

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

**APPLICATION NO. A/H3/442**

<b><u>Applicant</u></b>	Grand Connaught Company Limited represented by Ove Arup & Partners Hong Kong Limited
<b><u>Site</u></b>	92-103A Connaught Road West and 91, 99 and 101 Des Voeux Road West
<b><u>Site Area</u></b>	About 1,878.805m <sup>2</sup>
<b><u>Lease</u></b>	<p>Marine Lot (ML) 398 RP, ML 399, ML 400 RP, ML 401 s.A, ML 402 RP, ML 403 RP, ML 404 s.A RP, ML 404 RP, ML 478 RP, ML 479 s.A, ML 479 RP, ML 483, ML 484 s.A and ML 484 RP, and Inland Lot (IL) 2217, IL 2231 RP, IL 2963 and IL 3035</p> <p>(a) virtually unrestricted subject to the standard non-offensive trades clause;</p> <p>(b) removal of 5 non-offensive trades, namely sugar-baker, oilman, butcher, victualler and tavern-keeper under a no-objection letter for ML 401 s.A and ML 402 RP;</p> <p>(c) subject to a right-of-way clause (for ML 478, ML 479, ML 483, ML 484, IL 2963 and IL 3035 only); and</p> <p>(d) lot owner is required to provide yard in erecting of any building(s) on the lot, and the depth of which shall be subject to the depth of the building(s) (for ML 479 and IL 2963 only).</p>
<b><u>Plan</u></b>	Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/34
<b><u>Zoning</u></b>	<p>“Commercial” (“C”)</p> <p>(a) subject to a maximum building height (BH) of 120mPD, or the height of the existing building, whichever is the greater</p> <p>(b) provision for application for minor relaxation of the BH restriction</p>
<b><u>Application</u></b>	Proposed Minor Relaxation of Building Height Restriction (BHR) for Permitted Office, Shop and Services and Eating Place Uses

**1. The Proposal**

1.1 The applicant seeks planning permission for minor relaxation of BHR from

120mPD to 138.9mPD (i.e. +18.9m or +15.75% in terms of mPD<sup>1</sup>) for the proposed commercial development at 92-103A Connaught Road West (CRW) and 91, 99 and 101 Des Voeux Road West (DVRW), Sheung Wan (the Site). The Site is zoned “C” on the approved Sai Ying Pun & Sheung Wan OZP No. S/H3/34 (**Plan A-1**). According to the Notes of the OZP, ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses are always permitted within the “C” zone. Based on individual merits of a development or redevelopment proposal, minor relaxation of the BHR may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance.

- 1.2 The Site is irregular in shape and abuts CRW and DVRW to the north and south respectively (**Plan A-2**). The proposed commercial development comprises 2 building blocks, namely a 30-storey commercial block (including 2 levels of basements and 1 level of refuge floor) at 92-103A CRW (Main Block) and a 2-storey block at 91 DVRW (Low Block), with an at-grade landscaped garden at 99&101 DVRW (**Drawing A-1**). The proposed BH of the Main Block is 138.9mPD<sup>2</sup> at main roof, which exceeds the BHR of 120mPD as stipulated on the OZP, while that of the Low Block at 91 DVRW is 13.425mPD which would be within the BHR limit. Hence, planning permission from the Board for minor relaxation of BHR is only required for the Main Block.
- 1.3 According to the proposed scheme, the Main Block comprises mainly two levels of basement car park (B1/F and B2/F), eating place/shop and services uses on the G/F and 1/F, and offices on the upper floors (3/F to 25/F). The Low Block at 91 DVRW comprises mainly eating place/shop and services uses and E&M facilities, while the at-grade landscaped garden at 99&101 DVRW, which is partly covered by glass canopy, will be open to public 24 hours daily. The vehicular ingress/egress of the proposed development is located at the north-eastern corner of the Site along CRW with a loading/unloading space provided at G/F of the Main Block (**Drawings A-2 and A-3**).
- 1.4 The floor layouts and section plan submitted by the applicant are at **Drawings A-1 to A-9**. The major development parameters of the proposed development are summarised below (planning permission is required for the bold figure only):

<b>Major Development Parameters</b>	
Site Area	1,878.805m <sup>2</sup> (about)
Non-domestic Plot Ratio (PR)	15
Total non-domestic Gross Floor Area (GFA)	28,182.075m <sup>2</sup>
- Office	- 27,723.483m <sup>2</sup>
- Eating Place/Shop and Services	- 458.592m <sup>2</sup>
No. of Blocks	2

<sup>1</sup> Increase by about 18.9m (+16.21%) in terms of absolute BH with mean street level at 3.425mPD.

<sup>2</sup> The applicant has confirmed that all the rooftop structures on the main roof of the Main Block would not exceed 50% of the roof area of the floor below. As such, the BH is counted up to the main roof level in accordance with Joint Practice Note No. 5.

