

**DRAFT MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/13**

**CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/H12/13-R1 TO R3**

<b>Subject of Representations</b>	<b>Representers (No. TPB/R/S/H12/13-)</b>
<p><b><u>Amendment Item (Item) A</u></b> Rezoning of a site at 15 and 24 Stubbs Road and 7 Tung Shan Terrace from “Residential (Group C)1” (“R(C)1”), “Government, Institution or Community (4)” (“G/IC(4)”) and “Green Belt” (“GB”) to “Residential (Group C)3” (“R(C)3”) and stipulating Sub-areas on the Plan.</p> <p>Revision to the Remarks of the Notes for “Residential (Group C)” (“R(C)”) zone to incorporate development restrictions for the new “R(C)3” and “Residential (Group C)4” (“R(C)4”) sub-areas and minor relaxation clauses.</p> <p><b><u>Item B1</u></b> Rezoning of a site at 18 Stubbs Road from “Comprehensive Development Area” (“CDA”) to (“R(C)4”).</p> <p><b><u>Item B2</u></b> Rezoning of a strip of Government land to the east of 18 Stubbs Road from “CDA” and “R(C)1” to area shown as ‘Road’.</p>	<p><b>Total: 3</b></p> <p><b><u>Oppose Item A (1)</u></b> <b>R2:</b> Wisecity Development Limited</p> <p><b><u>Oppose Items A and B2 and Provide View on Item B1 (1)</u></b> <b>R3:</b> Individual</p> <p><b><u>Oppose Items A and B2 (1)</u></b> <b>R1:</b> Sustaina Limited</p>

Notes: The names of all representers are attached at **Annex III**. Soft copies of the submissions are sent to the Town Planning Board (the Board) Members via electronic means; and are also available for public inspection at the Board’s website at [https://www.tpb.gov.hk/en/plan\\_making/S\\_H12\\_13.html](https://www.tpb.gov.hk/en/plan_making/S_H12_13.html) and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin. A set of hard copies is deposited at the Board’s Secretariat for Members’ inspection.

**1. Introduction**

- 1.1 On 2.2.2024, the draft Mid-levels East Outline Zoning Plan (OZP) No. S/H12/13 (the Plan) at **Annex I** was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments to the OZP and its Notes is at **Annex II** and the locations of the amendment items are shown on **Plan H-1**.
- 1.2 During the two-month statutory exhibition period, a total of three valid representations were received. On 26.4.2024, the Board agreed to consider all the

representations of the Plan collectively in one group.

- 1.3 This Paper is to provide the Board with information for consideration of the representations. The list of representers is at **Annex III**. The representations are at **Annex IV**. The representers have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

## 2. **Background**

*Item A – Taking Forward the Partially Agreed s.12A Application No. Y/H12/2 for Proposed Residential Development with Privately-operated Residential Care Homes for the Elderly (RCHE) (about 0.38 ha) (Plan H-1)*

- 2.1 To take forward the decision of the Metro Planning Committee of the Board (MPC) on the s.12A application No. Y/H12/2<sup>1</sup> which was partially agreed on 5.5.2023<sup>2</sup>, the site at 15 and 24 Stubbs Road and 7 Tung Shan Terrace with adjoining government land has been rezoned from “R(C)1”, “G/IC(4)” and “GB” to “R(C)3” (**Plan H-3**), with stipulation of a maximum GFA of 11,010m<sup>2</sup> (including provision of a GFA of not less than 2,258m<sup>2</sup> specifically for RCHE and related elderly facilities<sup>3</sup>), designation of sub-areas (A), (B), (C) and (D) with maximum BH of 104mPD, 120mPD, 125mPD and 134mPD respectively, and incorporation of ‘Social Welfare Facilities (on land designated “R(C)3” only)’ under Column 1 to facilitate a proposed residential development with privately-operated RCHE. The requirement for provision of ‘not less than 60 beds’ of RCHE is also stated in the ES of the OZP. The above development restrictions and requirements allow flexibility in the use of land to meet changing circumstances as well as detailed design to accommodate more beds while ensuring the provision of the specified minimum GFA for RCHE and related elderly services.

