

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H3/444

- Applicant** : Luck Rich Properties Limited represented by DeSPACE (International) Limited
- Site** : 380 Des Voeux Road West, Shek Tong Tsui, Hong Kong
- Site Area** : About 139.2m²
- Lease** : Marine Lot (M.L.) 186 s.A RP
- virtually unrestricted subject to the standard non-offensive trades clause
- Plan** : Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/34
- Zoning** : “Residential (Group A)6” (“R(A)6”)
- (a) restricted to a maximum building height (BH) of 100mPD, or the height of the existing building, whichever is the greater
- (b) a maximum BH of 120mPD would be permitted for sites with an area of 400m² or more
- Application** : Proposed Office and Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed 24-storey commercial building comprising a 21-storey office tower over a 3-storey podium with ‘Shop and Services’ use (G/F and 2/F) and E&M facilities (1/F) at 380 Des Voeux Road West (DVRW), Shek Tong Tsui (the Site). The Site falls within an area zoned “R(A)6” on the approved Sai Ying Pun & Sheung Wan OZP No. S/H3/34 (**Plan A-1**). According to the Notes of the OZP for “R(A)6” zone, while ‘Shop and Services’ use is always permitted on the lowest three floors of a building, planning permission from the Town Planning Board (the Board) is required for ‘Office’ use above the lowest three floors.
- 1.2 The Site is elongated in shape and abuts DVRW and Sai On Lane with frontages of about 4.65m wide (**Plan A-2** and **Drawing A-10**). According to the Proposed

Scheme, the proposed office tower (3/F and above) will be setback from DVRW and positioned at the southern part of the Site (**Drawing A-7**). The main development parameters of the proposed development are tabulated below. The floor plans and section of the proposed development are shown in **Drawings A-1 to A-7**.

Major Development Parameters	
Site Area	139.2m ² (about)
Maximum Non-Domestic Plot Ratio (PR)	15
Maximum Non-Domestic Gross Floor Area (GFA) - Office (3/F and above) - Shop and Services (Lowest 3 Floors)	Not more than 2,088m ² - Not more than 1,754m ² - Not more than 334m ² <i>(E&M facilities on 1/F is not accountable for GFA)</i>
Site Coverage (SC) - Podium (G/F to 2/F) - Tower (3/F to 23/F)	100% 60%
No. of Blocks	1
BH (at main roof level)	100mPD
No. of Storeys	24 (G/F to 23/F)
Parking Spaces and Loading/Unloading (L/UL) Facilities	Nil

- 1.3 The main uses by floor for the proposed development (**Drawing A-7**) are summarised as follows:

Floor	Main Uses
G/F	Shop and Services / Lift Lobby
1/F	E&M facilities
2/F	Shop and Services
3/F	Office / Flat Roof
4/F to 23/F	Office

- 1.4 According to the proposed scheme, the proposed 'Shop and Services' use on G/F will have shopfronts facing DVRW (about 2.65m wide) and the covered access to the lift lobby of the proposed development (**Drawing A-1**). The 2m-wide covered access is semi-enclosed with the side facing the existing alleyway of the adjacent Grace Mansion open and unobstructed (except for the three columns supporting structures above). The separate entrance to the lift lobby serving the upper floors (1/F to 23/F) is located at the rear part of the proposed development. A canopy along the whole frontage of the Site is proposed over the public footpath at DVRW (**Drawing A-1**). According to the applicant, the proposed development will be equipped with central air-conditioning system and fixed windows. No internal transport facilities, including parking space, L/UL space and manoeuvring space, will be provided in the proposed development. The applicant suggested that kerbside L/UL activities would be carried out on DVRW in the vicinity of the Site (**Drawing A-11**).

