

Submission Number:

TPB/R/S/H12/13- S1

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**Submission of Written Representation in respect of Draft Mid-levels East OZP  
No. S/H12/13**

28/03/2024 15:20

Representation Number:

TPB/R/S/H12/13- R1

From:

To: <tpbpd@pland.gov.hk>

Cc:

Sent by: tpbpd@pland.gov.hk

File Ref:

2 attachments



20240328\_Sustaina\_Limited\_Written\_Representation.pdf



20240328\_Sustaina\_Limited\_Form No S6 & Authorization Letter.pdf

**Dear Sir/Madam,**

On behalf of the Representer, we submit herewith the Written Representation together with Form No. S6 and the authorization letter for the consideration of the Town Planning Board.

4 hardcopies of the submission will be sent to the TPB later this afternoon.

Thank you for your kind attention.

Regards,  
Kitty

KTA Planning Limited



For Official Use Only 請勿填寫此欄	Reference No. 檔案編號	
	Date Received 收到日期	

- The representation should be made to the Town Planning Board (the Board) before the expiry of the specified plan exhibition period. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.  
申述必須於指定的圖則展示期限屆滿前向城市規劃委員會(下稱「委員會」)提出, 填妥的表格及支持有關申述的文件(倘有), 必須送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會秘書收。
- Please read the "Town Planning Board Guidelines on Submission and Processing of Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong – Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters (PECs) of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at <http://www.tpb.gov.hk/>.  
填寫此表格之前, 請先細閱有關「根據城市規劃條例提交及處理申述及進一步申述」的城市規劃委員會規劃指引。這份指引可向委員會秘書處(香港北角渣華道 333 號北角政府合署 15 樓 - 電話: 2231 4810 或 2231 4835 及規劃署的規劃資料查詢處(熱線: 2231 5000)(香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓)索取, 亦可從委員會的網頁下載(網址: <http://www.tpb.gov.hk/>)。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the PECs of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The representation may be treated as not having been made if the required information is not provided.  
此表格可從委員會的網頁下載, 亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出申述的人士須以打印方式或以正楷填寫表格, 填寫的資料宜中英文兼備。倘若未能提供所需資料, 則委員會可把有關申述視為不曾提出論。
- In accordance with the Town Planning Ordinance (the Ordinance), the Board will make available all representations received for public inspection as soon as reasonably practicable at the Board's website and the PECs. The representations will be available for public inspection until the Chief Executive in Council has made a decision on the plan in question under section 9 of the Ordinance.  
根據《城市規劃條例》(下稱「條例」), 委員會會在合理地切實可行的情況下, 盡快將所有收到的申述上載至委員會的網頁及存放於規劃資料查詢處供公眾查閱, 直至行政長官會同行政會議根據條例第 9 條就有關圖則作出決定為止。

<b>1. Person Making this Representation (known as "Representer" hereafter)</b> <b>提出此宗申述的人士 (下稱「申述人」)</b>
Full Name 姓名 / 名稱 (Mr./Ms./Company/Organization* 先生/女士/公司/機構*)  Sustaina Limited
(Note: for submission by person, full name shown on Hong Kong Identity card/Passport must be provided) (注意: 若個人提交, 須填上與香港身份證/護照所載的全名)

<b>2. Authorized Agent (if applicable) 獲授權代理人(如適用)</b>
Full Name 姓名 / 名稱 (Mr./Ms./Company/Organization* 先生/女士/公司/機構*)  KTA Planning Limited
(Note: for submission by person, full name shown on Hong Kong Identity card/Passport must be provided) (注意: 若個人提交, 須填上與香港身份證/護照所載的全名)

\* Delete as appropriate 請刪去不適用者

Please fill in "NA" for not applicable item 請在不適用的項目填寫「不適用」

<b>3. Details of the Representation (use separate sheet if necessary)#</b> <b>申述詳情(如有需要, 請另頁說明)#</b>		
The plan to which the representation relates (please specify the name and number of the plan) 與申述相關的圖則 (請註明圖則名稱及編號)	S/H12/13	
<b>Nature of and reasons for the representation 申述的性質及理由</b>		
Subject matters 有關事項@	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reasons 理由^
<u>Amendments to Matters shown on the Plan</u> <b>Item B2</b> - Rezoning of a strip of Government land to the east of 18 Stubbs Road from "CDA" and "R(C)1" to area shown as 'Road'	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	Please refer to the attached letter.
<u>Amendment to the Notes of the Plan</u> (b) Revision to the Remarks of the Notes for "R(C)" zone to incorporate development restrictions for the new "R(C)3" and "R(C)4" sub-areas and minor relaxation clauses	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	Please refer to the attached letter.
Revision to the Explanatory Statement of the OZP relating to "R(C)3" zone	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	Please refer to the attached letter.
Any proposed amendments to the plan? If yes, please specify the details. 對圖則是否有任何擬議修訂? 如有的話, 請註明詳情。		
Please refer to the attached letter.		

# If the representation contains more than 20 pages, or any page larger than A4 size, 4 hard copies and 1 soft copy are required to be provided for the submission. Provision of email address is also required.  
若申述超過 20 頁或有任何一頁大小超過 A4, 則須提交硬複本一式四份和一份軟複本。另須提供電郵地址。

@ Please describe the particular matter in the plan to which the representation relates. Where the representation relates to an amendment to a plan, please specify the amendment item number provided in the Schedule of Proposed Amendments. 請形容圖則內與申述有關的指定事項, 如申述與圖則的修訂有關, 請註明在修訂項目附表內的修訂項目編號。

^ Please also note that section 6(3A) of the Ordinance provides that any representation received under section 6(1) **may be treated as not having been made** if, in the opinion of the Board that, the reason for the representation is a reason concerning compensation or assistance relating to, or arising from resumption/acquisition/clearance/obtaining vacant possession of any land by the Government. The above matters should be dealt with in accordance with the relevant statutory provisions on compensation and/or promulgated policy on compensation. Should you have any views on compensation or assistance matters, you may separately raise your views to the Director of Lands or the relevant authority. 請注意, 條例第 6(3A)條訂明, 如委員會認為根據第 6(1)條收到的任何申述所提出的理由是與政府收回/徵用/清理/取得任何土地的空置管有權而引起的補償或援助有關, 則有關申述可被視為不曾提出。上述事項應該按照相關補償的法律條文和/或已公布的補償政策處理。如對補償或援助事宜有意見, 可另行向地政總署署長或有關當局提出。

Please fill "NA" for not applicable item 請在不適用的項目填寫「不適用」

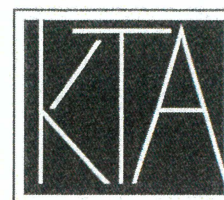
at the appropriate box 請在適當的方格內加上  號

By Hand

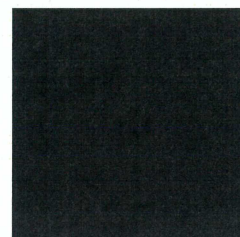
Our Ref: S3026a/SR/24/001Lg

28 March 2024

Secretary, Town Planning Board  
15/F, North Point Government Offices  
333 Java Road  
North Point  
Hong Kong



PLANNING LIMITED  
規劃顧問有限公司



Dear Sir/Madam,

**Submission of Written Representation in respect of  
Draft Mid-levels East Outline Zoning Plan No. S/H12/13**

This Written Representation is prepared and submitted on behalf of Sustaina Limited (the "Representer"), under Section 6(1) of the Town Planning Ordinance ("TPO") in relation to the Draft Mid-levels East Outline Zoning Plan ("Draft OZP") No. S/H12/13 gazetted by the Town Planning Board ("TPB") on 2 February 2024. This Written Representation is made in respect of the following amendments of the Draft OZP:

- 1) Rezoning of a strip of Government Land to the east of 18 Stubbs Road from "Comprehensive Development Area" ("CDA") and "Residential (Group C)" ("R(C)1") to area shown as 'Road';
- 2) Revision to the Remarks of the Notes for "Residential (Group C)" ("R(C)") zone to incorporate development restrictions for the new "Residential (Group C) 3" ("R(C)3") and "Residential (Group C) 4" sub-areas and minor relaxation clause; and
- 3) Revision to the Explanatory Statement of the OZP for the "R(C)3" zone.

The Representer, Sustaina Limited, is the Project Proponent of the proposed residential development with a privately initiated residential care home for the elderly ("RCHE") at Nos. 15 and 24 Stubbs Road and No. 7 Tung Shan Terrace ("Site") which was partially agreed by the Metro Planning Committee ("MPC") of the TPB at its meeting on 5 May 2023 (under Planning Application No. Y/H12/2). While the Applicant appreciates the amendments to the Approved OZP No. S/H12/12 to take forward MPC's decision to rezone the Site from "R(C)1", "Government, Institution or Community (4)" ("G/IC(4)") and "Green Belt" ("GB") to "R(C)3" to facilitate the early implementation of the Proposed Development on Site, the Representer wishes to make representations with respect to the above-mentioned amendment items.

**1) a) Rezoning of a Strip of Government Land to the West of Inland Lot no. 8371 Proposed as Non Building Area Under the Rezoning Application (no. Y/H12/2) to Part of 'Road' Zone Does Not Reflect Representer's Intention to Bring Improvement to the Townscape and Amenity of the Locality**

Under Amendment Item B2 in the Draft OZP No. S/H12/13, the strip of Government land to the east of No. 18 Stubbs Road is currently occupied by a public staircase, pedestrian



FS 579819





walkway, an on-street car parking space (maintained and managed by the Highways Department ("HyD")), an open "u" drainage channel (managed by Drainage Services Department ("DSD")), a retaining structure (Slope No. 11SW-D/R1233) (which is currently under the maintenance responsibility of the Representer (i.e. Landowner of Lot No. IL8371) (**Plan 1** refers)) and an area included in Representer's previous rezoning proposal to "R(C)3" zone as a non-building area ("NBA") (**Plan 2** refers). Part of the strip of Government land also falls within the drainage reserve area ("DRA") for the underground 900mm X 1350mm box culvert. At present, the concerned NBA is "No-Man's-Land" overgrown with vegetation without any proper maintenance which also cause concerns on public hygiene and safety (**Plan 3** refers).

It has always been the Representer's intention to bring about enhancement to NBA (which was also all along the area zoned "R(C)1" in the OZPs) in the previous rezoning proposal. As the maintenance agent of the retaining structure abutting the NBA, the Representer would like to take the opportunity to enhance the townscape and amenity of the locality by implementing landscaping treatment (i.e. lawn and shrub planting) at the NBA including the retaining structure to create a more biophilic environment that is coherent with the naturalistic environment of the surrounding context at her own cost. The enhancement proposal will complement the boundary landscape treatment of Central Peak with the creation of a desirable pedestrian walking environment with landscaping along both sides of the public staircase (**Plan 4** refers).

To enable the above townscape enhancement proposal which will bring about long term environmental improvement to the area, the Representer sincerely requests the TPB to amend the concerned strip of Government land from area shown as 'Road' back to "R(C)3" zone as originally proposed under the S12A Planning Application. This will allow the Representer to proceed with the subsequent land procedure for the implementation of the proposal with the designation of coloured area such as "Pink Cross Hatched Black Area" on the lease for better management and maintenance by the Representer. The proposal will also enhance safety and security by bringing improvement to the current "No Man's Land" which is currently without any proper maintenance and management. This arrangement is similar to that of the adjacent development, Central Peak, in which the part of the lot falling within DRA was designated as Pink Cross Hatched Black Area and is used as a landscape area (as indicated on the approved Building Plan). In fact, it is not uncommon that the DRA falls within the Site.

As a matter of goodwill, the Representer has submitted a drainage diversion proposal to DSD involving the diversion and replacement of the 900mm X 1350mm box culvert into a 1200mm dia stormwater drain pipe with manholes at its own cost in a location further away from the foundation structure of the Site (**Plan 5** refers). This arrangement would allow easier maintenance of the drainage facilities by DSD in future.

