MPC Paper No. A/H21/150 For Consideration by the Metro Planning Committee on 22.2.2019

<u>APPLICATION FOR PERMISSION</u> <u>UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE</u>

APPLICATION NO. A/H21/150

<u>Applicant</u>	Fine Tower Associates Ltd.	
<u>Site</u>	Inland Lots 8590 RP (Part) and 8723 RP (Part) and Adjoining Government Land, Hoi Yu Street, and a strip of Government Land connecting to Hoi Tai Street, Quarry Bay, Hong Kong	
<u>Site Area</u>	About 12,036 m ² (including 10,676 m ² adjoining Government land)	
<u>Lease</u>	 (a) Inland Lot (I.L.) 8590 RP and 8723 RP (about 11.3% of the application site owned by the applicant) (i) I.L. 8590 RP to be expired in 2881 and I.L. 8723 RP to be expired in 2047; and (ii) Both lots restricted to industrial/godown (including bulk storage and distribution of petroleum and other petrochemical fluids) uses with restriction on maximum building height (BH) of 85.34mPD. (b) Government land (about 88.7% of the application site) 	
<u>Plan</u>	Approved Quarry Bay Outline Zoning Plan (OZP) No. S/H21/28	
<u>Zoning</u>	"Other Specified Uses (1)" ("OU(1)") annotated "Cultural and/or Commercial, Leisure and Tourism Related Uses" (8,532 m ²) "Other Specified Uses" annotated "Elevated Walkway" ("OU(Elevated Walkway)") (3,504 m ²) ["OU(1)" - subject to a maximum BH of 35mPD or the height of the existing building, whichever is the greater]	
Application	Proposed Hotel, Office, Shop and Services, Eating Place, Place of Recreation, Sports or Culture and Elevated Walkway with Minor	

Relaxation of Building Height Restriction (BHR)

1. <u>The Proposal</u>

1.1 The applicant, owner of the private lots I.L. 8590 RP and 8723 RP, seeks planning permission for a mixed development with hotel, office, shop and services, eating place, place of recreation, sports or culture uses and an elevated walkway at the application site (the Site), which is zoned "OU(1)" (70.9%) and "OU (Elevated Walkway)" (29.1%) on the approved Quarry Bay OZP No. S/H21/28 (Plan A-1). As the area zoned "OU(1)" is subject to a maximum BHR of 35mPD, the applicant also seeks planning permission for a minor relaxation of the BHR from 35mPD to 39 - 41mPD.

- 1.2 According to the Notes of the OZP, 'Hotel', 'Office', 'Shop and Services', 'Eating Place' and 'Place of Recreation, Sports or Culture' uses within the "OU(1)" zone require planning permission from the Town Planning Board (the Board) while 'Elevated Walkway' is always permitted within the "OU(Elevated Walkway)" zone.
- 1.3 The proposed mixed development comprises of one 10-storey office block and 4 hotel blocks (2 blocks of 11 storeys, 1 block of 12 storeys and 1 block of 13 storeys) including one storey (G/F) commercial podium, one basement level of commercial uses/internal transport facilities and one basement level of internal transport facilities at the "OU(1)" zone. To support the proposed development, the applicant also proposes to construct an elevated walkway along the "OU(Elevated Walkway)" zone. The proposed development has a total plot ratio (PR) of about 4.4 and gross floor area (GFA) of about 37,155m² in which about 17,548m² (about 47.2%) is for hotel, 11,537m² (about 31.1%) for eating place/shop and services, and 8,070m² (about 21.7%) for office uses. The design and layout of the proposed development are shown in **Drawings A-1 to A-19**. Major development parameters and uses of the proposed development as set out in Section 4.4 of supplementary planning statement at **Appendix Ia** are summarised below:

Major Parameters		
Site Area	About 12,036m ²	
"OU(1)"	About $8,532 \text{ m}^2$	
"OU (Elevated Walkway)"	About $3,504 \text{ m}^2$	
Total GFA	About 37,155m ²	
Hotel	17,548m ² (about 47.2%)	
Eating Place and Shop and Services	$11,537m^2$ (about 31.1%)	
Office	$8,070m^2$ (about 21.7%)	
$PR^{\#}$	About 4.4	
Site Coverage (SC) [#]	92% (on Ground Floor)	
	36% (1/F to 41 mPD)	
No. of Block	5	
	(4 blocks for hotel/1 block for office	
	with an open deck for place of	
	recreation, sports or culture use on	
	R/F)	
BH	Office – 41 mPD	
	Hotel – 34 mPD (2 Blocks)	
	39 mPD (1 Block)	
	41 mPD (1 Block)	
No. of Storeys	Office * – 10	
	Hotel * – 11 (2 Blocks)	
	12 (1 Block)	
	13 (1 Block)	
	* including 1-storey of podium and	
	2 basement levels	
No. of hotel units	400	

Parking Spaces	
Car Parking Spaces	148
Motorcycle Parking Spaces	12
Loading/Unloading (L/U) Bays	24
	(8 for Heavy Goods Vehicle (HGV);
	16 for Light Goods Vehicle (LGV))
Lay-Bys	13
	(3 for Coach; 10 for taxi and car)
General Drop-off/Pick-up	2
Public Open Space (POS)	About 7,200 m ²
(outside the Site but to be constructed	including waterfront promenade with
by the applicant)	a width of not less than 10m
Private Open Space (at podium floor)	$3,780 \text{ m}^2$
Public Elevated Walkway	$3,504 \text{ m}^2$
Major Floor Use	
B2/F	Carpark, L/U Bay, E&M
B1/F	Eating Place, Carpark, L/U Bay,
	E&M
G/F	Shop and Services/Eating Place
1/F (Podium)	Private Landscape Deck (open to
	public at reasonable hours),
	Lobbies/Office & Hotels
2/F to 8/F or 9/F or 10/F	Hotel
(4 Hotel Blocks)	
2/F to 6/F (1 Office Block)	Office
7/F	Shop and Services/Eating Place
R/F (for Office Block only)	Open Deck – Venue for
	Multi-function Events
[#] the DD and CC are coloulated based on "OU/1	

