

LEGISLATIVE COUNCIL BRIEF

Town Planning Ordinance
(Chapter 131)

APPROVED MID-LEVELS WEST OUTLINE ZONING PLAN NO. S/H11/15

INTRODUCTION

At the meeting of the Executive Council on 2 March 2010, the Council ADVISED and the Chief Executive ORDERED that the draft Mid-levels West Outline Zoning Plan (OZP) No. S/H11/14A be approved under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). It is now renumbered as No. S/H11/15.

BACKGROUND

2. On 30 September 2003, the Chief Executive in Council (CE in C) referred the approved Mid-levels West OZP No. S/H11/13 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. Under section 12(3) of the Ordinance, when an approved plan is referred to the Board for amendment, any such amendment shall be prepared, exhibited, considered, submitted, approved and deposited in accordance with the provisions of the Ordinance in like manner as the plan it amends.

3. Since the approved Mid-levels West OZP was referred back to the Board for amendment, the OZP has been amended once and exhibited for public inspection under section 5 of the Ordinance. On 20 March 2008, the draft Mid-levels West OZP No. S/H11/14, which incorporated the amendments to impose building height (BH) restrictions for various zones, the rezoning of various sites to reflect as-built conditions, and the amendments to the Notes in accordance with the Master Schedule of Notes to Statutory Plans endorsed by the Board, was exhibited under section 5 of the Ordinance.

4. The BH restrictions incorporated into the OZP are to provide better planning control on future development/redevelopment, to prevent excessively tall or out-of-context buildings, and to preserve the character and some key urban design attributes of the Area. The BH restrictions for the Area have been formulated after taking into account various factors, including the existing height profile, the local character, urban design considerations, stepped BH concept, preservation of the ridgeline, development potential, air ventilation as well as a balance between public aspirations for a better living environment and private development rights. A total of 27 different height bands ranging from 115 metres above Principal Datum (mPD) to 320mPD for the residential zones have been adopted. No new plot ratio (PR) /gross floor area (GFA) restriction has been imposed. For “Government, Institution or Community” (“G/IC”) sites, the BH restrictions are imposed to reflect and contain the development scale of the sites and the existing low-height profile, as well as to cater for the standard requirement for school development. This approach will allow “G/IC” sites to form major visual relief and breathing spaces to the existing built-up area, apart from providing G/IC facilities for the community.

5. One of the major urban design principles for the Area is to preserve the ridgeline and the 20% building-free zone below the ridgeline as viewed from major vantage points at the Hong Kong Cultural Centre and the West Kowloon Reclamation Area. The existing view of the Victoria Harbour as viewed from the Lion Pavilion at the Peak is also proposed to be preserved. The principle is to maintain a stepped BH concept with BHs increasing from the lower part of the Area along Bonham Road/Caine Road, Kennedy Road to the upper part of the Area along May Road/Magazine Gap Road and Tregunter Path. As a general rule, existing building heights are permitted upon redevelopment and would not be affected by the BH restrictions, except for the Tregunter development zoned “Residential (Group B) (4)” (“R(B)4”) of which Tower Three (371.7mPD) had already breached the ridgeline of the Peak and redevelopment would be restricted to a maximum BH of 305mPD.

6. The approved Mid-levels West OZP No. S/H11/15 is at Annex A for Members’ reference. A set of Notes setting out the uses which are always permitted and those which may be permitted on application to the Board is at Enclosure I to Annex A. An Explanatory Statement (ES) in respect of the approved OZP is at Enclosure II to Annex A.

REPRESENTATIONS AND COMMENTS ON REPRESENTATIONS

7. During the exhibition of the draft Mid-levels West OZP No. S/H11/14, a total of **263 representations** were received. The representations were made available for public inspection from 6 June 2008. During the first three weeks of the public inspection period of the representations, **467 comments** were received. The representations and comments considered by the Board were summarized into the following three groups -

Group 1

- (a) **BH restrictions in general** – a total of 197 representations and 171 related comments were made in relation to the imposition of BH restrictions in the Area in general. 188 representations (**R1 to R188**) and 169 comments (**C1 to C17, C30 to C46, C231 to C300, C347 to C349, C403 and C407 to C467**) supported the imposition of BH restrictions, while nine representations (**R234, R236 and R256 to R262**) and two comments (**C47 and C48**) opposed the imposition of BH restrictions;
- (b) **Specific residential sites** – a total of 12 representations (**R237 to R240, R245 to R252**) and six related comments (**C49 to C51 and C404 to C406**) opposed the BH restrictions or the rezoning of sites at Robinson Road, Bonham Road, Tregunter Path, MacDonnell Road and May Road;

Group 2

- (c) **Specific residential sites** – a total of 51 representations (**R189 to R233, R235, R241 to R244 and R263**) opposed the imposition of BH restrictions on five sites in the same locality of the Caine Road, Seymour Road, Castle Road and Castle Steps area, and 297 related comments (**C3, C7, C17 to C29, C33, C52 to C230, C301 to C346, C350 to C403, C463 and C466**) supported the imposition of BH restrictions and objected to the two redevelopment proposals at Merry Terrace and the Seymour Road/Castle Steps site; and

Group 3

- (d) **Specific “G/IC” sites** – a total of three representations (**R253 to R255**) opposed the BH restrictions of three “G/IC” zones covering Island School, Glenealy School and Hong Kong Electric Centre (Head Office and sub-station).

8. The Board considered the representations and comments on representations on 31 October 2008. The Board noted the supportive representations (R1 to R188) on the imposition of BH restrictions. The Board also agreed to revise the ES of the OZP to expressly encourage the provision of improvement measures for better air ventilation and decided to partially meet R249 by proposing an amendment to the Notes of the “Residential (Group C)” [“R(C)8”] zone to permit redevelopment of the site up to the domestic PR of the existing building. The Board decided not to meet the remaining part of R249 and other remaining representations. The grounds and proposals of the representations, comments and the Board’s decisions are summarised as follows -

Group 1 – The Representations and Comments

BH Restrictions in General - Supportive Representations

- (a) a total of 188 representations (**R1 to R188**) supported the imposition of BH restrictions in the Area in general (including 220 signatures by residents of the Area submitted under R2). The representers considered that the road network in the Area had already reached its full capacity and could not cope with high-density developments. High-rise and high-density developments would further aggravate the traffic congestion problem and have adverse impacts on visual, air and living condition. The BH restrictions would reduce the development density and improve the living environment;
- (b) some of these representations (**R1, R2, R5 to R14, R17 to R18, R77 and R128**) proposed to impose more stringent BH, PR restrictions, mandatory provision of set back and building separation for air/visual corridor, at-grade public open space etc., the conducting of an urban design study and a review on the BH

restrictions for the adjoining Sai Ying Pun and Sheung Wan area;

- (c) a total of 169 comments (**C1 to C17, C30 to C46, C231 to C300, C347 to C349, C403 and C407 to C467**) supported the supportive representations and considered that the BH restrictions would help reduce the development intensity, hence relieving traffic congestion, avoiding the wall effect, improving the air ventilation and the sunlight penetration, preserving the views of the Area and improving the living environment. They proposed to further tighten the BH restrictions;

BH Restrictions in General - Adverse Representations

- (d) a total of nine representations (**R234, R236 and R256 to R262**) opposed the imposition of BH restrictions in general. The representers considered that there was no justification for the 27 height bands. The BH restrictions had not taken into consideration the existing tall buildings or sites with approved building plans and the sloping characteristics of the Area and had not made allowance for the redevelopment of old buildings to modern day standard with sufficient open space, car park, high ceiling and green features. The BH restrictions would reduce the supply of flats, restrict innovative design, affect land value and incentive for redevelopment. Besides, the Air Ventilation Assessment (AVA) report and visual impact assessment should be publicized for public comment before making a decision on BH restriction;
- (e) some of these representers proposed to delete the BH restrictions in general or specifically for “R(B)” and “R(C)6” zones (**R257 to R261**), to impose the BH restrictions only after public consultation (**R262**), to explain the rationale of the 27 height bands, to publish visual impact assessment for public comment and to confirm that the approved building plans and planning applications would not be affected by the BH restrictions (**R236 to R240**), to impose BH restrictions for the entire Western district and Soho area (**R234**), to rezone Government quarters sites for open space development and to plant more street trees (**R256**);

- (f) a total of two comments **(C47 and C48)**⁽¹⁾ generally supported the adverse representations in opposing the BH restrictions. **C47** supported R236, R258 to R261 and considered that there were no justification for the large number of different height bands, a failure to strike a proper balance between private property rights and urban design considerations, a lack of public consultation, insufficient technical justification for the BH restrictions, a lack of mandate from Chief Executive in Council for the BH restrictions and that minor relaxation of BH should also be applicable to buildings that had already exceeded the BH restrictions. **C47** proposed to permit buildings of 40 to 50 storeys in the Area, to reduce the number of height bands, to delete paragraph 7.6 of the ES ⁽²⁾ and to allow redevelopment up to the height of the existing building within the “R(B)4” zone covering the Tregunter development at Tregunter Path. **C48** supported R258 to R260 and considered that the three-storey BH restriction would affect the redevelopment of the Union Church. **C48** proposed to relax the BH restriction covering the Union Church from three storeys to 24 storeys to reflect the development scheme approved by the Board;

Specific Residential Sites – Adverse Representations

- (g) a total of 11 representations **(R237 to R240, R245, R247 to R252)** opposed the BH restrictions of specific residential sites at Robinson Road [a “R(B)” site] **(R237 to R240)**, Bonham Road [a “R(A)” site] **(R245)**, Tregunter Path (Branksome Grande and Tavistock) [two “R(B)” sites] **(R247 and R248)**, MacDonnell Road (Welsby Court) [a “R(C)6” site] **(R250 to R252)** and May Road (Gladdon) [a “R(C)8” site] **(R249)**. The representers were of the

⁽¹⁾ C48 (Union Church of Hong Kong) lodged an application for judicial review against the Board’s decision not to propose amendments to the OZP in accordance with its comment and the related representations on 11 January 2009 which was subsequently withdrawn on 3.8.2009 (details in paragraph 12).

