

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATIONS NO. A/H6/93 & 94**

- Applicants** : Perfect Win Properties Limited and Silver Nicety (Application  
Company Limited, represented by Masterplan Limited No. A/H6/93)
- Perfect Win Properties Limited and Barrowgate (Application  
Limited, represented by Masterplan Limited No. A/H6/94)
- Sites** : Area below Hysan Avenue between Lee Garden One (Application  
(33 Hysan Avenue) and Lee Garden Three (10 Hysan No. A/H6/93)  
Avenue)
- [Inland Lot (IL) 29 s.DD (part), 29 s.L RP (part), IL 29  
s.MM (part), IL 29 s.J ss.1 RP (part) and adjoining  
government land (GL)]
- Area below Yun Ping Road between Lee Garden One (Application  
(33 Hysan Avenue) and Lee Garden Two (2-38 Yun No. A/H6/94)  
Ping Road)
- [IL 457 s.L (part) and IL 457 s.G RP (part) and  
adjoining GL]
- Sites Areas** : About 365.6m<sup>2</sup> (including 236m<sup>2</sup> of GL) (Application  
No. A/H6/93)
- : About 184.8m<sup>2</sup> (including 168m<sup>2</sup> of GL) (Application  
No. A/H6/94)
- Lease** : (a) IL 29 is virtually unrestricted except non- (Application  
offensive trade clause and rate and range clause No. A/H6/93)  
(IL 29 s.L be maintained as open space as per a  
Deed of Covenant dated 18.8.1949)
- (b) a licence has been given to allow the carrying out  
of the trades or business of Sugar-baker, Oilman,  
Butcher, Victualler or Tavern-keeper for the part  
of application site at IL 29 s.DD (part), IL 29  
s.MM (part) and IL 29 s.L RP (part) within Lee  
Garden One
- (c) a licence has been given to allow the carrying out  
of the trades or business of Victualler and Tavern-  
keeper (only) for the part of application site at IL

29 s.J ss.1 RP (part) within Lee Garden Three

- (d) IL 457 is for first class European Houses or Godowns only (with no-objection letter for the existing commercial development issued in 1986) with non-offensive trade clause and rate and range clause (Application No. A/H6/94)
- (e) IL 457 s.L (with s.H) is subject to a Modification Letter dated 3.8.1992 which permits the construction of a covered single storey pedestrian footbridge over GL at Yun Ping Road
- (f) two respective licences have been given for the carrying out of the trades or business of Sugar-baker, Oilman, Butcher, Victualler or Tavern-keeper for the parts of application site at IL 457 s.L (part) within Lee Garden One and IL 457 s.G RP (part) within Lee Garden Two

**Plan** : Approved Causeway Bay Outline Zoning Plan (OZP) No. S/H6/17

**Zonings** : Area shown as ‘Road’  
(about 89.9% for A/H6/93; about 93.3% for A/H6/94)

“Commercial” (“C”)  
(about 6.9% for Application No. A/H6/93; about 1.5% for A/H6/94)  
*[restricted to a maximum building height (BH) of 135mPD]*

“Commercial (2)” (“C(2)”) (about 3.2% for A/H6/93; about 5.2% for A/H6/94)  
*[restricted to a maximum BH of 200mPD; and a minimum setback of 1.5m from the lot boundary fronting Lan Fong Road is required]*

**Applications** : Proposed Underground Vehicular Tunnel (Connecting Lee Garden One and Lee Garden Three) (Application No. A/H6/93)

Proposed Underground Vehicular Tunnel (Connecting Lee Garden One and Lee Garden Two) (Application No. A/H6/94)

## **1. The Proposal**

- 1.1 The applicants seek planning permissions for proposed underground vehicular tunnels connecting the basement car parks of Lee Garden One and Lee Garden Three (Tunnel T1) under application No. A/H6/93 and connecting the basement car parks of Lee Garden One and Lee Garden Two (Tunnel T2) under application No. A/H6/94 at the area below Hysan Avenue and the area below Yun Ping Road (the Sites) respectively (**Plan A-1**). The two proposed tunnels will link up the three existing car parks at the three existing commercial developments (i.e. Lee

Garden One, Lee Garden Two and Lee Garden Three) to form an integrated car park, and will become an integral part of the commercial developments.

- 1.2 On the approved Causeway Bay OZP No. S/H6/17, both Tunnels T1 and T2 fall within areas mainly shown as ‘Road’, and marginally encroaching onto the “C” and “C(2)” zones (**Plans A-1 and A-2**). According to the Notes of the OZP, commercial development is always permitted within “C” and “C(2)” zones but requires planning permission from the Town Planning Board (the Board) in area shown as ‘Road’.
- 1.3 The Sites are the subjects of two previous applications No. A/H6/78 (for Tunnel T1) and No. A/H6/79 (for Tunnel T2) (**Plan A-1**) approved by the Metro Planning Committee (the Committee) of the Board on 24.6.2016 for underground vehicular tunnels with similar alignments and layouts submitted by the same applicants. The validity of these planning permissions were subsequently extended for an additional period of 4 years each to 24.6.2024. However, both planning permissions were lapsed (details in paragraph 5 below).
- 1.4 According to the applicants, the current applications are for taking forward the proposed Tunnels T1 and T2 in view of the latest progress of the relevant lease modifications. Under the current scheme for Tunnel T1, it is proposed to connect the southern side of Basement B3/F of Lee Garden One across Hysan Avenue with the northern side of Basement B3/F of Lee Garden Three, instead of connecting with B2/F of Lee Garden Three under the approved application No. A/H6/78 (**Plans A-9 and A-10**). Compared with the approved application (**Plans A-9 to A-11**), except for the difference in connection level, there are only slight changes in major development parameters as summarised below:

