

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

**APPLICATION NO. A/H5/415**

<b><u>Applicant</u></b>	: Ming Hing Civil Contractors Limited represented by Aikon Development Consultancy Limited
<b><u>Site</u></b>	: 72 - 76 Queen's Road East, Wan Chai, Hong Kong
<b><u>Site Area</u></b>	: About 196.34m <sup>2</sup>
<b><u>Lease</u></b>	: Marine Lot (ML) 25 R.P.  - Unrestricted User with non-offensive trade clause and rate and range clause
<b><u>Plan</u></b>	: Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28
<b><u>Zoning</u></b>	: "Residential (Group A)" ("R(A)")  (a) maximum building height (BH) of 110mPD or the height of the existing building, whichever is the greater  (b) provision for application for minor relaxation of BH restriction
<b><u>Application</u></b>	: Proposed Office and Shop and Services

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed 26-storey commercial development with 'Shop and Services' use on G/F to 2/F at 72-76 Queen's Road East, Wan Chai, Hong Kong (the Site). The Site falls within an area zoned "R(A)" on the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28 (**Plan A-1**). According to the Notes of the "R(A)" 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 development parameters of the proposed development are tabulated below. The floor plans, elevations and sections of the proposed development are shown at **Drawings A-1 to A-8**.

Major Development Parameters	Proposed Development
Site Area	about 196.34m <sup>2</sup>
Maximum Non-Domestic gross floor area (GFA)	about 2,944.26m <sup>2</sup> (excluding 150.14 m <sup>2</sup> of non-accountable GFA)
Maximum Non-Domestic Plot Ratio (PR)	about 15
Site Coverage (SC)	Podium: about 78% Tower: about 62.1%
No. of Block	1
No. of Storeys	26 (G/F to 25/F)
BH (Main Roof)	about +102.7mPD
Open Space Provision (Public)	about 152.89m <sup>2</sup> (about 94.12m <sup>2</sup> at 3/F about 58.77m <sup>2</sup> at R/F)

- 1.3 The main uses by floor for the proposed development (**Drawing A-8**) are summarised as follows:

Floor	Main Uses
G/F to 2/F	Shop and Services
3/F	Communal Podium Garden
4/F	Mechanical Floor
5/F to 25/F	Office
R/F	Communal Roof Garden

- 1.4 According to the applicant, one lift will serve the proposed 'Shop and Services' use from G/F to 2/F only, while another two lifts will serve all proposed uses from G/F to 25/F. No internal transport facilities, such as parking space, loading/unloading (L/UL) space and manoeuvring space are provided in the proposed development. Two communal gardens at 3/F and R/F are proposed (**Drawings A-4 and A-6**) for public use, with the opening hours from 9:00 a.m. to 10:30 p.m. Vertical greening walls and green facades (about 320m<sup>2</sup>) with planters on edges (about 35m<sup>2</sup>) are also provided at the external walls of the proposed development. The applicant will take the management and maintenance responsibilities of the landscape provision.

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

- (a) Application form received on 7.12.2020 **(Appendix I)**
- (b) Planning Statement including Traffic Impact Assessment (TIA) and revised Executive Summary received on 7.12.2020 **(Appendix Ia)**
- (c) Further information (FI) received on 29.3.2021 providing response to departmental comments, sections, Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), revised floor plans and elevations, and replacement pages of the Planning Statement<sup>#</sup> **(Appendix Ib)**

<sup>#</sup>accepted but not exempted from publication and recounting requirements

- 1.6 On 5.2.2021, as requested by the applicant, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months. Subsequently, the applicant submitted FI on 29.3.2021 (**Appendix Ib**) and the application is scheduled for consideration at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the Planning Statement and FI at **Appendices Ia** and **Ib**. They are summarised as follows:

### In line with Government's Policy for Increasing Supply for Commercial Office Space

- 2.1 The proposed development is in line with the Government's policy for increasing the supply of commercial office space as stated in the 2017 Policy Address and the "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030" which proposes to create a Metropolitan Business Core with the agglomeration of business activities.
- 2.2 The proposed development is also in line with the future position of Wan Chai as Wan Chai has been characterised as a business hub extended from the tradition Central Business District (CBD).