*Item B1 – To Reflect the Completed Residential Development at Inland Lot (IL) No. 8963 (about 1.47ha) (Plan H-1)*

- 2.2 In the 2023 review of “CDA” sites, the MPC agreed to rezone the site to reflect the completed residential development named Central Peak. The site (IL8963) at 18 Stubbs Road has been rezoned from “CDA” to “R(C)4” subject to a maximum GFA of 16,800m<sup>2</sup> and a BH restriction of 120mPD (including roof structures) taking into account the existing level of Bowen Road to preserve the public view to the north.

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<sup>1</sup> The MPC Paper and minutes are available at the TPB website at [https://www.tpb.gov.hk/en/meetings/MPC/Agenda/718\\_mpc\\_agenda.html](https://www.tpb.gov.hk/en/meetings/MPC/Agenda/718_mpc_agenda.html) (Paper No. Y/H12/2) and [https://www.tpb.gov.hk/en/meetings/MPC/Minutes/m718mpc\\_e.pdf](https://www.tpb.gov.hk/en/meetings/MPC/Minutes/m718mpc_e.pdf) (Minutes).

<sup>2</sup> Whilst agreeing to the applicant’s proposed rezoning of the site to “R(C)3” (with stipulation of a minimum gross floor area (GFA) requirement for the social welfare facility, and designation of sub-areas with different maximum building height (BH) restrictions in the Notes of the “R(C)3” zone), the MPC also considered necessary to incorporate appropriate development restrictions in the Notes to provide planning control on the overall intensity of the development with reference to the indicative development scheme submitted by the applicant and on the minimum GFA for RCHE and related elderly facilities, and to incorporate a requirement on minimum number of beds for the RCHE in the Explanatory Statement (ES).

<sup>3</sup> According to the indicative development scheme submitted by the applicant under the partially agreed s.12A application, the proposed maximum domestic and non-domestic GFA are 8,749m<sup>2</sup> and 4,466m<sup>2</sup> (including 2,258m<sup>2</sup> for the 60-beds RCHE and 2,208m<sup>2</sup> for above-ground carpark area) respectively.

*Item B2 – To Reflect the As-built Condition of the Strip of Government Land outside the Eastern Boundary of IL No. 8963 (about 0.14 ha) (Plan H-1)*

- 2.3 The strip of government land outside the eastern boundary of IL8963 is currently occupied by a public staircase/pedestrian walkway maintained by Highways Department (HyD), an on-street public car parking area managed by Transport Department (TD), and an open channel with storm drain underneath (designated as drainage reserve) managed by Drainage Services Department (DSD). To reflect the as-built condition, this strip of government land is rezoned from “CDA” and “R(C)1” to area shown as ‘Road’.

*Amendments to the Notes of the OZP*

- 2.4 In relation to the above amendment items, the Notes for “R(C)” zone have been revised to incorporate the development restrictions for the new “R(C)3” and “R(C)4” sub-areas, and the Notes for “CDA” and “G/IC(4)” have been deleted.

*Amendments to the OZP*

- 2.5 On 12.1.2024, the MPC agreed that the proposed amendments to the approved Mid-levels East OZP No. S/H12/12 were suitable for exhibition under section 5 of the Ordinance for public inspection. The relevant MPC Paper No. 1/24 is available at the Board’s website<sup>4</sup> and the extract of minutes of the MPC meeting is at **Annex V**. Subsequently, the draft Mid-levels East OZP No. S/H12/13 was gazetted on 2.2.2024.

### **3. Local Consultations**

*Prior to Submission of the Proposed Amendments to the MPC*

- 3.1 During the processing of the s.12A application relating to Item A, the application was published for public comments in accordance with the provisions of the pre-amended Ordinance. In considering the application on 5.5.2023, the MPC has taken into account the public comments received.

*Upon Gazettal of the Draft OZP*

- 3.2 During the exhibition period of the draft OZP, Wan Chai District Council (WCDC) Members were notified on 2.2.2024 that members of the public could submit representations on the amendments in writing to the Secretary of the Board. No representation from Members of WCDC was received.