the PR and SC are calculated based on "OU(1)" zone

- 1.4 An at-grade pedestrian passage is proposed to pass through the G/F podium of the proposed development to provide 24 hrs public access connecting Hoi Yu Street to the waterfront promenade (**Drawing A-10**). Another public passage is also proposed to connect the landscape deck at Level 1 of the podium to the proposed elevated walkway over Island East Corridor (IEC) towards the hinterland at Quarry Bay (Hoi Tai Street) (**Drawings A-11 and A-17**). The public pedestrian passage, circulation area and the elevated walkway will be open to public at all times and equipped with barrier-free access. The applicant proposes to design and construct the elevated walkway and is willing to manage and maintain the walkway subject to further discussions and agreement with the government departments.
- 1.5 Outside the Site, the applicant proposes to design and construct the POS including the whole section of waterfront promenade from the western end of Hoi Yu Street to the existing promenade at Quarry Bay Park waterfront, which would involve the reprovisioning of the existing pet garden (**Drawing A-9**). A set back of the building by 1.5m at the G/F from the site boundary facing the waterfront promenade is also proposed for better pedestrian environment.

Active commercial frontages with openings for public access have also been proposed for a vibrant waterfront promenade (**Drawing A-4**).

- 1.6 The podium roof of the proposed development will be landscaped and open to the public at opening hours of the retail component of the proposed development (**Drawings A-5 and A-11**). An Open Deck of about 1,120 m² will be provided at the roof level of the proposed office block for events such as social gatherings, art related exhibitions, display or company launching parties and etc. Depending on the nature of the applications received, some of the events, if so applied, will be open to public when functions are carried out (**Drawings A-11 and A-13**).
- 1.7 Two ingresses/egresses are proposed at the western and eastern ends of the Site at Hoi Yu Street (Drawing A-18). The western run-in/run-out mainly serves private vehicles for the hotel and commercial uses while the eastern run-in/run-out provides direct access to the basement car park for all vehicles (Drawings A-2 and A-3). Two general drop-off/pick-up points will be provided at-grade (Drawing A-4) along Hoi Yu Street. The applicant also proposes to carry out junction improvements at Java Road/Hoi Yu Street and Hoi Yu Street/Hoi Chak Street as identified in the applicant's Traffic Impact Assessment (TIA) (Drawing A-19).
- 1.8 Subject to the planning permission from the Board and the approval of the in-situ land exchange with government, the proposed development is expected to be completed by September 2022.
- 1.9 In support of the application, the applicant has submitted the following documents:

(a)	Application Form received on 7.1.2019	(Appendix I)
(b)	Supplementary Planning Statement (SPS)	(Appendix Ia)
(c)	Applicant's letter dated 15.2.2019 providing responses to departmental and public comments with replacement pages for the TIA and plan for Proposed Open Space plan [accepted and exempted from the publication and recounting requirement]	(Appendix Ib)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the Planning Statement at **Appendix Ia**. They can be summarised as follows:

Proposed development

(a) The applicant has prepared an alternative proposal to meet the community's aspiration for a continuous waterfront promenade for public enjoyment and stay in line with the Government's strategy for the harbourfront by creating a vibrant and high quality waterfront space, notwithstanding, the right to develop an industrial building;

- (b) The proposed development is in line with the planning intention of the "OU(1)" zone which is "primarily to provide land intended for cultural, leisure and tourism uses taking advantages of its waterfront setting" and the "OU(Elevated Walkway)" zone;
- (c) The proposed landscaped deck is publicly accessible and could allow an elevated view of Victoria Harbour to the public and visitor. The proposed open deck on the roof level of the Office block could provide multifunction space and an outdoor venue for use by functions and will be open to the public depending on the nature of the functions and if so applied;
- (d) The proposed development will provide prime waterfront office and hotel accommodation which meet the demand and support Hong Kong's position as a leading financial commercial centre and tourist destination;
- (e) Technical assessments have confirmed that there are no insurmountable technical problems including visual, environmental, traffic, air ventilation, sewerage and drainage impacts associated with the proposed development;

Minor relaxation of BHR

- (f) Minor relaxation of BHR can allow increase in landscaping and greening opportunities at various levels for public enjoyment; reduction in building footprint; incorporation of building separation to enhance air and visual permeability; provision of spacious podium for the public with well-configured open spaces; a more interesting building profile that respect the height profile and character of the neighbourhood as well as the ridgeline;
- (g) The proposed development is considered innovative, unique and iconic which add visual interest at the Quarry Bay Waterfront; it is compatible with the locality and the surrounding context in terms of scale and BH; it will provide accessible and high quality open spaces and pedestrian passage; and
- (h) The proposed development can enhance pedestrian connectivity by providing a continuous public waterfront promenade, open space in the form of a waterfront plaza, a barrier-free public pedestrian passageway and elevated footbridge connecting the Quarry Bay hinterland to the waterfront. The applicant is willing to design, construct, maintain and manage the pedestrian connection and open space.

3. <u>Compliance with the "Owner's Consent/Notification" Requirements</u>

The applicant is the sole "current land owner" of lots I.L. 8590RP (Part) and 8723 RP which occupies about 11.3% of the Site (**Plan A-2**). Detailed information would be deposited at the meeting for Members' inspection. The remaining area (about 88.7%) of the Site is government land and hence, the 'owner's consent/notification' requirements as set out in the Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification' Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) are not applicable.