## 2) **Full Realization of the Development Potential of the Site Should Be Ensured**

In the Indicative Development Scheme included in the previous S12A Planning Application, the total GFA was about 13,215 m<sup>2</sup> which included a domestic GFA of about 8,749 m<sup>2</sup> and a non-domestic GFA of about 4,466 m<sup>2</sup>. Within the non-domestic GFA, about 2,258 m<sup>2</sup> was proposed for the RCHE while the remaining about 2,208 m<sup>2</sup> was for the provision of an above-ground carpark. In the current Draft OZP, it is stipulated in the Notes of the "R(C)" zone that "*on land designated "Residential (Group C) 3", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall*



*result in total development and/or redevelopment in excess of a maximum gross floor area of 11,010 m<sup>2</sup>, of which a gross floor area of not less than 2,258 m<sup>2</sup> shall be provided for residential care home for the elderly and related elderly facilities, and maximum building height.....whichever is the greater". It is also stated that "in determining the maximum gross floor area of the purposes of paragraph (4) and (5) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay,.....provided such use and facilities are ancillary and directly related to the development or development, may be disregarded".*

A Land Exchange Application for the Proposed Development has been submitted to Lands Department ("LandsD"). Under the prevailing land policy, the standard clause for GFA exemption of car parking space follows that of Buildings Department ("BD") (i.e. above-ground car parking space to be 50% accountable according to PNAP APP-2). Therefore, if the maximum GFA of only 11,010m<sup>2</sup> is stipulated in the Notes of the Draft OZP and adopted by LandsD, the maximum GFA of 11,010m<sup>2</sup> will be exceeded as 50% of above-ground car park GFA is accountable under lease. In order to fully realize the development potential of the Site (i.e the domestic GFA of about 11,010 m<sup>2</sup>) as agreed by the TPB, the Representer would sincerely request the TPB to revise the Notes of "R(C)" zone to *"on land designated "Residential (Group C) 3", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in total development and/or redevelopment in excess of a maximum gross floor area of 13,215 m<sup>2</sup>, of which a gross floor area of not less than 2,258 m<sup>2</sup> shall be provided for residential care home for the elderly and related elderly facilities, a gross floor area of not more than 8,749 m<sup>2</sup> shall be provided for domestic use, and any remaining gross floor area shall be provided for any floor space that is constructed or intended for use solely as above-ground car park, loading/ unloading bay... and maximum building heights.....whichever is the greater".*

**3) Flexibility Should Be Allowed For the Provision of A Quality RCHE**

The Representer is endeavoured to provide a privately-run RCHE within the Proposed Development with a desirable living environment for senior residents in Mid-Level East and also to serve seniors from other districts. While a specific operator is yet to be identified, the Representer is working with specialists in elderly care housing and services to further develop the RCHE and identify an appropriate operator.

**Flexibility for adaptability** - The Representer is committed to designing an RCHE that is adaptable to market trends, the targeted market segment and the residents' evolving physical and mental needs as they age. To that end, the goal of the Proposed Development is to partner with an RCHE operator that is equally invested in setting new benchmarks in integrating cutting-edge design (in terms of both hardware and software), gerontechnology and later life living solutions. These design and technology philosophies require flexible and adaptable space utilisation and infrastructure that may be restricted by a rigid bed count requirement. The vision and mission are to provide better quality care and attention for the largest number of residents possible within the confines of the approved GFA.

**A community-oriented active ageing approach** - This objective is not solely about providing a place to live; it is about cultivating a community where singleton seniors, couples and other co-living senior residents can thrive. Naturally, singleton seniors and couples would demand more privacy, rather than sharing living spaces in cluster rooms.



A community-oriented approach has been shown to significantly improve the well-being and satisfaction of seniors in RCHEs, through the provision of communal amenities where residents can meet and interact with each other and family and friends on a daily basis. To take forward the Government policy of "Promotion of Active Ageing", sufficient floor space will be dedicated for the provision of communal amenities such as communal kitchen/dining area, physiotherapy and rehabilitation centre, wellness areas, library/reading room and multi-functional/entertainment room, as well as round-the-clock and comprehensive professional healthcare services, to enable residents to lead healthy and enriching lives.

**Comparable examples in the market** – The Representer has studied several recent middle-class and more up-market RCHEs and elderly housing development examples, and a common trend is the provision of larger average space per resident and larger room sizes. Examples includes Blissful Place in Hung Hom ([hyggeliving.com.hk](http://hyggeliving.com.hk)) where the average space per resident is 27.8 m<sup>2</sup>, and a project under development Ventria Residences in Happy Valley ([ventriaresidence.com](http://ventriaresidence.com)) where a one-bed RCHE unit averages between 24.4 to 29.4 m<sup>2</sup> and a two-bed RCHE unit averages between 32.3 to 36.5 m<sup>2</sup>. The larger rooms allow for better personal space, space for carers, the inclusion of private or semi-private amenities, and the flexibility to incorporate assistive technologies that enhance the residents' independence and quality of life.

**Flexibility for evolving senior living market** – One concern of the Representer is that the reference to a quantitative bed count could inadvertently limit the future operator's ability to design and provide the most conducive living environment for future residents. The intention of the RCHE is to provide for as many residents as possible and removing the minimum bed count does not mean the number of beds will necessarily decrease. However, the senior living market is rapidly evolving with new standards and higher quality of living changing too. The intent is also to achieve maximum qualitative threshold for RCHE facilities, allowing for quality care for residents and thereby achieving planning gains.

**Reference to GFA restriction achieves planning objective** – To allow for design flexibility of the future operator to cater to the market needs and provide various active ageing and ancillary facilities in support of the RCHE, the Representer would sincerely request the TPB to consider not to impose any stipulation on the number of bedspaces as stated in the Explanatory Statement of the Draft OZP as it may compromise the future operator's ability to design an optimal living environment that meets high standards of quality, comfort and resident well-being. The GFA restriction of "not less than 2,258 m<sup>2</sup>" for the provision of RCHE and elderly related facilities would have already provided sufficient control to ensure the implementation of social welfare facilities for the maximum number of senior residents at the Proposed Development.

### **Conclusion**

In view of all of the above, the Representer submits the followings in respect of the Draft OZP (**Plan 6** refers):

- Revisit and rationalize the boundary of the area shown as 'Road' to include the NBA in the "R(C)3" zone to facilitate the Representer's proposal to enhance the townscape and amenity of the locality as well as improvement to security and safety for the public (**Plan 6** refers).



- Increase the maximum gross floor area to 13,215 m<sup>2</sup> to accommodate the above-ground carpark and to achieve full realization of the development potential as approved by the TPB under the S12A Planning Application.
- Lifting of requirement of number of beds to be provided within the RCHE in the Explanatory Statement of the Draft OZP.

Meanwhile, should you have any queries in relation to the above and attached, please do not hesitate to contact the undersigned.

Thank you for your kind attention.

Yours faithfully  
For and on behalf of  
KTA PLANNING LTD

A handwritten signature in black ink, appearing to read 'Pauline Lam', written over a circular stamp or seal.

