

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/H5/412**

<b><u>Applicant</u></b>	Eldridge Investments Limited represented by AECOM Asia Company Limited
<b><u>Site</u></b>	153-167 Queen's Road East, Wan Chai, Hong Kong
<b><u>Site Area</u></b>	About 621.9m <sup>2</sup>
<b><u>Lease</u></b>	Inland Lot (IL) 5251, 5252, 5253, 5256RP, 5257RP (a) User: virtually unrestricted except non-offensive trades clauses (b) Term: 999 years from 9.7.1844  IL 7975 (a) User: requires compliance with the Buildings Ordinance (b) Term: 999 years from 9.7.1844  IL 5657 & Ext. and 5658 (a) User: virtually unrestricted except non-offensive trades clauses (b) Term: 999 years from 25.12.1875
<b><u>Plan</u></b>	Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28
<b><u>Zoning</u></b>	"Residential (Group A)" ("R(A)") (subject to a maximum building height (BH) of 110mPD or the height of the existing building, whichever is the greater)
<b><u>Application</u></b>	Proposed Commercial Development (including Eating Place, Shop and Services, Office and Commercial Bathhouse/Massage Establishment)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed 26-storey commercial development at 153-167 Queen's Road East (QRE) in Wan Chai (the Site). The Site falls within an area zoned "R(A)" on the draft Wan Chai OZP No. S/H5/28 (**Plan A-1**). According to the Notes of the OZP, planning permission from the Town Planning Board (the Board) is required for 'Eating Place', 'Shop and Services', 'Office' and 'Commercial Bathhouse/Massage Establishment' uses above the lowest three floors of a building within the "R(A)" zone.

1.2 In support of the application, the applicant submitted the following documents:

- (a) Application form received on 15.5.2018 **(Appendix I)**
- (b) Supporting Planning Statement **(Appendix Ia)**
- (c) Applicant’s email dated 15.5.2018 and letter dated 23.5.2018 providing clarification **(Appendix Ib)**
- (d) Applicant’s letter dated 11.7.2018 and email dated 12.7.2018 providing further information (FI) *(accepted and exempted from publication requirement)* **(Appendix Ic)**
- (e) Applicant’s letters dated 27.7.2018 and 1.8.2018 providing FI *(accepted and exempted from publication requirement)* **(Appendix Id)**
- (f) Applicant’s letter dated 3.8.2018 and email dated 7.8.2018 providing FI *(accepted and exempted from publication requirement)* **(Appendix Ie)**
- (g) Applicant’s letters dated 23.8.2018 and 24.8.2018 providing FI *(accepted and exempted from publication requirement)* **(Appendix If)**
- (h) Applicant’s letter dated 30.8.2018 providing FI *(accepted and exempted from publication requirement)* **(Appendix Ig)**

1.3 The floor plans, section plan, photomontages and landscape drawings of the proposed development submitted by the applicant are shown at **Drawings A-1 to A-19**. Part of the Site is the subject of a previous application (No. A/H5/400) for the commercial uses including ‘Office’, ‘Eating Place’ and ‘Shop and Services’, which was approved with conditions by the Metro Planning Committee (the Committee) in 2015 (the Approved Scheme). As compared with the Approved Scheme, the current application involves a larger site area due to inclusion of two additional lots (IL 5657 & Ext. and 5658) (**Plans A-1 and A-2**). A comparison of the key development parameters and major floor uses of the Approved Scheme and the proposed scheme under the current application (the Current Scheme) are shown in Section 4 of the Supporting Planning Statement at **Appendix Ia** and summarised as follows:

<b>Development Parameters</b>	<b>Approved Scheme (A/H5/400) (a)</b>	<b>Current Scheme (A/H5/412) (b)</b>	<b>Difference (b)-(a)</b>
Site Area (m <sup>2</sup> ) (about)	464.1	621.9	+157.8 (+34%)
Total Non-domestic GFA (m <sup>2</sup> ) (about)	8,353.8	10,500	+2,146.2 (+25.6%)
i. Office	5,372.0	-	
ii. Eating Place/ Shop & Services	2,981.8	4,252.2	+1,270.4 (+42.6%)
iii. Office/ Commercial Bathhouse/Massage Establishment	-	6,247.8	

Development Parameters	Approved Scheme (A/H5/400) (a)	Current Scheme (A/H5/412) (b)	Difference (b)-(a)
Non-domestic Site Coverage (SC) (about) podium floors floors above 15m	99.2% 70.2% (including a bonus SC of about 10.2% claimed for dedication *)	98.6% 67.9%* (including a bonus SC of about 7.9% claimed for dedication *)	-0.6 (-0.6%) -2.3 (-3.2%)
Total Non-domestic Plot Ratio (PR) (about)	18* (including a bonus PR of about 3 claimed for dedication)	16.883* (including a bonus PR of about 1.883 claimed for dedication)	- 1.117 (- 6.2%)
No. of storeys	26	26	No change
BH (main roof)	88.15m (94.85mPD)	83.62m (90mPD)	-4.53m (-5.1%) -4.85mPD (-5.1%)
Dedicated Area for Public Passage	278.5m <sup>2</sup> * (G/F only)	275m <sup>2</sup> * (including G/F of 207m <sup>2</sup> B/F of 68m <sup>2</sup> )	-3.5 (-1.2%)
Parking	Nil	Nil	No change
Loading/Unloading (L/UL) Spaces	Nil	Nil	No change

\* The proposed PR and SC for the tower portion of the building above 15m exceed the maximum permitted under Schedule 1 of Building (Planning) Regulations (B(P)R). This is due to the additional GFA and additional SC (i.e. GFA of 1,171m<sup>2</sup> (equivalent to a PR of 1.883) and additional SC of 7.9% under the current scheme) to be claimed under B(P)R 22 for dedication of G/F area for public passage. The dedication and associated bonus claims are subject to the Building Authority (BA)'s approval at a later stage.

