

APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. Y/H12/2

<u>Applicant</u>	Sustaina Limited represented by KTA Planning Limited
<u>Plan</u>	Approved Mid-Levels East Outline Zoning Plan (OZP) No. S/H12/12
<u>Application Site</u>	15 and 24 Stubbs Road (Inland Lot No. (IL) 2958 and 8371), 7 Tung Shan Terrace (IL2939) and adjoining Government land (GL), Mid-levels East, Hong Kong
<u>Site Area</u>	about 3,970m ²
<u>Land Status</u>	Private Land (about 3,649m ² or 92%) comprising three lots: IL2939 (about 827m ²); (a) Cannot erect more than one house of European type (b) Maximum building height (BH) of 35 feet (i.e. 10.67m) IL2958 (about 778m ²); and (a) A school dormitory to be used solely in connection with Lingnan Middle School (b) Building area not exceeding 45% (c) Not exceed 4 storey in height (two basement floors permitted in addition to the 4 storey) IL8371 (about 2,044m ²) (a) Private residential purposes (b) Maximum roofed over area not exceeding 55% of area of the lot (c) Maximum BH of 35 feet (i.e. 10.67m) Unleased and Unallocated GL (UUGL) (about 321m ² or 8%)
<u>Zoning</u>	“Residential (Group C)1” (“R(C)1”) (about 2,372m ² or 60%); - No development shall result in a development and/or redevelopment in excess of height of the existing building or a maximum BH of 10.67m whichever is higher. - The maximum BH for all building development should be measured from the existing mean site formation level and should not exceed 4 storeys including carports. “Government, Institution or Community(4)” (“G/IC(4)”) (about 1,520m ² or 38%); and - No development shall result in a development and/or redevelopment in excess of height of the existing building or a maximum BH of 120mPD whichever is higher. “Green Belt” (“GB”) (about 78m ² or 2%) ¹
<u>Proposed Amendments</u>	To rezone the application site (the Site) to “Residential (Group C)3” (“R(C)3”)

¹ The slight encroachment upon “GB” zone may be considered as minor boundary adjustment.

1. The Proposal

- 1.1 The applicant, represented by KTA Planning Limited, submitted an application for amendment to the approved Mid-Levels East OZP No. S/H12/12 to rezone the Site (**Plans Z-1 and Z-2a**) from “R(C)1”, “G/IC” and “GB” to “R(C)3”, with Sub-areas A to D for “R(C)3” zone with maximum BHs of 104mPD, 120mPD, 125mPD and 134mPD respectively, to facilitate a proposed residential development and privately-initiated residential care homes for the elderly (RCHE) at the Site, expected to be completed by 2027. The applicant also proposes to stipulate in the Notes of the proposed “R(C)3” zone the requirement for provision of a minimum Gross Floor Area (GFA) of 2,258m² of social welfare facilities, and include a clause for application under section 16 of the Town Planning Ordinance (the Ordinance) to the Town Planning Board (the Board) for minor relaxation of building height restrictions (BHRs) based on individual merits of the development or redevelopment proposal. The proposed amendments on the Plan and Notes for “R(C)3” zone are at **Drawing Z-1** and **Appendix II**, respectively. ‘Flat’, ‘House’ and ‘Social Welfare Facility’ would be uses always permitted within the proposed “R(C)3” zone. The applicant has not proposed any specific plot ratio (PR) or GFA restriction for residential use in the Notes of the OZP.
- 1.2 Under the applicant’s indicative scheme (**Drawings Z-1 to Z-23**), the proposed residential cum RCHE development comprises three 3-storey houses and three blocks of residential towers not exceeding 12 storeys, on top of a 4-storey podium for carpark (Levels 1, 2 & 3) and RCHE (Level 4) ². The proposed maximum domestic and non-domestic GFA are 8,749m² (equivalent to PR of 2.32) and 4,466m² (equivalent to PR of 1.19), respectively. The proposed RCHE with a GFA of about 2,258m² would provide about 60 beds. The key development parameters of the indicative scheme are set out as follows:

Rezoning Site Area	about 3,970m ²
Development Site Area (excluding 200m ² of drainage works reserve area (Drawing Z-2b))	about 3,770m ²
Site Levels (Drawing Z-14)	from about 74mPD (Sub-areas A & B), about 94mPD (Sub-area D) to about 109mPD (Sub-area C)
Total GFA [PR]	13,215m ² [3.51 [#]]
Domestic GFA [PR]	8,749m ² [2.32 [#]]
Non-domestic GFA [PR]	4,466m ² [1.19 [#]]
- RCHE	2,258m ²
- Carpark	2,208m ²
Site Coverage	
• Towers and Houses (for domestic building over 55m but not exceeding 61m)	Not more than 40%
• Podium (for non-domestic)	Not more than 65%

² According to the applicant, the GFA of proposed GIC facilities is comparable to the GFA of about 2,670m² of the former Lingnan Kindergarten and Day Nursery (LKDN) and Lingnan Primary School (LPS). The podium footprint is constrained by site coverage restriction and setback requirement of Sustainable Building Design guidelines, and it would not be possible to increase the number of podium floors to accommodate the additional GFA for the GIC facilities.

