

**Minutes of the 1228<sup>th</sup> Meeting of the  
Town Planning Board held on 14.8.2020**

**Present**

Permanent Secretary for Development  
(Planning and Lands)

Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-Chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Conrad T.C. Wong

Mr Y.S. Wong

Chief Traffic Engineer(Hong Kong), Transport Department

Mr M.K. Cheung

Chief Engineer (Works), Home Affairs Department

Mr Gavin C.T. Tse

Deputy Director of Environmental Protection (1)

Environmental Protection Department

Mr Elvis W.K. Au

Director of Lands

Mr Andrew C.W. Lai

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Dr Lawrence K.C. Li

Mr Ricky W.Y. Yu

**In Attendance**

Assistant Director of Planning/Board  
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board  
Ms Caroline T.Y. Tang

Senior Town Planner/Town Planning Board  
Miss Anissa W.Y. Lai

## **Opening Remarks**

[Open Meeting]

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement. She then introduced a new Member, Mr Andrew C.W. Lai, who had recently taken up the post of the Director of Lands, and extended a welcome to him.

## **Agenda Item 1**

### **Matters Arising**

[Open Meeting]

(i) Report on Rescheduling of Town Planning Board Meeting and Confirmation of Minutes of the 1227<sup>th</sup> Meeting held on 17.7.2020

[The item was conducted in Cantonese.]

2. The Secretary reported that the regular TPB meeting originally scheduled for 31.7.2020 had been rescheduled in view of the latest situation of COVID-19. In that connection, the draft minutes of the 1227<sup>th</sup> meeting held on 17.7.2020 were confirmed by circulation on 3.8.2020 without amendments.

(ii) [Confidential Item] [Closed Meeting]

3. The item was recorded under confidential cover.

**Hong Kong District**

**Agenda Item 2**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/H6/87

Proposed 'Flat' use (access road for the residential development and pedestrian link) in "Green Belt", "Residential (Group A) 1" and "Residential (Group B)" Zones and area shown as 'Road', 4-4C Tai Hang Road (Part) and Adjoining Government Land, Tai Hang Road, Hong Kong

(TPB Paper No. 10656)

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[The item was conducted in Cantonese.]

4. The Secretary reported that the following Members had declared interests on the item for owning properties/having affiliation in Causeway Bay area; or having business dealings with Kenneth To & Associates Ltd. (KTA) and Savills Valuation & Professional Services Ltd. (SVP), which were the applicant's consultants:

- |                     |   |  |
|---------------------|---|--|
| Ms Sandy H.Y. Wong  | - | self-occupying a flat at Tai Hang Road;  |
| Dr Lawrence K.C. Li | - | co-owning with spouse a flat at Tai Hang Road;   |
| Professor T.S. Liu  | - | being a member of the board of directors of the Tai Hang Fire Dragon Heritage Centre;            |
| Mr Daniel K.S. Lau  | - | being an ex-employee of the Hong Kong Housing Society having current business dealings with KTA; |
| Mr K.K. Cheung      | - | his firm having current business dealings with SVP; and  |

Mr Alex T.H. Lai - his former firm having current business dealings with SVP.

5. Members noted that Dr Lawrence K.C. Li had tendered an apology for being unable to attend the meeting. As the property of Ms Sandy H.Y. Wong had a direct view of the application site, she should be invited to leave the meeting temporarily. As the interest of Mr Daniel K.S. Lau and Professor T.S. Liu were indirect, and Messrs K.K. Cheung and Mr Alex T.H. Lai had no involvement in the application, Members agreed that they could stay in the meeting.

[Ms Sandy H.Y. Wong left the meeting at this point.]

#### Presentation and Question Sessions

6. The following representatives of the Government and the applicant were invited to the meeting at this point:

##### *Planning Department (PlanD)*

Mr Louis K.H. Kau - District Planning Officer/Hong Kong (DPO/HK)

Mr T.W. Ng - Senior Town Planner/Hong Kong (STP/HK)

##### *Transport Department (TD)*

Mr Alex K.K. Au - Senior Engineer/Wan Chai (SE/Wan Chai)

##### *Civil Engineering and Development Department (CEDD)*

Mr Anchor T.F. Yan - Senior Geotechnical Engineer, Geotechnical Engineering Office (SGE/GEO)

Mr Max K.H. Ma - Geotechnical Engineer, GEO (GE/GEO)

*Century Shiner Ltd.* ]

Mr Denny Chan ]

Mr Ambrose Tang ]

<i>KTA</i>	]	
Mr Kenneth To	]	
Ms Gladys Ng	]	
<i>CTA Consultants Ltd</i>	]	
Mr Kelvin Leung	]	Applicant's Representatives
<i>TKM &amp; Associates Ltd.</i>	]	
Mr Kelvin Luo	]	
<i>Landes Ltd.</i>	]	
Mr Ted Lam	]	
<i>SVP</i>	]	
Ms Anna Seto	]	
Ms Anne Lam	]	

7. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

8. With the aid of a PowerPoint presentation, Mr T.W. Ng, STP/HK, PlanD, briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10656 (the Paper).