| Major Development Parameters | 2016 Approved Scheme (No. A/H6/78) | Current Scheme (No. A/H6/93) | Difference(s)             |
|------------------------------|------------------------------------|------------------------------|---------------------------|
| Area                         | 381m <sup>2</sup>                  | 365.6m <sup>2</sup>          | -15.4m <sup>2</sup> (-4%) |
| Length                       | 26m                                | 27.1m                        | +1.1m (+4.2%)             |
| Overall Width                | 15m                                | 13.5m                        | -1.5m (-10%)              |
| Gradient                     | About 1:13                         | About 1:13                   | No Change                 |
| Minimum Clear Headroom       | 2.4m                               | 2.7m                         | +0.3m (+12.5%)            |

- 1.5 Under the current scheme for Tunnel T2, it is proposed to connect the eastern side of Basement B3/F of Lee Garden One across Yun Ping Road with the western side of Basement B2/F of Lee Garden Two, which is the same as the approved application No. A/H6/79 (**Plans A-12 and A-13**). Compared with the previous approved application (**Plans A-12 to A-14**), there are only slight changes in major development parameters as summarised below:

| Major Development Parameters | 2016 Approved Scheme (No. A/H6/79) | Current Scheme (No. A/H6/94) | Difference(s)              |
|------------------------------|------------------------------------|------------------------------|----------------------------|
| Area                         | 181m <sup>2</sup>                  | 184.8m <sup>2</sup>          | +3.8m <sup>2</sup> (+2.1%) |

| Major Development Parameters | 2016 Approved Scheme (No. A/H6/79) | Current Scheme (No. A/H6/94) | Difference(s)  |
|------------------------------|------------------------------------|------------------------------|----------------|
| Length                       | 13m                                | 13m                          | No Change      |
| Overall Width                | 15m                                | 14m                          | -1m (-6.7%)    |
| Gradient                     | About 1:12                         | About 1:12                   | No Change      |
| Minimum Clear Headroom       | 2.4m                               | 2.7m                         | +0.3m (+12.5%) |

- 1.6 Both Tunnels T1 and T2 will provide two lanes for private cars, each with a minimum width of 3.5m, to accommodate two-way traffic (**Drawings A-1 and A-4**). An electrical and mechanical zone will be provided above the driveways (**Drawings A-3 and A-6**), and a pedestrian passageway (**Drawings A-1 and A-4**) will also be included within each tunnel. The floor plans and sections of the proposed Tunnels T1 and T2 submitted by the applicants are at **Drawings A-1 to A-3** (for Tunnel T1) and **Drawings A-4 to A-6** (for Tunnel T2)<sup>1</sup>.
- 1.7 Currently, vehicular access to the car park of Lee Garden One can only be made via Lan Fong Road. With Tunnel T1, vehicles from the west (Percival Street and Leighton Road eastbound) can access Lee Garden One through the alternative ingress of Lee Garden Three at Hoi Ping Road to avoid the busy road sections of Yun Ping Road and Lan Fong Road (**Drawing A-8**). Similarly, Tunnel T2 will enable vehicles from the east (Leighton Road) and the south (Caroline Hill Road) to access Lee Garden One via the ingress of Lee Garden Two at Pennington Street, without passing through Yun Ping Road and Lan Fong Road (**Drawing A-9**). Besides, with the proposed Tunnels T1 and T2, vehicles leaving Lee Garden One will be able to select an alternative route for east-bound travel via the egress of Lee Garden Two at Pennington Street without the need to circulate through Lan Fong Road, Lee Garden Road, Hysan Avenue and Sun Wui Road (**Drawing A-10**). The opening hours of the car parks of Lee Garden One, Lee Garden Two, and Lee Garden Three are from 7:30am to 12:30am.
- 1.8 According to the applicants, both Tunnels T1 and T2 will be constructed using tunnelling method, ensuring that there will be no excavation on public streets. Tunnel T1 will be constructed below five Old and Valuable Trees (OVTs) on Hysan Avenue (**Plans A-2 and A-3**). The applicants state that in order to preserve and safeguard the root balls of the OVTs, there will be no construction works at street level close to or within dripline of the OVTs and no permanent structures will be built within 5m beneath the ground, as previously proposed in the approved tree protection proposal (**Appendix Ie**).
- 1.9 According to the applicants, the proposed vehicular tunnels are part of Hysan Development Company Limited (Hysan)'s overall plan to improve connectivity in the area, which also includes a covered walkway and five pedestrian covered footbridges connecting the existing commercial developments at Lee Garden Two, Lee Garden Three, Lee Garden Five and Lee Garden Six across Yun Ping

<sup>1</sup> At present, a total of 560 car parking spaces are provided at Lee Garden One, Lee Garden Two and Lee Garden Three. According to the applicants, there will be a permanent loss of 22 spaces after the construction of the two tunnels (i.e. about 4% of the existing total provision).

