

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

**APPLICATION NO. A/H5/421**

<b><u>Applicant</u></b>	: Top Talent Development Limited represented by DeSpace (International) Limited
<b><u>Site</u></b>	: 165 – 171 Wan Chai Road, Wan Chai, Hong Kong
<b><u>Site Area</u></b>	: About 643.8m <sup>2</sup>
<b><u>Lease</u></b>	: Inland Lot (I.L.) 438 S.A ss.1, ss.2, ss.3 and ss.4  - 999 years commencing from 9.7.1855 - virtually unrestricted except the standard non-offensive trades clause
<b><u>Plan</u></b>	: Approved Wan Chai Outline Zoning Plan (OZP) No. S/H5/31 (currently in force)  Draft Wan Chai OZP No. S/H5/30 (at the time of submission)
<b><u>Zoning</u></b>	: “Residential (Group A)” (“R(A)”)  (a) restricted to 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 (BHR)  (The zoning and development restriction remain unchanged on the current OZP)
<b><u>Application</u></b>	: Proposed Commercial Redevelopment with Eating Place, Shop and Services, and Office

**1. The Proposal**

- 1.1 The applicant seek planning permission for a proposed 27-storey (including 2 levels of basement) (110mPD) commercial redevelopment with ‘Shop and Services’ and ‘Eating Place’ uses on G/F to 4/F and 22/F to 24/F and ‘Office’ use on 6/F to 21/F at 165-171 Wan Chai Road, Wan Chai, Hong Kong (the Site). According to the Notes of the “R(A)” zone, ‘Shop and Services’, ‘Eating Place’

and ‘Office’ uses require planning permission from the Town Planning Board (the Board).

- 1.2 The development parameters of the proposed redevelopment are tabulated below. The floor plans and section plan of the proposed development are shown at **Drawings A-1 to A-16**.

<b>Major Development Parameters</b>	<b>Proposed Development</b>
Site Area	about 643.8m <sup>2</sup>
Maximum Non-domestic Gross Floor Area (GFA)	about 9,657m <sup>2</sup>
- Shop and Services / Eating Place	about 3,384m <sup>2</sup>
- Office	about 6,243m <sup>2</sup>
- Ancillary facilities (Entrance lobby at G/F only)	about 30m <sup>2</sup>
Maximum Non-domestic Plot Ratio (PR)	about 15
Site Coverage (SC) <sup>1</sup>	Not more than 92% (below 24m) about 66%-91% (25m-60m) Not more than 65% (61m-105.5m)
No. of Block	1
No. of Storeys	27 (including 2 basement floors)
BH (at main roof)	Not more than 110mPD
Car Parking Spaces	
- Private Car	39
- Motorcycle	8
Loading/Unloading (L/UL) Bays	
- Light Goods Vehicle (LGV)	2

- 1.3 The main uses by floor for the proposed development are summarised as follows:

<b>Floor</b>	<b>Main Uses</b>
B1/F to B2/F	Carpark, E&M Facilities
G/F	L/UL Bays, Shop and Services/Eating Place
1/F to 4/F	Shop and Services/Eating Place
5/F	Refuge Floor cum Communal Podium Garden
6/F to 21/F	Office
22/F to 24/F	Shop and Services/ Eating Place

- 1.4 Compared with the nil parking provision in the existing commercial building at the Site, 39 private car parking spaces (including 16 sets of parking rack for double deck parking, 6 conventional parking spaces and 1 parking space for persons with disabilities), 8 motorcycle parking spaces and 2 L/UL bays would be provided

<sup>1</sup> According to the applicant, applications to the Building Authority (BA) will be made under Regulations 20 of the B(P)R to modify the SC provisions by means of the “Set Back Approach”. It involves a 2.2m setback of the building from Cross Lane, resulting a setback area of not less than 8% of the site area in compliance with the Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-132 Site Coverage and Open Space Provision. The permissible SC varies with the height of different levels of the building and the largest floor plate will be permitted with a maximum SC of up to 92% and will be subject to approval of the BA.

**(Drawings A-2 to A-4).** The proposed pedestrian entrance and vehicular access will be located at Wan Chai Road and Cross Lane respectively.

1.5 With regard to the building setback proposal, full height setbacks of 1m from the lot boundary fronting Wan Chai Road and 2.2m from the lot boundary fronting Cross Lane **(Drawing A-4)** are proposed. The footpaths of Wan Chai Road and Cross Lane will have a clear width of about 3m and 3.4m respectively. A 2m-width canopy (a vertical clearance of 3.6m from ground level) is proposed along Wan Chai Road to provide shade and weather protection for pedestrian **(Drawing A-1)**. The applicant will take up the construction, management and maintenance responsibilities of the proposed building setbacks and canopy. The proposed development is tentatively to be completed in 2029.