⁽²⁾ Paragraph 7.6 of the ES of the OZP stated that “for any existing building with building height already exceeding the building height restrictions in terms of mPD and/or number of storeys as shown on the Notes of the Plan and/or stipulated on the Plan, there is a general presumption against such application for minor relaxation unless under exceptional circumstances.”

view that the BH restrictions imposed development constraints on the sites, were unfavourable for natural lighting and air ventilation and jeopardized the incentive for redevelopment. Some representers also considered that the height of the development under the approved building plans, the approved scheme and the lease should be respected;

- (h) these representers proposed to relax the BH restriction of the “R(B)” site at Robinson Road from 230mPD to 240mPD (**R237 to R240**) and the “R(A)” site at Bonham Road from 160mPD to 180mPD (**R245**); to delete/relax the BH restriction of the “R(B)” sites at Tregunter Path from 300mPD and 290mPD respectively to 357.1mPD and 332mPD as the same level of the adjoining buildings (**R247 and R248**); to relax the BH restriction of the “R(C)6” site (Welsby Court) from 145mPD to 165mPD (**R250**) or 487.7mPD as allowed under the lease (**R251 and R252**). **R249** proposed to rezone the “R(C)8” site (Gladdon) of PR 0.5 and BH of two storeys including carports to “R(B)” to permit redevelopment up to PR 5 and a BH of 251.3mPD;
- (i) **Representation 246** opposed to the rezoning of Scholastic Garden at Lyttelton Road from “G/IC” to “R(B)1” zone, the rezoning of a strip of land in front of Robinson Place to ‘Road’ and the rezoning of The Grand Panorama and Robinson Heights at Robinson Road from “G/IC” and “R(A)” to “R(B)2” and “R(B)3”. The representer considered that these rezonings would have adverse impact on the traffic and road network and block views and air ventilation;
- (j) a total of six comments (**C49 to C51 and C404 to C406**) supported the adverse representations in respect of BH restriction for the “R(C)6” site (Welsby Court at MacDonnell Road) (R250 to R252). They considered that the topography and the character of the site were similar to that of the adjoining sites which fell within the 165mPD BH restriction zone. They proposed to relax the BH restriction from 145mPD to 165mPD;

Group 1 - The Board's Decision

- (k) after considering the written submissions and oral representations made by the representers and commenters under Group 1, the Board noted the supportive representations of **R1 to R188**. The Board also agreed to revise the ES of the OZP to expressly encourage the provision of improvement measures for better air ventilation and to amend the Notes of the “R(C)8” zone to permit redevelopment of the site up to the domestic plot ratio of the existing building to partially meet **R249**. However, the Board decided not to uphold the remaining part of **R249** and other remaining representations of **R234, R236 to R240, R245 to R248, R250 to R252, R256 to R262** for the following reasons -
- (i) the imposition of BH restrictions was to avoid out-of-context developments to meet the public aspirations for a better living environment. The 27 height bands of the BH restrictions on the Mid-levels West OZP were formulated based on an overall building height concept and other relevant considerations including local character, development potential, visual impact, protection of ridgeline, air ventilation and topography. Deletion of or piecemeal relaxation of the BH restrictions for individual sites was not supported as it would jeopardize the coherency of the stepped BH profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control. To cater for site-specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of the BH restrictions under the OZP. Each application would be considered by the Board on its individual merits and a set of criteria for consideration of such applications had been set out in the ES of the OZP (**R234, R236 to R240, R245 to R252 and R256 to R262**);

- (ii) development schemes proposals approved by the Board or approved building proposals would not be affected by the BH restrictions as long as the approvals remained valid **(R237 to R240 and R245)**;
- (iii) the amendments to the OZP mainly involved the incorporation of BH restrictions and no PR/GFA restrictions had been imposed. The BH restrictions were intended to avoid future developments with excessive height and the development potential of the sites would not be affected. There would not be adverse impacts on the development rights of the concerned sites and the overall supply of residential flats and property price **(R258, R260 and R261)**;
- (iv) any premature release of information before the exhibition of the amendments to the OZP might prompt developers/landowners to accelerate submission of building plans for development/redevelopment on the affected sites and thereby nullifying the effectiveness of imposing the BH restrictions. The AVA Study and relevant materials had been presented to the Board for consideration and was available for public inspection at the Planning Enquiry Counters of the Planning Department or for viewing on the Planning Department's website **(R259 and R262)**;
- (v) the proposed redevelopment of the sites of Branksome Grande and Tavistock at Tregunter Path up to the existing height of the adjoining building would breach the 20% building free zone from the ridgeline and also had adverse visual impact on the surrounding areas, which was undesirable from urban design perspective **(R247 and R248)**; and
- (vi) the proposed rezoning of the representation site (Gladdon) to "R(B)" would significantly increase the development intensity of the site from PR 0.5 to PR 5. The representer had not demonstrated that the proposed development intensity would not have any adverse impacts on the character and amenity as well as the traffic and infrastructure provisions of

the Area **(R249)**;

- (vii) the proposed rezoning of the representation sites (Scholastic Garden at Lyttelton Road, and the Grand Panorama and Robinson Heights at Robinson Road) to “R(B)1”, “R(B)2”, “R(B)3” and an area in front of Robinson Place to ‘Road’ were to reflect the existing residential use and the existing road alignment, which would not affect the use and development intensity of redevelopment at these sites in future. The rezoning would not result in any increase in traffic in the Area **(R246)**;

Group 2 – The Representations and Comments

Specific Residential Sites – Adverse Representations

- (l) a total of 51 representations **(R189 to R233, R235, R241 to R244 and R263)** opposed the imposition of BH restriction on five sites (zoned “R(A)” and “R(C)7”) in the same locality of Caine Road, Seymour Road, Castle Road and Castle Steps area. The major grounds of representations are summarized as follows:

General Issues

- (i) **BH and urban design considerations:** the imposition of BH restrictions would result in buildings with larger site coverage and hence bulkier developments. There was no justification for the 27 BH bands. The BH restrictions were not in line with the planning intention of the “R(A)” zone for high-density development and the height of existing buildings and newly approved schemes should be reflected in the BH restrictions. The criterion for minor relaxation of BH restrictions for the buildings that had already exceeded the BH restriction under exceptional circumstances in paragraph 7.6 of the ES was too harsh and unnecessary;
- (ii) **Loss of property value and development rights:** the BH restrictions would adversely affect private property

rights/value and the supply of buildings to meet the future demand of increasing population;

- (iii) **Air ventilation considerations:** there was no scientific evidence that taller buildings would affect air quality and living environment in the Mid-levels. Buildings with different heights would have less adverse impacts on visual and air ventilation than layers of screen buildings of uniform height;
- (iv) **No prior public consultation:** there was no prior public consultation before the imposition of BH restrictions and the AVA report and the visual impact analysis were not available for public comment;

Site-specific issues

- (v) **Merry Terrace at Seymour Road (R189 to R233, R235 and R263):** the BH restriction of 200mPD was unreasonable and unfair. The BH restriction was not in line with the planning intention of “R(A)” zone for high-density development and the site potential could not be maximized. The representers proposed to delete the BH restriction for Merry Terrace;
- (vi) **Seymour Road/Castle Steps Site (R241)⁽³⁾:** the BH restriction of 215mPD for the “R(A)” zone was unrealistic and unreasonable and significantly lower than the adjoining Robinson Place (267.64mPD). The BH of the approved planning application for the site (273.55mPD) should be respected. There was no need to retain the “R(C)7” zoning for part of the site. The representer proposed to relax the BH restriction to 273.55mPD, to rezone the “R(C)7” portion to “R(A)”, to delete paragraph 7.6 of the ES and to adopt the

⁽³⁾ R241 (International Trader Limited) lodged an application for judicial review against the Board’s decision not to uphold its representation in relation to the OZP on 30 January 2009 which was subsequently withdrawn on 23 April 2009 (details in paragraph 11).

same approach of the Tsim Sha Tsui OZP to incorporate the height of existing buildings and sites with approved general building plans in the OZP;