Road and Sunning Road (**Plan A-2**)<sup>2</sup>. The aim of the proposed vehicular tunnels is to make the at-grade level more pedestrian-oriented by reducing vehicular traffic on the street level.

1.10 In support of the applications, the applicants have submitted the following documents:

- (a) Application Forms received on 27.8.2024 for Applications No. A/H6/93 and A/H6/94 (Appendices Ia and Ib)
- (b) Supplementary Planning Statements (SPSs) for Applications No. A/H6/93 and A/H6/94 (Appendices Ic and Id)
- (c) Approved Tree Protection Proposal under Application No. A/H6/78-1 (Appendix Ie)
- (d) Supplementary Information (SI) received on 12.9.2024 for Applications No. A/H6/93 and A/H6/94 (Appendices If and Ig)
- (e) Further Information (FI) received on 16.12.2024 for Applications No. A/H6/93 and A/H6/94 (Appendix Ih)  
*[accepted but not exempted from the publication and recounting requirement]*

1.11 On 25.10.2024, the Committee agreed to defer making a decision on the applications for two months as requested by the applicants.

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in the SPSs at **Appendix Ia** (for application No. A/H6/93) and **Appendix Ib** (for application No. A/H6/94), as well as FI at **Appendix Ih**, which are summarised as follows:

### **At-grade Traffic Improvements**

- (a) Lan Fong Road is a one-way local road that serves not only as the main vehicular access for Lee Garden One but also as green minibus (GMB) stands and on-street loading/un-loading (L/UL) areas (**Plan A-2**). Besides, it is a major route for vehicles travelling from Leighton Road westbound to the Sharp Street East area. The proposed tunnels would reduce at-grade traffic on local roads and help enhance the road traffic conditions;

### **Enhancement of the Accessibility of Car Parks**

- (b) the proposed tunnels will link the three individual car parks to form an integrated car park, making the area easier for drivers to access the car parks and locate

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<sup>2</sup> The proposed walkway and footbridges which will be implemented by Hysan have already been gazetted under section 3(3) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370) in May 2023.

available parking spaces without circling around the blocks. This enhancement of accessibility would promote the efficient use of available parking spaces and facilitate the internal way-finding of vacant parking spaces, thereby minimising queuing at car park entrances and traffic circulation on public roads;

#### Balanced Use of Roads/Junctions' Capacities

- (c) the proposed tunnels will provide route choices for drivers to enter or leave the car parks under different traffic situations on the surrounding roads, helping to achieve balanced use of roads and junctions' capacities;

#### Provide Flexibility in Access and Traffic Management

- (d) the proposed tunnels will provide alternative ingress and egress points for the car parks, allowing flexibility for car park operators to manage vehicle access in response to varying traffic conditions in the area;

#### Improved Public Realm

- (e) due to the reduction of vehicles at-grade by the proposed tunnels, pedestrians will enjoy a more pleasant walking environment. The reduction of cars on streets with heavy pedestrian usage, such as Yun Ping Road, would build upon the pedestrian areas already existing in the area to further enhance the local pedestrian environment and improve the public realm;

#### Improved Air Quality

- (f) with the proposed tunnels, cars can locate parking more quickly, resulting in less time spent circling the area at-grade, which will help improve air quality. In addition, the reduction in vehicles should lead to a more reasonable speed of traffic flow at-grade, reducing overall emission levels;

#### No Impact to the OVTs on Hysan Avenue

- (g) the proposed construction works will be carried out inside the basements of the connecting buildings and will not require any above-ground works or road closure. As the permanent structure of Tunnel T1 will be at least 5m underground, it will not affect the OVTs as their roots do not penetrate more than 2m from the surface (**Drawing A-2**);

#### No Adverse Impact

- (h) there will be no impact on traffic during construction. Access for construction vehicles will be arranged during off-peak periods to avoid overlapping with peak traffic in the surrounding area. The car park operator will dedicate staff to patrol traffic at the entrances, while L/UL activities for the buildings will be well coordinated and managed by the car park operators throughout the construction period;

- (i) the proposed tunnels will not cause damage to the adjacent buildings, structures, land, streets or services. Precautionary measures, such as ground investigations, will be conducted before construction. During construction, regular monitoring of settlement, tilting, vibration and ground water drawdown at adjacent sites, utilities, and buildings will be implemented;
- (j) regarding air quality, the proposed tunnels will be designed with supply and exhaust ventilating fans to ensure sufficient outdoor air is drawn in and polluted air is extracted from the car parks and tunnels. Local jet fans and carbon monoxide (CO) sensors will be installed to enhance ventilation effectiveness and monitor CO concentration; and
- (k) as construction works will take place underground, noise disruption to nearby sensitive receivers will be significantly reduced and is expected to be minimal.

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

The Sites involve private lots as well as GL. The applicants of both applications are the sole “current land owner” of the private lots involved. Detailed information will be deposited at the meeting for Members’ inspection. Since the remaining areas involve GL, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable.

