

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H1/102
(for 4th deferment)

- Applicant** : China Merchants Properties Development Limited represented by Llewelyn-Davies Hong Kong Limited
- Application Site** : 18 Sai Ning Street, Kennedy Town
- Site Area** : about 13,224m² (including 21m² of adjoining Government Land)
- Land Status/Lease** : Inland Lot No. 8623
- restricted to godown or godowns for cargo handling purposes (pink and pink edged brown areas)
 - restricted to cargo handling pier purpose (edged red area)
 - aggregated total Gross Floor Area (GFA) of all buildings within pink areas not to exceed 46,445.2m²
- Government Land
- Zoning** : “Other Specified Uses” annotated “Commercial, Leisure and Tourism Related Uses” (“OU(Commercial, Leisure and Tourism Related Uses)”)
- maximum GFA of 46,446m², or the GFA of the existing building, whichever is the greater;
 - maximum building height (BH) of 70mPD for the land portion and 2 storeys for the pier portion, or the height of the existing building, whichever is the greater; and
 - a 12m wide waterfront promenade linking up the open spaces on both sides should be provided for public uses
- Plan** : Approved Kennedy Town and Mount Davis Outline Zoning Plan (OZP) No. S/H1/22 (currently in force)
- Draft Kennedy Town and Mount Davis OZP No. S/H1/20 (in force at the time of submission)
- Application** : Proposed Minor Relaxation of GFA Restriction for Proposed Hotel, Office, Shop and Services, Eating Place and Place of Entertainment Uses

1. **Background**

- 1.1 On 12.6.2019, the Town Planning Board (the Board) received a planning application to seek planning permission for a minor relaxation of GFA restriction from 46,446m² to 55,735m² for a proposed development with hotel, office, shop and services, eating place and place of entertainment uses at the application site (the Site) (**Plan A-1**).
- 1.2 On 2.8.2019, as requested by the applicant, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months to allow time for the applicant to prepare further information (FI) to address relevant departmental comments.
- 1.3 According to Town Planning Board Guidelines No. 33 (subsequently updated in August 2021 as TPB PG-No. 33A), a decision on planning application on a site subject to outstanding adverse representations should be deferred until the Chief Executive in Council (CE in C) had made a decision on the draft OZP. Since the Site at that time was the subject of adverse representations in respect of the draft OZP No. S/H1/20¹, the Committee decided on 18.10.2019 to defer a decision on the application and agreed that the application should be submitted for its consideration after the CE in C's decision on the draft OZP had been made.
- 1.4 On 22.3.2022, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft OZP, which was subsequently renumbered as S/H1/22. On 1.4.2022, the approved OZP was exhibited for public inspection under section 9(5) of the Ordinance. On 3.5.2022, 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 two months in order to allow more time for the applicant to review the way forward of the application and update relevant technical assessments by taking into account the latest amendments to the surrounding environment and their parameters which have been reflected and incorporated into the recently gazetted approved OZP. On 20.5.2022, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. **Request for Deferment**

On 7.7.2022, 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 two months to allow more time for the applicant to gauge views from the Harbourfront Commission's Task Force on Harbourfront Developments on Hong Kong Island (TFHK) and to further review the proposed scheme and the supporting technical assessments (**Appendix I**).

¹ The draft Kennedy Town & Mount Davis OZP No. S/H1/20 was exhibited for public inspection on 11.3.2016 under section 7 of the Town Planning Ordinance (the Ordinance). The amendments included rezoning of the Site to "OU(Commercial, Leisure and Tourism Related Uses)" with the imposition of BH and GFA restrictions. Representations opposing the BH and GFA restrictions of this zone were received. Although the Board decided on 11.5.2017 not to uphold the representations, at that time the submission of the draft OZP to the CE in C for approval was subject to the Court's order of stay in relation to judicial reviews (JRs) in respect of the draft OZP No. S/H1/18 gazetted on 25.2.2011. The Court finally allowed the JRs and handed-down the judgement in March 2020. In response to the Court's ruling, the Board reviewed and decided to make amendments to the concerned JR sites. The draft OZP No. S/H1/21 was exhibited on 30.4.2021 with representations received and the Board on 3.12.2021 decided not to uphold them.

3. Planning Department's Views

- 3.1 The application has been deferred three times, one at the request of PlanD and twice at the request of the applicant. Since the last deferment in May 2022, the applicant attended a briefing session with members of TFHK on 12.7.2022. The current request for deferment submitted is to allow time for further consultation to facilitate further review of the proposed scheme and supporting technical assessments.
- 3.2 The Planning Department has no objection to the request for deferment as the justifications provided 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. 33A)² in that the applicant needs more time to prepare FI to address departmental comments, the deferment period is not indefinite, and the deferment would not affect the interests of other relevant parties.
- 3.3 Should the Committee agree to defer making a decision on the application, the application will be submitted to the Committee for consideration within two months upon receipt of FI from the applicant. If the FI 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. Since this is the third deferment of the application at the request of the applicant, the applicant should be advised that the Committee has allowed a total of six months for the preparation of submission of FI, 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 7.7.2022 from the applicant's representative
Plan A-1	Location Plan

**PLANNING DEPARTMENT
JULY 2022**

² The number of deferments to be granted as stipulated under TPB PG-No. 33A is not applicable to this application as this application was received before the promulgation of the revised guidelines on 24.8.2021.