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<sup>4</sup> The MPC Paper No. 1/24 is available at the Board’s website at [https://www.tpb.gov.hk/en/meetings/MPC/Agenda/734\\_mpc\\_agenda.html](https://www.tpb.gov.hk/en/meetings/MPC/Agenda/734_mpc_agenda.html)

#### 4. The Representation Sites and Their Surrounding Areas

##### 4.1 The Representation Sites and Their Surrounding Areas

###### *Representation Site under Item A (Item A Site)*

4.1.1 Item A Site, with an area of about 0.38ha which was previously occupied by a residential development named Goodview Garden, Lingnan Kindergarten and Day Nursery (LKDN) and Lingnan Primary School (LPS) and is currently vacant, is zoned “R(C)3” for proposed residential cum private RCHE development (**Plans H-1 to H-10**). To its north are a slip road branching off Stubbs Road and Stubbs Road Garden. To its immediate north-east and east are low-density residential developments at Tung Shan Terrace (BHs ranging from 102mPD to 144mPD) (**Plan H-3b**). To its south are a vegetated slope zoned “GB”, Bowen Road and the historical monument named King Yin Lei (BH ranging from 151mPD to 161mPD) located further uphill. To its immediate west are an existing open channel with storm drain underneath and a public staircase/pedestrian walkway (Item B2 site) and further west is Item B1 site which is a low-density residential development named Central Peak (BH ranging from 92mPD to 116mPD).

4.1.2 According to the indicative development scheme submitted by the applicant under the partially agreed s.12A application (**Drawings H-1 to H-15**), the proposed development comprises three 3-storey houses and three residential towers not exceeding 12 storeys on top of a 4-storey podium for carpark and a privately-operated RCHE. The proposed domestic GFA for the residential use is 8,749m<sup>2</sup> and the proposed non-domestic GFA for the 60-beds RCHE and the above-ground car parking spaces are 2,258m<sup>2</sup> and 2,208m<sup>2</sup> respectively. Since Tung Shan Terrace is currently served by narrow and steep local access road without proper footpath (**Plan H-3b**), vehicular access to the future development would be via a slip road off Stubbs Road instead of from the local access road of Tung Shan Terrace (**Drawing H-1 and Plan H-8**). To improve the current pedestrian access between Tung Shan Terrace and Stubbs Road, the applicant would refurbish the existing public staircase and provide a barrier-free vertical pedestrian access (comprising shuttle lifts and covered walkways opened to public 24 hours) from Stubbs Road to Tung Shan Terrace within the Site(**Drawing H-15**). The key development parameters of the indicative development scheme are set out as follows:

<b>Development Site Area</b> <sup>Ω</sup>	About 3,770m <sup>2</sup>
<b>Total GFA [Plot Ratio (PR)]</b>	13,215m <sup>2</sup> [3.51 <sup>#</sup> ]
Domestic GFA [PR]	8,749m <sup>2</sup> [2.32 <sup>#</sup> ]
Non-domestic GFA [PR]	4,466m <sup>2</sup> [1.19 <sup>#</sup> ]
- RCHE	2,258m <sup>2</sup>
- Carpark*	2,208m <sup>2</sup>
<b>Site Coverage</b>	
• Towers and Houses	Not more than 40%
• Podium	Not more than 65%

<b>No. of Blocks</b>	6 (3 residents towers and 3 houses)
<b>Maximum BH (Main Roof)</b> <b>[absolute BH in metres/ no. of storeys]</b>	
• Houses (Sub-area A)	+103.6mPD [11.45m / 3 storeys ]
• Block A (Sub-area B)	+120mPD [27.85m / 8 storeys ]
• Block B (Sub-area D)	+134mPD [41.85m / 12 storeys ]
• Block C (Sub-area C)	+125mPD [16.2m / 5 storeys ]
• Podium	+92.15mPD [16.4m~18.25m / 4 storeys]
<b>Number of Units [Average flat size]</b>	44 [199m <sup>2</sup> ]
<b>Target Population</b>	215
<b>Private Open Space</b>	about 225.9m <sup>2</sup>
<b>RCHE</b>	about 60 beds
<b>Car Parking Spaces</b>	75 (68 for resident, 3 for visitors; and 4 for RCHE)
<b>Motor Cycle Parking Space</b>	1
<b>Loading/Unloading Spaces</b>	3
<b>Ambulance Parking Space</b>	1 (for RCHE)

Ω Under the s.12A application No. Y/H12/2, the rezoning area proposed by the applicant included also an area of about 200m<sup>2</sup> of drainage reserve area (previously zoned as “R(C)1”) which proposed designating as ‘Non-building Area’ but not forming part of the Development Site (**Plan H-3**).

