

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

**APPLICATION NO. A/H5/413**  
***(for 1<sup>st</sup> Deferment)***

- Applicant** : Great Kinetic Limited represented by Kenneth To & Associates Limited
- Site** : 31-36 Sau Wa Fong, Wan Chai, Hong Kong
- Site Area** : 735.96m<sup>2</sup> (about)
- Lease** : Inland Lot No. 199 s.A ss.2 RP, s.B ss.1, s.B ss.2 and s.B ss.3
- (a) virtually unrestricted except 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 via a private agreement among lots owners under the Deed of Partition with memorial No. UB77730
- Plan** : Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28
- Zonings** : “Residential (Group C)” (“R(C)”) – about 442.87m<sup>2</sup> (60.2%)
- (a) Restricted to 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<sup>2</sup> (34.4%)
- “Residential (Group A)” (“R(A)”) – about 39.73m<sup>2</sup> (5.4%)
- (a) Restricted to 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
- Application** : 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 'Flat' and minor relaxation of BHR<sup>1</sup> at the application site (the Site) (**Plan A-1**). The application is scheduled for consideration by the Metro Planning Committee (the Committee) at this meeting.
- 1.2 Part of the Site is also the subject of an adverse representation in respect of the draft Wan Chai OZP No. S/H5/27 (draft OZP No. 27) which was exhibited for public inspection on 3.8.2012 under section 7 of the Town Planning Ordinance (the Ordinance). Major amendments included relaxation of BHRs for three "Government, Institution or Community" ("G/IC") sites, rezoning of a site from "G/IC" to "R(E)" and rezoning of the terrace and the stepped streets in Sau Wa Fong area (covering part of the Site) from "R(A)", "R(C)", "G/IC" and "Open Space" to area shown as 'Road'. During the exhibition period of the draft OZP, a total of 223 valid representations and two comments were received. Amongst the representations, two including one supportive and one adverse were related to the rezoning to the area shown as 'Road'. After consideration, the Board decided not to uphold the adverse representation on 22.2.2013.
- 1.3 Prior to the publication of the draft OZP No. 27, the draft Wan Chai OZP No. S/H5/26 (draft OZP No. 26) was exhibited for public inspection on 24.9.2010 under section 5 of the Ordinance. Major amendments to the OZP included imposition of BHR for various zones. During the exhibition period of the draft OZP No. 26, a total of 106 valid representations and 293 comments were received. After consideration, the Board decided to propose amendments to the draft OZP No. 26 to partially meet three representations in respect of the sites at Wing Fung Street. However, the submission of the draft OZP to the Chief Executive in Council (CE in C) for approval is subject to the Court's order of stay in relation to a judicial review (JR) in respect of the draft OZP No. 26. The relevant JR was heard by the Court of First Instance in March 2019 but the judgement is yet to be handed-down. Upon completion of the related statutory planning procedures, the draft OZPs will be submitted to the CE in C for consideration.

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

- 2.1 According to 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), a decision on a section 16 application should be deferred if the application site is still subject to outstanding adverse representation(s) yet to be submitted to the CE in C for consideration and the substance of the representation(s) is relevant to the subject application.
- 2.2 As the area shown as 'Road' within the Site is subject to an outstanding adverse representation, it is recommended to defer making a decision on the subject application pending the submission of the draft OZP together with the

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<sup>1</sup> 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

representation to CE in C and the CE in C's final decision on the representation in respect of the draft OZP.

- 2.3 Should the Committee agree to defer making a decision on the application, the application will be submitted to the Committee for consideration after the CE in C's decision on the OZP and the relevant adverse representation.

**3. Decision Sought**

The Committee is invited to consider whether or not to defer making a decision on the application as recommended by the Planning Department. Should the Committee decide not to defer making a decision on the application, the application will be submitted to the Committee for consideration at the next meeting.

**4. Attachment**

**Plan A-1**

Location plan

**PLANNING DEPARTMENT  
NOVEMBER 2020**