4. <u>Background</u>

- 4.1 The applicant is the owner of lots I.L. 8590 RP (Part) and I.L. 8723 RP. A set of general building plan for the development of a 25-storey industrial building (IB) of about 80mPD with a PR of about 15 (i.e. a GFA of about 37,158m²) was approved in 2001 when the lots were zoned "Industrial" ("I") on the then Quarry Bay OZP.
- 4.2 In December 2001, the applicant submitted a rezoning request (Application No. Z/H21/2) to rezone three sites (i.e. Site 1, Site 2 and Site 3) including the applicant's lots and the adjoining areas at Hoi Yu Street and Quarry Bay Park to "Comprehensive Development Area" ("CDA") zones with a mix of hotel, retail, recreational and open space developments. The proposal was to create a new tourism and recreation node at the Quarry Bay waterfront under the "Old Hong Kong" theme. Site 1 covering part of the Site at Hoi Yu Street with a site area of 10,193 m² was proposed to be rezoned from "I" and "Government, Institution or Community" ("G/IC") to "CDA(1)" for hotel and commercial use with a PR of 4.6 and BH of 78mPD (73.5m). On 3.1.2003, the Committee rejected the rezoning request. The main reasons for rejection were that the "CDA" zoning could not reflect the planning intention for leisure and tourism related development explicitly; the development intensity and BH of the proposed scheme was considered excessive at such waterfront location; and the scale and the need for the proposed marine facilities were considered excessive and not justifiable. Details of the rezoning request are at **Appendix II** and a comparison of the development parameters of the previous proposals related to the Hoi Yu Street portion of the Site and the current application is at **Appendix III**.
- 4.3 While the Committee decided not to agree to the rezoning request and the specific development parameters proposed in that context, it agreed in-principle with the proposed development concept of revitalizing the waterfront area for leisure and tourism related development with the provision of a continuous waterfront promenade and requested the Planning Department (PlanD) to submit proposed amendments to the draft Quarry Bay OZP No. S/H21/17 to the Board for consideration. On 21.3.2003, the Committee agreed to propose amendments to the OZP to rezone part of the applicant's lots and the adjoining areas to "OU(1)" subject to the maximum BHR of 35mPD, an area further along the waterfront to "OU(2)" subject to the maximum BHR of 25mPD, and an area near the Eastern Harbour Crossing to "O". The then OZP No. S/H21/18 incorporating the amendments were gazetted on 4.4.2003, and these zonings remain unchanged since then.
- 4.4 The building plans for the IB development was approved before the aforementioned rezoning. As it is still valid, construction of the IB commenced around mid-2017. In view of public aspiration and to better align with harbourfront planning and public use of waterfront, the Development Bureau (DevB) approached the applicant to explore alternative development option to replace the planned IB by a development that is in greater compatibility with the surrounding environment. DevB subsequently announced on 5 July 2018 (**Appendix IV**) that approval of the Executive Council would be sought for an in-situ land exchange for waterfront development in place of the IB, subject to the development proposal obtaining endorsement by the Board.

5. <u>Previous Application</u>

- 5.1 The Site is the subject of a rezoning request (Application No. Z/H21/2) to rezone three sites (i.e. Site 1, Site 2 and Site 3) including the applicant's lots and the adjoining areas at Hoi Yu Street and Quarry Bay Park to "CDA" zones as stated in para. 4.2 above, and part of the subject of a previous section 16 planning applications No. A/H21/122 submitted by the same applicant for a mixed tourism, entertainment and commercial development at the "OU(1)" and "OU(2)" sites at Hoi Yu Street. The "OU(1)" site was proposed for a mixed of hotel, retail and office development with a site area of $8,100 \text{ m}^2$, PR of 6.05 and The proposal also included a footbridge connecting the BH of 34mPD. "OU(1)" site to the Ouarry Bay Park. The application was rejected by the Committee in January 2005, then by the Board upon review in May 2005, and dismissed by the Town Planning Appeal Board in September 2008. The main reasons for rejection by the Board included that excessive provision of office use (i.e. a GFA of $14,869m^2$) was not in line with the planning intention; the scale and intensity (i.e. PR of about 6.05) of the proposed development was considered excessive in view of the prominent waterfront location; the implementability of the proposed development was in doubt; the submission had not demonstrated that spacious environment was provided for the pedestrians; insufficient information to demonstrate that the proposed development was acceptable in terms of traffic impact; and the proposed footbridge did not provide a direct and convenient linkage for the pedestrian connection between the proposed development and the hinterland of Quarry Bay.
- 5.2 Details of the application are at **Appendix II** and a comparison of the development parameters of the previous proposals related to the Site and the current application is at **Appendix III**.

6. <u>Similar Applications</u>

There is no similar application for hotel, office, shop and services, eating place and place of recreation, sports or culture uses within the "OU(1)" zone in the Quarry Bay Planning Scheme Area.

7. <u>The Site and its Surrounding Areas</u> (Plans A-1 and A-2 and photos on Plans A-3 to A-6)

- 7.1 The Site is:
 - (a) elongated in shape and located to the northern side of Hoi Yu Street with a strip of land extending across the IEC, Quarry Bay Park Phase II and connecting to Hoi Tai Street;
 - (b) currently occupied partly by the applicant's lots where foundation works had commenced but stopped, partly vacant, partly by a temporary pet garden, Quarry Bay Park and adjoining road; and
 - (c) accessible by vehicles via Hoi Yu Street which is a cul-de-sac and Pan Hoi Street to the south.

- 7.2 The surrounding areas have the following characteristics:
 - (a) to the immediate north is the temporary promenade cum pet garden linking to the Quarry Bay Park waterfront promenade;
 - (b) to the further east is a number of utility facilities including Eastern Harbour Crossing (EHC) Ventilation Building and the MTR Infeed Substation and a temporary carpark and to the west lies a Salt Water Pumping Station;
 - (c) to the south is a section of IEC, the Quarry Bay Park, the Canossa College and School, and various temporary storage/depot uses; and
 - (d) to the further south is a mix of commercial and residential development including office at Taikoo Place and residential developments near Quarry Bay MTR station.