- (vii) **The three Sites at Caine Road/Castle Road/Seymour Road (R242 to R244):** the BH restrictions of 170mPD/185mPD for the three “R(A)” sites (which only permitted buildings of about 26 to 28 storeys) were significantly lower than the BH of the developments approved under the building plan submissions for the three sites (50 storeys **(R242)**, 38 storeys **(R243)** and 47 storeys **(R244)**). The representers proposed to allow BH of 40 to 50 storeys or up to 160 metres (m) above the formation level for the developments within the “R(A)” zone, to reduce the number of BH bands to a total of seven and to adopt a minimum 30m interval from 140mPD to 320mPD, to relax the BH restriction to 230mPD for the three sites and to delete paragraph 7.6 of the ES;
- (m) a total of two comments **(C463 and C466)** supported the imposition of BH restrictions in general and opposed the proposed redevelopment at Merry Terrace (R189 to R233, R235 and R263). A total of 295 comments **(C3, C7, C17 to C29, C33, C52 to C230, C301 to C346 and C350 to C403)** supported the imposition of BH restrictions in general and opposed the proposed redevelopment at the Seymour Road/Castle Steps site and the rezoning of the “R(C)7” site to “R(A)” which would increase the PR and hence worsen the traffic conditions (R241). The latter group of commenters proposed to reduce the PR of “R(A)” sites by 20% or impose a maximum PR of 7, to further reduce the BH restriction to about 90m to 100m and to specify a building set back requirement for road widening and mandatory requirement to provide open space and visual/air paths;

Group 2 - The Board’s Decision

- (n) after considering written submissions and the oral representations made by the representers and commenters under Group 2, the Board agreed to revise the ES of the OZP to expressly

encourage the provision of improvement measures for better air ventilation. The Board also decided not to uphold **R189 to R233, R235, R241 to R244 and R263** for the following reasons -

- (i) the BH restrictions on the Mid-levels West OZP were formulated based on an overall BH concept and other considerations including local character, relationship with the adjoining districts, development potential, visual impact, protection of ridgeline and air ventilation. Deletion or piecemeal relaxation of the BH restrictions of individual sites would jeopardize the integrity of the overall BH concept and could result in proliferation of high-rise developments, which was not in line with the intended planning control. The BH restrictions were imposed in the public interest and had struck a proper balance between the public aspirations for a better living environment and private development rights;
- (ii) development proposals approved by the Board or approved general building plans would not be affected by the BH restrictions;
- (iii) to cater for site-specific circumstances, there was provision for application for minor relaxation of BH restriction under the OZP. Further relaxation of BH restriction for existing buildings that had already exceeded the BH restriction should not be encouraged unless under exceptional circumstances ⁽⁴⁾. Each application would be considered by the Board on its individual merits and a set of criteria for consideration of such applications had been set out in the ES of the OZP;
- (iv) the amendments to the OZP mainly involved the incorporation of BH restrictions and no new PR restrictions had been imposed on the “R(A)” and “R(C)7” zones. The BH

⁽⁴⁾ The general presumption against minor relaxation of BH restrictions for existing buildings exceeding BH restriction, as stated in para. 7.6 of the ES of the OZP, is to avoid even taller buildings resulting in out-of-context developments in the Area.

restrictions were intended to avoid future developments with excessive height, and the development potential of the sites would not be affected;

- (v) the amendments to the Mid-levels West OZP involved the imposition of BH and development restrictions. It was inappropriate to conduct public consultation prior to the publication of the OZP because premature release of such information might prompt submission of development proposals before the statutory planning control was in place and it would nullify the effectiveness of the development control. There was a due process under the Town Planning Ordinance for representations to be submitted and considered by the Board **(R241 to R244 only)**;
- (vi) the 27 height bands were formulated comprehensively after taking various factors into consideration to appropriately reflect the local character and general site situations. The presenter had not provided any justifications to support the proposed reduction of the number of BH bands and due regard had not been given to the topography of the Area **(R242 to R244 only)**;
- (vii) allowing BH up to 160m above formation level (or up to 50 storeys) for developments within the “R(A)” zone would result in BHs ranging from 232mPD to 260mPD. This would jeopardize the integrity of the overall stepped BH concept. Such excessively tall buildings along the narrow Seymour Road and Castle Road would create adverse canyon effect, block the wind and also sunlight from penetrating to the street level, and adversely affect the local environment. Moreover, the blanket proposal of 160m above the formation level in the “R(A)” zone within the Area would result in BHs breaching the 20% building free zone of the ridgeline and infringing upon the waterbody to be preserved when viewed from the Peak to the Harbour, which was undesirable from the urban design perspective **(R242 to R244 only)**;

- (viii) although the general building plans for development of the site covering the “R(A)” and “R(C)7” zones, and for separate development for the “R(A)” and “R(C)7” zones had been approved, the “R(C)7” zone should be retained. It was because should the “R(C)7” zone be rezoned to “R(A)”, redevelopment and development up to the maximum development intensity permissible under the Building (Planning) Regulations could proceed without suitable planning control **(R241 only)**;

Group 3 – The Representations

Specific “G/IC” sites – Adverse Representations

- (o) a total of two representations **(R253 and R254)** opposed the BH restrictions of eight storeys for the “G/IC” zones covering Island School at Borrett Road and Glenealy School at Hornsey Road. The representers considered that BH restriction should not be imposed on “G/IC” sites which were intended to provide community support services. The sites should be utilized to their maximum level permitted under the Buildings Ordinance and other legislation to ensure optimum use of scarce resources. The BH restriction would severely hamper future expansion of the schools and pose serious design limitations for redevelopment. The representers proposed to delete the BH restrictions for the sites. However, after noting that the proposed BH of eight storeys could generally meet the standard school requirements, the representers R253 and R254 indicated at the hearing on 31 October 2008 that they no longer objected to the BH restriction imposed on the site. The representations have not been withdrawn;
- (p) a representation **(R255)** opposed the BH restriction of 13 storeys (the Head Office of Hong Kong Electric Company) and the eight storeys (the electricity substation) for the “G/IC” zone covering the Hong Kong Electric Centre at Kennedy Road. The representer considered that there was a need for maximum flexibility to upgrade/expand the site to meet the demand for electricity

supply. The BH restriction would pose a major constraint on the ability to respond to the changing need. The lease had already imposed a stringent control on the height and form of the development on the site. The representation site was not particularly critical in terms of visual and air ventilation. The representer proposed to delete the BH restriction for the site and to amend the Notes of the “G/IC” zone to permit relaxation of BH restriction through planning application;

Group 3 - The Board’s Decision

(q) after considering the written submissions and oral representations made by the representers under Group 3, the Board decided not to uphold **R253 to R255** for the following reasons -

- (i) apart from providing G/IC facilities, the “G/IC” sites in the Area formed major visual relief and breathing spaces to the built-up area. It was recommended in the AVA Study that BH restrictions should be imposed on “G/IC” sites to contain their development scale. In order to preserve the openness and existing character of the “G/IC” sites, the BH restrictions for the “G/IC” sites were mainly to reflect and contain the existing BHs. Deletion of the BH restrictions or allowing relaxation of the BH restrictions beyond a minor extent for the representation site could result in proliferation of high-rise developments, and was not in line with the intended planning control for the “G/IC” zone. It might also set an undesirable precedent, which would cumulatively jeopardize the spatial and visual relief function of the “G/IC” zone in the Area (**R253 to R255**);
- (ii) the eight-storey height restriction for the two school sites was in line with the standard requirement for school developments and well above the height of existing school buildings which provided room for future expansion (**R253 and R254**); and

- (iii) to cater for site-specific circumstances, there was provision for application for minor relaxation of BH restriction under the OZP. Should there be any functional or operational needs for G/IC developments to exceed the stipulated BH restrictions, planning permission from the Board might be sought. Each application would be considered by the Board on its individual merits **(R253 to R255)**.

9. The proposed amendment mentioned in paragraph 8 above was exhibited under section 6C of the Ordinance on 21 November 2008. No further representation was received. On 2 January 2009, the Board confirmed that the proposed amendment formed part of the draft OZP.

JUDICIAL REVIEWS RELATING TO THE DRAFT OZP

10. There were two judicial review (JR) cases relating to the Board's decision on the draft OZP.

Judicial Review lodged by Representer No. R241

11. On 30 January 2009, Representer No. R241 (International Trader Limited) filed an application for JR against the following two decisions of the Board –

- (a) not to propose amending the draft OZP by removing lots at No. 4, 4A, 6 and 6A Castle Steps from the sub-area zoned "R(C)7" and placing them in the area zoned "R(A)" on the draft amended OZP; and
- (b) to submit the draft OZP to Chief Executive in Council for approval.

The Representer mainly contended that the Board's reasons for its first decision were inadequate, irrational and Wednesbury unreasonable since the Board failed to explain why it was necessary to retain planning control for the representation site zoned "R(C)7" when the proposed development had been provided with adequate access for servicing and fire fighting by site amalgamation and was no different from a development on any other "R(A)" site in the neighbourhood. The Representer also contended that the Board's second decision was Wednesbury unreasonable because the decision of the Court of Appeal on the appeal case regarding the site might contain information relevant to the first decision. Therefore, it was logical and prudent to resolve the

disputes with the Board over the draft OZP before its submission to Chief Executive in Council for approval. The Court granted leave to the application and a stay order for the submission of the OZP to Chief Executive in Council for approval on 5 February 2009. The JR, however, was withdrawn by the Representer on 23 April 2009 after a settlement was reached between the Representer and the Board and the stay order was lifted by the Court.

Judicial Review lodged by Commenter No. C48

12. On 11 February 2009, Commenter No. C48 (Union Church of Hong Kong) filed an application against the Board's decision not to propose amendments to the draft OZP in accordance with its comment and the related representations. The Commenter contended that the draft OZP and the Board's decision in relation to the imposition of "spot" BH restrictions were ultra vires under the Ordinance and the imposition of the three-storey BH restriction for the "G/IC" site occupied by Union Church would adversely affect the redevelopment plan of the site. The Court granted leave to the application on 13 February 2009 and a stay order for the submission of the OZP to Chief Executive in Council for approval on 21 April 2009. The JR, however, was withdrawn by the Commenter on 3 August 2009 and the stay order was lifted by the Court.