<b>Major Development Parameters</b>	
BH / No. of Storeys - <b>92-103A CRW (Main Block)</b>  - 91 DVRW (Low Block)	<b>138.9mPD (at main roof) /</b> 30 storeys (including 2 levels of basement and 1 level of refuge floor) <i>[+18.9m or +15.75% as compared with BHR of 120mPD under OZP]</i>  13.425mPD (at flat roof on 2/F) / 2 storeys
Site Coverage (SC)	Above 61m – not more than 65% 33m-61m – not more than 88% Below 33m – not more than 92%
At-grade Landscaped Garden for Public Use	170m <sup>2</sup>
Car Parking Spaces - Private Car - Car parking spaces for disabled	65 1
Loading/Unloading (L/UL) Space	1 for Light Goods Vehicle

- 1.5 The main uses by floor of the proposed scheme and the floor-to-floor height (FTFH) are summarised as follows:

<b>Floor</b>	<b>Main Uses</b>	<b>FTFH</b>
<b>Main Block (92-103A CRW)</b>		
B2/F	Car Park, E&M facilities	4.5m
B1/F		4.575m
G/F	Office Lobby, Eating Place/Shop and Services, Driveway, L/UL space, E&M facilities	5m
1/F	Office Lobby, Eating Place/Shop and Services, E&M facilities	5m
2/F	E&M facilities, Transfer Plate	9.15m
3/F to 27/F	Office / Refuge Floor (13/F only)	4.65m
<b>Low Block (91 DVRW)</b>		
G/F	Eating Place/Shop and Services	5m
1/F	E&M facilities	5m
2/F	Flat Roof and Landscape Area	-
<b>Landscaped Garden (99&amp;101 DVRW)</b>		
G/F	Garden (open for public use)	minimum 4.5m clear height

- 1.6 The applicant proposes setbacks of about 3.1m to 4.5m in width at street level from the site boundary along CRW and about 3m in width at street level up to 3/F of the Main Block along a portion of the western site boundary so as to provide more space for pedestrian movement and visual relief (**Drawings A-3, A-10 and A-16**). As shown on **Drawing A-10**, the proposed setbacks include a full-height setback (about 8% of site area) according to the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-132 for a more flexible SC, and a voluntary setback area. The portion of voluntary setback area fronting DVRW will be provided with a 34.5m-long and

0.9m-2.8m wide continuous canopy with a minimum headroom of 3.3m (**Drawings A-3 and A-16**) at 1/F, while a canopy of approximately 1.6m wide will be provided at 2/F (headroom of about 8.5m) at the western-site-boundary setback area (**Drawings A-5 and A-16**). The setback areas will be repaved to extend to the existing public pavement (**Drawings A-10, A-12, and A-16**).

- 1.7 The applicant also proposes a barrier-free, at-grade north-south (N-S) pedestrian connection between DVRW and CRW via the proposed development (i.e. through the G/F of the Main Block, the east-west service lane currently bisecting the Site and the at-grade landscaped garden at 99&101 DVRW) (**Drawings A-3, A-9 and A-10**). The proposed N-S pedestrian connection of 3.5m-wide will be open to public 24 hours daily free of charge and without interruption. In order to maintain the east-west connection between Wilmer Street and Sutherland Street, the applicant proposes to maintain a minimum width of 3m for the existing service lane at G/F and a minimum headroom of 4.5m for portion of the service lane to be covered by the glass canopy extended from the at-grade garden at 99&101 DVRW (**Drawing A-1**).
- 1.8 Landscape treatments will be provided at multiple levels of the proposed development, including the vertical green walls on G/F and 2/F facing CRW and on G/F of the at-grade garden at 99&101 DVRW, terraced green roofs on 16/F and main roof of Main Block, and landscaped flat roof (2/F) of the Low Block (**Drawings A-11 to A-21**). An overall greenery coverage of about 20.17% (about 378.9m<sup>2</sup>) under the Sustainable Building Design Guidelines (SBDG), will be provided, of which about 10.22% (about 191.94m<sup>2</sup>) will be within the pedestrian zone (i.e. below 15m). The use of recycled water will be pursued for irrigation purpose within the proposed development.
- 1.9 In support of the application, the applicant submitted the following documents:
  - (a) Application Form received on 20.1.2021 with replacement pages submitted by the Applicant via clarification letters dated 27 and 29.1.2021 (**Appendix I**)
  - (b) Further Information (FI) received on 17.6.2022 enclosing a consolidated planning statement with technical assessments\* (**Appendix Ia**)  
(Planning statement received on 20.1.2021 and FIs received on 18.3.2021<sup>#</sup>, 30.4.2021<sup>#</sup>, 25.8.2021\*, 5.10.2021\*, 14.12.2021\*, 17.3.2022<sup>#</sup>, 25.4.2022<sup>#</sup>, 2.6.2022\*, and 10.6.2022\* were superseded and not attached)