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

- (a) Application Form received on 25.10.2021 (Appendix I)
- (b) Planning Statement received on 25.10.2021 (Appendix Ia)
- (c) Supplementary information received on 28.10.2021 providing clarification on the submission (Appendix Ib)
- (d) Further Information (FI) received on 24.2.2022 providing responses to departmental comments, Traffic Review, revised floor plans and section, and replacement pages of the Planning Statement[#] (Appendix Ic)
- (e) FI received on 1.4.2022 providing responses to departmental comments and revised floor plans* (Appendix Id)
- (f) FI received on 12.4.2022 and 14.4.2022 providing responses to departmental comments and updated G/F plan and section plan* (Appendix Ie)

[#]accepted but not exempted from publication and recounting requirements

^{*}accepted and exempted from publication and recounting requirements

1.6 On 24.12.2021, as requested by the applicant's representative, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months. Subsequently, the applicant submitted FIs on 24.2.2022 and 1.4.2022 and 12.4.2022 (**Appendices Ic to Ie**) and 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 the Planning Statement and FI at **Appendices Ia and Ic to Ie**. They are summarised as follows:

Site Constraints

2.1 The Site is small (about 139.2m²) and has a long and narrow configuration. It is sandwiched between two high-rise residential buildings (i.e. Grace Mansion at 374-376 DVRW and Kam Wah Building at 382-388 DVRW) which are under fragmented ownership. There is a huge challenge in acquiring and amalgamating the adjoining lots for large-scale and comprehensive residential development given the limited budget and time.

Not Conducive to Residential Development

2.2 The Site is a Class A site and in accordance with First Schedule of the Building (Planning) Regulations (B(P)R). According to the submitted notional residential scheme (**Drawings A-8 and A-9**), the Site would be subject to a maximum SC of

39% with only 9 studio flats with usable floor area (UFA) of about 13.45m² (145ft²) could be provided when all technical requirements including permissible PR and SC, means of escape, separation distance between the bathroom door and kitchen bench etc., are to be met. The living space for each unit would be unreasonably small and undesirable, and the supply of 9 “nano-flats” to the housing market is very minimal and insignificant. The efficiency ratio is even worse if the Site is developed at a higher PR with a smaller SC under B(P)R.

- 2.3 The proposed office development is allowed up to 60% SC above podium and a much higher PR under B(P)R, while residential development, which has a smaller maximum SC and PR under B(P)R, is a waste of land resources. According to the proposed office scheme and the notional residential scheme, the average unit size of office is 43.58m² which is more appropriate than that of residential flat of 13.45m².
- 2.4 DVRW is classified as “District Distributor” according to the Transport Department’s Annual Traffic Census 2018, which suggests that the Site is likely to be susceptible to air pollution and traffic noise. Mitigations measures such as increasing building setback and podium height, imposing fixed window and central air-conditioning system are unlikely to be substantiated given the site constraints and SC restriction under B(P)R, not to mention that fixed window design is undesirable for domestic use. In addition, further setback of the residential building will pose challenge to the installation of prescribed window for sunlight and air ventilation, as the Site is narrow and surrounded by buildings. Besides, the small plot size would also limit the provision of access for the disabled and cause potential fire hazards.

The Site is at Right Location and Suitable for Commercial Development

- 2.5 The Site is located along the DVRW which directly connects to the central business district. The proposed office development provides small office to cater the local needs in the vicinity, as well as high-quality office space for start-ups/small-and-medium enterprises to meet the continuously growing demand and the city’s resilience. Some commercial developments in the district, including Well On Commercial Building at Wellington Street, Zhongcai Centre at Queen’s Road Central, New York House at Connaught Road Central, and Mandarin Commercial House at Morrison Hill Road in Wan Chai have site areas ranging from 68m² to 120m² and are good examples of similar type of commercial developments.

In line with the Town Planning Board Guidelines No. 5 (TPB-PG No. 5) – Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance

- 2.6 The proposed development is in line with TPB-PG No. 5 in that:
- (i) While there is no minimum site area stipulated in the guidelines, the proposed development is properly and purposely designed for office/commercial uses.

