

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H5/413
(for 3rd Deferment)

<u>Applicant</u>	Great Kinetic Limited represented by Kenneth To & Associates Limited
<u>Site</u>	31-36 Sau Wa Fong, Wan Chai, Hong Kong
<u>Site Area</u>	About 735.96m ²
<u>Lease</u>	<p>Inland Lot (IL) 199 s.A ss.2 RP, 199 s.B ss.1, 199 s.B ss.2 and 199 s.B ss.3</p> <p>(a) Unrestricted User with non-offensive trade clause; and</p> <p>(b) the existing pedestrian passages at the north-eastern and north-western of the site are designated pedestrian right of way (ROW) via a private agreement among lots owners under the Deed of Partition with memorial No. UB77730</p>
<u>Plan</u>	Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28
<u>Zoning</u>	<p>“Residential (Group C)” (“R(C)”) – about 442.87m² (60.2%)</p> <p>(a) maximum plot ratio (PR) of 5.0 and maximum building height (BH) of 12 storeys, or the PR and height of the existing building, whichever is the greater</p> <p>(b) provision for application for minor relaxation of PR and BH restriction (BHR)</p> <p>Area shown as ‘Road’ – about 253.36m² (34.4%)</p> <p>“Residential (Group A)” (“R(A)”) – about 39.73m² (5.4%)</p> <p>(a) maximum BH of 110mPD, or the height of the existing building, whichever is the greater</p> <p>(b) provision for application for minor relaxation of BHR</p>
<u>Application</u>	Proposed Flat with Minor Relaxation of BHR

1. Background

- 1.1 On 11.9.2020, the Town Planning Board (the Board) received an application seeking planning permission for proposed flat with minor relaxation of BHR¹ at the application site (**Plan A-1**).
- 1.2 On 6.11.2020, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as requested by the Planning Department (PlanD) in view of the Site is still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council for consideration and the substance of the representation is relevant to the subject application.
- 1.3 On 10.12.2020, the legal representative of the applicant wrote to the Board requesting the Board not to defer the application and to proceed with the consideration and determination of the application as soon as possible on the ground that the criteria for deferment as set out in the TPB PG-No. 33 were not applicable to the application. Having sought legal advice and reconsidered the matter including the points raised by the legal representative of the applicant, the Committee decided, on 22.1.2021 that the application could be submitted for the Committee's consideration in the earliest available meeting.
- 1.4 On 26.2.2021, the Committee agreed to defer making a decision on the application for one month, as requested by the applicant, to allow sufficient time to address departmental comments. Subsequently, the applicant submitted further information on 12.3.2021 providing responses to departmental comments and public comments, revised Geotechnical Planning Review Report (GPRR), etc. The application is scheduled for consideration by the Committee at this meeting.

2. Request for Deferment

On 23.4.2021, the applicant's representative wrote to the Secretary of the Board and requested the Board to further defer making a decision on the application for another one month to allow more time for the applicant to prepare further information to address the further comments from the Buildings Department (BD) and Transport Department (TD) (**Appendix I**).

3. Planning Department's Views

- 3.1 The application has been deferred twice, one at the request of PlanD and one for one month at the request of the applicant. Since the last deferment, the applicant has submitted further information including responses to departmental comments and public comments and revised GPRR to address departmental comments. As both BD and TD have further comments on the further information submitted, applicant requires additional time to prepare responses to their comments.
- 3.2 PlanD has no objection to the request for deferment as the justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and

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

Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needs more time to prepare further information in response to departmental comments, the deferment period is not indefinite and the deferment would not affect the interests of other relevant parties.

- 3.3 Should the Committee agree to defer a decision on the application, the application will be submitted to the Committee for consideration within two months upon receipt of further submission from the applicant. If the further information submitted by the applicant is not substantial and can be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The applicant should be advised that the Committee has allowed a further one month for preparation of submission of further information. Since this is the second deferment of the application at the request of the applicant, the applicant should also be advised that the Committee has allowed a total of two months for the preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

4. Decision Sought

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

5. Attachments

Appendix I	Letter dated 23.4.2021 from the applicant's representative
Plan A-1	Location plan

**PLANNING DEPARTMENT
APRIL 2021**