(<sup>#</sup> accepted but not exempted from publication requirement)  
(<sup>\*</sup> accepted and exempted from the publication requirement)
- 1.10 On 12.3.2021, 25.6.2021, 15.10.2021 and 28.1.2022, the Committee agreed to defer making a decision on the application, as requested by the applicant's representative, for a total of eight months (two months for each deferment). Subsequently, several rounds of FIs were submitted by the applicant as indicated in paragraph 1.9 above and the application is now 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 the planning statement and technical assessments at **Appendix Ia**. They are summarised as follows:

### In line with planning intention

- (a) The proposed office, eating place and shop and services uses are fully in line with planning intention of the “C” zone which has the aspiration to transform the area to be the territorial business/financial centre and regional or district commercial/shopping centre in the area and a source of new employment.

### Compatible with the surroundings

- (b) Some commercial developments in the immediate surroundings of the Site, such as 118 Connaught Road West which has a BH of 138.85mPD, have already exceeded the BHR under the OZP. The proposed minor relaxation of BHR at the Site to 138.9mPD is minor in nature and hardly noticeable. The building façade design of the proposed development, with incorporation of recessed roofs and communal garden, will help break up visual monotony. Besides, the ridgeline of the Victoria Peak will not be affected and the overall stepped BH profile can be maintained. Hence, the proposed relaxation of BH to 138.9mPD is fully compatible with the surrounding area.

### Fulfilling criteria for minor relaxation restriction in accordance with the OZP

- (c) The proposed development fulfils the relevant criteria for minor relaxation of BH restriction set out in the Explanatory Statement (ES) of the OZP.

### *Amalgamating small sites for achieving better urban design and local area improvements*

- (i) The proposed development amalgamates 18 lots into a sizable development site for a comprehensive commercial development, which allows multiple planning merits including street-level setbacks to enhance pedestrian environment and visual relief with the adjacent developments.
- (ii) Sizable development site allows consolidation of vehicular ingress/egress points and ensure car parking and L/UL activities to be taken place within the Site.

### *Providing better streetscape and improving pedestrian walking environment*

- (iii) The proposed development will provide setback of about 3.1m-4.5m at street level along CRW and a setback of about 3m along a portion of the western building boundary for enhancing pedestrian circulation as well as providing visual relief with the adjacent building blocks.
- (iv) Continuous canopy at portions of the setback area will be provided for weather protection to create a more comfortable pedestrian environment. Featured paving extended to public pavement and vertical green wall will be

provided within the voluntary setback areas to create a more interesting and comfortable pedestrian environment.

- (v) Given the existing N-S pedestrian pavements along Wilmer Street and Sutherland Street next to the Site are very narrow, the proposed 24-hour at-grade N-S pedestrian connection within the proposed development will provide an alternative, weather protected and barrier-free passageway. The proposed pedestrian connection will facilitate the pedestrian movement and help address the pedestrian congestion and pedestrian-vehicular conflict in the surroundings and to serve the frequent public movement between Sun Yat Sen Memorial Park and the Sai Ying Pun area.
- (vi) A proposed 24-hour, at-grade landscaped garden at 99&101 DVRW will be provided with planters, vertical green walls and seating. A glass canopy will be provided over the circulation area to provide a weather-protected area serving as a social space and form part of the proposed N-S pedestrian access.

*Providing separation between buildings to enhance air and visual permeability*

- (vii) In addition to the setbacks along CRW and the western boundary of the Site, the at-grade landscape garden can serve as a visual break along DVRW.

*Improvements to townscape and landscape amenity and promoting green design*

- (viii) To optimise greenery opportunities and to provide visual relief and pedestrian comfort, ample greenery is provided at the pedestrian level as well as at multiple levels of the proposed development, including the at-grade landscaped garden, flat roof at 2/F as well as terraced green roofs facing DVRW on the middle floor levels and R/F. The SC of greenery provision of the proposed development accountable under SBDG is about 20.17% which exceeds the minimum requirement under the SBDG.
- (ix) The applicant has applied for project assessment for BEAM Plus New Building (NB) V1.2 for the proposed development. The green building features incorporated in the proposed development include green roofs on various levels of the proposed development, vertical greening at pedestrian level and at-grade landscaped garden.
- (x) The proposed development will not affect the ridgeline of the Victoria peak and maintain the overall stepped BH profile of the area. The proposed development will be visually scaled down by special design glass façade and recessed roofs. The at-grade garden and the Low Block at 91 DVRW will serve as a visual relief for the pedestrians.