8. <u>Planning Intention</u>

- 8.1 The "OU(1)" zone is primarily to provide land intended for cultural, leisure and tourism uses taking advantages of its waterfront setting. The "OU(Elevated Walkway)" zone is primarily to provide land intended for provision of the main pedestrian link to connect the waterfront with its hinterland.
- 8.2 In general, a minor relaxation clause in respect of BHRs is incorporated into the Notes of the OZP in order to provide incentive for developments/ redevelopments with planning and design merits. According to the Explanatory Statement (ES) of the OZP, each planning application under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such application are as follow:
 - (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.

9. <u>Comments from the Relevant Government Departments</u>

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):
 - (a) I.L. 8590 RP and I.L. 8723 RP are held under Conditions of Grant No. 11824 dated 22.5.1985 and Conditions of Grant No. 12029 dated 20.12.1988 respectively. Both lots are restricted for industrial and/or godown purposes including the bulk storage and distribution of petroleum products and other petrochemical fluids and for such other ancillary purposes as may be approved by the Director and a maximum height restriction of 85.34m above HKPD;
 - (b) the proposed development is in conflict with the related lease conditions. If the planning application is approved by the Board, the owner of the Lots needs to apply to LandsD for a land exchange. However, there is no guarantee that such land exchange application (including the granting of additional government land) will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity of Landlord as its sole discretion and subject to policy clearance. In the event any such application is approved, it would be subject to such terms and conditions including, amongst others, the payment of premium and administrative fee as imposed by LandsD;
 - (c) authorisation of the Elevated Walkway under Roads (Works, Use and Compensation) Ordinance (Cap. 370) is required before its implementation. The applicant has to confirm its alignment and conceptual design prior to gazettal. Authorisation under Cap. 370 is normally required before the same is incorporated in the land exchange conditions. The applicant is reminded that there is no guarantee that authorisation under Cap. 370 will be given;
 - (d) junction improvements are proposed between Java Road and Hoi Yu Street (para. 6.1.14 of Appendix 3 (i.e. TIA) of the SPS refers). In this regard, the proposed road works will have implication under Roads (Works, Use and Compensation) Ordinance (Cap. 370). The applicant is reminded that he will be liable for the administrative costs and compensation claims incurred or to be incurred by the Government in connection with or in relation to the said road closure and road works which arise from the proposed private development; and
 - (e) detailed comments are in **Appendix V**.

<u>Traffic Aspect</u>

- 9.1.2 Comments of the Commissioner for Transport (C for T):
 - (a) it is considered that the proposed elevated pedestrian walkway is essential to improve the pedestrian accessibility of the Site and should be contingent upon the development. So, it should be designed and constructed by the developer. The time of completion of the walkway should also dovetail with the programme of the development. If phased occupation is to be adopted in the absence of the walkway, the applicant should be required to submit further TIA demonstrating that it would not lead to adverse traffic impact;
 - (b) no comments on the future management responsibility of the proposed elevated pedestrian walkway to be undertaken by the developer as mentioned in paragraph 4.5.3 of the SPS;
 - (c) since the footpath mentioned in paragraph 5.10.3 of the SPS is proposed to be within the private lot, it should be managed by the developer. Nevertheless, a 24hr access should be maintained for public use; and
 - (d) should the Committee decide to approve this application, conditions on the design and provision of ingress/egress points and public pedestrian circulation system; the design and provision of parking, loading/unloading and lay-bys facilities for the proposed development; the design and provision of an elevated walkway linking the proposed development to Hoi Tai Street; and the submission of a revised TIA and the implementation of road improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the Board are recommended to be imposed.
- 9.1.3 Comments of the Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD):
 - (a) no objection to the application;
 - (b) it is noted that the applicant has proposed to implement the elevated pedestrian walkway that provides north-south connection across IEC linking the proposed scheme/waterfront with its hinterland and the applicant is also willing to undertake maintenance and management responsibilities of the Elevated Walkway, subject to further discussions and agreement between the applicant and government;
 - (c) the structure shall be designed and constructed in accordance with the Structure Design Manual for Highways and Railways and to the satisfaction of CHE/Bridges and Structures; and the lighting fixtures shall be designed and constructed in accordance with the Public Lighting Design Manual and to the satisfaction of

the Chief Engineer/Lighting and Director of Electrical and Mechanical Services; and

- (d) detailed comments are in **Appendix V**.
- 9.1.4 Comments of the Commissioner of Police (C of P):
 - (a) with reference to the existing heavy traffic situation at Tai Koo Shing Road and Tai Koo Wan Road, the proposal of one block of office and four blocks of hotel over a single storey of retail-podium will undoubtedly exacerbate the traffic condition in the vicinity;
 - (b) Hoi Yu Street is a 'dead-end carriageway' where there is no alternative route in reaching the two 'critical infrastructure' including the MTRC Quarry Bay Ventilation Building and Eastern Harbour Crossing Quarry Bay Ventilation Building that an uninterrupted traffic flow along Hoi Yu Street is of importance; and
 - (c) detailed comments are in Appendix V.

Environmental Aspect

- 9.1.5 Comments of the Director of Environmental Protection (DEP):
 - (a) no objection to the application;
 - (b) the proposed hotel/office use is not polluting in nature;
 - (c) the Sewerage Impact Assessment (SIA) in the application is generally in order; and
 - (d) detailed comments are in **Appendix V**.

Fire Safety Aspect

- 9.1.6 Comments of the Director of Fire Services (D of FS):
 - (a) no objection in-principle to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction;
 - (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
 - (c) the fire services requirements regarding licensing premises would be imposed upon receipt of formal application via Licensing Authority; and
 - (d) as no details of the emergency vehicular access (EVA) have been provided, comments could not be offered at the present stage. The applicant is advised to observe the requirements of EVA as

stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by Buildings Department (BD).