- (ii) The Traffic Review demonstrated that due to site constraint and narrow frontage, provision of internal transport facilities at the Site is not feasible. Alternative locations for L/UL are available at the kerbside of DVRW. The Traffic Review also demonstrated that the proposed development would not cause congestion and disruption to the traffic flow of the locality.
- (iii) The Site is well served by public transports, including mass transit railway (MTR), franchised bus, trams and minibus.
- (iv) The Site is located in a predominantly mixed-use area, particularly along the bustling DVRW which gives the impression of vibrant and variety of uses including residential, retails, restaurants, offices, hotels, serviced apartment, etc. Various commercial/office buildings can be identified within a 300-metre walking distance from the Site. The vicinity has the tradition of being vertically (various commercial buildings can be identified in the nearby street blocks) and horizontally mixed (shops and restaurants are always at the lowest three floors) with various locations previously zoned “C/R”, in which commercial and residential uses were always permitted. Very limited number of buildings are purely residential in nature in the area. In this regard, the proposed office development with ‘Shop and Services’ at lower floors is considered compatible with the surrounding; and hence no land use conflict is anticipated.
- (v) Office development is more efficient and can achieve environmental gains by avoiding environmental nuisance caused by road traffic and the surrounding retail uses. The proposed development will also provide a long active frontage on G/F to contribute to local vitality and utilise the permissible development potential. These can be considered as planning gains.
- (vi) DVRW is the main source of noise and air pollution in the locality. The proposed development will be installed with central air conditioning system and fixed window design which can mitigate the environmental impacts caused by DVRW. The proposed office development is less susceptible to the noise and air pollution from DVRW than residential development, as office development does not require prescribed windows for sunlight and air ventilation. It can also serve as a buffer building to the residential developments located to its further south.

No Undesirable Precedent

- 2.7 The Site has a unique configuration which poses as a site constraint. Buildings adjoining the Site are high-density and have already maximised their redevelopment potential. Therefore, it lacks incentives to redevelop these buildings. While other sites with buildings of 3 to 7 storeys in the vicinity (Figure 6 in **Appendix Ia**) are identified as having redevelopment potential, those sites are considered more conducive for residential redevelopments in terms of the bulk, form and size of the buildings. Moreover, the size and shape of these sites are generally more common and suitable for domestic use, unlike the Site. In this regard, approval of the subject application would not set an undesirable

precedent for similar applications in view of the different site contexts and considerations.

- 2.8 Redevelopment of the Site for residential use will set an undesirable precedent for the proliferation of “nano-flats”.

Similar Applications

- 2.9 The subject application shares the same merits as similar application No. A/H3/402¹ and A/K2/193² which were approved by the Board in 2011 and 2012 respectively. The sympathetic considerations were warranted due to site constraints and the minimal impact of the proposals.
- 2.10 The proposed development is comparable to other similar approved applications (No. A/H3/392³ and A/K3/574⁴) on the ground of difficult site constraints.
- 2.11 The proposed development will not cause cumulative effect on the same “R(A)6” zone as no site is similar to the Site. The Site does not share the same merits of the previously rejected applications at Gage Street (No. A/H3/436) and Glenealy (No. A/H3/438) in terms of the convenience of site location, distance to public transport, site area, site constraints, potential for amalgamation with the adjoining lots, surrounding neighbourhood, limitations on prescribed window opportunities and staircase orientation and arrangement for residential development, environmental and planning gains, and impacts on housing supply.

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.

¹ Details of A/H3/402 are elaborated in paragraph 7.2 below.

² Planning Application No. A/K2/193 is for a proposed 14-storey office building with retail shops on the lowest three floors at 197-197A Reclamation Street. The application site falls within “R(A)” zone on the Yau Ma Tei OZP and has a site area of about 137.96m². The application was approved with condition on review by the Board on 10.6.2011 mainly on sympathetic grounds that the applicant had put forward a practical scheme in view of the site constraints.

³ Planning Application No. A/H3/392 is for a proposed 21-storey hotel at 15-19 Third Street, Sai Ying Pun. The application site falls within “R(A)8” zone on the Sai Ying Pun & Sheung Wan OZP and has a site area of about 95.969m². The application was approved with conditions by the Committee on 28.5.2010 mainly on the consideration that the site was located within an area with a mixture of residential developments with commercial uses on ground floor; not incompatible with surrounding land uses; and no adverse departmental comments.

⁴ Planning Application No. A/K3/574 is for a proposed 6-storey office building with shop and services on G/F at 598 Shanghai Street, Mong Kok. The application site falls within “R(A)” zone on the Mong Kok OZP and has a site area of about 74.322m². The application was approved with conditions by the Committee on 12.5.2017 mainly on the consideration that the proposed use was not incompatible with surrounding uses which are predominantly mixed commercial/residential in nature; insignificant impact on housing land supply and character of the neighbourhood in view of small size site; and compliance with TPB PG No. 5 in terms of compatibility with surrounding land uses and no adverse traffic impact.