building over 15m but not exceeding 18m)	
No. of Blocks	6 (3 residents towers and 3 houses)
Flat Mix	41 flats with flat size from 160 to 220m ² 3 houses with flat size over 220m ²
Number of Units [Average flat size]	44 [199m ²]
Target Population	215
Private Open Space	about 225.9m ²
Maximum BH (Main Roof) [absolute BH in metres/ no. of storeys] <ul style="list-style-type: none"> • Houses (Sub-area A) • Block A (Sub-area B) • Block B (Sub-area D) • Block C (Sub-area C) • Podium 	+103.6mPD [11.45m / 3 storeys] +120mPD [27.85m / 8 storeys] +134mPD [41.85m / 12 storeys] +125mPD [16.2m / 5 storeys] +92.15mPD [16.4m~18.25m / 4 storeys]
RCHE <ul style="list-style-type: none"> • Total no. of Beds 	about 60
Car Parking Spaces	75 (68 for resident, 3 for visitors; and 4 for RCHE)
Motor Cycle Parking Space	1
Loading/Unloading Spaces	3 (shared use by residents and RCHE)
Ambulance Parking Space	1 (for RCHE)

[#]Based on Development Site Area of 3,770m²

- 1.3 The privately-initiated RCHE with about 60 beds will be provided at Level 4 (**Drawing Z-5**). Round-the-clock and comprehensive professional healthcare services will be provided. There will be various senior-friendly facilities such as dining area, gym and rehabilitation centre, library and reading room, multi-functional / entertainment room, wellness centre (clinic, spa and beauty salon) for the enjoyment of future residents. Separate access to the RCHE (i.e. two lifts) (**Drawings Z-2 and Z-5**) will be provided.
- 1.4 Vehicular access for the proposed development will be via a slip road off Stubbs Road. To improve the current public pedestrian access between Tung Shan Terrace and Stubbs Road, the applicant proposes to refurbish the existing public staircase and provide a barrier-free vertical pedestrian access comprising shuttle lifts which will be opened to public 24-hour with entrances at Stubbs Road at Level 1 (about 73.9mPD) and Tung Shan Terrace at Level 9 (about +108.8mPD) and a covered walkway at Level 4 of the podium (**Drawings Z-2, Z-5, Z-10 and Z-15**). The applicant will be responsible for the management and maintenance of the staircase and shuttle lifts.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form and attachments received on 16.6.2022 (**Appendix I**)

- (b) Supplementary Information received on 28.6.2022 providing clarifications on development parameters and replacement pages for the application form **(Appendix Ia)**
- (c) Further Information (FI) received on 25.4.2023 enclosing a Final Consolidated Supporting Planning Statement containing revised Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA), Environmental Assessment (EA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Tree Preservation and Landscape Proposal (TLP) and Geotechnical Planning Review Report (GPRR), and responses to departmental and public comments tables **(Appendix Ib)**

1.6 On 17.2.2023, the Metro Planning Committee (the Committee) agreed to the applicant's request to defer making decision on the application for one month to allow time for the preparation of FI to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the consolidated supporting planning statement at **Appendix Ib**. They are summarised as follows:

In line with Government policies on increasing housing land supply

- (a) the former Lingnan Kindergarten and Day Nursery (LKDN) (IL2939) and Lingnan Primary School (LPS) (IL2958)³ within the Site ceased operation/has been relocated for over 10 years. The proposed development echoes with the Government's policies to put vacant school premises under private ownership into more efficient use for the provision of both housing and social welfare facilities. It is also in-line with the Government's policy to increase housing land supply within the capacity of existing strategic infrastructures to meet the acute demand for housing;

Provision of much needed and quality RCHE places

- (b) the GFA of the proposed privately-initiated RCHE (not less than 2,258m²) is comparable to the GFA of the demolished school premises of the former LPS and LKDN (i.e. about 2,670m²) within the "G/IC" zone. It is appropriate to incorporate the GIC facilities into the "R(C)3" zone to achieve a more viable and efficient comprehensive redevelopment with provision of social welfare facility;
- (c) the proposed development of privately-initiated RCHE with the provision of about 60 bed spaces is expected to alleviate the surging demand. The proposal also echoes the policy direction to explore the possibility of reserving land or premises in new development projects or redevelopment projects, where appropriate, for welfare facilities. The proposed RCHE situated in the tranquil neighbourhood of Tung Shan Terrace will offer a comfortable and attractive environment for the

³ The LKDN was relocated to Siu Sai Wan in 2012 while the LPS ceased operation in 2013.

elderly where their needs are catered to with care and respect;

No adverse traffic impact

- (d) TIA has demonstrated that the proposed development and GIC facility would not result in adverse impact to the surrounding road network;
- (e) the proposed development will reduce the traffic generation in comparison to the school and residential development permitted under the current zonings. The as-of-right development at the Site (i.e. a residential development with BH of 10.67m and 4-storey including carport, a kindergarten and a primary school) generates 4.25 to 7.56 times more traffic than the proposed residential cum RCHE development;
- (f) IL2939 and IL2958 (**Plan Z-2b**) can only be accessed via the access road at Tung Shan Terrace. To enable a development which meets today's statutory requirements such as provision of Emergency Vehicular Access, the two lots are amalgamated with IL8371 so that a standard vehicular access from an existing slip road off Stubbs Road could serve the proposed development;
- (g) IL8371 (**Plan Z-2b**) is zoned "R(C)1" and subject to a BHR of 10.67m above the existing mean site formation level and 4 storeys including carports. Such BHR does not allow a development above a common podium for the provision of internal transportation facilities, E&M facilities, and a RCHE to enable an up-to-standard development with sufficient headroom for a quality living environment. Based on the above, it is believed that the proposed "R(C)3" zoning is fully justified to enable a comprehensive redevelopment to take place at the three private lots with different historical and physical context from Tung Shan Terrace;
- (h) the provision of medium to large flat size (i.e. 160m² to 220m² for flats, and over 220m² for houses) is in-line with the residential character and flat size of the neighbourhood are proposed. As the parking standards of the proposed flat sizes are relatively higher according to the Hong Kong Planning Standards and Guidelines (HKPSG), the TIA has evaluated the 'worst case' scenario for the proposed development. If required by Government, a construction TIA will be prepared based on the proposed scheme and final design;