### Responding to the Immediate Demand for Commercial Office Space

- 2.3 There has been shortage of commercial office space in Hong Kong. The proposed development would provide timely and relatively affordable commercial floor space compared to those in traditional CBD.

### In Accordance with the Planning Intention of the "R(A)" Zone

- 2.4 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, while commercial uses on other floors are under Column 2 of "R(A)" zone. There is a trend towards more intensive commercial development mainly along Queen's Road East, the proposed use will be well integrated with the surrounding area.

### In Line with the Town Planning Board Guidelines No. 5 (TPB PG-No. 5)

- 2.5 The proposed development is in line with the intention of the TPB PG-No. 5 to meet part of the increasing demand for office use by redeveloping residential buildings within the "R(A)" zone in districts that have a demonstrated demand, in which, the proposed office development certainly conforms with. The Site is large; well served by public transports and easily accessible; would not generate adverse traffic impact; and compatible with the existing and planned land uses of the locality. The proposed development is purposely designed for office use which will be managed by the applicant. No illegal conversion to domestic units or other uses would be allowed.

### Suitable Site and Compatible Land Uses with Surrounding Areas

- 2.6 The Site is suitable for the proposed use as commercial developments with direct frontage on Queen's Road East are proliferating, there is a clear trend towards more office uses. The proposed development is compatible with the surrounding areas and would not generate adverse land use interface problems.

### Uplifting the Quality of Local Environment by Providing Landscape and Open Space

- 2.7 The proposed development is in line with the Public Open Space in Private Developments Design and Management Guidelines promulgated by the Development Bureau by providing public spaces that is visible to public, open-to-sky and landscaped. The applicant will take up the management and maintenance responsibilities of the landscape provision.

### No Adverse Impacts on Traffic, Environmental, Fire Safety, Drainage and Sewage Aspects

- 2.8 According to the applicant, the proposed development would not generate adverse traffic, environmental, fire safety, drainage and sewage impacts. TIA has been conducted to demonstrate that no significant nor adverse traffic impact is anticipated by the proposed development given the nil provision of internal transport facilities. DIA and SIA have also been conducted to assess the availability and adequacy of the existing sewers and drainage systems in the vicinity of the Site, and concluded that the proposed development shall not result in any adverse drainage and sewage impacts.

### No Undesirable Precedent on the Current OZP

- 2.9 There were similar applications (such as application No. A/H5/377, 400, 411 and 412 on the same OZP; and A/H3/402, 432, A/H7/172, A/H8/424, A/K2/193, A/K3/574, A/K5/782 and A/K20/127 in other OZPs) approved by the Board for 'Office' use within "R(A)" zone in the territory in the past 10 years. The approval of the the application would not induce undesirable planning precedent.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is not the "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by providing statement of consent signed by the concerned current land owner. Detailed information would be deposited at the meeting for Members' inspection.

## **4. Background**

The Site is zoned as "R(A)" since the draft Wan Chai OZP No. S/H5/1 gazetted on 22.6.1984. The BH restriction of 110mPD for the subject "R(A)" zone was first imposed for the subject "R(A)" zone on the draft Wan Chai OZP No. S/H5/26 gazetted on 24.9.2010. The BH restriction requirement remains the same on the draft Wan Chai OZP No. S/H5/28 currently in force.