4. Background

The Site and its surrounding area were previously zoned “C/R” on the draft OZP No. S/H3/23 (**Plan A-5**). On 7.5.2010, draft OZP No. S/H3/24 incorporating amendments to rezone the “C/R” sites to either “C” or “R(A)” was exhibited for public inspection, with a view to providing a clear planning intention for these sites. Sites along DVRW were rezoned to “R(A)” and subject to a BH restriction of 100mPD. To provide incentive for site amalgamation for more comprehensive development and allow flexibility for accommodating on-site parking, L/UL facilities and other supporting facilities, a two-tier BH control was imposed under the “R(A)6” sub-zone for various sites located to the south of DVRW, including the Site. According to the Notes of the OZP, on land designated as “R(A)6”, sites with area over 400m² are subject to a maximum BH of 120mPD. Since then, the zoning of the Site has remained unchanged.

5. Town Planning Board Guidelines

- 5.1 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) is 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 L/UL facilities within the site in accordance with HKPSG and to the satisfaction of the Transport Department (TD). For sites with narrow frontage, where on-site L/UL requirement cannot be met, the applicant should demonstrate that there are alternative locations for L/UL facilities to the satisfaction of TD;
 - (c) the site should be at an easily accessible location, e.g. close to the MTR 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.
- 5.2 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 provision of public open space and community facilities required in the planning district.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Applications

- 7.1 Since 7.5.2010 when various “C/R” sites were rezoned to either “C” or “R(A)” zonings, there have been 5 similar applications for office developments with other commercial uses within the “R(A)” zone or “R(A)” sub-zone of the Sai Ying Pun and Sheung Wan OZP (**Plan A-1**), of which, 2 applications (No. A/H3/402 and A/H3/432) were approved with conditions and 3 applications (No. A/H3/436, A/H3/438 and A/H3/441) were rejected. The locations and details of these applications are shown on **Plan A-1** and provided at **Appendix II** respectively.
- 7.2 The 2 approved applications (No. A/H3/402 and A/H3/432) for proposed commercial building with office, eating place and shop and services involve the same site at 2-4 Shelley Street, Sheung Wan falling within the “R(A)” zone (Site area of about 310.9m²) and is surrounded on three sides by existing commercial buildings. Application No. A/H3/402 was approved with conditions upon review by the Board on 13.7.2012 mainly on the consideration that the scale of the proposed development was small (with a total GFA of 3,729m²) and the traffic impact such as L/UL activities and trip generation caused by the proposed development was relatively insignificant. Application No. A/H3/432 was an amendment to the approved scheme under Application No. A/H3/402, mainly by changing the mix of uses between ‘Office’ and ‘Shop and Services/Eating Place’ with no change in the total GFA and a minor increase in the BH of the proposed development. The application was approved with conditions by the Committee on 7.4.2017 mainly on the consideration that the fire safety concern on increased floor space for ‘Eating Place/Shop and Services’ use could be dealt with during the building plans submission stage.
- 7.3 Two of the rejected applications (No. A/H3/438 and A/H3/441) for a proposed commercial building with office, shop and services/eating place involving the same site at 3-6 Glenealy, Central within the “R(A)” zone (site area of about 1,088.3m²) were rejected on review by the Board on 11.1.2019 and 3.7.2020 respectively mainly on the grounds that there was no strong justification to deviate from the planning intention and the setting of undesirable precedent. The applicant of application No. A/H4/438 lodged an appeal to the TPAB on 15.3.2019 against the Board’s decision on rejecting the review application. On 24.11.2020, TPAB dismissed the applicant’s appeal mainly on the ground that criterion (e) of TPB PG-No. 5 has not been satisfied, having considered that the application site is situated in a predominantly residential area.

- 7.4 The remaining application (No. A/H3/436) for proposed office, shop and services and eating place at 36 Gage Street, Sheung Wan (Site area of about 88.1m²) falling within the “R(A)9” zone was rejected by the Board on review on 29.3.2019 on the same grounds as Applications No. A/H3/438 and A/H3/441 mentioned in paragraph 7.3 above. On 28.6.2019, the applicant lodged an appeal to the TPAB against the Board’s decision on rejecting the review application. On 17.1.2022, TPAB dismissed the Appellant’s appeal on the grounds that criterion (e) of TPB PG-No. 5 has not been satisfied (i.e. the application site is situated in a predominantly residential area) and failure to demonstrate that there was demand for increased office space in the district where the Site was located (i.e. Sheung Wan).

