

TPB Paper No. 10789
For Consideration by
the Town Planning Board on 3.12.2021

**DRAFT KENNEDY TOWN & MOUNT DAVIS
OUTLINE ZONING PLAN NO. S/H1/21**

**CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/H1/21-1 TO 212
AND COMMENTS NO. TPB/R/S/H1/21-C1 TO 131**

**DRAFT KENNEDY TOWN AND MOUNT DAVIS
OUTLINE ZONING PLAN NO. S/H1/21
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/H1/21-1 TO 212
AND COMMENTS NO. TPB/R/S/H1/21-C1 TO 131**

Subject of Representations (Amendment Items)	Representers (No. TPB/R/S/H1/21-)	Commenters (No. TPB/R/S/H1/21-)
<p><u>Item A</u> Revision of the building height restriction (BHR) for the “Residential (Group A)” (“R(A)”) zone at the junction of Pokfield Road and Smithfield from 120mPD to 130mPD.</p> <p><u>Item B</u> Revision of the BHR for the “R(A)” zone of Academic Terrace at 101 Pok Fu Lam Road from 140mPD to 160mPD.</p> <p><u>Item C</u> Revision of the BHR for the “Residential (Group B)” (“R(B)”) zone of Hillview Garden at 72 Hill Road from 60mPD to 120mPD.</p> <p><u>Item D</u> Revision of the BHR for the “R(B)” zone of The University of Hong Kong (HKU) Pokfield Road Residences at 13, 15, 17, 19 and 21 Pokfield Road from 120mPD to 150mPD.</p> <p><u>Item E</u> Rezoning of the sites at 2 and 6-10 Mount Davis Road from “Residential (Group C)2” (“R(C)2”) to “R(B)1” and stipulation of BHR of 160mPD.</p> <p><u>Item F1</u> Revision of the BHR for the area concerned from 29mPD to 120mPD for the “R(A)” zone at the western boundary of Smithfield Terrace at 71-77</p>	<p>Total: 212</p> <p><u>Support (28)</u></p> <p><u>All Items (1)</u> R1: The Real Estate Developers Association of Hong Kong (REDA)</p> <p><u>Item D (15)</u> R2: HKU R3 to R16: individuals</p> <p><u>Item E (12)</u> R17: The Incorporated Owners of Nos. 6 & 10 Mount Davis Road R18: The Trustees of the Church of England in the Diocese of Victoria, Hong Kong R19 to R28: individuals</p> <p><u>Oppose (184)</u></p> <p><u>All Items (2)</u> R29: Central and Western District Council (C&WDC) R30: individual</p> <p><u>Item D (182)</u> R31 to R34: 4 companies R35 to R212: individuals</p>	<p>Total: 131</p> <p><u>Providing responses to R29 to R212 (1)</u> C1: HKU</p> <p><u>Support R2 (102)</u> C2 to C103: individuals</p> <p><u>Oppose R1’s (i.e. REDA) proposal (1)</u> C131: Individual</p> <p><u>Providing adverse views on specific amendment item(s) (27)</u> C104: Individual opposing all amendment items C105: Individual opposing Items A and D C106: Estate Owners Committee of University Heights opposing Item D C107 to C130: A company and individuals opposing Item D</p>

Subject of Representations (Amendment Items)	Representers (No. TPB/R/S/H1/21-)	Commenters (No. TPB/R/S/H1/21-)
<p>Smithfield.</p> <p><u>Item F2</u></p> <p>Revision of the BHR for the area concerned from 60mPD to 140mPD for the “R(A)” zone at the western boundary of Smithfield Garden at 50 Smithfield.</p>		

Note: The names of all representers and commenters are attached at **Annex V**. Soft copy of their submission is sent to the Town Planning Board Members via electronic means; and is also available for public inspection at the Town Planning Board’s website at https://www.info.gov.hk/tpb/en/plan_making/S_H1_21.html and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin. A set of hard copy is deposited at the Town Planning Board Secretariat for Members’ inspection.

1. **Introduction**

- 1.1 On 30.4.2021, the draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/21 (**Annex I**) was exhibited for public inspection under Section 7 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments incorporated into the OZP is at **Annex I** and the locations of the amendment items are shown on **Plan H-1**.
- 1.2 During the two-month exhibition period, a total of 212 valid representations were received. On 23.7.2021, the representations were published for public comments, and in the first three weeks of the publication period, a total of 131 valid comments were received.
- 1.3 On 17.9.2021, the Town Planning board (the Board) agreed to consider all the representations and comments collectively in one group. This paper is to provide the Board with information for consideration of the representation and comments. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **Background**

- 2.1 The previous amendments incorporated into the draft Kennedy Town and Mount Davis OZP No. S/H1/18 were subject to two Judicial Reviews¹ (JRs) in relation to the sites under Amendment Item E. In response to the Court’s ruling on the JRs, a review of the “R(C)” zoning of the sites under Amendment Item E as well as the development restrictions including building height (BH) and building gaps (BGs) of all “R(A)” (and its subzones), “R(B)”, “R(B)1”, “Residential (Group E)” (“R(E)”) and “Other Specified Uses” (“OU”) annotated “Commercial, Leisure and Tourism

¹ Details of the Judicial Reviews, including the background and the Court’s ruling, can be found at paragraphs 2.4 and 2.5 of the TPB Paper No. 10720 (**Annex III(a)**).

