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

- (a) the rejection reasons outlined in paragraph 1.4 are deemed unreasonable given the necessity of the proposed vehicular access to facilitate the planned residential redevelopment at 58 Tai Hang Road; the requirement to align the development scale with the site constraints and comply with relevant design requirements; precedent from other approved similar applications; strong justifications for the proposed development within the "GB" zone; the proposal's general compliance with TPB PG-No.10; and the overall merits of the proposed development warranting favourable consideration;

The Need for the Access Road

- (b) the current ROW requires consent for passage through the internal carpark of 60 Tai Hang Road (The Elegance). However, the developer of The Elegance has been de-registered, leaving no legal entity from which to obtain consent for 58 Tai Hang Road;
- (c) in addition, the approved building plans show an existing staircase, a wall and a shared sprinkler system within the ROW that lie within the lot boundary of The Elegance. These structures must be demolished to enable construction vehicles, machinery and equipment to access 58 Tai Hang Road. Because consent for both passage and demolition must be obtained from the developer of The Elegance, the practical difficulties were not adequately addressed at the MPC meeting, resulting in the mistaken belief that no construction difficulties existed for the redevelopment of 58 Tai Hang Road;

- (d) the applicant has made reasonable efforts to secure the necessary consents for vehicular access and demolition works to facilitate the redevelopment at 58 Tai Hang Road. Given these circumstances, the applicant has no alternative but to propose a new vehicular access road connecting the site to Tai Hang Road;

The Scale of Development

- (e) the proposed 12m-diameter turntable is specifically designed to meet the turning requirement of fire appliances. The proposed vehicular access, with a clear width of 10.2 metres, ensures compliance with the Highways Department's (HyD) requirement that the swept paths of fire appliances do not encroach upon the centreline of Tai Hang Road. A traffic swept path analysis has confirmed the satisfactory design of the turntable and ingress/egress arrangements, with no adverse comments raised by relevant government departments. In addition, the 1.5m-wide pedestrian walkway and the 1.5m-wide planter area are important features in enhancing walkability and providing on-site tree compensation;
- (f) given the site constraints, mandatory compliance with relevant design standards, and the objectives to improving walkability and tree compensation, the proposed development scale is acceptable and has already been minimised as far as practicable;

TPB PG-No.10

- (g) the design of the proposed development has been carefully considered, balancing legal aspects, technical feasibility, user practicality, and visual perspectives. The applicant believes that the proposal fully meets the applicable criteria as set out under TPB PG-No.10;

Similar Applications

- (h) there are differences between the similar application (No. A/H6/87) quoted in the MPC Paper and the current application. The rejected application No. A/H6/87 failed to demonstrate that the proposed road development would be the only viable option and would not result in adverse visual and landscape impacts, and the implementability of the proposed pedestrian linkage was in doubt, while the proposed vehicular access road under the current application is the only viable option to facilitate the planned residential redevelopment at 58 Tai Hang Road;
- (i) several similar applications in the Peak Area for proposed access roads within "GB" zones serving adjacent residential developments have previously been approved by the Board without being properly discussed in the process of the s.16 application, which misled the Board to believe there were no similar approval applications. The current proposal should have been assessed under the same criteria. In view of its appropriate scale, its compatibility with its surroundings, and its consistency with previous MPC decisions, the current proposed development does not establish an undesirable precedent;

General Presumption Against Development within "GB" Zone

- (j) the presumption against development within the "GB" zone does not imply that redevelopment or repurposing of sites within "GB" zone is prohibited. Precedent

approvals have demonstrated that, if strong justification is provided, development may be permitted within the “GB” zone;

Facilitating Development Instead of Development Control

- (k) with reference to Development Bureau General Circular No. 1/2024 ‘Adopting a Facilitating and Collaborative Mindset’ issued on 26 July 2024, which emphasizes a facilitating and collaborative mindset in processing development-related applications, the Board should consider that the proposed development constitutes a positive step forward, resolving long-standing ROW conflicts between 58 Tai Hang Road and 60 Tai Hang Road. It also provides the most viable and cost-effective solution for loading/unloading activities at 58 Tai Hang Road;
- (l) the proposal obviates the need to construct and demolish temporary cantilever platforms over the slope adjoining 60 Tai Hang Road for construction, maintenance, and large bulk deliveries, thereby reducing administrative requirements and minimising disturbance to residents; and
- (m) the applicant is willing to further explore landscape enhancement and visual treatments with the Government at the detailed design stage, and the Board may impose any approval conditions for the current application.