IMPLICATIONS OF THE PROPOSAL

13. Approval of the draft Mid-Levels West OZP No. S/H11/14A itself has no civil service implications. The amendments incorporated in the draft OZP per se do not have any significant economic implications. The financial implications are that the imposition of BH restrictions may affect the land value of some of the concerned sites as the design flexibility of the development/redevelopment proposal may be affected by the BH control. However, the extent of impact would not be significant as the potential development intensity of the sites would not be affected. Rezoning of some sites to reflect their existing uses would unlikely have significant financial implications.

14. As far as the environmental implications are concerned, the imposition of BH restrictions will prevent the proliferation of out-of-context developments and provide opportunities to improve the living environment. The adoption of a stepped BH profile for the area would facilitate air ventilation

and help mitigate the visual impact resulting from development/redevelopment. As far as the sustainability implications are concerned, the imposition of BH restrictions will help improve the urban design, landscape and visual quality of the area by maintaining an appropriate height profile, avoiding out-of-context buildings and preserving the views to the ridgeline and along harbourfront. This is in line with the sustainability principles in enhancing environmental quality to an overall improvement in the urban living space in Hong Kong.

PUBLIC CONSULTATION

15. The draft Mid-levels West OZP No. S/H11/14 was presented to the Central and Western District Council (C&WDC) on 15 May 2008. The members of the C&WDC generally supported the incorporation of BH restrictions into the OZP, the stepped BH concept and the preservation of building-free zone below the ridgeline as viewed from the strategic vantage points from the Hong Kong Cultural Centre and West Kowloon Reclamation Area. Some members considered that PR restrictions should also be incorporated in the OZP.

PUBLICITY

16. The approved Mid-levels West OZP will be printed and exhibited in accordance with section 9(5) of the Ordinance. A press release will be issued on the day of exhibition. A spokesman will be available for answering media enquiries.

ENQUIRY

17. Any enquiry on this brief can be addressed to Mr. Lau Sing, Assistant Director of Planning/Board, Planning Department (Tel. No. 2231 4606).

PLANNING DEPARTMENT

March 2010

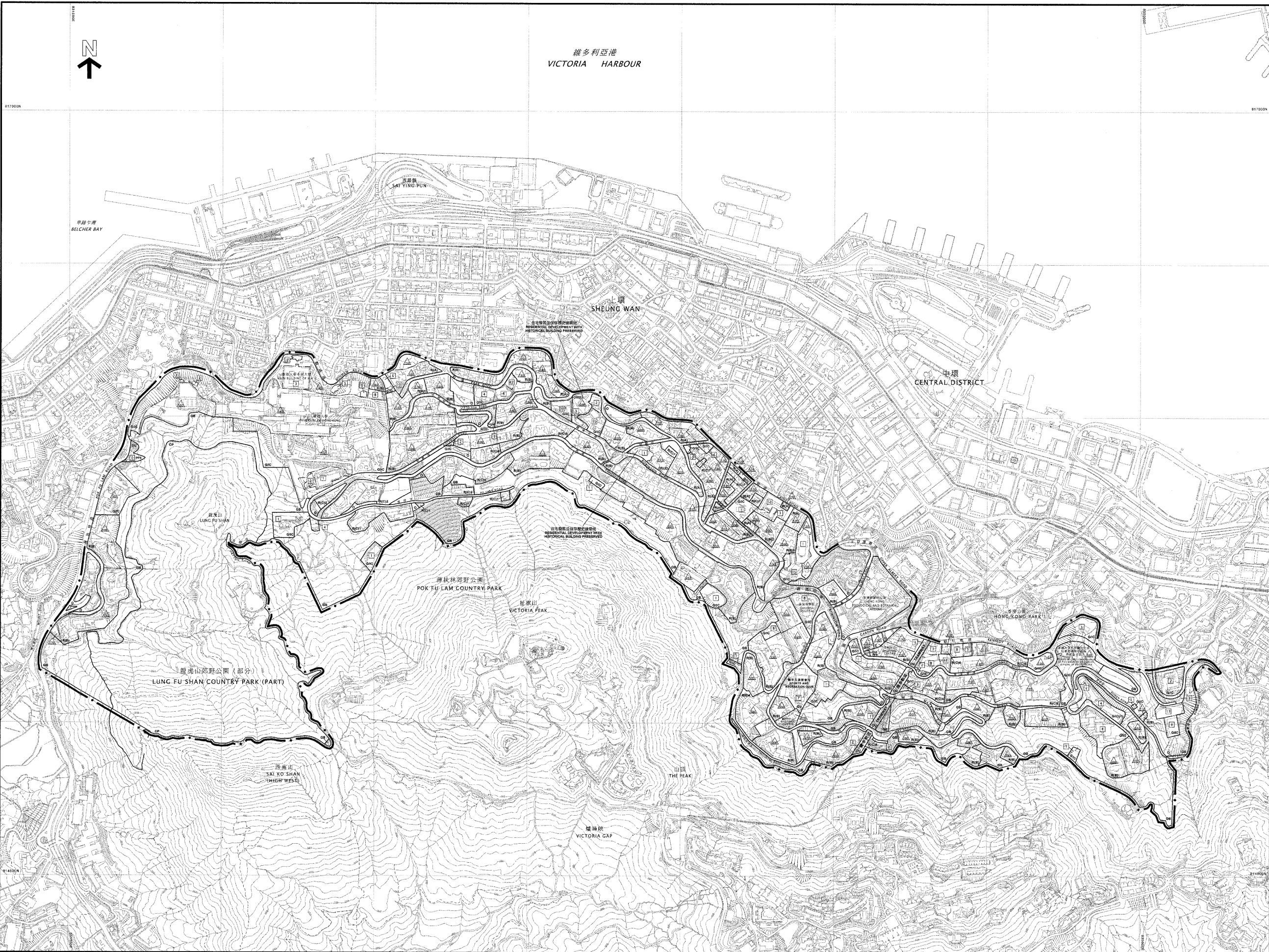
APPROVED MID-LEVELS WEST

OUTLINE ZONING PLAN (OZP) NO. S/H11/15 : ANNEXES

Annex A - Approved Mid-levels West OZP No. S/H11/15

Enclosure I : Notes to the Approved Mid-levels West OZP No.
S/H11/15

Enclosure II : Explanatory Statement of the Approved
Mid-levels West OZP No. S/H11/15



圖例
NOTATION

ZONES		地帶
COMMERCIAL	C	商業
RESIDENTIAL (GROUP A)	R(A)	住宅 (甲類)
RESIDENTIAL (GROUP B)	R(B)	住宅 (乙類)
RESIDENTIAL (GROUP C)	R(C)	住宅 (丙類)
GOVERNMENT, INSTITUTION OR COMMUNITY	G/C	政府、機構或社區
OPEN SPACE	O	休憩用地
OTHER SPECIFIED USES	OU	其他指定用途
GREEN BELT	GB	綠化地帶
COUNTRY PARK	CP	郊野公園
COMMUNICATIONS		交通
MAJOR ROAD AND JUNCTION		主要道路及路口
ELEVATED ROAD		高架道路
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME		規劃範圍界線
BOUNDARY OF COUNTRY PARK		郊野公園界線
BUILDING HEIGHT CONTROL ZONE BOUNDARY		建築物高度管制區界線
MAXIMUM BUILDING HEIGHT (IN METRES ABOVE PRINCIPAL DATUM)		最高建築物高度 (在主水平基準上量度)
MAXIMUM BUILDING HEIGHT (IN NUMBER OF STOREYS)		最高建築物高度 (層數目)
PETROL FILLING STATION	P F S	加油站

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

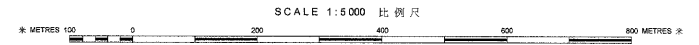
USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
COMMERCIAL	0.45	0.20	商業
RESIDENTIAL (GROUP A)	8.69	3.77	住宅 (甲類)
RESIDENTIAL (GROUP B)	45.54	18.74	住宅 (乙類)
RESIDENTIAL (GROUP C)	13.88	6.02	住宅 (丙類)
GOVERNMENT, INSTITUTION OR COMMUNITY	37.02	16.05	政府、機構或社區
OPEN SPACE	9.44	4.09	休憩用地
OTHER SPECIFIED USES	3.62	1.57	其他指定用途
GREEN BELT	43.06	18.89	綠化地帶
COUNTRY PARK	45.58	19.76	郊野公園
MAJOR ROAD ETC.	22.87	9.91	主要道路等
TOTAL PLANNING SCHEME AREA	230.67	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

行政長官會同行政會議於2010年3月2日 根據城市
規劃條例第9(1)(a)條核准的圖則
APPROVED BY THE CHIEF EXECUTIVE IN COUNCIL UNDER
SECTION 9(1)(a) OF THE TOWN PLANNING ORDINANCE ON
2 MARCH 2010

Ms Manda CHAN 陸詠雯女士
CLERK TO THE EXECUTIVE COUNCIL 行政會議秘書

香港城市規劃委員會依據城市規劃條例擬備的半山區西部 (港島規劃區第11區) 分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
HONG KONG PLANNING AREA No. 11 - MID-LEVELS WEST - OUTLINE ZONING PLAN