8. The Site and its Surrounding Areas (Plans A-1 to A-9)

8.1 The Site:

- (a) abuts DVRW (a two-way district distributor) and Sai On Lane to the north and south respectively. It is sandwiched between two existing high-rise residential developments known as Grace Mansion (24 storeys / 77mPD, completed in 1985) to the east and Kam Wah Building (25 storeys / 79mPD, completed in 1981) to the immediate west;
- (b) is currently occupied by a 4-storey tenement building with domestic use on 1/F to 3/F and a retail shop on G/F. While the shopfront is on DVRW, access to the staircase leading to the flats on the upper floors is via an alleyway falling within the lot of the adjoining development (i.e. Grace Mansion); and
- (c) is served by different modes of public transport, including MTR (about 200m away from the nearest entrance/exit B1 of MTR HKU Station), tram along DVRW, and bus stops along DVRW and Queen’s Road West.

8.2 The surrounding areas have the following characteristics:

- (a) the immediate neighbourhood in the same street block bounded by DVRW, Whitty Street, Queen’s Road West and Water Street is predominantly residential in nature with a mixture of old and new, low to high-rise residential developments with commercial uses on the lower floors, except for the hotel known as The Henry at 322 DVRW located to the further east of the Site (**Plan A-4**);
- (b) two existing open spaces, namely Sai On Lane Rest Garden and Sai On Lane Children’s Playground, are located to the south and to east of the Site respectively;
- (c) the area to north across DVRW is also a predominantly residential neighbourhood with a mixture of old and new residential developments with commercial uses on the lower floors, including Fung Yip Building, The

Upton and Kwan Yick Building Phase II and a commercial development (Western Harbour Centre); and

- (d) other nearby commercial developments include Hong Kong Plaza and Pacific Plaza to the further west, and Courtyard by Marriott Hong Kong and Best Western Plus Hotel Hong Kong to the further east along DVRW.

9. Planning Intention

The planning intention of the “R(A)6” zone is 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 West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) the Site falls within Marine Lot No. 186 s.A R.P. (the Lot) where its Government lease is virtually unrestricted subject to the standard non-offensive trades clause. The application is considered acceptable under the lease conditions governing the Lot;
- (b) it is noted that the Lot was carved out under private agreements. The actual site area of the Site shall be subject to verification; and
- (c) the proposal submitted by the applicant does not conflict with the lease conditions governing the Lot. If the proposal is approved by the Board, the owner is not required to seek a lease modification from LandsD to implement it. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

Traffic

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

no objection to the application subject to the applicant’s confirmation that the proposed building at the Site would be designed to allow the provision of the proposed canopy shown in **Drawing A-1**, unless there

are other insurmountable requirements imposed by government departments.

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

- (a) comments from TD, LandsD and BD should be sought on the proposed canopy which is projected outside the lot boundary;
- (b) any proposed canopy/projection outside the lot boundary and above public footpath shall have 3500mm vertical clearance and 600mm horizontal clearance from carriageway;
- (c) the applicant should be responsible for the construction, installation and maintenance of the proposed canopy at the cost of the applicant, including the lighting system;
- (d) the project proponent/applicant should ensure no falling of losing part or the canopy onto the public footpath;
- (e) the project proponent/applicant should provide adequate drainage system to ensure the rainwater at the proposed canopy is properly collected and no dripping onto the public footpath is allowed; and
- (f) comments from BD and DSD should be sought on the drainage system associated with the proposed canopy.

Building Matters

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

- (a) BD is not in a position to comment on the technical constraints claimed by the applicant. Besides, there is insufficient information for BD to comment on whether the conceptual scheme is in compliance with the B(P)R;
- (b) no in-principle objection under the Buildings Ordinance (BO) on the two conceptual schemes (**Drawings A-1 to A-9**) and the comparison table at Table 5.1 of the Planning Statement subject to the following comments:
 - (i) open space for domestic building should be provided in compliance with the Second Schedule of the B(P)R;
 - (ii) fireman's lift should be provided in compliance with Regulation 41B of the B(P)R;

