

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H5/413
(for 2nd Deferment)

<u>Applicant</u>	Great Kinetic Limited represented by Kenneth To & Associates Limited
<u>Site</u>	31-36 Sau Wa Fong, Wan Chai, Hong Kong
<u>Site Area</u>	About 735.96m ²
<u>Lease</u>	Inland Lot (IL) 199 s.A ss.2 RP, 199 s.B ss.1, 199 s.B ss.2 and 199 s.B ss.3 (a) Unrestricted User with non-offensive trade clause; and (b) the existing pedestrian passages at the north-eastern and north-western of the site are designated pedestrian right of way (ROW) via a private agreement among lots owners under the Deed of Partition with memorial No. UB77730
<u>Plan</u>	Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28
<u>Zoning</u>	“Residential (Group C)” (“R(C)”) – about 442.87m ² (60.2%) (a) maximum plot ratio (PR) of 5.0 and maximum building height (BH) of 12 storeys, or the PR and height of the existing building, whichever is the greater (b) provision for application for minor relaxation of PR and BH restriction (BHR) Area shown as ‘Road’ – about 253.36m ² (34.4%) “Residential (Group A)” (“R(A)”) – about 39.73m ² (5.4%) (a) maximum BH of 110mPD, or the height of the existing building, whichever is the greater (b) provision for application for minor relaxation of BHR
<u>Application</u>	Proposed Flat with Minor Relaxation of BHR

1. Background

- 1.1 On 11.9.2020, the Town Planning Board (the Board) received an application seeking planning permission for proposed flat with minor relaxation of BHR¹ at the application site (**Plan A-1**).
- 1.2 On 6.11.2020, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as requested by the Planning Department (PlanD) in view of the Site is still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representation is relevant to the subject application.
- 1.3 On 10.12.2020, the legal representative of the applicant wrote to the Board requesting the Board not to defer the application and to proceed with the consideration and determination of the application as soon as possible on the ground that the criteria for deferment as set out in the TPB PG-No. 33 were not applicable to the application. Having sought legal advice and reconsidered the matter including the points raised by the legal representative of the applicant, the Committee decided, on 22.1.2021 that the application could be submitted for the Committee's consideration in the earliest available meeting. Hence, the application is submitted for the Committee's consideration at this meeting.

2. Request for Deferment

On 11.2.2021, the applicant's representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the application for a period of one month so as to allow time for preparation of further information to address the comments of relevant government departments (**Appendix I**).

3. Planning Department's Views

- 3.1 The Planning Department has no objection to the request for deferment as the justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needs more time to prepare further information in response to departmental comments, the deferment period is not indefinite and the deferment would not affect the interests of other relevant parties.
- 3.2 Should the Committee agree to defer a decision on the application, the application will be submitted to the Committee for consideration within two months upon receipt of further submission from the applicant. If the further information submitted by the applicant is not substantial and can be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The applicant should be advised that the Committee has allowed one month for

¹ According to the Notes of the current OZP, 'Flat' use within the area shown as 'Road' and relaxation of the BHR from 12 storeys to 15 storeys (i.e. 71.05mPD (about) in the current application) within the "R(C)" zone require planning permission from the Board.

preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

4. **Decision Sought**

The Committee is invited to consider whether or not to accede to the applicant's request for deferment. If the request is not acceded to, the application will be submitted to the Committee for consideration at the next meeting.

5. **Attachments**

Appendix I	Letter dated 11.2.2021 from the applicant's representative
Plan A-1	Location plan

**PLANNING DEPARTMENT
FEBRUARY 2021**