

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H8/435

- Applicant** : Chief Lead Limited represented by KTA Planning Limited
- Application Site** : Land falling within “Comprehensive Development Area (2)” zone and an area shown as ‘Road’ at Kai Yuen Street, North Point
- Site Area** : About 17,750m² (including Government Land of about 2,450m² (about 13.8% of the Site))
- Lease** : Eastern Part: various sub-sections of sections Q, G, H, I, P and R of Inland Lot (I.L.) 5044 and MTR Lot No.1 R.P. (6,689m²)

Phase 1

virtually unrestricted except for:

- (a) non-offensive trade clause;
- (b) one or more messuages or dwelling houses;
- (c) design, disposition and height (DDH) clauses; and
- (d) tree clause.

Western Part and Road: various section lots of I.L. 2168 and I.L. 5044 (8,683m²), MTR Lot No.1 R.P. and Government land (2,378m²)

Phase 2A

virtually unrestricted except for:

- (a) non-offensive trade clause;
- (b) one or more messuages or dwelling houses;
- (c) DDH clauses; and
- (d) tree clause.

Phase 2B

governed by different restrictions as follows:

- (a) *some sub-sections of sections A and B of I.L. 2168*: rate and range clause, no more than 4 house with height not exceeding 30 feet, non-offensive trade clause;
- (b) *some sub-sections of sections A, D, E and R.P. of I.L. 2168*: residential use, number of storeys and maximum roof-over area restrictions, allowance of additional car port storey on G/F, not less than one car parking space per flat;
- (c) *section C & Ext of I.L. 2168*: private residential, an apartment building of European type not exceeding 6 storeys, number of storeys and maximum roof-over area restrictions, DDH clause, allowance of additional car port storey on G/F, not less than one

- car parking space per flat; and
- (d) *various sections of I.L. 5044*: subject to the same restrictions as those for section lots in Phase 1 and Phase 2A.

Plan : Approved North Point Outline Zoning Plan (OZP) No. S/H8/26

Zoning : “Comprehensive Development Area (2)” (“CDA(2)”) (86.2%) and ‘Road’ (13.8%)

- (a) maximum plot ratio of 8;
- (b) maximum building height of 120mPD and 130mPD respectively for the eastern and western parts of the zone; and
- (c) provision for application for minor relaxation of the plot ratio and building height restrictions.

Application : Proposed Comprehensive Residential Development with Minor Relaxation of Plot Ratio and Building Height Restrictions (Amendments to an Approved Master Layout Plan)

1. **The Proposal**

- 1.1 The applicant seeks planning permission for the proposed amendments to the approved Master Layout Plan (MLP) for a comprehensive residential development at the application site (the Site), which is mainly zoned “CDA(2)” (about 15,300m², equivalent to 86.2% of the site area) and partly shown as ‘Road’ (about 2,450m², equivalent to 13.8% of the site area) on the approved North Point OZP No. S/H8/26 (**Plans A-1 to A-5**). The proposed amendments also involve minor relaxation of the plot ratio (PR) restriction from 8 to 8.14 (+1.75%) to accommodate the bonus GFA to be claimed under the Building (Planning) Regulations resulted from surrender of setback area to the Government for the purpose of road widening including the provision of a public pedestrian footpath and a turnaround facility for vehicles respectively, and the building height (BH) restriction for the western part of the “CDA(2)” zone from 130mPD to 145.4mPD (i.e. +15.4m or +11.8% in terms of mPD and +15.4% in terms of absolute BH with the mean formation level at 29.85mPD). According to the Notes of the OZP, planning permission from the Town Planning Board (the Board) is required for ‘Flat’ use within the “CDA(2)” zone and ‘Road’ area and a planning application should be supported with a MLP.
- 1.2 Under the revised MLP, the Site comprises Phase 1 (i.e. completed development known as “Fleur Pavilia (柏蔚山)”, Phase 2A and Phase 2B (please refer to paragraphs 1.5 to 1.7 below for details). The applicant is the sole owner of Phase 2A while Phase 2B is under multiple ownerships and its implementation is yet to be certain. The proposed surrender of setback area to the Government mentioned above falls entirely within Phase 2A, and the proposed bonus GFA to be claimed are also within Phase 2A. According to the applicant, the proposed minor relaxation of BH restriction is mainly to accommodate the bonus GFA to be claimed resulted from the surrender of setback area, to overcome the site constraints of high platform level and irregular site configuration, and to maintain a reasonable floor-to-floor height (FTFH) of 3.15m for residential floors.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Applicant's letter and application form received on 20.7.2022 (**Appendix I**)
- (b) Supporting Planning Statement (SPS)
- (c) Supplementary Information received on 25.7.2022
- (d) Further Information (FI) received on 26.8.2022
- (e) FI received on 23.9.2022 ^
- (f) FI received on 2.11.2022 #
- (g) FI received on 9.12.2022 ^
- (h) FI received on 9.1.2023 ^
- (i) Applicant's letter dated 31.8.2022 requesting for deferring the consideration of the application (**Appendix Ib**)
- (j) Applicant's letter dated 19.12.2022 requesting for deferring the consideration of the application (**Appendix Ic**)

} (**Appendix Ia¹**)

[^] accepted and exempted from publication and recounting requirements

[#] accepted but not exempted from publication and recounting requirements

Approved MLP

- 1.4 The Site is the subject of various applications approved between 2009 and 2011. The "CDA(2)" zone is divided into two parts by Kai Yuen Street (**Plan A-2**). Under the latest approved scheme (Application No. A/H8/401-1) (the 2011 Scheme), the proposed development has a total GFA of 122,400m², equivalent to a plot ratio (PR) of 8 based on the area of the "CDA(2)" zone. Phase 1 (namely Fleur Pavilia (柏蔚山)) comprises three 31-storey residential blocks with a BH of 125.6mPD in the eastern part of the "CDA(2)" zone (upper plan in **Drawing A-17**) and widening of the carriageway of Kai Yuen Street to 7.3m and the provision of a 2.75m wide footpath to the east of Kai Yuen Street along the Phase 1 site (upper plan of **Drawing A-18**). Phase 2, which is at the western part of the Site, comprises four 32-storey residential blocks with a BH of 130mPD along the lower section of Kai Yuen Street, a standalone residents' clubhouse along the upper section of Kai Yuen Street, and a 2.75m wide footpaths on the western side of Kai Yuen Street (upper plan of **Drawing A-17**).