No adverse impacts

- (d) As demonstrated in the Visual Impact Assessment (VIA), no insurmountable impact is expected to be generated by the proposed development from visual perspective. Of the seven viewpoints (VPs) assessed, one VP is identified with enhancement due to provision of visual enhancement at pedestrian level, while the remaining 6 VPs are identified with negligible impacts.

- (e) Since there is no intention to seek relaxation for other development parameters such as PR, GFA and SC, no adverse impact is anticipated.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

- 4.1 The Site and its surrounding area were previously zoned “Commercial/Residential” (“C/R”) on the draft OZP No. S/H3/23 with no BHR (**Plan A-4**). On 7.5.2010, draft OZP No. S/H3/24 incorporating amendments to rezone the “C/R” sites to either “C” or “Residential (Group A)” (“R(A)”) and to stipulate the maximum BHs for the sites was exhibited for public inspection, with a view to providing a clear planning intention and better planning control on the development density for these sites. Sites within the north-eastern portion of Sheung Wan, including the Site, were rezoned to “C” with stipulation of a BHR of 120mPD (**Plan A-4**). A minor relaxation clause for BHR has also been incorporated into the Notes of the OZP for various zonings in order to provide incentive for developments/redevelopments within planning and design merits and to cater for circumstances with specific site constraints.
- 4.2 For information, there is a set of general building plans (GBPs) covering the Site, which was first approved by the Building Authority (BA) on 4.1.2021. According to the latest set of approved building plans, the proposed development comprises 3 building blocks which include a 28-storey main office block (including 2 levels of basement car park) fronting CRW, a 2-storey office entrance block at 99&101 DVRW and a 2-storey retail block at 91 DVRW. The main office block is connected to the 2-storey office entrance block at 99&101 DVRW via a link bridge on 1/F, which is a grade-separated passageway linking up the entrances at CRW and DVRW. Along CRW, a setback (about 8% of the site area, or 151.309m<sup>2</sup>) at ground level according to PNAP APP-132, partial setback from the western site boundary and recessed entrance are observed in the approved building plans. The total non-domestic GFA and PR of the development (i.e. 28,146.971m<sup>2</sup> and 14.98 respectively) is similar to that proposed in the current planning application and the BH (i.e. 120mPD excluding rooftop structures) conforms to the BHR under the OZP.

### **5. Previous Application**

There is no previous application at the Site.

### **6. Similar Application**

There is no similar application for minor relaxation of BHRs within the “C” zone on the OZP.

### **7. The Site and its Surroundings (Plans A-2, A-3 and A-5 to A-8)**

7.1 The Site is:

- (a) abutting CRW and DVRW and bisected by an existing service lane running in an east-west direction discharging to Wilmer Street and Sutherland Street (**Plan A-2**);
- (b) currently vacant with under-going construction works; and
- (c) served by public transport including Mass Transit Railway (MTR) (about 100m away from the exit of the Sai Ying Pun MTR station) and bus stops and tram along DVRW.

7.2 The surrounding area has the following characteristics:

- (a) surrounded by commercial developments, including Lucky Commercial Centre (79mPD), Luen Wai Commercial Building (57mPD), 87-89 DVRW (105mPD) and Chiu Chow Association Building (40mPD) at DVRW to its immediate south, Guangdong Finance Building (115mPD) to its immediate east, and 118 CRW (140mPD) to the further west across Wilmer Street (**Plan A-3**);
- (b) two residential/commercial developments, namely Wilmer Building (71mPD) and Sze Yap Building (42mPD), are located to the immediate west and southeast of the Site respectively; and
- (c) in a wider context, the Site is surrounded by mainly commercial developments to the west and east across Wilmer Street and Sutherland Street, and residential developments with non-domestic uses on the lower floors to the south across DVRW. To the north of the Site across CRW is the existing Sun Yat Sen Memorial Park.

## 8. **Planning Intention**

- 8.1 The “C” zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre(s) and regional or district commercial/shopping centre(s). These areas are usually major employment nodes.
- 8.2 As stated in paragraph 7.6 of the Explanatory Statement (ES) of the OZP, 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 and to cater for circumstances with specific site constraints. Each planning application will be considered on its own merits and the relevant criteria for consideration of such application are as follows:
  - (a) amalgamating smaller sites for achieving better urban design and local area improvements;
  - (b) accommodating the bonus PR 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;
- (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP;
- (f) catering for the provision of on-site car parking and loading/unloading facilities on sites of 900m<sup>2</sup> or larger with at least 30m street frontage on two sides within the SOHO and its immediate adjoining area; and
- (g) other factors such as 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. Comments from Relevant Government Departments**