Water Supplies

- 9.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):
 - (a) no objection to the application;
 - (b) there are some existing fresh water mains within the site and are affected by the proposed development. Free access should be allowed for WSD at any time to carry out operation and maintenance of these water mains; and
 - (c) detailed comments are in **Appendix V**.

Building Aspect

- 9.1.8 Comments of the Chief Building Surveyor/Hong Kong East & Heritage, (CBS/HKE&H, BD):
 - (a) no objection to the application;
 - (b) PR and SC calculation for the subject development should be based on the area of the site eventually granted, in which no account shall be taken of any part of any street under regulation 23(2)(a) of Building (Planning) Regulations (B(P)R);
 - (c) if activities and functions held at the proposed "Open Deck" at the roof top of office tower involve entertainments and general public, relevant requirements under Places of Public Entertainment Ordinance (Cap 172), B(P)R and the Code of Practice for Fire Safety in Buildings 2011 should be complied with;
 - (d) elevated walkway (if covered) and the area underneath the elevated walkway within the private lots should be included in GFA calculation unless exempted. If any area (including elevated walkway) for use as public passage would be dedicated for exemption of the same from GFA calculation or obtaining additional PR and SC calculations, relevant requirements under B(P)R 22(1) and PNAP APP-108 should be complied with;
 - (e) aquarium on B1/F should be accountable for GFA calculation;
 - (f) for the development containing hotel buildings, service lane should be provided in accordance with B(P)R 28; and
 - (g) detailed comments are in Appendix V.

- 9.1.9 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):
 - (a) based on the information provided, it is noted that the proposed development consists of 5 nos. of buildings with various height ranging from 34mPD to 41mPD and 15m separation between buildings. The proposed buildings with 41mPD (36.5m building height) is about 20% higher than the 35mPD (30.5m building height) BHR and may not be compatible to the BHR specified in the Notes of the OZP.
- 9.1.10 Comments of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD:

Urban Design and Visual

- (a) no adverse comment on the application from the urban design and visual impact perspectives;
- (b) the proposal is mainly to develop the subject site for hotel and office with commercial, cultural uses at the podium floor, provision of an elevated walkway connecting the Site to Quarry Bay, and minor relaxation of building height (BH) from 35mPD to 41mPD. A 10m waterfront promenade is proposed and a further set back of 1.5m at the G/F fronting the waterfront promenade will be provided which would facilitate better pedestrian and design integration of public use and enjoyment. The proposed elevated walkway and pedestrian passage would provide 24hr public access and improve accessibility to the waterfront;
- (c) the proposal has incorporated some design features for enhancing visual permeability and visual interest including provision of four building gaps of 15m each from 10mPD (at podium level) upwards and variations in building height of 34mPD, 39mPD and 41mPD. It is considered that the incorporation of building gaps would enhance visual permeability between Victoria Harbour and the hinterland and break up the building mass and long continuous façade given the elongated site configuration; while variations in BH would provide some visual interests particularly when viewed from Kai Tak Cruise Terminal to avoid a monotonous harbourfront image; and

Air Ventilation

(d) an Air Ventilation Assessment – Expert Evaluation (AVA EE) has been submitted to demonstrate the ventilation performance under the OZP Compliant Scheme and the Proposed Development Scheme. Design features for wind penetration such as four 15m-wide building gaps and 7.5m setbacks from the western and eastern site boundaries above podium level have been incorporated in the proposed development Scheme. In overall terms, no significant air ventilation impact is anticipated to be caused by the proposed development as compared to the OZP Compliant Scheme. It is noted from the applicant's AVA EE that if there are significant changes to the future development scheme affecting the provision of the above-mentioned wind enhancement design features, an AVA EE should be carried out again, and supplemented with CFD modelling if required.

Landscape Aspect

9.1.11 Comments of CTP/UD&L, PlanD:

- (a) no objection to the application from the landscape planning perspective;
- (b) since there is no information on the existing landscape resources submitted, a brief description on their condition within the site with photo records, together with assessment of potential impact, if any, should be provided in the report; and
- (c) should the Committee approve this application, a condition on the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board is recommended to be included in the planning approval.

Public Open Space Aspect

- 9.1.12 Comments of the Director of Leisure and Cultural Services (DLCS):
 - (a) while the relevant POS and existing pet garden may have to be handed over to the applicant for development during the construction stage, the detailed layout, location of facilities and location will be subject to further liaison and agreement with the concerned government bureaux and departments;
 - (b) the future maintenance and management of the whole promenade should also be subject to further liaison and agreement with the concerned government bureaux and departments. According to the current plan, the government will retain ownership of the whole POS and pet garden, and the general direction is that LCSD will continue to manage and maintain the section of the promenade currently under her management and maintenance; and
 - (c) for the promenade to be delivered to LCSD for future maintenance and management after reinstatement by the applicant, the design and facilities provided there should comply with LCSD's current standards and requirements of open space and agreeable to LCSD.