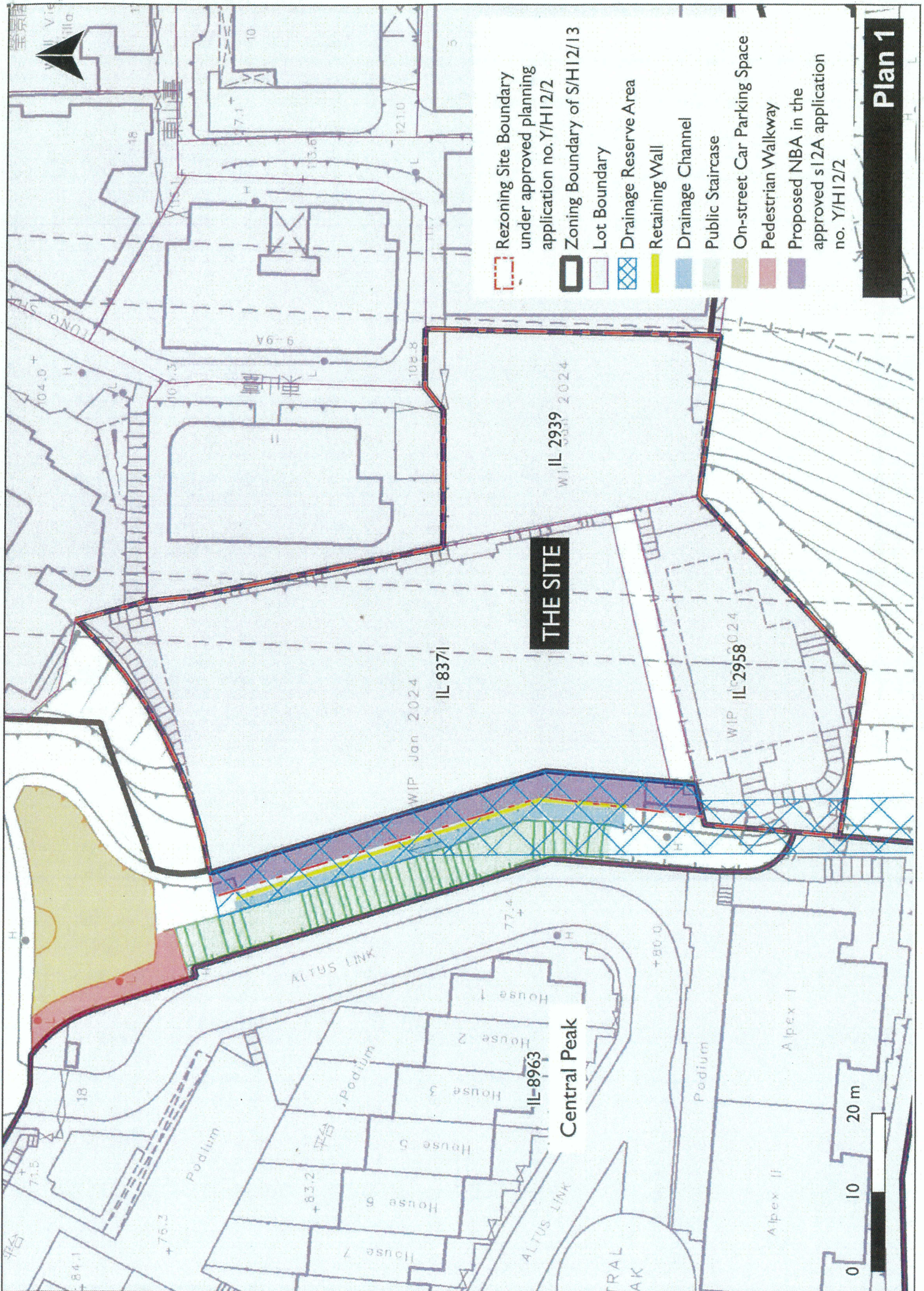
Pauline Lam











Encl.: Plans 1 to 6

cc. the Representer & Team

PL/KW/FL





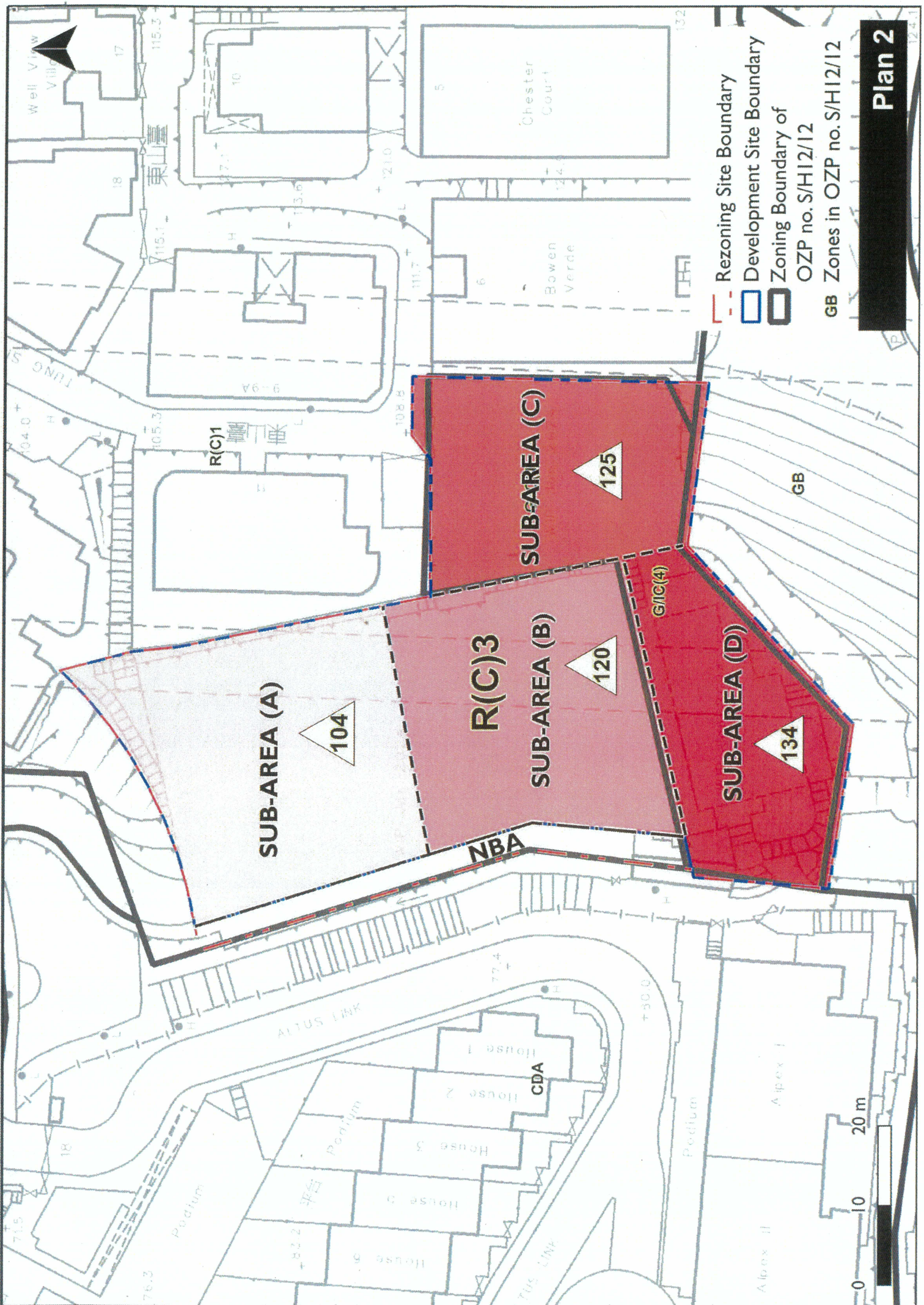
-  Rezoning Site Boundary under approved planning application no. Y/H12/2
-  Zoning Boundary of S/H12/13
-  Lot Boundary
-  Drainage Reserve Area
-  Retaining Wall
-  Drainage Channel
-  Public Staircase
-  On-street Car Parking Space
-  Pedestrian Walkway
-  Proposed NBA in the approved s12A application no. Y/H12/2

**Plan 1**

**THE SITE**

**Central Peak**

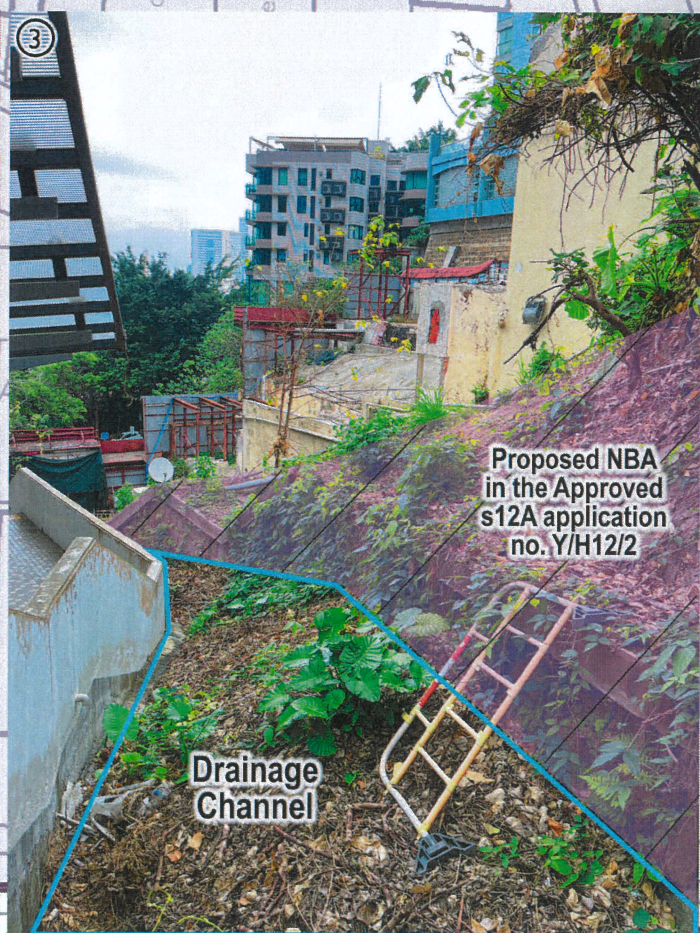
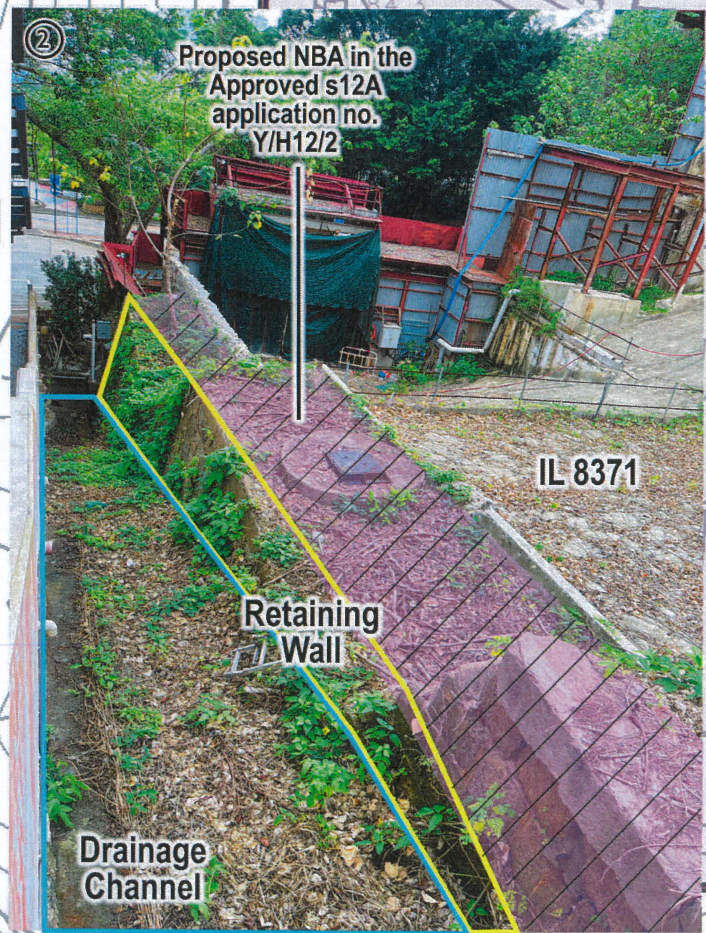
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- Rezoning Site Boundary
- Development Site Boundary
- ▭ Zoning Boundary of OZP no. S/H12/I2
- GB Zones in OZP no. S/H12/I2

# Plan 2





- ### Legend
- Rezoning Site Boundary under approved planning application no. Y/H12/2
  - Zoning Boundary of S/H12/13
  - Lot Boundary
  - Drainage Reserve Area
  - Retaining Wall
  - Drainage Channel
  - Public Staircase along Central Peak
  - On-street Car Parking Space
  - Pedestrian Walkway
  - Proposed NBA in the approved s12A application no. Y/H12/2



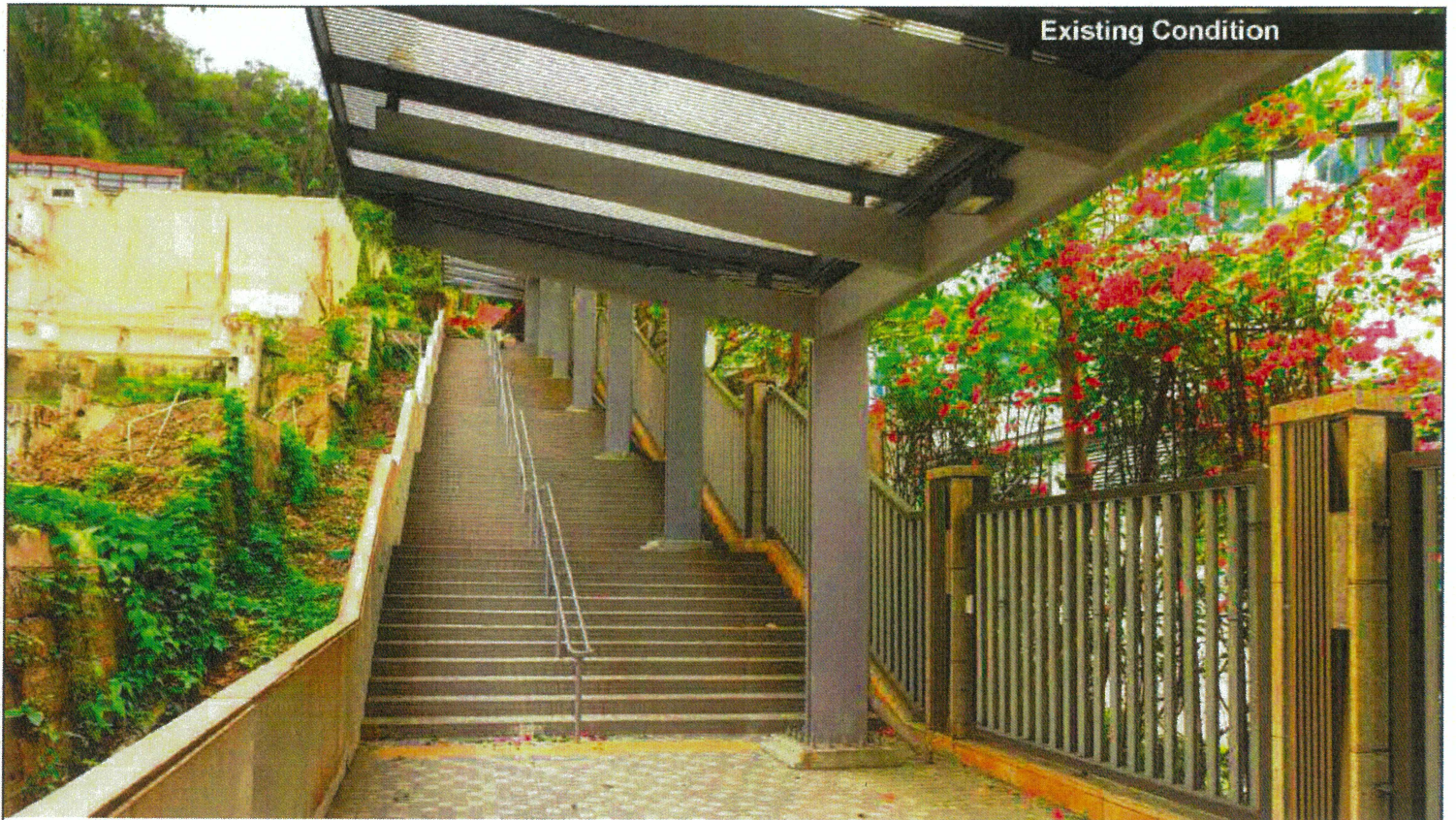
## Existing Contexts

Submission of Written Representation in respect of  
Draft Mid-levels East Outline Zoning Plan  
No. S/H12/13

Plan 3

Scale: 1:420 (A3)