4. The S.16 Application

The Site and Its Surrounding Areas (Plans R-1 to R-7)

- 4.1 The situations of the Site and its surrounding areas at the time of the consideration of the s.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.
- 4.2 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.
- 4.3 The Site is surrounded by a cluster of low to medium-rise residential developments zoned “R(B)” and “Residential (Group C)” along Tai Hang Road. Residential development at 58 Tai Hang Road and The Elegance are located to its immediate east, while a large vegetated slope and low-rise residential developments, such as Fuk Kwan House, Regent Court, Yik Kwan Villa, and Jade Court lay further east. To its west is a large, vegetated slope, while clusters of medium-rise and low-rise residential developments are to its north and south respectively.

Planning Intention

- 4.4 There has been no change in the planning intention of the “GB” zone as mentioned in paragraph 8 of **Annex A**, which 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, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone.

Town Planning Board Guidelines

- 4.5 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), which was relevant to the consideration of the s.16 application, remain valid and relevant to the review application. The relevant assessment criteria of the TPB PG-No. 10 were summarised in paragraph 4 of **Annex A**.

Previous Application

- 4.6 The Site is not the subject of any previous s.16 application.

Similar Application

- 4.7 When the s.16 application was considered by the MPC on 5.9.2025, there was one similar application No. A/H6/87 within the same OZP 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, which was rejected by the Board upon review on 14.8.2020⁶. 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. The location of the application is shown on **Plan R-1**. Since then, no additional similar application within the OZP has been considered by the MPC.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 9 and Appendix III of **Annex A**. Their advisory comments, if any, are at Appendix V of **Annex A** and recapped in **Annex F**.
- 5.2 For the review application, relevant government departments have been further consulted. While the Director of Fire Services (D of FS) provides further comments on the application, the Commissioner for Transport (C for T) and the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) maintain their previous adverse views/concerns, which are recapitulated below.

⁶ The review paper could be accessed via the Town Planning Board’s website: https://www.tpb.gov.hk/en/meetings/TPB/Agenda/1228_tpb_agenda.html

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:

- (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. In addition, 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 R-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.

Urban Design and Visual

5.2.2 Comments of 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 of Annex A**), 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.

Landscape

5.2.3 Comments of 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 of Annex A**), 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.

Fire Safety

5.2.4 Comments of D of FS:

- (a) no specific comment on the proposal subject to fire service installations and water supplies for firefighting being provided to the satisfaction of the D of FS;
- (b) in general, detailed fire safety requirements will be formulated upon receipt of the formal submission of general building plans; and
- (c) in case of any deficiencies for the provision of EVA, enhanced fire safety requirements will be required on a case-by-case basis. These provisions may include a sprinkler system with fast response type sprinkler heads, pressurization of the staircase or natural venting of the staircase, and an enhanced size of the water tank for the sprinkler system tank as well as the fire hydrant/hose reel system tank, etc.

6. Public Comments Received During Statutory Publication Periods

- 6.1 During the statutory publication period, 156 public comments are received (**Annexes E(I) and E(II)**), including 28 supporting comments (**Annex E(I)**) and 128 adverse comments raising objections and/or concerns on the application (**Annex E(II)**). Among these, 24 supporting comments are made through three types of standard replies and 117 adverse comments are made through 33 types of standard replies organized by the Incorporated Owners (IOs) of The Elegance (60 Tai Hang Road), The Trafalgar Court (70 Tai Hang Road) and Y.I (10 Tai Hang Road).