- 9.1.13 Comments of the Assistant Secretary (Harbour)1, Development Bureau (AS(H)1, DevB):
 - (a) As mentioned in paragraph 4.4 above, when the applicant started constructing the 25-storey IB on site around mid-2017, there were strong public views that the IB was incompatible with the environment and planning intention of the harbourfront. The public strongly urged for the development to be shelved and replaced by proposals in greater harmony with the harbourfront. After our discussion with the applicant has progressed to a more advanced stage, DevB announced in July 2018 through a press release that the Government will seek the approval of the Executive Council (ExCo) for an in-situ land exchange, to the effect of enabling the applicant to pursue a waterfront leisure, tourism and commercial development at the strip of land zoned "Other Specified Uses" annotated "Cultural and/or Commercial, Leisure and Tourism Related Uses" on the Quarry Bay Outline Zoning Plan No. S/H21/28, in place of the IB under development and following payment of market premium. That said, the seeking of ExCo's approval will be subject to the applicant being able to obtain planning approval from the Board;
 - (b) the applicant has further refined its proposal taking into consideration certain comments from the Harbourfront Commission (HC) (paragraph 10 below) and the Eastern District Council (EDC) (paragraph 9.1.16 below). From the perspective of harbourfront enhancement, we consider that the current proposal is clearly a major improvement over the IB development and is worthy of support because of the following considerations:
 - (i) the current proposal is more compatible with the harbourfront setting, in terms of both development intensity and uses. As compared with the original 25-storey IB which has a building height of 85mPD, the proposed development will be in five low-rise blocks with varied but significantly reduced building height of 34mPD 41mPD. The mixture of uses, covering mainly hotel as well as dining and retail facilities, is also in line with the planning intent of developing the proposed site into a tourism and leisure node;
 - (ii) pending its long-term development, part of the Site has been allocated for short-term uses and not opened for public enjoyment. The adjoining 10-m waterfront promenade has been opened for public use since 2012, but the area has been dominated by passive recreational uses such as strolling and jogging. The current proposal will not only replace the highly unpopular IB plan, it will also enliven the area with a well-designed development comprising a rich mix of uses and activities that can draw more people to the harbourfront, provide them with more fun and choices, and enhance

attractiveness and vibrancy of the area. This is complimentary to the Quarry Bay Park (Phase I) at the adjacent harbourfront which provides a large area of passive open space in closer proximity to nearby residential developments, and is in line with key elements of the Harbour Planning Principles endorsed by the HC (**Appendix VII**);

- (iii) while not causing any adverse traffic, environmental or other impacts, the current proposal will maximise public benefits by –
 - re-designing and re-developing the 10-m promenade and adjoining pet garden to maintain a continuous waterfront promenade for public enjoyment in an improved environment and provide pet owners with enhanced facilities;
 - constructing a pedestrian footbridge proposed under the OZP to improve connectivity between the hinterland and the harbourfront (at the moment the Government has no programme for the footbridge);
 - enabling visitors to access the harbourfront through a 24-hour at-grade pedestrian passage of the development and a landscaped deck at podium level open to the public at reasonable hours; and
 - the current proposal offers an opportunity to capitalise on the strength and expertise of the private sector to energise the harbourfront area with creativity and innovation. This can increase diversity in the delivery of harbourfornt projects and is also in line with the recommendation in the Hong Kong Island East Harbour-front Study that the Site can be developed with private sector participation;
- (c) if the proposed in-situ land exchange is not materialised, the applicant is likely to exercise its right to proceed with the original IB development. On the other hand, as regards the "OU(1)" and "OU(2)" sites, they would likely be developed in similar manner in accordance with the planning intention; and
- (d) regarding the public open space / promenade and pet garden to be constructed by the applicant (paragraph 4.7 and Figure 12 of Appendix 1), the eventual site boundaries, design, and the interim arrangement during the construction stage should be to the satisfaction of the relevant bureaux / departments, including the Harbour Office. In particular, a pedestrian connection between the Quarry Bay Park Phase 1 and Hoi Yu Street should be maintained at all time during the construction stage. The HC

and the EDC should also be consulted on the implementation details of the POS/promenade and the pet garden.

Tourism Aspect

- 9.1.14 Comments of the Commissioner for Tourism (C for Tourism):
 - (a) no objection to the application;
 - (b) Hong Kong registered 65.15 million visitor arrivals in 2018. Amongst them, 45% (29.3 million) were overnight visitors. Hotel occupancy rate in the past five years in general stood at a high level of over 90%. To enhance the appeal of Hong Kong as an international convention, exhibition and tourism capital, it is necessary to ensure the provision of adequate hotel facilities; and
 - (c) the proposed hotel development will help increase the provision of hotel facilities, broaden the range of accommodations for our visitors, and support the development of convention and exhibition, tourism and hotel industries. However, it is noted that part of the Site has been used as a temporary metered coach parking site. The proposed hotel development would bring in more coaches/tour buses to the area concerned.

Others

9.1.15 Comments of the Director of Electrical and Mechanical Services (DEMS):

Electricity Safety

(a) no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground calendar the mentioned application should approach the electricity supplier (i.e. HK Electric) for the requisition of cable plans to find out whether there is any underground cable within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

Gas Safety

- (b) there is an intermediate pressure underground town gas transmission pipeline running along Hoi Yu Street within the application site;
- (c) the future developer/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in

respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the application site and any required minimum set back distance away from them during the design and construction stages of development; and

(d) the future developer/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's Code of Practice on " Avoidance of Damage to Gas Pipes" 2nd Edition.

Local Views

9.1.16 Comment of the District Officer (Eastern), Home Affairs Department (DO(E), HAD):

Local views on the application are as follows:

- (a) the proposed development was discussed at two of the meetings of the Planning, Works and Housing Committee (PWHC) under the EDC on 25.7.2018 and 4 .9.2018;
- (b) EDC members had repeatedly expressed grave concern over the application, with the view that the developer should strictly comply with the BHR of 35mPD. Some EDC members also expressed concerns on other issues including the land exchange arrangement, increased traffic flow, potential visual impact and the proposal on the re-provisioning of the existing pet garden; and
- (c) some EDC members had in parallel expressed reservation about the original development of the 25-storey permitted IB and welcomed DevB's effort in preventing the developer from proceeding with their original plan.
- 9.2 The following government departments have no comment on or no objection to the application:
 - (a) Project Manager/South Development Office, Civil Engineering and Development Department;
 - (b) Director of Marine;
 - (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department; and
 - (d) Director of Food and Environmental Hygiene.

