

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H10/97

<u>Applicant</u>	The Ebenezer School and Home for the Visually Impaired Limited represented by Masterplan Limited
<u>Site</u>	The Ebenezer School and Home for the Visually Impaired (the Ebenezer), 131 Pok Fu Lam Road, Pok Fu Lam, Hong Kong
<u>Site Area</u>	About 6,460m ²
<u>Lease</u>	Remaining Portion of Rural Building Lot (RBL) No. 136 (the Lot) <ul style="list-style-type: none">- virtually unrestricted except<ul style="list-style-type: none">(i) a right of way from Pok Fu Lam Road(ii) prohibition of offensive trades(iii) requirement to form paths of 12 feet in width along the northern, western and southern boundaries of the Lot
<u>Plan</u>	Approved Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/21 at the time of submission Draft Pok Fu Lam OZP No. S/H10/22 currently in force
<u>Zoning</u>	“Residential (Group C) 7” (“R(C)7”) <ul style="list-style-type: none">- restricted to a maximum plot ratio (PR) of 1.9 and a maximum building height (BH) of 151mPD or the PR and height of the existing building, whichever is the greater- a layout plan shall be submitted for the approval of the Town Planning Board (the Board)- minor relaxation of the PR, site coverage (SC) and BH restrictions may be considered by the Board on application based on its individual merits
<u>Application</u>	Submission of Layout Plan and Proposed Minor Relaxation of Building Height Restriction (BHR) for Permitted ‘Flat’ Use

1. The Proposal

- 1.1 The applicant seeks planning permission for a layout plan and proposed minor relaxation of BHR from 151mPD to 164mPD (i.e. +13m or +8.6%) for a proposed residential development at the application site (the Site), which falls within the “R(C)7” zone on the draft Pok Fu Lam OZP No. S/H10/22 (**Plan A-1**). According to the Notes of the OZP, ‘Flat’ use is always permitted within the “R(C)7” zone. However, the Notes of the OZP stipulate that for any new development or redevelopment at the “R(C)7” zone, a layout plan shall be submitted for the approval

of the Board. Minor relaxation of BHR within the “R(C)7” zone may also be considered by the Board based on its individual merits.

- 1.2 The Site is involved in a number of previous rezoning applications. The last rezoning application No. Y/H10/14 was for proposed residential development with a maximum gross floor area (GFA) of about 12,274m² (i.e. PR of 1.9) and a maximum BH of 151mPD. The Metro Planning Committee (the Committee) of the Board on 6.5.2022 partially agreed the rezoning application by rezoning the Site from “Government, Institution or Community” (“G/IC”) to “R(C)7” with the requirement of submission of layout plan to address relevant government departments’ concerns (details at paragraph 4 below).
- 1.3 The proposed residential development comprises four residential blocks (T1 to T4) of nine to ten domestic storeys atop one level of clubhouse with a total GFA of not more than 12,274m² (i.e. PR of 1.9) and a maximum BH of 164mPD. A four-storey car parking/E&M block with levels underneath the emergency vehicular access (EVA)/ driveway on the G/F is attached to the four residential blocks at the eastern part of the Site. Layout plans and sections of the proposed development submitted by the applicant are shown at **Drawings A-1 to A-11**, and its major development parameters are summarised below:

Major Development Parameters	
Site Area	About 6,460m ²
Total Domestic GFA	Not more than 12,274m ²
Total PR	Not more than 1.9
SC	33.33 %
No. of Blocks	4
Maximum BH (in mPD at main roof)^	Not more than 164mPD
Typical Floor to Floor Height (FTFH)	3.5m
No. of Storeys^	
Blocks T1-T3	11 storeys (incl. clubhouse at LG2/F)
Block T4	10 storeys (incl. clubhouse at LG1/F)
Absolute BH^	
Blocks T1-T3	42m
Block T4	38.6m
Number of Units	135
Average Unit Size	about 90.9m ²
Recreational Facilities (Clubhouse) GFA	about 614 m ²
Private Open Space	Not less than 400 m ²
Greenery Coverage	Not less than 20.1 %
Parking Provisions: @	
Private Car Spaces	112 (including 2 accessible and 6 visitor parking spaces)
Motorcycle Spaces	1
Loading/Unloading Spaces	4
Design Population	about 392

Notes: ^ The maximum BHs of the indicative scheme of the rezoning application No. Y/H10/14 (main roof/ absolute/ no. of storeys) were 151mPD/ 31m/ 10 storeys

vis-à-vis 164mPD/ 42m/ 11 storeys under the current application. A comparison table of the key development parameters is at **Appendix III**.

- ® The applicant intends for the proposed carpark underneath the EVA/ driveway to be qualified as an underground carpark according to the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP)-APP 2 and exempted from GFA calculation under B(P)R 23(3)(b).