Revised MLP

- 1.5 According to the applicant, since the latest MLP was approved, no agreement can be reached with the other landowners at the western part of the Site for a comprehensive redevelopment for the Phase 2 site. In order not to jeopardise the development potential at the western part of the Site, the applicant proposes to sub-divide it into Phase 2A and Phase 2B. Each phase of the development will be self-contained with its own residents' clubhouse, run in/out and EVA (**Drawing A-2**).
- 1.6 Phase 2A is located at the upper section of Kai Yuen Street. Originally planned for a standalone residents' clubhouse serving the Phase 2 development under the 2011 Scheme, it is now proposed to be developed into one 28-storey residential tower

¹ A consolidated report containing the finalised technical assessments and Responses-to-Comments tables (**Appendix Ia**) was submitted by the applicant on 20.1.2023 which has consolidated all the previous submissions; thus the relevant FIs are not attached in this Paper.

above 3-level podium for residents' clubhouse, landscaped garden, entrance lobby, and 2-level basement carpark with a domestic GFA of 20,625m² and a BH of not more than 145.4mPD at main roof level (**Drawings A-3 to A-12**).

- 1.7 Phase 2B, which is located at the lower section of Kai Yuen Street, will comprise four 28-storey residential towers above 2-level podium for residents' clubhouse and landscape garden, 2-level carpark, and 1-level for E&M facilities and 1-level for shuttle lift entrance/lobby, with a total domestic GFA of 50,649m² (**Drawings A-13 to A-16**). Compared with the 2011 Scheme, the proposed BH is reduced from 130mPD to 127.1mPD for all towers, the building separation between Tower 3 and Tower 4 is increased from about 22m to about 25.5m. With a reduced building footprint of Tower 2 and Tower 5, the setback between the proposed development at Phase 2B and Kai Yuen Street is increased from about 8.5m to 12m (**Drawing A-17**). Besides, a terraced stepping podium is incorporated for landscaping treatment (**Drawings A-23 and A-25**).
- 1.8 A comparison of the MLP and floor plans of the 2011 Scheme and the Current Scheme are shown in **Drawings A-17 to A-22**. The Landscape Master Plan (LMP) and landscape elevations (**Drawings A-23 to A-25**) and photomontages (**Drawings A-26 to A-31**) for the proposed development have also been prepared by the applicant. A comparison of the major development parameters of the 2011 Scheme and Current Scheme is shown as follows:

Development Parameters	Approved Scheme (2011 Scheme) (No. A/H8/401-1) [^] (a)	Current Scheme (No. A/H8/435) (b)	Difference (%) (b) – (a)
Development Site Area (m ²)*			
- Eastern Part (Phase 1)	6,689	6,689	No Change
- Western Part (Phase 2)	8,683	8,683	No Change
- Phase 2A	-	2,322	N/A
- Phase 2B	-	6,361	N/A
Total	15,372	15,372	No Change
Site Area within CDA(2) (m ²)			
- Eastern Part	6,015	6,015	No Change
- Western Part	9,285	9,285	No Change
Total	15,300	15,300	No Change
GFA (m ²)			
- Eastern Part	53,261	53,261	No Change
- Western Part	69,139	71,274	+2,135 (+3.1%)
- Phase 2A @	-	20,625	N/A
- Phase 2B	-	50,649	N/A
Total	122,400	124,535	+2,135 (+1.7%)
PR			
Based on respective dev. area			
- Eastern Part	7.96	7.96	No Change
- Western Part	7.96	8.21	+0.25 (+3.1%)
- Phase 2A	-	8.88	N/A
- Phase 2B	-	7.96	N/A
Total	7.96	8.10	+0.14 (1.8%)
Based on respective CDA(2) area [#]			
- Eastern Part	8.86	8.86	No Change
- Western Part	7.45	7.68	+0.23 (+3.1%)
Total	8	8.14	+0.14 (+1.8%)
Domestic Site Coverage	Not more than 33.3%	Not more than 33.3%	No Change

Development Parameters	Approved Scheme (2011 Scheme) (No. A/H8/401-1) (a)	Current Scheme (No. A/H8/435) (b)	Difference (%) (b) – (a)
No. of Blocks			
- Eastern Part	3	3	No Change
- Western Part	4	5	+1
- Phase 2A	-	1	N/A
- Phase 2B	-	4	N/A
Total	7	8	+1
BH (mPD)			
- Eastern Part	125.6	125.6	No Change
- Western Part	130	145.4	+15.4 (+11.8%)
- Phase 2A	-	145.4	N/A
- Phase 2B	-	127.1	N/A
BH (absolute)			
- Phase 2A	100.15	115.55	+15.4 (+15.4%)
No. of Storeys			
- Eastern Part	31	31	No Change
- Western Part	32	34	+2
- Phase 2A	-	33	N/A
- Phase 2B	-	34	N/A
No. of Flats			
- Eastern Part	611	611	No Change
- Western Part	638	850	+212 (33.2%)
- Phase 2A	-	310	N/A
- Phase 2B	-	540	N/A
Total	1249	1461	+212 (+17.0%)
Private Open Space (m ²)			
- Eastern Part	Not less than 2,124	Not less than 2,124	No Change
- Western Part	Not less than 1,914	Not less than 2,465	+551 (+28.8%)
- Phase 2A	-	Not less than 899	N/A
- Phase 2B	-	Not less than 1,566	N/A
Private car parking spaces			
- Eastern Part	162	144	-18
- Western Part	124	326 @	+202
- Phase 2A	-	76	N/A
- Phase 2B	-	250	N/A
Total	286	470	184
Visitor car parking spaces			
- Eastern Part	3	3	No Change
- Western Part	4	25	+21
- Phase 2A	-	5	N/A
- Phase 2B	-	20	N/A
Total	7	28	+21
Motorcycle parking spaces			
- Eastern Part	9	8	-1
- Western Part	7	26	+19
- Phase 2A	-	6	N/A
- Phase 2B	-	20	N/A
Total	16	34	+18
Pick up/drop off/taxi lay-by			
- Eastern Part	1	1	No Change
- Western Part	1	3	+2
- Phase 2A	-	2	N/A
- Phase 2B	-	1	N/A
Total	2	4	+2

* Total development site area refers to the total registered lot area as provided by the applicant, i.e. 15,372m², which are mainly within the “CDA(2)” zone and partly within the ‘Road’ area. The “CDA(2)” zone has a site area of about 15,300m², covering private land and some Government land.