10. <u>Views of Harbourfront Commission</u>

10.1 On 27.7.2018 and 18.10.2018, the applicant briefed the HC on the proposed development. The HC generally supported the in-situ land exchange proposed and recognized that the proposed development involving a harbourfront leisure, tourism and commercial development would be more compatible with the surrounding environment in place of the IB under development, and welcomed a design with varied BH based on the 35mPD restriction. The applicant was asked

to further justify the need for relaxing the BHR especially from the public interest perspective.

11. Public Comments Received During Statutory Publication Period

- 11.1 During the first three weeks of the statutory publication periods of the application (ended on *815*.2.2019), 1,782 public comments were received. Of which, 1,725 objecting comments were from DAB Eastern Branch, Business and Professionals Alliance for Hong Kong (Hong Kong East District Office), six DC members (Mr. Ting Kong Ho, Mr. Cheng Tat Hung, Ms. Chan Ka Pui, Dr. Chui Ka Yin, Mr. Leung Siu Sun and Mr. Lee Man Lung Joey), a member of Harbourfront Commission (Mr. Paul Zimmerman), Cannosa School (Hong Kong), parents and students from Cannosa School (Hong Kong), the an interest group (鰂魚涌海濱關注組), 2 Incorporated Owners (IOs) of nearby residential developments (Oceanic Building and King's View Court), nearby residents/locals/individual members of public; 56 provided views and raising concerns including The Hong Kong and China Gas Co Ltd., Swire Properties and locals; and one supporting comment from a member of the public. A full set of the public comments received is at **Appendix VI** for Members' reference.
- 11.2 The main grounds of the supporting comment are as follows:
 - the proposed development can create a vibrant harbourfront with shops and restaurants and prevent the erection of tall industrial building at harbourfront. The proposed buildings are of appropriate height and the elevated walkway is conductive to pedestrian flow in the area.
- 11.3 The major grounds of opposing comments and public concerns are summarised as follows:
 - (a) the proposed development lacks sufficient elements to be in-line with the planning intention of the "OU(1)" zone and there is insufficient justifications for height relaxation
 - (b) the proposed buildings are too large in scale which is incompatible with the surroundings and will affect the views of nearby residents;
 - (c) the proposed development would cause adverse noise, traffic, visual, air ventilation, light pollution and glare impacts, and affect the existing pet garden and coach park;
 - (d) the existing road connecting to the Site is narrow and may not able to support the proposed development;
 - (e) the proposed elevated walkway will cause nuisance, disturbance and health risk to the schools in close proximity and therefore should be shortened;
 - (f) additional public passages should be provided, all passages and the landscape deck should be opened to the public 24 hours a day and provisions within the proposed development to the general public enjoyment should be increased;

- (g) deficiency in the assessments such as the Visual Impact Assessment (VIA) and no Quantitative Risk Assessment (QRA); and
- (h) the Site should be planned as open space for public enjoyment.

12. <u>Planning Considerations and Assessments</u>

12.1 The application is for a proposed mixed development with hotel, office, shop and services, eating place, place of recreation, sports or culture uses and an elevated walkway connecting to the Ouarry Bay hinterland as well as for minor relaxation of BHR from 35mPD to 39mPD - 41mPD for three out of the five proposed blocks. As part of the proposed development, the applicant proposes to provide an at-grade 24 hrs public pedestrian passage through the proposed G/F podium connecting Hoi Yu Street to the waterfront promenade, a landscaped deck at podium level that would be open to public at reasonable hours which will be connected to the elevated walkway, setback of building line at G/F level and an open deck on the roof top of the office block for functions which may be open to public. The applicant also proposes to design, construct, maintain and manage an elevated walkway along "OU(Elevated Walkway)" zone connecting the landscape deck of the proposed commercial development to Hoi Tai Street. In addition, the applicant proposes to design and implement the POS adjoining the Site including the whole section of the waterfront promenade from the western end of Hoi Yu Street to east of Eastern Harbour Tunnel Ventilation Building as well as junction improvement works outside the Site as identified in the TIA.

Planning Intention

12.2 The planning intention of the "OU(1)" zone is primarily for cultural, leisure and tourism uses taking advantages of its waterfront setting. The proposed development, with about 78% of its GFA for hotel, eating place and shop and services uses, is considered generally in line with the planning intention of the "OU(1)" zone. The proposed development is considered not incompatible in terms of land uses with the surrounding developments while providing office and hotel accommodation to meet the needs of Hong Kong.

Minor Relaxation of Building Height

12.3 The "OU(1)" zone is subject to a BHR of 35mPD¹. The applicant seeks to relax the BHR of "OU(1)" zone for three out of the five proposed blocks; i.e. from 35mPD to 41mPD or absolute height from 30.5m to 36.5m (+6m or +19.7%) for the office block and one hotel block, as well as from 35mPD to 39mPD or absolute height from 30.5m to 34.5m (+4m or +13.1%) for one hotel block. The BH of the remaining two hotel blocks will be 34mPD which is within the BHR of 35mPD. According to the applicant, the proposed relaxation of the BHR aims to enhance the overall design by creating BH variation and by reducing building footprint to increase building separation as well as to increase landscape greening opportunities at podium roof level. While height variations may still be achieved within the BHR of 35mPD, if all things being equal, the proposed development would require a larger SC and thus less opportunity for greening at podium roof level. In this regard, CTP/UD&L considers that the proposal has

¹ With the site level at 4.5mPD, the maximum absolute height of a building under the OZP is 30.5m.

incorporated some design features including building gaps and height variations which would enhance visual permeability between Victoria Harbour and the hinterland, add visual interest and break up the building mass and long continuous façade along the waterfront. A setback of the building by 1.5m at the G/F from the site boundary facing the waterfront promenade is also proposed for better pedestrian environment. Hence, it is considered that the proposal has design merits and complies with criteria (c), (d) and (e) for relaxation of BH as set out in the ES of the OZP (paragraph 8.2 above). In this respect, CTP/UD&L has no adverse comment from the urban design and visual impact perspective and the proposed relaxation of the BHR is considered acceptable.