- 1.4 A new vehicular run-in/out (with left-in/ left-out arrangement) for the proposed development is proposed on Pok Fu Lam Road (PFLR) (**Drawing A-12**). In the original Supplementary Planning Statement (**Appendix Ia**) submitted by the applicant, the section of existing public footpath abutting the Site was proposed to be widened to a consistent width of 2.5m for the benefit of the general public, resulting in about 40m² of private land within the Site being dedicated for public passage. However, the applicant has submitted a revised proposal vide FI (**Appendix Ic**). Under the latest proposal, to allow a 100m sight distance between the proposed run-in/out and the existing junction of PFLR/ access road to the Ebenezer New Hope School, the applicant has proposed relocating the existing northbound in-lane bus-stop to about 65m northward and replacing it with a 14m(L) x 2m(W) bus layby (**Drawing A-12**) to avoid blockage of PFLR to address comment made by the Commissioner for Transport (C for T)¹. As explained by the applicant in the FI, due to site and technical constraints, the width of the footpath adjacent to the proposed bus layby would be around 1.3m only, and the original footpath widening proposal would not be pursued. The applicant also has not yet committed the provision of the proposed bus layby (C for T's comments on the applicant's latest proposal are in paragraph 9.1.2 below).
- 1.5 According to the applicant, a number of technical requirements² pose constraints on the layout of the proposed buildings within the elongated site fronting PFLR, which include (i) provision of a 20m buffer area from the kerbside of PFLR for the proposed development (**Drawings A-20 and A-21**) to comply with air quality and noise standards under the Hong Kong Planning Standards and Guidelines (HKPSG); (ii) provision of sufficient space to meet access and parking requirements including swept paths; (iii) provision of a 2.5m wide maintenance walkway within the Site for access to the highway structure supporting PFLR (**Drawings A-10, A-11, A-18 and A-19**); (iv) provision of a 20m building separation from Ebenezer New Hope School for better air ventilation; (v) provision of building gaps (about 8m between Blocks T3 and T4) (**Drawing A-1**) and provision of a minimum 20% green coverage to meet the requirements as set out in the Sustainable Building Design (SBD) Guidelines; and (vi) provision of a minimum 3m wide footpath/ means of escape (MOE) around the site boundary as required under lease (**Drawing A-1**). As a result, a minor relaxation of BHR from 151mPD to 164mPD is proposed to devise a sensible design and layout for the proposed development under the current application.

¹ When commenting on the last rezoning application No. Y/H10/14, C for T offered his 'no objection' in view that the applicant would further examine the feasibility of providing a bus layby (instead of an in-lane bus stop) to facilitate vehicles manoeuvring from the Site to PFLR and enhance traffic flow thereat when the applicant further develops the layout of the proposed development.

² According to the original Supplementary Planning Statement, the applicant intended to apply for bonus GFA due to the proposed footpath widening under the Building (Planning) Regulations. This was one of the reasons for seeking minor relaxation of BHR.

- 1.6 According to the Environmental Assessment (EA) submitted by the applicant to support the application, in order to meet the air quality requirement set out in the HKPSG, there would be no window openings of habitable rooms within 20m from the kerbside of PFLR (a primary distributor) (**Drawings A-20 and 21**) such that no adverse air quality impact due to traffic emissions is anticipated. This 20m buffer could also help alleviate the road traffic noise impact on the proposed development. Further, mitigation measures such as single-aspect building design, fixed glazing (i.e. no opening), fixed glazing with maintenance window with noise insulation performance, and vertical acoustic fins are proposed such that all noise sensitive receivers of the proposed development would be within the acceptable standard stipulated under the HKPSG. The sewerage impact assessment (SIA) also concluded that the proposed mitigation measure (i.e. discharge into manhole with spare capacity further downstream) is feasible in terms of regional sewerage strategy.
- 1.7 According to the tree preservation proposal (TPP), a total of 127 trees within and immediately outside the Site have been surveyed. Among the 29 trees within the Site which are common native species, 21 trees would be felled and eight trees would be transplanted. Among the 98 trees at the periphery outside the Site, nine trees which would be affected by the proposed development would be felled³. As shown in the Landscape Master Plan (LMP) (**Drawing A-17**), the applicant proposes to plant no less than 27 new heavy standard and large palm trees (i.e. a compensation ratio of 1:1 in terms of tree numbers) within the Site. A 2.5m high vertical greening along the fence wall facing PFLR and a green coverage ratio of no less than 20.1% are also proposed.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 24.11.2023 **(Appendix I)**
 - (b) Supplementary Planning Statement with Traffic Impact Assessment (TIA), EA, Air Ventilation Assessment (Expert Evaluation) (AVA(EE)), SIA, Drainage Impact Assessment (DIA), Geotechnical Planning Review Report (GPRR), TPP, LMP and visual impact assessment (VIA) received on 24.11.2023 **(Appendix Ia)**
 - (c) Further Information (FI) received on 7.3.2024* **(Appendix Ib)**
 - (d) FI received on 18.6.2024# **(Appendix Ic)**
*accepted and exempted from publication requirement
#accepted but not exempted from publication requirement
- 1.9 On 12.1.2024 and 19.4.2024, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

³ Among the 30 trees that would be felled, three of them are invasive weed species *Leucaena leucocephala* (銀合歡).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia to Ic**, which are summarised as follows:

In line with the Planning Intention and Notes of the “R(C)7” Zone

- 2.1 The proposed low- to medium-rise and medium-density residential development is in line with the planning intention of the “R(C)” zone. The submission of a layout plan with EA and SIA is in compliance with the Notes of the “R(C)7” zone.

Compatible Land Use with the Surroundings

- 2.2 The site is located in a predominantly residential area. From a wider perspective, there is a mix of residential and government, institute or community (GIC) uses mainly made up of the cluster of HKU buildings on Sassoon Road, the Queen Mary Hospital Complex and residential developments in the area. These two types of land uses have co-existed in harmony over time and are seen to be compatible with one another.

Compatible with the Existing Building Height Profile of Surroundings

- 2.3 The existing Ebenezer buildings have a much lower BH compared to the surrounding buildings. The buildings on the eastern/ uphill side of PFLR are taller, whilst buildings, including the existing Ebenezer building, on the western side of PFLR are generally of a lower BH. Residential developments located on the eastern side of PFLR such as Royalton I and II, Radcliffe, Dor Fook Mansion and Jessville Tower are generally more than 20 storeys in height. The current proposal comprising a low- to medium-rise, medium-density residential development with a maximum BH of 164mPD and 10 to 11 storeys will maintain this existing building profile created with the surrounding buildings (**Drawings A-13 to A-16**).