9. The Chairperson then invited the applicant's representatives to elaborate on the review application.

10. With the aid of a PowerPoint presentation, Mr Kenneth To, the applicant's representative made the following main points:

- (a) the application was to facilitate the provision of a proposed elevated access road within a "Green Belt" ("GB") zone to serve a permitted residential development in a "Residential (Group B)" ("R(B)") zone at lower Tai Hang Road and a proposed pedestrian link connecting the planned residential

development to upper Tai Hang Road and lower Tai Hang Road and further extending to Wun Sha Street. The proposed access road and pedestrian link (i.e. the proposal) would bring public benefits including reduction in walking distance by 430m (from 1.2km to 770m) (35.8%) and walking time from 20 minutes to 13 minutes (35%) to the nearest MTR station, and facilitating vertical movement of 64.5m (20 storeys). Although the proposed access road would encroach onto the “GB” zone, the related supporting facilities would only occupy 5% of land falling within the “GB” zone and the remaining portion of the “GB” zone would be used as planting area;

[Mr Franklin Yu arrived to join the meeting at this point.]

- (b) TD had no objection in principle to the proposed pedestrian link which could improve accessibility and walkability around the area, and pointed out that the public had already suggested a hillside escalator/elevator link between the Wun Sha Street area and Tai Hang Road. The Urban Design Unit, PlanD considered that there were merits from urban design perspective for better connectivity and provision of barrier-free access;
- (c) the permitted residential development fell within an area zoned “R(B)” and the lot comprised a narrow strip of flat land fronting lower Tai Hang Road and a formed slope with retaining wall at the back. A vegetated slope up to upper Tai Hang Road within the “GB” zone, which was outside the subject lot boundary, was maintained under the responsibility of the subject lot owner;
- (d) vehicles running uphill along lower Tai Hang Road had to cut across several lanes to turn right for entering into the carports of the existing building at the lot. Lower Tai Hang Road was rather busy in traffic and the old standard ingress/egress design was considered undesirable from traffic safety perspective. There were also existing pre-stressed ground anchors of Trafalgar Court located at the western portion of the lot and thus excavation could not be carried out in that area;



[Dr Jeanne C.Y. Ng joined the meeting at this point.]

- (e) the largest practical space for building development at the subject “R(B)” site was about 24m in width. After accommodating a two-way car ramp, the usable space would be very limited. The remaining areas of the lot were mainly slopes occupied by pre-stressed ground anchors of Trafalgar Court, large sized bored piles and mass concrete fill. It was expected that the work programme for piling and excavation/lateral support works would take at least 3.6 years, implying a long period of the public suffering from noise, air and traffic impact during construction, as well as the involvement of more construction waste and tree felling. However, such a proposed development would not bring about any public benefit. On the contrary, the current proposal, which was the preferred option put forth by the applicant, would only require a usable space of about 17m in width to accommodate a one-way car ramp and involve less large scale bored piles, and the piling and excavation/lateral support works would only last for about 1.5 years. The construction period for such works would be significantly shortened from about 3.6 years to 1.5 years;
  
- (f) in addition, the proposed access road with a one-way ramp system of 42m long and an elevated access road from upper Tai Hang Road would provide a safe and smooth access for vehicles to enter the planned residential development. Large vehicles would use the elevated access road at upper Tai Hang Road to enter and exit the residential development, while private cars and small vehicles would use the access road at upper Tai Hang Road as ingress only, going through the one-way spiral ramp within the residential development, and using lower Tai Hang Road as egress. A lay-by was also proposed at lower Tai Hang Road for pick-up/drop-off for private cars and taxis only. As such, there would be no kerbside pick-up, drop-off and loading/unloading activities at that section of lower Tai Hang Road, and the existing right turn requirement for entering the lot would be removed;

[Dr Frankie W.C. Yeung joined the meeting at this point.]

- (g) as regards the pedestrians, a weather proof public pedestrian link of 147.5m to connect upper Tai Hang Road at about +74mPD to Ormsby Street/Wun Sha Street at about +6.69mPD would be provided. The proposed pedestrian link was to provide a direct and comfortable environment to encourage people to walk from upper and lower Tai Hang Road to Tin Hau MTR Station which was in line with the 2017 Policy Address to foster “Walk in Hong Kong”. The applicant had already submitted a waiver application to the Development Bureau in February 2020 under the scheme of “Facilitating Provision of Pedestrian Links by the Private Sector”;
- (h) the public benefits of providing the proposed access road and pedestrian link would be brought by only sacrificing about 52.5m<sup>2</sup> (5%), i.e. the area occupied by pile caps, of the total land area (1,058m<sup>2</sup>) falling within the “GB” zone. In other words, about 1005.5m<sup>2</sup> (95%) of the concerned “GB” zone, including the area covered by the elevated bridge structure, would remain for tree/shrub planting purpose. A model showing the proposed road and pedestrian connections and the planned residential development was placed in the meeting room for Members’ reference;
- (i) on landscape aspect, there were 67 (including 3 dead trees) surveyed trees. Amongst which, 38 trees would be felled while 39 compensatory trees were proposed. The photomontages demonstrated that the proposal would not generate unacceptable visual and landscape impacts. Besides, greening measures would be adopted along the spiral ramp to enhance the overall greenery effect of the proposed development at lower Tai Hang Road;
- (j) the applicant would undertake to design and construct the public pedestrian link at their own cost; open the pedestrian link for public use on a 24-hour basis; bear the maintenance and management responsibilities of the entire public pedestrian link unless and until the relevant government department(s) would take up the entire/any part of the public pedestrian link; and set up necessary financial arrangement(s) to the satisfaction of the relevant government authorities to ensure the long-term maintenance of the pedestrian

link; and

- (k) to sum up, the current proposal would help improve accessibility, pedestrian safety and walkability in the area through the provision of a barrier free access from upper Tai Hang Road to lower Tai Hang Road and eventually extending to the Wun Sha Street area. Whilst the application was rejected by the MPC, the Board was requested to re-consider the proposal which would bring substantial public benefits including reduction in walking distance, walking time and construction time, enhancement in vertical movement, and minimisation the duration of disruption and disturbance during construction.