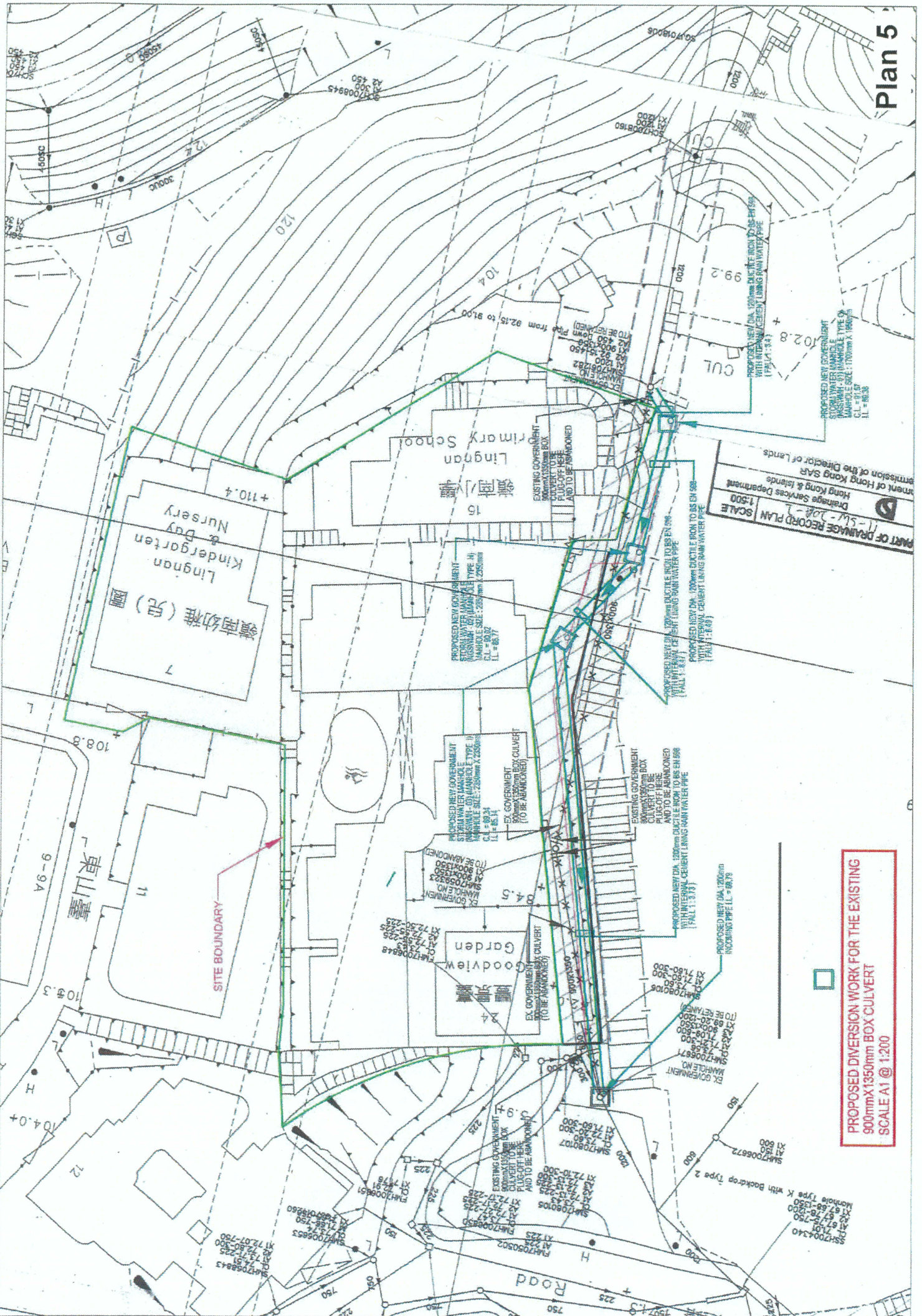
Date: 26 March 2024



(Before)

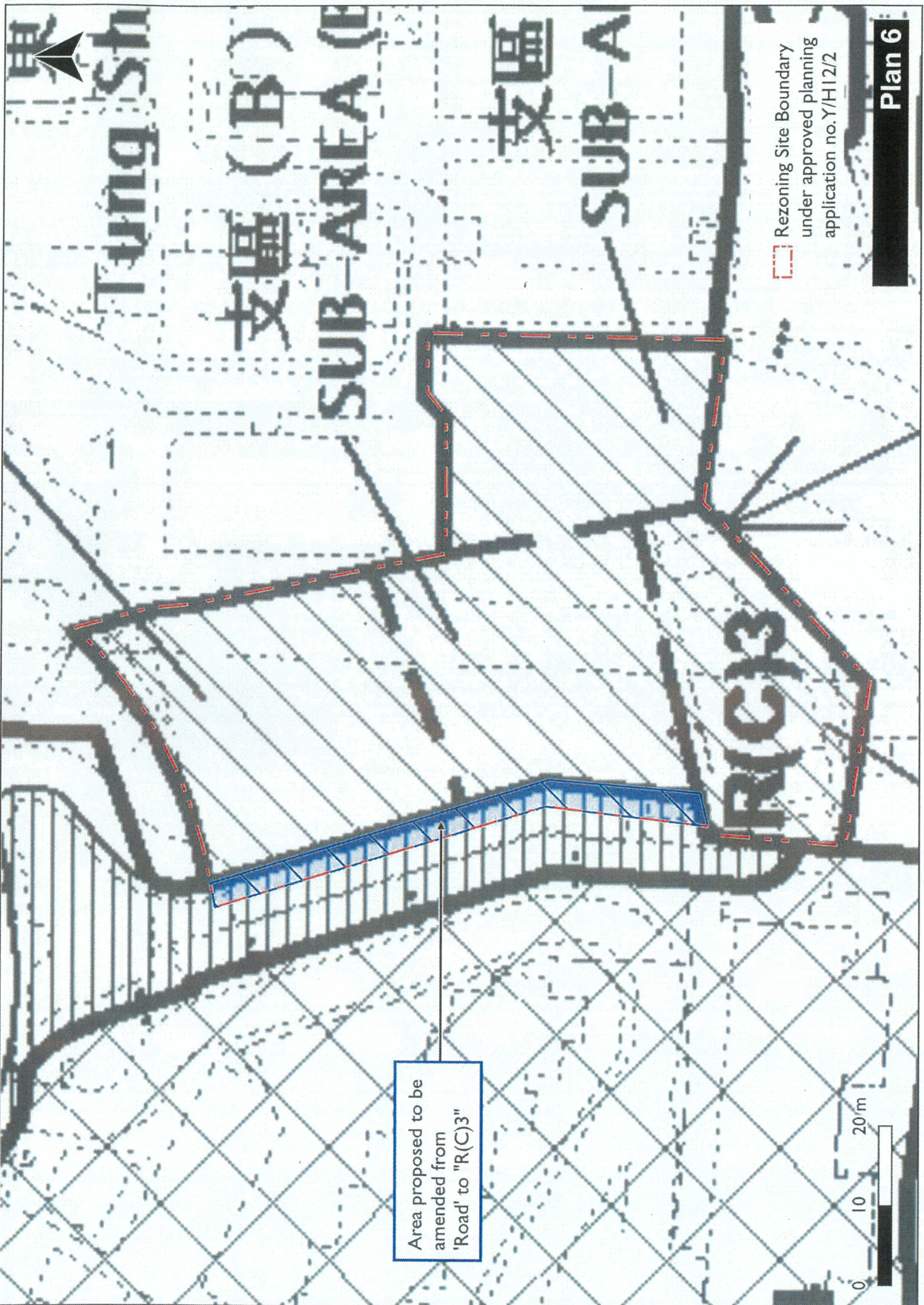


(After)  
Plan 4



Part of Drainage Record Plan  
 Drainage Services Department  
 Hong Kong & Islands  
 Permission of the Director of Lands  
 11-SM-2021  
 SCALE 1:500

PROPOSED DIVERSION WORK FOR THE EXISTING  
 900mmX1350mm BOX CULVERT  
 SCALE A1 @ 1:200



Rezoning Site Boundary  
under approved planning  
application no. Y/H12/2

Plan 6

Area proposed to be  
amended from  
'Road' to 'R(C)3'



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	Date Received 收到日期	

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- The representation should be made to the Town Planning Board (the Board) before the expiry of the completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board Offices, 333 Java Road, North Point, Hong Kong.  
申述必須於指定的圖則展示期限屆滿前向城市規劃委員會（下稱「委員會」）提出，填妥的表格及支持有關申述的文件（倘有），必須送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會秘書處。
- Please read the "Town Planning Board Guidelines on Submission and Processing of Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong – Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters (PECs) of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at <http://www.tpb.gov.hk/>.  
填寫此表格之前，請先細閱有關「根據城市規劃條例提交及處理申述及進一步申述」的城市規劃委員會規劃指引。這份指引可向委員會秘書處（香港北角渣華道 333 號北角政府合署 15 樓 - 電話：2231 4810 或 2231 4835 及規劃署的規劃資料查詢處（熱線：2231 5000）（香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓）索取，亦可從委員會的網頁下載（網址：<http://www.tpb.gov.hk/>）。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the PECs of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The representation may be treated as not having been made if the required information is not provided.  
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出申述的人士須以打印方式或以正楷填寫表格，填寫的資料宜中英文兼備。倘若未能提供所需資料，則委員會可把有關申述視為不曾提出論。
- In accordance with the Town Planning Ordinance (the Ordinance), the Board will make available all representations received for public inspection as soon as reasonably practicable at the Board's website and the PECs. The representations will be available for public inspection until the Chief Executive in Council has made a decision on the plan in question under section 9 of the Ordinance.  
根據《城市規劃條例》（下稱「條例」），委員會會在合理地切實可行的情況下，盡快將所有收到的申述上載至委員會的網頁及存放於規劃資料查詢處供公眾查閱，直至行政長官會同行政會議根據條例第 9 條就有關圖則作出決定為止。

**1. Person Making this Representation (known as "Representer" hereafter)  
提出此宗申述的人士（下稱「申述人」）**

Full Name 姓名 / 名稱 (Mr./Ms./Company/Organization\* 先生/女士/公司/機構\*)

Wisecity Development Limited

(Note: for submission by person, full name shown on Hong Kong Identity card/Passport must be provided)  
(注意：若個人提交，須填上與香港身份證／護照所載的全名)



**2. Authorized Agent (if applicable) 獲授權代理人(如適用)**

Full Name 姓名 / 名稱 (Mr./Ms./Company/Organization\* 先生/女士/公司/機構\*)

Llewelyn-Davies Hong Kong Limited

(Note: for submission by person, full name shown on Hong Kong Identity card/Passport must be provided)  
(注意：若個人提交，須填上與香港身份證／護照所載的全名)

\* Delete as appropriate 請刪去不適用者

Please fill in "NA" for not applicable item 請在不適用的項目填寫「不適用」

<b>3. Details of the Representation (use separate sheet if necessary)*</b> 申述詳情(如有需要,請另頁說明)*		
The plan to which the representation relates (please specify the name and number of the plan) 與申述相關的圖則(請註明圖則名稱及編號)	Draft Mid-Levels East (Plan No. S/H12/13)	
<b>Nature of and reasons for the representation 申述的性質及理由</b>		
Subject matters 有關事項®	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reasons 理由^
Amendment Item A	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對 (and providing comments)	(see attached supplementary documents)
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
Any proposed amendments to the plan? If yes, please specify the details. 對圖則是否有任何擬議修訂? 如有的話,請註明詳情。 <b>Propose to rezone the subject site to "CDA" zone.</b>		

# If the representation contains more than 20 pages, or any page larger than A4 size, 4 hard copies and 1 soft copy are required to be provided for the submission. Provision of email address is also required.  
若申述超過 20 頁或有任何一頁大小超過 A4, 則須提交硬複本一式四份和一份軟複本。另須提供電郵地址。


@ Please describe the particular matter in the plan to which the representation relates. Where the representation relates to an amendment to a plan, please specify the amendment item number provided in the Schedule of Proposed Amendments. 請形容圖則內與申述有關的指定事項, 如申述與圖則的修訂有關, 請註明在修訂項目附表內的修訂項目編號。

^ Please also note that section 6(3A) of the Ordinance provides that any representation received under section 6(1) **may be treated as not having been made** if, in the opinion of the Board that, the reason for the representation is a reason concerning compensation or assistance relating to, or arising from resumption/acquisition/clearance/obtaining vacant possession of any land by the Government. The above matters should be dealt with in accordance with the relevant statutory provisions on compensation and/or promulgated policy on compensation. Should you have any views on compensation or assistance matters, you may separately raise your views to the Director of Lands or the relevant authority. 請注意, 條例第 6(3A)條訂明, 如委員會認為根據第 6(1)條收到的任何申述所提出的理由是與政府收回/徵用/清理/取得任何土地的空置管有權而引起的補償或援助有關, 則有關申述可被視為不曾提出。上述事項應該按照相關補償的法律條文和/或已公布的補償政策處理。如對補償或援助事宜有意見, 可另行向地政總署署長或有關當局提出。

Please fill "NA" for not applicable item 請在不適用的項目填寫「不適用」

at the appropriate box 請在適當的方格內加上  號



An aerial photograph of a residential development. The image shows a cluster of buildings with various labels such as 'Stubbs Road', 'Central Peak', 'Colmo Link', 'Bliss Link', 'Richery Palace', 'Wellview Villa', 'Bowen Verder', 'Lingnan Kindergarten & Day Nursery', 'Chester Court', 'East Garden', 'Crescent Heights', 'Tung Shan Villa', 'Green Cliff', 'Gallant Place', 'Aberdeen Tunnel', 'Stubbs Road Stirling-out Area', 'Central Peak House 8', 'Colmo Link House 3', 'Central Peak House 6', 'Bliss Link House 8', 'Central Peak Bliss Link House 6', 'Central Peak Bliss Link House 3', 'Central Peak House 5', 'Central Peak House 8', 'Altus Link House 8', 'Central Peak House 5', 'Central Peak House 8', 'Central Peak House 5', 'Central Peak House 8', 'Central Peak House 5', 'Central Peak House 8', 'Central Peak House 5', 'Central Peak House 8', 'Central Peak House 5', 'Central Peak House 8'. The text is overlaid on the image.