Extent of Relaxation is Appropriate

- 2.4 The proposed increase in BH of only 13m (from 151mPD to 164mPD) will still maintain the height profile with its surroundings. It takes into consideration the planning and site context of the area. The proposed BH of 164mPD is consistent with the BHR at the adjacent “G/IC(1)” site to ensure that the proposed development is in-keeping with its surrounding context. The extent of relaxation of the BHR is therefore considered appropriate.

Achieving Technical Requirements and All Permitted GFA

- 2.5 The Site is of elongated shape with a continuous frontage of around 122m in length parallel to PFLR. The proposed minor relaxation of BH enables the proposed development to meet all the technical requirements (paragraph 1.5 above) and achieve all of the permitted GFA on the site, and allows for greater flexibility to provide a better designed building at a later stage in the design process.

No Adverse Visual, Traffic, Landscape, Environmental, Air Ventilation, Geotechnical, Drainage and Sewerage Impacts

- 2.6 The VIA demonstrates that the predicted visual impacts from the vantage points range from negligible to slightly adverse, and the proposals are considered to be visually compatible with their existing and future urban context. The TIA indicates that all assessed junctions and road links would perform satisfactorily during the AM and PM peak periods for both Reference and Design scenarios⁴. The LMP, EA, AVA(E), GPRR, DIA and SIA also demonstrate that the proposed development would not have adverse landscape, environmental, air ventilation, geotechnical, drainage and sewerage impacts to the surroundings.

Planning and Design Merits

- 2.7 Proposed green wall facing PFLR will create visual interest and improve roadside amenity and views compared to the current hard concrete structures. The proposed scheme will provide 20.1% of greenery coverage which is in compliance with SBD Guidelines and Development Bureau Technical Circular (Works) No. 3/2012. The proposed greenery will provide a more comfortable and healthier environment for the neighbourhood.
- 2.8 Residential blocks T1 to T3 would adopt a shallow crescent disposition and a building gap of about 8m would be created between residential blocks T3 and T4. The proposed block disposition and orientation would avoid potential wall effect, provide visual relief and greater visual openness, and improve the amenity in this part of PFLR. The AVA(E) concluded that air ventilation among pedestrian area in the surrounding would be improved by the change of building disposition, widened building separation and setback from PFLR. The proposed minor relaxation of BHR by 13m enables these urban design improvements to be incorporated into the proposed scheme. These design improvements are for the betterment of the neighbourhood as well as for providing a high living quality for existing and future residents.
- 2.9 The proposed minor relaxation of BHR would enable a reduction in excavation volume for the proposed scheme as compared to the scheme under application No. Y/H10/14 (**Appendix II**) from about 50,400m³ to 47,000m³. As a result, the amount of construction waste arising from the proposed development will be reduced, ensuring a more sustainable development.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

⁴ To provide conservative estimates, the effect of the proposed South Island Line (West) has not been taken into account in the TIA.

4. **Background**

- 4.1 The Site has been occupied by the Ebenezer providing educational and social welfare services to the visually impaired since 1930s, and was zoned “G/IC” since the publication of the first Pok Fu Lam OZP No. S/H10/1 in 1986 to reflect the existing use.
- 4.2 The Site has been subject to a long history of rezoning proposals⁵ to enable the redevelopment of the Site for residential purposes which would support the relocation of Ebenezer and the provision of a new school and home with state-of-the-art facilities for the visually impaired. After 10 years of site search, a private developer had offered a relocation site in Tung Chung in exchange for the Site. On 6.5.2022, the Committee partially agreed to the last rezoning Application No. Y/H10/14⁶ (Indicative Scheme at **Appendix II** and its major development parameters at **Appendix III**) to rezone the Site from “G/IC” to “R(C)7” zone with a maximum PR 1.9 and a maximum BH of 151mPD, which are the same as the existing school buildings. As the lease of the Site is virtually unrestricted and lease modification would not be required for the proposed development, the Director of Environmental Protection (DEP) requested for effective mechanism to assure the implementation of proper design and measures to satisfy the relevant requirements under HKPSG in terms of air quality and traffic noise, and further assessment of SIA⁷. The Committee agreed to include a requirement of submission of a layout plan through planning application under section 16 of the Town Planning Ordinance (the Ordinance) for the new “R(C)7” zone so as to identify the potential impacts and respective mitigation measures at an early stage of the proposed residential development.
- 4.3 On 22.7.2022, the draft Pok Fu Lam OZP No. S/H10/20 incorporating, *inter alia*, the proposed amendment was exhibited for public inspection. After giving consideration to the representations and comments on 10.2.2023, the Board decided not to uphold the representations and determined that no amendments should be made to the draft OZP to meet the representations. On 9.6.2023, the approved Pok Fu Lam OZP No. S/H10/21 was exhibited for public inspection.
- 4.4 Regarding the progress of relocation of the Ebenezer, the applicant advises that implementation of the new campus in Tung Chung is in progress. Revised General Building Plans for the new campus were submitted in Q4 2023 to address departmental comments. With regard to the land exchange application, basic terms

⁵ The site was the subject of four previous rezoning applications (No. Y/H10/1, Y/H10/4, Y/H10/5 and Y/H10/14). Most of the taller residential developments in the vicinity of the Site had not been completed at the time when the first three applications were considered. The Committee rejected application No. Y/H10/1 on 24.8.2007 and No. Y/H10/4 on 18.4.2008 mainly on the grounds of excessive development intensity (PR of 3, BH of 244.8mPD and 224mPD), not in line with the planning intention, potential adverse traffic, visual and noise impacts, and having no strong justifications to merit the proposed rezoning. On 15.4.2011, the Committee considered that residential use with a PR of 1.9 and BH of 151mPD proposed in the third application No. Y/H10/5 was not incompatible with the surroundings.