No adverse drainage impact

- (i) according to DIA submitted, no adverse drainage impact due to the proposed development is anticipated. A minimum headroom of 5100mm of building structures (i.e. Block B) has been allowed above the Drainage Reserve Area to the west of the Site (**Drawing Z-1, Z-7 and Plan Z-2b**) for free access by DSD. The proposed development would not encroach onto the part of Drainage Reserve to the north abutting IL8371. Options of maintenance access to the slopes along the southern boundary of the site have been proposed and would be further reviewed at land exchange stage. Drainage Plans would be submitted to Building Authority for approval;

Enhanced public access to Tung Shan Terrace

- (j) Tung Shan Terrace area is currently served by a network of narrow and steep local access road (one-lane-two-ways) without proper footpath which may pose safety hazards to pedestrians and drivers. The steep topography of the neighbourhood would also make walking undesirable. With the aim to enhancing the accessibility to Tung Shan Terrace, the applicant will retain and refurbish the existing staircase from Tung Shan Terrace to Stubbs Road (partly within the Site) and provide vertical access (i.e. two shuttle lifts and covered walkway open to the public for 24 hours) for the public to gain access from ground level of the proposed development to Tung Shan Terrace (**Drawing Z-10**). It will offer a barrier-free access for residents/visitors of Tung Shan Terrace;

Different planning context from Tung Shan Terrace

- (k) the northern portion of the Site (IL8371) was originally zoned “R(B)” on the first OZP gazetted in August 1985. It was rezoned to “R(C)1” in 2002 with the stipulation of a maximum absolute BH of 10.67m (measured from existing mean site formation level) and 4 storeys including carport to reflect the extant as-built development (i.e. Goodview Garden) and BH restriction under the lease. The original zonings on both OZP and ODP demonstrated that the Site (Goodview Garden site in specific) was not part of Tung Shan Terrace Special Control Area⁴ designated in 1967 and is subject to BHR of 10.67mPD under the OZP and the lease mainly due to the narrow road access and poor internal road layout;

Stepped building height profile and design merits

- (l) the applicant has endeavoured to devise a scheme with minimised building bulk while responding positively to the surrounding naturalistic setting in accordance with the development and BH restrictions proposed for the “R(C)3” zone. Four different height bands i.e. 104mPD for Sub-area A, 120mPD for Sub-area B, 125mPD for Sub-area C and 134mPD for Sub-area D are proposed (**Drawing Z-1**) to create a stepped height profile with the surrounding developments i.e. BH increases progressively from north to south (i.e. about 104mPD to 134mPD). The proposed maximum BH of 104mPD for the houses (Sub-area A) (**Drawing Z-1**) would be at a similar level of the first residential floor (i.e. G/F at 103.7mPD) of the adjacent 11 Tung Shan Terrace to the east of the Site. The proposed stepped building height profile (ranging from 104mPD to 134mPD) has taken into account the character of the neighbourhood and will not lead to adverse visual impact onto the sensitive receivers as demonstrated in the submitted VIA (**Drawings Z-16 to Z-22**). Adequate building separations between the residential towers (about 10m to 16m) are proposed to break down the visual mass of the Proposed Development and improve air ventilation / visual permeability;

Blend in with greenery setting

- (m) various design features to blend the development into the existing greenery setting

⁴ Only IL2939 (LKDN) fell within the Tung Shan Terrace Special Control Area (SCA), whilst IL2958 (LPS) and IL8371 (Goodview Garden) fell outside the SCA. The Tung Shan Terrace SCA was endorsed in 1967 with the rationale for controlling development intensity based upon limited infrastructures, poor road access and avoid excessive development at Tung Shan Terrace. As an administrative measure to enforce the SCA, no lease modification for more intensive development and no new land shall be granted. The restrictions of the Tung Shan Terrace SCA were imposed as BH restrictions in the first Mid-Levels East OZP in 1985 designating Tung Shan Terrace as “R(C)1” zone with maximum BH of 10.67m, measured from the existing mean site formation level.

and improve the amenity of the area are proposed, including building setback from public road, terraced and permeable podium design and vertical greening, which would be incorporated in the detailed design stage. For Viewpoint 6 (taken from the southeast of the Site), the proposed development would be completely shielded off by the trees and greenery along Bowen Road. Hence the natural surrounding and the natural beauty of Bowen Road will not be affected by the proposed development (**Drawing Z-21**). The existing vegetation at the slope adjacent to the Site will be preserved as much as possible to minimise causing disturbance to existing ambience of the neighbourhood. Ample landscaping treatment and buffer planting (**Drawing Z-23**) will be provided to soften the structural edge and minimize visual impact onto the potential sensitive receivers;

No unacceptable construction nuisance

- (n) the proposed development is still in the early design stage, construction method and powered mechanical equipment to be involved are subject to the contractor to be engaged in later construction stage. In addition to adopting proposed necessary air quality and noise mitigation measures and good site practice during construction, the contractor has to comply with relevant Air Pollution Control Ordinance and Noise Control Ordinance. As such, no unacceptable air quality and noise impacts are anticipated. Various mitigation measures such as noise barrier and minimal vibration construction method would be implemented during construction stage to minimise the disturbance to the surrounding neighbourhood. Furthermore, the proposed development aims to obtain BEAM PLUS New Building. Any mitigation measures proposed during construction stages will comply with the standards of BEAM PLUS; and

No adverse impact on Aberdeen Tunnel

- (o) The existing Aberdeen Tunnel is located beneath the eastern portion of the proposed site area with crown level at about +28.5mPD. Pile foundation would be designed in a manner not imposed effect on the tunnel.