# Based on Development Site Area of 3,770m<sup>2</sup>.

\* The GFA of 2,208m<sup>2</sup> of the above-ground car parks has taken into account the principles stipulated in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2 that 50% of the GFA for above-ground private car parks may be disregarded from GFA calculation.

### ***Representation Site under Item B1 (Item B1 Site)***

4.1.3 Item B1 Site (about 1.47ha) is zoned “R(C)4” subject to a maximum GFA of 16,800m<sup>2</sup> and a BH restriction of 120mPD (including roof structures) to reflect the low-density residential development named Central Peak which was completed in 2021<sup>5</sup> (**Plans H-1 to H-8 and H-10**).

<sup>5</sup> The Item B1 Site was previously occupied by the Lingnan College (LC) and Lingnan Secondary School (LSS). The site together with the adjacent LPS and LKDN were one of the subject sites of a consultancy study for redevelopment of under-developed government sites commissioned by the Planning Department. The study was completed in 1994 and one of the recommendations of the study was to rezone the site together with the LPS and LKDN to “CDA” for low-density private housing development upon reprovisioning of the then LC, LSS, LPS and LKDN. After LC was relocated to Tuen Mun in 1995 and LS was relocated to Heng Fa Chuen in 1999, the site was surrendered to the Government in 1999. To facilitate the residential development, the site was rezoned from “G/IC” to “CDA” on the Mid-Levels East OZP No. S/H12/3 published on 29.10.1999. As there was no relocation plan for the LKDN and LPS, MPC agreed on 10.7.2009 that the school sites be excised from the previous “CDA” zone and rezoned to “G/IC(4)”. In 2011, the “CDA” site was disposed of through public auction.

### ***Representation Site under Item B2 (Item B2 Site)***

4.1.4 Item B2 Site (about 0.14ha) is an area shown as ‘Road’ which is currently occupied by a 4m-wide public staircase/pedestrian walkway, eight on-street public car parking spaces, a slip road branching off Stubbs Road and an open channel with storm drain underneath (**Plans H-1 to H-4 and H-7 to H-9**).

### **4.2 Planning Intention**

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.

## **5. The Representations**

### **5.1 Subject of Representations**

5.1.1 A total of three representations were received. One adverse representation (**R2**) submitted by the owner of Item B1 Site (i.e. Central Peak) opposes Item A, and provides suggestions. One adverse representation (**R3**) from an individual opposes Items A and B2, and provides view on Item B1. One adverse representation (**R1**) submitted by the applicant of the s.12A application (No. Y/H12/2) opposes Item B2 and development restrictions in the Notes of “R(C)3” zone and ES for Item A, and provides suggestions.

5.1.2 The major grounds and comments of representations as well as major suggestions, and PlanD’s responses, in consultation with the relevant government bureaux/departments (B/Ds), are summarised in paragraph 5.2 below.

### **5.2 Adverse Representations**

#### **Item A**

#### ***5.2.1 Development Restrictions***

Major Grounds/Comments/Suggestions	Representation
<p>(1) The indicative development scheme in the partially agreed s.12 application (No. Y/H12/2) proposed a domestic GFA of 8,749m<sup>2</sup> for the residential use, a non-domestic GFA of 2,258m<sup>2</sup> for the privately-operated RCHE, and a non-domestic GFA of 2,208m<sup>2</sup> for the above-ground ancillary car-park.</p> <p>Under the prevailing land administration policy, the standard clause for GFA exemption of above-ground carpark follows Buildings Department (BD)’s practice in GFA calculation, in which above-ground private carpark would be 50% accountable according to PNAP APP-2. Therefore, the maximum GFA of 11,010m<sup>2</sup> as stipulated in the OZP would be exceeded as 50% of</p>	<b>R1</b>