⁶ The MPC Paper No. Y/H10/14 is available at the Board’s website at https://www.tpb.gov.hk/en/meetings/MPC/Agenda/694_mpc_agenda.html; and the minutes are available at https://www.tpb.gov.hk/en/meetings/MPC/Minutes/m694mpc_e.pdf

⁷ See paragraph 18 of the minutes of the MPC meeting held on 6.5.2022.

negotiation with District Lands Office/Island, Lands Department (DLO/I, LandsD) is in progress. Upon the execution of the land grant, it is estimated that the construction of the new campus will be completed within a timeframe of approximately 30 months (**Appendix Ib**).

5. Previous Application

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

6. Similar Application (Plan A-1)

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

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

7.1 The Site:

- (a) is currently occupied by a 6-storey building providing educational and social welfare services for the visually impaired (i.e. Old Wing and New Wing), a vacant 4-storey building (i.e. Old Age Home) and a single storey carport; and
- (b) abuts PFLR (a primary distributor road which is a 4-lane carriageway without central divider at about 138mPD) and is at a site level of about 128mPD lower than that of PFLR.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and northwest is an area zoned “G/IC(1)” (area of about 1.64ha) with a BHR of 164mPD⁸ reserved for proposed academic buildings for the Faculty of Medicine of the University of Hong Kong (HKUMed). To the further north and northwest are major GIC facilities including Block T of Queen Mary Hospital (231mPD) across PFLR and clusters of HKU facilities along Sassoon Road (123mPD to 190mPD);
- (b) to the northeast across PFLR are various medium-rise residential developments including Royalton and Royalton II (216mPD), Radcliffe (216mPD), Dor Fook Mansion (182mPD) and Jessville Tower (227mPD);

⁸ During the hearing of representations and comments on the proposed amendments to the OZP in relation to the rezoning of the “G/IC(1)” zone, HKU committed to further explore lowering the BH of the proposed academic building to 161mPD to address the local concerns.

- (c) to the immediate south is the Ebenezer New Hope School (RBL1015⁹)(141mPD). Further south is a vegetated slope (government land) zoned “Residential (Group C)6” (“R(C)6”) with a BHR of 137mPD; and
- (d) to its immediate west is a vegetated slope (area of about 4.72ha) which was rezoned from “Green Belt” and “R(C)6” to “Other Specified Uses” annotated “Global Innovation Centre” (“OU(Global Innovation Centre)”) on the OZP No. S/H14/22 published on 22.3.2024¹⁰. The area is intended to provide land for the development of a Global Innovation Centre by the HKU for deep technology research, and restricted to a maximum GFA of 222,720m² (including not more than 10,620m² domestic GFA for staff quarters/ scholar residence) and a maximum BH of 158mPD.

8. Planning Intention

- 8.1 The planning intention of “R(C)” zone is primarily for low to medium-rise and low to medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 8.2 Apart from various development restrictions as stated in paragraph 1.1 above, the Notes of the OZP also stipulate that for any new development or redevelopment of an existing building on land falling within the “R(C)7” zone, a layout plan shall be submitted for the approval of the Board. The layout plan should include the following information:
 - (a) the proposed land use(s), and the form, disposition and heights of all buildings (including structures) to be erected on the site;
 - (b) the proposed total GFA for various uses and facilities;
 - (c) an EA report to examine any environmental problems in terms of air quality and traffic noise that may be caused to the proposed development and the proposed mitigation measures to tackle them;
 - (d) a SIA report to examine any sewerage problem that may be caused by the proposed development and the proposed mitigation measures to tackle them; and
 - (e) such other information as may be required by the Board.

⁹ RBL1015 is restricted to uses for young people who are visually impaired under the lease, and excluded from the current application site. The Ebenezer New Hope School will continue to be operated by Ebenezer.

¹⁰ On 1.3.2024, the MPC considered and agreed to the proposed amendments to the approved Pok Fu Lam OZP No. S/H10/21 are suitable for exhibition under section 5 of the Ordinance (MPC Paper No. 3/24). The MPC Paper is available at the Board’s website at https://www.tpb.gov.hk/en/meetings/MPC/Agenda/737_mpc_agenda.html. The minutes are available at https://www.tpb.gov.hk/en/meetings/MPC/Minutes/m737mpc_e.pdf. Hearing of the representations is being arranged.

- 8.3 The Notes of the “R(C)” zone also provide that minor relaxation of the PR and BH restrictions, based on individual merits, may be considered by the Board upon application under section 16 of the Ordinance.
- 8.4 According to the Explanatory Statement of the OZP, the purpose of the provision for application for minor relaxation for the “R(C)” zone is to allow the Board to consider proposals for building layout and design which, while not strictly complying with the stated restrictions, meet the planning objectives. It is intended to encourage imaginative designs which are adapted to the characteristics of particular sites, and overcome the need for stiling or allow for conservation of environmentally important natural features or mature vegetation. Each proposal will be considered strictly on its own merits.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) he has no particular comment from land administration point of view;
- (b) the Site falls within the Remaining Portion of RBL No. 136 (the Lot) and Pokfulam Moratorium (PFLM)¹¹. The lease governing the Lot is virtually unrestricted in nature except (i) provision of a right of way from PFLR, (ii) prohibition of offensive trades, and (iii) requirement to form paths of 12 feet in width along the north, west and south boundaries of the Lot. The proposed residential development is permitted under the Government Lease; and
- (c) if the application is approved by the Board and subject to the compliance of the lease covenants as stated above, the applicant is not required to seek lease modification from LandsD to implement the proposed development.