Major Floor Uses			
Approved Scheme (A/H5/400)		Current Scheme (A/H5/412)	
		B/F	public passage, applied commercial uses
G/F	public passage, shop & services/eating place, service core	G/F	public passage, applied commercial uses
2/F – 3/F	Shop & services/eating place, service core	2/F – 6/F	applied commercial uses (landscaped/paved flat roof on 5/F)
4/F	Shop & services/eating place, service core, E&M	7/F	E&M/ transformer room, service core
5/F	Shop & services/eating place, service core, landscaped roof	8/F – 24/F	applied commercial uses
6/F – 9/F	Shop & services/eating place, service core	24M/F	applied commercial uses, landscaped/paved area, flat roof
10/F – 26/F	Commercial/office, service core	R/F	E&M
R/F	Service core, E&M, landscaped roof		

- 1.4 According to the Current Scheme, the proposed commercial development with a BH of 83.62m (90mPD) comprises 'Eating Place', 'Shop and Services', 'Office' and 'Commercial Bathhouse/Massage Establishment' (1/F omitted and 7/F mainly for E&M/transformer room). An area of about 207m<sup>2</sup> on G/F and 68m<sup>2</sup> on B/F will be dedicated for pedestrian public passage and pedestrian tunnel respectively, while part of the existing public footpath abutting the Site along QRE is proposed to be converted to public lay-by; i.e. extending the existing one in front of Hopewell Centre (HC) from 12m to 40m. Similar to the Approved Scheme, due to the dedication of pedestrian public passage on G/F and pedestrian tunnel on B/F, the applicant intends to claim additional GFA of 1,171m<sup>2</sup> (equivalent to PR of 1.883) and additional site coverage (SC) of 7.9% for the tower portion of the building above 15m under Section 22 of the Building (Planning) Regulations (B(P)R). The dedication and associated bonus claims have been reflected in the Current Scheme, which are subject to the BA's approval at a later stage. The proposed development is targeted to commence its operation in 2022.
- 1.5 The B/F and 2/F to 5/F of the proposed development will be connected to HC (**Drawings A-2 and A-4 to A-7**) which are the shop floors (B/F, G/F, 2/F and 3/F) and carpark floors (4/F and 5/F) of the latter. The dedicated public passage at G/F will be connected to the future Hopewell Centre II (HC II) (a proposed hotel and commercial development under construction) to the immediate west, and the proposed pedestrian subway underneath QRE to the immediate northeast of the Site. The proposed pedestrian subway is intended to connect HC via the Site to Wan Chai MTR Station through The Avenue and the Lee Tung Street Subway (under construction) (**Drawing A-20**) but it does not form part of the Current Scheme. For Members' information, the pedestrian subway underneath QRE proposed by the applicant is in response to the Wan Chai District Council (WCDC)'s request made in 2008. The subway was originally proposed to connect HC, rather than the Site, with The Avenue. The subway will be constructed and implemented at the own cost as proposed by the applicant.
- 1.6 Same as the Approved Scheme, there will be nil provision of internal transport facilities and the applicant has agreed in-principle with HC that the building users of the proposed development can use the L/UL facilities in HC. The existing layby outside HC will also be extended from 12m to 40m so as to improve the operation of the junction of QRE and Spring Garden Lane facilitating accessibility of goods vehicles to HC for loading/unloading.
- 1.7 The application was received on 15.5.2018 and was originally scheduled for consideration by the Metro Planning Committee (the Committee) on 6.7.2018. On 27.6.2018, at the request of the applicant, the Committee decided to defer making a decision on the application pending the submission of FI by the applicant. FI were submitted by the applicant on 11.7.2018, 12.7.2018, 27.7.2018, 1.8.2018, 3.8.2018, 7.8.2018, 23.8.2018, 24.8.2018 and 30.8.2018 (**Appendices Ib to Ig**). Hence, the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the supporting planning statement in **Appendix Ia**. They are summarised as follows:

In accordance with the Statutory Planning Intention

- (a) The Site is zoned “R(A)” which is intended for high-density residential development where commercial uses are always permitted on the lowest three floors of the building or in the purpose-designed non-residential portion of an existing building. Notwithstanding, commercial uses on other floors are permissible under Column 2 of the “R(A)” zone and the Explanatory Statement of the OZP also recognises the intensification of commercial developments along QRE.

Compliance with the Board’s Guidelines

- (b) The proposed development fully complies with criteria set out in the Town Planning Board Guidelines for Application for Office Development in “R(A)” Zone under the Section 16 of the Town Planning Ordinance (TPB PG-No. 5), including
- the Site has sufficient size for a proper office building;
  - there are alternative locations for L/UL facilities;
  - the Site is easily accessible and well served by public transport facilities;
  - there will be no congestion and disruption to the traffic flow resulting from the proposed development;
  - compatible with the existing and planned land uses;
  - no risk of subsequent illegal conversion; and
  - the pedestrian public passage to be provided on G/F of the proposed development will improve the pedestrian environment.