	<p>above-ground private car park GFA is accountable under lease if Lands Department (LandsD) adopts this GFA. In order to fully realise the development potential of the site, the Notes of the OZP for the “R(C)” zone is requested to revise as <i>“no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in total development and/or redevelopment in excess of a maximum GFA of 13,215m<sup>2</sup>, of which a GFA of not less than 2,258m<sup>2</sup> shall be provided for RCHE and related elderly facilities, a GFA of not more than 8,749m<sup>2</sup> shall be provided for domestic use, and <u>any</u> remaining GFA shall be provided for any floor space that is constructed or intended for use <u>solely</u> as above-ground car park, loading/unloading bay... and maximum BHs ... whichever is the greater”</i>.</p>	
<b>Responses</b>		
(a)	<p>In response to (1):</p> <p>According to the applicant’s indicative development scheme for the rezoning application No. Y/H12/2, the GFA of about 13,215m<sup>2</sup> of the proposed residential cum privately operated RCHE development comprised three components (i) 8,749m<sup>2</sup> for domestic use (house and flats); (ii) 2,258m<sup>2</sup> for RCHE; and (iii) 2,208m<sup>2</sup> for above-ground carpark. At the MPC meeting held on 5.5.2023, the applicant further clarified that the GFA for car parking spaces was proposed to be exempted from PR calculation.</p> <p>As stated in the ‘Joint Practice Note No. 4 (JPN4) – Development Control Parameters Plot Ratio/Gross Floor Area’, the BD is the sole agent responsible for verifying the GFA computation for building facilities, features and structures of developments for the purpose of processing general building plans under the buildings, planning and lands regimes. PlanD will generally follow BD’s practice in GFA calculation and granting of GFA concessions.</p> <p>To enhance the design of new developments to foster a quality and sustainable built environment by reducing building height and bulk, private car parks provided underground with electric-vehicle (EV) charging-enabling facilities at each parking spaces in private residential development projects may be granted 100% GFA concessions. For private car parks that are EV charging-enabling but are above-ground, only 50% GFA concessions may be granted<sup>6</sup>.</p> <p>In view of the applicant’s proposal and the relevant policies/existing practices, appropriate provisions, i.e. (i) stipulating a maximum GFA for the proposed development with reference to the indicative development scheme submitted by the applicant to provide planning control on the overall development intensity, and (ii) any floor space for use solely as car park and loading/unloading bay which are ancillary and directly related to</p>	

<sup>6</sup> According to PNAP APP2, exceptions may be considered for granting 100% GFA concessions where the developer provides sufficient evidence to prove that it is technically infeasible to construct the car park underground, or where an above-ground car park poses no adverse environmental or visual impact.

	the development or redevelopment may be disregarded in determining the maximum GFA for catering possible GFA concessions to be exempted under Buildings Ordinance, have been incorporated in the Remarks of the Notes of the OZP for “R(C)” zone.
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### 5.2.2 Development Control and Implementation

Major Grounds/Comments/Suggestions		Representation
(1)	There is insufficient development control under “R(C)3” zone for the design, layout and form of the proposed development. The representer suggests to rezone the site to “CDA” to allow sufficient and efficient planning control for responding public concerns on the proposed development such as excessive podium, possible visual, air ventilation and traffic impacts, and design, provision and management and maintenance of the proposed pedestrian access. Further s.16 application with relevant technical assessments is required to justify the future design changes and ensure the implementation of promised planning gains.	R2
(2)	There is no planning control on flat mix and number of flats for the proposed development. The number of flats for the proposed development could be increased substantially and there would be adverse traffic and infrastructural impact to the surrounding areas.	
(3)	There are a number of residential developments zoned “R(C)” in the surrounding areas. If these “R(C)” sites are all up-zoned, there will be cumulative traffic impacts on the surrounding road networks. No cumulative traffic impact assessment for this scenario has been conducted in the s.12A application.	
(4)	There is no planning control on the design, provision and future management and maintenance of the promised planning gains, i.e. the pedestrian access opened to public 24 hours proposed at the s.12A application.	
Responses		
(a)	In response to (1):  Item A is to take forward the decision of MPC on the partially agreed s.12A application to rezone the site from “R(C)1”, “G/IC(4)” and “GB” to “R(C)3”. Given the vicinity of the site is mainly residential uses in nature, the proposed “R(C)3” zoning intended primarily for low-rise, low-density residential developments is considered suitable for the site and compatible with the surrounding areas.	