The maximum PR of 8 stipulated in the OZP is applicable to the whole “CDA(2)” zone. The development at the eastern part has a higher PR when calculated based on the eastern portion of the zone. In comparison, the development to the west of Kai Yuen Street has a lower PR because some Government land has been included in the western portion of the zone. The PR based on the registered lot area is 7.96.

@ The increase in provision of car parking space in the western portion is mainly due to (1) the adoption of a new standard under the Hong Kong Planning Standards and Guidelines (HKPSG) which was latest updated in 2021 with an increased provision requirement as compared with previous version, and (2) the increase in total number of flat from 638 to 850.

^ Phase 1 development (i.e. Fleur Pavilia (柏蔚山)) is completed as built in accordance with the development scheme under Application No. A/H8/401-1

- 1.9 According to the planning intention of “CDA(2)” zone, the area within this zone is subject to traffic constraints due to the substandard conditions of the local road, suitable traffic and road improvement measures should be proposed and implemented upon development and/or redevelopment of the area. In this regard, the widening of the carriageway of Kai Yuen Street to 7.3m and the provision of a 2.75m wide footpath to the east of Kai Yuen Street along the Phase 1 site were already implemented. In the Current Scheme, a 2.75m wide footpath shall be provided along to the west of Kai Yuen Street along the north-eastern boundary of Phase 2A and eastern boundary of Phase 2B. Besides, an area of about 219m² from the Phase 2A development near the southern end of Kai Yuen Street is proposed to be surrendered for the provision of a turnaround facility for public use (**Drawing A-5**).
- 1.10 A traffic impact assessment (TIA) is submitted by the applicant to support the proposal. According to the TIA, long queue is often observed along Kai Yuen Street pending to access to Tanner Road or Tin Chiu Street in peak hours. A gyratory scheme is therefore proposed in converting Tanner Road from 2-way to 1-way east bound (**Drawing A-32**). This proposal can simplify the operation at the junction of Tanner Road/Kai Yuen Street and therefore relieve the traffic queue at Kai Yuen Street.
- 1.11 In order to improve the existing pedestrian walking environment along the western side of Kai Yuen Street which is currently a bottle-neck area for pedestrian circulation, concrete cover will be provided to the existing u-channel so as to widen the existing staircase as an interim improvement before Phase 2B is implemented in the future. The existing staircase is also proposed to be reconstructed to match with the level of the concrete cover (**Drawing A-33**). In addition, a cautionary crossing at the western footpath outside Phase 2A is proposed to divert the pedestrians walking between Phase 2A development and the existing footpath to the east of Kai Yuen Street (**Drawing A-34**).
- 1.12 According to the LMP, a multi-level landscape framework is adopted to enhance visual amenity. The landscape features include planting terraces at the boundary along Kai Yuen Street to soften the structure and to enhance streetscape, and edge planting the north-western corner of the Site to soften the development edge between the proposed development and the surrounding residential developments. While a total of 30 trees are proposed to be felled (10 in Phase 2A and 20 in Phase 2B), 43 new trees are proposed to be planted as compensation planting (10 in Phase 2A and 33 in Phase 2B) (**Drawing A-35 to A-36**).
- 1.13 The application was originally scheduled for consideration by the Committee on 9.9.2022. Upon the applicant’s request (**Appendices Ib and Ic**), consideration of the application was deferred by the Committee on 9.9.2022 and 23.12.2022 for 2 months respectively pending submission of FI from the applicant. FI was subsequently received from the applicant on 9.1.2023. Consideration of the application is rescheduled to this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in section 5 of the SPS and FI at **Appendix Ia**. They are summarised as follows:

Compliance with the Planning Intention for “CDA(2)” Zone

- (a) The Current Scheme is in line with the planning intention of the “CDA(2)” zone to redevelop the Kai Yuen Street area for comprehensive residential development, which include the road widening of 7.3m-wide carriageway and 2.75m-wide footpath along the Kai Yuen Street, and the provision of a turnaround facility at the southern end of Kai Yuen Street, as well as to fulfil the requirement stipulated in the Explanatory Statement for the said zone in terms of further improving the traffic condition and ensuring the pedestrian safety for the area.
- (b) The TIA submitted further demonstrated that the proposed road improvement works is considered acceptable and will facilitate upgrading the remaining section of Kai Yuen Street. The provision of footpath is also in line with the planning and development concepts for improving pedestrian planning as outlined in Chapter 8 of the HKPSG.

Phased Development would not Jeopardise the Development Potential at the Western Portion

- (c) The current proposal for phased development is in line with the Town Planning Board Guidelines for designation of “CDA” zones and monitoring the process of “CDA” developments (TPB PG-No. 17A) that phased development is allowed provided that the planning intention and comprehensiveness of the development will not be undermined, the resultant developments in each phase will be self-contained and the development potential in later phase would not be absorbed into early phases of the development.
- (d) Under the 2011 Scheme, a standalone clubhouse was proposed at the Phase 2A site. While under the Current Scheme, it is assumed that future applicant would be able to acquire the land ownership on the entire western portion of the Site. However, no agreement can be reached with the other landowner(s) since the approval for a comprehensive development in 2011. The current proposal will follow a pro-rata basis (except the bonus GFA) in the formulation of permissible GFA (except for bonus PR), such that future redevelopment potential of the remaining phase would not be jeopardised.

In Line with Government’s Policy to Increase Housing Supply

- (e) The applicant has made efforts to consolidate land ownership at the Site. The proposed development providing 310 private housing units will certainly help meeting the housing supply target of the Government in a much shorter time.

Optimised Building Height

- (f) The proposal meets the relevant criteria for consideration of minor relaxation of BH restrictions, including providing setback for road widening/improvement works and turnaround facility; accommodating the bonus GFA due to surrender/dedication of

land/area for public passage/street widening; provision of terrace design and landscape podium void for enhancement of streetscape and pedestrian wind environment; provision of building separation; and addressing the site constraints of irregular configuration and high platform level.

- (g) The proposed BH of 145.4mPD has paid due respect to the stepped BH profile for North Point area, which increase progressively from the waterfront to the inland area. The proposed BH of 145.4mPD will not cause visual obstruction to the natural ridgelines of Siu Ma Shan, Braemar Hill, Mount Butler and Mounter Parker from the viewpoints across the Victoria Harbour. Opportunity is also taken to review the BH of Phase 2B and it is currently proposed to reduce the BH of Phase 2B from 130mPD to 127.1mPD in order to form a stepped height profile together with Phase 1 and Phase 2A developments.

The Current Scheme is ready for Implementation

- (h) The applicant is the sole land owner of the Phase 2A. Given the difficulties in amalgamation of ownership within Phase 2B site due to its complicated and multiple ownership pattern, Phase 2A is proposed to be developed first as it has greater prospect for redevelopment.