In line with Government Policy

- (c) The proposed development is in line with the 2015, 2016 and 2017 Policy Addresses to increase land supply and convert existing land for commercial developments in Wan Chai.
- (d) The proposed development is a private sector initiative to contribute and implement the ongoing urban renewal and revitalisation process in Wan Chai South. It will synergise with other new developments in the vicinity, bringing a better quality environment to the local residents and the general public.

In Line with the Local Context

- (e) The proposed development for commercial use is compatible with the surrounding land uses including HC, HC II, Wu Chung House, QRE Plaza and Hang Shan Building, etc., and it is considered in line with the local context of Wan Chai.

The Essential Need for Pedestrian Linkage

- (f) The proposed pedestrian passage forms part of the “Essential Public Passage” (EPP) and echoes with the idea of establishing a pedestrian network at local level as stated in Chapter 8 of the Hong Kong Planning Standards and Guidelines (HKPSG). The proposed pedestrian public passage under the proposed development will connect to a pedestrian tunnel with a linkage to the basement of The Avenue and towards Wan Chai MTR Station. The proposed 4m wide dedicated public passage on G/F of the proposed development is also in compliance with the advocacy of effective pedestrian planning under HKPSG.

Private Sector Initiative to Achieve Public Planning Gain

- (g) The comprehensive EPP is the applicant's initiative to dedicate a significant portion of street-level space within a series of private land holdings in order to create urban solution space to address the local congestion and traffic safety problem and to significantly enhance the Public Realm for the Wan Chai Community as a whole.

Landscape Provision and Improved Streetscape

- (h) The landscape design mainly on G/F, 5/F and 24M/F as well as vertical greening (**Drawings A-15 to A-19**). A total greenery ratio of 40.5% will be provided through vertical greening on G/F to 4/F. The vertical green can provide visual comfort and create pleasant vertical planes of the proposed development.

More sensible building design and reduction in BH

- (i) With the inclusion of two additional lots, this allows provision of more floor space on each floor. The utilisation of the floor space could be more efficient from building design perspective. The increase in building footprint and lower BH are desirable in visual and air ventilation terms.

No adverse visual impact

- (j) The proposal would not result in significant difference in visual impacts when comparing with the approved scheme. The proposed development is compatible with the surrounding commercial buildings. Photomontages prepared shows the proposed development would not result in visual impacts (**Drawings A-13 and A-14**).

No adverse traffic impact

- (k) Based on the findings of the TIA, it concluded that the proposed development will have no adverse traffic impact to the performance of the surrounding public roads and pedestrian network. With the presence of the proposed EPP scheme, the level of service (LOS) of the walkway at the southern kerbside of QRE along the Site frontage will also be improved in particular to the noon and afternoon peak periods.

No adverse sewerage impact

- (l) A sewerage impact assessment (SIA) has been conducted for the Current Scheme. It is recommended to construct a new 250mm sewerage pipeline at the service lane behind the Site to convey sewerage flow from the proposed development to the proposed 375mm sewerage pipeline at the QRE Back Lane. The proposed development will not cause any adverse sewerage impact on the existing public sewerage system with the implementation of the proposed sewerage works.

Support from WCDC

- (m) The initiative of enhancing district pedestrian system by constructing pedestrian tunnel and ancillary footbridges in Wan Chai South is supported by WCDC (Appendix V of **Appendix Ia**).

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification letters to the other relevant Owners. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

4.1 The Town Planning Board Guidelines for Application for Office Development in “R(A)” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 5) are relevant to this application. The relevant assessment criteria are summarised as follows:

- (a) the site should be sufficiently large to achieve a properly designed office building;
- (b) there should be adequate provision of parking and loading/unloading facilities within the site in accordance with HKPSG and to the satisfaction of the Transport Department (TD);
- (c) the site should be at easily accessible location, e.g. close to the Mass Transit Railway Station or well served by other public transport facilities;
- (d) the proposed office development should not cause congestion and disruption to the traffic flow of the locality;
- (e) the proposed office building should be compatible with the existing and planned land uses of the locality and it should not be located in a predominantly residential area; and
- (f) the proposed office development should be purposely designed for office/commercial uses so that there is no risk of subsequent illegal conversion to substandard domestic units or other uses.

4.2 In general, the Board will give favourable consideration to planning applications for office developments which produce specific environmental and planning gains for example, if the site is located near to major sources of air and noise pollution such as a major road, and the proposed office development is equipped with central air-conditioning and other noise mitigation measures which make it less susceptible to pollution than a residential development. Other forms of planning gain which the Board would favour in a proposed office development would include public open space and community facilities required in the planning district.

4.3 The Town Planning Board Guidelines for Application for Commercial Bathhouse and Massage Establishment under Section 16 of the Town Planning Ordinance (TPB PG-No. 14B) are also relevant to this application. The relevant assessment criteria are summarised as follows:

- (a) commercial bathhouse and massage establishment will normally not be permitted within a residential neighbourhood;
- (b) the proposed commercial bathhouse and massage establishment should be located within a commercial building or the non-domestic portion of a composite commercial/residential building;
- (c) the proposed commercial bathhouse and massage establishment should not be incompatible with other uses within the same building, consideration will normally be given only to the uses permitted in the occupation permit issued by the BA;
- (d) the views of local residents on the proposed commercial bathhouse and massage establishment will be taken into account; and
- (e) the Fire Services Department (FSD) and the Buildings Department (BD) should be satisfied with the provision of fire safety requirements.