11. As the presentations of PlanD's representative and the applicant's representative had been completed, the Chairperson invited questions from Members. She said that in consideration of the review application, Members might focus on MPC's reasons for rejection as stated in paragraph 1.2 of the Paper, in particular rejection reason (a) on the fundamental question of whether there was strong justification for a departure from the planning intention of the "GB" zone. The other rejection reasons concerning adverse impact and implementation issues would be more relevant after the justification was established.

*The proposed access road and pedestrian link*

12. Some Members raised the following questions:

- (a) whether the proposed access road was the only viable option to serve the planned residential development;
- (b) whether the proposed access road would solely be designed for use of vehicles, and whether it would be open for public use;
- (c) to what extent the connectivity and walkability in the area could be enhanced by the proposed pedestrian link, and whether it would be open to the public as part of the pedestrian link would pass through the planned residential development;

- (d) the statutory or administrative procedures, including public consultation, for the implementation of the proposed pedestrian link and footbridge; and
- (e) whether the proposed footbridge and pedestrian link from lower Tai Hang Road to Wun Sha Street would go ahead if the application was rejected.

13. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following main points:

- (a) for public roads and public pedestrian facilities, gazetting under the Roads (Works, Use and Compensation) Ordinance (Roads Ordinance) would be required. Should the scheme be authorised by the Chief Executive in Council, it would be deemed to be approved under the Town Planning Ordinance. The gazetting under the Roads Ordinance would allow submission of public comment and an opportunity to consult the relevant District Council as appropriate; and
- (b) the proposed access road serving exclusively the planned residential development was regarded as 'Flat' use as it formed part and parcel of the residential development. The District Lands Officer/Hong Kong East, Lands Department advised that if the planning application was approved, the owner would need to apply for a lease modification and/or other appropriate land documentation for the proposed new access arrangement under lease and for such new road and associated works on government land. However, there was no guarantee that such application would be approved, and if approved, it would be subject to such terms and conditions, including payment of premium and fees, as imposed.

14. In response, Mr Kenneth To, the applicant's representative, made the following main points:

- (a) the proposed access road in the form of an elevated structure would comprise

a 6m wide carriageway for vehicles and a 2.5m wide covered footpath for pedestrian use. The applicant proposed that only large vehicles including goods and emergency vehicles would use the access road for both ingress and egress. Private cars of the residents would use the access road as ingress to the car park and exit at lower Tai Hang Road through the one-way spiral ramp within the residential development;

- (b) the alternative option to use lower Tai Hang Road for both ingress/egress would require the provision of a usable space created along the frontage of the site with about 24m in width which would require a retaining wall of about 26m to 27m high, however, the recommended option (i.e. the current proposal) of providing the proposed access road at upper Tai Hang Road as a major ingress point would only require provision of a usable space of 17m in width which would then require a retaining wall of 12m high. While both options would be feasible, it was anticipated that more adverse impacts and disturbance would be caused by the option requiring a 24m wide usable space;
- (c) the proposed pedestrian link comprised footpaths along the proposed access road and on the podium of the planned residential development, an elevated footbridge over lower Tai Hang Road and an elevated walkway and a passenger lift connecting lower Tai Hang Road to Wun Sha Street next to an existing pedestrian staircase. The elevated footbridge at lower Tai Hang Road would be connected directly to the planned residential development, with one passenger lift connecting to lower Tai Hang Road and the other connecting to the podium of the residential development leading to upper Tai Hang Road. The pedestrian link would be open to the public. As mentioned before, the proposed pedestrian link would shorten the walking distance and walking time between upper and lower Tai Hang Road; and
- (d) the proposed pedestrian link connecting upper and lower Tai Hang Road formed part of the proposed access road system and fell within the “GB” zone except the portion inside the planned residential development. The “R(B)” site was subject to severe geotechnical constraints. If both the ingress and

egress were required to be located at lower Tai Hang Road, the proposed development would not have sufficient space to provide additional public facilities including passenger lifts and lift lobby.

*Pedestrian linkages in the area*

15. The Chairperson and some Members raised the following questions:

- (a) whether there was a need and requests from local residents for a pedestrian link from upper Tai Hang Road to lower Tai Hang Road, and further to Wun Sha Street to enhance walkability, and the type of the pedestrian facilities requested;
- (b) as there were currently two existing pedestrian crossings connecting two sides of lower Tai Hang Road, whether the proposed additional pedestrian link would effectively help divert the pedestrian flow during school days, taking into account that footbridge was usually less preferred than at-grade crossing;
- (c) whether the public comments received on the current application had raised specific concerns on the provision of road crossing at upper Tai Hang Road;
- (d) information on the need for improving pedestrian links in the area and the study/proposal being undertaken/considered by TD, and the findings of the study on pedestrian links carried out by the applicant; and
- (e) whether there were existing short cut routes for walking between lower and upper Tai Hang Road; and whether there would be other opportunities to provide a pedestrian link between upper and lower Tai Hang Road.