Incorporating Various Planning and Design Merits

- (i) The Current Scheme is designed taking into account the site conditions and design merits including respecting the stepped BH profile for the North Point area; enhancing pedestrian walking environment by providing a 2.75m-wide public pedestrian footpath along Kai Yuen Street in order to improving the existing substandard pedestrian footpath; providing air ventilation corridor on podium level to enhance pedestrian wind environment; adopting an elongated V-shape building layout design for Phase 2A with a view to providing sufficient buffer distance from the residential units at Phase 1; and maximising greening provision to enhance visual interests by provision of edge planting along the edge of podium and planting of trees along the development boundary where space allows.

No Insurmountable Technical Impact

- (j) Various technical assessments conducted include TIA, visual impact assessment, environmental assessment, supplementary information on air ventilation assessment and LMP have demonstrated that there would not be significant adverse impacts on traffic, visual, environmental, air ventilation and landscape impact perspectives.

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

The applicant is one of the “current land owners” of the private lots² within the Site and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notifications to the current land owners. Detailed information would be deposited at the meeting for Members’ inspection. For the adjoining government land, the “owners’ consent/ notification”

² The applicant is the sole “current land owner” of the private lots within Phase 2A.

requirements as set out in the TPB PG-No. 31A are not applicable.

4. Background

Zoning History of the Site

- 4.1 The Kai Yuen Street area was previously zoned “Residential (Group A)” (“R(A)”) on the OZP without any PR and BH restrictions. The area was only served by Kai Yuen Street, which is a sub-standard road with a carriageway of less than 5.5m and without proper footpath. More intensive development/redevelopment in Kai Yuen Street is constrained by sub-standard access road and limited junction capacity at the adjacent roads. In this regard, a TIA was conducted by the Government in 2006 to assess the vehicular and pedestrian traffic impacts arising from redevelopment of the residential sites in the area. The TIA concluded that a maximum PR of 8 could be allowed for the area, subject to the implementation of the traffic improvements for the adjacent roads and the improvement/widening of the upper section of Kai Yuen Street as recommended in the TIA. To secure the implementation of the relevant traffic improvement and widening proposals, the site was rezoned to “CDA(2)” and ‘Road’ on 8.6.2007.
- 4.2 The current maximum BHs of 120mPD and 130mPD respectively for the eastern and western parts of the “CDA(2)” zone were imposed on the OZP in 2009 and remain unchanged since then.

Approved Development Proposal at the Phase 2A Site

- 4.3 The Phase 2A site is the subject of a set of general building plans (GBP) submitted to the Building Authority (BA) in March 2007. At the time of the GBP submission, the Phase 2A development site was zoned “R(A)” on the then Approved North Point OZP No. S/H8/19. According to the Notes of the then-OZP, ‘Flat’ use was always permitted within “R(A)” zone and there were no statutory control on plot ratio or building height for the Phase 2A development site at the time of GBP submission.
- 4.4 The said set of GBP, which involves a proposed 31-storey residential development with a total GFA of 18,359.128m², a BH of 142.1mPD (main roof) and a plot ratio of 7.956, was rejected by the BA in 2007, but was subsequently approved by the BA in 2018 with respect to the order by the Appeal Tribunal (Buildings Ordinance). The set of GBP is still valid as at today.

5. Town Planning Board Guidelines

According to the Board’s Guidelines for designation of “CDA” zones and monitoring the progress of “CDA” developments (TPB PG-No. 17A), for “CDA” sites which are not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered. In deriving the phasing of the development, it should be demonstrated that:

- (a) the planning intention of the “CDA” zone will not be undermined;

- (b) the comprehensiveness of the proposed development will not be adversely affected as a result of the revised phasing;
- (c) the resultant development should be self-contained in terms of layout design and provision of open space and appropriate GIC, transport and other infrastructure facilities; and
- (d) the development potential of the unacquired lots within the “CDA” zone should not be absorbed in the early phases of the development, access to these lots should be retained, and the individual lot owners’ landed interest should not be adversely affected.

6. Previous Applications

- 6.1 The Site is subject of three previous s.16 applications. Application No. A/H8/395 for a proposed comprehensive residential development with a total PR of 8 and maximum BHs of 126.5mPD and 130mPD for the eastern and western parts of the “CDA(2)” zone was approved with conditions by the Committee on 4.12.2009.
- 6.2 Application No. A/H8/401 was for amendments to the approved MLP which was approved with conditions by the Committee on 12.2.2010. The major changes involve minor relaxation of the BH restriction for the eastern part of the “CDA(2)” zone from 120mPD to 125.6mPD. The scheme was subsequently amended under a s.16A application No. A/H8/401-1 (the 2011 Scheme) which was approved with conditions by the Committee on 14.1.2011 for Class B amendments including increase in average flat size, minor change in disposition of residential towers of Phase 1, change in alignment of EVA, increase in car parking provision and change in landscape design for Phase 1. The time for commencement was further extended for 48 months until 12.2.2018 under Application No. A/H8/401-2. Details of the application are set out in paragraph 1.4 above.
- 6.3 Application No. A/H8/429 for ‘Shop and Services (Retail Shop)’ at a premises at G/F of North Point View Mansion, which is located within Phase 2B of the proposed development, was rejected by the Committee on 8.3.2019 and subsequently by the Board upon review on 13.9.2019 mainly on the ground that there was no strong planning justification for the proposed change of use within a pure residential neighbourhood and the approval of the application will set an undesirable precedent.

7. Similar Application

There is no similar application for comprehensive residential development and minor relaxation of the BH restrictions within the “CDA(2)” zone of the North Point OZP.

8. The Site and its Surrounding Areas (Plans A-1 and A-2, Aerial Photo on Plan A-3 and Site Photos on Plans A-4 and A-5)

8.1 The Site is:

- (a) only accessible via Kai Yuen Street. Upper section of Kai Yuen Street was recently widened into a 7.3m carriageway with a 2.75m wide footpath to the east of Kai Yuen Street along with the completion of the Phase 1 development. A stepped footpath is provided along the western side of the lower section of Kai Yuen Street but not along the eastern side where Full Wealth Gardens is located (**Plans A-2, A-4 and A-5**); and
- (b) the eastern part covers Phase 1 of the development under the name of Fleur Pavilia (柏蔚山) with a site level of about 31mPD, which comprises three 31-storey residential blocks with a BH of 125.6mPD. The western part covering Nos. 8-54 Kai Yuen Street, which are occupied by residential buildings of 5 to 11 storeys (53mPD to 70mPD) on a higher platform of about 37mPD. Phase 2A site, Nos. 60-74 Kai Yuen Street were previously occupied by residential buildings of 5 to 7 storeys (59mPD to 63mPD) on a platform of about 41mPD which were demolished recently.