Related Uses” zones on the Kennedy Town & Mount Davis OZP (the Area) were conducted taking into account the permissible development intensity and implications of the Sustainable Building Design Guidelines (SBDG).

- 2.2 On 5.3.2021 and 9.4.2021, the Board considered the proposed amendments to the draft Kennedy Town and Mount Davis OZP No. S/H1/20 and agreed that the proposed amendments are suitable for public inspection under section 7 of the Ordinance. The relevant TPB Paper No. 10720 is available at the Board’s website at <https://www.info.gov.hk/tpb/en/papers/papers.html#2021> and at **Annex III(a)**, and the minutes of the said TPB meeting is at **Annex III (b)**. Accordingly, the OZP renumbered to S/H1/21 was gazetted on 30.4.2021.

3. Consultation with the Central and Western District Council

On 27.5.2021, C&WDC was consulted regarding the amendments to the draft Kennedy Town and Mount Davis OZP No. S/H1/20 during the two-month statutory plan exhibition period. In gist, C&WDC members expressed concerns on the impacts that would be brought about by the relaxation of BHR including adverse impacts on air ventilation and visual in the district. PlanD’s responses to the concerns raised by C&WDC were recorded in the draft minutes of the meeting at **Annex IV(a)**. Majority of the C&WDC members attended the meeting objected to the amendments to the OZP and passed a motion objecting to the BHR relaxation of Amendment Items A, B, C, D, E, F1 and F2. C&WDC subsequently submitted a representation (**R29**) to the Board conveying the views expressed by C&WDC at that meeting.

4. The Representation Sites and their Surrounding Areas

4.1 The Representation Sites (Plan H-2) and their Surrounding Areas

Representation Site A (a “R(A)” site at the junction of Pokfield Road and Smithfield) (Plans H-3a to H-3c)

- 4.1.1 The Representation Site A (about 0.376 ha) is situated at Kennedy Town foothill residential clusters. The site is currently occupied by medium to high-density residential developments and an industrial building with BHs ranging from 48mPD to 178mPD. The site is bounded by Pokfield Road to the east and south, Smithfield Road to the west and Pokfield path to the north. The MTR Kennedy Town Station is located to its north.
- 4.1.2 The site is a sloping site with the lowest site level at about 12.8mPD near Pokfield Path and the highest site level at about 38.7mPD near University Heights on Pokfield Road.

Representation Site B (a “R(A)” site of Academic Terrace on Pok Fu Lam Road) (Plans H-4a & H-4b)

- 4.1.3 The Representation Site B (about 0.499 ha) is currently occupied by a high-density residential development of Academic Terrace with a BH of 146mPD. The site is bounded by Pok Fu Lam Road to the east; Pokfield Road to the south; Sands Street to the west; and To Li Terrace to the north.

Representation Site C (a “R(B)” site of Hillview Garden on Hill Road) (Plans H-5a & H-5b)

- 4.1.4 The Representation Site C (about 0.288 ha) is currently occupied by a medium-density residential development of Hillview Garden with a BH of 55mPD. The site is fronting Hill Road to its north.

Representation Site D (a “R(B)” site of HKU Pokfield Road Residences on Pokfield Road) (Plans H-6a & H-6c)

- 4.1.5 The Representation Site D (about 0.270 ha) was previously occupied by the HKU Pokfield Road Residences with a BH of about 90mPD and its demolition work is in progress. The site is bounded by Pokfield Road to the northeast and a residential development of University Heights with a BH of about 169mPD to its immediate west. It was previously subject to a BHR of 120mPD on the OZP. To the immediate southeast of the site is a “G/IC” cluster including HKU Pokfield Campus (i.e. HKU Flora Ho Sports Centre and student hostels) and Our Lady of the Rosary Church St. Charles School.

Representation Site E (to rezone two sites on Mount Davis Road from “R(C)2” to “R(B)1”) (Plans H-7a to H-7e)

- 4.1.6 The Representation Site E (about 1.018 ha) is currently occupied by low-density residential developments (i.e. On Lee, Mount Davis Village, The High House and 10 Mount Davis Road). The site was rezoned from “R(C)2” with PR of 0.75 and BHR of 3 storeys to “R(B)1” with maximum PR of 3 and BHR of 160mPD. The site is located on the northern uphill side of Mount Davis Road with platforms at different levels and screened off by landscaping along Mount Davis Road.