16. In response, Mr Louis K.H. Kau, DPO/HK, PlanD and Mr Alex K.K. Au, SE/Wan Chai, TD made the following main points:

- (a) at present, there were two existing signalised pedestrian crossings at the

concerned section of lower Tai Hang Road. The Wan Chai District Council (WCDC) had requested in the past an additional road crossing between the two existing crossings to connect to the staircases down to Wun Sha Street and the proposal was being examined by TD. The location of the pedestrian crossing proposed by WCDC was similar to that proposed by the applicant as there was an existing staircase to connect to Wun Sha Street. However, the request of WCDC was for an at-grade crossing, not a footbridge as currently proposed. In fact, there was another staircase running from lower Tai Hang Road to Wun Sha Street to the east of Illumination Terrace. Besides, the proposed footbridge might not be attractive as people/students would have to walk uphill along lower Tai Hang Road to go to the school site and other residential developments;

- (b) there was no proposal by WCDC or local residents on the provision of road crossing at upper Tai Hang Road nor pedestrian facilities connecting upper Tai Hang Road and Wun Sha Street;
- (c) due to level differences, most of the residential blocks at Wang Fung Terrace in the upper Tai Hang area did not have a direct connection to upper Tai Hang Road. In general, most residents in the upper Tai Hang area preferred to travel to nearby districts rather than the Tai Hang neighbourhood for daily necessities. Besides, there were many restaurants in the Wun Sha Street area but not many retail outlets. Most residents in the upper Tai Hang area would usually drive to other districts or take public transport to Causeway Bay. The residents at upper Tai Hang Road would usually take Fuk Kwan Avenue or the staircase next to True Light Middle School for walking to and from the lower Tai Hang area. It should be noted that some buildings along lower Tai Hang Road were built in 1955 and 1965. As such, their redevelopment potentials would be relatively high, in particular for those low-rise developments, which might provide the opportunity to provide a pedestrian link upon redevelopment;
- (d) according to the applicant's submission, the peak pedestrian flow of the

proposed footbridge would be about 200 persons per hour. Moreover, according to a site visit conducted by PlanD recently, the pedestrian flow in the area was not very frequent, which involved mainly domestic helpers. More people would be expected when the schools were in operation;

- (e) there were strong local objections to the application. They raised concerns on the adverse impacts and queried the need for proposed access road and pedestrian link; and
- (f) the proposed pedestrian link connecting lower Tai Hang Road with Wun Sha Street located to the east of the Illumination Terrace (where there is an existing stairway) was one of the 114 Hillside Escalator Links and Elevator System proposals across the territory being examined under a preliminary study by TD. Amongst the proposals, there was no proposal on a pedestrian link at the upper Tai Hang Road nor between lower and upper Tai Hang Road. The applicant's proposed footbridge was to the west of Illumination Terrace connecting to another staircase linking lower Tai Hang Road with Wun Sha Street.

17. In response, Mr Kenneth To and Mr Kelvin Leung, the applicant's representatives, made the following main points:

- (a) without the proposed pedestrian link, pedestrians would need to walk all along the upper Tai Hang Road via Fuk Kwan Avenue to lower Tai Hang Road and go further down to Wun Sha Street. With the pedestrian link proposed by the applicant, the pedestrian route would be more direct and shortened, in particular with the possible extension of the pedestrian link to Wang Fung Terrace via another proposed footbridge across upper Tai Hang Road. The proposed pedestrian link could serve effectively a total of 13 sites/buildings with a total population of about 9,600;
- (b) according to the applicant's traffic survey, lower Tai Hang Road was a busy road and the signalised pedestrian crossing near Yik Kwan Avenue was often



used by pedestrians while the nearby roundabout was usually with high traffic flow. When that pedestrian crossing was crowded with people, it might lead to queuing back of the traffic along lower Tai Hang Road; and

- (c) as mentioned in their presentation earlier, the applicant had already submitted a waiver application to the Development Bureau under the scheme of “Facilitating Provision of Pedestrian Links by the Private Sector”. According to the applicant’s assessment, there would be a significant difference in walking distance and walking time with and without the proposed pedestrian link. Besides, the area around Wang Fung Terrace at upper Tai Hang area had only very narrow footpath and it would be dangerous for the residents to walk down along upper Tai Hang Road. The restaurants and local shops in lower Tai Hang area and the housing estate of the Hong Kong Housing Society would benefit from the proposal as business would be increased as a result of improvement in walkability in the area.

*Traffic aspect*

18. The Chairperson and some Members raised the following questions:

- (a) with a practical space of about 24m in width, whether sufficient space would be available to provide an ingress/egress point at lower Tai Hang Road, and the traffic impact of such design;
- (b) whether there was a need for right turn from upper Tai Hang Road to the proposed access road, and whether such arrangement would affect road safety;
- (c) whether the proposed ingress/egress of the planned residential development at upper Tai Hang Road was acceptable to TD;
- (d) whether it was feasible to locate both the ingress and egress at upper Tai Hang Road, and whether such arrangement would be more acceptable in terms of traffic impact than that proposed in the application;

- (e) the traffic impact of the proposed ingress/egress arrangement as compared with the arrangement of locating both the ingress and egress at lower Tai Hang Road;
- (f) whether the traffic problem would be resolved by imposing the 'left-in/left-out' restriction on the planned residential development or traffic control on right turn along lower Tai Hang Road;
- (g) the proposed car parking provision of the residential development and the estimated traffic generation;
- (h) whether there were any traffic accident black spots along lower Tai Hang Road; and
- (i) the emergency arrangement in case of traffic accident within the proposed one-way spiral ramp where only private cars were allowed.