### **4. Previous Applications**

- 4.1 The Site where Tunnel T1 (under application No. A/H6/93) is located is the subject of a previous application (No. A/H6/78) for a similar underground vehicular tunnel connecting the basement car parks of Lee Garden One and Lee Garden Three, while the Site where the Tunnel T2 (under application No. A/H6/94) is located is the subject of another previous application (No. A/H6/79) for a similar underground vehicular tunnel connecting the basement car parks of Lee Garden One and Lee Garden Two.
- 4.2 Both of these previous applications (No. A/H6/78 and 79) were approved by the Committee with conditions on 24.6.2016 mainly on considerations that the proposed underground tunnels would not compromise the ‘Road’ function of Hysan Avenue (for Tunnel T1) and Yun Ping Road (for Tunnel T2) as set out on the OZP; the proposed tunnels would provide alternative route choices for vehicles to access and leave the car parks of the commercial buildings, thereby helping to segregate traffic along the busy section of Lan Fong Road; no land use incompatibility and the proposal would not cause adverse visual impact on public realm; and concerned government departments had no adverse comments on the applications. The validity of the permissions of both applications was subsequently extended for an additional period of 4 years each to 24.6.2024 under applications No. A/H6/78-1 and 79-1 by the Director of Planning under delegated authority of the Board on 23.6.2020. However, both planning permissions were

lapsed. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

## 5. **Similar Application**

There is no similar application for proposed underground vehicular tunnel for commercial developments within area shown as 'Road' on the Causeway Bay OZP.

## 6. **The Sites and Their Surrounding Areas (Plans A-1 to A-8)**

6.1 The Site of Tunnel T1 (under application No. A/H6/93) is:

- (a) located between Lee Garden One and Lee Garden Three under a section of Hysan Avenue, which is a two-way road connecting Yun Ping Road to the east and Percival Street to the west and provides the only access to Sun Wui Road, Hoi Ping Road and Sunning Road; and
- (b) bounded by the existing basement car park of Lee Garden One to the north and the existing basement car park of Lee Garden Three to the south.

6.2 The Site of Tunnel T2 (under application No. A/H6/94) is:

- (a) located between Lee Garden One and Lee Garden Two under a section of Yun Ping Road, which is a one-way local road providing access from Hysan Avenue to Lan Fong Road, Pak Sha Road and Kai Chiu Road;
- (b) bounded by the basement car parks of Lee Garden One to the west and Lee Garden Two to the east;
- (c) located under Yun Ping Road, which is a traffic calming street implemented by the Transport Department (TD) (**Plan A-2**).

6.3 The surrounding areas have the following characteristics:

- (a) the surrounding area is primarily occupied by a mix of commercial and composite buildings;
- (b) tall commercial buildings are located along Hysan Avenue (including Lee Garden One and Lee Garden Five) and Yun Ping Road (including Lee Garden Two), while low-rise composite buildings are found between Lan Fong Road and Kai Chiu Road;
- (c) Jardine's Crescent, Fuk Hing Lane, Fung Un Street and part of Paterson Street to the north of the Sites are designated as full-time pedestrian streets implemented by TD (**Plan A-2**);
- (d) Lan Fong Road, Pak Sha Road, Kai Chiu Road, Lee Garden Road and Foo Ming Street to the northwest of the Sites are designated as traffic calming streets implemented by TD (**Plan A-2**); and



- (e) the area is easily accessible by public transport including buses, mini-buses and Mass Transit Railway.

## **7. Planning Intentions**

- 7.1 The area shown as 'Road' is reserved for road purpose. Uses such as amenity planting, open space, rain shelter, refreshment kiosk, road, bus/train/public light bus stop or lay-by, taxi rank, automatic teller machine, on-street vehicle park, etc. are always permitted according to the covering Notes of the OZP.
- 7.2 The planning intention of the "C" and "C(2)" zones is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre(s) and regional or district commercial/shopping centre(s). These areas are usually major employment nodes.

## **8. Comments from Relevant Government Bureau and Departments**

- 8.1 The following government bureau and departments have been consulted and their views on the planning applications and the public comments received are summarised as follows:

### **Land Administration**

- 8.1.1 Comments of the District Land Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) no comment from land administration point of view on the planning applications;
- (b) the proposed Tunnel T1 is to connect the Lee Garden One (comprising IL 29 s.L RP, IL 29 s.MM, IL 29 s.DD, IL 457 s.L and IL 457 RP) and the Lee Garden Three (comprising IL 29 s.J ss.1 RP, IL 29 s.J ss.2 and IL29 s.J RP) via the unleased and unallocated GL underneath Hysan Avenue;
- (c) the proposed Tunnel T2 is to connect the Lee Garden One (comprising IL 29 s.L RP, IL 29 s.MM, IL 29 s.DD, IL 457 s.L and IL 457 RP) and the Lee Garden Two (comprising IL 29 s.G, IL 457 s.A, s.O, s.F, s.C RP, s.C ss.1, s.D RP, s.D ss.1, s.E RP, s.E ss.1, s.E ss.2, s.G RP, s.G ss.1, s.H, IL 461 s.C ss.1, s.C ss.2, s.C ss.3 and s.C RP) via the unleased and unallocated GL underneath Yun Ping Road;
- (d) lease particulars of the said lots in paragraph 7.1.1 (b) and (c), and a Deed of Covenant dated 18.8.1949 pertaining to IL 29 s.L are in **Appendix III**;