Representation Sites F1 and F2 (two “R(A)” sites situated at the western boundary of Smithfield Terrace and western boundary of Smithfield Garden on Smithfield respectively) (Plan H-8a to 8c)

- 4.1.7 The Representation Sites F1 and F2 (about 240m² and about 110m² respectively) were formerly two 12m wide BGs² with BHR of 29mPD and

² The AVA EE 2011 concluded that the section of Smithfield along the current Amendment Item A was the bottleneck of the identified air path, and hence, two BGs were imposed on the OZP to facilitate the

60mPD (about 15m above ground level), as recommended in the Air Ventilation Assessment Expert Evaluation (AVA EE) in 2011, to facilitate the air ventilation in the Area. An updated AVA EE was conducted in 2020 (Attachment H1 in TPB Paper No. 10720) to review the BG requirements on the OZP with the assumption that redevelopments would follow the SBDG requirements. The AVA EE 2020 concluded that upon redevelopment of the “R(A)” site (i.e. Amendment Item A) with potential building setback along Smithfield as required under SBDG, it would facilitate the prevailing winds from Lung Fu Shan “valley corridor” into Forbes Street Temporary Playground and urban area of Kennedy Town to the north. Furthermore, the effectiveness of the two BGs for wind penetration is rather localised and may not be able to serve as a district air path. In view of the above, the two BG requirements were recommended to be deleted. Subsequently, the BHR of both sites were proposed to be revised from 29mPD to 120mPD and from 60mPD to 140mPD respectively to tally with the BHRs of the respective “R(A)” zones in which they are located.

4.2 Planning Intention

4.2.1 The planning intention of the zones in relation to the above representation sites are as follows:-

- (a) The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- (b) The “R(B)” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- (c) The “R(C)” zone is intended 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 and Comments on Representations

5.1 Subject of Representations

5.1.1 During the two-month exhibition period, a total of 212 representations were received, including 28 supportive representations (**R1 to R28**) (6 of them claimed to be staff members of HKU) and 184 adverse representations (**R29 to R212**). **R1, R17, R18, R40, R211 and R212** also provided their

air flow from the south to Smithfield near MTR Kennedy Town Station.

proposals to the Board.

- 5.1.2 Among 28 supportive representations (**R1 to R28**), 1 representation (**R1**) (submitted by REDA) supported all amendment items, 15 representations (**R2 to R16**) (submitted by HKU (**R2**) and individuals) supported Amendment Item D, and 12 representations (**R17 to R28**) (submitted by The Incorporated Owners of Nos. 6 & 10 Mount Davis Road (**R17**), The Trustees of the Church of England in the Diocese of Victoria (**R18**) and individuals) supported Amendment Item E.
- 5.1.3 Among 184 adverse representations (**R29 to R212**), 2 representations (**R29 and R30**) (submitted by C&WDC and an individual respectively) opposed all amendment items and the remaining 182 representations (**R31 to R212**) opposed Amendment Item D. Among the 182 adverse representations for Amendment Item D, 4 (**R31 to R34**) were submitted by companies and 178 were submitted by individuals, in which 170 were submitted in the form of standard proforma with individual representers providing additional comments on top. Samples of the representations in standard proforma are at **Annex VII**.
- 5.1.4 The major grounds of representations as well as their proposals, and PlanD's responses, in consultation with the relevant government departments, are at **Annex VI** and summarised in the paragraphs 5.2 to 5.4 below.

5.2 Major Grounds/Proposals and Responses to Supportive Representations

- 5.2.1 **R1** supports all amendment items as they allow all representation sites to accommodate the permissible gross floor area (GFA) or plot ratio (PR) under the Building (Planning) Regulations (B(P)R), or as stipulated on the OZP for future redevelopment, and to meet the SDBG requirements.
- 5.2.2 ***Revision of BHR of the HKU Pokfield Road Residences (Amendment Item D)***

Major Grounds	Representations
<p><u><i>Redevelopment for More Staff Accommodation</i></u></p> <p>(1) The relaxation of BHR will enable HKU to accommodate more incoming scholars from around the world, supporting HKU's ongoing Global Professoriate Recruitment Campaign to recruit outstanding young researchers and scholars, and the continuously expanding ranks of academic staff in different faculties and departments. Facilitating continuous development on higher education is an adequate reason to justify the change of BHR to 150mPD.</p>	R2

<p>(2) Current staff quarters available at HKU are insufficient. The redevelopment plan for providing more accommodation for HKU staff is much needed to enhance the attractiveness and competitiveness of HKU in attracting and retaining staff recruited locally and from overseas.</p> <p>(3) HKU's proposed redevelopment at the site will provide a better environment and allow more staff quarters to cater for the needs of its growing number of professoriate, teaching and research staff.</p> <p>(4) HKU faces a severe shortage of land for campus development. The relaxation of BHR will allow HKU to provide more accommodation for junior academic staffs that are long-awaited and academic exchange programme visitors who require staying near the HKU campuses.</p>	<p>R4 to R7, R11 to R16</p> <p>R2 to R4, R11, and R13 to R16</p> <p>R5, R8 to R10, and R14 to R16</p>
<p><u><i>Enhance Landscape, Accessibility and Parking Spaces Availability of the Vicinity</i></u></p> <p>(5) HKU's proposed redevelopment at the site will bring benefits to the vicinity through enabling better connectivity, more landscape and green space for an enhanced visual ambience. A new walking path in the Pokfield Campus linking the site with other HKU campuses will provide an alternative method to cross Pok Fu Lam Road (the plan of a new footbridge connecting the Pokfield Road Campus and the Centennial Campus is being developed).</p> <p>(6) Public parking spaces will be provided to minimise any adverse traffic impact to the local area.</p> <p>(7) The Pokfield Road Campus development will enhance the overall environment, accessibility and green streetscape of the Pokfield Road and Pokfulam Road junction.</p>	<p>R2</p> <p>R2</p> <p>R6, R7, and R12</p>