19. In response, Mr Alex K.K. Au, SE/Wan Chai, TD, made the following main points:

- (a) the 'left-in/left-out' requirements on the proposed access road would serve to eliminate future vehicles from making right turns from the development to lower Tai Hang Road which could conflict with the vehicles travelling in the downhill direction. For some nearby buildings which were designed and developed long time ago, its vehicles might still need to make right turn to access the buildings due to existing constraints. Traffic safety was a main consideration and thus the location of the ingress/egress with adequate sight distance with Tai Hang Road, coupled with a left-in/left-out arrangement for the traffic of the planned residential development were necessary;
- (b) in view of the relatively low traffic generation from the planned residential development, both the applicant's proposed arrangement as well as the arrangement to locate both the ingress and egress of vehicles at upper Tai

Hang Road would be acceptable in consideration of its traffic impacts on public roads. With a speed limit (50km/hour) for the concerned section of upper Tai Hang Road, the sightline between upper Tai Hang Road with the proposed ingress of the planned residential development would be adequate. However, TD would still recommend a left-in/left-out requirement for the planned residential development at upper Tai Hang Road to enhance traffic safety;

- (c) the feasibility for imposition of traffic control on right turn for the uphill traffic along lower Tai Hang Road would depend on the entrance design/constraints associated with each building along the road. For the planned residential development, the proposed design of the vehicular entrance should allow left-in/left-out at lower Tai Hang Road to enhance traffic safety; and
- (d) at present, there was no traffic accident black spot at lower Tai Hang Road.

20. In response, Mr Kenneth To and Mr Kelvin Leung, the applicant's representatives, made the following main points:

- (a) the traffic impact assessment conducted by the applicant concluded that the proposed traffic arrangement could improve traffic flow and enhance road safety. The traffic generation of about 20 passenger car units per hour from the permitted residential development was considered acceptable, and the 'no right-turn' requirement would reduce the conflict in traffic flow at lower Tai Hang Road as the downhill traffic which was usually of rather higher speed, and thus such arrangement would improve road safety;
- (b) there was a need for right turn from upper Tai Hang Road to enter the proposed access road. However, the traffic along upper Tai Hang Road was less busy and the number of lanes involved was less than that at lower Tai Hang Road, and a large buffer area was allowed at the podium connecting to the access road. Traffic safety problem was therefore not

anticipated. Locating both the ingress and egress of the planned residential development at upper Tai Hang Road would require a two-way spiral ramp within the building, which was not an option;

- (c) emergency vehicles could gain access to the podium of the residential development. Such arrangement was not uncommon in other residential developments. The design standard of the spiral ramp should be able to accommodate towing vehicles similar to other spiral ramps in other parts of the territory;
- (d) the accident record obtained from TD showed that there were accidents relating to pedestrians crossing Tai Hang Road in the last 10 years. A serious traffic accident happened at a location near the application site in 2017; and
- (e) the number of parking spaces to be provided within the planned residential development would be similar to the proposed number of flats which was less than 100.

#### *Geotechnical aspect*

21. The Chairperson and some Members raised the following questions:

- (a) noting from paragraph 7.3 of the Paper that there was at least one feasible alternative scheme which could retain the current vehicular access at lower Tai Hang Road while maintaining the stability of slope, whether the feasibility of that option had further been explored;
- (b) whether the massive stilt structures of more than 47m proposed for the planned residential development would still be needed if the existing vehicular ingress/egress at lower Tai Hang Road was retained so that the proposed access road at upper Tai Hang Road and one-way ramp system would not be required; and

- (c) the background of the pre-stressed ground anchors of Trafalgar Court falling within the applicant's lot boundary, and whether there was any agreement between the two concerned lot owners.

22. In response, Mr Kenneth To and Mr Kelvin Kuo, the applicant's representatives, made the following main points:

- (a) the applicant had already evaluated different slope stabilisation options and concluded that the current proposal was the only viable option, taking into account the geotechnical constraints and standard requirements for car parking and loading/unloading facilities as well as building services. Options with either two-way ramp or car-lift were assessed and considered technically not feasible or would result in sub-standard transport facilities and building services although stilt structures might not be required for those options. Besides, taking into account the location of the existing pre-stressed ground anchors of Trafalgar Court within the applicant's lot boundary, the said alternative options might affect the structural safety of Trafalgar Court; and
- (b) Trafalgar Court was built in the late 70s and early 80s, the applicant did not have any information on the site formation of the building nor whether there was any agreement made before between the lot owners. The existing pre-stressed ground anchors of Trafalgar Court imposed severe geotechnical constraint on the development at the applicant's lot. Construction of a retaining wall up to a height of 40m would exceed geotechnical limits and a slope gradient greater than 60° was considered unacceptable.

*The "GB" zone and landscape impact*

23. The Chairperson, Vice-chairperson and some Members raised the following questions:

- (a) whether the impact of the proposed access road and pedestrian link on the

“GB” zone was only 5% of the “GB” area as claimed by the applicant;

- (b) whether it would be possible to reduce the number of supporting structures of the proposed elevated access road, or to adopt suspension design to reduce the impacts on the “GB” zone;
- (c) the impact on the “GB” zone and the slopes within the residential site under the current proposal as compared with that under a scheme with both ingress and egress at lower Tai Hang Road;
- (d) whether similar cases with access road of a residential development within the “GB” zone had been approved by the Board before;
- (e) the applicant’s response with regard to the departmental comments in paragraph 5.2.9 of the Paper that the proposed access road would cause severe damage to the existing slope and trees, and the compensatory trees were considered to be overcrowded and their survival rate would be affected;
- (f) whether consideration to improve the overall greenery of the affected “GB” zone had been given by the applicant, including greening at the concrete slope wall and the area underneath the structures; and
- (g) the visual and landscape impacts of the proposed development, and more detailed information on the 38 trees to be felled.

24. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following main points:

- (a) according to the applicant, only 5% of area within the “GB” zone would be affected. It should be noted that such 5% referred to the geotechnical structures of the proposed access road system only, while the extent of the works area for construction and the adverse impact during construction had not been taken into account. According to the Chief Town Planner/Urban Design and Landscape, PlanD, an extensive vegetated area would inevitably

be affected due to the proposed works, and the residual impact after mitigation of the adverse impact on the existing landscape resources imposed by the proposed development remained substantial;

- (b) in view of the height of the elevated structures of the proposed access road, stability of the large and mature trees under the structures might be affected. Furthermore, the practicality of the proposed tree preservation and compensatory tree planting at the affected slope had not been critically assessed; and
- (c) the proposed access road and pedestrian link were regarded as 'Flat' use as they formed part and parcel of the planned residential development and thus planning permission was required as a large part of it fell within "GB" zone. There were similar cases where access roads to private residential developments falling within the "GB" zone. While most of them were rejected, there were cases approved in The Peak area due to special circumstances.

25. In response, Mr Kenneth To, Mr Kelvin Kuo and Mr Ted Lam, the applicant's representatives, made the following main points:

- (a) according to the current design, there were three landing structures for the proposed elevated access road with two of them falling within the "GB" zone. It would be technically feasible to reduce the landing to two structures with only one structure falling within the "GB" zone;
- (b) the "GB" zone would not be affected if the ingress/egress of proposed residential development would be located within the lot which was zoned "R(B)". However, due to the requirement of large sized bored piles, the construction period would be much longer and disturbance would be greater. Besides, the construction work might affect the structural safety of Trafalgar Court;

- (c) the proposed landscape design met the government requirements in terms of a separated distance between the centre of a tree to the next one of 4m and planting would only take place on slope of a gradient less than 35°. As such, overcrowding and adverse visual/landscape impacts were not envisaged;
- (d) the slope within the applicant's lot was to be reinstated mainly by mass concrete fill and would not be suitable for tree planting. Nevertheless, the applicant would endeavour to improve the greenery wherever possible, such as planting of more trees along the berms of the slope where the surface was relatively flat; and
- (e) the 38 trees to be felled were semi-mature trees of 4m to 8m tall and no Old and Valuable Tree was found.

*The permitted residential development*

26. The Chairperson and some Members raised the following questions:

- (a) the scale of the planned residential development, number of flats and estimated population;
- (b) whether the proposed building height of 30 storeys of the residential development had included the podium floor;
- (c) whether the development intensity and flat production of the residential development would be affected if the application was rejected; and
- (d) the benefits of the proposed development to the lot owner, compared to a redevelopment just within the lot zoned "R(B)".

27. In response, Mr Louis K.H. Kau, DPO/HK, PlanD said that the subject "R(B)" zone was subject to a maximum building height of 30 storeys including carports. As such, the podium level(s) should be counted towards the number of storeys but not including the stilt



structures.

28. In response, Mr Kenneth To, the applicant's representative, made the following main points:

- (a) the number of flats in the planned residential development would be less than 100 as the owner's intention was for large-sized flats. However, the development scheme had not yet been finalised;
- (b) the building height restriction of the "R(B)" site was 30 storeys including carports, which would include the podium floors but not the stilt structures;
- (c) as the proposed residential development fell within an area zoned "R(B)" which was subject to a maximum plot ratio of 5, the permitted development intensity could be achieved at the site would remain unchanged and the number of flats would not be affected, even if the application was rejected by the Board; and
- (d) the "R(B)" site was subject to severe geotechnical constraints and the option of providing access only from lower Tai Hang Road would not be desirable to support a scheme with adequate car parking and load/unloading facilities as well as building services in accordance with the modern standards and requirements. The podium footprint would also be larger and at a higher level, similar to the large car park podium as seen in the adjoining building. The construction period for such development would also be longer and more costly although the applicant did not have detailed estimates on the construction cost involved.

[Mr Y.S. Wong joined the meeting during the Q&A session.]

29. As Members had no further question, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and

inform the applicant of the Board's decision in due course. The Chairperson thanked the representatives of the applicant and Government for attending the meeting. They left the meeting at this point.

#### Deliberation Session

30. The Chairperson said that in considering the subject review application, Members might focus on whether there were strong justifications to support the encroachment into the "GB" zone, taking into account the extent to which the proposal would support a larger housing yield, as well as the extent to which the proposed access road and pedestrian link would serve the public interest.

31. A Member remarked that development in the "GB" zone could not be reverted. In that regard, a cautious approach should be adopted in considering applications within the "GB" zone.

32. The Board noted that pre-stressed ground anchors of Trafalgar Court within the subject lot might pose some geotechnical constraints on the planned residential development at the subject "R(B)" site. A Member considered that such issue was a technical matter that should be addressed by the applicant in their redevelopment, whilst another Member opined that such constraint was not insurmountable as agreed by the applicant and should not be a reason to justify the subject application.

33. A Member said that should there be site constraints that hindered the provision of internal transport facilities in accordance with the upper end of the requirements as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) for the planned residential development, provision at the lower end of the requirements might be considered. At the request of the Chairperson, Mr M.K. Cheung, Chief Traffic Engineer (Hong Kong), TD, clarified that if there were serious site constraints that hindered the provision of internal transport facilities, TD might consider accepting the lower range of car parking provision under the HKPSG if sufficient justifications were submitted by the applicants.