	<p>As the indicative development scheme and technical assessments such as Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA) and Environmental Assessment (EA) submitted under the s.12A application were considered generally acceptable by relevant government departments, MPC agreed to rezone the site for residential use. Appropriate development control/ restrictions on the BH and intensity, including stipulation of a maximum GFA of 11,010m<sup>2</sup> (including provision of a GFA of not less than 2,258m<sup>2</sup> specifically for RCHE and related elderly facilities) and designation of sub-areas (A), (B), (C) and (D) with maximum BH restrictions of 104mPD, 120mPD, 125mPD and 134mPD respectively, have been incorporated on the Plan and the Notes. Appropriate requirements on stepped BH concept, vehicular access and barrier-free vertical pedestrian access proposed in the indicative development scheme have been incorporated in the ES of the OZP. The above development restrictions and requirements allow flexibility in the use of land to meet changing circumstances as well as detailed design while ensuring the agreed development bulk of the proposed development, and therefore designating the site as “CDA” zone is considered not required.</p>
(b)	<p>In response to (2) and (3):</p> <p>According to the TIA submitted under the partially agreed s.12A application, it has taken into account operational performance of major road junctions and road link in the vicinity of the Site and concluded that the junctions and road link analysed are expected to operate within capacities with the proposed development in the design year 2031. Commissioner for Transport (C for T) has no adverse comment on the assumptions adopted and assessments in the TIA, and has no objection to the s.12A application from traffic engineering perspective.</p> <p>The project proponent is required to conduct and submit a traffic review report to the satisfaction of TD under lease before the completion of the development, subject to further agreement by relevant government departments. The traffic review will ensure the traffic impact of any possible revised scheme will not be worse off than that of the indicative development scheme assessed in the submitted TIA report.</p> <p>Any future proposal to change the use(s) and intensity of the “R(C)” zones in the surrounding areas which warrants planning permission would be subject to the scrutiny of the Board. Each application will be considered on its individual merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse traffic, visual, environmental and other infrastructural impacts on the surrounding areas.</p>
(c)	<p>In response to (4):</p> <p>The applicant has committed to take up the design, provision, maintenance and management responsibilities of the proposed pedestrian access linking Stubbs Road and Tung Shan Terrace at the s.12A application stage. The requirement for providing a barrier-free vertical pedestrian access comprising shuttle lifts and covered walkway with entrances at Stubbs Road and Tung Shan Terrace opened to public 24 hours has also been stated in the ES of the OZP. As the proposed development would require land</p>

	exchange to proceed to implementation, relevant terms and conditions for the provision of pedestrian access may be imposed in the lease document by LandsD subject to the detailed design of the proposed pedestrian access and in consultation with relevant government departments following the established mechanism.
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### 5.2.3 RCHE

Major Grounds/Comments/Suggestions		Representations
(1)	To allow flexibility and adaptability to market trends of RCHE, the representer suggests to remove the requirement for number of beds in the ES.	<b>R1</b>
(2)	The location of the proposed RCHE in the podium structure ( <b>Drawing H-4</b> ) lacks genuine intention to provide a quality facility for the elderly. It should be housed in a separate structure with better ventilation and natural lighting.	<b>R3</b>
Responses		
(a)	<p>In response to (1):</p> <p>When the MPC partially agreed to the s.12A application No. Y/H12/2 on 5.5.2023, some members opined that the proposed floor space per bed was considered very high (i.e. minimum GFA of 2,258m<sup>2</sup> for 60 beds) and there was room to provide more beds or other elderly facilities. To ensure implementation of the RCHE (with a minimum of 60 beds) with flexibility for allowing other related elderly facilities in the proposed development, the MPC agreed to specify the minimum non-domestic GFA of 2,258m<sup>2</sup> for the RCHE and related elderly facilities in the Notes, and to state the minimum number of 60 beds for the RCHE in the ES of the OZP (paragraph 33 of minutes of the MPC meeting held on 5.5.2023 refer).</p>	
(b)	<p>In response to (2):</p> <p>According to the applicant of the s.12A application, the proposed RCHE will be privately operated which will offer an alternative choice to the potential service users outside the public arena.</p> <p>SWD has no objection to the proposed RCHE provided that the design and construction of the RCHE should be in full compliance with the prevailing statutory and licensing requirements including but not limited to those stipulated in the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and its subsidiary legislation, as well as the latest version of the Code of Practice for Residential Care Homes (Elderly Persons), and it would incur no financial implication, both capital and recurrent, to the Government.</p>	