8.2 The surrounding areas have the following characteristics (Plan A-2):

- (a) to the north, east and west of the “CDA(2)” zone are mainly residential developments within “R(A)” zones including Island Place (港運城) (109-113mPD), Healthy Gardens (健威花園) (82-83mPD), Tanner Garden (丹桂閣) (83 to 86mPD), Full Wealth Gardens (富雅花園) (82 to 88mPD) and Bedford Gardens (百福花園) (88mPD) (**Plan A-2**); and
- (b) to the south of the Site are vegetated natural slopes within the “Green Belt” zone. To the further south of the Site are some residential developments with “R(B)” zones on higher platforms including Tempo Court (天寶大廈) (169 to 172mPD), Ho King View (豪景) (173mPD), Pacific Palisades (寶馬山花園) (161 to 174mPD), Kingsford Gardens (瓊峰園) (158 to 178mPD), Wilshire Towers (慧雅閣) (178mPD) and Braemar Hill Mansions (賽西湖大廈) (210mPD) (**Plan A-2**).

9. Planning Intention

- 9.1 The “CDA(2)” zone is intended for comprehensive development/redevelopment of the area primarily for residential uses. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of the environmental, traffic, infrastructure and other constraints. A MLP submission for the Board’s approval is required for developments within the zone. Subject to the implementation of the required traffic and road improvement measures to address the traffic impacts arising from development/redevelopment, the development within the “CDA(2)” zone shall not exceed a PR of 8 and a BH of 130mPD and 120mPD for the western and eastern parts respectively.
- 9.2 Within the “CDA(2)” zone, there are at least three major development sites or

building platforms. In order not to jeopardise redevelopment of private lots readily acquired for amalgamation, future development within the “CDA(2)” zone may be implemented by phases. However, the development potential of different phases of the redevelopment would be taken into account on a pro-rata basis, such that redevelopment implemented at an earlier phase will not take up the development potential of the later phases.

9.3 A minor relaxation clause in respect of the PR and BH restrictions has been incorporated into the Notes of the “CDA(2)” zone to cater for developments/redevelopments with design and planning merits. Each application for minor relaxation of BH restrictions will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:

- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
- (b) accommodating the bonus plot ratio granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening;
- (c) providing better streetscape/good quality street level public urban space;
- (d) providing separation between buildings to enhance air and visual permeability; and
- (e) other factors, such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

10. Comments from the Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) The Site involves various sections and sub-sections of IL 2168 and IL 5044 and adjoining Government land, being used as public roads/streets, having slope features, etc. It is noted that the application mainly concerns about the splitting of the remaining phase (i.e. Phase 2) into Phase 2A and Phase 2B. Phase 1, i.e. a completed development, is not the main theme of the application.
- (b) The north-eastern corner of the Site encroaches onto MTRL1 RP and the MTR protection boundary.

Phase 2A Development

- (c) The proposed private residential use does not conflict with the lease conditions. While the details, including the acceptability of any ancillary uses and facilities, would be examined at the development submission stage, the applicant is advised to refer to LandsD's Lands Administration Office (LAO) Practice Note (PN) Issue No. 3/2021 about the non-offensive trades clause.

Phase 2B Development

- (d) The proposed Phase 2B development contravenes the existing lease conditions, especially those governing various sections and subsections of IL 2168. If planning permission is given, a land exchange is required given that Government land is involved. Any application for such land exchange will be considered by LandsD in the capacity of a landlord at its discretion and there is no guarantee that such application will be approved. If such application is approved by LandsD, it will be subject to such terms and conditions, including, among others, the payment of premium and fee, as considered appropriate by LandsD.
- (e) Other detailed comments are in **Appendix II**.

Traffic Aspect

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

- (a) No objection to the proposed internal transport facilities, access arrangement, pedestrian footpath and the TIA submitted by the applicant.
- (b) The following approval conditions on traffic aspect are required should the application be approved by the Board:
 - (i) the design and provision of vehicular accesses, parking facilities, loading/ unloading space, and picking up/setting down facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
 - (ii) the design and implementation of the road improvement proposal for Kai Yuen Street, including the widening of the upper section of Kai Yuen Street, the surrendering of the private land for turnaround facility at the end of Kai Yuen Street outside Bedford Garden, and other traffic improvement measures for pedestrians, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
 - (iii) the design and implementation of road improvement measures at Tanner Road, Tin Chiu Street, Kai Yuen Street, King's Road, Kam Hong Street and Tsat Tsz Mui Road (i.e. Gyratory Scheme), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (iv) no occupation of Phase 2A development was allowed before the completion of the proposed road improvement works, as mentioned in (ii) and (iii) above, in Phase 2A development;
 - (v) the design and provision of cautionary crossing outside Phase 2B and the modification of the staircase at the western side of Kai Yuen Street into the footpath with min. width of 2.75m, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
 - (vi) no occupation of Phase 2B development was allowed before the completion of the proposed road improvement works, as mentioned in (v) above, in Phase 2B development; and
- (c) In view of the steep and narrow carriageway and footpath along Kai Yuen Street, there is a genuine need by the public for the dedication of setback from the lot boundary abutting Kai Yuen Street for road widening and the dedicated areas are reasonable in the circumstances to cater for the need as it is essential for improving the traffic circulation and pedestrians' walkability at the location.

Environmental Aspect

10.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) No objection to the application from environmental planning perspective; and
- (b) The applicant is reminded to strictly observe all the requirements in the relevant pollution control ordinances, including Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Control Ordinance, etc.

Geotechnical Aspect

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

- (a) No objection to the application. He concurs with the conclusion in the Geotechnical Planning Review Report (GPRR) that a natural terrain hazard study (NTHS) is required for the development project and hazard mitigation measures, if found necessary, would be implemented as part of the development. Hence, an approval condition on the submission of the NTHS and implementation of the necessary hazard mitigation measures should be included should the application be approved.
- (b) Other detailed comments are in **Appendix II**.