34. Members in general considered that the review application could not be supported

and had the following views:

- (a) the planning intention of the “GB” zone was primarily for conservation of the existing natural environment and there was a general presumption against development within the “GB” zone;
- (b) whilst there were development constraints at the “R(B)” site, the site with ingress and egress retained at lower Tai Hang Road could still be developed to the maximum development intensity in terms of plot ratio and building height permitted under the OZP even if the application was not approved;
- (c) the proposed access road would serve exclusively the subject “R(B)” site, and TD considered that there would be no noticeable traffic improvement or effect on vehicular traffic brought by the proposed access road. The impact of the proposed access road on the “GB” zone was considered substantial as the subject “GB” zone was well vegetated and covered by trees;
- (d) as for the pedestrians, given that the pedestrian flow at upper Tai Hang Road was not busy, the so-called public benefits brought about by the provision of a footpath alongside the proposed access road as claimed by the applicant was minimal. The proposed pedestrian linkage connecting upper Tai Hang Road with lower Tai Hang Road and further extending to Wun Sha Street would benefit more the residents of the development at the “R(B)” site rather than the nearby residents or general public; and
- (e) although the shortening of construction period might reduce disturbance to the local residents, after striking a balance on such benefits against the resultant community costs and adverse impacts on the “GB” zone, there was no strong justification to approve the subject review application.

35. Members then went through the recommended reasons for rejecting the review application as set out in paragraph 8.1 of the Paper. Members considered that rejection reason (a) concerning the planning intention of the “GB” zone should be suitably revised to

reflect Members' concerns on the insufficient public benefits that could be brought about by the proposal. Members agreed that rejection reasons (b) and (c) relating to the adverse visual and landscape impacts, and implementation aspect should be given less weight and could be removed.

36. After further deliberation, the Board decided to reject the application on review for the following reason:

“the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for conservation of the natural environment and to safeguard it from encroachment by urban-type development. There is a general presumption against development in “GB” zone, and there is no strong justification nor overriding public benefit for a departure from such planning intention.”

[Mr Alex T.H. Lai left the meeting at this point.]

### **Sai Kung & Islands District**

#### **Agenda Item 3**

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-CWBN/49

Proposed House and the associated Excavation of Land in “Green Belt” Zone and an area shown as ‘Road’, Lots 330, 331 RP (Part), 332 S.B and 333 S.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung

(TPB Paper No. 10670)

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[The item was conducted in Cantonese.]

37. The Secretary reported that on 22.7.2020, the applicants' representative requested deferment of consideration of the review application for a further two months in order to allow time for the applicants to consult relevant government departments and prepare further information (FI) to address departmental comments on traffic and landscape aspects. It was

the fourth time that the applicants requested deferment of the review application.

38. Members noted that the justifications for deferment met the criteria as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicants needed more time to address the departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

39. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicants pending the submission of FI from the applicants. The Board also agreed that the review application should be submitted for its consideration within three months from the date of receipt of FI from the applicants. If the FI submitted by the applicants was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicants that two months were allowed for preparation of the submission of the FI. Since it was the fourth deferment and a total of eight months had been allowed for preparation of submission of FI, this was the last deferment and no further deferment would be granted.

### **Procedural Matter**

#### **Agenda Items 4 to 6**

[Open Meeting]

Information Notes and Hearing Arrangements for Consideration of Representations and Comments on the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/3, Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/3 and Draft Pak Lap Outline Zoning Plan No. S/SK-PL/3  
(TPB Papers No. 10671, 10672 and 10673)

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[The items were conducted in Cantonese.]

40. Members noted that the three items were similar in nature and agreed that they

could be considered together.

41. The Secretary reported that the following Members had declared interests on the three items for having business dealings/affiliation with the representers and/or commenters including Ms Mary Mulvihill (R1/C59), the Hong Kong Countryside Foundation (HKCF) (R2), Kadoorie Farm and Botanic Garden (KFBG) (R3), the Conservancy Association (CA) (R4/C54) and Hong Kong Bird Watching Society (HKBWS) (R5/C55).

- Dr C.H. Hau - being an ordinary member of HKBWS, a life member of CA and his wife being the Honorary Secretary of the Board of Directors of CA, and an employee of the University of Hong Kong which was involved in a project with HKCF in Lai Chi Wo;
- Mr K.W. Leung - being a member of the executive board of HKBWS and the chairman of the Crested Bulbul Club Committee of HKBWS;
- Professor John C.Y. Ng - being a director of the Board of HKCF;
- Mr K.K. Cheung - his firm having current business dealings with KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time; and
- Mr Alex T.H. Lai - his former firm having current business dealings with KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time.

42. As the items were procedural in nature, the Board agreed that the above Members who had declared interests could stay in the meeting. Members noted that Mr Alex T.H. Lai had already left the meeting.

43. The Secretary briefly introduced TPB Papers No. 10671, 10672 and 10673 (the Papers). On 3.4.2020, amendments to the three Outline Zoning Plans (OZPs), namely the draft Hoi Ha OZP No. S/NE-HH/3, the draft So Lo Pun OZP No. S/NE-SLP/3 and the draft Pak Lap OZP No. S/SK-PL/3, were exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance).