## Item B2

### 5.2.4 Appropriateness of Zoning

Major Grounds/Comments/Suggestions		Representations
(1)	The representer suggests to amend part of the Item B2 (a strip of government land currently served as a drainage reserve area with a retaining structure (No. 11SW-D/R1233) <sup>7</sup> ( <b>Plan H-3a</b> )) to “R(C)3”, and to stipulate the area as ‘non-building area’ (NBA) to reflect the representer’s intention to bring improvement to the townscape and amenity of the locality as proposed in the s.12A application No. Y/H12/2. The representer also suggests to divert and replace the 900mm x 1350mm box culvert into a 1200mm diameter drain pipe further away from the foundation structure of the proposed residential cum RCHE development of Item A.	<b>R1</b>
(2)	The representer opposes to Item B2 as the area being used for on-street car parking spaces should be incorporated in Item A to facilitate development of a larger RCHE facility.	<b>R3</b>
Responses		
(a)	<p>In response to (1):</p> <p>Under the s.12A application, although the concerned strip of government land was proposed to be included in the rezoning site boundary of the “R(C)3” zone and designated as NBA, there is no indication in the layout plan and landscaping proposal (<b>Drawing H-14</b>) the area would be used for townscape and amenity enhancement under the indicative development scheme. Instead, the applicant explained in the planning statement of the s.12A application that this strip of government land (with some drainage facilities maintained by DSD and a retaining structure (No. 11SW-D/R1233) maintained by the landowner of IL8371 (the representer)) was proposed to be included in the rezoning site boundary merely to avoid a residual “R(C)1” zone upon obtaining approval of the s.12A application. Given there was no strong justification given by the applicant for including the government land not intended for residential development into the “R(C)3” zone, the land status of the strip of government land, and maintenance consideration of the drainage facilities, this strip of land was excluded from the “R(C)3” zone and rezoned with the adjacent government land currently occupied by a staircase/pedestrian walkway, a drainage channel and an area of on-street public car parking spaces maintained and managed by respective government departments to area shown as ‘Road’.</p> <p>So far no drainage diversion, boundary landscaping treatment and amenity planting proposal has been agreed amongst the representer and concerned government departments, including the DSD, LandsD, CEDD, and HyD. It is therefore inappropriate to include this strip of government land into the</p>	

<sup>7</sup> The retaining structure is currently under the maintenance responsibility of the landowner of IL8371 (the representer).

	“R(C)3” zone. Also, according to the Covering Notes of the OZP, provision of amenity planting is always permitted on land falling within the boundary of the OZP.
(b)	In response to (2):  The area currently occupied by on-street metered parking spaces, pavement and road-side amenity was not included in the development site of the s.12A application No. Y/H12/2. Nil feasibility studies have been carried out for including the area in the “R(C)3” zone for RCHE development. The existing facilities are required to serve the neighbourhood, and the ‘Road’ zone is considered appropriate.

#### 5.2.5 Representation Providing View

#### Item B1

Major Ground(s)/Comment(s)/Suggestion(s)		Representation
(1)	Item B1 is housekeeping work of the Board.	<b>R3</b>
<b>Responses</b>		
(a)	In response to (1):  The view above is noted.	