Supporting Comments

- 6.2 28 public comments were submitted by a Wan Chai District Council Member (Mr. SUN Tao-hung, Stanley); nearby residents, locals, and individual members of the public supporting the application on grounds summarised below:
 - (a) the proposed EVA will facilitate fire engine access to ensure the safety of surrounding residents;
 - (b) the proposed vehicular access is small in scale, which will not be visually intrusive and will result in minimal ecological impacts as the area is

already built up; the loss of “GB” zoning could be compensated through landscape treatment;

- (c) the proposed development will upgrade the existing dilapidated staircases to improve pedestrian safety;
- (d) the proposed pedestrian access between the upper and lower Tai Hang Road will enhance connectivity, walkability and public convenience in the surrounding areas; and
- (e) the proposed pedestrian access will reduce reliance on automobiles. Improved pedestrian access will promote an active lifestyle and facilitate social interaction in the neighbourhood.

Objecting Comments and/or Raising Concerns

6.3 The 128 comments raising objections/concerns are submitted by five IOs and management offices of nearby residential developments, including 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 Yik Kwan Villa (8 Tai Hang Road), and nearby residents/locals/individual members of the public on the grounds summarised below:

- (a) the issue of ROW constitutes a private legal and tenure matter that should be resolved through appropriate legal channels rather than statutory planning mechanism. There is no obligation for the government to provide separate vehicular access on government land to private property owners;
- (b) the proposed development contravenes the planning intention of the “GB” zone and demonstrates inadequate justification. As the current scheme does not represent the only viable option, a comprehensive review of the proposed vehicular access arrangement should be conducted for proper consideration;
- (c) the applicant has failed to substantiate why its own lot cannot be used for vehicular and pedestrian circulation purposes. Furthermore, insufficient justification has been presented to justify the provision of a public pedestrian walkway;
- (d) the proposed development will generate additional vehicular traffic flows, particularly along Tai Hang Road, resulting in adverse traffic impacts and pedestrian safety concerns. The cumulative impact of the proposed development and the planned redevelopment has not been adequately addressed;
- (e) the provision of vehicular access and EVA is deemed unnecessary, as a turntable has already been included and fire safety considerations have already been addressed in the previously approved building plans;
- (f) the proposed walkway, which is a staircase, offers negligible benefit to the

public. Residents and pedestrians can use the existing footpath along Fuk Kwan Avenue and Tai Hang Road to connect the upper and lower sections of Tai Hang Road.

- (g) the proposed slope works/cutting will affect slope stability and safety, increasing landslide hazards and endangering neighbouring developments (e.g. Trafalgar Court, The Elegance, and Y.I);
- (h) the planned residential redevelopment may lead to adverse environmental and ecological impacts, such as noise and light pollution. The proposed development will negatively affect the local living quality during both the construction and operational phases;
- (i) the proposed development is disproportionate to the scale of the planned residential redevelopment. It requires extensive tree felling and clearance of natural vegetation, resulting in the loss of natural landscape and disturbance to the natural environment. The compensation ratio for the loss of natural green resources is unacceptable. The elevated platform will create adverse visual impact;
- (j) approval of the application will adversely affect the function and continuity of the existing “GB” zone and set an undesirable precedent for other planning applications. Rejection reasons given by the Planning Department on Application No. A/H6/96 are valid and justifiable, and this review application should not be accepted. Alternative solutions, such as temporary construction method, which comply with relevant requirements and regulations with less disturbance should be considered;
- (k) the developer should have been aware of the actual site constraints and access restrictions when purchasing the property;
- (l) the proposed vehicular access and pedestrian walkway only benefit the planned residential redevelopment, compromising the public interests of nearby residents;
- (m) the applicant made reference to planning applications in the Peak area, which are not comparable due to differing site contexts. The applicant fails to provide sufficient justification and supporting documents after the rejection of the application by the Board to demonstrate that the planned residential redevelopment at 58 Tai Hang Road will not adversely impact the neighbourhood;
- (n) approval of the proposed development violates TPB PG-No. 10, as the proposed development should not be considered as an exceptional circumstance;
- (o) the applicant misinterprets Development Bureau General Circular No. 1/2024 ‘Adopting a Facilitating and Collaborative Mindset’, which applies only to relevant government departments in processing different projects, but not to the Board which is a statutory body outside the circular’s ambit;