Harbour Planning Principles

12.4 The proposed commercial development with shop and services and eating place uses would enhance vibrancy and enjoyment of the waterfront promenade. The applicant has proposed an at-grade pedestrian passage at the G/F podium of the proposed development to provide 24hrs public access connecting Hoi Yu Street to the waterfront promenade, and the public pedestrian passage is also connected to the landscape deck at the podium level and the proposed elevated walkway providing 24hrs public access over IEC towards the hinterland at Quarry Bay (Hoi Tai Street). This would enhance the public access to the waterfront from the hinterland, which is in line with the harbour planning principles (**Appendix VII**).

Public Benefits

12.5 The applicant has also proposed to design and construct the POS adjoining the Site (**Drawing A-9**) including the whole section of the waterfront promenade from the western end of Hoi Yu Street to east of Eastern Harbour Crossing Ventilation Building. The existing area is occupied by a temporary waterfront promenade (including a pet garden). While the proposal (including the reprevisioning of the existing pet garden) is still subject to further discussion between the applicant and the concerned departments, it will enable early provision of the planned POS and facilitate a continuous waterfront promenade connecting Hoi Yu Street to Sai Wan Ho for public use. As compared with the approved building plans for a 25-storey IB development at the applicant's lots, the proposed development will result in an improved waterfront promenade and safeguard public enjoyment of the waterfront. In this connection, both the HC and EDC generally welcome the replacement of the IB development.

Technical Aspects

12.6 The proposed development will have no adverse traffic, environmental, drainage, visual, air ventilation and landscape impacts. All concerned departments have no objection to or no adverse comment on the proposed development. Junction improvement works and laybys along Hoi Yu Street have been proposed by the applicant to address the likely traffic impacts. As for the Police's concerns on the traffic impact, the TIA submitted by the applicant has demonstrated that the proposed development would not have adverse traffic impact on the surrounding area, which is accepted by TD. TD also considers that the proposed elevated pedestrian walkway is essential to improve the pedestrian accessibility of the Site and should be contingent upon the development and hence, its completion should dovetail with the programme of the proposed development. If phased occupation is to be adopted in the absence of the elevated walkway, the applicant should be required to submit further TIA demonstrating that it would not lead to adverse traffic impact. To address TD's

concerns, relevant approval conditions including the submission of a revised TIA and the design and provision of parking, loading/unloading, lay-bys facilities are recommended at paragraph 13.2 below, should the application be approved by the Committee.

Implementation

- 12.7 As advised by LandsD, the elevated walkway will need to be gazetted under the Roads (Works, Use and Compensation) Ordinance (Roads Ordinance). Details of the elevated walkway including its management and maintenance responsibilities will be further sorted out between the applicant and the concerned departments at the road gazettal stage.
- 12.8 As mentioned in paragraph 4.4 above, the applicant would seek in-situ land exchange through DevB and LandsD to take forward the proposed development once the planning permission from the Committee is obtained. Hence, major features of the proposed commercial development such as the provision of the public passageway, elevated walkway and landscape podium as well as the SDBG requirements would be incorporated into the land exchange. In this regard, it is considered that the approval condition as proposed by TD is not necessary and elevated walkway is always permitted under the "OU(Elevated Walkway" zone. In addition, the requirements in relation to the design and implementation of the POS outside the Site (including the reprovisioning of pet garden) and its future management and maintenance responsibilities would also be incorporated into the land exchange.

Public Comments

12.9 Concerning the adverse public comments summarised in paragraph 11.3 above, the departmental comments and the planning assessments as set out in paragraphs 9 and 12.2 to 12.8 above respectively are relevant. As for the public concerns on the impact on the coach park, it was a temporary facility only and permanent public coach park has already been developed as part of the overall ex-North Point Estate redevelopment and opened recently. On the need for QRA, it should be noted that the gas facilities near the Site are not potentially hazardous installations, and therefore QRA is not required and DEMS has no adverse comments on the proposed development.

13. <u>Planning Department's Views</u>

- 13.1 Based on the assessment made in paragraph 12 above, and having taken into account the public comments mentioned in paragraph 11, PlanD has <u>no</u> <u>objection</u> to the application.
- 13.2 Should the Committee decide to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 22.2.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the design and provision of ingress/egress points and public pedestrian circulation system to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and provision of parking, loading/unloading and lay-bys facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of a revised traffic impact assessment and the implementation of road improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at Appendix VIII.

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

There is no strong justification for the proposed relaxation of the building height restriction.

14. <u>Decision Sought</u>

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form received on 7.1.2019
Appendix Ia	Supplementary Planning Statement

Annondiv Ih	Applicant's letter dated 15.2.2019
Appendix Ib	11
Appendix II	Previous applications within the application site
Appendix III	Development parameters of previous proposals covering the
	application site within the "OU(1)" zone
Appendix IV	Press release from DevB dated 5.7.2018
Appendix V	Detailed departmental comment
Appendix VI	Public comments received during the statutory publication
	period
Appendix VII	Harbour Planning Principles
Appendix VIII	Recommended advisory clauses
Drawing A-1	Master Plan
Drawings A-2 to A-5	G/F, 1/F, B1/F and B/2 floor plans
Drawings A-6 to A-8	Section plans
Drawing A-9	Public open space plan
Drawings A-10 to A-13	Accessibility and pedestrian circulation plans
Drawing A-14 to A-16	Photomontages
Drawing A-17	Indicative layout of proposed elevated walkway
Drawing A-18	Future key ingress and egress traffic routes
Drawing A-19	Planned junction improvement scheme
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 to A-6	Site photos

PLANNING DEPARTMENT FEBRUARY 2019