## 5. **Background**

The Planning Department (PlanD) reviewed the development restrictions including building height restrictions (BHRs) of the draft Wan Chai OZP in early 2018 and the Board agreed with the proposed amendments to the Wan Chai OZP on 13.4.2018. The draft Wan Chai OZP No. S/H5/28 incorporating the revised BHRs was gazetted on 4.5.2018 for public inspection until 4.7.2018. The BHR of the subject “R(A)” zone was relaxed from 100mPD to 110mPD on the current OZP. During the statutory publication period of the current OZP, a total of 75 representations were received. Hearing of the representations will be arranged in due course.

## 6. **Previous Application**

Part of the Site is the subject of a previous planning application (**Plan A-1**), i.e. Application No. A/H5/400, which was approved with conditions by the Committee in 2015. The application was approved mainly on the grounds that the proposed commercial use was not incompatible with the surrounding uses, the proposed public passage would offer a better walking environment and alternative route for the pedestrians and there were no adverse comments from the concerned departments. Details of the previous application are provided in **Appendix II**. The same applicant also submitted another application for the same site and commercial uses (No. A/H5/409) which was subsequently withdrawn by the applicant.

## 7. **Similar Applications**

There are three applications (No. A/H5/372, A/H5/377 and A/H5/396) for office development within “R(A)” zone in the Wan Chai Planning Scheme Area since 2008 (**Plan A-1**). The first two applications at the southwest part of Wan Chai were approved with conditions by the Committee on 28.11.2008 and 7.11.2008 respectively. The remaining one (for the site at 101-111 Wan Chai Road) was rejected by the Committee on 4.4.2014. The major rejection grounds are pertaining to the non-provision of internal transport facilities whereas the applicant failed to demonstrate that such arrangement would not adversely impact on the traffic condition of the locality; and approval of the application would set an



undesirable precedent for similar applications and the cumulative effect of which would have adverse traffic impact on the road network in the vicinity. Details of the applications are provided at **Appendix III**.

## **8. The Site and the Surrounding Areas (Plans A-1 to A-3)**

8.1 The Site is:

- (a) located immediately next to HC and HC II (under construction) to the south of QRE; and
- (b) partly vacant and partly being occupied by two 6-storey old residential/commercial buildings which are being demolished.

8.2 The surrounding areas have the following characteristics:

- (a) area to the south of QRE is predominated by both residential and commercial developments. In particular, there is a cluster of high-density commercial developments including Wu Chung House, HC, HC II hotel development (under construction), Weswick Commercial Building and Heng Shan Centre, forming a continuous stretch of commercial buildings from the east to west along the section of QRE where the Site is located in the midst;
- (b) the neighbourhood to the north of QRE is mainly occupied by a mixture of old and new, low to high-rise residential developments with commercial uses on the lower floors (including The Avenue, a high-density residential development with commercial uses) and several high-density commercial developments, such as QRE Plaza and Shun Feng International Centre located in vicinity of the Site;
- (c) several Government, Institution or Community (GIC) uses are located in the vicinity, including Hung Shing Temple (a Grade 1 historic building) to the west, St. Francis Canossian College and St. Francis Canossian School to the further southwest, and the Church of Christ in China Wanchai Church (Wan Chai Church) and Kindergarten and Hong Kong Tang King Po College to the southeast;
- (d) the area is well-served by public transport, including buses and minibus, and the Wan Chai MTR Station and tram stops are within walking distance from the Site; and
- (e) Lee Tung Street Subway providing an underground pedestrian linkage between Wan Chai MTR Station and The Avenue is also located in the vicinity.

## **9. Planning Intention**

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

## **10. Comments from Relevant Government Departments**

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

### Land Administration

10.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) The leases governing the lots are virtually unrestricted except for a standard non-offensive trade clause. In particular, the lease for IL 7975 requires compliance with the Buildings Ordinance (BO) and the lease for IL 5657 & Ext. requires the lot owner to repair, uphold, support and maintain the retaining wall erected on the lot to the satisfaction of Director of Lands.
- (b) If planning permission is given, the applicant should submit applications for removal of the offensive trades under LandsD's Practice Note No. 6/2007 for the lots. However, there is no guarantee that such application will be approved/if approved by LandsD subject to such terms and conditions, including payment of appropriate fees, as imposed by LandsD. The applicant should ensure the area of 621.9m<sup>2</sup> and boundaries of the Site are in order and if necessary liaise with his District Survey Office of LandsD to verify the figure.
- (c) Regarding the proposed set-back/dedication(s) of 207m<sup>2</sup> and 68m<sup>2</sup> on G/F and B/F respectively for public passage given there is no lease provision governing such set-back/dedication(s), hence the proposal falls outside the purview of lease. The consideration and enforcement of the proposed set-back/dedication(s) for public passageway by way of Deed of Dedication are under the purview of BA. Corresponding lease modification may be required along with the Deed of Dedication.
- (d) The proposed pedestrian tunnel to MTR connecting the Site, HC and IL 9018 is not part of the application and falls outside the boundary of the Site. He reserves comments on the proposal.