Building Aspect

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

- (a) No objection in principle under the Buildings Ordinance (“BO”) to the application. Detailed comments on compliance with the BO would be given upon formal building plans submission.
- (b) As the proposal involves surrender of part of the lot for street widening and the claim of bonus PR / SC in return of the proposed surrender, it will be subject to the compliance with the Building (Planning) Regulation 22(2), PNAP APP-20 and the acceptance of such surrender from the relevant Government departments. In this connection, he reserves his position on the proposed PR and SC under the BO.

Fire Safety Aspect

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

- (a) No specific comment on the application.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plan.
- (c) The applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administrated by the BD.

Drainage Aspect

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

- (a) It is noted that the SIA concluded that the existing sewerage system has sufficient capacity to cater the sewage generation from the proposed development.
- (b) It is stated that “In the event that diversion of the natural stream within the Site is recommended as part of the mitigation measures of the Natural Terrain Hazard Study (NTHS), the stormwater runoff will be redirected to existing or planned new public drainage channel along the slope toe upon redevelopment of the Site”. Therefore, he reserves his right to provide further comment subject to the potential works to the natural stream.

Urban Design and Air Ventilation Aspects

10.1.8 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

Since the adjacent “R(A)” and “R(A)3” area with BHR of 130mPD are permitted in the OZP, he has no comment from architectural and visual impact point of view.

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

- (a) As compared with the 2011 Scheme, the Current Scheme mainly involves the replacement of the standalone clubhouse by a 31-storey residential tower at Phase 2A. Some planning and design measures are proposed at Phase 2A, including setback from Kai Yuen Street to allow for the provision of public pedestrian footpath and turnaround facility, provision of a landscaped podium void of 6m FTFH stepped terraces with ample landscape treatments along lower levels facing Kai Yuen Street and maximization of greening provision to enhance visual interests and local streetscape.
- (b) As claimed by the applicant, Phase 2B has brought forward some improvements as compared to the Approved Scheme, including reduction of BH from 130mPD to 127.1mPD for all residential towers, increase in building separation between Tower 3 and Tower 4 from about 22m to about 25.5m, smaller footprint of residential towers at Phase 2B to allow further setback of about 8.5m to 12m from Kai Yuen Street, and incorporation of a terraced podium for landscaping treatment.
- (c) Judging from the photomontages submitted, the proposed BH from 130mPD to 145.4mPD at Phase 2A would reduce the visual permeability when viewed at VPs 1 to 3, leading to slightly adverse visual impacts as rated by the applicant. Besides, the proposed development with BH ranging from the as-built Phase 1 development at 125.6mPD, Phase 2B development at 127.1mPD and Phase 2A development at 145.4mPD can generally maintain the BH profile increasing progressively from the waterfront to the inland and foothill areas and preserve the views to the ridgelines as demonstrated from VP5 and VP6.

Air Ventilation

- (d) an AVA Initial Study (IS) using computational fluid dynamic modelling has been carried out to support the application. Two scenarios, the Approved Scheme and the Proposed Scheme, have been studied. The simulation results show that the overall performances of the Approved Scheme and Proposed Scheme on pedestrian wind environment are comparable.

Landscape Aspect

10.1.10 Comments of CTP/UD&L, PlanD:

- (a) No adverse comment on the application from landscape planning perspective.
- (b) The application mainly involves amendments to the 2011 Scheme in the western portion of the Site, comprises a 31-storey building in Phase 2A and four 30-storey buildings in Phase 2B. The proposed development is considered not incompatible with the landscape character of its surroundings.
- (c) With reference to Section 2.3 and 4.5 of the SPS, no significant sensitive landscape resource (i.e. OVT/tree of large size, rare/protected tree species) is found within the Site. According to Annex A under Appendix 5 - LMP in the SPS, approx. 30 existing trees of common species are found within the western portion of the Site (i.e. 10 existing trees in Phase 2A and 20 in Phase 2B respectively), all of them are proposed to be removed arising from the proposed development. Landscape mitigation measures have been proposed by the applicant to mitigate landscape impact arising from the proposed development, such as planting of approx. 43 new trees, edge plantings with trailing plants, shrub plantings and lawn area.

District Officer's Views

10.1.11 Comments of the District Officer (Eastern), Home Affairs Department (DO(E), HAD):

- (a) No comment on the application. It is understood that residents living in the vicinity have two concerns regarding the application. First, residents are worried that the proposed development will worsen the traffic congestion at Kai Yuen Street, the only road in the neighbourhood. Second, the proposed development, and hence the extra traffic volume, may put pedestrian's safety at stake as the pavement of Kai Yuen Street is narrow. In this connection, it should be taken into account whether the said road may accommodate the extra traffic flow derived from the proposed development; and
- (b) it is observed that the local sentiment on the proposed development is strong. Local residents have strong grievances regarding the application. Against this background, he could not preclude the possibility that locals would express their disagreement by every means.

10.2 The following departments have no objection to/no comment on the application:

- (a) Chief Highway Engineer/Hong Kong, Highways Department;
- (b) Commissioner of Police;

- (c) Director of Food and Environmental Hygiene;
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Social Welfare;
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (g) Project Manager (South)/ Civil Engineering and Development Department; and
- (h) Director of Leisure and Cultural Services.

11. Public Comments Received During Statutory Publication Period

11.1 On 26.7.2022 and 8.11.2022, the application was published for public inspection. During the first three weeks of the statutory publication period, a total of 272 public comments were received including the Chairman of Owners' Corporation of Kai Yuen Street, Owners' Corporation of Block F of North Point View Mansion, Owners' Corporation of Block E and E1 of North Point View Mansion, Member of the Owners' Committee of the Fleur Pavilia, North Point Kai Yuen Street Redevelopment Concern Group, local residents and individuals. Among them, one supports the application, and the remaining 271 comments oppose the application. The whole set of public comments have been deposited at the meeting for Members' inspection. Samples of the public comments are attached at **Appendix III**.

11.2 The main grounds of the public comments received are summarised as follows:

Supporting Comments

- (a) the proposed development could utilise the use of land and the proposed increase in building height is supported.

Opposing Comments

- (b) Kai Yuen Street is a narrow street for vehicles and pedestrians and is unable to accommodate the currently proposed volume of vehicular and pedestrian traffic. Part of the existing footpath is undesirable for existing road users such as people using baby strollers, wheelchair users, elderly, etc. The proposed development will cause vehicle-pedestrian conflicts and pose danger to these road users. The proposed development with additional population and traffic will further worsen the current situation at the Kai Yuen Street and create road safety problems. The applicant fails to address to these traffic concerns.
- (c) the feasibility of the proposed provision of concrete cover on the existing u-channel along the footpath of Kai Yuen Street is in doubt.
- (d) the proposed development will produce heavy noise during the construction phase and cause nuisance to the residents nearby.
- (e) the proposed development is located at a high density residential area. The proposal will create a wall-like structure and block the natural ventilation and sunlight, and will pose health danger to the local residents.