- (e) her office is currently processing the relevant lease modifications. It is advised that such applications will be subject to such terms and conditions, including payment of premium and fees, as imposed by the LandsD acting in its capacity as the landlord at its discretion;
- (f) the applicants are required to clarify and confirm the final parameters for the two tunnels to be adopted in the modification letters, which should cover the full extent of the tunnels, in the event that the planning applications are approved; and
- (g) in the event that gazettal is required under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) for the proposed road works, the applicants are required to pay the Government all the relevant costs.

### Traffic

#### 8.1.2 Comments of the Commissioner for Transport (C for T):

- (a) no objection to the applications from traffic engineering viewpoint provided that the applicants shall implement the traffic management measures as proposed in the Traffic Review Report in **Appendix Ih** including but not limited to:
  - (i) proposed works shall only be carried out underground without at-grade excavation works leading to any closure of public road;
  - (ii) the overall construction traffic demand shall be kept minimal and limited to 14 vehicles per day. The construction vehicles shall access to/from the underground construction site via the existing vehicular access of Lee Garden One, Lee Garden Two and Lee Garden Three;
  - (iii) the access of construction traffic shall only be arranged outside peak period of 08:00 – 10:00, 12:00 – 14:00 and 16:00 – 20:00 during weekdays except General Holidays to minimise traffic impact;
  - (iv) the car park operators of Lee Garden One, Lee Garden Two and Lee Garden Three shall deploy staff for patrolling traffic at the car park entrance and guiding the motorists to park their cars at other car parks in the vicinity with vacant spaces when necessary;
  - (v) the suspension of car parking spaces at Lee Garden One, Lee Garden Two and Lee Garden Three shall be minimised as far as possible and maintain at least 80% of provision at all time;
  - (vi) L/UL activities of Lee Garden One, Lee Garden Two and Lee Garden Three shall be well coordinated and managed by the car

park operators to avoid carry out during access period of construction traffic;

(vii) adequate car park vacancy information signs shall be erected at the car park entrance to alert motorists; and

(viii) as proposed by the applicants in their letter to DLO/HKE, LandsD dated 21.5.2024, the proposed works shall not commence earlier than the construction of covered walkway and footbridge at the area and full provision of private car parking spaces under the commercial development at Caroline Hill Road; and

(b) the following approval conditions of previous s.16 planning applications No. A/H6/78 and 79 are still valid and should be imposed in these applications:

- the submission and implementation of a Construction Traffic Management Scheme to the satisfaction of C for T or of the Board;
- the provision of ingress/egress of the car parks to the satisfaction of C for T or of the Board; and
- the submission and implementation of a car parking layout to the satisfaction of C for T or of the Board.

8.1.3 Comments of the Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD):

(a) no objection to the applications subject to the following:

- (i) the proposed tunnels would be managed and maintained by the developer at their own cost;
- (ii) sufficient ground cover should be provided for the proposed tunnels; and
- (iii) the proponents should consult relevant utility undertakers for any necessary diversion of existing underground utilities to make way for the proposed tunnels; and

(b) regarding the public comment raising concern on the public road stability from excavation, the proposed tunnels aim to connect the basement carpark of the private lots and presumably, the design, construction, management and maintenance of the proposed tunnels are carried out by the developer. As such, HyD is not in a position to address the public concern, which involves the design, construction and site monitoring of the tunnels.

### Building Matters

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

- (a) the proposed tunnels are for vehicular traffic. In general, if the proposed tunnels are to be erected at GL, they are not accountable for GFA calculation under the Buildings Ordinance (BO);
- (b) as the proposed tunnels are connected to buildings on private lots and be constructed under streets, exemption under section 31(1) of the BO to permit such structure to project over streets will be required. Exemption under section 31(1) of the BO may be given provided that, among others, commercial activities generally are not allowed unless with planning permission and specific justified public benefit acceptable to relevant government departments, and are accountable for GFA calculation under OZP. Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-38 refers; and
- (c) detailed checking for compliance with the BO will be made upon building plans submission stage.

### Urban Design

#### 8.1.5 Comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

- (a) no particular comment from architectural and visual impact point of view; and
- (b) since there are no above-ground structures to be proposed, the proposed alteration works will not affect the existing building bulk.