規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER
THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號
PLAN No. S/H11/15

HONG KONG PLANNING AREA NO. 11

**APPROVED MID-LEVELS WEST
OUTLINE ZONING PLAN NO. S/H11/15**

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3)
 - (a) No action is required to make the existing use of any land or building conform to this Plan until there is a material change of use or the building is redeveloped.
 - (b) Any material change of use or any other development (except minor alteration and/or modification to the development of the land or building in respect of the existing use which is always permitted) or redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Town Planning Board.
 - (c) For the purposes of subparagraph (a) above, “existing use of any land or building” means -
 - (i) before the publication in the Gazette of the notice of the first statutory plan covering the land or building (hereafter referred as ‘the first plan’),
 - a use in existence before the publication of the first plan which has continued since it came into existence; or
 - a use or a change of use approved under the Buildings Ordinance which relates to an existing building; and

- (ii) after the publication of the first plan,
 - a use permitted under a plan which was effected during the effective period of that plan and has continued since it was effected; or
 - a use or a change of use approved under the Buildings Ordinance which relates to an existing building and permitted under a plan prevailing at the time when the use or change of use was approved.
- (4) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (5) Road junctions, alignments of roads and tram tracks, and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (6) Temporary uses (expected to be 5 years or less) of any land or building are always permitted as long as they comply with any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, and there is no need for these to conform to the zoned use or these Notes. For temporary uses expected to be over 5 years, the uses must conform to the zoned use or these Notes.
- (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except where the uses or developments are specified in Column 2 of the Notes of individual zones :
 - (a) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, road, bus/tram/public light bus stop or lay-by, cycle track, Mass Transit Railway station entrance, Mass Transit Railway structure below ground level, taxi rank, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (b) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (c) maintenance or repair of watercourse and grave.

- (8) In any area shown as 'Road', all uses or developments except those specified in paragraph (7) above and those specified below require permission from the Town Planning Board:

on-street vehicle park, railway track and tram track.
- (9) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate planning permission is required.
- (10) In these Notes, "existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

HONG KONG PLANNING AREA NO. 11

**APPROVED MID-LEVELS WEST
OUTLINE ZONING PLAN NO. S/H11/15**

Schedule of Uses

	<u>Page</u>
COMMERCIAL	1
RESIDENTIAL (GROUP A)	2
RESIDENTIAL (GROUP B)	4
RESIDENTIAL (GROUP C) 1 – 6 and 8	6
RESIDENTIAL (GROUP C) 7	8
GOVERNMENT, INSTITUTION OR COMMUNITY	9
OPEN SPACE	11
OTHER SPECIFIED USES	12
GREEN BELT	17
COUNTRY PARK	18

COMMERCIAL

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 Government Use (Police Reporting Centre, Post Office only) Public Clinic Recyclable Collection Centre Shop and Services	Government Use (not elsewhere specified) Private Club Public Utility Installation Public Vehicle Park (excluding container vehicle) Utility Installation for Private Project

Planning Intention

This zone is intended primarily for commercial developments, which may include shop, services and eating place, functioning mainly as local shopping centres serving the immediate neighbourhood.

Remarks

- (1) 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, in terms of metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions as stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP A)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<p>Ambulance Depot Flat Government Use (not elsewhere specified) House Library Market Place of Recreation, Sports or Culture Public Clinic Public Transport Terminus or Station (excluding open-air terminus or station) Residential Institution School (in free-standing purpose-designed building only) Social Welfare Facility Utility Installation for Private Project</p>	<p>Commercial Bathhouse/Massage Establishment Eating Place Educational Institution Exhibition or Convention Hall Government Refuse Collection Point Hospital Hotel Institutional Use (not elsewhere specified) Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Office Petrol Filling Station Place of Entertainment Private Club Public Convenience Public Transport Terminus or Station (not elsewhere specified) Public Utility Installation Public Vehicle Park (excluding container vehicle) Religious Institution School (not elsewhere specified) Shop and Services Training Centre</p>

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

In addition, the following uses are always permitted (a) on the lowest three floors of a building, taken to include basements; or (b) in the purpose-designed non-residential portion of an existing building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room:

Eating Place
Educational Institution
Institutional Use (not elsewhere specified)
Off-course Betting Centre
Office
Place of Entertainment
Private Club
Public Convenience
Recyclable Collection Centre
School
Shop and Services
Training Centre

Planning Intention

This zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

Remarks

- (1) 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, in terms of metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions as stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP B)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat	Ambulance Depot
Government Use (Police Reporting Centre, Post Office only)	Eating Place
House	Educational Institution
Library	Government Refuse Collection Point
Residential Institution	Government Use (not elsewhere specified)
School (in free-standing purpose-designed building only)	Hospital
Utility Installation for Private Project	Hotel
	Institutional Use (not elsewhere specified)
	Market
	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
	Off-course Betting Centre
	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 (not elsewhere specified)
	Shop and Services
	Social Welfare Facility
	Training Centre

Planning Intention

This zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

(Please see next page)

RESIDENTIAL (GROUP B) (Cont'd)

Remarks

- (1) On land designated “Residential (Group B)”, 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 plot ratio of 5 and the maximum building height, in terms of metres above Principal Datum, as stipulated on the Plan, or the plot ratio and height of the existing building, whichever is the greater.
- (2) On land designated “Residential (Group B) 1”, 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 domestic gross floor area (GFA) of 21,785m² and the maximum building height, in terms of metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (3) On land designated “Residential (Group B) 2”, 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 domestic gross floor area (GFA) of 61,600m², a maximum non-domestic GFA of 2,302m² of which a GFA of not less than 750m² shall be provided for a kindergarten, and the maximum building height, in terms of metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (4) On land designated “Residential (Group B) 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 domestic GFA of 43,813m² and the maximum building height, in terms of metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (5) On land designated “Residential (Group B) 4”, 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, in terms of metres above Principal Datum, as stipulated on the Plan.
- (6) In determining the maximum plot ratio for the purposes of paragraph (1) above and the maximum GFA for the purposes of paragraphs (2) to (4) 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 the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (7) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, GFA and building height restrictions stated in paragraphs (1) to (4) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP C) 1 – 6 and 8

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat Government Use (Police Reporting Centre, Post Office only) House Utility Installation for Private Project	Ambulance Depot Eating Place Educational Institution Government Refuse Collection Point Government Use (not elsewhere specified) Hospital Hotel Institutional Use (not elsewhere specified) Library Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Petrol Filling Station 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 Residential Institution School Shop and Services Social Welfare Facility Training Centre

Planning Intention

This zone is intended primarily for low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

(Please see next page)

RESIDENTIAL (GROUP C) 1-6 and 8 (Cont'd)

Remarks

- (1) 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 and/or the maximum plot ratio specified below, or the height of the existing building, whichever is the greater:

<u>Sub-area</u>	<u>Restriction</u>
R(C) 1	Maximum building height of 20 storeys above carports
R(C) 2	Maximum building height of 10 storeys above carports
R(C) 3	Maximum building height of 191 metres above Principal Datum
R(C) 4	Maximum building height of 156 metres above Principal Datum
R(C) 5	Maximum building height of 161 metres above Principal Datum
R(C) 6	Maximum plot ratio of 4.2 and the maximum building height, in terms of metres above Principal Datum, as stipulated on the Plan
R(C)8	Maximum plot ratio of 0.5 or the domestic plot ratio of the existing building, whichever is the greater, and a maximum building height of 2 storeys including carports

- (2) In determining the maximum plot ratio for the purposes of paragraph (1) 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 the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio and building height restrictions stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP C) 7

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat House Utility Installation for Private Project	Government Use Public Utility Installation Recyclable Collection Centre Residential Institution Social Welfare Facility

Planning Intention

This zone is intended primarily for residential developments subject to specific plot ratio and building height restrictions due to the inadequate access for servicing and fire fighting.

Remarks

- (1) 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 plot ratio of 5 and a maximum building height of 12 storeys, or the plot ratio and height of the existing building, whichever is the greater.
- (2) In determining the maximum plot ratio for the purposes of paragraph (1) above, any floor space that is constructed or intended for use solely as plant room, caretaker's office and caretaker's quarters, or recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (3) Relaxation of the plot ratio and building height restrictions in paragraph (1), based on the merits of individual development or redevelopment proposals, may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

GOVERNMENT, INSTITUTION OR COMMUNITY

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Animal Boarding Establishment
Animal Quarantine Centre (in Government building only)	Animal Quarantine Centre (not elsewhere specified)
Broadcasting, Television and/or Film Studio	Correctional Institution
Cable Car Route and Terminal Building	Driving School
Eating Place (Canteen, Cooked Food Centre only)	Eating Place (not elsewhere specified)
Educational Institution	Flat
Exhibition or Convention Hall	Funeral Facility
Field Study/Education/Visitor Centre	Holiday Camp
Government Refuse Collection Point	Hotel
Government Use (not elsewhere specified)	House
Hospital	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
Institutional Use (not elsewhere specified)	Off-course Betting Centre
Library	Office
Market	Petrol Filling Station
Place of Recreation, Sports or Culture	Place of Entertainment
Public Clinic	Private Club
Public Convenience	Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation
Public Transport Terminus or Station	Refuse Disposal Installation (Refuse Transfer Station only)
Public Utility Installation	Residential Institution
Public Vehicle Park (excluding container vehicle)	Sewage Treatment/Screening Plant
Recyclable Collection Centre	Shop and Services
Religious Institution	Utility Installation for Private Project
Research, Design and Development Centre	Zoo
School	
Service Reservoir	
Social Welfare Facility	
Training Centre	
Wholesale Trade	