<p><u><i>Incorporation of Design Features and Provision of Multi-Function Amenities</i></u></p> <p>(8) Design considerations such as incorporating green elements (e.g. green roof and vertical greening, adjusting building alignment to maintain ventilation and necessary distance from adjacent buildings) will preserve the character and greenery in the surrounding neighbourhood.</p> <p>(9) With the proposed development at the site, HKU aspires to provide contemporary, multi-function amenities with residential towers to deliver a well-rounded campus experience for our staff and university visitors living in the iconic Pokfield Road Campus.</p>	<p>R2</p> <p>R2</p>
<p>Response</p>	
<p>In response to (1) to (9) above, the supportive views are noted.</p>	

5.2.3 Rezoning and Revision of BHR of 2 site at Mount Davis Road (Amendment Item E)

Major Grounds	Representations
(1) Planning on Hong Kong Island has generally adopted the approach of allowing lower buildings on the downhill side of the road and higher buildings on the uphill side of the road. The zoning for 2 and 6-10 Mount Davis Road introduced in 2011 changed this approach. The amendment to the OZP now corrects this.	R19, R20, and R24 to R28
(2) It was illogical, unfair and unreasonable in 2011 to impose different zonings and development restrictions on sites with similar characteristics. The previous approach of having all uphill sites on Mount Davis Road to be zoned as “R(B)”, with the same development rights and restrictions, was appropriate. The current amendment corrects this.	R19, R20, and R24 to R28
(3) The resulting development intensity for 2 and 6-10 Mount Davis Road under “R(B)” is still in line with the Residential Density Zone III in the Hong Kong Planning Standards and Guideline (i.e. PR of 3 for developments of 17 storeys and over).	R19, R20, and R25 to R28

(4) The “high landscape value” of the slopes of Mount Davis will not be affected by the change of zoning of 2 and 6-10 Mount Davis Road from “R(C)2” to “R(B)1” and a BH of 160m, namely to medium-rise; the majority of the existing developments on the north side of Mount Davis Road are already medium rise.	R19, R20, and R24 to R28
(5) The view of ridge line of Mount Davis, when viewed from near the Queen Mary Hospital, will be maintained with a BH of 160mPD for 6-10 Mount Davis Road.	R19 and R25
(6) The Board is invited to support the removal of the administrative Pok Fu Lam Moratorium (PFLM) on land exchanges and lease modifications.	R1, R17, and R18
Responses	
<p>(a) In response to (1) to (5) above, the supportive views are noted.</p> <p>(b) In response to (6) above, the PFLM, which has remained in force since 1972, is an administrative measure applying in developments in Pok Fu Lam to control the amount of traffic generated within that area. Under the PFLM, the Government would defer sale of Government land and not process lease modification applications which would result in greater development intensity. As the PFLM is more related to land matters and traffic condition of the area, it is not under the ambit of the Board. Moreover, without the support of a relevant traffic impact assessment (TIA), there is no justification for the removal of the PFLM.</p>	

5.3 Major Grounds/Proposals of and Responses to Adverse Representations

5.3.1 *Air Ventilation Aspect*

Major Grounds/Proposal	Representations
(1) To preserve the air ventilation of the community.	R29
(2) The BHs of the current developments under Amendment Item C are compatible with the surroundings. The major airflow diagrams show that ventilation would be significantly impeded by additional high wall effect.	R30
(3) Amendment Item D would create an extensive wall effect on a site that is surrounded by schools and community facilities. While the towers would be separated, the podium would block ventilation at street level.	R30, R31 to R38, and R40 to R212

(4) The AVA did not mention the redevelopment plans of Flora Ho Sports Centre and its impacts.	R30
<p><u>Proposal</u></p> <p>(5) To lower the BHR of the proposed staff quarters (i.e. Amendment Item D) to 90mPD or lower.</p>	R40, R211 and R212
Responses	
<p>(a) In response to (1) and (2) above, as mentioned in paragraph 4.1.7 above, an updated AVA EE 2020 was conducted to review the BH and BG requirements on the OZP with the assumption that redevelopments would follow the SBDG requirements. The AVA EE 2020 also assessed the air ventilation implication to the OZP if the BHRs are relaxed. The AVA EE 2020 concluded that the future potential development of the representation sites would not cause significant impact on the surrounding pedestrian wind environment and the potential building setback under SBDG would slightly help alleviating air ventilation impact.</p> <p>(b) In response to (3) above, the AVA EE 2020 has taken into account known developments and adopted a conservative approach, i.e. assuming all sites would adopt the maximum permissible development parameters including the maximum PR and site coverage permitted under the B(P)R and the proposed BHRs on the OZP. The AVA EE 2020 concluded that future development at the Representation Site D would not cause significant impact on the surrounding pedestrian wind environment and the potential building setback along Pokfield Road under SBDG upon redevelopment would slightly help alleviating air ventilation impact.</p> <p>(c) In response to (4) above, the redevelopment of Flora Ho Sports Centre is not the subject of the OZP amendments. Its project proponent should undertake in due course an updated AVA to ascertain the cumulative air ventilation impact taking into account the current BHR of Amendment Item D (i.e. 150mPD).</p> <p>(d) In response to (5) above, the BHR of 150mPD was determined with reference to the basic building profile for a typical “R(B)” building to comply SBDG (i.e. ranging from 87m to 90m for future redevelopment) and the existing site level of about 59mPD. There is no planning justification for lowering the BHR of the Representation Site D to 90mPD or lower.</p>	