3. Background

- 3.1 The northern part of the Site (IL8371) was previously occupied by a residential development named Goodview Garden completed in 1982 and was zoned “Residential (Group B)” (“R(B)”) without specific BHR on the first Mid-Levels East OZP No. S/H12/1 published in 1985. As agreed by the MPC on 10.5.2002, the Goodview Garden, together with five other sites at Bowen Road and Kennedy Road, was rezoned to “R(C)1” on the OZP No. S/H12/7 published on 24.5.2002 subject to BHR of 10.67m (measured from existing mean site formation level) and 4 storeys including carport to preserve the existing low-rise and low density character of the neighbourhood. The Goodview Garden was demolished in 2022.
- 3.2 The southern part of the Site (IL2939 and IL2958) was previously occupied by LKDN and LPS respectively, and was zoned “G/IC” in 1985. The area together with the adjoining Lingnan College and Lingnan Secondary School was rezoned to “CDA” on OZP No. S/H12/3 published on 29.10.1999, intended for low-density residential development. Subsequently, as the relocation proposal of the LKDN

and LPS could not be pursued, the two sites were excised from the “CDA” and rezoned to “G/IC(4)” with BHR of 120mPD⁵ (including roof structure) on OZP No. S/H12/11 published on 25.9.2009. The remaining part of the “CDA” zone previously occupied by Lingnan College and Lingnan Secondary School was sold by tender in 2011 (i.e. IL8963), and developed as ‘Central Peak’.

- 3.3 The LKDN and LPS ceased operation/has been relocated in 2012 and 2013 respectively. Subsequently, General Building Plans at former LKDN and LPS (IL2939 and IL2958) for proposed redevelopment into a composite school building comprising a proposed non-profit making primary school, a kindergarten and a child care centre were approved by the Building Authority on 23.11.2015. However, as the LKDN and LPS sites were accessible only via the local access road of Tung Shan Terrace, the proposed composite school building was not taken forward in lease modification stage due to concerns on possible adverse traffic impact on Tung Shan Terrace.

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

The applicant is not the “current land owner” but 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 notifying the 24 current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application for amendment to OZP from “R(C)1” and “G/IC” to “R(C)3” within the Mid-Levels East OZP.

7. The Site and Its Surrounding Areas (Plans Z-1 to Z-3 and Site Photos on Plans Z-4 to Z-6)

7.1 The Site:

- (a) is at the lower slope of Mount Cameron overlooking the Happy Valley Recreation Ground;
- (b) is currently vacant (**Plans Z-7 and Z-10**).

7.2 The surrounding areas have the following characteristics:

⁵ The BHR of 120mPD of the “G/IC(4)” zone was to ensure future developments would not exceed the existing level of Bowen Road to preserve the public view to the north.

- (a) to the north is a slip road branching off Stubbs Road (71.3mPD) and Stubbs Road Garden (**Plan Z-6**). To the further north downhill is Hong Kong Cemetery zoned “Other Specified Uses” annotated “Cemetery” on the approved Wong Nai Chung OZP No. S/H7/21;
- (b) to the immediate north-east are low density residential developments (i.e. 11 and 12 Tung Shan Terrace) with BHs of 114mPD and 105mPD respectively (**Plans Z-2a and 2b**) zoned “R(C)1” on the approved Mid-Levels East OZP;
- (c) to the east is a private access road and residential developments at Tung Shan Terrace (BHs ranging from 102mPD to 144mPD) zoned “R(C)1”, and further east along Stubbs Road is a 16-storey residential development named Craigmount (BH up to 142mPD) zoned “R(C)2” on the approved Mid-Levels East OZP (**Plan Z-2a**);
- (d) to the south is a vegetated slope zoned “GB” and Bowen Road (at about 120mPD), and further uphill is the historical monument named King Yin Lei (BH ranging from 151mPD to 161mPD) zoned “Other Specified Use” annotated “Historical Building Preserved for Cultural, Community and Commercial Uses” and some low-rise residential developments (BH ranging from 154mPD to 168mPD) zoned “R(C)5” on the Peak OZP No. S/H14/13 (**Plan Z-2a**); and
- (e) to the immediate west is an existing open channel/storm drain and a public lane maintained by Highways Department (HyD), and further west is a low-density residential development named Central Peak (IL8963) (**Plans Z-2b, Z-7, Z-8 and Z-9**) (BH ranging from 92mPD to 116mPD) completed in 2021, which falls within area zoned “CDA” subject to maximum GFA of 16,800m² and maximum BH of 120mPD (including roof structure) and 7 storeys including carports.

8. Planning Intentions

- 8.1 The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 8.2 The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

9. Comments from Relevant Government Bureaux/Departments

- 9.1 The following Government bureaux/departments have been consulted and their views are summarised as follows. Detailed comments are extracted at **Appendix III**.

Policy

9.1.1 Comments of the Secretary for Education (S for Education):

LKDN ceased operation on 10.9.2012 and the LPS was relocated on 1.9.2013 respectively. The school premises were considered not required by the Education Bureau for school or other educational use and were returned to the Central Clearing House on 29.9.2017. According to the latest estimation, there is no projected shortfall of school places in Wan Chai District in the coming few years. In this connection, the proposed rezoning has no impact on overall provision of education facilities in Wan Chai district.

Social Welfare

9.1.2 Comments of the Director of Social Welfare (DSW):

- (a) no objection-in-principle to the setting up of the proposed private / self-financing RCHE from service perspective on the conditions that:
 - (i) the design and construction of the RCHE should be in full compliance with the statutory and licensing requirements including but not limited to those stipulated in the Residential Care Home (Elderly Persons) Ordinance, Cap. 459 and its subsidiary legislation, as well as the later version of the Code of Practice for Residential Care Homes (Elderly Persons); and
 - (ii) there shall be no financial implications, both capital and recurrent, to the Government;
- (b) an application for premium concession under the ‘Incentive Scheme to Encourage Provision of Residential Care Home for the Elderly Premises in New Private Developments’ should be submitted to the LandsD. He stands ready to provide comments on the details of the layout design of the proposed RCHE and to assess its support-worthiness for the joining the Scheme upon receipt of LandsD’s referral.