Traffic

- 9.1.2 Comments of C for T:

- (a) according to the revised TIA report (Attachment 1 of **Appendix Ic**), the applicant proposes to form a non-standard 2m wide bus layby by reducing the width of existing traffic lanes and public footpath at

¹¹ An administrative measure in force since 1972 imposed on traffic grounds to prohibit excessive development of the area until there is an overall improvement in the transport network. In pursuance of the PFLM, the Lands Department would automatically reject all land transaction application within the area which the PFLM applies, unless the Chief Executive in Council (CE in C) orders otherwise.

PFLR (**Drawing A-12**) which is not acceptable. Besides, the proposed widening of public footpath as indicated on the Layout Plan in the original Supplementary Planning Statement (Figure 12 of **Appendix Ia**) was removed in the latest FI submission (**Appendix Ic**). The applicant has proposed the provision of bus layby and footpath widening at the rezoning application No. Y/H10/14, and therefore the applicant should incorporate the proposed provision of bus layby and footpath widening in the development proposal; and

- (b) for the pedestrian impact assessment of the proposed footpath adjacent to the proposed bus layby and the development in Section 5.3 of the TIA report (**Appendix Ic**), it is assumed that the footpath would solely be used by the subject development. The applicant should justify his above assumption and should take into account the demand from the nearby developments, such as Royalton, Dor Fook Mansion, Radcliffe, Ebenezer New Hope School, etc., on using the footpath and proposed relocated bus layby in his assessment. The applicant should also review the proposed effective width of footpath in his Level of Services assessment with consideration to the boarding/aligning activities of bus passengers for the relocated bus stop. In addition, the applicant should justify his adopted peak factor of 2.0 for estimating the peak 5-min flow in paragraphs 5.3.5 and 5.3.6 of the TIA report.

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

- (a) observing from the drawings in the revised TIA report, the proposed development and proposed bus layby will involve some road works affecting the existing highways structure no. H123, and slope feature no. 11SW-C/C87 (**Drawings A-10 and A-11**);
- (b) with the modification of the existing footpath adjacent to the proposed bus layby, the loading on part of the structure no.H123 underneath will be increased from that of footpath to carriageway (**Plan A-7**). A structural assessment by the applicant is required for confirming the technical feasibility of such change; and
- (c) as the applicant did not submit any feasibility study and without any design in the feasibility study, it is not able to confirm the feasibility of the scheme.

Environmental and Sewerage Aspects

9.1.4 Comments of the DEP:

- (a) the Site is in vicinity of a Primary Distributor road, and thus the future development is anticipated to be subject to potential air quality and noise impacts. The applicant has committed to provide

a 20m buffer separation for the air sensitive uses at the Site from the kerb side of PFLR in compliance with the HKPSG requirements; and

- (b) he has no in-principle objection to the application subject to the following approval condition:

submission of revised EA and SIA, and implementation of mitigation measures identified therein.

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

- (a) he has no in-principle objection to the application subject to incorporation of the following approval condition:

the implementation of improvement works as identified in the revised SIA; and

- (b) the applicant should be reminded that the SIA shall meet the full satisfaction of the DEP as the planning authority of sewage disposal and sewerage infrastructure. Comments of DSD on the SIA are subject to views and agreement of DEP.

Urban Design, Visual and Air Ventilation

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

Urban Design and Visual

- (a) the Pok Fu Lam area is generally hilly, sloping from the east towards the sea in the west. The Site is surrounded by medium-rise developments to the north and northeast across PFLR, including various residential developments such as Royalton, Royalton II, Radcliffe, Dor Fook Mansion and Jessville Tower (up to about 227mPD) and Block T of Queen Mary Hospital (up to about 231mPD). To the immediate northwest is the “G/IC(1)” site for the planned academic buildings for HKUMed (with a BHR of 164mPD). The proposed Global Innovation Centre of the HKU will be located in the immediate west and south (up to 158mPD). The developments in the further west such as low to medium-rise residential developments and Cyberport Development towards the seaside are descending from about 160mPD to 20mPD;
- (b) the Site is elongated in configuration adjacent to PFLR. The linear disposition of building blocks exhibits a continuous frontage along the road. It is noted that the applicant has proposed various design features including setback from PFLR, vertical greening facing PFLR, articulation of building façade and landscape treatment, etc. to reduce the perceivable building mass. As shown in the VIA

(Drawings A-13 to A-16), the proposed scheme with the BH of 164mPD is compared against the baseline scheme with the BH of 151mPD. With the implementation of the mitigation and design measures, the overall visual impact is considered to be slightly adverse as viewed from viewpoints (VPs) 2, 4, 5 and 6; and

Air Ventilation

- (c) the proposal does not fall within any categories requiring for an AVA based on the Joint Housing, Planning and Lands Bureau and Environment, Transport and Works Bureau (HPLB-ETWB) Technical Circular No. 1/06 on AVA. As such, AVA is not required and no significant air ventilation impact is anticipated.