5.3.2 *Visual Aspect*

Major Grounds	Representations
<p>(1) To preserve the view of the community.</p> <p>(2) Amendment Item D would block the natural lighting and mountain view, especially for flats on lower floors in University Heights.</p> <p>(3) For Amendment Item E, the representation site falls within the “Landscape Protection Area³” “Development Areas with High Landscape Value⁴”, and the planning intention should be maintaining a low BH profile and development intensity, as agreed by the Board in 2011. Furthermore, there is a significant impact on the panorama on the skyline from Pok Fu Lam Road near Queen Mary Hospital and other viewpoints, unlike what it was written in the Visual Impact Assessment.</p>	<p>R29</p> <p>R39, R75, and R77 to R80, R100 to R101, R192 to R193, and R207</p> <p>R30</p>
Responses	
<p>(a) In response to (1) above, according to the Town Planning Board Guidelines (TPB PG-No.41), it is not practical to protect private views without stifling development opportunity and balancing other relevant considerations in the highly developed context of Hong Kong. In the interest of the public it is far more important to protect public views, particularly those easily accessible and popular to the public or tourist. In accordance with the TPB PG-No.41, a Visual Appraisal (VA) (Attachment H2 in TPB Paper No. 10720) was conducted in 2020 as part of the BH Review for the OZP. The VA assessed the visual impact of the BHR relaxation proposals from five local viewing points. The VA concluded the resultant BH profile of the Area is generally in harmony with the existing environment and no significant adverse visual impact would be envisaged.</p> <p>(b) In response to (2) above, it is noted that the land use zoning of the Representation Site D is all along “R(B)” intended for residential development. The review of BHR at the Representation Site D is to allow maximum permissible development intensity and to meet the SBDG</p>	

³ “Landscape Protection Areas” are areas of outstanding natural landscape, with little or no existing development, and comprise features such as ridgelines, peaks and hillslopes. Areas of small-scale, scattered development where natural features predominate are also included. The protection of these areas should be treated as a priority.

⁴ “Development Areas with High Landscape Value” are areas of existing or potential development sites with high landscape value which require specific development control policies to protect and conserve the existing landscape features.

requirements. The resultant BH at the Representation Site D will still be lower than that of the University Heights (at about 170mPD). Upon redevelopment, relevant government departments would ensure the future development at Representation Site D would comply with B(P)R in all aspects.

- (c) In response to (3) above, developments on the northern uphill side of Mount Davis Road are medium-rise in its built form, whereas the developments along the southern downhill side of the road are low-rise in nature. Given the stepped BH profile of the area, it is considered that allowing medium-rise developments with a PR of 3 and a BH of 160mPD on the Representation Site E would not be incompatible with the surrounding environment as it is the same as that of the adjacent “R(B)1” zone (i.e. 2A and 4 Mount Davis Road). The proposed development intensity is still in line with the Residential Density Zone III in the HKPSG (i.e. PR of 3 for developments of 17 storeys and over). Redevelopment of the Representation Site E would slightly block some of the green backdrop of Mount Davis; however, the redevelopment would not breach the ridgeline when one view from Pok Fu Lam Road near Queen Mary Hospital. Hence, it is considered not unacceptable.

5.3.3 *BG and BHR Aspects*

Major Grounds	Representations
(1) For Amendment Items F1 and F2, even localised improvements are essential for achieving an overall improvement of the local environment and tackling climate change.	R30
(2) Could not see the justification for all the proposed amendments. It was not justified to revise the BHR of various zones solely to achieve the SBDG.	R30
Responses	
(a) In response to (1) above, response (a) under paragraph 5.3.1 above is relevant.	
(b) In response to (2) above, the review of the BHRs was conducted in view of the Court’s ruling on the JRs in relation to the OZP as well as for taking into account the permissible development intensity and implications of SBDG. All OZP amendments including relaxation of the BHRs and the revisions to the BG are considered appropriate as they have taken into account all relevant planning considerations (such as the existing BH profile, potential redevelopment, topography, site formation level, local characteristics, compatibility with the surroundings, visual impact, air ventilation), SBDG	

requirements (such as building separation, building setback and site coverage of greenery) and urban design guidelines. The current BHRs of the representation sites are considered to have balanced the public interest and private development right.