### 6. Departmental Consultation

The following government B/Ds have been consulted and their comments have been incorporated in the above paragraphs, where appropriate:

- (a) Secretary for Education;
- (b) Executive Secretary (Antiquities and Monuments), Development Bureau;
- (c) District Lands Officer/Hong Kong East, LandsD;
- (d) Director of Environmental Protection;
- (e) Director of Social Welfare;
- (f) Director of Agriculture, Fisheries and Conservation;
- (g) Director of Leisure and Cultural Services;
- (h) Director of Fire Services;
- (i) Director of Electrical and Mechanical Services;
- (j) Project Manager (South), Civil Engineering and Development (CEDD);
- (k) Head of the Geotechnical Engineering Office, CEDD;
- (l) C for T;
- (m) Commissioner of Police;
- (n) Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department;
- (o) Chief Architect/Advisory and Statutory Compliance Division, Architectural Services Department;
- (p) Chief Highway Engineer/Hong Kong, HyD;
- (q) Chief Engineer/Construction, Water Supplies Department;
- (r) Chief Engineer/Hong Kong & Islands, DSD;
- (s) Chief Town Planner/Urban Design & Landscape, Planning Department; and
- (t) District Officer (Wan Chai), Home Affairs Department.

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

- 7.1 The view provided by **R3 (part)** on item B1 is noted.
- 7.2 Based on the assessments in paragraph 5.2 above, Planning Department does not support **R1, R2 and R3 (part)** and considers that the Outline Zoning Plan should not be amended to meet the representations for the following reasons:

### Item A

- (a) Item A is to take forward the s.12A application which was partially agreed by the Metro Planning Committee of the Town Planning Board taking into consideration the compatibility of the proposed development with the surrounding areas in terms of land use and development intensity, findings of relevant technical assessments, comments from the relevant government bureau/departments, and all the public comments received. The amendments with stipulation of development restrictions and requirements on the Plan, Notes and Explanatory Statement of the Outline Zoning Plan are considered appropriate with proper development control while providing flexibility at detailed design stage to facilitate development of the proposed residential use cum residential care homes for the elderly and related elderly facilities. Relevant technical assessments for the indicative scheme in the agreed s.12A application confirmed that the proposed development would not induce insurmountable impacts on the surrounding areas (**R1 to R3**).

### Item B2

- (b) Item B2 is to reflect the as-built condition, and the rezoning of the strip of the government land from “Comprehensive Development Area” and “Residential (Group C)1” to area shown as ‘Road’ is considered appropriate (**R1 and R2**).

## **8. Decision Sought**

- 8.1 The Board is invited to give consideration to the representations taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendment to the Plan to meet/partially meet the representations.
- 8.2 Should the Board decide that no amendment should be made to the Plan to meet the representations, Members are also invited to agree that the Plan, together with its respective Notes and updated Explanatory Statement, are suitable for submission under section 8 of the Ordinance to the Chief Executive in Council for approval.

## **9. Attachments**

<b>Annex I</b>	Draft Mid-Levels East OZP No. S/H12/13 (Reduced Size)
<b>Annex II</b>	Schedule of Amendments to the Approved Mid-Levels East OZP No. S/H12/12
<b>Annex III</b>	List of Representers
<b>Annex IV</b>	Submissions of Representers

**Annex V**  
**Annex VI**

Extract of Minutes of MPC Meeting held on 12.1.2024  
Provision of Major Government, Institution and Community  
Facilities and Open Space in Mid-Levels East Planning  
Scheme Area

**Drawings H-1 to H-15**

Indicative Development Scheme of the Proposed  
Development Under Item A

**Plans H-1 and H-2**  
**Plans H-3a to H-10**

Location Plan of Representation Sites  
Site Plan, Aerial Photo and Site Photos of Items A, B1 and  
B2

**PLANNING DEPARTMENT**  
**JUNE 2024**

**TPB Paper No. 10972  
For Consideration by the  
Town Planning Board on 14.6.2024**

**DRAFT MID-LEVELS EAST OUTLINE ZONING PLAN NO. S/H12/13**

**CONSIDERATION OF  
REPRESENTATIONS NO. TPB/R/S/H12/13-R1 TO R3**