- 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 West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) from Drawing A-1, a section of the proposed glass canopy will be erected over the right-of-ways (ROWs) required under the Government leases of ML 479, ML 483, ML 484, IL 2963 and IL 3035 for owners and occupiers of the adjoining lots outside of the Site. According to the Land Registry's records, those lots outside the Site and subject to the right to use the said ROWs are under multiple ownership. In any case, the current design of the glass canopy over the ROWs is considered not acceptable under the relevant lease conditions of the concerned lots. Whilst the legal justifications have been provided by the applicant to support his proposal of building over the ROWs which is under examination, it is our view that such issue has to be resolved or addressed at planning stage;
- (b) it is noted that sections of the lots were carved out under private agreements. The actual site area of the Site shall be subject to verification; and
- (c) the proposal, including the provision of various public facilities of setback at G/F of CRW, at-grade garden at 99&101 DVRW and N-S pedestrian access between CRW and DVRW, save for the lots mentioned in (a) above, does not conflict with the lease conditions governing the application site and so if the proposal is approved by the Board, the applicant is not required to seek a lease modification

from LandsD to implement the proposal. Therefore, any planning conditions, if imposed by the Board, cannot be written into the leases through lease modification.

### **Traffic and Pedestrian Circulation**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) no objection to the application from traffic engineering point of view;

#### *Building Setback at CRW*

- (b) according to the latest G/F plan (**Drawing A-2**), pedestrians could walk through the entire width of the building setback area. The proposed building setback can increase the footpath width, and so enhance the walking environment from traffic engineering point of view;

#### *N-S Pedestrian Access*

- (c) according to the technical clarification on pedestrian flow, the proposed at-grade N-S pedestrian access linking CRW and DVRW can reduce the pedestrian flow along Wilmer Street and Sutherland Street footpaths, which also connect CRW and DVRW in the N-S direction, by function as an alternative pedestrian link of the same walking time. The level-of-service of the proposed N-S pedestrian access will also be acceptable at the design year; and
- (d) the proposed N-S pedestrian access, together with the building setback and provision canopy, could enhance the walking environment.

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

- (a) no comment from highways maintenance and landscape viewpoint on the application; and
- (b) as the detailed proposals have not been submitted by the applicant for HyD's review and approval, HyD's comments are reserved from highways maintenance and landscape viewpoint upon receipt of the submission of the detailed proposals.

### **Building Matters**

#### 9.1.4 Comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD):

- (a) no in-principle objection under the Buildings Ordinance to the proposed minor relaxation of BHR for development at the Site;

- (b) the proposed SC below 33m and from 33m to 61m exceeded the limitation stipulated in PNAP APP-132. Detailed comments on the proposal will be provided at the general building plans submission stage; and
- (c) the proposed at-grade garden for 24-hour public use covered by glass canopy at 99&101 DVRW is GFA accountable under regulation 23(3)(a) of Building (Planning) Regulations unless exempted subject to the compliance with the criteria stated in PNAP APP-108.

### **Urban Design, Visual and Air Ventilation**

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

- (a) no comment from architectural and visual impact point of view;
- (b) the greenery provisions at street level, vertical green walls and recessed terrace are proposed to fulfil requirements under PNAP-152 issued by BD, so as to improve the environmental quality of the urban space. As such, there is no comment on these provisions at this stage;
- (c) regarding glare impact, solar control devices are suggested to be considered as far as practicable to avoid glare affecting adjacent buildings; and
- (d) for the proposed at-grade garden at 99&101 DVRW, the applicant is recommended to create a pedestrian-friendly environment by providing barrier-free access/facilities, adequate shading devices, seating area and greening, etc. to enhance enjoyment of the public spaces.

#### **9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):**

- (a) the Site is located within a commercial cluster with existing BH up to about 140mPD and residential developments to the south across DVRW with existing BH up to about 150mPD. Taking into account of the surrounding context of the Site, the scale of the proposed development is considered not incompatible with the existing visual character of the townscape.
- (b) the applicant proposes an at-grade covered garden that opens to public 24 hours daily and a 3.5m-wide at-grade N-S pedestrian access passing through the Site directly linking CRW and DVRW. Together with some design measures, such as the proposed setback, vertical greening and recessed terrace with greenery, the proposed development may promote visual interest and enhance connectivity and comfort for pedestrians. According to the updated VIA conducted by the applicant (Appendix B of **Appendix Ia**), a scenario of “Planned Condition” following the BHR of 120mPD on the OZP is compared against the Proposed Scheme with design mitigation

measures. All VPs are rated as “negligible” to “partly enhanced” by the applicant.

- (c) with regard to air ventilation aspect, according to Technical Circular No. 1/06 on Air Ventilation Assessment (AVA), the proposal for this Site does not fall within any category that requires carrying out of an AVA. With reference to the Expert Evaluation for Sai Ying Pun & Sheung Wan Area conducted in 2010, the Site does not fall within any identified air paths/breezeways. As such, the proposed BH is unlikely to induce any adverse air ventilation impact to the area.