5.3.4 *Traffic and Pedestrian Aspects*

Major Grounds	Representations
<p>(1) Amendment Item D would further heighten the existing traffic burden along Smithfield Road and Pokfield Road, which are already over the maximum capacity.</p> <p>(2) Amendment Item D would heighten the burden on traffic and community amenities, and hence, posing safety issues to children and elderly living nearby and the increasing pedestrians along the narrow pedestrian path at Pokfield Road.</p>	<p>R31 to R35, R38, R41 to R208, R211, and R212</p> <p>R189, R190, R192, and R193</p>
Response	
<p>In response to (1) and (2) above, the Transport Department (TD) considered that since the representation site would be used for staff quarters for HKU itself, most of the trips generated from and attracted to the site in peak hours would still be trips on foot between the representation site and the HKU Main Campus along Pok Fu Lam Road upon the increase of BHR from 120mPD to 150mPD. As such, the resulting traffic impact would not be significant. Appropriate signage and pedestrian crossing facilities have also been provided at Smithfield and Pokfield Road to ensure road safety. In any case, TD will continue to monitor the traffic conditions in the area and review the need for any transport facilities, road improvement works and traffic management measures as appropriate.</p>	

5.3.5 *Other Aspects*

Major Grounds	Representations
<p>(1) Privacy issues, noise pollution, light pollution, air pollution by the exhaust from the air conditioners and sewerage pollution leading to chimney effect are incurred due to the close distance of Amendment Item D with University Heights, harming the health of the residents.</p>	<p>R189, R190, R192, R193, R205, R207, and R208</p>

(2) For Amendment Item D, it would impose impacts to the owners of the buildings along Pokfield Road and Pok Fu Lam Road and even the entire Sai Wan district.	R31 to R35, R41 to R206, R211, and R212
(3) The Amendment Item D has no public interest on alleviating the existing housing shortage problem but only providing short term lodging for overseas staff.	R31 to R36, R41 to R208, R211, and R212
(4) It is unnecessary to increase the BH of Amendment Item D based on the high vacancy rate of the existing staff quarter of low BH.	R101 and R137
(5) No imminent demands for residential units to accommodating guests. The original BHR at the Representation Site D (i.e. 120mPD) is already sufficient to build flats.	R36
(6) For Amendment Item D, given such a bad economic environment at the moment, it is inappropriate to spend more public money while there is a more cost effective alternative to achieve the same floor area.	R167
Responses	
(a) In response to (1) above, response (b) under paragraph 5.3.1 above is relevant. Furthermore, the Environmental Protection Department (EPD) considers no air or noise pollution would be involved and no adverse sewerage impact anticipated. Privacy issue on nearby residential developments would not be envisaged due to the relaxation of BHR.	
(b) In response to (2) to (6) above, responses (a) and (b) under paragraph 5.3.1 above, responses (a) and (b) under paragraph 5.3.2 above, and response (b) under paragraph 5.3.3 above are relevant. Furthermore, the revision of BHRs is mainly to meet the SBDG requirements instead of meeting the housing demand by increasing the number of housing units. The BHR of 150mPD was determined with reference to the basic building profile for a typical “R(B)” building to comply SBDG (i.e. ranging from 87m to 90m for future redevelopment) and the existing site level of about 59mPD. This would facilitate the provision of SBDG requirements including greenery and/or design features on ground and at podium levels to improve both living and pedestrian environment.	

5.4 Comments on Representations

- 5.4.1 There are a total of 131 comments on representations, which were submitted by the HKU (**C1**), The Estate Owners Committee of University Heights (**C106**), a company (**C107**) and individuals (**C2 to C105, and C108 to C131**) (4 of them claimed to be staffs of HKU). It is noted that 17 commenters (**C1** (i.e. R2), **C104** (i.e. R30), **C107 to C109** (i.e. R33, R187 and R136 respectively), **C114 to C117** (i.e. R142, R144, R145 and R143 respectively), **C119** (i.e. R147) and **C124 to C130** (i.e. R124, R139, R128, R138, R33, R63 and R134 respectively)) are also representers themselves.
- 5.4.2 HKU (**C1**) provided responses to the concerns raised by the adverse representers for Amendment Item D (i.e. **R29 to R212**). Among the remaining 130 comments, 102 comments (**C2 to C103**) (in which 88 of them were submitted in 3 types of standard profomas) supported R2 (i.e. HKU) and one comment (**C131**) opposed R1's (i.e. REDA) view on the removal of PFLM. The remaining 27 comments expressed adverse views on specific amendment item(s) (one comment (**C104**) opposed all amendment items, one comment (**C105**) opposed Amendment Items A and D; and 25 comments (**C106 to C130**) opposed Amendment Item D).
- 5.4.3 The grounds of supportive and adverse comments are similar to those raised in the representations. The major grounds of comments, and PlanD's responses, in consultation with the relevant government departments, are at **Annex VI**. The additional major grounds of supportive and adverse comments are summarised in paragraphs 5.4.4 and 5.4.5 below.