Landscape

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

- (a) she has no objection to the application from landscape planning perspective;
- (b) based on the aerial photo of December 2022, majority of the Site is situated in an area of residential urban fringe landscape character with minor western portion in settled valleys landscape character. The Site is surrounded by medium-rise residential developments and road to its east, and dense vegetated slope to its west. The proposed development is not incompatible with the surrounding landscape setting;
- (c) with reference to the aerial photo of December 2022 and the site photos provided by the applicant, the Site is currently occupied by an existing building with some existing trees within and along the periphery of the Site. According to the TPP submitted by the applicant, among the approximate 127 existing trees of common species surveyed within and immediately outside the Site, 8 trees are proposed to be transplanted within the Site, 30 (including 3 of invasive weed species) are affected by the proposed development and proposed to be removed. The remaining trees are retained in-situ. 27 new trees and palms in heavy standard size are proposed within the Site to mitigate the loss of existing trees arising from the proposed development; and
- (d) significant adverse impact on the landscape resources arising from the proposed development is not anticipated taking into account the proposed landscape treatments to integrate the development with its surrounding, such as provision of tree and shrub plantings of native species, 2.5m high vertical greening of proprietary system along the fence wall facing PFLR, and terrace garden with lawn area; no less than 20% green coverage; and no less than 400m² of uncovered open space (i.e. no less than 1 m² per person).

Building Matters

9.1.8 Comments of the Chief Building Surveyor/Hong Kong West, BD (CBS/HKW, BD):

- (a) he has no in-principle objection to minor relaxation of BHR under the Buildings Ordinance (BO); and
- (b) detailed comments on GFA exemptions could only be made at formal building plans submission stage in accordance with the provision of the relevant PNAPs.

Geotechnical Aspects

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

- (a) the Site is located at the crest of sloping terrain from approximately +128mPD down to +72mPD to Victoria Road. No past record of instability was found along this terrain. Taken into account the GPRR submitted, he has no objection to the proposed development from geotechnical perspective; and
- (b) the proposed building works will be subject to geotechnical control under the BO and the proposed works shall not adversely affect the stability of existing slope and retaining walls. Furthermore, all slopes and retaining walls that are newly formed/ modified under the proposed works shall meet current safety standards.

Fire Safety

9.1.10 Comments of the Director of Fire Services (D of FS):

- (a) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) the EVA provision shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by BD.

Heritage Preservation

9.1.11 Comments of the Antiquities and Monuments Office (AMO):

it is noted that the applicant will document both interior and exterior of the existing buildings in the Site and their setting through photographic and video recordings, and intends to feature the history of the Ebenezer School & Home for the Visually Impaired at the new campus in Tung Chung. The applicant is invited to share the 3D scanning records of the buildings with AMO.

District Officer's Comments

9.1.12 Comments of the District Officer (Southern), Home Affairs Department (DO(Southern), HAD):

he received one objection comment submitted jointly by the Incorporated Owners of Royalton, Royalton II and Radcliffe which is identical to one of the public comments received (**Appendix IV**). The main grounds of objection are summarised in paragraph 10.3 below.

9.2 The following departments has no objection to/ no adverse comment on the application:

- (a) Director of Social Welfare;
- (b) Project Manager (South), CEDD;
- (c) Chief Architect/Advisory & Statutory Compliance, Architectural Services Department;
- (d) Chief Engineer/Railway Development 2-2, Railway Development Office, HyD;
- (e) Director of Agriculture, Fisheries and Conservation;
- (f) Director of Electrical and Mechanical Services;
- (g) Chief Engineer/Construction, Water Supplies Department; and
- (h) Commissioner of Police.

10. Public Comments Received During Statutory Publication Periods

10.1 On 5.12.2023 and 18.6.2024, the application and FI were published for public inspection. During the statutory public inspection periods, a total of 119 public comments (**Appendix IV**) were received. Among them, there are 80 supporting comments and 39 adverse comments raising objections and/or concerns on the application. A full set of public comments will be deposited at the meeting for Members' inspection.

Supporting Comments

10.2 80 public comments were submitted by Ebenezer New Hope School and individuals supporting the application on grounds as summarised below:

- (a) the proposed residential development would facilitate the relocation of the Ebenezer School and Home for the Visually Impaired by providing necessary financial support for the relocation and development of the new school at Tung Chung;
- (b) the proposed minor relaxation of BHR would provide flexibility for tackling the site constraints at the site for the proposed residential development;
- (c) the proposed BH is the same as the adjoining proposed HKUMed development;

- (d) the proposed residential development with minor relaxation of BHR would not induce adverse impact to the existing infrastructure in Pok Fu Lam area;
- (e) the proposed widening of public footpath¹², provision of greenery wall along PFLR, provision of building setback from PFLR, and provision of building gap between buildings under the current application would provide visual relief and enhance the pedestrian and air ventilation in the surrounding area; and
- (f) the proposed residential development would provide extra housing supply.

Objecting Comments and/or Raising Concerns

- 10.3 39 adverse comments were submitted by various parties, including New People's Party, a then Southern District Councillor, The Incorporated Owners of Royalton, Royalton II and Radcliffe, and individuals. Their major grounds of objections and/or concerns/views on the application are summarised below:

Land use aspect

- (a) not in line with the planning intention set out in the Explanatory Statement of the OZP that 'on the seaward side along the section of PFLR to the north of its junction with Chi Fu Road, it is intended to keep developments below the level of PFLR as far as possible in order to preserve public view and amenity and also the general character of the area'. The proposed minor relaxation of BHR will have negative implications for the preservation of public views, amenities and overall character of the area;
- (b) violating the specific BHR of 151mPD for the proposed residential development, i.e. not exceeding that of the existing building, set forth in the previous rezoning application No. Y/H10/14 approved/ partially agreed by the Board;