44. There were 20 and 60 valid representations and comments respectively on the Hoi Ha OZP, 53 and 66 valid representations and comments respectively on the So Lo Pun OZP, and 17 and 61 valid representations and comments respectively on the Pak Lap OZP, while one representation each of the three OZPs, 54 comments each on the Hoi Ha and So Lo Pun OZPs, and 57 comments on the Pak Lap OZP, were made with identity information missing and should be considered as invalid and treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance.

45. Since the representations/comments received on the three OZPs were of similar grounds, it was suggested that the hearing would be considered by the full Board collectively in one group in the regular meeting. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer and commenter in the hearing meeting irrespective of the number of OZP he/she had made submissions on. Consideration of the representations and comments by the full Board was tentatively scheduled for September/October 2020.

46. After deliberation, the Board noted that the submissions made with the required identity information missing should be considered as invalid and treated as not having been made, and agreed that:

- (a) the representations and comments should be considered collectively in one group by the Board; and
- (b) a 10-minute presentation time would be allotted to each representer and commenter in the representation hearing irrespective of the number of OZP he/she had made submissions on.

**Agenda Item 7**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations Arising from the Consideration of Representations and Comments on the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/20  
(TPB Paper No. 10674)

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[The item was conducted in Cantonese.]

47. The Secretary reported that the amendments to the draft Wong Nai Chung Outline Zoning Plan (OZP) involved a proposed District Court and a commercial development at Wong Nai Chung. AECOM Asia Company Ltd. (AECOM) was one of the consultants for the proposed development. The following Members had declared interests on the item for owning properties in Wong Nai Chung area; and/or having affiliation/business dealings with AECOM and the representers and/or commenters, or their representatives, including Hysan Development Company Limited (Hysan) (R6), Ronald Lu & Partners (Ronald Lu) (representative of R6), Townland Consultants Ltd. (representative of R33) and/or Ms Mary Mulvihill (R34/C105):

- |   |   |
|---|---|
| Ms Bernadette H.H. Linn<br>(Chairperson)    | - co-owning with spouse a flat and car parking space at Broadwood Road in Happy Valley; |
| Mr Lincoln L.H. Huang<br>(Vice-chairperson) | - a close relative submitted a representation;  |
| Dr Venus Y.H. Lun                           | - her firm having current business dealings with Hysan;                                 |
| Dr C.H. Hau                                 | - having current business dealings with AECOM;  |



- Ms Lilian S.K. Law - co-owning with spouse a flat at Ventris Road in Happy Valley and being the ex-Executive Director and committee member of The Boys' & Girls' Clubs Association of Hong Kong and Lee Hysan Foundation had sponsored some activities of the association before;
- Mr Thomas O.S. Ho - having current business dealings with AECOM and Ronald Lu, and having past business dealings with Hysan and Townland;
- Mr Franklin Yu - having past business dealings with AECOM;
- Mr Stephen L.H. Liu - having past business dealings with Hysan and Ronald Lu;
- Mr Ricky W.Y. Yu - having Lee Hysan Foundation sponsored some of his projects and being the Director and Chief Executive Officer of Light Be (Social Realty) Company Limited which had received donation from the Foundation before;
- Professor Jonathan W.C. Wong ] Lee Hysan Foundation had sponsored some of  
Mr. L.T. Kwok ] their projects before;
- Mr K.K. Cheung - his firm having current business dealings with Ronald Lu, past business dealings with AECOM and Townland, and hiring Ms Mary Mulvihill on a contract basis from time to time, and co-owning with spouse a flat at The Leighton Hill in Causeway Bay; and

Mr Alex T.H. Lai

- his former firm having current business dealings with Ronald Lu, past business dealings with AECOM and Townland, and hiring Ms Mary Mulvihill on a contract basis from time to time; and parents co-owning a flat at The Leighton Hill in Causeway Bay.

48. As the item was procedural in nature, the Board agreed that the above Members who had declared interests could stay in the meeting. Members noted that Mr Ricky W.Y. Yu had tendered apologies for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting.

49. The Secretary briefly introduced TPB Paper No. 10674 (the Paper). On 19.6.2020, after consideration of the 629 valid representations and 105 valid comments, the Town Planning Board (the Board) decided to partially uphold some representations by revising the Remarks of the Notes for the “Commercial” (“C”) zone to incorporate the requirement for submission of a layout plan for the “C(2)” sub-zone. The Board also agreed to revise the Explanatory Statement for the “C(2)” and “Government, Institution or Community(2)” zones.

50. On 10.7.2020, the proposed amendments were exhibited under section 6C(2) of the Ordinance and five submissions were received. Among the five further representations (FRs) received, three (F3 to F5) were submitted by the original representers and/or commenters, and were therefore considered as invalid and should be treated as not having been made in accordance with section 6D of the Ordinance. Among the two valid FRs, F1 supported the requirement for submission of a layout plan but objected to the way the amendments had been made, while F2 objected to the proposed amendments.

51. Since the FRs were of similar nature, it was suggested that the hearing would be considered by the full Board collectively in one group in the regular meeting. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer, commenter and further representer in the hearing session. Consideration of the FRs by the full Board was tentatively scheduled for September 2020.

52. After deliberation, the Board agreed that:
- (a) F3 to F5 were considered as invalid and should be treated as not having been made in accordance with section 6D of the Ordinance;
  - (b) the valid FRs should be considered collectively in one group by the Board itself; and
  - (c) a 10-minute presentation time would be allotted to each representor, commenter and further representor.

**Agenda Item 8**

[Open Meeting]

Any Other Business

53. There being no other business, the meeting was closed at 12:20 p.m.