### Traffic Aspect

10.1.2 Comments of the Commissioner for Transport (C for T):

In view of the strong demand for carparking spaces and loading/unloading facilities in the vicinity, the applicant is recommended to consider providing internal transport facilities at a level towards the high side of HKPSG requirements. Nevertheless, she noted the impracticality of providing internal transport facilities due to the serious site constraints as justified by the applicant, such as the long and narrow shape of the Site and the provision of public pedestrian passage on the ground level and basement level (tunnel) within the Site. She has no objection to the application since the applicant has demonstrated that the existing car parking spaces and loading/unloading facilities in nearby developments can serve the demand of the Site.

10.1.3 Comments of the Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD):

He has no comment on the application from highways maintenance viewpoint on the condition that the pedestrian passage within the Site will not be maintained by his department.

Building Aspect

10.1.4 Comments of the Chief Building Surveyor/Hong Kong East and Heritage (CBS/HKE&H), BD:

- (a) The redevelopment proposal shall in all respects comply with BO and its allied regulations.
- (b) Bonus PR and SC may only be allowed if the dedicated area for public passage is considered to be essential by government and enhance public safety/convenience, taking into account alternative public passages available in the vicinity. As set out in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-108, maximum bonus PR in terms of additional GFA, generally will be at multiples of the dedicated area (five times for dedicated area at ground floor and two times for areas at other floor levels) subject to the total bonus in return for the dedication not to exceed 20% of the permissible PR with the dedicated area being exempted from accountable GFA. He noted the applicant has clarified the maximum additional GFA calculation will be 1,171m<sup>2</sup>, equivalent to PR of 1.883.
- (c) Provision of loading/unloading facilities in accordance with the HKPSG is outside jurisdiction of BO. As such, there is no comment/objection under BO to the use of the existing loading/unloading facilities in HC.
- (d) Provision of lighting and ventilation requirements for offices shall be in compliance with B(P)R 30 and 31.
- (e) The granting of GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services, etc. is subject to compliance with the relevant acceptance criteria, detailed requirements, pre-requisites, overall cap which is set out at 10% of the total GFA of the respective domestic part or non-domestic part of the development, etc. as set out in the prevailing JPNs and PNAPs, including PNAP APP-151 and PNAP APP-152.
- (f) Detailed comments under BO can only be provided at the building plan submission stage.

Drainage and Sewerage Aspects

10.1.5 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) He has no objection to the application.
- (b) The drawing at Attachment 2 in the submitted SIA is not identical to the one in the last approved version (R03) for the HC II. Though the pipes at the downstream of SM24 are clouded and marked as “Proposed Sewerage Upgrading Works under HC II Development”, it should adopt the same drawing for consistency and ensure the downstream sewerage network have sufficient capacity to receive the additional sewage flow from the proposed development.
- (c) To address his technical comments on the SIA submitted as well as to address and safeguard the implementation of local sewerage upgrading/sewerage connection works identified in the SIA, relevant approval condition should be imposed, should the application be approved.

#### Environmental Aspect

##### 10.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) As stated in the application, the development will be provided by central air-conditioning system.
- (b) Since the proposed uses are not polluting in nature and not incompatible with the surrounding land uses, he has no objection to the planning application from environmental planning perspective and no approval condition is required.
- (c) The proposed development involves demolition of two existing buildings and requires excavation for the new commercial building (including one level of basement) at the Site. The applicant is advised to minimise the generation of construction and demolish (C&D) materials, and reuse and recycle the C&D materials on-site as far as possible. This advice may be included as an advisory clause in the planning permission.

#### Fire Safety Aspect

##### 10.1.7 Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the application subject to fire service installations and water supplies for fire fighting being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. As no details of the emergency vehicular access (EVA) have been provided, comments could not be offered at the present stage. Nevertheless, 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 administrated by BD.

Urban Design, Visual and Air Ventilation Aspect

10.1.8 Comments of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD:

- (a) The proposal is to erect a 26-storey commercial building at the Site. The proposal is within the statutory BHR and the building bulk is considered not incompatible with the surrounding high-rise residential cum commercial area.
- (b) As part of the proposal, approximately 207m<sup>2</sup> of the ground floor and 68m<sup>2</sup> at basement level will be dedicated as public passages to alleviate pedestrian congestion in the area. The proposed building setback and dedication under B(P)R 22 at ground floor and basement level are intended to facilitate pedestrian connectivity, alleviate pedestrian congestion in the area and enhance the pedestrian environment. However, under the current proposal, the existing pedestrian walkway abutting the Site would largely be converted to a lay-by, and consequently there is a need to set back the proposed building to re-provision the pedestrian walkway within the Site. Given the loading and unloading activities associated with lay-bys, it is anticipated that there may not be significant enhancements to the resultant pedestrian environment along the proposed 3.5m to 4m-wide section of the covered pedestrian passage.
- (c) As compared with the Approved Scheme under Application No. A/H5/400, the dedicated area on the western portion of the ground floor leading to HC II is much reduced to the current “L” shaped area of 4.5m wide. In addition, in the Approved Scheme, there would be a passage of about 5.5m in width connecting the covered pedestrian passage and lifts in HC II for access to public open space at Ship Street (**Plan A-5**). However, in the current proposal, the said passage has been narrowed to 2.5m width. The applicant should endeavor to further increase the width of the proposed public passageways and to provide landscaping/greening measures to enhance the quality of the resultant pedestrian environment, as well as to explore ways to make this gateway more inviting to passersby.
- (d) The massing of the podium is visually prominent in particular when viewed from Lee Tung Street. The applicant should explore ways to soften the podium edge, reduce podium bulk and to enhance the visual appeal to the adjoining public realm outside HC. It is advised that terraced podium descending eastward and northeastward could be adopted to soften and reduced the perceived bulk of the podium.
- (e) As vertical green walls are proposed at the western portion of the façade facing QRE only (**Drawings A-13 and A-14**), it would have limited effectiveness in softening the podium edge or reduce visual bulk when viewed from the adjoining public realm outside Hopewell Centre.
- (f) The proposed development parameters are within the statutory planning restriction stipulated under the subject OZP. The Site is not