**Representation with respect to Proposed Amendments to the  
Approved Mid-Levels East Outline Zoning Plan No. S/H12/12**

**Amendment Item A  
Rezoning for a partially agreed section 12A application No. Y/H12/2 for  
proposed residential development with privately-initiated RCHE at No. 15  
and 24 Stubbs Road, and No. 7 Tung Shan Terrace**

## Summary of Comments

We **OBJECT** to the proposed amendments to the approved Mid-levels East Outline Zoning Plan (OZP) No. S/12/2 (i.e. Amendment Item A), which relates to rezoning a Site at No. 15 and 25 Stubbs Road, and No. 7 Tung Shan Terrace (hereafter referred as "the Site") from "R(C)1", "G/IC(4)" and "Green Belt" ("GB") to "R(C)3" with stipulation of a maximum GFA of 11,010m<sup>2</sup> and maximum BHs ranging from 104mPD to 134mPD for various sub-areas respectively. Our objection reasons are summarised below. Detailed grounds are depicted in the later sections of this document.

### 1) Insufficient Development Control under the Notes of the "R(C)3" Zone

According to the proposed Notes of the amended OZP, on land designated "R(C)3":-

*No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area of 11,010m<sup>2</sup>, of which a gross floor area of not less than 2,258m<sup>2</sup> shall be provided for residential care home for the elderly and related elderly facilities, and maximum building heights of 104m above Principal Datum for sub-area (A), 120m above Principal Datum for sub-area (B), 125m above Principal Datum for sub-area (C) and 134m above Principal Datum for sub-area (D), or the gross floor area and height of the existing building, whichever is the greater.*

*In determining the maximum gross floor area of the above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room, caretaker's office and caretaker's quarters, or recreational facilities for the use and benefit of all owners or occupiers of the domestic building or domestic part of the building, provided such use and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.*

Unlike the adjacent No. 18 Stubbs Road, which was zoned "CDA" on the OZP previously to control the design before physical completion <sup>(1)</sup>, there is no planning control on the detailed design, layout and form of the future development at the Site. Acting under the development restrictions under the proposed Notes, the future Developer can still purposely design excessive above ground podium bulk for car park and loading / unloading bays and other ancillary facilities (which is not GFA accountable) at the expense of the visual and air quality environment in its local neighbourhood.

**We therefore suggest that a more appropriate land-use zoning (i.e. "CDA") should be designated for the Site to allow sufficient and efficient planning control by Government departments as well as the Town Planning Board.** We reiterate that it is totally undesirable to leave all basic design considerations and the substantial adverse traffic / visual / environmental and other relevant technical impacts only to be addressed at building plan submission stage, which mainly focus on compliance with requirements under Buildings Ordinance and other relevant Practice Notes for Professional Persons rather than coming up a more acceptable and sustainable scheme in the interest of the public.

During the S12A rezoning application stage (Application No. Y/H12/2), the Applicant has not shown any effort in truly responding to the public comments despite strong objection from local residents and surrounding developments. We strongly believe a more stringent and proper control is required to guide the future development at the Site for the benefit of the public.

#### Remarks

1. No. 18 Stubbs Road is currently proposed to be rezoned from "CDA" to "R(C)4" to reflect the completed development (i.e. Amendment Item B1)

## Summary of Comments (Cont.)

### 2) Outstanding Traffic Concerns leading to More Traffic Affecting the Surroundings

Without any proper planning control, there will be no control on flat mix and thus the future Developer would easily build more residential unit at a smaller flat size than that stated in the indicative scheme under the rezoning stage. It should be highlighted that there are major traffic concerns that cast serious doubts on the possible traffic implications to the low-density residential neighbourhood at Mid-Levels East, which all vehicular traffic is highly reliant on Stubbs Road for access, which is an existing narrow sub-standard road with limited room for road widening.

#### *i. Worst-case Development Scenario*

A total of 44 flats / houses with an average flat size of 199m<sup>2</sup> was assumed in support of the approved S12A rezoning application (Application No. Y/H12/2). Under the proposed amendments of OZP Notes, there will be no planning control on the flat mix. The Applicant could potentially reduce the flat size and therefore delivering significantly more than 44 flats / houses requiring no further consent from TPB. Making reference based on the latest minimum flat size requirement of not less than 26m<sup>2</sup> as promulgated by the Government in the Land Sale Programmes and new lease modification / land exchange applications from 2022 onwards, **the estimated number of flats / houses could be substantially increased up to about 337 flats (+666%)**. The impact in traffic and infrastructural terms would therefore be significant. As a result, travel speed would be substantially reduced, and minor disruptions might lead to local congestion with long traffic queues. In view of the current downturn in property market, it is not unreasonable to predict that the future development would make downward adjustment in flat size to meet the changing market needs and the resultant traffic impact would be much adverse as a result.

#### *ii. Cumulative Traffic Impact Assessment*

A number of "R(C)" sites are situated along Stubbs Road same as the approved S12A rezoning application site. There will be cumulative traffic impacts on the surrounding road networks if all these nearby "R(C)" sites are up-zoned. Although each up-zoning proposal will require separate planning application for approval of the TPB, all possible up-zoning of development sites in relation to the Proposed Development should be included as sensitivity tests to provide a full picture for TD's consideration as per a usual practice. With all the potential up-zoning of "R(C)" sites, Stubbs Road would have highly unstable traffic operations and could easily trigger widespread congestion and extensive long traffic queues, leading to strong public complaints to relevant departments in future.

### 3) No planning control on the design, provision and future management and maintenance of the Proposed Pedestrian Access which was proposed at S12A stage

Without further S16 application, there would be no planning control on the design and provision of the Proposed Public pedestrian Access within the proposed development. Furthermore, the Applicant would no longer have full ownership of the development in future after sales of flats to individual owners, hence they could not manage and maintain the proposed public pedestrian access in future.

Again, we therefore suggest a more appropriate land-use zoning (i.e. "CDA") to be designated for the Site. The applicant will have to submit further S16 application with relevant technical assessments to justify the future design changes (if any in comparing to the indicative scheme submitted at the rezoning stage) in order to minimise any adverse impacts that would worsen the infrastructural capacities in the Mid-Levels area.

## 1. Insufficient Development Control under the Notes of the "R(C)3" Zone

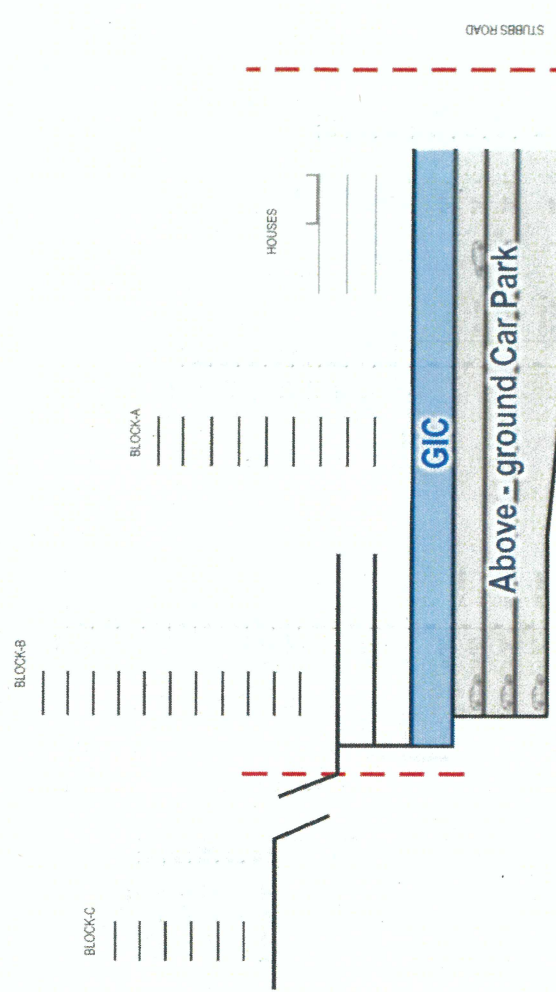
## Insufficient planning control under the Notes of the proposed “R(C)3” land-use zone

- Under the development restrictions of the proposed Notes on land designated “R(C)3”, it ONLY stipulates the maximum GFA (including minimum GFA for RCHE and related elderly facilities) and maximum BHs for various sub-areas.
- It is noted that **any floor space that is constructed or intended for use solely as car park, loading / unloading bay, plant room, caretaker’s office and caretaker’s quarters, or recreational facilities for the use and benefit of all owners or occupiers of the domestic building or domestic part of the building, provided such use and facilities are ancillary and directly related to the development or redevelopment, may be disregarded from GFA calculation.**
- Acting under the maximum permissible building height under the OZP, the applicant **can still purposely design excessive and visually undesirable above-ground podium for car park and loading / unloading bays and other ancillary facilities (which is not GFA accountable)** at the expense of the visual and air quality environment in its local neighbourhood. This was indeed a grave public concern raised in the S12A application stage but has been totally ignored and not addressed by the applicant.

### Notes of the draft Mid-levels East OZP No. S/H12/12A (Extracted from Attachment III of MPC Paper No. 1/24)

RESIDENTIAL (GROUP C) (Cont'd)		
Remarks	Restriction	
(1) On land designated “Residential (Group C)”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height specified for each sub-area as set out below, or the height of the existing building, whichever is the higher:	Sub-area R(C)1 R(C)2	Maximum building height of 10.67m Maximum 12 storeys over 1 storeys of carports
(2) For sub-area On land designated “R(C)1”, the maximum building height for all building development should be measured from the existing mean site formation level. The overall building height should not exceed 4 storeys including carports.		
(3) For sub-area On land designated “R(C)2”, based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction for the provision of ancillary facilities may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.		
(4) On land designated “Residential (Group C)3”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area of 11,010m <sup>2</sup> , of which a gross floor area of not less than 2,258m <sup>2</sup> shall be provided for residential care home for the elderly and related elderly facilities, and maximum building heights of 104m above Principal Datum for sub-area (A), 120m above Principal Datum for sub-area (B), 125m above Principal Datum for sub-area (C) and 134m above Principal Datum for sub-area (D), or the gross floor area and height of the existing building, whichever is the greater.		

### Indicative Scheme of S12A (Application No. Y/H12/2) in proposed “R(C)3” zone (Extracted from Drawings of MPC Paper No. 1/24)



There will be no control on the design and form of the massive aboveground podium for car parking, loading / unloading bays, which is not GFA accountable under the Notes of the OZP

# A more stringent land-use zoning is required to guide the detailed design, layout and form of the future development

- A more appropriate land-use zoning, i.e. "CDA", should be imposed for the Site;
- By submission of MLP, there will be more concrete control on the detailed design, layout and form of the future development. There would also be more planning control to ensure the implementation of various planning gains, including provision of privately-initiated RCHE, retain and refurbish the existing staircase from Tung Shan Terrace to Stubbs Road and provide vertical access with covered walkway from G/F of proposed development to Tung Shan Terrace for the benefit of the public as committed by the applicant during the previous rezoning stage
- Various impact assessments, such as Visual Impact Assessment and Environmental Assessment, will also be required to be submitted for Government departmental considerations to assess the implications of the future design of the development

## Notes of the draft Mid-levels East OZP No. S/H12/12 (before current proposed OZP amendment)

S/H12/12

S/H12/12

### COMPREHENSIVE DEVELOPMENT AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
	Eating Place
	Educational Institution
	Flat
	Government Refuse Collection Point
	Government Use (not elsewhere specified)
	Hotel
	House
	Library
	Market
	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
	Office
	Petrol Filling Station
	Place of Entertainment
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Recyclable Collection Centre
	Religious Institution
	School
	Shop and Services
	Social Welfare Facility
	Utility Installation for Private Project

### Planning Intention

This zone is intended for comprehensive redevelopment of the area for residential with supporting commercial uses, open space and other related facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

### COMPREHENSIVE DEVELOPMENT AREA (Cont'd)

Remarks
(1) Pursuant to section 4A(2) of the Town Planning Ordinance, and except as otherwise expressly provided that it is not required by the Town Planning Board, an applicant for permission for development on land designated "Comprehensive Development Area" shall prepare a Master Layout Plan for the approval of the Town Planning Board and include therein the following information:
(i) the area of the proposed land uses, the nature, position, dimensions, and heights of all buildings to be erected on the area;
(ii) the proposed total site area and gross floor area for various uses, total number of flats and flat size, where applicable;
(iii) the details and extent of Government, institution or community (GIC) and recreational facilities, public transport and parking facilities, and open space to be provided within the area;
(iv) the alignment, widths and levels of any roads proposed to be constructed within the area;
(v) the landscape and urban design proposals within the area;
(vi) programmes of development in detail;
(vii) an environmental assessment report to examine any possible environmental problems that may be caused to or by the proposed development during and after construction and the proposed mitigation measures to tackle them;
(viii) a drainage and sewerage impact assessment report to examine any possible drainage and sewerage problems that may be caused by the proposed development and the proposed mitigation measures to tackle them;
(ix) a traffic impact assessment report to examine any possible traffic problems that may be caused by the proposed development and the proposed mitigation measures to tackle them; and
(x) such other information as may be required by the Town Planning Board.
(2) The Master Layout Plan should be supported by an explanatory statement which contains an adequate explanation of the development proposal, including such information as land tenure, relevant lease conditions, existing conditions of the site, the character of the site in relation to the surrounding areas, principles of layout design, major development parameters, design population, types of GIC facilities, and recreational and open space facilities.