## **5. Town Planning Board Guidelines**

- 5.1 The Town Planning Board Guidelines for Application for Office Development in “Residential (Group 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 the Hong Kong Planning Standards and Guidelines (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 Mass Transit Railway (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 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 There are 6 similar applications for office developments with/without other commercial uses within the “R(A)” zone of the Wan Chai OZP between 2008 and 2019, of which, 5 applications (No. A/H5/372, A/H5/377, A/H5/400, A/H5/411

and A/H5/412) were approved with conditions and 1 application (i.e. No. A/H5/396) was rejected by the Committee of the Board. The locations and details of these applications are at **Plan A-1** and **Appendix II** respectively.

- 7.2 Three applications (No. A/H5/372, A/H5/377 and A/H5/411) are located within the study area of the 'Land Use Review of the Area to the southwest of the Junction of Hennessy Road and Johnston Road' in 2008 (Land Use Review 2008), which was to explore the development potential of this residential area for rezoning to commercial use (**Plan A-1**). The review concluded that the concerned area possessed great potential to be redeveloped for commercial use with location which is adjacent to the CBD at Central and Admiralty. However, in view of the traffic concerns, wholesale rezoning of the area to commercial use was considered not appropriate and redevelopment was suggested to be considered by way of the planning permission system to ensure no traffic impact. Application No. A/H5/372 was for redevelopment of commercial building into office use, having considered the findings of the Land Use Review 2008, the application was approved with conditions upon review on 28.11.2008. The office building was completed in 2012. Application No. A/H5/377 was for proposed office use, part of the application site was the subject of the application No. A/H5/372, having considered the findings of the Land Use Review 2008, the application was approved with conditions on 7.11.2008. However, the planning permission lapsed on 7.11.2012. Application No. A/H5/411 was for proposed commercial building with office, shop and services, eating place, exhibition hall, convention hall, educational institution, place of entertainment and place of recreation sports or culture and minor relaxation of building height restrictions, part of the application site was the subject of the application No. A/H5/377, having considered the scale of the site is large and the traffic impacts were relatively insignificant, the application was approved with conditions by the Board on 2.11.2018.
- 7.3 Two other applications (i.e. No. A/H5/400 and A/H5/412) on a similar site for similar commercial development (including office, eating place and shop and services etc.) were approved with conditions by the Committee on 2.1.2015 and 4.1.2019 respectively. They were approved with conditions mainly on the grounds that the proposed commercial use was not incompatible with the surrounding uses in the commercial cluster of the Queen's Road East area, the proposed public passage would offer a better walking environment and alternative route for the pedestrians and there were no adverse comments from the concerned departments.
- 7.4 The remaining application (No. A/H5/396) was for proposed office and was rejected by the Committee on 4.4.2014 mainly on the grounds that internal transport facilities are not provided in the proposed office development and the applicant fails to demonstrate that such arrangement would not adversely impact on the traffic condition of the locality and hence the compliance with the TPB PG-No.5, as well as approval of the application would set an undesirable precedent for similar applications and the cumulative effect of which would have adverse traffic impact on the road network in the vicinity.

## **8. The Premises and its Surrounding Areas (Plans A-1 to A-5)**

- 8.1 The Site is:

- (a) bounded by Queen's Road East and Li Chit Street to its southwest and northwest;
- (b) currently occupied by a 10-storey residential building, namely Shun Fat Building, with an eating place on the G/F and offices on 1/F to 3/F. There are 12 flats; and
- (c) well served by different modes of public transport and the nearest entrances of Admiralty and Wan Chai MTR Stations are about 450m and 405m from the Site respectively.

8.2 The surrounding areas have the following characteristics:

- (a) the immediate neighbourhood bounded by Landale Street, Johnston Road, Gresson Street and Queen's Road East is predominantly residential in nature with a mixture of old and new, low to high-rise residential developments with/without commercial uses on the lower floors (such as Li Chit Garden, Kam Tak Mansion, Rialto Building and Wai Cheong Building etc.) and two commercial developments (Queen's Centre and Keen Hung Commercial Building (which were the subject of planning applications approved by the Board in 1979 and 1992); and
- (b) to the south across Queen's Road East is also a predominantly residential neighbourhood bounded by St Francis Street and Wing Fung Street with a mixture of old and new residential developments (such as Lok Moon Mansion and The Mount etc.) and a few commercial developments (such as Dominion Centre).