situated at any air paths or breezeways as identified in the Air Ventilation Assessment – Expert Evaluation (AVA-EE) Report to the subject OZP. While QRE has been identified as an east-west air path in the said AVA EE Report, the proposed development has provided set back of about 4m from QRE at ground level which would enhance air ventilation at pedestrian level. With considerations to the existing and planned context of the area, it is not anticipated that the proposed development would have significantly adverse air ventilation impact on the surrounding areas.

10.1.9 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

Comparing the Current Scheme with the Approved Scheme, it is noted that the Current Scheme involves changes in development parameters with site area increased by 157.8m<sup>2</sup> from about 464.1m<sup>2</sup> to 621.9m<sup>2</sup>, SC (above 15m) decreased by 3.2% from about 70.2% to about 67.9% and building height decreased by 4.53m from about 88.15m to 83.62m. As the overall massing in proportion to the increased site area has been slightly decreased (**Plan A-16**), he has no comments from the architectural and visual impact point of view.

Landscape Aspect

10.1.10 Comments of CTP/UD&L, PlanD:

- (a) She has no objection to the application from the landscape planning perspective.
- (b) The proposal involves redevelopment of the Site into a 26-storey building for commercial uses. Medium to high rise developments are common in the vicinity and therefore it is considered not incompatible with the urban landscape character.
- (c) No existing significant landscape resources are found within the application site and adverse landscape impact due to the proposed development is not anticipated. In addition, there is an intention to provide landscaped area on 5/F and 24M and vertical greening from G/F to 4/F at the northern and southern building façade facing QRE and its back lane respectively to improve the landscape amenity of the site.
- (d) The landscape provision on the flat roof at 5/F and 24M has not been illustrated in the landscape proposal. The applicant should provide sufficient information of proposed landscape provision e.g. proposed plant species name with specified size and spacing etc. to illustrate the planting design intention at detail stage. Additional loading of landscape areas imposed on flat roofs should be taken into consideration in the structural design of the proposed building.
- (e) To support sustainable plant growth, sufficient soil depth and volume should be allowed for all landscape areas. Supporting facilities e.g. irrigation system at landscape areas and vertical greening should also

be provided. Where feasible, opportunity to strengthen the greening effect along QRE should be explored.

- (f) Should the Board approve the application, it is suggested to impose the following approval condition in the planning permission.

*“the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board”*

### Others

#### 10.1.11 Comments of the Secretary for Development (Harbour Unit):

He has no comment on the planning application from harbourfront enhancement perspective. With regard to the premium waiver of pedestrian connections, the information would be duly considered when assessing the applications submitted by the applicant.

#### 10.1.12 Comments of the Director of Leisure and Cultural Services (DLCS):

She has no comment on the application as none of existing facility and trees under purview is to be affected. It is understood that all the greening proposals will be formed within the site boundary and to be maintained by the developer.

#### 10.1.13 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) The operation of any eating place should be under a food licence issued by the Food and Environmental Hygiene Department (FEHD). If the operator intends to operate a food business in the territory, a relevant food licence (such as a general restaurant/light refreshment restaurant licence) should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if acceptable by FEHD, will be referred to relevant government departments, such as BD, FSD and PlanD for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements.
- (b) Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A PPE licence should be obtained from FEHD whatever the general public is admitted with or without payment. The application for PPE licence, if acceptable by FEHD, will be referred to relevant government departments, such as BD, FSD

and Police for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. The business operators should also be reminded to dispose of the waste arising from the commercial activities at their own arrangement and expense.

10.1.14 Comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD):

She has no comment on the application since there is neither graded historic building nor building with proposed grading at the Site. However, it is noted that the Site is in close proximity to the graded buildings including Grade 3 historic buildings at 186-190 QRE (i.e. within the Lee Tung Street/McGregor Street redevelopment project) and Grade 1 historic building of Hung Shing Temple. Her comments on the works arising from the proposed development will be offered upon receiving any referrals from respective departments under the existing monitoring mechanism for graded historic buildings.

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

He has no particular comments 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, organising and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line 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.

District Officer’s Comments

10.1.16 Comments of the District Officer (Wan Chai), Home Affairs Department:

He has no comments on the application and her office has not received any comments from members of the public.

10.2 The following departments have no comment on the application:

- (a) Chief Engineer/Development (2), Water Supplies Department (CE/D(2),WSD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (c) Commissioner of Police, Hong Kong Police Force.



## **11. Public Comments Received During Statutory Publication Period**

11.1 On 25.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 15.6.2018, a total of 402 comments were received (**Appendix IV**). Amongst 402 public comments, 386 support and 16 object to the application. Out of 386 supporting comments, 378 are submitted in a standard form of 8 types. 16 objecting comments are submitted by a WCDC Member, Incorporated Owners of Spring Garden Mansion, Incorporated Owners of Residential Buildings in close proximity to HC II at Kennedy Road with signatures of Elected Councillors, and 13 individual members of public. A full set of the public comments received is at **Appendix IV** for Member's reference.