Land Administration

9.1.3 Comments of the DLO/Hong Kong East, LandsD:

- (a) the Site falls within IL2958, IL2939, IL8371, and UUGL including a public lane currently maintained by HyD. An underground stratum of portion of the Site was reverted to the Government for Aberdeen Tunnel by land resumption on 21.4.1978;
- (b) the proposed redevelopment comprising the joint development of IL2958, IL2939, IL8371 and UUGL for residential cum RCHE contravenes the existing lease conditions such as the user restrictions,

type of building, height restrictions, and site coverage restrictions etc. and also involves closure of a public lane currently maintained by HyD. A land exchange is required for the implementation of the proposed redevelopment, if approved by the Board;

- (c) in the event the application is accepted or partially accepted by the Board with a set of clear development parameters (including but not limited to the proposed user, gross floor area and car parking provisions, as appropriate) defined / firmed up and further submission to the Board is not required, the land owners may submit request for streamlined processing of land exchange application. Depending on the circumstances of each case, LandsD at its sole and absolute discretion may, upon receipt of such valid request and subject to payment of the administrative fee(s) (including fee payable to the Legal Advisory and Conveyancing Office, if required) by the land owners, commence the streamlined processing of the land exchange applications on a without prejudice and non-committal basis while PlanD is taking forward the relevant OZP amendment; and
- (d) the applicant is not the current land owners. It is reminded that once the accepted or partially accepted proposal is reflected in the OZP and approved under Section 9 of the Ordinance, a formal application for land exchange by all concerned land owners to LandsD is still required. Every application submitted to LandsD will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the land exchange application will eventually be approved by LandsD. If the application for land exchange is approved by LandsD, it will be subject to such terms and conditions as may be imposed by LandsD at its absolute discretion, including payment of premium and administrative fee(s).

Transport Aspect

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

- (a) no in-principle objection to the application from traffic perspective; and
- (b) according to the TIA report submitted, the vehicular access will be located at the slip road from Stubbs Road rather than at Tung Shan Terrace. The TIA concluded that the traffic impact arising from the indicative scheme would be minimal. Suitable provisions should be included in the relevant lease conditions to ensure that the traffic impacts of the future development will not be worse than the indicative scheme as stated in the TIA report.

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

- (a) no objection to the application from highways maintenance viewpoint; and
- (b) the Aberdeen Tunnel is an aged tunnel and any stress or impact induced on the Aberdeen Tunnel due to the development should be kept to a minimum to avoid adversely affecting it. The relevant structural checking and assessments prepared by the Authorised Person (AP) should be checked and certified by an Independent Checking Engineer and submitted to HyD for comment before the commencement of foundation works.

9.1.6 Comments of the Road Management Office (RMO), Hong Kong Island Regional Headquarters, Hong Kong Police:

- (a) no comment on the proposed amendment to the OZP; and
- (b) temporary traffic arrangement involving works on public carriageway and/or footpath, if any, has to be submitted to RMO and other stakeholders for detailed comment prior to implementation.

Heritage Conservation Aspect

9.1.7 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (AMO):

- (a) King Yin Lei, a declared monument protected under the Antiquities Monument Ordinance (Cap. 53), is situated in the vicinity of the Site (**Plan Z-2a**). AMO has no comment on the application considering no impact on the vista of King Yin Lei viewing from and to the Site (**Drawing Z-20**); and
- (b) AMO should also be consulted in advance should there be any change of project scope that may affect the declared monuments and graded historic buildings and their immediate environs.

Urban Design, Visual and Air Ventilation Aspects

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

- (a) no objection in-principle to the rezoning proposal from urban design, visual and air ventilation perspective;
- (b) several sensitive design measures are incorporated into the proposal for improving the environment of the area and softening the perceivable bulk of the proposed development, including stepped height profile descending from south to north and from east to west, building separations ranging from 10m to 16m between the proposed residential towers, provision of landscape treatment and buffet tree planting;

- (c) as shown in the VIA, with incorporation of the above design measures, the visual impact of the proposed development is rated from ‘negligible’ to ‘slightly adverse’. The proposed BHs in the rezoning proposal, though some have slightly exceeded 120m contour line, are not considered visually incompatible with the surrounding environment. As shown in viewpoints 1, 3, 6 and 7 (**Drawings Z-16, Z-18, Z-21 and Z-22**) views from Bowen Road to the north for the public enjoyment can be generally maintained; and
- (d) according to the Joint HPLB-ETWB Technical Circular on AVA No. 1/06, an AVA would not be required as the proposed development does not fall under any criteria set out in the circular. Notwithstanding that, he considered that significant adverse impacts on the surrounding pedestrian wind environment is not anticipated.

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

- (a) it is noted that the proposed development consists of three towers and three houses with BHs ranging from about 104mPD to 134mPD. Since the existing BH at adjacent “R(C)1” area range from about 102mPD to 143mPD (**Plan Z-2a**), he has no comment from architectural and visual impact point of view; and
- (b) the proposed development involves extensive cut and fill slope works. The applicant is advised to consider a balance cut and fill design to reduce burden to public fill.