- (p) approval conditions should not be used to make an otherwise fundamentally unacceptable development acceptable;
- (q) the applicant conducted insufficient public engagement with neighbouring stakeholders. A fresh application, accompanied by public engagement and critical review, should be submitted if necessary; and
- (r) the proposed development may negatively affect the valuation of surrounding properties.

7. Planning Considerations and Assessments

7.1 The application is for a review of the MPC's decision on 5.9.2025 to reject a s.16 application for planning permission to use a piece of Government land (approximately 648m²) primarily zoned "GB" for construction of (i) a new vehicular access (about 514m²) exclusively for the adjoining planned residential redevelopment falling within a site of about 296.5m² zoned "R(B)" 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 of 58 Tai Hang Road and the public on a 24-hour basis. The rejection was based on grounds of (a) 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 within this zone. No strong justification had been given in the submission for a departure from such planning intention; and (b) the proposed development did not comply with the TPB PG-No.10 in that there were no exceptional circumstances to justify the proposed development within the "GB" zone; the proposed development was excessive in scale; and the proposed development would alter the existing landscape character of the site and its surroundings.

7.2 In support of the review application, the applicant has submitted a review statement (**Annex D**) to provide additional grounds for the proposed development (see paragraph 3 above):

- (i) the existing ROW runs through the internal carpark of The Elegance, but consent for access right and demolition of existing structures to enable construction vehicles to entre 58 Tai Hang Road could not be obtained from the developer of The Elegance due to its de-registration, necessitating a new vehicular access road to Tai Hang Road as the only viable solution;
- (ii) considering site constraints and fire appliance turning requirements, the scale of the proposed development has been minimised as far as practicable while remaining technically acceptable;
- (iii) the proposal balances legal, technical, user-practical, and visual considerations, and the applicant asserts compliance with all applicable criteria set out in TPB PG-No.10;

- (iv) similar applications within the “GB” zone in the Peak Area have received prior approval; the current proposal aligns with these precedents in both scale and compatibility, and therefore does not set an undesirable precedent;
- (v) the presumption against development in “GB” zones does not equate to an absolute prohibition. Strong justification, as evidenced by precedent approvals, may warrant such development; and
- (vi) aligned with Development Bureau General Circular 1/2024, the proposed development resolves long-standing ROW conflicts, eliminates the need for temporary cantilever platforms, and reduces administrative burden while minimizing community disturbance.

7.3 The layout and design of the proposed vehicular access and pedestrian walkway remain unchanged in this review application. Since the MPC considered the s.16 application on 5.9.2025, there has been no material change to planning circumstances. Having considered the review submissions, the planning considerations and assessments made under the s.16 application (as outlined in paragraph 11 of **Annex A**) remain valid. The relevant planning considerations and assessments for this review application are appended below.

Planning Intention

- 7.4 The Site is a piece of Government land located within an area predominantly zoned “GB” (about 93.98%) and 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.
- 7.5 The proposed vehicular access and pedestrian walkway, intended primarily for the use of residents of the planned residential redevelopment, are not in line with the planning intention of the “GB” zone. While the applicant argues in the review statement that the proposed vehicular access will provide a dedicated access and an EVA for the planned residential redevelopment at 58 Tai Hang Road due to impracticality and inconvenience in obtaining consent from the developer of The Elegance for access right, demolition, and construction works due to its de-registration, and that the proposed pedestrian walkway will offer a 24-hour pedestrian access for both residents and the public traveling up and down Tai Hang Road, the applicant still fails to demonstrate that this proposal is the only viable option. Future residents of 58 Tai Hang Road could gain access via a dedicated ROW within the adjoining The Elegance. Moreover, residents and pedestrians can use the existing footpaths along Fuk Kwan Avenue and Tai Hang Road to connect the upper and lower Tai Hang Road (see paragraphs 7.6 to 7.10 below for details). There remains insufficient justification for removing dense vegetation on 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