- (iii) access and facilities for persons with a disability in compliance with Regulation 72 of the B(P)R should be provided for all parts of non-domestic building/areas; and
 - (iv) your attention is also drawn to the policy on GFA concessions under Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 in particular the 10% overall cap on GFA concessions and, where appropriate, the requirements of suitable building design guidelines under PNAP APP-152;
- (c) detailed comments under the BO will be provided at building plan submission stage;
- (d) under the BO, any person who intends to carry out demolition works or building works is required to appoint an Authorized Person, and a Registered Structural Engineer and/or Registered Geotechnical Engineer where necessary, to prepare and submit plans for the approval of the Building Authority (“BA”), save for the building works exempted from the BO or the building works falling within the designated minor works items implemented through the simplified requirements under the Minor Works Control System;
- (e) to ensure the safety and maintain convenience for both the public and site workers, any person who intends to carry out demolition works or building works is required under BO to submit hoarding plans together with an application for permit to erect hoardings/covered walkways (“hoarding permit”) in accordance with the B(P)R to BD. BD will process the plans and application according to the provisions of the BO and the requirements under PNAP APP-23. Moreover, BD would refer the plans to relevant departments, including HyD, TD, the Hong Kong Police Force and LandsD, etc., for consideration on matters under their respective areas of concern or purview. In this connection, the design of hoardings/covered walkways is required to comply with the standard requirements of departments concerned. The Registered Contractor of the site shall erect the hoardings/covered walkways in accordance with the plans accepted by BD; and
- (f) for the sake of safeguarding the public and site workers, the BD will carry out site monitoring inspection for building works in progress, in particular if adequate safety precautionary measures have been taken.

Urban Design & Visual Aspects

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

the Site falls within an area zoned “R(A)6” on the approved Sai Ying Pun & Sheung Wan OZP No. S/H3/34 and is subject to a maximum BH of 100mPD, or the height of the existing building, whichever is the greater. As the proposed commercial building does not deviate from the statutory BH restriction, significant adverse impact is not anticipated.

10.1.6 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; and
- (b) it is suggested to provide 20% greenery in accordance with PNAP APP-152.

Landscape Aspect

10.1.7 Comments of CTP/UD&L, PlanD:

- (a) the Site falls within an area zoned “R(A)6”, which is a non-landscape sensitive zoning. According to aerial photo of 2021 and the applicant’s Planning Statement (**Appendix Ia**), the Site is currently occupied by an existing residential building with no significant sensitive landscape resources; hence, significant adverse landscape impact arising from the proposed development is not anticipated; and
- (b) should the Board approve this application, it is considered not necessary to impose a landscape condition, as no adverse landscape impact arising from the proposed development within the site is anticipated in the subject “R(A)6” zone.

Environment

10.1.8 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application;
- (b) office developments are normally provided with central air conditioning system, and the applicants/Authorised Persons should be able to select a proper location for fresh-air intake during detailed design stage and avoid exposing future occupants under unacceptable environmental nuisance or impact;

- (c) should the application be approved, the following approval conditions are required:
 - “the submission of Sewerage Impact Assessment (SIA) to the satisfaction of DEP or the Board; and
 - the implementation of local sewerage upgrading/connection works identified in the SIA to the satisfaction of the Director of Drainage Services or the Board.”
- (d) regarding the concerns raised on potential air pollution and noise caused by the works of the proposed development, the proponent shall comply with relevant pollution control ordinances and regulations during the works.

Drainage and Sewerage

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

no comments on and objection to the application provided that the following approval condition is imposed:

- “the submission drainage impact assessment (DIA) and implementation of the local drainage upgrading/drainage connection works as identified in the DIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

Heritage Conservation

10.1.10 Comments of the Executive Secretary of the Antiquities and Monuments Office (AMO), Development Bureau (DEVB):

- (a) no adverse comments on the application provided that the works arising from the proposed redevelopment, if approved by the Board, will not cause any adverse impact on the existing Grade 2 historic building of East Wing, St. Louis School, No. 179 Third Street, Sai Ying Pun located about 88m away from the Site; and
- (b) AMO’s comment from the heritage conservation perspective on the proposed works at the Site will be offered as and when required upon receiving any referrals from respective departments under the current internal monitoring mechanism for graded historic buildings.

Fire Safety

10.1.11 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his Department;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) as no details of the emergency vehicular access (EVA) have been provided, comments could not be offered by his Department 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 administered by the BD.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Commissioner of Police (C of P);
- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD);
- (d) Project Manager (South), CEDD; and
- (e) District Officer (Central and Western), Home Affairs Department.