Need for relaxation of BHR

- (c) clearer demonstration of the genuine issues of project feasibility and the necessity for relaxation of BHR should be provided;
- (d) the FTFH of the current proposal vis-à-vis that of the scheme under rezoning application No. Y/H10/14 are 3.5m and 3.15m respectively. The proposed relaxation of BHR for a private residential development to achieve a FTFH far exceeding the prevailing norms should not be approved;

Visual impact

- (e) the proposed BH is unjustified since there is no compelling rationale to

¹² The proposal of widening the whole section of public footpath abutting the Site has been removed under the latest FI submission. Please note paragraph 1.5 of this paper also.

align with or replicate the BH of the HKU development. The VIA is deemed to downplay the visual impacts of the proposed development. Some of the photomontages are considered misleading and the selected vantage points are distant views which could not reflect the overall visual impacts to the surroundings;

- (f) the proposed development would lead to more height relaxation for others and create poor landscape for Pok Fu Lam area;

Traffic aspect

- (g) PFLR is a road where vehicles travel at speed. A layby must be provided for the bus stop. Failing to do so poses significant risks to other road users if and when buses make a stop abruptly. The applicant should also consider providing a bus stop shelter, and dedicating a lane for entering and exiting the development;
- (h) the proposed development with increased number of units from 83 to 135 (+60%) would increase the number of visitor cars and associated traffic, and impose additional burden on public transport services;

Planning and design merit aspects

- (i) the applicant fails to demonstrate strong and distinctive planning and design merits and convincing justifications for the proposed minor relaxation of BHR. The planning and design merits in the current proposal correspond solely to the existing mandatory requirements and guidelines, which should not be seen as additional planning and design merits, e.g. access, parking and building setback requirements under HKPSG, 3m wide footpath/ MOE as required under lease, etc. The proposal did not address existing environmental and traffic issues that the development will bring;
- (j) the proposed replacement trees are exotic and ornamental in nature;

Air ventilation aspect

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

Geotechnical aspect

- (l) the proposed development is embedded with a potential landslide risk, and poses a series threat to the safety and stability of the area.

11. Planning Considerations and Assessments

- 11.1 As set out in the background in paragraph 4 above, the Site was rezoned to “R(C)7”, which is subject to a maximum PR of 1.9 and a maximum BH of 151mPD, or the PR and height of existing building, to facilitate redevelopment for residential purposes for supporting relocation of the Ebenezer. The current application is to seek approval for a layout plan to fulfil the requirements as stipulated in the Notes for the “R(C)7” zone (detailed requirements in paragraph 8 above) and for minor relaxation of BHR from 151mPD to 164mPD (i.e. +13m or +8.6%) for the proposed permitted ‘flat’ use. The proposed residential development comprises four residential blocks of nine to ten domestic storeys atop one level of lobby/clubhouse with a domestic GFA of not more than 12,274m² (i.e. PR of 1.9). The proposed PR is in line with the restriction stipulated in the OZP.

Minor Relaxation of BHR

- 11.2 According to the applicant, the proposed minor relaxation of BHR from 151mPD to 164mPD (i.e. +13m) is for meeting technical requirements including provision of a buffer area from PFLR for the proposed development to comply with air quality and noise standards under the HKPSG; provision of sufficient space to meet access and parking requirements; provision of a maintenance walkway within the Site for access to the highway structure supporting PFLR; provision of a 20m building separation from Ebenezer New Hope School; provision of minimum 20% green coverage to meet the requirement as set out in the SBD Guidelines; and provision of a minimum 3m wide footpath/ MOE around the site boundary as required under lease. The applicant further justified that as the buildings on the eastern side of PFLR are much taller with BHs ranging from about 182mPD to 227mPD, the proposed development with a maximum BH of 164mPD is compatible with the surrounding residential developments and comparable with the adjoining proposed academic buildings for HKUMed which falls within “G/IC(1)” zone subject to a BHR of 164mPD, and could still maintain the existing stepped BH profile descending towards the seaside.
- 11.3 It is noted that the technical requirements such as provision of a buffer area, access and parking facilities, MOE and greenery mentioned by the applicant are mandatory requirements under lease, HKPSG or SBD Guidelines, and have already been taken into consideration when formulating the indicative scheme of the approved s.12A application with a maximum BH of 151mPD to achieve the same PR of 1.9 and GFA of 12,274m² supported by relevant technical assessments. There are no additional technical requirements imposed by relevant authorities since then.
- 11.4 The proposed increase in BH from 151mPD to 164mPD under the current scheme is also largely contributed by the addition of one domestic storey for each block (i.e. from 9 storeys to 10 storeys for Block T1-T3 and from 8 storeys to 9 storeys for Block T4¹³), the increase in domestic FTFH from 3.15m to 3.5m¹⁴, the rise of formation level from 120mPD to 122mPD for Blocks T1 to T3 and to 125.4mPD for

¹³ Compared with the indicative scheme under s.12A application, the number of domestic blocks reduced from 5 to 4 now.

¹⁴ According to BD’s PNAP-APP 5, the minimum height of rooms for habitation is 2.5m, and BD may accept a range of storey heights for domestic buildings not exceeding 4m for topmost floor and 3.5m for typical floor of flats.

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Block T4, and the newly added building gap between buildings. As explained by the applicant in his submission, the rise of site formation level would reduce the excavation volume under the current scheme by 3,400m³ (from about 50,400m³ to 47,000m³) as compared to the indicative scheme under the approved s.12A application, thereby reducing the construction waste arising from the proposed development. The new 8m wide building gap between residential blocks T3 and T4 under the current scheme would also provide greater visual openness.