## **9. Planning Intention**

The planning intention of the "R(A)" 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 East, Lands Department (DLO/HKE, LandsD):

- (a) The Site comprises ML 25 R.P. (the Lot). The Government lease for ML 25 governing the Lot is for a term of 999 years from 9 July 1844. The concerned lease does not have any user restrictions but contains the standard non-offensive trade clause and rate and range clause. His office has no objection to the proposed office development under the application provided that the proposed redevelopment is approved by the Building Authority (BA) under the provisions of the Buildings

Ordinance (BO). The applicant is not required to seek a lease modification from his department to implement the proposal. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

- (b) An offensive trade licence covering the Lot has been executed by the Government pending registration in the Land Registry.

### **Traffic**

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

- (a) He has no objection to the application from traffic engineering perspective.
- (b) His technical comments on traffic issues are detailed in **Appendix III**.
- (c) Should the application be approved, the following condition is required:

“the submission of a revised TIA, and the implementation of the mitigation measures, if any, identified in the revised TIA, to the satisfaction of the Commissioner for Transport or of the Board”.

### **Building Matter**

#### 10.1.3 Comments of the Chief Building Surveyor/Hong Kong East and Heritage (CBS/HKE&H), BD:

- (a) She has no in-principle objection subject to the BA’s consideration of the application for modification of Building (Planning) Regulation (B(P)R) 23(2)(1) for inclusion of the right-of-way in site area (**Plan A-2**) pursuant to Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-73 upon formal building plan submission. She reserve her position under B(P)R 20 and 21.
- (b) As the applicant will include the GFA of lift shaft, lift lobby and staircases at 3/F and 4/F, she has no objection to the overall GFA calculation under BO. Detailed comments on compliance with the BO will be given upon formal building plans submission.

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

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

- (a) The Site falls within “R(A)” zone subject to BH restriction of 100mPD under the OZP. The proposal is mainly to erect a 26-storey commercial building at the Site. The proposed BH of about 102.7mPD is within the permissible statutory BHR. The scale of the



proposed development is considered not incompatible with the surrounding area.

- (b) The applicant has addressed her comments on the location of the proposed open space and confirmed that the public open space are intended to open for public enjoyment.

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

- (a) The proposed development consists of a 26-storey office building with building height of 102.7mPD, which is lower than the BH restriction of 110mPD, it is considered that the proposed development may not be incompatible with surrounding buildings with BH restriction of 110mPD.
- (b) Regarding the treatment for façade facing west, the applicant should consider better façade treatment at its north-west elevation, including solar control devices, to avoid glare to the surrounding developments as far as practicable.
- (c) Regarding greenery issue, it is noted that planters are proposed outside the curtain wall on each floor at its south-west elevation. With reference to the submitted perspective drawing (**Appendix Ib**), the applicant is required to review the feasibility of the planting proposal. Particularly the extensive planting hanging outside the curtain wall which may block views and natural lighting of the office floors.
- (d) Regarding the issues related to provision for the public open space and glass canopy, it is noted that these issues have been satisfactorily addressed and the applicant would follow relevant statutory requirements in detailed design stage for the glass canopy design.

**Landscape**

10.1.6 Comments of CTP/UD&L, PlanD:

The Site does not fall within landscape sensitive zonings. Referred to site photos in the planning statement (**Appendix Ia**), no existing trees is found within the Site and hence significant landscape impact is not envisaged.

**Environment**

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

- (a) She has no objection to the application.
- (b) According to the provided information, the existing 10-storey residential building in the Site will be demolished and a new 26-storey commercial building comprising 'Office' and 'Shop and Services' will be built.