### **Landscape Aspect**

#### **9.1.7 Comments of CTP/UD&L, PlanD:**

- (a) no objection to the application;
- (b) based on aerial photo of 2020, the whole site is occupied by existing development, and situated in an area of city grid mixed urban landscape character surrounded by buildings and roads. Significant adverse landscape impact arising from the proposed minor relaxation is not anticipated;
- (c) the Site is surrounded by similar developments. The application is considered not entirely incompatible with the landscape character of the surrounding environment; and
- (d) should the Board approve this application, it is considered not necessary to impose a landscape condition as significant adverse landscape impact arising from the application is not anticipated within the Site.

### **Environment**

#### **9.1.8 Comments of the Director of Environmental Protection (DEP):**

- (a) no objection to the application;
- (b) the proposed commercial development involving office is normally provided with central air conditioning system and the applicant/authorised persons should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact;
- (c) the construction activities of the proposed development will be subject to the control under relevant pollution control ordinances;
- (d) it is suggested that the following planning approval conditions on sewerage planning aspect be imposed:

*Approval Conditions*

- (i) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the DEP or of the Board; and
- (ii) the implementation of local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the Board.

### **Sewerage and Drainage**

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

- (a) no objection to the application;
- (b) submission of a SIA to the satisfaction of the DEP or the Town Planning Board will be required as one of the approval conditions. The applicant is required to demonstrate with hydraulic calculations that the existing downstream public sewage facilities have adequate capacity to accommodate the flow from the proposed development. If required, the project proponent/applicant should bear all costs and undertake improvement/upgrading works to the existing public sewerage systems for handling additional discharge due to the said development to the satisfaction of the DSD; and
- (c) the subject site falls within the Harbour Area Treatment Scheme (HATS) Sewage Tunnel Protection Areas. Impact to HATS Stage IIA sewage tunnel due to the proposed works shall be assessed with respect to all relevant practice notes/circulars and the requirements stipulated in PNAP APP-62 and/or Environment, Transport and Works Bureau Technical Circular (Works) No. 28/2003 shall be strictly complied with. The project proponent is reminded to submit assessments/proposals to BD and circulated to this office for approval/agreement during the building plans stage or earlier.

### **District Officer's Comments**

9.1.10 Comments of the District Officer (Central and Western), Home Affairs Department (DO(C&W), HAD):

- (a) no specific comments on the captioned application provided that the relevant safety standards are met and the regulations and guidelines stipulated by the relevant government department(s) are conformed to;
- (b) some former members of the Central and Western District Council (C&WDC) and members of public are concerned about the impacts to the surroundings resulting from the BHR relaxation, such as wall effect, blockage of sea view, air quality, natural air ventilation and light penetration between blocks, lanes and inland buildings;
- (c) the C&WDC discussed this application at its 8th meeting held on 25.5.2021 and passed a motion to oppose the application because it

will impair natural ventilation and cause visual intrusion in the district; and

- (d) it is advised that C&WDC should continue to be consulted on this project if approval has been obtained.

9.2 The following government departments have no objection to/no comment on the application:

- (a) Project Manager (South), Civil Engineering and Development Department (CEDD);
- (b) Head of Geotechnical Engineering Office, CEDD;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner of Police; and
- (e) Director of Fire Services.

## **10. Public Comments Received During Statutory Publication Periods**

10.1 Between 2.2.2021 and 3.5.2022, the application and FIs were published for public inspection. During the first three weeks of the statutory publication periods, a total of 30 public comments were received (**Appendix II**) raising objection to or concerns on the application. The comments were submitted by the C&WDC, Sheung Wan & Sai Ying Pun Area Committee, former C&WDC members and individuals.

10.2 The major grounds of the objecting/adverse comments and comment expressing views on the application are summarised below:

### *Air ventilation, Visual, Traffic, Glare Impacts and Pollutions*

- (a) the proposed development will create wall effect and adversely affect air ventilation, air quality and natural light penetration to nearby buildings and the service lane;
- (b) the Site is located at the waterfront. The proposed minor relaxation of BHR will cause adverse visual impact on the harbour view and views from the Sun Yat Sen Memorial Park;
- (c) the proposed development will generate more traffic in the area. The proposed run-in/out of the car park at CRW will cause adverse impact on the vehicular traffic and pedestrians;
- (d) glare impact arising from the glass curtain wall of proposed development;
- (e) the construction of the development would generate solid waste and air pollution;

### *Development Scale and Design*

- (f) the proposed relaxation of BHR is more than 10% which is not considered as minor in the old built-up area;

- (g) the benefits for the public of the green vertical wall is in doubt and the setbacks proposed by the applicant are not significant. There is no community gain in the proposal;
- (h) the proposed relaxation of BHR is not justified as BH of 120mPD could be achieved by deducting a few metres from other floors of the development;

*Setting of Undesirable Precedent*

- (i) approval of this application will set undesirable precedent on other developments and is not in line with the intention of stipulating BH restriction on the OZP;

*Others*

- (j) the applicant should consider to rent the floor space to the non-government organisations (NGOs) at a reduced market rent or developing the Site for other uses such as transport museum; and
- (k) the application should be rejected as there is no public space provided in the proposed development.