### Tree Preservation

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

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- (a) the proposed Tunnel T1 is likely to affect the existing five OVTs along Hysan Avenue (OVTs WCH/2, WCH/3, WCH/4, WCH/5 and WCH/6) which are currently maintained by her department. Since the proposed Tunnel T1 will be built within the dripline zone of the OVTs, the project proponents are reminded to adhere to the procedures and requirements stipulated in Development Bureau Technical Circular (Works) (DEVB TC(W)) No. 5/2020 and seek relevant authorities, departments and her department for further comment;

- (b) no objection to approving the proposed Tunnel T1 subject to the following conditions:
  - submission of a tree protection proposal for the OVTs before commencement of construction works to the satisfaction of the Leisure and Cultural Services Department (LCSD);
  - implementation of a tree protection proposal for the OVTs to the satisfaction of LCSD; and
  - submission of monthly tree monitoring reports for the OVTs at least 3 months before the commencement of construction works for the proposed tunnel until 12 months after works completion to the satisfaction of LCSD;
- (c) the applicants should include the following information in the tree protection proposal:
  - drawings in different cross-section views to show the interface between all five OVTs in the different project stages;
  - elaboration on the work arrangement of the proposed nondestructive root ball survey to be conducted before commencement of construction works;
  - the content of monthly tree monitoring reports; and
  - the method statement for collecting relevant data for the monthly tree monitoring reports;
- (d) for tree monitoring purpose, information such as duration of drought, soil pH and other empirical data e.g. foliage density and chlorophyll level of the leaves, etc. could be useful;

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- (e) the proposed Tunnel T2 likely affects the pavement trees at Yun Ping Road (**Plan A-8**) which are currently maintained by her department . The project proponents shall make every possible measures to preserve and protect the existing trees from being adversely affected by the works through careful and proper planning, design, working out and implementation of protective measures, site monitoring and post-construction maintenance. If any tree within or in the vicinity of the work site be affected by the works, the project proponents should adhere to the requirements and procedures stipulated in DEVB TC(W) 4/2020 -Tree Preservation; and

Regarding the public comment raising concern on adverse impact over trees

- (f) the proposed tunnels under applications No. A/H6/93 and A/H6/94 are likely to affect the existing five OVTs along Hysan Avenue (OVTs WCH/2, WCH/3, WCH/4, WCH/5 and WCH/6) and some pavement trees at Yun Ping Road respectively. From tree preservation point of view, the project proponents should make every possible measures to preserve and protect the existing trees from being adversely affected through careful and proper planning, design, implementation of protective measures, site monitoring and post-construction maintenance at all stages of the project. The project proponents should be reminded to adhere to the Government policy on tree preservation and protection and to follow the DEVB TC(W) No. 4/2020, DEVB TC(W) No. 5/2020 and relevant guidelines and requirements promulgated by the Greening, Landscape and Tree Management Section of Development Bureau. Should trees be inevitably affected, the project proponents are required to submit the tree preservation and removal proposal to the relevant department for approval in accordance with DEVB TC(W) No. 4/2020.

#### Environment

##### 8.1.7 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the applications;
- (b) the applicants are advised to consider using non-percussive method (e.g. cut and lift method) in demolishing the slabs on basement floors for the construction of launching and receiving shaft to reduce the ground-borne construction noise impact; and
- (c) the applicants are reminded to strictly comply with relevant environmental legislation / guidelines during design, construction and operation of the proposed underground vehicular tunnels.

#### Geotechnical

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

- (a) given the proposed vehicular tunnel is located below a public road with a shallow cover, the technical feasibility of the works is of concern from public safety point of view. The proposed tunnels shall be designed and constructed to follow relevant geotechnical standards/guidelines. The construction of the proposed vehicular tunnels shall not impair the safety or cause damage to the adjacent buildings, structures, land, streets or services; and
- (b) the applicants should be reminded that the detailed technical proposal shall be submitted for his office's consideration at the building plan submission stage.

### Water Supply

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

there are some existing fresh water mains within the Sites and it is noted that the level of the tunnels are lower than the water mains. However, if the construction works would affect the existing fresh water mains, WSD should be consulted. Free access should be allowed for WSD at any time to carry out operation, monitoring, and maintenance of these water mains. In case the project proponents consider that diversion of these water mains is required, they should study the feasibility of diverting these water mains. If diversion is considered feasible, the project proponents should submit their proposal for WSD's consideration and approval. The water mains diversion work shall be carried out by the project proponents at their own cost to WSD's satisfaction. WSD will only carry out the connection works to the existing network and the associated connection cost should be borne by the project proponents.

### Drainage

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

- (a) no adverse comment on the applications from public drainage viewpoint as no DSD public drainage system in the vicinity of the concerned two Sites would be involved; and
- (b) regarding the public comment on the potential flooding impact, according to DSD's record, there is no reported flooding case in the two subject sites in the past two years (in 2023 and 2024). In general, both Hysan Avenue and Yun Ping Road are not regarded as flooding black spots nor flood-prone areas. In view of the above, the concerned flooding impact brought by the proposed works under the planning applications shall not be significant.

### Fire Safety

#### 8.1.11 Comments of the Director of Fire Services (D of FS):

- (a) no specific comment to the applications subject to water supplies for firefighting and fire service installations (FSIs) being provided to his satisfaction; and
- (b) detailed fire services requirements will be formulated upon receipt of a formal submission of Short Term Tenancy / Short Term Waiver, general building plans or referral of application via relevant licensing authority. Furthermore, the emergency vehicular access provision in the applications shall comply with the requirements as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Building Authority.