- (a) She has no particular comment on the submitted SIA (**Appendix Ib**). However, as the SIA report suggests that a sewer segment (A4 to A5) is required to upgrade from 150 to 225mm diameter and the details of implementation should be further liaised with the relevant departments.
- (b) Should the application be approved, the following conditions on ~~waste management~~**sewerage** are required:
  - “the submission of an updated SIA to the satisfaction of the Director of Environmental Protection or the Board; and
  - the implementation of local sewerage upgrading/sewerage connection works identified in the revised SIA in planning condition above to the satisfaction of the Director of Drainage Services or the Board.”.

The applicant is advised to minimise the generation of construction and demolition (C&D) materials and reuse and recycle the C&D materials on-site as far as possible.

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

- (a) He has no comment from sewerage viewpoint of the SIA (**Appendix Ib**), which should be subject to the view and agreement of the Environmental Protection Department as the planning authority of sewerage infrastructure.
- (b) It is noted that there is no change in the drainage flow path of the Site in existing condition and there is also no change in the catchment area after the proposed development, he therefore has no comment on the DIA (**Appendix Ib**) from drainage planning viewpoint.

**Fire Safety**

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

- (a) He has no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (c) The emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administrated by BD.

**District Officer's Comments**

10.1.10 Comments of the District Officer (Wan Chai), Home Affairs Department:

His office has not received any comment on the application.

10.2 The following departments has no comment on the application:

- (a) Chief Highway Engineer/Hong Kong, Highways Department;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Executive Secretary of Antiquities and Monuments;
- (d) Director of Food and Environmental Hygiene;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Director of Electrical and Mechanical Services; and
- (g) Commissioner of Police.

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

11.1 On 15.12.2020 and 9.4.2021, the application and the FI (**Appendix Ib**) were published for public inspection respectively. During the first three weeks of the statutory public inspection periods, a total of 6 comments (**Appendix IV**) objecting to the application were received.

11.2 The objecting comments were submitted by 4 individuals (of which one individual submitted comments on both the application and FI) and a Wan Chai District Council (WCDC) member (Miss Yeung Suet-ying who is the Chairperson of the WCDC). Major points of the objecting comments are summarised as follows:

- (a) the proposed development is not in line with the planning intention of the “R(A)” zone. Given the housing shortage and the pressing demand for housing land, land zoned “R(A)” should be retained for residential use;
- (b) provision of commercial space in the locality is sufficient;
- (c) adverse impacts on the traffic, visual, air ventilation, sewage, noise and environment of the surrounding areas would be caused by the proposed development and during the construction. Also, Queen’s Road East is already very congested and the additional traffic generated from the proposed development would worsen the traffic congestion of the surrounding road network;
- (d) the proposed development is considered too bulky; and
- (e) accessibility to the proposed open space and management of the planters on each floor are uncertain.

## **12. Planning Considerations and Assessments**

12.1 The applicant proposes to redevelop the existing 10-storey residential building into a 26-storey office building with 21 levels of office use, 3 levels of shop and services use, 2 levels of communal garden (3/F and R/F) and 1 level for mechanical use at the Site which is zoned “R(A)” on the OZP. The proposed BH of the development is 102.7mPD which is within the BH restriction on the OZP.

No internal transport facilities are proposed in the proposed development. Vertical greening walls and green facades with planters on edges are provided at the external walls of the proposed development.

#### Planning Intention and Land Use Compatibility

- 12.2 The Site is zoned “R(A)” 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 a departure from such planning intention.
- 12.3 As mentioned in paragraph 8.2 above, the immediate neighbourhood of the Site is a mixture of old and new, low to high-rise residential cluster with/without commercial uses on the lower floors of the residential buildings (including Li Chit Garden and Kam Tak Mansion). Apart from two commercial developments (which were the subject of the approved planning applications) and the ‘Shop and Service’ use at the ground floor of the existing residential developments, the area in which the Site is located is a predominantly residential neighbourhood (**Plan A-3**). Out of 15 buildings located within the immediate neighbourhood of the Site, 13 buildings (including the Site) are for residential developments. In this regard, the proposed office development would be located in a predominantly residential area. Hence, although the proposed office development with ‘Shop and Services’ use on the lowest three floors is considered not incompatible with the surrounding developments and does not exceed the maximum BH of 110mPD as stipulated on the OZP, it is not fully in line with 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.