## **11. Planning Considerations and Assessments**

- 11.1 As mentioned in paragraph 1.2 above, the proposed commercial development at the Site comprises 2 building blocks, namely a 30-storey commercial block at 92-103A CRW (Main Block) and a 2-storey block at 91 DVRW (Low Block), with an at-grade landscaped garden at 99&101 DVRW. The applicant seeks planning permission for minor relaxation of the BHR from 120mPD to 138.9mPD (+18.9m or +15.75% in terms of mPD<sup>3</sup>) for the Main Block of the proposed commercial development at the Site. The proposed commercial development comprises 'Office', 'Shop and Services' and 'Eating Place' uses which are always permitted within the "C" zone.

*Minor Relaxation of BHR*

- 11.2 The proposed BH of 138.9mPD for the Main Block has exceeded the BHR of 120mPD on the OZP by 18.9m, while the proposed BH of 13.425mPD of the Low Block at 91 DVRW is within the BHR limit. In support of the proposed minor relaxation of BHR for the Main Block, the applicant proposes to provide building setbacks along CRW and at a portion of the western building boundary, an at-grade landscaped garden for public use, an at-grade N-S pedestrian access within the development, and landscape treatments as mentioned in paragraphs 1.6 to 1.8 above (**Drawing A-10**). The applicant has amalgamated 18 lots for the proposed development.
- 11.3 The Site is surrounded by commercial developments, including Lucky Commercial Centre (79mPD), Luen Wai Commercial Building (57mPD), 87-89 DVRW (105mPD) and Chiu Chow Association Building (40mPD) at DVRW to its immediate south and Guangdong Finance Building (115mPD) to its immediate east

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<sup>3</sup> Increase by 18.9m (i.e. +13.95%) in terms of absolute BH with mean street level at 3.425mPD.

**(Plan A-3).** A few developments near the Site that have exceeded the BHR of 120mPD on the OZP are found in the surroundings, including commercial developments of 118 CRW (140mPD) and Ibis Hong Kong Central & Sheung Wan Hotel (137mPD), and residential developments of Princeton Tower (129mPD), Soho 189 (150mPD) and Queen's Terrace Tower 1 (145mPD). While these developments were either completed or with relevant building plans approved prior to the imposition of the BHR on the OZP in 2010, the proposed development of 138.9mPD is considered not incompatible with the surrounding developments. The visual impact of the proposed development has been demonstrated in the updated VIA submitted by the applicant (Appendix B of **Appendix Ia**). Both CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment on the application from the visual perspective.

- 11.4 As mentioned in paragraph 4.2 above, a set of approved GBPs for a commercial development (with a 28-storey main office tower at CRW and two 2-storey Low Blocks at DVRW) of similar non-domestic GFA and PR with a BH of 120mPD was approved by BA in 2021. Compared with the approved GBPs, the major differences of the proposed development under the current application include replacement of the Low Block at 99&101 DVRW with an at-grade garden with glass canopy, and increase in the absolute BH and storey height by 18.9m and 2 storeys respectively mainly due to the additional refuge floor and increase in the FTFH of each typical office floor by 0.35m (from 4.3m to 4.65m) and that of E&M/transfer plate floor by 1.625m (from 7.525m to 9.15m). The applicant claims that the proposed FTFH of typical office floor and E&M floor were to meet the operational need of Grade A offices at the Site, and provides justifications on the design and facilities to be accommodated on the office floors and E&M floor<sup>4</sup>. While BD has no in-principle objection to the application and there is no standard on FTFH of Grade A office, having considered the existing height profile of the surrounding development, the overall BH of 138.9mPD of the proposed development is considered not incompatible with the surroundings.