Landscape Aspect

9.1.10 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from landscape planning perspective;
- (b) the Site is situated in an area of residential urban fringe landscape character surrounded by existing residential buildings and vegetated areas (**Plan Z-3**). The proposed development involves three 3-storeys houses and three residential towers with 5-12 storeys, which is considered not incompatible with the landscape character of its surroundings;
- (c) according to the TPLP, 14 existing trees are found within the Site, one of them (T61) (**Drawing Z-23**) is Tree of Particular Interest (TPI) with DBH over 1m, which are proposed to be retained by the applicant. The remaining 13 existing trees of common species will be affected by the development and are proposed to be removed. Landscape mitigation measures such as approximate 38 new tree plantings, shrubs/groundcover planting, lawn etc. are proposed within the Site to mitigate landscape impact arising from the proposed development, as such, significant adverse landscape impact arising from the application is not anticipated; and

- (d) furthermore, open space provision in accordance with requirements of the HKPSG has been proposed.

Building Aspect

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

- (a) the applicant shall ensure the compliance of the statutory requirements under BO. The claimed site area should be under the title of the applicant or his realistic prospect of control. AP is required to substantiate the site parameters with either a detailed lease plan or Land Survey Plan when applying for the approval of General Building Plans (GBP);
- (b) the pre-requisites for granting GFA concession under PNAP APP-151 including the Sustainable Building Design Guidelines as stipulated in PNAP APP-152 should be complied with if the applicant intends to apply for GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and service; and
- (c) detailed comments under the Buildings Ordinance (Cap. 123) will be given upon formal building plan submission.

Geotechnical Aspect

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

He has no adverse geotechnical comments on the submitted GPRR.

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

- (a) Director of Environmental Protection (DEP);
- (b) Chief Engineer/Construction, Water Services Department (CE/C, WSD);
- (c) Chief Engineer/Hong Kong and Island, Drainage Services Department (CE/HK&I, DSD);
- (d) Project Manager (South), CEDD;
- (e) Director of Leisure and Cultural Services;
- (f) Director of Electrical and Mechanical Services;
- (g) Director of Fire Services;
- (h) Commissioner of Police; and
- (i) District Officer (Wan Chai), Home Affairs Department.

10. Public Comments Receiving During Statutory Publication Periods

10.1 During the statutory public inspection periods, a total of 147 public comments

were received, including 1 supporting, 132 opposing and 14 providing views. A full set of public comments received on the application is deposited at the Secretariat of the Board for Members' inspection and reference.

- 10.2 The supporting comment (**Appendix IVa**) was submitted by an individual on the grounds of supporting the construction of the shuttle lift to connect Stubbs Road and Tung Shan Terrace to facilitate accessibility of residents. The individual also suggests that proposed development should provide parking facilities to address the shortage of car parking spaces of Tung Shan Terrace residents.
- 10.3 The opposing comments (samples at **Appendix IVb**) were submitted by Central Peak Management Office, Chairman and vice Chairman of Wan Chai District Council and individuals. Their major views are summarised as follows:

Land Use Aspect

- (a) the PR of the demolished Goodview Garden within the "R(C)1" zone (**Plan Z-2a & 2b**) was about 1.8 to 2. The proposed residential development with total PR of 3.51 would change the character of the local context of low-rise and low density residential development;
- (b) the proposed "R(C)3" zone has no development control (i.e. PR and GFA restrictions). A more appropriate land-use zoning, such as "CDA" zone should be imposed for the Site. There will also be more control on the detailed design, layout and form of the development by submission of master layout plan. It is also suggested to clearly stipulate the maximum GFA of domestic and non-domestic uses in the Notes of the OZP;
- (c) the "G/IC" zone and the premises of former LPS and LKDN should be retained for well-planned GIC uses to serve the community facilities along Stubbs Road;
- (d) objection to the proposed RCHE which would significantly increase the residential density in the neighbourhood and the traffic flow. There is no demand for RCHE in the area;

Traffic and Pedestrian Connectivity Aspect

- (e) the proposed development will cause adverse traffic impact to Stubbs Road and the sub-standard private road at Tung Shan Terrace;
- (f) the staircase of Goodview Garden connecting Tung Shan Terrace and Stubbs Road (**Plan Z-8**) had served the purpose of emergency exit in the past and should not be removed. Replacement by proposed shuttle lift (**Drawing Z-15**) inside the proposed private development for public use is unrealistic as there are uncertainties on the implementation, operation, management and maintenance of the proposed shuttle lift over time, and the design is undesirable;

Urban Design, Visual and Landscape Aspects

- (g) the proposed BH of 134mPD (Sub-area (D)) (**Drawing Z-1**) and total PR of 3.51 is out-of-context in the area. Bowen Road generally follows the contour line at 120mPD, and the building heights in the area (e.g. “R(C)1” and “CDA” zones) generally do not exceed 120mPD to preserve the public view to the north from Bowen Road. The PR of the adjoining “CDA” site is only 1.05;
- (h) the proposed BHs exceed the residential level of the existing neighbour including 11 Tung Shan Terrace (**Plan Z-2a**). The proposed building bulk would have adverse air ventilation and natural light impacts to neighbour including 11 Tung Shan Terrace;
- (i) the development scheme should utilise underground space (e.g. basement carpark and relocation of clubhouse) to reduce the building bulk and minimise BH (e.g. reduce number of storeys of club house and floor-to-floor height of RCHE). The applicant failed to address the adverse visual and environmental impacts (i.e. air quality) arising from the massive podium structure;
- (j) the GFA of the above-ground carpark could be converted to domestic use without planning control;
- (k) the proposed development would block the views from Bowen Fitness Trail and disrupt air flow within nearby areas;
- (l) the proposed development would affect the landscape feature at the Site;

Other Technical Aspects

- (m) the proposed development would induce construction nuisance and drainage impacts to the surrounding residents;
- (n) the applicant has not provided sufficient technical assessments to justify the proposed development. Assessment on natural terrain landslide hazard is not available. There is insufficient information in the environmental assessment to address the visual, air quality and noise concerns of the above-ground car park;
- (o) the drainage and sewerage systems in Tung Shan Terrace are already overloaded and improvement works are not possible;
- (p) the applicant fails to provide an quantitative engineering impact assessment to demonstrate no adverse impact would be imposed on the existing Aberdeen Tunnel;
- (q) the proposed scheme does not comply with the Buildings Ordinance (Cap. 123) (e.g. lack of EVA frontage, insufficient frontage for prescribed windows for RCHE, etc.); and
- (r) the approval of the application would be an undesirable precedent for similar cases (i.e. increase development intensity of “R(C)” sites) along

Stubbs Road, resulting in unacceptable cumulating impact on the traffic network.