- (f) the proposed high-rise development will create adverse visual impact to the surroundings.
- (g) the gas pipes and water system at Kai Yuen Street around the proposed development are aged and have to be repaired frequently. It is doubtful whether the infrastructural capacity of the existing utilities can cope with the additional population.
- (h) the original road design of the Kai Yuen Street is not up to modern standard. The “CDA(2)” zone should be planned together with a future development of the western part of the Kai Yuen Street as a whole (i.e. Phases 2A and 2B). There are concerns that the proposal will be subject to further change upon the completion of Phase 2A and the sub-standard road condition at Kai Yuen Street might remain the same. It is unfair and dangerous to existing residents and road users of the Kai Yuen Street.
- (i) there had been severe flooding at the Kai Yuen Street in heavy raining days in the past. The water flooded out from the drains along the pavement and rushed out on the road. Large volume of rainwater also runoff along Kai Yuen Street in heavy raining days which will affect the safety of nearby residents.
- (j) the proposed development destroys the entire planning of the area and violates original redevelopment intentions.

12. Planning Considerations and Assessment

Amendments to approved MLP

12.1 The current application is to seek planning permission for the proposed amendments to the previously approved MLP for a proposed comprehensive residential development under the 2011 Scheme. Compared with the 2011 Scheme, the Current Scheme has further sub-divided Phase 2 into Phases 2A and 2B with individual resident clubhouse, run in/out and EVA. Phase 2A Site, which was originally planned for a standalone residents' clubhouse, is currently proposed to be developed into one 28-storey residential tower above 3-level podium. The Current Scheme also involves minor relaxation of the PR restriction from 8 to 8.14 and the BH restriction for the western part of the “CDA(2)” zone from 130mPD to 145.4mPD.

Planning Intention and Development Intensity

12.2 The “CDA(2)” zone is intended for comprehensive development/redevelopment of the area primarily for residential uses. As the area within this zone is subject to traffic constraints due to the sub-standard conditions of the local road, suitable traffic and road improvement measures should be proposed and implemented upon development and/or redevelopment of the area. The “CDA(2)” zone is subject to a maximum PR of 8 and a BH of 130mPD and 120mPD for the western (Phases 2A and 2B) and eastern (Phase 1 - completed) parts respectively. The proposed development under the Current Scheme is generally in line with the planning intention of redeveloping the “CDA(2)” zone with the implementation of road

improvement measures.

- 12.3 The proposed minor relaxation of PR restriction from 8 to 8.14 is resulting from the additional GFA (i.e. 2,135m²) which is a bonus GFA to be claimed under B(P)R in return for dedication and surrender of setback area to the Government for the purpose of road widening (Kai Yuen Street) including the provision of a public pedestrian footpath and a turnaround facility for vehicles respectively (**Drawing A-5**). In this regard, CBS/HKE&H, BD has no objection in principle to the application, and the surrender of lot and the claim of bonus PR will be subject to the compliance with the B(P)R 22(2), PNAP APP-20 and the acceptance of such surrender from the relevant Government departments. Besides, C for T considers that there is a genuine need by the public for such dedication and the dedicated areas are reasonable in the circumstances to cater for the need. CHE/HK, HyD has no adverse comment on the proposed road widening works associated with the dedication and surrender of setback area.

Relaxation of BH Restriction and Urban Design Aspect

- 12.4 The proposed BH of 145.4mPD at Phase 2A is required to accommodate the bonus GFA, to overcome the site constraints of high platform level and irregular site configuration, and to maintain a reasonable FTFH of 3.15m for residential floors. As a result of the GFA re-distribution between Phases 2A and 2B, opportunity is taken to review and improve the blocking layout and design of Phase 2B, and there is a reduction in BH from 130mPD to 127.1mPD for all towers and considerable reduction in building footprint of Phase 2B (**Drawing A-17**).
- 12.5 According to the applicant, the proposed minor relaxation of BH restriction from 130mPD to 145.4mPD at Phase 2A has paid due respect to the stepped BH profile for the North Point area, which increase progressively from the waterfront to the inland area, and the proposed BH will not cause visual obstruction to the natural ridgelines of Siu Ma Shan, Braemar Hill, Mount Butler and Mounter Parker from the viewpoints across the Victoria Harbour. In this regard, the CTP/UD&L, PlanD considers that the Current Scheme would generally maintain the stepped height profile of the North Point Area from the waterfront to the inland and foothill areas with BH increasing from 125.6mPD at Phase 1 and 127.1mPD at Phase 2B, to 145.4mPD at Phase 2A. She has no adverse comment on the visual impact assessment (VIA) and the photomontages prepared by the applicant (**Drawings A-26 to A-31**). Besides, CA/CMD2, ArchSD has no comments on the proposal from architectural and visual impact point of view.

Planning and Design Merits

- 12.6 The Current Scheme involves minor relaxation of the PR restriction from 8 to 8.14 and the BH restriction for the western part of the “CDA(2)” zone from 130mPD to 145.4mPD (Phase 2A). As such, reference has to be made to relevant criteria for minor relaxation of BHR as highlighted in paragraph 9.3 above. In terms of criteria (b) for accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening, as highlighted in paragraph 12.3 above, relevant B/Ds consulted including CBS/HKE&H, BD, C for T and CHE/HK, HyD have no objection to or adverse comment on the proposed road widening works and the dedication and surrender of setback area from Kai Yuen Street.

- 12.7 The Current Scheme involves amendments in Phases 2A and 2B. For Phase 2A, the building bulk is increased since the standalone clubhouse (55.6mPD) is replaced by a residential tower with residents' clubhouse (145.5mPD). In order to offset the increase in building bulk in Phase 2A and also as a result of GFA re-distribution between Phases 2A and 2B (under pro-rate basis), the BH and blocking layout in Phase 2B are considerably revised with a view to adopting a stepped BH profile, as well as to enhance building separation and setback. In particular, the building separation between Tower 3 and Tower 4 is increased from about 22m to about 25.5m, and the setback between the proposed development at Phase 2B and Kai Yuen Street is increased from about 8.5m to 12m (**Drawings A-13 and A-17**). The Current Scheme shall continue to maintain the stepped BH profile for the North Point Area, and improve the visual and wind permeability of the Site especially for pedestrian on Kai Yuen Street.
- 12.8 While similar design and planning merits including the setback from Kai Yuen Street and landscaped open space at podium level were also proposed in the 2011 Scheme, the applicant had made endeavours to further improve these merits. For example, stepped terraces with multiple levels are proposed along Kai Yuen Street so that the perceived building bulk of the proposed development could be softened, residential towers for Phase 2B are also positioned further away from Phase 1 so as to minimise the potential visual impact on the surrounding residential developments.