### Others

#### 8.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

no particular comment on the applications from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable should approach the electricity supplier (i.e. HK Electric) for the requisition of cable plans to find out whether there is any underground cable within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### District Officer's Comments

#### 8.1.13 Comments from the District Officer (Wan Chai):

no public comment on the applications has been received. Her office has no comments on the applications given that the information provided is technical in nature.

#### 8.2 The following bureau/department have no adverse comment on/no comment on the applications:

- (a) Commissioner for Harbourfront, Development Bureau; and
- (b) Commissioner for Police (C of P).

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

- 9.1 The two applications and their FI were published on 13.9.2024 and 20.12.2024 respectively. During the statutory publication periods, 18 public comments (**Appendices IVa, IVb, Va and Vb**) for each of the application were received from individuals, of which 17 commenters (**Appendices IVa and Va**) supporting both applications and one commenter (**Appendices IVb and Vb**) objecting to both applications.
- 9.2 The supporting comments on both applications expressed support mainly on the grounds that the proposed tunnels would reduce the number of vehicles at-grade; alleviate the traffic congestion in the area; make finding a car parking space easier in Causeway Bay; minimise conflicts between vehicle and pedestrian; enhance the pedestrian safety; and improve the pedestrian environment.
- 9.3 An individual has submitted identical objections to both applications on the grounds that the proposed tunnels would be solely for commercial benefit of the developer; would have adverse impact on trees; and raised concerns on the public road stability from excavation and potential flooding impact.



## **10. Planning Considerations and Assessments**

- 10.1 The applications are for two underground vehicular tunnels connecting the basement car parks of Lee Garden One and Lee Garden Three (Tunnel T1) under application No. A/H6/93 and connecting the basement car parks of Lee Garden One and Lee Garden Two (Tunnel T2) under application No. A/H6/94 at the area below Hysan Avenue and the area below Yun Ping Road respectively (**Plan A-1**). The Sites fall within areas mainly shown as 'Road' with minor portions encroaching onto the "C" and "C(2)" zones. The proposed Tunnels T1 and T2 will integrate the car parks of Lee Garden One, Lee Garden Two and Lee Garden Three, thus forming part of these commercial developments. Since commercial development is always permitted within the "C" and "C(2)" zones, planning permission from the Board is required only for the portions of the tunnels that fall within areas shown as 'Road' on the OZP.
- 10.2 The Sites are the subjects of two approved applications No. A/H6/78 (for Tunnel T1) and No. A/H6/79 (for Tunnel T2) respectively (**Plan A-1**) for the same underground vehicular tunnel use with similar alignments and layouts submitted by the same applicants. The validity of the permissions was lapsed on 25.6.2024. However, as advised by LandsD, the proposed lease modifications for implementing Tunnels T1 and T2 are underway and additional steps and time are needed to complete the process. Fresh planning applications are required to take forward the two tunnels.
- 10.3 The alignments and layouts of the latest proposed tunnels are similar to the approved schemes. There are only changes in the connection levels within the existing carparks and slight changes in the detailed design of the tunnel as detailed in paragraph 1.4 and 1.5 above (**Plans A-9 and A-10**).
- 10.4 According to the applicants, the proposed tunnels are part of Hysan's overall plan to improve connectivity in the area. Other proposed covered walkway and footbridges in the area to be implemented by Hysan have already been gazetted under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) in May 2023 (**Plan A-2**). The same planning merit on providing alternative route choices for vehicles to access and leave the car parks of the commercial buildings, particularly Lee Garden One, is still valid in the current proposal. This will help segregate through traffic along the busy road section of Lan Fong Road, where there are GMB stops and frequent on-street L/UL activities. Since the proposals only involve the use of underground space as an alternative to at-grade vehicular routes, no land use incompatibility is anticipated. The proposed tunnels, which would reduce at-grade traffic, are consistent with the pedestrian schemes in the more crowded part of Causeway Bay (including pedestrian streets and traffic calming measures) implemented by TD (**Plan A-2**). Additionally, as the proposed tunnels are entirely underground, they will not cause any visual impact on public realm.
- 10.5 The same construction method for tunnels, i.e. tunnelling method, is also proposed as in the previously approved applications. Without excavation on the public roads, the 'Road' function of both Hysan Avenue (for Application No. A/H6/93) and Yun Ping Road (for Application No. A/H6/94) will not be compromised. As

there are no major changes in planning circumstances, approval of the current applications is consistent with the Committee's previous decision.

#### Technical Aspects

- 10.6 According to the applicants' Traffic Review Report (**Appendix Ih**), the proposed tunnels would reduce traffic flows along Hysan Avenue, Yun Ping Road and Lan Fong Road. While there is temporary suspension of car parking spaces in Lee Gardens during construction, most of the suspended spaces will be reinstated after the completion of the construction (except for 12 spaces in Lee Garden One, 4 spaces in Lee Garden Two and 6 spaces in Lee Garden Three). Moreover, the construction of the tunnels is planned to commence after the completion of the commercial development at Caroline Hill Road, which will provide about 600 additional parking spaces scheduled for 2026. C for T has no objection to the applications, provided that the applicants implement the traffic management measures proposed in the Traffic Review Report. To address TD's technical concerns regarding construction traffic management, ingress/egress provisions, and the layout of the car parks, relevant approval conditions are recommended in paragraph 11.2 (a) to (d) below.
- 10.7 Regarding the five OVTs along Hysan Avenue above the proposed Tunnel T1, the applicants state that the permanent structure of Tunnel T1 will be at least 5m below ground and will not affect the OVTs, as their roots do not extend beyond 2m below ground. To address LCSD's concerns about the protection of the OVTs, similar to previous permission, approval conditions relating to tree protection proposal and tree monitoring reports are recommended in paragraphs 11.2 (e) to (g) below .
- 10.8 Other concerned government departments, including H(GEO)of CEDD, DEP, CBS/HKE&H of BD, CE/HK&I of DSD, CE/C of WSD , CHE/HK of HyD and D of FS have no adverse comments on the applications.