Planning Intention

This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

(please see next page)

GOVERNMENT, INSTITUTION OR COMMUNITY (Cont'd)

Remarks

- (1) 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 heights, in terms of number of storeys or metres above the Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) On land designated “Government, Institution or Community (1)” (“G/IC(1)”), any demolition of, or addition, alteration and/or modification to (except those minor alteration and/or modification works which are always permitted under the covering Notes) any of the existing historical buildings requires planning permission from the Town Planning Board.
- (3) In determining the relevant maximum number of storeys for the purposes of paragraph (1) above, any basement floor(s) may be disregarded.
- (4) Based on individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

OPEN SPACE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Aviary Field Study/Education/Visitor Centre Park and Garden Pavilion Pedestrian Area Picnic Area Playground/Playing Field Public Convenience Sitting Out Area Zoo	Barbecue Spot Cable Car Route and Terminal Building Eating Place Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Religious Institution Service Reservoir Shop and Services Tent Camping Ground Utility Installation for Private Project

Planning Intention

This zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

OTHER SPECIFIED USES

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Sports and Recreation Club” Only

Place of Recreation, Sports or Culture
Private Club

Eating Place
Government Refuse Collection Point
Government Use (not elsewhere specified)
Mass Transit Railway Vent Shaft and/or
Other Structure above Ground Level
other than Entrances
Public Utility Installation
Public Vehicle Park (excluding container vehicle)
Religious Institution
Shop and Services
Social Welfare Facility
Utility Installation for Private Project

Planning Intention

This zone is intended primarily for private club use specifically for sports and recreational activities.

Remarks

- (1) 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, in terms of number of storeys, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) In determining the relevant maximum number of storeys for the purposes of paragraph (1) above, any basement floor(s) may be disregarded.
- (3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Residential Development with Historical Building Preserved” Only

Flat	Eating Place
Government Use (Police Reporting Centre only)	Educational Institution
House	Government Refuse Collection Point
Library	Government Use (not elsewhere specified)
Residential Institution	Private Club
Utility Installation for Private Project	Public Utility Installation
	Religious Institution
	School
	Shop and Services
	Social Welfare Facility

Planning Intention

This zone is intended primarily for residential development with the historical buildings of Ohel Leah Synagogue and London Mission Building preserved in-situ.

Remarks

- (1) On land designated “Other Specified Uses (Residential Development with Historical Building Preserved) 1”, 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 domestic gross floor area (GFA) of 28,284m².
- (2) On land designated “Other Specified Uses (Residential Development with Historical Building Preserved) 2”, 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 domestic GFA of 76,383m² and a maximum non-domestic GFA of 8,100m² of which a GFA of not less than 7,750m² shall be provided for the Jewish Community Centre, a primary school and a kindergarten/nursery.
- (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 the maximum building height, in terms of number of storeys or metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.

(please see next page)

OTHER SPECIFIED USES (Cont'd)

For “Residential Development with Historical Building Preserved” Only

Remarks (cont'd)

- (4) Any demolition of, or addition, alteration and/or modification to (except those minor alteration and/or modification works which are always permitted under the covering Notes) any of the existing historical buildings requires permission from the Town Planning Board.
- (5) In determining the maximum GFA for the purposes of paragraphs (1) and (2) 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 the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (6) In determining the relevant maximum number of storeys for the purposes of paragraph (3) above, any basement floor(s) may be disregarded.
- (7) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height and GFA restrictions stated in paragraphs (1) to (3) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Petrol Filling Station” Only

Petrol Filling Station	Government Use (not elsewhere specified) Public Utility Installation Utility Installation for Private Project
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Planning Intention

This zone is intended primarily for the provision of land for petrol filling station.

Remarks

- (1) 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, in terms of number of storey, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) In determining the relevant maximum number of storey for the purposes of paragraph (1) above, any basement floor(s) may be disregarded.
- (3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For "Tramway" Only

Tramway	Government Use (not elsewhere specified) Public Utility Installation Utility Installation for Private Project
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Planning Intention

This zone is intended primarily to reserve land for the tramway of the Peak Tram.

Remarks

- (1) 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, in terms of number of storey, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) In determining the relevant maximum number of storey for the purposes of paragraph (1) above, any basement floor(s) may be disregarded.
- (3) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (1) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Barbecue Spot Country Park * Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Cable Car Route and Terminal Building Field Study/Education/Visitor Centre Flat Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp House Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution School Service Reservoir Social Welfare Facility Utility Installation for Private Project Zoo

* Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

Planning Intention

This zone is intended primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone.

COUNTRY PARK

Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

HONG KONG PLANNING AREA NO. 11

**APPROVED MID-LEVELS WEST
OUTLINE ZONING PLAN NO. S/H11/15**

EXPLANATORY STATEMENT

HONG KONG PLANNING AREA NO. 11

**APPROVED MID-LEVELS WEST
OUTLINE ZONING PLAN NO. S/H11/15**

EXPLANATORY STATEMENT

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HONG KONG PLANNING AREA NO. 11

APPROVED MID-LEVELS WEST OUTLINE ZONING PLAN NO. S/H11/15

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note: For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This explanatory statement is intended to assist an understanding of the approved Mid-Levels West Outline Zoning Plan (OZP) No. S/H11/15. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the various land use zonings of the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURES

- 2.1 On 14 February 1986, the draft Mid-Levels West OZP No. S/H11/1, being the first statutory plan covering the Mid-Levels West area, was gazetted under section 5 of the Town Planning Ordinance (the Ordinance). Since then, the OZP had been amended twice and exhibited on 24 June 1988 and 7 September 1990 under section 6(7) and section 5 of the Ordinance respectively to reflect the changing circumstances.
- 2.2 On 12 October 1993, the then Governor in Council (G in C), under section 9(1)(a) of the Ordinance, approved the draft Mid-Levels West OZP, which was subsequently renumbered as S/H11/5. On 29 March 1994, the then G in C referred the approved OZP No. S/H11/5 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. Since then, the OZP had been amended seven times and exhibited for public inspection under section 5 or 7 of the Ordinance to reflect the changing circumstances.
- 2.3 On 25 June 2002, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Mid-Levels West OZP, which was subsequently renumbered as S/H11/13. On 5 July 2002, the approved Mid-Levels West OZP No. S/H11/13 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.4 On 30 September 2003, the CE in C referred the approved OZP No. S/H11/13 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the OZP was notified in the Gazette on 10 October 2003 under section 12(2) of the Ordinance.
- 2.5 On 20 March 2008, the draft Mid-Levels West OZP No. S/H11/14 was exhibited for public inspection under section 5 of the Ordinance. The Plan incorporated

amendments to impose building height restrictions for various zones and amendments to the zonings of various sites to reflect as-built conditions. The Notes of the Plan were also amended in accordance with the revised Master Schedule of Notes to Statutory Plans endorsed by the Board. During the two-month public exhibition period, a total of 263 representations were received. On 6 June 2008, the representations were published for three weeks for public comments. A total of 467 comments were received.

- 2.6 On 31 October 2008, the Board gave consideration to the representations and comments and decided to propose an amendment to the Notes of the OZP to partially meet a representation. On 21 November 2008, the proposed amendment was published for three weeks for further representations under section 6C(2) of the Ordinance. No further representation was received. On 2 January 2009, the Board amended the draft OZP No. S/H11/14 by the proposed amendment under section 6G of the Ordinance.
- 2.7 On 2 March 2010, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Mid-Levels West OZP, which was subsequently renumbered as S/H11/15. On 19 March 2010, the approved Mid-Levels West OZP No. S/H11/15 (the Plan) was exhibited for public inspection under section 9(5) of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land use zonings and major transport networks so that development and redevelopment within the Planning Scheme Area can be put under statutory planning control.
- 3.2 The Plan is to illustrate the broad principles of development within the Planning Scheme Area. It is a small-scale plan and the transport alignments and boundaries between the land use zones may be subject to minor adjustments as detailed planning proceeds.
- 3.3 Since the Plan is to show the broad land use zonings, there would be situations in which small strips of land not intended for building development purposes and carry no development right under the lease, such as the areas restricted as non-building area or for garden, slope maintenance and access road purposes, are included in the residential zones. The general principle is that such areas should not be taken into account in plot ratio and site coverage calculations. Development within residential zones should be restricted to building lots carrying development right in order to maintain the character and amenity of the Mid-Levels West area and not to overload the road network in the area covered by the Mid-Levels Moratorium.

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Planning Scheme Area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of development to meet changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb>.

5. THE PLANNING SCHEME AREA

- 5.1 The Planning Scheme Area (the Area), with a total land area of about 230 hectares (ha), covers the northern and eastern slopes of the Victoria Peak. It is bounded by Bonham Road, Caine Road and Kennedy Road to the north; Bowen Drive to the east; Pok Fu Lam Road to the west; whilst the 200 - 240 meters contours and the Pok Fu Lam Country Park set the southern and south-western limits respectively. The boundary of the Area is shown by a heavy broken line on the Plan.
- 5.2 Residential developments occupy principally the central part of the Area, which can be differentiated into two main groups. Developments to the north of Robinson Road are of relatively higher density, with shops or other non-domestic uses on the ground floor of the buildings. The developments to the south of Robinson Road are basically residential in character and of lower density.
- 5.3 Government, institution and community facilities are mostly found in the western and eastern parts of the Area. The campus of the University of Hong Kong together with some other Government facilities such as service reservoirs are located in the western part. In the eastern part, co-existing with some low-density residential developments are churches, service reservoirs and a number of schools.
- 5.4 The south-western part of the Area is mainly covered by the Lung Fu Shan Country Park.