Visual and Air Ventilation Impacts

- 11.5 The Site is elongated in configuration adjacent to PFLR. The linear disposition of building blocks exhibits a continuous frontage along the road. It is noted that the applicant has proposed various design features including setback from PFLR, vertical greening facing PFLR, articulation of building façade and landscape treatment, etc. to reduce the perceivable building mass. As shown in the VIA, the proposed scheme with BH of 164mPD is compared against the baseline scheme with BH of 151mPD. With the implementation of design features, the overall visual impact is considered to be slightly adverse as viewed from VPs at PFLR, Cyberport Road and Victoria Road (VPs 2, 4, 5 and 6) (**Drawings A-13 to A-16**) and CTP/UD&L of PlanD considers that the proposed development will only have slightly adverse visual impact on the surrounding.
- 11.6 The applicant has submitted an AVA(E) to assess qualitatively the potential air ventilation impact arising from the proposed development. As the proposal does not fall within any categories requiring for the AVA based on the HPLB-ETWB Technical Circular No. 1/06 on AVA, AVA is not required for the proposed development, and no significant air ventilation impact is anticipated.

Traffic Aspect

- 11.7 In order to improve traffic flow along PFLR, ~~and cater for future increase in utilization rate of the current bus-stop adjacent to the Site after population intake of the proposed development, the applicant proposes replacing~~ the current in-lane bus-stop ~~is proposed to be replaced by~~ with a bus layby, which C for T has requested since the last rezoning application No. Y/H10/14.
- 11.8 Under the current application, a preliminary layout for the bus layby of 14m(L) x 2m(W) with a footpath width of 1.3m, which would reduce the width of the existing traffic lanes and public footpath at PFLR, has been proposed by the applicant (**Drawing A-12**). The C for T considers that the proposal is unacceptable and the applicant should properly assess the pedestrian impact on the proposed footpath adjacent to the proposed bus layby and traffic impact of the proposed development. CHE/B&S of HyD considers that in case the existing footpath is modified into a bus layby, the loading on part of the highway structure will be increased from footpath to carriageway. However, no structural assessment to confirm the technical feasibility of the proposal has been provided by the applicant. The applicant's current submission therefore fails to demonstrate that the proposed development as shown on the layout plan has no adverse traffic impact on PFLR.

Environmental Aspects

- 11.9 According to the EA in the current application, with reference to the requirements set out in the HKPSG, the proposed development has been designed with no window opening of the habitable rooms falling within the buffer distance of 20m from kerb side of PFLR (**Drawings A-20 and 21**) to address the potential air quality impact from this primary distributor (i.e. the same measures adopted in the rezoning application No. Y/H10/14). On road traffic noise aspect, the EA identified that 38 out of 135 flats would be subject to noise level exceeding the noise standards stated in the HKPSG. With mitigation measures such as single-aspect building design, fixed glazing, fixed glazing with maintenance window and vertical acoustic fin to ensure compliance with the noise standard stipulated in the HKPSG, DEP has no in-principle objection to the application subject to incorporation of the approval condition requiring submission of revised environmental assessment and implementation of mitigation measures as proposed.
- 11.10 According to the SIA in the current application, sewerage works leading to the Sandy Bay Preliminary Treatment Work (SBPTW) would be provided and the treatment capacity of the SBPTW is considered sufficient. DEP and CE/HK&I of DSD have no in-principle objection to the application subject to incorporation of the approval conditions requiring the submission of revised sewage impact assessment and implementation of mitigation measures as proposed.

Other Technical Aspects

- 11.11 The applicant has submitted DIA, GPRR, TPP and LMP. CE/HK&I of DSD, H(GEO) of CEDD, CE/C of WSD, and CTP/UD&L of PlanD have no objection to/ no adverse comments on the application.

Public Comments

- 11.12 The supporting public comments are noted, whereas the grounds of adverse comments and concerns are detailed in paragraph 10.3 above. The planning assessments in paragraphs 11.2 to 11.11 and the departmental comments in paragraph 9 above are relevant. Regarding the comment on the negative implication caused by the proposed development on the preservation of public views, amenities and overall character of the area, CTP/UD&L of PlanD advises that the proposed development is not incompatible with the surrounding area which is mainly of residential urban fringe landscape character with a minor western portion in settled valleys landscape character. Significant adverse impact on the landscape resources arising from the proposed development is also not anticipated taking into account the proposed landscape treatments to integrate the development with its surrounding, such as provision of tree and shrub plantings, vertical greening of proprietary system along the fence wall facing PFLR, etc.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

the applicant fails to demonstrate that the proposed development as shown on the layout plan has no adverse traffic impact on Pok Fu Lam Road.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.8.2028, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

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

Advisory Clauses

The recommended advisory clauses are attached at **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
Appendix Ia
Appendix Ib

Application Form received on 24.11.2023
Supplementary Planning Statement
FI received on 7.3.2024

Appendix Ic	FI received on 18.6.2024
Appendix II	Indicative Scheme in Rezoning Application No. Y/H10/14
Appendix III	Comparison of Rezoning Application No. Y/H10/14 and Current Application No. A/H10/97
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawings A-2 to A-8	Floor Plans
Drawings A-9 to A-11	Section Plans
Drawing A-12	Proposed Run-In/Out and Relocation of Bus Stop
Drawings A-13 to A-16	Photomontages
Drawings A-17 to A-19	Landscape Master Plan and Landscape Sections
Drawings A-20 and A-21	Buffer Separation Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 to A-7	Site Photos

PLANNING DEPARTMENT
AUGUST 2024