#### Public Comments

- 10.9 Regarding the one adverse public comment for each of the application submitted by the same commenter as detailed in paragraph 9.3, the planning considerations and assessments in paragraphs 10.1 to 10.8 above, as well as the departmental comments in paragraph 8 above are relevant.

### **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department has no objection to the applications.
- 11.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid until **14.2.2029**, and after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are commenced or the permissions are renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) the submission of a Construction Traffic Management Scheme before commencement of construction works to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the Construction Traffic Management Scheme to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the provision of ingress/egress of the carparks to the satisfaction of Commissioner for Transport or of the Town Planning Board;
- (d) the submission and implementation of a car parking layout to the satisfaction of Commissioner for Transport or of the Town Planning Board;
- (e) the submission of a tree protection proposal for the Old and Valuable Trees on Hysan Avenue before commencement of construction works to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board; (for application No. A/H6/93 only)
- (f) in relation to (e) above, the implementation of the tree protection proposal for the Old and Valuable Trees on Hysan Avenue to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board; (for application No. A/H6/93 only) and
- (g) the submission of monthly tree monitoring reports for the Old and Valuable Trees at least 3 months before the commencement of construction works for the proposed tunnel until 12 months after works completion to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board. (for application No. A/H6/93 only)

### Advisory Clauses

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

- 11.3 There are no strong reasons to recommend rejection of the applications.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 12.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.
- 12.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

### 13. **Attachments**

|                               |   |
|-------------------------------|---|
| <b>Appendix Ia</b>            | Application Form received on 27.8.2024 for Application No. A/H6/93                  |
| <b>Appendix Ib</b>            | Application Form received on 27.8.2024 for Application No. A/H6/94                  |
| <b>Appendix Ic</b>            | SPS for Application No. A/H6/93   |
| <b>Appendix Id</b>            | SPS for Application No. A/H6/94   |
| <b>Appendix Ie</b>            | Tree Protection Proposal approved by DLCS under Application No. A/H6/78-1           |
| <b>Appendix If</b>            | SI received on 12.9.2024 for Application No. A/H6/93                                |
| <b>Appendix Ig</b>            | SI received on 12.9.2024 for Application No. A/H6/94                                |
| <b>Appendix Ih</b>            | FI received on 16.12.2024   |
| <b>Appendix II</b>            | Previous Applications covering the Application Sites                                |
| <b>Appendix III</b>           | Detailed Comments of DLO/HKE, LandsD  |
| <b>Appendices IVa and IVb</b> | Public Comments received during the Publication Periods for Application No. A/H6/93 |
| <b>Appendices Va and Vb</b>   | Public Comments received during the Publication Periods for Application No. A/H6/94 |
| <b>Appendix VI</b>            | Recommended Advisory Clauses  |
| <b>Drawing A-1</b>            | Floor Plan for Application No. A/H6/93  |
| <b>Drawings A-2 and A-3</b>   | Section Plans for Application No. A/H6/93   |
| <b>Drawing A-4</b>            | Floor Plan for Application No. A/H6/94  |
| <b>Drawings A-5 and A-6</b>   | Section Plans for Application No. A/H6/94   |
| <b>Drawing A-7</b>            | Plan showing Existing Car Park Ingress/Egress                                       |
| <b>Drawings A-8 to A-10</b>   | Anticipated Traffic Re-routing Submitted by the Applicants                          |
| <b>Drawing A-11</b>           | Access Arrangement of Construction Traffic Submitted by the Applicants              |
| <b>Plan A-1</b>               | Location Plan   |
| <b>Plan A-2</b>               | Site Plan   |
| <b>Plan A-3</b>               | Site Photos for Application No. A/H6/93   |
| <b>Plan A-4</b>               | Site Photos for Application No. A/H6/93 and Ingress/Egress Point of Lee Garden One  |
| <b>Plan A-5</b>               | Site Photos of Ingress and Egress Points of Lee Garden Three                        |
| <b>Plan A-6</b>               | Site Photos for Application No. A/H6/94   |
| <b>Plan A-7</b>               | Site Photos for Application No. A/H6/94 and Ingress/Egress Point of Lee Garden Two  |
| <b>Plan A-8</b>               | Site Photo for Application No. A/H6/94  |
| <b>Plans A-9 to A-14</b>      | Comparison Drawings of 2016 Approved Schemes and the Current Schemes                |

**PLANNING DEPARTMENT  
FEBRUARY 2025**