11.2 Major supporting views can be summarised as follows:

- (a) The proposed development will facilitate the urban renewal and enhance the overall urban environment and the vitality of the local community.
- (b) The proposed development is multi-functional that provides a variety of choices of eating places and retail shops.
- (c) The proposed development will improve the surrounding pedestrian environment, enhance walkability and connectivity as well as provide a safe, convenient and barrier free connection to the Wan Chai MTR Station and other places in Wan Chai.
- (d) The proposed footpath widening along QRE can improve the existing pedestrian passage and avoid the conflict between vehicle and pedestrian.
- (e) A direct, comprehensive and barrier-free pedestrian walking system will be provided to connect Wan Chai MTR Station, the proposed park at Kennedy Road, the proposed public open space at Ship Street and Nam Koo Terrace.
- (f) The proposed development will facilitate the improvement of the walking environment of the backlane between the proposed development and HC II and provide a direct connection from QRE.
- (g) The proposed development will create local business and job opportunities and increase the competitiveness of Hong Kong.
- (h) Incorporation of vertical greening will provide aesthetic and functional values, improve the air quality, landscape and visual amenity and beautify the cityscape.

11.3 Major objecting views and concerns can be summarised as follows:

### *Government Policy and Statutory Planning*

- (a) Not in line with the planning intention of "R(A)" zone and the intention of providing more residential land according to the Government's policy. The proposed development would reduce the housing land supply in the area. There are too many commercial developments in the area.

*Development Intensity and Building Design*

- (b) The excessive PR would set an undesirable precedent and should be considered in relation to another recent planning application (No. A/H5/411) at 46-56 QRE which has a PR of 15. The podium height is excessive and in breach of podium height restriction under B(P)R 20(3).
- (c) The proposal of providing the layby and pedestrian system outside the site and without internal parking facilities is not justified.

*Traffic Impact*

- (d) The proposal of using the carpark and loading/unloading facilities in the vicinity would generate more traffic in QRE and Kennedy Road. The applicant therefore fails to demonstrate compliance TPB PG-No. 5 and parking should be provided in accordance with HKPSG.
- (e) The feasibility and implementation of Road Improvement Works in Kennedy Road proposed by the applicant for HC II is in doubt to provide a safe, practical and convenient access. The Site should be used as the vehicular access instead.

*EVA*

- (f) There is an absence of adequate access for emergency vehicles in the Current Scheme.

*Pedestrian Connections and Public Passage*

- (g) The proposed pedestrian network system indicated in the application is not an acceptable solution to ease the traffic congestion on Kennedy Road and QRE, as the proposed subway would not be able to accommodate all visitors of the proposed development and the future HC II.
- (h) The public interest of the proposed tunnel connection is highly speculative as the applicant will receive immense commercial benefit from providing direct connection between Wan Chai MTR station and the proposed development. Therefore, there is no justification to allow additional PR for the proposed development.

*Environmental Impact*

- (i) The proposed development will further adversely affect the air ventilation given the congested environment dominated by commercial buildings.
- (j) The need for a breezeway to both the public pavement and the pedestrian facilities at the service lane between the proposed development and HC must be taken into consideration.
- (k) The construction of the proposed development would cause additional disturbance which construction of HC II is underway.

*Open Space*

- (l) The proposed development deprives the space for public open space leading to deficit of public open space in Wan Chai District. The Site should be zoned as “Open Space” in exchange of the government land located within the HC II site or compensation of QRE Plaza for not being developed as a public open space.

*Others*

- (m) Objections submitted for the previous withdrawn application (A/H5/409) should be taken into consideration in reviewing and assessing public objections for the current application.

**12. Planning Considerations and Assessment**

- 12.1 Part of the Site is the subject of a previous application (No. A/H5/400) for the commercial uses (including ‘Office’, ‘Eating Place’ and ‘Shop and Services’), which was approved with conditions by the Committee in 2015 (i.e. the Approved Scheme). In deciding the previous application, factors including the compatibility with the surrounding land uses, the development intensity of the proposed development, nil provision of car parking spaces, the shared use of L/UL facilities with HC, the benefits of the dedicated public passages and the public lay-by along QRE were duly considered by the Committee.
- 12.2 As compared with the Approved Scheme, the current application is proposed to enlarge the Site by including two addition lots (IL 5657 & Ext. and 5658) (**Plan A-2**). There are no changes to the number of storeys, conversion of existing footpath abutting the Site along QRE to public lay-by, and nil provision of car parking spaces and shared use of the L/UL facilities with HC. The main differences in the development parameters of the Current Scheme and the Approved Scheme are summarised in paragraph 1.3 above. In gist, while there is an increase in the total non-domestic GFA of the proposed development, its BH, SC for both podium and the tower portion and PR will be slightly decreased. In view of the above, while the proposed development is not in line with the planning intention of “R(A)” zone, it may warrant special consideration.

*Dedicated Area for Pedestrian Public Passage and Pedestrian Tunnel*

- 12.3 In the Current Scheme, the applicant has proposed to dedicate an area of about 207m<sup>2</sup> on G/F and an area of about 68m<sup>2</sup> on B/F instead of 278.5m<sup>2</sup> on G/F in the Approved Scheme for pedestrian public passage and pedestrian tunnel (**Drawings A-2 and A-3 and Plan A-5**). In a wider context, the public passage may further link up with the future HC II, the proposed pedestrian subway underneath QRE and further to Wan Chai MTR Station via The Avenue and Lee Tung Street Subway (under construction) (altogether named as EPP by the applicant) to form a more convenient and safe north-south and east-west pedestrian network in Wan Chai area. Similar to the Approved Scheme, this would offer an alternative route for the pedestrians in the area (**Drawings A-20 and A-21**).