- 7.6 In both the s.16 and review applications, the applicant claims that a new and separate vehicular access to 58 Tai Hang Road is critical for the planned residential redevelopment at 58 Tai Hang Road. As the IO of The Elegance denied permission for demolishing the existing staircase, wall and shared sprinkler system that lie within the lot boundary of 60 Tai Hang Road and for using the current ROW for constructing a vehicular access for the planned residential redevelopment at 58 Tai Hang Road⁷ as proposed under the general building plans approved by BA in 2024, and the developer of 60 Tai Hang Road who has the capacity and legal entity 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 construction and future access 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 loading/unloading space in accordance with the HKPSG. In addition, the applicant aims to provide an EVA as per the B(P)R and Code of Practice for Fire Safety in Buildings.
- 7.7 Following consultation with relevant departments on the review application, the necessity of the proposed vehicular access cannot be substantiated. C for T reiterates that 58 Tai Hang Road has been carved out from IL 6621 since 1970, and 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. She also reaffirms that the lot owner of 58 Tai Hang Road should have been aware of the limitations and uncertainties associated with the vehicular access and/or ROW permitted by The Elegance. There is no obligation of the Government to provide separate vehicular access to the lot owner for its redevelopment. 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 justified⁸.
- 7.8 The applicant claimed that the proposed 140m pedestrian walkway will offer a more direct route compared to the existing 640m paths along Fuk Kwan Avenue and Tai Hang Road. It is noted that major residential developments in the area are clustered near Fuk Kwan Avenue, with established pedestrian connections to lower Tai Hang Road and the existing public transport facilities. C for T maintains that the

⁷ According to the public comment submitted by the IO of The Elegance during the s.16 application, 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 (Appendix IVb of **Annex A**).

⁸ Regarding the appropriate traffic and transport arrangements, the applicant has previously responded under the s.16 application 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.

proposed pedestrian walkway, being designed as a stairway, would not bring significant improvement to walkability or accessibility to the area from a traffic engineering perspective. In this regard, the necessity and efficacy of this walkway as a planning gain remain unproven.

- 7.9 For the provision of an EVA, D of FS has no comment on the current application subject to fire service installations and water supplies for firefighting being provided to his satisfaction. Under the B(P)R, BA may require compensatory fire safety enhancements for developments granted exemptions from provisions of EVA. As outlined in Paragraph 11.5 of **Annex A**, a set of building plans for the planned residential redevelopment at 58 Tai Hang Road without an EVA was previously approved by BA, as the scheme is exempted under B(P)R 41D(1) through the implementation of enhanced fire services provision. D of FS also advised that in case of any deficiencies for the provision of EVA for the proposed development, enhanced fire safety requirements will be required on a case-by-case basis. These provisions may include installation of a sprinkler system with fast response type sprinkler heads, pressurization of the staircase or natural venting of the staircase, and an enhanced size of water tank for the sprinkler system tank as well as the fire hydrant/hose reel system tank, etc. Detailed fire safety requirements will be formulated upon receipt of the formal submission of general building plans. Furthermore, the applicant stated in Paragraph 5.2 of Appendix Ia of **Annex A** that emergency vehicles could be parked along Tai Hang Road during emergencies.
- 7.10 Regarding the de-registration of the developer of 60 Tai Hang Road, consent required for access, demolition and construction using the ROW, and dispute among parties on the DMC, it is a private contractual issue and should not be an overriding reason for deviating from the planning intention of the “GB” zone.