"CDA" zoning requires submission of S16 with supporting technical assessments for further departmental consideration

## 2. Outstanding Traffic Concerns leading to More Traffic Affecting the Surroundings

## With no control mechanism requiring the Applicant to assess the possible traffic impact under the “worst-case scenario”

Average flat size of around 160 - 220m<sup>2</sup> is adopted in the submitted TIA. Under the proposed amendment of OZP Notes on the land designated “R(C)”, there will be no planning control on flat mix. The Applicant could potentially reduce the flat size and therefore deliver more than 44 flats / houses without the need to seek consent from TPB. The reduction of flat size could induce significant additional traffic and further worsen the traffic condition. **Different “worst-case” development scenarios with different flat sizes should also be included in the TIA to reflect the genuine traffic impact of the future development of the site.**

In order to address the relevant public comments, Transport Department had requested in the S12A application stage for an assessment for a worse-case development scenario with variation in flat size and a sensitivity test for cumulative traffic impact assessment but these have not been provided by the applicant. The potential substantial and uncertain traffic impact of the proposed development is indeed a grave public concern in view of the limited capacity of the Stubbs Road and the relevant road network. To be prudent, it would be fully justified in planning and traffic terms to have the site zoned to “CDA” instead before it would go to a point of no return. With scrutiny of the future development by the TPB and relevant departments through a S16 planning application, the public concern on the uncertain and adverse impact of the future development at this site should be fully addressed first.

### Development Schedule (Part) (Application No. Y/H12/2) (Extracted from MPC Paper No. Y/H12/2A)

<b>No. of Blocks</b>	6 (3 residents towers and 3 houses)
<b>Flat Mix</b>	41 flats with flat size from 160 to 220m <sup>2</sup> 3 houses with flat size over 220m <sup>2</sup>
<b>Number of Units</b>	44
<b>[Average flat size]</b>	[199m <sup>2</sup> ]
<b>Target Population</b>	215
<b>Private Open Space</b>	about 225.9m <sup>2</sup>
<b>Maximum BH (Main Roof)</b> [absolute BH in metres/ no. of storeys]	
• Houses (Sub-area A)	+103.6mPD [11.45m / 3 storeys ]
• Block A (Sub-area B)	+120mPD [27.85m / 8 storeys ]
• Block B (Sub-area D)	+134mPD [41.85m / 12 storeys ]
• Block C (Sub-area C)	+125mPD [16.2m / 5 storeys ]
• Podium	+92.15mPD [16.4m~18.25m / 4 storeys]
<b>RCHE</b>	
• Total no. of Beds	about 60
<b>Car Parking Spaces</b>	75 (68 for resident, 3 for visitors, and 4 for RCHE)
<b>Motor Cycle Parking Space Loading/Unloading Spaces</b>	1 3 (shared use by residents and RCHE)
<b>Ambulance Parking Space</b>	1 (for RCHE)

<sup>a</sup>Based on Development Site Area of 3.770m<sup>2</sup>

**The Applicant only provided one hypothetical flat mix with 44 flats / houses for assessment purpose, which could not truly reflect the future flat mix and genuine significant adverse traffic impact!**

### Increase of Number of Flats in Future Development?

All technical calculations are based on the currently proposed number of flats and corresponding persons-per-flat ratio under the submitted scheme (i.e. only 44 number of flats with about 5.48 persons-per-flat), which is totally out-of-line as the corresponding District Profile under the 2021 Census indicated that the average household size is 2.6 persons only.

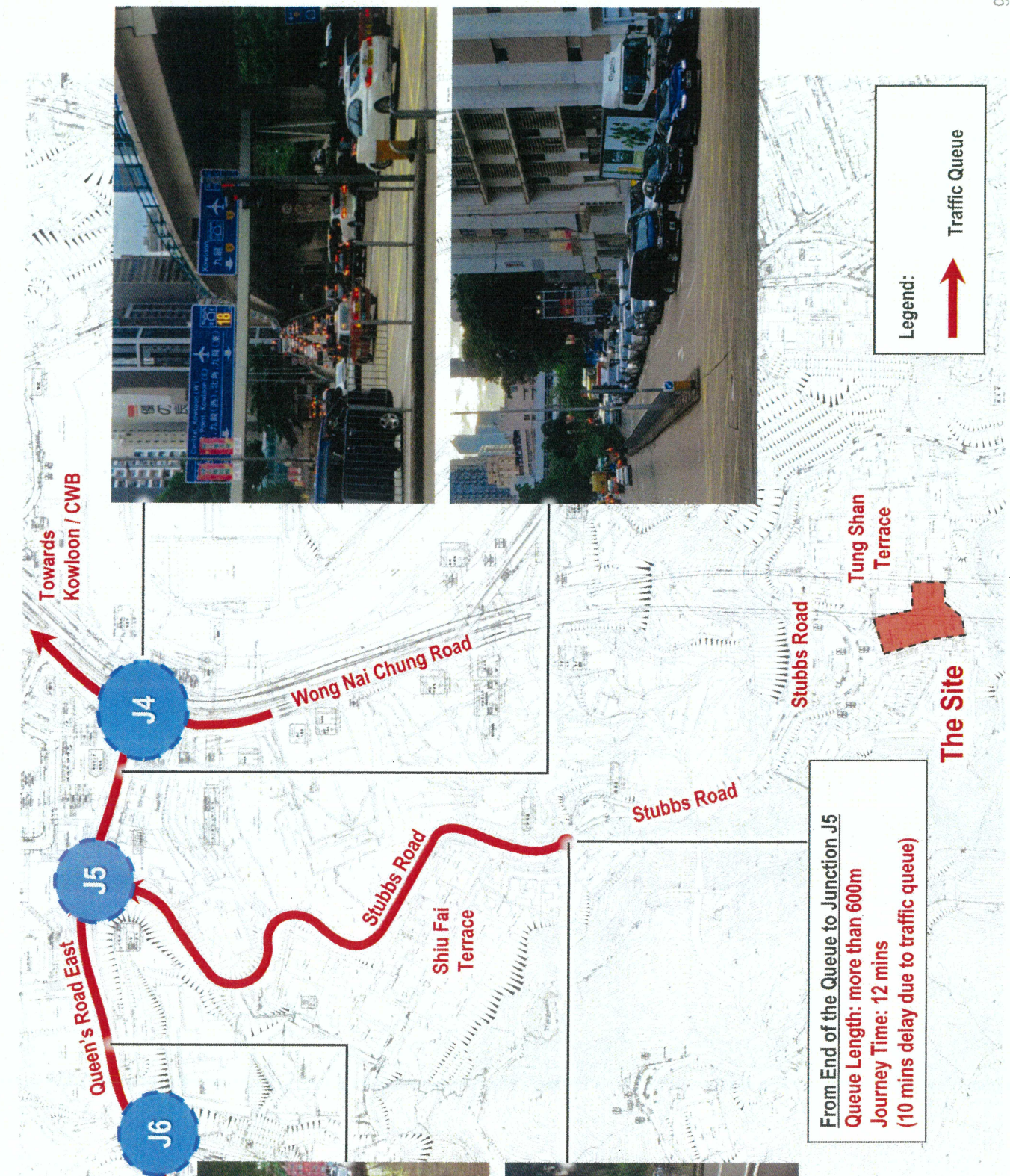
Under the current planning regime, once this case is approved, there would be no **planning control on the average flat size and number of flats** to be provided in the future development. **Based on the proposed GFA of 11,010m<sup>2</sup>**, of which a gross floor area of not less than 2,258m<sup>2</sup> shall be provided for residential care home for the elderly and related elderly facilities (i.e. 8,752m<sup>2</sup> can be for domestic purpose), **up to about 337 flats (+666%) can be provided** if based on the latest minimum flat size requirement of not less than 26m<sup>2</sup> as promulgated by the Government in the Land Sale Programmes and new lease modification / land exchange applications from 2022 onwards.

**The associated implications to traffic would therefore be significant and have to be addressed in future submission (e.g. S16 planning application).**



**There are already serious traffic congestion along Stubbs Road and Queen's Road East during the peak periods**

From End of the Queue to Junction J6  
**Queue Length: more than 400m**  
**Journey Time: 7 mins**  
**(5 mins delay due to traffic queue)**