#### Planning Merits

- 12.4 The applicant has proposed to provide communal open space on 3/F and R/F for public use (**Drawings A-3 and A-6**). Given the two communal open space are not located at street level, they are not easily accessible for public use. Hence, the planning gain is considered to be limited.

#### Similar Applications and Setting of Precedent

- 12.5 Regarding the 5 planning applications (No. A/H5/372, A/H5/377, A/H5/400, A/H5/411 and A/H5/412) approved by the MPC, unlike the applications No. A/H5/372, A/H5/377 and A/H5/411, which were located within the study area of the Land Use Review 2008 (**paragraph 7.2** and **Plan A-1** refers), the Site does not fall within the study area of the aforementioned land use review. For planning applications No. A/H5/400 and A/H5/412, planning merits such as dedicated area for pedestrian public passage and pedestrian tunnel were proposed in the applications. As for the current application, the planning merit is rather limited as mentioned in paragraph 12.4 above.
- 12.6 For similar applications that were approved by the Board in other areas of Hong Kong Island (A/H3/402, A/H3/432, A/H7/172 and A/H8/424) in the past ten years, as cited by the applicant, each of these applications has its unique planning background and context. Both applications No. A/H3/402 and A/H3/432 for

proposed office, eating place and shop and services, involve a same site (at 2-4 Shelley Street), is surrounded on 3 sides by existing commercial building. For application No. A/H7/172 for proposed office, shop and services and eating place, the application site (at 8 Leighton Road) is the subject of nine planning applications previously approved by the Committee for commercial/office/hotel uses since 1981 and the site is currently used as a hotel. For application No. A/H8/424 for proposed development complex containing school, institution and office uses at the application site (at 1 and 1A Java Road), it was approved on the grounds, *inter alia*, the redevelopment was seen as the continuation of the school function at the site (which was occupied by a secondary school), and would allow the applicant to sustain its community and education services through generation of income from the office rent.

- 12.7 In view of the above, all previously approved planning applications are different from the subject application either in terms of their site context or planning background and hence, are not relevant to the subject application.

#### Public Comments

- 12.8 There are six public comments received objecting the application during the statutory publication periods as summarised in paragraph 11. The planning considerations and assessments in paragraph 12.1 to 12.7 above are relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD does not support the application for the following reasons:
- (a) there is no strong planning justification for a departure from the planning intention of the "R(A)" zone which is intended primarily for high-density residential developments; and
  - (b) the proposed development does not comply with TPB PG-No.5 in that the proposed office should not be 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 28.5.2025, 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 also suggested for Members' reference:

#### Approval Conditions

- (a) the submission of a revised traffic impact assessment, and the implementation of the mitigation measures, if any, identified in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (b) the submission of an updated Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) in relation to (b) above, the implementation of the local sewerage upgrading/sewerage connection works as identified in the revised 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 V**.

### **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.

### **15. Attachments**

<b>Appendix I</b>	Application form received on 7.12.2020
<b>Appendix Ia</b>	Planning Statement including TIA and revised Executive Summary received on 7.12.2020
<b>Appendix Ib</b>	FI received on 29.3.2021
<b>Appendix II</b>	Similar applications on the “R(A)” Zone of the OZP
<b>Appendix III</b>	Detailed Comments from TD
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawings A-1 to A-6</b>	Floor Plans
<b>Drawing A-7</b>	Elevations
<b>Drawing A-8</b>	Sections
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Site Plan showing Existing Developments in the Surrounding Areas of the Site
<b>Plans A-4 and A-5</b>	Site Photos