6. POPULATION

According to the 2006 Population By-Census, the population of the Area was about 69,810. It is estimated that the planned population of the Area would be about 78,450.

7. BUILDING HEIGHT RESTRICTIONS IN THE AREA

- 7.1 In order to provide better planning control on the development intensity and building height upon development/redevelopment and to meet public aspirations

for greater certainty and transparency in the statutory planning system, a review of the Mid-Levels West OZP has been taken with a view to incorporating appropriate building height restrictions in the Notes for various development zones. In the absence of building height control, tall buildings may proliferate at random locations and the scale may be out-of-context in the locality, resulting in negative impacts on the visual quality of the Area. In order to prevent excessively tall or out-of-context buildings, to preserve the existing views of the ridgeline and Victoria Harbour and to provide better control on the building heights of developments in the Area, building height restrictions are imposed for the “C”, “R(A)”, “R(B)”, “R(C)6”, “R(C)8”, “G/IC” and “OU” zones on the Plan.

- 7.2 The building height restrictions are to preserve the views to the ridgelines of the Peak from public vantage points at Tsim Sha Tsui and the West Kowloon Reclamation Area, and the view of Victoria Harbour from the Lion Pavilion at the Peak. The stepped building height concept recommended in the Urban Design Guidelines with lower buildings along the lower altitude and near major district open spaces has been adopted, taking into account the local area context, the local wind environment, and the need to maintain visually compatible building masses in the wider setting. In view of the topography of the Area, there are 27 height bands ranging from 115mPD to 320mPD for the “C”, “R(A)”, “R(B)”, “R(C)6” zones – generally increasing progressively from Caine Road/Bonham Road, Kennedy Road and uphill. The proposed building height bands help preserve views to the ridgelines, achieve a stepped height profile, and maintain visual permeability and wind penetration and circulation as far as possible.
- 7.3 Specific building height restrictions for the “R(C)8”, “G/IC” and “OU” zones in terms of metres above Principal Datum (mPD) or number of storeys, which mainly reflect the existing and planned building heights of developments, have been incorporated into the Plan to provide visual and spatial relief to the high density environment of the Area.
- 7.4 An Air Ventilation Assessment (AVA) has been undertaken to assess the existing wind environment and the likely impacts of the proposed building heights of the development sites within the Area on the pedestrian wind environment. The building height bands shown on the Plan have taken into account the findings of the AVA as appropriate.
- 7.5 To improve air ventilation condition, future developments are encouraged to adopt suitable design measures to minimize any possible adverse impacts. These include greater permeability of podium, wider gap between buildings, building set back, non-building area to create air/wind path for better ventilation and minimizing the blocking of air/wind flow through positioning of building towers and podiums to align with the prevailing wind directions, as appropriate.
- 7.6 In general, a minor relaxation clause in respect of building height restrictions is incorporated into the Notes of the Plan in order to provide incentive for developments/redevelopments with design merits/planning gains. Each planning

application will be considered on its own merits and the relevant criteria for consideration of such application are as follows :

- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
- (b) accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as a public passage/street widening;
- (c) providing better streetscape/good quality street level public urban space;
- (d) providing separation between buildings to enhance air and visual permeability; and
- (e) other factors such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality and would not cause adverse landscape and visual impacts.

7.7 However, for any existing building with building height already exceeding the building height restrictions in terms of mPD and/or number of storeys as shown on the Notes of the Plan and/or stipulated on the Plan, there is a general presumption against such application for minor relaxation unless under exceptional circumstances.

8. LAND USE ZONINGS

8.1 Commercial (“C”) : Total Area 0.45 ha

8.1.1 This zone is intended primarily for commercial developments, which may include shop, services and eating place, functioning mainly as local shopping centres serving the immediate neighbourhood.

8.1.2 A shopping centre at May Road and a commercial/office development near the junction of Garden Road and MacDonnell Road are under this zoning and have been developed to serve the local residents. Apart from supermarkets, some other commercial facilities such as banks, barber shops and restaurants will be permitted.

8.2 Residential (Group A) (“R(A)”) : Total Area 8.69 ha

This zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. Commercial uses on any floor above the lowest three floors will require planning permission

from the Board. This zoning includes areas for private residential developments lying mainly between Caine Road and Robinson Road.

8.3 Residential (Group B) (“R(B)”) : Total Area 45.54 ha

8.3.1 This zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. To maintain the existing housing character and to ensure that the Area will not become over-developed in relation to the planned road network and other infrastructure provisions, developments under this zoning are subject to a maximum plot ratio of 5 or that of the existing building, whichever is the greater. To encourage imaginative designs adapted to the characteristics of particular sites, minor relaxation of the stated plot ratio restriction may be considered by the Board through the planning permission system based on the merits of individual development proposals.

8.3.2 This zoning mainly covers the area to the south of Robinson Road, between Park Road and Kotewall Road, as well as in the area around Garden Road and Magazine Gap Road. Some clusters of developments in the Pok Fu Lam area are also included in this zoning.

8.3.3 Existing residential developments at 48 Lyttelton Road (Scholastic Garden), 10 Robinson Road (the Grand Panorama) and 8 Robinson Road (Robinson Heights) are zoned “R(B)1”, “R(B)2 and “R(B)3” respectively. These sites are subject to specific GFA restrictions to restrict future redevelopment to the intensity of the existing developments.

8.3.4 All existing residential development at Tregunter Path (the Tregunter development) with a building height of 371.7mPD for Tower 3 has breached the ridgeline when viewed from the major vantage point at Tsim Sha Tsui. In order to respect the urban design principle of protecting the ridgeline, the site is zoned “R(B)4” subject to specific building height restriction to restrict the height of future redevelopment.

8.4 Residential (Group C) (“R(C)”) : Total Area 13.88 ha

8.4.1 Most areas under this zone are already developed. They consist mainly of lower density, high class residential developments. There are eight sub-areas within this zone, including “R(C)1” to “R(C)8”.

8.4.2 The “R(C)1” to “R(C)6” sub-areas cover sites roughly situated to the south of the western section of Robinson Road, Conduit Road and Po Shan Road. Another large area zoned for this purpose is located on both sides of MacDonnell Road.

- 8.4.3 The “R(C)1” to “R(C)6” sub-areas are intended for lower density residential developments where commercial uses are not permitted unless otherwise approved by the Board under the planning permission system. Developments within these sub-areas are subject to specific control on building height and building bulk. These restrictions are required for the purposes of preserving public views, the existing landscape and general amenities, maintaining control on the character of existing and planned developments, and restraining traffic growth which will otherwise worsen the already overloaded road network. These development restrictions are stipulated in the Notes attached to the Plan. Minor relaxation of the stated restrictions may also be considered by the Board through the planning permission system, strictly on individual merits.
- 8.4.4 The “R(C)7” sub-area covers sites in Castle Steps, Castle Lane, Prince’s Terrace, Rednaxela Terrace, Shelley Street and Leung Fai Terrace with no direct vehicular access. Hence, loading and unloading activities, including those related to refuse collection and emergency can only take place at a rather distant location. As such, more intensive developments on the sites would bring about inconvenience to more people.
- 8.4.5 Due to the inadequate access for servicing and fire fighting, development/redevelopment in the “R(C)7” sub-area will be restricted to residential use only with a maximum plot ratio of 5 or the plot ratio of the existing building, whichever is the greater, and a maximum building height of 12 storeys or the height of the existing buildings, whichever is the greater.
- 8.4.6 In the “R(C)7” sub-area, the Fire Services Department at present has no statutory authority to require the provision of emergency vehicular access to reach sites abutting stepped street nor to restrict the development intensity. Only additional provision to enhance the fire fighting installations within the building would be required. However, it is desirable to have emergency access to the principal face of a building. The inaccessibility of fire engines to the sites concerned would pose a potential safety risk (apart from inconvenience) in case of emergency.
- 8.4.7 Notwithstanding the above restrictions, comprehensive development/redevelopment of the “R(C)7” sub-area can still be pursued with amalgamation of sites. Upon submission of comprehensive development/redevelopment proposals, favourable consideration may be given to relaxation of the development restrictions and each proposal will be considered on its own merits.
- 8.4.8 A site at May Road to the east of the Peak Tramway is zoned “R(C)8” to generally reflect the existing use of the site. The site is subject to a maximum building height of 2 storeys including carports and a maximum

plot ratio of 0.5, or the plot ratio and height of the existing building, whichever is the greater.

8.5 Government, Institution or Community (“G/IC”) : Total Area 37.02 ha

- 8.5.1 This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 8.5.2 Existing facilities which are of territorial/regional significance are the University of Hong Kong at Bonham Road/Pok Fu Lam Road, the Canossa Hospital at Old Peak Road and Commissioner of Office of the Ministry of Foreign Affairs of PRC in HKSAR along Kennedy Road and MacDonnell Road. Other existing developments include the Young Women’s Christian Association (YWCA) building at the junction of Garden Road and MacDonnell Road, the Caritas Community Centre at Caine Road, as well as churches and schools at various locations.
- 8.5.3 The Old British Military Hospital at Borrett Road is listed as Grade II historical building structures. Currently, it houses a variety of community, institutional and educational uses. It is designated as “Government, Institution or Community (1)” to reflect its current uses and the special historical merits of these buildings which can be considered for preservation. Any demolition of, or any addition, alteration and/or modification to the existing historical buildings requires planning permission from the Board.