5.4.4 *Additional Grounds of Supportive Comments on Representations*

Major Grounds	Comments
<p>(1) In response to representers' (R29 to R212) concerns, HKU provides responses as follows:</p> <p>(i) the building design of the proposed staff quarters has been amended to address the residents' concern after two meetings were held between HKU and residents of University Heights in late November 2020 and early February 2021;</p> <p>(ii) HKU also commissioned an AVA for the proposed staff quarters. With the adoption of the design features (including features of increasing the separation between University Height and the potential development at the Representation Site D from 5.5m to over 17m (Block 1) and 10m (Block 2) respectively, introducing building setbacks from the Representation Site D, adjusting building</p>	C1

<p>orientation at the Representation Site D to reduce the direct facing of residential units of University Heights, and adopting greenery, vertical greening and green podium), the Representation Site D is expected to have a satisfactory wind environment, and no significant air ventilation impact arising from the new staff quarters is anticipated; and</p> <p>(iii) a TIA has been conducted to evaluate their impact on the nearby junctions and adequacy of pedestrian facilities; and the results indicated that the new staff quarters with a BH of 150mPD will bring no significant adverse traffic impact to the existing conditions.</p>	
<p>(2) Support R2 :</p> <p>(i) Balance the need of the HKU to optimise the site's development potential while due considerations are given to the community and the planning and design process, such as visual impact, traffic flow and air ventilation.</p> <p>(ii) The increased BH of the Representation Site D will be compatible with the overall height profile, landscape, and development pattern in the surrounding landscape; while the impact on the penetration of natural light and air is expected to be minimal.</p> <p>(iii) Oppose to R29 to R212 based on grounds of ventilation and visual impacts. The BH of the Representation Site D is still lower than the adjacent University Heights (with BH of 170mPD), which might have already blocked the views of other buildings next to it.</p> <p>(iv) Oppose to R29 to R212 that the accommodation to be built by HKU for its staff on the Representation Site D would not be able to "resolve housing shortage" and benefit the wider public.</p>	<p>C17 to C22, C24, C26, C30, C32, C37, C39, C41, C43 to C46, C49, C50, C53, C54, C16 and C25, C56 to C58, C61 to C67, C75, C83, C85, C86, C88, C90, C92 to C97, and C100 to C103</p> <p>C12 and C13</p> <p>C14 and C15</p>
<p>Response</p>	
<p>C1's responses to adverse representations and C2 to C103's supportive views are noted.</p>	

5.4.5 Additional Grounds of Adverse Comments on Representations

Major Grounds	Comments
<p>(1) Comments in response to R1:</p> <ul style="list-style-type: none"> (i) query R1 on the point that the proposed amendments can maintain an efficient, fair and sustainable urban development. (ii) points out HKU admitted “there will be some impacts to neighboring developments’ from the HKU redevelopment. (iii) the Board has a duty to give equal weight to the views of the residents in the district (who bought homes in the city fringes for better environment but in wall effect with these amendments in the inner city). 	C104
<p>(2) Oppose Amendment Item D:</p> <ul style="list-style-type: none"> (i) the relaxation of BH of Amendment Item D would cause interference with the property value and the private property market which is unfair for the recent flat purchasers. (ii) HKU does not fully utilise the site coverage of the land lot, hence, it is unnecessary to increase the building up to 150mPD. (iii) there would be a reduction in the number of face-to-face teaching after the global pandemic. The lodging facilities for overseas visitors are not necessary. (iv) as pointed out by PlanD at the C&WDC meeting, an effective wind path should be 15m wide; however, the distance between the proposed staff quarters and University Heights is only 5.5m, which is not up to standards. (v) impacts the “<i>fung shui</i>” of the University Heights. (vi) the development would affect the building structure of University Heights and cause damage to the slope foundation. 	<p>C110, and C114 to C117</p> <p>C111</p> <p>C111</p> <p>C111</p> <p>C114 to C117</p> <p>C118 and C123</p>

Responses
<p>(a) In response to (1) and (2)(iii) above, response (b) under paragraph 5.3.3 above is relevant. The BHRs relaxation is to allow design flexibility for future developments in meeting SBDG which will improve the overall building permeability and visual amenity of the pedestrian environment.</p> <p>(b) In response to (2)(i) above, property value is not a relevant planning consideration in determining the BHR.</p> <p>(c) In response to (2)(ii) above, the assumptions adopted by PlanD in assessing the BHRs were provided in Annexes E2 and E3 of the TPB Paper No. 10720. The site coverage has followed the maximum site coverage permissible under the B(P)R.</p> <p>(d) In response to (2)(iv) above, response (b) under paragraph 5.3.1 above is relevant.</p> <p>(e) In response to (2)(v) above, “<i>Fung shui</i>” issue is not a land-use planning matter.</p> <p>(f) In response to (2)(vi) above, concerned departments including Buildings Department and Head of Geotechnical Engineering Office, Civil Engineering and Development Department have no adverse comments on proposed relaxation of BHR for the Representative Site D.</p>