- 10.4 The submissions providing views were as standard letter, mainly on the provision/management and maintenance of the shuttle lifts, and issues on the air ventilation and sun light aspects of the proposed development, were submitted by individuals (**Appendix IVc**).

11. Planning Considerations and Assessments

- 11.1 The application is to rezone the Site from “R(C)1”, “G/IC” and “GB” to “R(C)3”, zone with Sub-areas A to D having maximum BHs of 104mPD, 120mPD, 125mPD and 134mPD respectively, to facilitate a proposed residential development with privately-initiated RCHE. The applicant proposes to amend the Notes for “R(C)3” zone to include ‘Social Welfare Facility’ use under Column 1; and stipulate in the Remarks a minimum GFA of 2,258m² for social welfare facilities shall be provided, and a clause for application under s.16 of the Ordinance to the Board for minor relaxation of BHR. According to the applicant’s indicative scheme, the proposed residential development with RCHE comprises three 3-storey houses and three blocks of residential towers of not more than 12 storeys, on top of a 4-storey podium for RCHE and carpark. The proposed maximum domestic GFA is about 8,749m² (equivalent to PR of 2.32) and non-domestic GFA is about 4,466m² (equivalent to PR of 1.19), providing 44 residential units, ancillary above-ground car park and about 60 beds of RCHE. The applicant’s proposed Notes and ES for the “R(C)3” zone are at **Appendix II**.

Provision of GIC facilities in Wan Chai District

- 11.2 The “G/IC” zoning of the Site is to reflect the previous ‘School’ uses, i.e. the LKDN and LPS. As the LKDN and LPS was relocated/ceased operation in 2012 and 2013 respectively, EDB considers that the school premises were not required for school or other educational use and there is no projected shortfall of school places in Wan Chai District according to the latest estimation. In this connection, the proposed rezoning has no impact on overall provision of education facilities in Wan Chai district.
- 11.3 Majority of the Site is under private ownership and the applicant proposed to provide a privately-initiated RCHE by stipulating the provision of not less than GFA of 2,258m² for social welfare facilities under the Notes. DSW has no-objection in principle from welfare service perspective to the setting up of the proposed RCHE at the proposed development.
- 11.4 There is sufficient GIC provision in the Mid-Levels East area and the Wan Chai district in accordance with the HKPSG. Concerned departments, upon consultation, have also not raised any request to retain or resume the Site for GIC use. The proposed rezoning to facilitate the proposed residential development with RCHE would not jeopardise the provision of GIC facilities in the Mid-Levels East area and Wan Chai district.

Land Use and Development Intensity

- 11.5 From land use perspective, there are low to medium-rise residential developments located along Stubbs Road and Tung Shan Terrace near the Site (**Plan Z-2a**), including Central Peak (max BH of 116mPD, 7-storey) to its west (currently zoned “CDA”), Tung Shan Terrace (max BH of 102mPD to 144mPD, 4-storey) to its east (currently zoned “R(C)1”) and Craigmount (max BH of 142mPD, 16-storey) to its further east (currently zoned “R(C)2”). The proposed residential cum RCHE development is considered not incompatible with the surrounding land uses.
- 11.6 The proposed development with a domestic PR of about 2.32 is considered comparable with that of the surrounding residential developments, including Craigmount at 34 Stubbs Road (domestic PR of about 4), Tung Shan Terrace (domestic PR of about 1 to 2.4) and Central Peak (domestic PR of 1.05⁶).
- 11.7 As shown in **Appendix II**, the applicant proposes to stipulate minimum GFA requirement of not less than 2,258m² for the social welfare facility in the Notes of the “R(C)3” zone with four Sub-areas A to D with maximum BHs of 104mPD, 120mPD, 125mPD and 134mPD respectively. Apart from these restrictions, it is considered also necessary to incorporate appropriate restrictions to control the overall intensity of the development on the Site for the proposed “R(C)3” zone in the Notes of the OZP with reference to the indicative scheme, and to address the concern of C for T and the public on the traffic impacts of the future development. Details of the proposed amendments to the OZP will be submitted to the Committee for consideration should the Committee agree/partially agree this rezoning application.

Urban Design, Visual Aspect and Landscape

Urban Design

- 11.8 According to the explanatory statement of the OZP, BHRs were incorporated in the “R(C)1” and “G/IC(4)” zones to preserve the public view from Bowen Road and the general amenity of the Bowen Road area, taking account of the local area context, and the need to maintain visually compatible building masses in the wider setting.
- 11.9 The Site is located on hill slope surrounded by low-rise residential developments and vegetated slope. The southern part of the Site falling within “G/IC(4)” zone is subject to a BHR of 120mPD whilst the northern part of the Site within the “R(C)1” zone is subject to BHR of 10.67m measured from the existing site formation level. The proposed BHs of the four Sub-areas of the proposed development would be descending from 134mPD for the southern uphill portion to 125mPD and 120mPD and 104mPD for the northern portion abutting Stubbs Road (**Drawing Z-1**). This is considered generally compatible with the height profile in the surroundings, including Tung Shan Terrace to the east ranging from 102mPD to 144mPD and Central Peak to the west ranging from 92mPD to

⁶ The PR is 1.05 based on gross site area of the “CDA” site of about 1.6ha. According to the approved planning brief of the “CDA” site, the “CDA” zone was designated to provide maximum GFA of 16,800m² based on a net site area of about 0.73ha (excluding non-building area, slopes, pedestrian link and loading/unloading area)(equivalent to a PR of about 2.3).