Scale of the Proposed Development and Visual and Landscape Impacts

- 7.11 The layout, design, and scale of the proposed vehicular access and pedestrian walkway remain unchanged in the review application. The proposed development, with a total site area of approximately 648m², is roughly double the size of the planned residential redevelopment. The proposed layout shows extensive stilted structures with a maximum height of 16m beneath the proposed vehicular access (Drawings A-3 and A-4 of **Annex A**). In this review application, CTP/UD&L of PlanD maintains that the proposed vehicular access and its associated structural support appear to be visually intrusive on the vegetated slope within the “GB” zone. It will also 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 prepared under the s.16 application, 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. However, there is no further information provided in the current s.17 application to address the landscape impact arising from the proposed development.
- 7.12 While the applicant maintains that the proposed scale is reasonable and necessary for compliance with fire safety and traffic standards, and has expressed willingness to

discuss design adjustments with the relevant government department at a later stage, no substantive evidence has been provided to demonstrate efforts to minimize and mitigate impacts on the “GB” zone. In the absence of proven genuine needs of the proposed development, the applicant fails to justify the extensive scale of these structures.

TPB PG-No.10

- 7.13 According to TPB PG-No. 10, new development within the “GB” zone will only be considered under exceptional circumstances and must be justified by very strong planning grounds. While the applicant claims the proposal has balanced legal, technical, user-practical, and visual considerations, and complies with all applicable criteria set out in TPB PG-No.10, the proposed development fails to meet the requirements of TPB PG-No.10 for the following reasons: (i) there are no exceptional circumstances to justify the proposed development within the “GB” zone; (ii) the proposed development is excessive in light of the genuine needs of the proposed use; (iii) the proposal, which involves the felling of all trees within the Site and the construction of extensive stilted structures to support the proposed vehicular access, will alter the existing landscape character of the Site and its surroundings; and (iv) no strong planning grounds have been provided to justify the proposal as set out in the assessments 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.
- 7.14 The applicant refers to Development Bureau’s General Circular No. 1/2014, which advocates a facilitating and collaborative mindset in processing development-related projects. It should be noted that the proposed development should be assessed comprehensively and take into considerations factors such as the planning intention, compatibility with the surrounding areas, relevant planning guidelines, visual and landscape impacts, other technical considerations, and public interests.

Similar Applications

- 7.15 Regarding the ground mentioned in paragraph 7.2 (iv), the applicant cited five approved s.16 planning applications for proposed access roads in “GB” zones in the Peak area (Nos. A/H14/48, A/H14/55, A/H14/61, A/H14/66 and A/H14/69). However, it should be noted that these applications mainly involved the upgrading of existing access roads, which did not receive adverse comments from relevant government departments on technical aspects. This is different from the current application, which involves the formation of new access road and has received adverse comments from departments.
- 7.16 Each planning application should be evaluated on a case-by-case basis having regard to local context and relevant assessment criteria. Given that the cited cases are in a different planning area with different distinct planning circumstances, these approved applications are not directly relevant to the current application.

Public Comments

- 7.17 The objections primarily focus on potential adverse impacts on natural vegetation,

visual amenity, environmental quality, ecology, road safety, and slope safety. The supportive comments emphasize anticipated improvements in emergency access, pedestrian safety, connectivity and walkability, health lifestyle, and community social interaction brought by the proposed development. Government departments' comments in paragraph 5 and the planning considerations and assessments above, along with 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 5.9.2025, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the "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 within this zone. No strong justification is given in the submission for a departure from such planning intention; and
 - (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance' 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.
- 8.2 Alternatively, should the Board decide to approve the application, it is suggested that the permission shall be valid until 2.1.2030, 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 **Annex F**.

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

Annex A	MPC Paper No. A/H6/96B
Annex B	Extract of Minutes of the MPC Meeting held on 5.9.2025
Annex C	Secretary of the Board's Letter dated 19.9.2025
Annex D	Letter from the Applicant's Representative dated 6.10.2025 Applying for a Review of MPC's Decision and Review Statement
Annexes E(I) and E(II)	Public Comments
Annex F	Recommended Advisory Clauses
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4 to R-7	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**