6. Departmental Consultations

6.1 The following government bureaux/departments have been consulted and their comments have been incorporated in the above paragraphs and **Annex VI**, where appropriate:

- (a) Secretary for Development
- (b) Secretary for Education
- (c) Secretary for Transport and Housing
- (d) Commissioner for Tourism
- (e) Commissioner of Transport
- (f) Director-General of Communications
- (g) Director-General of Trade and Industry
- (h) Director of Environmental Protection
- (i) Director of Electrical and Mechanical Services
- (j) Director of Fire Services
- (k) Director of Food and Environmental Hygiene
- (l) Director of Health
- (m) Director of Housing

- (n) Director of Leisure and Cultural Services
- (o) Chief Architect/Central Management Division, Architectural Services Department
- (p) Chief Building Surveyor/Hong Kong West, Buildings Department
- (q) Project Manager (South), Civil Engineering and Development Department (CEDD)
- (r) Chief Engineer/Special Duties (Works), CEDD
- (s) Head of Geotechnical Engineering Office, CEDD
- (t) Chief Engineer/Hong Kong & Islands, Drainage Services Department
- (u) Chief Highway Engineer/Hong Kong, Highways Department (HyD)
- (v) Chief Engineer/Railway Development Division, HyD
- (w) District Lands Officer/Hong Kong West & South, Lands Department
- (x) Chief Engineer/Construction, Water Supplies Department
- (y) Commissioner of Police
- (z) District Officer (Central and Western), Home Affairs Department
- (aa) Chief Town Planner/Urban Design & Landscape, PlanD

7. Planning Department's Views

- 7.1 The supportive views of **R1 to R28** are noted.
- 7.2 Based on the assessments in paragraphs 4 and 5 above, and for the following reasons, PlanD does not support representations **R29 to R212** and considers that the OZP should not be amended to meet the representations:

Revision of BHR and BG requirements (Amendment Items A, B, C, D, F1 and F2)

- (a) The current BHRs and BG requirements are considered appropriate as they have taken into account all relevant planning considerations (such as the existing BH profile, stepped building height profile, potential redevelopment, topography, site formation level, local characteristics, compatibility with the surroundings, visual impact, air ventilation), SBDG requirements, urban design guidelines and a proper balance between public interest and private development right. No adverse air ventilation, visual and landscape impacts would be induced to the surrounding. (**R29 to R212**)
- (b) The relaxation of BHR for Amendment Item D would not cause significant traffic impact to the vicinity as most of the trips generated from and attracted to the site (i.e. the HKU Pokfield Road Residences) in peak hours would still be trips on foot between the representation site and the HKU Main Campus along Pok Fu Lam Road. (**R31 to R35, R38, R41 to R208, R211, and R212**)
- (c) The revision of BHRs is mainly for accommodating the permissible GFA or PR under the B(P)R and to meet the SBDG requirements. There is no planning justification for lowering the BHR of the Amendment Item D to 90mPD or lower. (**R40, R211 and R212**)

Rezoning 2 Sites at Mount Davis Road (Amendment Item E)

- (d) The “R(B)1” zone for the Amendment Item E with imposition of maximum PR of 3 and BH of 160mPD is considered appropriate, as it is not incompatible with the stepped BH profile and characteristics of the surrounding neighbourhood including the adjacent “R(B)1” zone. **(R30)**

8. Decision Sought

- 8.1 The Board is invited to give consideration to the representations and comments 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 draft OZP to meet the representations, Members are also invited to agree that the draft OZP, together with their respective Notes and updated ES, are suitable for submission under section 8 of the Ordinance to the CE in C for approval.

9. Attachments

Annex I	Draft Kennedy Town and Mount Davis OZP No. S/H1/21 (reduced size)
Annex II	Schedule of Amendments to the draft Kennedy Town and Mount Davis OZP No. S/H1/20
Annex III (a)	TPB Paper No. 10720 (without attachments)
Annex III (b)	Minutes of the TPB Meeting held on 5.3.2021
Annex III (c)	Minutes of the TPB Meeting held on 9.4.2021
Annex IV	Draft Minutes of C&W DC Meeting on 27.5.2021
Annex V	List of Representers (R1 to R212) and Commenters (C1 to C131) in respect to Draft Kennedy Town and Mount Davis OZP No. S/H1/21
Annex VI	Summary of Representations and Comments and Responses
Annex VII	Samples of representations in standard profoma
Plan H-1	Amendments incorporated into the draft Kennedy Town and Mount Davis OZP No. S/H1/21
Plan H-2	Location Plan of Representations (R1 to R212) and Comments (C1 to C131)
Plans H-3a to H-3c, H-4a to H-4b, H-5a & H-5b, H-6a to H-6c	Site Plans and Photos of Sites A to D with Building Height Restrictions
Plans H-7a to H-7e	Site Plan and Photos of Sites E with Rezoning and its Surroundings
Plan H-8a to H-8c	Deletion of Two Building Gaps at 50 and 71-77 Smithfield

Plan H-9

Concept Plan for the Building Height Profile

**PLANNING DEPARTMENT
DECEMBER 2021**