#### Planning and Design Merits

- 11.5 The applicant proposes a setback<sup>5</sup> of about 3.1m to 4.5m fronting CRW with a portion of the setback area (i.e. the voluntary setback portion) provided with canopy at 1/F (along CRW) and 2/F (at western building boundary), with a view to enhancing pedestrian environment (**Drawings A-3 and A-10**). While the width of the existing pedestrian pavement on CRW abutting the Site ranges from about 3.5m to 7m, C for T considers the proposed building setback along CRW can enhance the walking environment outside the proposed development (**Plan A-2**). For the 3m building setback along a portion of the western building boundary, although the proposed setback is only a partial setback and the recessed area serves mainly as an access to the staircase leading to the proposed development, the setback could provide some visual relief with the provision of vertical green wall (**Drawings A-10, A-12 and A-17**).
- 11.6 The proposed scheme has incorporated a proposed N-S pedestrian access which passes through the G/F of the Main Block, the east-west service lane and the at-grade landscaped garden at 99&101 DVRW (**Drawing A-3**). As compared with

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<sup>4</sup> The typical office floor involves 1.9m for structural and E&M zones, the resulting clear headroom is 2.75m.

<sup>5</sup> According to **Drawing A-10**, the whole setback area comprises a full-height setback (8% of site area) under PNAP APP-132 and a voluntary setback with recessed area at G/F.

the approved GBPs which a grade-separated link bridge at 1/F connecting the entrances at 99&101 DVRW and CRW is adopted, the applicant proposes a barrier-free and weather-protected at-grade pedestrian connection between CRW and DVRW which will be open to public 24 hours daily. The glass canopy of the proposed N-S pedestrian connection will deck over the existing service lane and will maintain a minimum headroom of 4.5m (**Drawings A-10, A-21 and A-22**). While the proposed development at the Site, including the proposed N-S pedestrian access, is governed by virtually unrestricted lease, for which implementation of the proposed development does not require lease modification, the applicant commits that the pedestrian access will be provided as proposed in the application. C for T considers the pedestrian access could serve as an alternative pedestrian link to the existing footpaths at Wilmer Street and Sutherland Street and enhance the walking environment.

- 11.7 Notwithstanding the above, DLO/HKW&S, LandsD considers that the current design of the glass canopy building over the east-west service lane is not acceptable under the lease conditions since the existing service lane is the ROWs serving the adjoining lots outside the Site. As planning and land administration are separate regimes, the above issue should be dealt with separately with LandsD under lease. It is noted that the applicant has submitted legal justifications to support the proposal of building over the ROWs which are being examined by DLO/HKW&S, LandsD separately.
- 11.8 The applicant also proposes to provide an at-grade landscaped garden at 99&101 DVRW which will open to public 24 hours daily. Similar to the proposed N-S pedestrian access, the implementation of the proposed garden does not require lease modification. While the future opening of the proposed garden could not be imposed in the lease, the portion of the Site at 99&101 DVRW has been opened up in proposed development, which could provide some form of visual relief in the densely built-up environment.
- 11.9 The applicant suggests that the proposed greenery provision within the proposed development exceeds the requirement under SBDG and several green building features including green roofs, at-grade garden and vertical greening have been incorporated. CTP/UD&L, PlanD considers that the design measures, including the proposed covered garden, setback, vertical greening and recessed terrace with greenery may promote visual interest and enhance connectivity and comfort for pedestrians.

#### Technical Considerations

- 11.10 Other concerned departments, including Environmental Protection Department, ArchSD, BD, DSD, WSD, CEDD and Fire Services Department, have no adverse comment on the application.

#### Public Comments

- 11.11 Regarding the adverse public comments, the assessment above and the comments of the relevant government departments in paragraph 9 above are relevant. With regards to the public comments suggesting using the site for other uses or renting the floor space to NGOs at a lower rent, it is up to the private land owner's decision regarding the use/development of the Site in compliance with the OZP provisions and the future tenancy arrangement of the proposed development. As for the

concern on glare from the glass curtain wall façade, the applicant responds that low reflectance façade materials will be used in accordance with the current regulations and building codes. In addition, the applicant claims that the project has applied for project assessment for BEAM Plus New Building (NB) V1.2, for which light pollution (i.e. including glare) caused by the development will be assessed and has to be complied with the requirements set out in BEAM Plus.

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

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 24.6.2026, 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 vehicular access and internal transport facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of the 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.

### Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the follow reason for rejection is suggested for Members' reference:

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of BHR.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.

- 13.3 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.

**Attachment**

<b>Appendix I</b>	Application form received on 20.1.2021
<b>Appendix Ia</b>	FI received on 17.6.2022 enclosing a consolidated planning statement with technical assessments
<b>Appendix II</b>	Public comments
<b>Appendix III</b>	Advisory Clauses
<b>Drawings A-1 to A-9</b>	Master layout plan, floor layouts and section plan
<b>Drawing A-10</b>	Planning and Design Merits Layout Plan
<b>Drawings A-11 to A-15</b>	Landscape Plans
<b>Drawings A-16 to A-22</b>	Photomontages for Design Merits
<b>Drawings A-23 to A-29</b>	Photomontages for VIA
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Existing BH of surrounding developments
<b>Plan A-4</b>	Location Plan on previous OZPs
<b>Plans A-5 to A-8</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**