Phased Development

- 12.9 With the unknown development programme of Phase 2B due to difficulty in consolidating multiple land ownerships, the current proposal for early implementation of Phase 2A development is considered in line with the Government's policy in increasing housing supply, without jeopardising the development potential of Phase 2B development, and is also in line with the planning intention of the "CDA(2)" zone which is identified to be formed by at least three major development sites or platforms. According to TPB PG-No.17A, phased development is allowed if the planning intention of the "CDA" zone and comprehensiveness of the development would not be undermined, the resultant developments in each phase will be self-contained and development potential in later phase would not be absorbed into the early phases. The revised MLP submitted by the applicant covers the whole "CDA" site including portion of land not owned by the applicant as Phase 2B. Same as the approved scheme, the GFA distribution of the proposed phased development is calculated on the basis of the lot area of different phases on a pro-rata basis. The rights of owners of the dissenting lots will not be affected. The implementation of the future phases is subject to the concerned owners' agreement and a revised MLP for alternative development proposal for their sites can be submitted in future if they so wish. The proposed phased development is in line with the principles stated in the Board's Guidelines that redevelopment of an earlier phase will not take up the development potential of other phases and the comprehensiveness of the development has not been undermined.

Traffic Aspect and Road Improvement

- 12.10 On traffic aspect, the applicant has submitted a TIA in support of the proposed development. Under the TIA, measures including provision of independent run-

in/outs for Phase 2A and Phase 2B, the widening of footpath along Phase 2A and Phase 2B into 2.75m-wide footpath and provision of turnaround facility are proposed (**Drawing A-2**). Based on the information submitted, C for T has no objection to the application from traffic engineering perspective.

- 12.11 Besides, in order to alleviate the traffic concern arising from the long traffic queue along Kai Yuen Street pending to access to Tanner Road or Tin Chiu Street in peak hours, a gyratory scheme is proposed in converting Tanner Road from 2-way to 1-way east bound (**Drawing A-32**), which could simplify the operation at the junction of Tanner Road/Kai Yuen Street and therefore relieve the traffic queue at Kai Yuen Street. In this regard, C for T considers the gyratory scheme acceptable from traffic engineering point of view. C for T recommends that relevant approval conditions should be imposed including the design and provision of vehicular accesses, parking facilities, loading/ unloading space, picking up/setting down facilities; the design and implementation of the road improvement proposal for Kai Yuen Street, the design and implementation of the gyratory scheme, (iv) no occupation of Phase 2A and 2B developments before the completion of the corresponding proposed road improvement works.

Other Technical Aspects

- 12.12 Other relevant concerned government departments including LandsD, BD, FSD, EPD, SWD and EMSD have no objection to or no adverse comments on the application from land administration, building, fire safety, geotechnical, environment, sewerage, drainage, social welfare, landscape and air ventilation, and gas safety aspects.

Public Comments

- 12.13 It should be noted that 272 public comments were received. Amongst these comments, the supportive view is noted. As for the public concerns on traffic, road safety, air ventilation, slope safety and visual impact, the planning assessment and comments of Government departments in paragraphs 12.2 to 12.11 above are relevant.
- 12.14 Regarding the public concerns on infrastructural capacities including gas safety, water supply and drainage issues, relevant B/Ds consulted including DEMS, DEP, CE/E, WSD and CE/HK&I, DSD have no objection to/no adverse comment on the application and the technical assessments submitted including the Environmental Assessment and Quantitative Risk Assessment. There are also existing mechanisms to maintain the safety and reliability of the public infrastructures under the respective purview of the relevant B/Ds.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application and MLP under section 16 and section 4A(2) of the Town Planning Ordinance, it is suggested that the

permission shall be valid until 3.2.2027, and after the said date, the permission shall cease to have effect unless prior to the said date either the development hereby permitted is commenced or this permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the approval conditions (b) to (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan and a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular accesses, parking facilities, loading/unloading space, and picking up/setting down facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and implementation of the road improvement proposal for Kai Yuen Street, including the widening of the upper section of Kai Yuen Street, the surrendering of the private land for turnaround facility at the end of Kai Yuen Street outside Bedford Garden, and other traffic improvement measures for pedestrians, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and implementation of road improvement measures at Tanner Road, Tin Chiu Street, Kai Yuen Street, King's Road, Kam Hong Street and Tsat Tsz Mui Road (i.e. Gyratory Scheme), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) no occupation of Phase 2A development was allowed before the completion of the proposed road improvement works, as mentioned in (d) and (e) above;
- (g) the design and provision of cautionary crossing outside Phase 2B and the modification of the staircase at the western side of Kai Yuen Street into the footpath with min. width of 2.75m, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) no occupation of Phase 2B development was allowed before the completion of the proposed road improvement works, as mentioned in (g) above;
- (i) the submission of an updated noise impact assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (j) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (k) the submission of a natural terrain hazard study and the implementation of the mitigation measures recommended therein to the satisfaction of the Director

of Civil Engineering and Development or of the TPB.

Advisory Clauses

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

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed relaxation of PR and BH restrictions for the "CDA(2)" zone.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Applicant's letter and application form received on 20.7.2022
Appendix Ia	Consolidated Report received on 20.1.2023
Appendix Ib	Applicant's letter dated 31.8.2022 requesting for deferring the consideration of the application
Appendix Ic	Applicant's letter dated 19.12.2022 requesting for deferring the consideration of the application
Appendix II	Detailed comments from government departments
Appendix III	Sample of public comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Master Layout Plan
Drawings A-3 to A-16	Floor Plans and Section Plans
Drawings A-17 to A-22	Comparison Plans of 2011 Scheme and Current Scheme
Drawings A-23 to A-25	Landscape Master Plans and Landscape Section Plans
Drawings A-36 to A-31	Photomontages
Drawing A-32	Proposed Gyrotory Scheme at Tanner Road
Drawing A-33	Proposed improvement of footpath at Kai Yuen Street
Drawing A-34	Proposed Cautionary Crossing
Drawings A-35 to A-36	Tree Treatment Plans
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 and A-5	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2023**