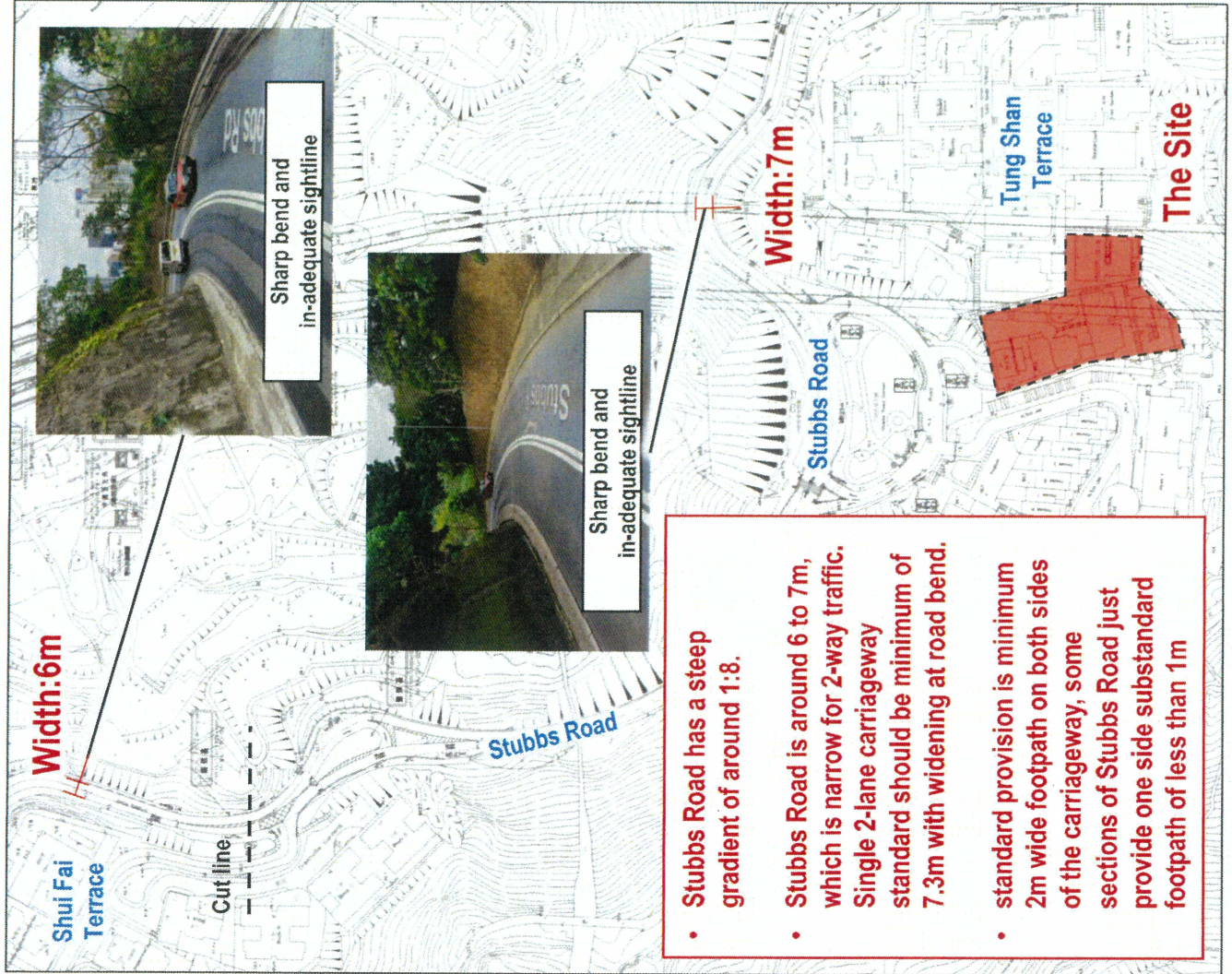
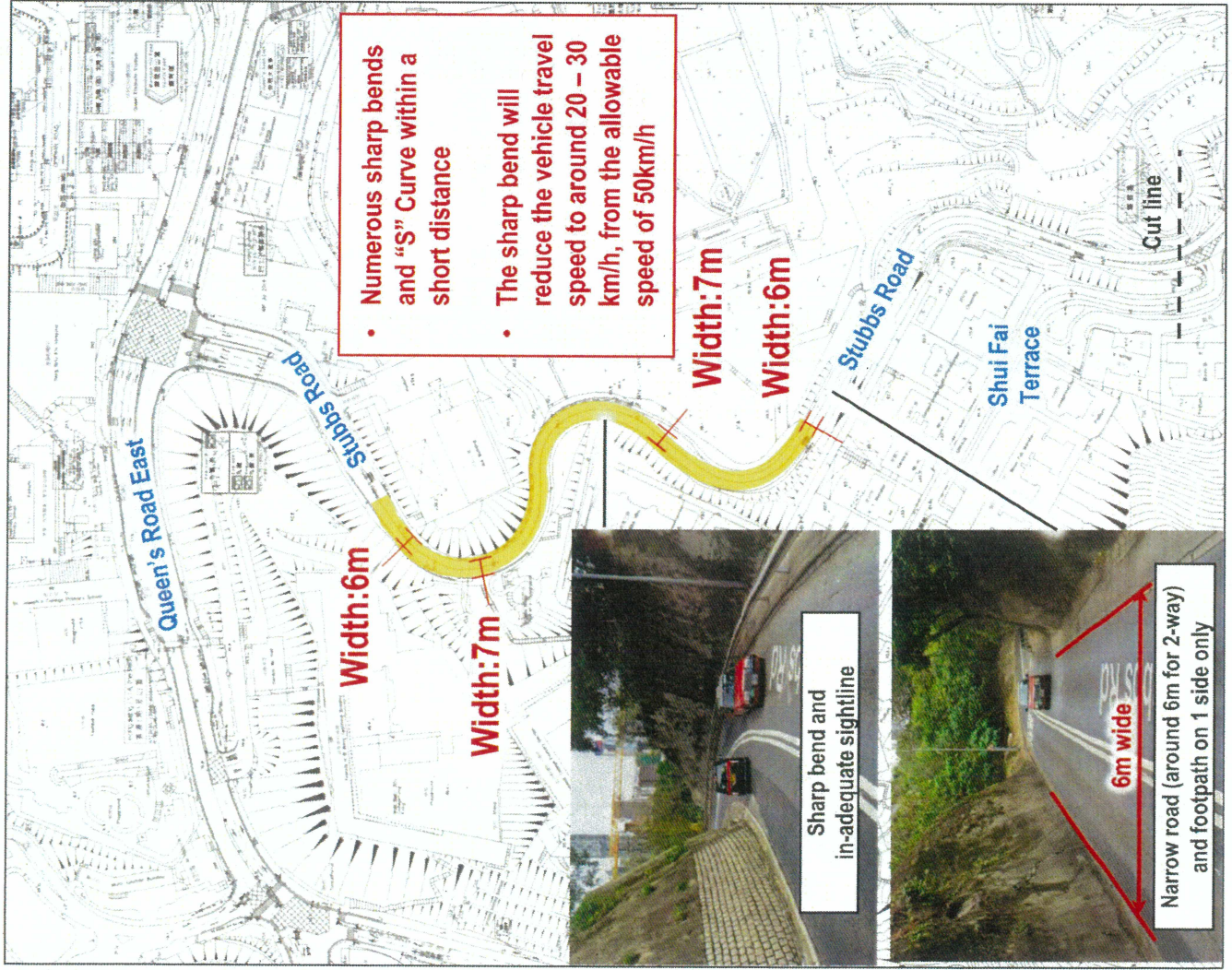


From End of the Queue to Junction J5  
**Queue Length: more than 600m**  
**Journey Time: 12 mins**  
**(10 mins delay due to traffic queue)**



Legend:  
 Traffic Queue

**Stubbs Road is an existing narrow sub-standard road with limited room for road widening.**

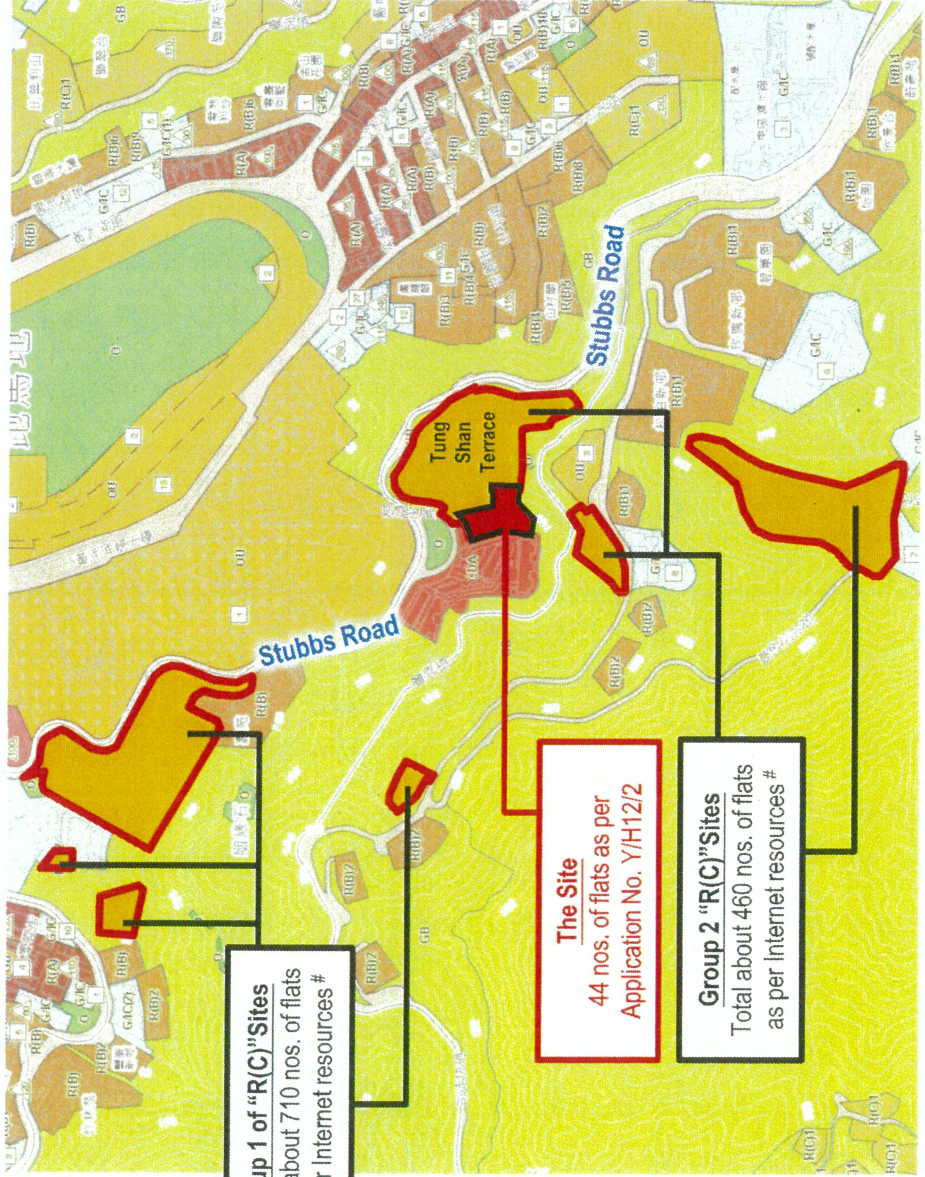


## Fundamental Traffic Issues yet to be Addressed by the applicant

A number of "R(C)" sites are situated along Stubbs Road the approved S12A rezoning application site, which all vehicular traffic is highly reliant on Stubbs Road for access.

There will be substantial adverse cumulative traffic impacts on the surrounding road networks if all these nearby "R(C)" sites are up-zoned (see table below). Although each up-zoning proposal will require separate planning application for approval of the TPB, all possible up-zoning of development sites in relation to the Proposed Development should be included as sensitivity test to provide a full picture for TD's consideration as a usual practice. This has been requested by TD in S12A application stage but this has been ignored by the applicant.

Without mechanism to require the Applicant to submit further technical assessment, further design revision with increase in nos. of flats would lead to highly unstable traffic condition and could easily trigger widespread congestion and extensive long traffic queues in the surrounding neighbourhood, and leading to strong public complaints to relevant departments in future. The condition will be irreversible and would therefore worth thorough consideration of the TPB and relevant departments at this stage instead.



Potential "R(C)" Sites to be up-zoned	No. of flats under the Indicative Scheme of Application No. Y/H12/2	Possible Nos. of Flats with Revision of Flat Mix (2)
Group 1 of R(C) Sites	44	337
Group 2 of R(C) Sites	710	
<b>Total</b>	<b>1,214</b>	<b>8,543 (+604%)</b> <b>(+ 7,329 nos. of flats compared to the existing nos.)</b>

# Source: www.centamap.com

### Assumptions

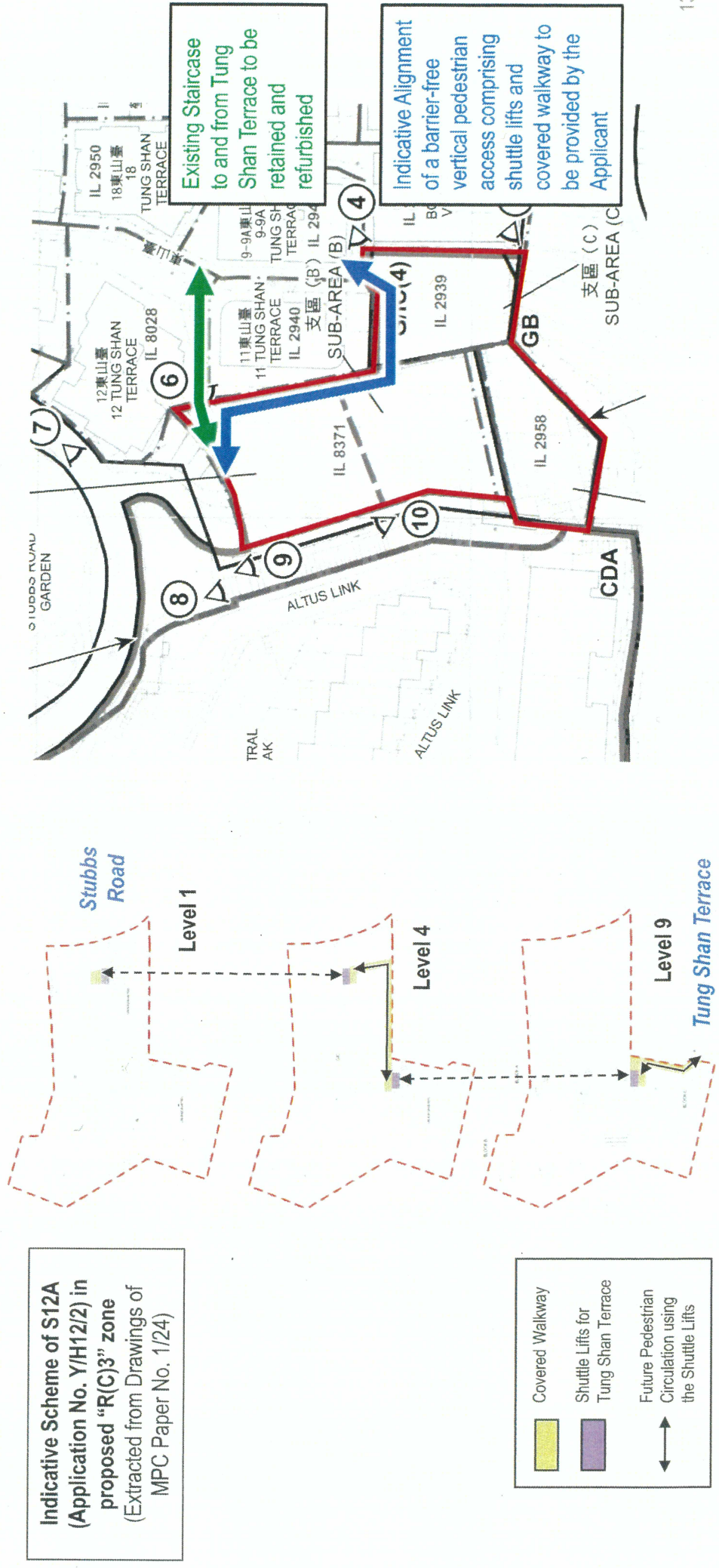
1. A maximum equivalent PR of about 2.32 can be achieved based on the maximum permissible domestic GFA of not more than 8,752m<sup>2</sup> of the subject concerned "R(C)3" land-use sub-zone under the current proposed amended OZP;
2. The estimated number of flats are made reference based on the latest minimum flat size requirement of not less than 26m<sup>2</sup> as promulgated by the Government in the Land Sale Programmes and new lease modification / land exchange applications from 2022 onwards.