11. Public Comments Received During Statutory Publication Period

11.1 On 2.11.2021 and 8.3.2022, the application and the FI (**Appendix Ic**) were published for public inspection respectively. During the first three weeks of the statutory public inspection periods, a total of 9 public comments were received (**Appendix III**), including 6 supporting comments and 3 opposing comments submitted by individuals.

11.2 The major grounds of public comments on the application are summarised below:

Supporting Comments

- (a) the Site is at a convenient location and well served by public transportation, making it more suitable for an office development;
- (b) the proposed development is compatible with the traditionally mixed-use area. Development of more office and shops will benefit local residents in the neighbourhood;
- (c) the proposed development could make good use of land resources by redeveloping the under-utilised residential site into an office development of reasonable scale. Considering the lack of small office space in the district, the proposed development is considered appropriate;

- (d) residents living along DVRW are exposed to nuisances generated by vehicular traffic and trams running along DVRW as well as restaurants during nighttime. The proposed development could help avoid direct exposure to traffic noise and nuisances from DVRW;
- (e) the Site is too small for residential development and may lead to nano-flat development;
- (f) the uncommon shape of the Site is a great opportunity to infuse Japanese concept on office building to achieve a better architectural advancement in Hong Kong;

Opposing Comments

- (g) the application should be rejected in view of the residential nature of the area and the close proximity of the Site to public open space, recreational facilities and schools;
- (h) the proposed development will cause traffic congestion as well as noise and air pollutions during demolition stage;
- (i) the proposed development would attract more tenants in the area and pose adverse impacts to the residents of Grace Mansion. In particular, the construction of the proposed development might affect the current access to Grace Mansion (i.e. the alleyway between the Site and Grace Mansion) and pose safety and security concerns to residents;
- (j) the size of the proposed office unit is about half of that of the existing flats on the Site. While there is news reported that nano-flats were not popular in the housing market, there are doubts on the merits of such small office units;
- (k) there have been reports on the conversion of small office units to domestic use which often involve other problems including fire safety, security and violation of lease terms;
- (l) the existing building at the Site is a pre-war building. Although it is not graded, it would be disappointing if it were to be demolished. Also, the proposed development would affect the historic urban fabric;
- (m) a 4-storey residential building with small footprint would allow better ventilation between DVRW and Sai On Lane, which is more beneficial to the residents at Grace Mansion than a bulky office block with wall effect; and
- (n) it is not necessary to build nano-flats if the Site is not used for office development. It is up to the developers to choose whether nano-flats should be developed.

12. Planning Considerations and Assessments

- 12.1 The applicant proposes to redevelop the existing 4-storey residential building into a 24-storey commercial building with office use (3/F to 23/F), shop and services use (G/F and 2/F) and E&M facilities (1/F) at the Site which is zoned “R(A)6” on the OZP. The BH of the proposed development is 100mPD which is within the BH restriction on the OZP.

Planning Intention and Land Use Compatibility

- 12.2 The Site is zoned “R(A)6” which is intended primarily for high-density residential development with commercial uses always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. In general, sites should be developed in accordance with the planning intention of the zoning as shown on the OZP unless strong justifications have been provided for departure from such planning intention.
- 12.3 The Site is currently occupied by a 4-storey residential building with a shop on G/F. As mentioned in paragraph 8.2 above, the immediate neighbourhood of the Site is mainly high-rise residential developments with commercial uses on the lower floors. Apart from the hotel development (The Henry) at 322 DVRW (with building plans for conversion of an office building into hotel approved by the Building Authority on 18.9.2008 when the site was zoned “C/R” on the OZP, in which both hotel and office are always permitted), all the other buildings in the immediate neighbourhood of the Site, i.e. the same street block, are residential developments with retail uses on the lower floors (**Plan A-4**). In this regard, the proposed office development at the Site is considered to be located in a predominantly residential area. Although the proposed office development with ‘Shop and Services’ use on the lowest three floors is considered not entirely incompatible with the surrounding developments and does not exceed the maximum BH of 100mPD as stipulated on the OZP, it has not satisfied criterion (e) of TPB PG-No.5 in that the proposed office building should not be located in a predominantly residential area as highlighted in paragraph 5.1 above.