8.6 Open Space (“O”) : Total Area 9.44 ha

- 8.6.1 This zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 8.6.2 One of the main attractions in the Area is the Hong Kong Zoological and Botanical Gardens. The Gardens, situated on rising ground between Upper Albert Road and Robinson Road, along Albany Road, are one of the few distinctive parks on the Hong Kong Island serving not only residents of the Territory but also tourists from abroad.
- 8.6.3 Other existing open spaces include playing field/playground at Pok Fu Lam Road, Brewin Path and at the junction of Caine Road and Seymour Road. Sitting-out facilities have also been provided at Kotewall Road, Conduit Road, Kennedy Road as well as near the junction of Lyttelton Road and Oaklands Avenue.

8.7 Other Specified Uses (“OU”) : Total Area 3.62 ha

- 8.7.1 This zone is intended for specified land uses. Sites zoned for this purpose include the existing petrol filling stations near the junction of Pokfield Road and Pok Fu Lam Road and the junction of Garden Road and MacDonnell Road, the Ladies Recreation Club at Old Peak Road and the Peak Tramway.
- 8.7.2 Existing residential developments at 80 Robinson Road with the Grade III historic building London Mission Building preserved for use as club house, and 70 Robinson Road (Robinson Place) with the Grade I historic building Ohel Leah Synagogue preserved within the site for community uses are zoned “OU (Residential Development with Historical Building Preserved) 1 and 2” respectively. These sites are subject to specific GFA restrictions to restrict future development to the intensity of the existing developments. To preserve the historical buildings in-situ, any demolition of, or any addition, alteration and/or modification to the existing historical buildings requires planning permission from the Board.

8.8 Green Belt (“GB”) : Total Area 43.58 ha

The planning intention of this zone is primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development in the “GB” zone. This zoning covers hillslopes generally at the eastern, southern and western fringe of the Area. Development within this zone will be carefully controlled and development proposals will be assessed on individual basis taking into account the relevant Town Planning Board Guidelines.

8.9 Country Park (“CP”) : Total Area 45.58 ha

Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Board is not required. This zoning covers a large portion of Lung Fu Shan Country Park at the south-western part of the Area. The main purpose of this zoning is to conserve the natural environment and to provide for recreational facilities where appropriate.

9. COMMUNICATIONS

9.1 Roads

- 9.1.1 The Area is served by five district distributors, two of which, namely Garden Road and Pok Fu Lam Road, provide traffic links between the Area and other parts of Hong Kong Island. The other three district distributors, which are Caine Road and its westward extension (Bonham Road),

Magazine Gap Road and Kennedy Road, provide traffic links within the Area. These distributors are connected to local distributors such as MacDonnell Road, May Road, Borrett Road, Bowen Road, Robinson Road, Park Road and Lyttelton Road, which are further supported by a network of subsidiary roads for local access purposes.

- 9.1.2 A number of road improvement schemes are planned by the Government to relieve the existing traffic congestion in some parts of the Area. The Smithfield Extension provides a direct link between Western District and the southern section of Pok Fu Lam Road, thus relieving traffic congestion at Western Street and the lower section of Pok Fu Lam Road. There is, however, a practical limit to possible road and transport improvements due to road space limitations set by existing developments and the steep topography of the Area.

9.2 Public Transport

- 9.2.1 The Area is well served by public transport, with the demand constantly monitored by the Transport Department. Improvements to the level of service, such as extended route coverage, improved frequencies and better quality vehicles, are introduced as necessary to meet passenger demand.
- 9.2.2 Bus service is the principal form of public transport in the Area. A bus priority scheme has been introduced in the Area to increase the capacity of the transport system since 1974. Exclusive bus lanes on Bonham Road, Caine Road and Pok Fu Lam Road are effective during peak periods. It is, however, not feasible to introduce any more “public transport only” lanes in the area due to the limited road space available.
- 9.2.3 The franchised bus service is supplemented by green minibuses, especially in localities where road gradients are steep and passenger demand is low.

9.3 Hillside Escalator

To reduce the volume of vehicular traffic on the already congested roads between the Mid-Levels and the Central District, a covered hillside escalator link for pedestrian traffic is provided between Queen’s Road Central and Conduit Road. The section within the Area follows Shelley Street and Peel Street to Conduit Road.

10. UTILITY SERVICES

- 10.1 The Area is well served with piped fresh water supply. Salt water supply is available for the majority of the Area other than the western and high level regions, where temporary fresh water mains for flushing is being used. Additional service reservoir sites have been reserved in the western part of the Area to meet long term needs. There is adequate supply of electricity, gas and telephone services in the Area. No problem is envisaged in meeting the future needs of the Area.

10.2 The Area is served by an existing sewage screening plant on the Western Reclamation. There are, however, forecast deficiencies in the sewerage as a result of rapid redevelopment from low-rise residential properties into high-rise apartments in the Area. Because of the steep topography and narrow roads, opportunities for re-sewerage by conventional means without creating severe traffic disruption are extremely limited. The stormwater drains serving the Area are found to be polluted with foul flow probably due to cross connections made between the foul and stormwater systems. The development restrictions imposed on future residential development/redevelopment in the Area would help prevent further deterioration of the situation. A Sewerage Master Plan (SMP) Study for Central, Western and Wan Chai West to assess the inadequacies of the sewer system and to identify necessary measures for improvement was completed in 1993. Based on the findings, sewerage improvement works for the areas concerned have largely been completed.

11. CULTURAL HERITAGE

There are a number of historical buildings/structures within the Area. Every effort should be made to preserve them. Prior consultation with the Antiquities and Monuments Office should be made if any development or rezoning proposals may affect the building/structures. The following is a list of declared monuments and graded historical buildings/structures:

<u>Historical Building and Structure</u>	<u>Status</u>	<u>Location</u>
Main Building of St. Stephen's Girls' College	Declared Monument	Lyttelton Road
The Exterior of the Main Building, the University of Hong Kong	Declared Monument	Bonham Road
The Exterior of Hung Hing Ying Building, the University of Hong Kong	Declared Monument	Bonham Road
The Exterior of Tang Chi Ngong Building, the University of Hong Kong	Declared Monument	Bonham Road
Catholic Cathedral of Immaculate Conception Roman Catholic Cathedral	Grade I	Glenealy
Former Explosives Magazine, Victoria Barracks	Grade I	Queen's Lines
"Ohel Leah" Synagogue	Grade I	70 Robinson Road
Jamia Mosque	Grade I	30 Shelly Street
Old British Military Hospital	Grade II	10-12 Borrett Road

<u>Historical Building and Structure</u>	<u>Status</u>	<u>Location</u>
Sacred Heart Chapel	Grade II	36 Caine Road
Montgomery Block, Victoria Barracks	Grade II	42B Kennedy Road
Roberts Block, Victoria Barracks	Grade II	42A Kennedy Road
Ex-Commodore's House	Grade II	5 Bowen Road
First Church of Christ Scientist	Grade II	31 MacDonnell Road
Fung Ping Shan Building, the University of Hong Kong	Grade II	94 Bonham Road
Hop Yat Church	Grade II	2 Bonham Road
Kam Tong Tai	Grade II	7 Castle Road
Stone House	Grade III	15 Kotewall Road
London Mission Building	Grade III	78-80 Robinson Road
Sebourne Villas No. 1	Grade III	28 Kennedy Road
St. Paul's Co-educational College	Grade III	33 MacDonnell Road
West Point Filters (a) Bungalow (b) Workmen's Quarters (c) Workmen's Quarters	Grade I Grade III Grade III	50 Kotewall Road
Elliot Pumping Station & Filters (a) Treatment Works Building (b) Workmen's Quarter (c) Senior Staff Quarters	Grade III Grade III Grade II	Pok Fu Lam Road

12. IMPLEMENTATION

12.1 Although existing uses non-conforming to the statutory zonings are tolerated, any material change of use and any other development/redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Board. The Board has published a set of guidelines for the interpretation of existing use in the urban and new town areas. Any person who intends to claim an "existing use right" should refer to the guidelines and will need to provide sufficient evidence to support his claim. The enforcement of the zonings

mainly rests with the Buildings Department, the Lands Department and various licensing authorities.

- 12.2 The Plan provides a broad land use framework within which more detailed non-statutory plans for the Area are prepared by the Planning Department. These detailed plans are used as the basis for public works planning and site reservation within Government departments. Disposal of sites is undertaken by the Lands Department. Public works projects are co-ordinated by the Civil Engineering and Development Department in conjunction with the client departments and the works departments, such as the Highways Department and the Architectural Services Department. In the course of implementation of the Plan, the Central and Western District Council would also be consulted as appropriate.
- 12.3 Planning applications to the Board will be assessed on individual merits. In general, the Board's consideration of the planning applications will take into account all relevant planning considerations which may include the departmental outline development plans/layout plans and guidelines published by the Board. The outline development plans and layout plans are available for public inspection at the Planning Department. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, and the Technical Services Division and the relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.

TOWN PLANNING BOARD
MARCH 2010