# Source: www.centamap.com

**3. No planning control on the design, provision and future management and maintenance of the Proposed Pedestrian Access which was proposed at S12A stage**

## No planning control on the design, provision and future management and maintenance of the Proposed Public Pedestrian Access by the Applicant and hence the planning gain proposed at S12A stage could not be fully realized

- Without further S16 application, there would be **no planning control on the design and provision of the Proposed Public Pedestrian Access** within the proposed development by the Applicant.
- The Applicant would **no longer have the full ownership of the development after sales of flats to individual owners**;
- The Proposed Public Pedestrian Access will be situated **within** the private lot of the Proposed Development. After sale of flats, the management and maintenance responsibilities of the public pedestrian access will be borne by the future individual flat owners. **There will be NO guarantee that the future individual flat owners would be willing to manage and maintain the public pedestrian access and opened to the public for 24 hours**;
- Under planning and land administrative regime, **there would be no control to ensure the long-term operation of this proposed public access** given that the Applicant will no longer be the registered land owner after full compliance of the lease conditions of the lot of the Proposed Development.



## **Suggestion:**

***A more appropriate land-use zoning (i.e. CDA) to allow sufficient and efficient planning control should be designated for this Site for addressing public concern on the future development!!***

***Further S16 application with relevant technical assessments is required to justify the future design changes and ensure the implementation of previously promised planning gains.***

Urgent Return receipt Expand Group Restricted Prevent Copy

Submission Number:  
TPB/R/S/H12/13- S4

From: [REDACTED]  
Sent: 2024-04-02 星期二 21:13:22  
To: tpbpd/PLAND <tpbpd@pland.gov.hk>  
Subject: AMENDMENTS TO MID-LEVELS EAST OZP NO. S/H12/12

Representation Number:  
TPB/R/S/H12/13- R3

## AMENDMENTS TO MID-LEVELS EAST OZP NO. S/H12/12

Item A – Rezoning of a site at 15 and 24 Stubbs Road and 7 Tung Shan Terrace from “Res (Group C)1”, “G/IC(4)” and “Green Belt” to “Res (Group C)3” and stipulating Sub-areas on the Plan. y/h12/2 Approved 5 May 2023

OBJECT – maintain objections to Y/H12/2. This is a classic example of social wash, include a community focus service in order to gain approval for rezoning form GIC.

Not only is the proposed RCHE small than the GIC + GF + Government Land to be included in the site, the issues of ventilation and low quality of the location of the RCHE were not addressed, see my previous objections.

In addition, the following statement by the applicant indicates that the RCHE is merely a means to an end and lacks genuine intention to provide a quality facility for the elderly.

*The applicant has further explained the difficulties in providing additional GFA for RCHE or elderly facilities. While the applicant is committed to providing a quality RCHE of not less than 2,258m<sup>2</sup>, **further increasing the GFA for such would require an additional podium floor** as the podium footprint is constrained by the site coverage restriction and setback requirement of Sustainable Building Design Guidelines and cannot be further enlarged. Due to the proposed BH restriction and **in order not to jeopardise flat production**, it would not be possible to increase the number of podium floors to accommodate additional GFA for RCHE.*

But why should the RCHE be located in the inferior podium structure that is effectively nothing more than a glorified basement, when it should be housed in a separate structure, like the three houses? After all this is a low-rise development so a stand alone structure could be provided that would not exceed the height stipulations for RCHE.

As for not jeopardising flat production, a well-managed RCHE would generate profit. The recent attempted suicide case involving a couple at Beacon Hill demonstrates that the burden of caring for elderly relatives is shared by all strata of society and that the problem is that there is insufficient supply of quality facilities to which more wealthy families can entrust their family members.

While some members were not overly impressed by the plan at the May 2023 meeting, this option was not put forward. Unfortunately lack of community focus on the part of the government depts involved in these applications puts pressure on TPB members to support PlanD recommendations.

Support the proposed amendment notes re Col 1 provisions should the Item be approved.

Item B1 – About 1.45ha. Rezoning of a site at 18 Stubbs Road from “Comprehensive Development Area” to “Res (Group C)4”. Central Peak completed in 2021

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HOUSEKEEPING BUT Item B2 appears to be related and requires clarification.

**Item B2** – About .14ha. Rezoning of a strip of Government land to the east of 18 Stubbs Road from “CDA” and “R(C)1” to area shown as ‘Road’.

The strip of Government Land abutting the eastern boundary of IL8963 zoned “CDA” and “R(C)1” is currently occupied by a staircase, pedestrian walkway and an on-street car parking space maintained and managed by Highways Department and a drainage channel managed by DSD.

OBJECT. The area being used for parking – no indication as to who uses it but certainly not public in the sense that it cannot serve the wider community – should be incorporated in Item A to facilitate the development of a larger ‘GIC’ or ‘RCHE’ facility. The residents of Central Peak appear to be enjoying a cheap parking facility. Private residential developments and village houses should include parking ports within their boundaries.

At the OZP meeting PlanD must provide detailed information on this parking lot, how many spaces, what is the monthly charge, is it covered, etc. In addition, what is the future plan for this parking lot? Are there plans to sell it?

I expect clarification on these issues in due course.

Mary Mulvihill

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**From:** [REDACTED]  
**To:** tpbpd <[tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)>  
**Date:** Thursday, 28 July 2022 2:59 AM HKT  
**Subject:** Y/H12/2 Nos. 24 and 15 Stubbs Road, No. 7 Tung Shan Terrace

Y/H12/2

Nos. 24 and 15 Stubbs Road, No. 7 Tung Shan Terrace and adjoining Government land, Mid-levels East

Gross Site Area: About 3,970sq.m Includes Government Land of about 317sq.m

Development Site Area: About 3,770sq.m

Zoning: “Res (Group C) 1”, “GIC (4)” and “Green Belt”

Proposed Amendment : Rezone to “Res (Group C) 3” / 3 House + 3 Blocks – 44 Units / 12 floors Excluding 4 storeys of podium floors for 70 bed RCHE and carpark / 241 sq.m OS / 97 Vehicle Parking

Dear TPB Members,



Application 1 was withdrawn. Strong objections. Further exploitation of the elderly in order to line developer pockets. The RCHE would be effectively buried almost underground in the basement with the parking. As the site is on a slope so how could the following be provided:

### **Natural lighting and ventilation provision**

Every room used for habitation or for the purpose of an office or kitchen in RCHEs shall be provided with **adequate natural lighting and ventilation** for compliance with sections 29, 30, 31, 32 and 33 of the Building (Planning) Regulations, (Cap.123 sub. leg. F). In other words, provision of **openable and prescribed windows** shall be provided for the above-mentioned facilities for habitable including Dormitory, End-of-life Care Room and Sick/ Isolation/ Quiet Room, etc.

Note no layout plan for the RCHE provided. The residents would have no terrace or roof top open space, but would be housed like caged animals under the 'master's' premises.

The GIC zoning should be retained to provide well planned facilities. The impact of the increase in numbers of elderly will not be confined to the lower income groups. In addition the surge in emigration will inevitable result in elderlies remaining on their own in Hong Kong while the younger members leave and this will generate a strong demand for more high class residential elderly care facilities going forward. The administration has a duty to be inclusive in its planning.

The proposed height of the residential development is excessive and intrusive. The green backdrop to Hong Kong Island should not be totally sacrificed to development.

Previous objections remain relevant and upheld.

Mary Mulvihill

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**From:** [REDACTED]  
**To:** tpbpd <[tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)>  
**Date:** Thursday, 11 February 2021 3:54 AM CST  
**Subject:** Y/H12/1 15 Stubbs Road and 7 Tung Shan Terrace

Y/H12/1

Nos. 15 Stubbs Road and 7 Tung Shan Terrace, Hong Kong (IL Nos. 2958 and 2939)

Site area : About 1,607.7sq.m

Zoning : "GIC (4)", "Res (Group C) 1" and "Green Belt"

Proposed Amendment : Rezone to "Res (Group C) 3" 2 Blocks / 14 Units / 23 Vehicle Parking

Dear TPB Members,

Strong objections.

The Applicant has misrepresented the 2019 Policy Address intention re GIC. This is to better utilize GIC sites under the "single site, multiple use" formula. This does not

promote rezoning of the sites but rather the incorporation of other uses, such as housing, where feasible.

The reintroduction of Elderly and Child Care facilities to the Hong Kong Planning Standards and Guidelines beginning in late 2018 has exposed the sad reality that these, and other community facilities such as those for the disabled, are in significant deficit in all districts.

*28. As custodian of "Government, Institution or Community" (GIC) sites, the Government should strive to optimise the use of these sites under the policy objective of identifying land to increase housing supply. We will review over 300 GIC sites with a total area of some 300 hectares currently earmarked for standalone public facility, and put forward concrete proposals for sites with no development plan, including **developing multi-purpose public facility buildings under the "single site, multiple use" model, developing residential projects and public facilities under a mixed development mode, or retaining them for specific government facilities. Meanwhile, to assist non-governmental organisations to optimise their under-utilised sites, we will facilitate the redevelopment of the low-rise buildings on these sites by providing support and introducing mixed residential, education and welfare uses. This will not only provide modernised facilities, but also increase the supply of various types of housing, including elderly housing, youth hostels or transitional housing, etc.***

There is no such thing as an 'obsolete' GIC site as the Applicant states. When the existing function is no longer viable then the site should be converted to an alternative community use. Wanchai has a deficit in the provision of Elderly Residential Care Beds. In addition to the community services outlined under the HKPSG, there is pressing need for youth hostels and transitional housing in the district. The existing buildings are in good condition and could be quickly converted to address one or more shortfalls in facilities.

Legco Dec 14 2011: LCQ18: Relocation of Lingnan Primary School and Kindergarten (d)&(e) *The EDB is very concerned about the LEO's request to relocate the LPS&KG and LDN on the grounds of safety of the school premises. **Assessments by the government departments concerned have confirmed that there is no obvious structural danger at the two school premises, and the BD informed the LEO of the assessment results in September and November 2011. Accordingly, the EDB has advised the LEO that the relocation decision should not be directly associated with the structural safety of the school buildings, and that the SSB's request for the LPS&KG and LDN to relocate on January 31, 2012 is not fully justified.***

Members should reject this application. The current health crisis has demonstrated that the shortfall in the provision of community facilities of a certain standard is a greater concern than the provision of additional costly residential units when there is abundant data that shows the housing crisis is one of affordability not supply. There are so many unsold units that a 'vacancy tax' was to be implemented in 2020 but was shelved because of the current turmoil and uncertainty.

Mary Mulvihill