Notional Residential Scheme

- 12.4 The applicant submitted a notional residential scheme (**Drawings A-8 and A-9**) with the assumption of utilising the permissible development potential and being compliant with prevailing building and fire safety regulations and sustainable building design guidelines. The applicant claimed that the Site is not conducive to residential developments due to its small plot size and elongated shape, and only 9 “nano-flats” of about 13.45m² (in terms of usable floor area) could be provided, which would be undesirable. However, the size of the proposed residential flats to be built at the Site would be dependent on the design of the future development and the applicant’s decision whether to redevelop the Site with the maximum permissible SC/PR under B(P)R. It should be noted that the notional residential scheme submitted by the applicant is only one of the many schemes achievable under B(P)R.

Technical Considerations

- 12.5 Other concerned departments, including TD, ArchSD, DSD, HyD, WSD, CEDD, CTP/UD&L, PlanD, and Fire Services Department, have no adverse comment on the application.

Similar Applications

- 12.6 As mentioned in paragraph 7.3 and 7.4 above, there are three rejected similar applications of which two (No. A/H3/436 and A/H3/438) were also dismissed by TPAB on appeal mainly on the grounds that the appeal sites were located in a predominantly residential area and criterion (e) of TPB PG No. 5 (paragraph 5.1(e) above refers) has not been satisfied. Similar to the application sites at Gage Street (No. A/H3/436) and Glenealy (No. A/H3/438 and A/H3/441), the immediate neighbourhood of the Site is predominantly residential in nature with only one hotel development (which was already in existence before the area was rezoned to “R(A)6”) in the same street block.
- 12.7 For the four similar applications for commercial use in “R(A)” zone involving small site area approved by the Board in the Sheung Wan area and Kowloon district (No. A/H3/402, A/H3/392, A/K2/193 and A/K3/574), as cited by the applicant, each of those applications has its unique planning background and context. As mentioned in paragraph 7.2 above, Application No. A/H3/402 for proposed office, eating place and shop and services involves a site that is surrounded on three sides by existing commercial buildings. Application No. A/H3/392 involves a different proposed use (e.g. hotel development) in Sheung Wan which may not be directly comparable to the current application. As for Applications No. A/K2/193 and A/K3/574, while both of them are not located in the same OZP as the current application, the proposed office developments in the two applications are of much smaller scale (6 storeys and 13 storeys respectively), and the application site of Application No. A/K3/574 is located in a mixed commercial/residential area. In view of the differences in site context, scale of development and planning history, the current application should be considered on its own merits. The Committee’s decision in respect of those approved applications were not relevant to the subject application.

Public Comments

- 12.8 Regarding the public comments, the assessment above and the comments of the relevant government departments in paragraph 10 above are relevant. As for the comment that the demolition of the existing pre-war building at the Site is disappointing, the existing building at the Site is not a graded historic building according to the AMO’s Assessment of 1444 Historic Buildings and New Items.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, PlanD does not support the application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “R(A)6” zone which is for high-density residential developments and there is no strong planning justification for a departure from the planning intention of the “R(A)6” zone; and
- (b) the proposed development does not comply with TPB PG No. 5 in that the proposed office is located in a predominantly residential area.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.4.2026, 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 submission of a Drainage Impact Assessment (DIA) to the satisfaction of the Director of Drainage Services 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 drainage and sewerage upgrading/drainage and sewerage connection works as identified in the DIA and 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 IV**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

Attachments

Appendix I	Application form received on 25.10.2021
Appendix Ia	Planning Statement received on 25.10.2021
Appendix Ib	Supplementary Information received on 28.10.2021
Appendix Ic	FI received on 24.2.2022
Appendix Id	FI received on 1.4.2022
Appendix Ie	FI received on 12.4.2022 and 14.4.2022
Appendix II	Similar Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory clauses
Drawings A-1 to A-7	Floor Layouts and Section Plans
Drawings A-8 to A-9	Notional Residential Scheme
Drawing A-10	G/F Layout Plan with Site Frontage Dimension
Drawing A-11	Location of Kerbsides with Permitted L/UL activities at DVRW
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Plan showing BH of Surrounding Existing Developments
Plan A-4	Site Plan showing Existing Developments in the Surrounding Areas of the Site
Plan A-5	Location Plan on previous OZPs
Plans A-6 to A-9	Site Photos

**PLANNING DEPARTMENT
APRIL 2022**