- 12.4 For the proposed dedication of pedestrian public passage on G/F and pedestrian tunnel on B/F (a total of 275m<sup>2</sup>), the applicant intends to claim bonus GFA of 1,171m<sup>2</sup> (equivalent to PR of 1.883) and bonus SC of 7.9% for the tower portion of the building above 15m under B(P)R 22, which are subject to the BA's approval. While C for T, CHE/HK, HyD, CBS/HKE&H, BD and DLO/HKE, LandsD have no objection to the dedication of the G/F and B/F areas for public passage, the management and maintenance responsibility will have to be further sought out by the applicant.

#### *Internal Transport Facilities*

- 12.5 Similar to the Approved Scheme, nil provision of carparking spaces at the Site and shared use of the L/UL facilities with HC are proposed. In view of the strong demand for car parking spaces and loading/unloading facilities in the vicinity, the applicant is recommended to consider providing internal transport facilities at a level towards the high side of HKPSG requirements. However, C for T has no objection to the application as there are serious site constraints rendering the provision of parking facilities within the Site technically infeasible and the carpark supply in the vicinity is able to meet the demand of the proposed development.

#### *Visual Impact and Landscape Proposal*

- 12.6 The overall building bulk of the proposed development is slightly improved, compared with the Approved Scheme (**Plan A-16**). CTP/UD&L of PlanD and CA/CMD2 of ArchSD have no adverse comments in general on the proposed development from visual and urban design perspective. CTP/UD&L of PlanD advises that additional measures should be explored to soften the edge and enhance visual appeal to the adjoining public realm, and to widen the public passageways with additional landscaping/greening measures to enhance the quality of the pedestrian environment.
- 12.7 CTP/UD&L, PlanD has no objection to the application from landscape planning perspective noting that a vertical greening from G/F to 4/F on the northern and southern sides of the building and the landscaped area on 5/F to 24M/F will be provided (**Drawings A-15 to A-19**).

#### *Others*

- 12.8 To address CE/HK&I, DSD's concern, an approval condition regarding the submission of a revised SIA and the implementation of local sewerage upgrading/sewerage connection works identified in the revised SIA is recommended. Other relevant departments have no adverse comments on or no objection to the application.
- 12.9 A total of 402 public comments including 386 supporting and 16 objecting views were received during the statutory public inspection period (see paragraph 11 above). With regard to the public concerns on statutory planning, housing land supply, development intensity, building design, pedestrian connection, as well as possible traffic, environment and air ventilation impact of the proposed commercial development, comments of relevant government departments as set out in paragraph 10 above and planning assessments as set out in paragraphs 12.2 to 12.8 above are relevant. In respect of the proposed Road Improvement Works in associate with HC

II and the compensation of open space for HC II/QRE Plaza, it is outside the scope of the application.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, PlanD has no objection the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 7.9.2022, 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 also suggested for Members' reference:

#### Approval Conditions

- (a) the design and provision of public passage on the ground floor fronting Queen's Road East and the public tunnel in the basement floor of the proposed development, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and provision of the public lay-by abutting Queen's Road East, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of revised sewerage impact assessment (SIA) and implementation of local sewerage upgrading/sewerage connection works as identified in the SIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the provision of fire service installations and water supplies for fire fighting including Emergency Vehicular Access to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clause

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) given the current shortfall in housing supply, the Site should be developed for its zoned use. The proposed commercial development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory; and
  - (b) internal transport facilities are not provided in the proposed commercial development and the absence of the required facilities might have adverse traffic impact on the locality.

#### **14. Decision Sought**

- 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), if any, 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**

<b>Appendix I</b>	Application form received on 15.5.2018
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	Applicant's email dated 15.5.2018 and letter dated 23.5.2018 providing clarifications
<b>Appendix Ic</b>	Applicant's letter dated 11.7.2018 and email dated 12.7.2018 providing further information
<b>Appendix Id</b>	Applicant's letters dated 27.7.2018 and 1.8.2018 providing further information
<b>Appendix Ie</b>	Applicant's letter dated 3.8.2018 and email dated 7.8.2018 providing further information
<b>Appendix If</b>	Applicant's letters dated 23.8.2018 and 24.8.2018 providing further information
<b>Appendix Ig</b>	Applicant's letter dated 30.8.2018 providing further information
<b>Appendix II</b>	Previous s.16 planning application
<b>Appendix III</b>	Similar s.16 planning applications
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawings A-1 to A-12</b>	Block Plan, Master Layout Plans and Section Plan
<b>Drawings A-13 to A-14</b>	Photomontages
<b>Drawings A-15 to A-19</b>	Landscape Plans
<b>Drawing A-20</b>	Proposed Barrier-free Comprehensive Pedestrian Network in Wan Chai (Essential Public Passage as claimed by the applicant)
<b>Drawing A-21</b>	Public Pedestrian Passage in front of HC II
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Site Photos
<b>Plans A-4 to A-15</b>	Comparison of Master Layout Plans of Approved Scheme and the Current Scheme
<b>Plan A-16</b>	Comparison of Visual Impact of Approved Scheme and the Current Scheme