116mPD. Although the number of storeys of the proposed development which ranges from 5 (Block C with 5 domestic storeys) to 16 (Block B with 12 domestic storeys on top of 4 storeys of podium) is higher than the surrounding developments, including Tung Shan Terrace to the east ranging from 3 to 5 storeys and Central Peak to the west ranging from 4 to 7 storeys, the proposed BH of 104mPD to 134mPD is considered generally compatible with the surrounding developments (i.e. 92mPD to 144mPD). CTP/UD&L of PlanD considers the BHs of the proposed development not incompatible with the surroundings. CA/CMD2 of ArchSD has no comment on the application from architectural and visual impact point of view.

- 11.10 As shown in viewpoints 1, 3, 6 and 7 (**Drawings Z-16, Z-18, Z-21 and Z-22**), views from Bowen Road to the north for the public enjoyment can be generally maintained. The applicant proposes sensitive design measures to improve the environment of the area and soften the perceivable bulk of the proposed development, including building separations ranging from 10m to 16m between the proposed residential towers, provision of landscape treatment and buffet tree planting. CTP/UD&L of PlanD considered that the proposed BHRs, though some have slightly exceeded 120m contour line, visually not incompatible with the surrounding environment.

Landscape

- 11.11 According to the TPLP submitted, 14 existing trees are found within the Site, one of them (T61) is a TPI with DBH over 1m, which is proposed to be retained by the applicant. The remaining 13 existing trees of common species will be affected by the development and are proposed to be removed. Landscape mitigation measures such as approximate 38 new tree plantings, shrubs/groundcover planting, lawn etc. are proposed within Site to mitigate landscape impact arising from the proposed development. Significant adverse landscape impact arising from the proposed development is not anticipated. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective.

Traffic Aspect

- 11.12 According to the submitted TIA, the vehicular access will be located at the slip road from Stubbs Road. There would be no vehicular access to the Site from the local access road of Tung Shan Terrace. The TIA concluded that the traffic impact arising from the indicative scheme would be minimal. C for T has no objection to the application from traffic engineering perspective.

Pedestrian Connectivity

- 11.13 Tung Shan Terrace is currently served by a network of narrow and steep local access road (one-lane-two-ways) without proper footpath alongside. The applicant proposes to retain and refurbish the existing staircase (partly within the Site) and provide two shuttle lifts which will be opened for 24-hour for the public from Stubbs Road at Level 1 of the proposed development to Tung Shan Terrace at Level 9. It will serve as universal access for the public to access Tung Shan Terrace to/from Stubbs Road. The applicant pledged to maintain and manage the

proposed shuttle lift and staircase for public use. HyD and C for T have no adverse comment on the provision of shuttle lift at the proposed development.

Other Technical Aspects

- 11.14 In support of the application, the applicant has submitted a number of technical assessments including EA, SIA, DIA and GPRR. The relevant departments including EPD, DSD, HyD and H(GEO) of CEDD have no objection to/no adverse comments on the application.

Public Comments

- 11.15 The supporting public comment is noted. Regarding the opposing public comments and submissions providing views received as mentioned in paragraphs 10.3 and 10.4 above, the planning assessments in paragraphs 11.2 to 11.14 above and departmental comments in paragraph 9 above are also relevant.
- 11.16 Regarding the suggested “CDA” zone for the Site, the proposed use, development intensity and submitted technical assessments in the application are considered generally acceptable by relevant departments. The restrictions on the development intensity and maximum BHs for Sub-areas A to D for the proposed “R(C)3” zone would be incorporated in the Notes of the OZP, the suggested “CDA” zoning is considered not necessary.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no in-principle objection to proposed “R(C)3” zone and recommends the Committee to partially agree to the application to rezone the application site to “R(C)3” with appropriate restrictions to control the overall development intensity of the scheme proposed by the applicant.
- 12.2 Should the Committee decide to agree to the application, the Chief Executive in Council would be requested to refer the approved Mid-Levels East OZP No. S/H12/12 to the Board for amendment. Details of the amendments to the approved OZP would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.
- 12.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members’ consideration:

the applicant fails to provide strong planning justification for rezoning the Site from “R(C)1” and “G/IC(4)” zones to “R(C)3” zone with higher development intensity, and that the “G/IC(4)” zone should be retained for GIC development.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree,

partially agree, or not to agree to the application.

- 13.2 Should the Committee decide not to agree or partially agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

14. Attachments

Appendix I	Application Form and attachments received on 16.6.2022
Appendix Ia	Supplementary Information received on 28.6.2022
Appendix Ib	FI (Final Consolidated Supporting Planning Statement) received on 25.4.2023
Appendix II	Proposed Amendments to the Notes for “R(C)” zone
Appendix III	Detailed Departmental Comments
Appendices IVa to IVc	Extract of Public Comments
Drawing Z-1	Proposed Sub-areas within “R(C)3” zone
Drawing Z-2 to Z-13	Floor Plans
Drawings Z-14	Section Plan
Drawing Z-15	Proposed Public Walkway
Drawing Z-16 to Z-22	Photomontages
Drawings Z-23	Landscape Master Plan
Plan Z-1	Location Plan
Plan Z-2a and Z-2b	Site Plans
Plan Z-3	Aerial Photo
Plans Z-4 to Z-10	Site Photos

**PLANNING DEPARTMENT
MAY 2023**