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

- (a) Application form received on 29.3.2023 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) including architectural drawings, photomontages, Traffic Impact Assessment (TIA) and Sewerage Impact Assessment (SIA) received on 29.3.2023 **(Appendix Ia)**
- (c) Supplementary Information (SI) received on 31.3.2023 providing replacement page of the application form and architectural drawings **(Appendix Ib)**
- (d) Further Information (FI) received on 11.4.2023 submitting responses and technical clarifications to departmental comments\* **(Appendix Ic)**
- (e) FI received on 28.4.2023 submitting responses and technical clarifications to departmental comments\* **(Appendix Id)**
- (f) FI received on 3.5.2023 clarifying the site area, providing replacement page of section plan and indicating pedestrian access on floor plan\* **(Appendix Ie)**
- (g) FI received on 10.5.2023 clarifying the dimension of the proposed mechanical parking system\* **(Appendix If)**

*\*exempted from publication requirements*

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

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the SPS at **Appendix Ia** and FI at **Appendix Id**. They are summarised as follows:

### **Redevelopment of an Existing Use with Minimal Impact to the Surroundings**

2.1 The occupation permit for the existing commercial building was issued by the Building Authority in 1983 which is before the rezoning of the Site from

“Commercial/Residential” (“C/R”) zone to “R(A)” zone and stipulation of BHR in 2010. Compared with the existing development, there is only a small net increase in GFA of about 195m<sup>2</sup> and will induce minimal impact to the surroundings.

In Compliance with the Planning Criteria in Town Planning Board Guideline No. 5 (TPB PG-No. 5)

- 2.2 In light of the 80% efficiency rate of lettable floor area and a reasonable area for an office unit of about 320m<sup>2</sup> under the proposed scheme, the Site is considered having an adequate size to achieve a properly designed office building. While the Site is easily accessible and is well-served by extensive public transport services, the applicant has endeavored to maximise the provision of car parking spaces by adopting a mechanical parking system of double deck parking. Upon redevelopment, the provision of new internal transport facilities can help eliminate existing illegal parking along the street and contain the future L/UL activities within the Site. The floor layout and facilities are purposely designed for office use. The lavatory would be provided in the common area instead of in the office units, which would help avoid subsequent conversion of offices into domestic use. In addition, the proposed building setbacks will enhance the pedestrian flow and a better walking environment at Wan Chai Road and Cross Lane. The proposed commercial use would be compatible with the common characteristics of Wan Chai and would blend in with the general land use profile of mixed residential and office/retail use on Wan Chai Road. The proposal redevelopment therefore complies with all planning criteria set in the TPB PG-No. 5.

Site Suitability for commercial use and the environmental nuisance from Wan Chai Road

- 2.3 The Site is susceptible to adverse air and noise impacts from the adjoining Wan Chai Road. The central air-conditioning and fixed windows can help obscure and limit the air and noise pollutants. It can also serve as a more effective noise barrier for the residential building clusters along Cross Lane and the Vocational Training Council Tower to its south.

Provision of design merits

- 2.4 The range of design merits will enhance the overall walkability and visual amenity of the street, the pedestrian comfort and the townscape. They are of particular significance to the physical and environmental facelift of this older part of Wan Chai.

In line with the Board’s prevailing positions on commercial development proposals in “R(A)” zone

- 2.5 There were similar applications (such as application Nos. A/H5/377, 411 and 412 on the same OZP) approved by the Board for ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses within “R(A)” zone in the territory. The proposed redevelopment also shares similar merits and grounds of the above applications and the same considerations from the Board shall be given.

### No Insurmountable Impacts on Environmental, Visual, Traffic and Sewerage Aspects

- 2.6 The proposed redevelopment would not generate insurmountable environmental (including air ventilation, landscape, drainage and water supplies), visual, traffic and sewerage impacts. The proposed 'Eating Place' use will be subject to control under the relevant environmental ordinances. Photomontages have been prepared to demonstrate that the proposed redevelopment is compatible with the surrounding building height profile and setting (**Drawings A-18 to A-22**). TIA has also been conducted to demonstrate that the proposed mechanical parking system and other internal transport facilities are functional, and that potential vehicle queue and impact on Cross Lane has been minimised. In sewerage aspect, the maximum GFA of 'Eating Place' use is linked with the extent of mitigation works to the public sewerage system, which is subject to an updated SIA to be conducted at the post-planning approval stage.

### **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 was zoned "Commercial/Residential" ("C/R") without BHR on the first Wan Chai OZP No. L/H5/34 gazetted on 26.2.1971. Following the "Stage II Study on Review of Metroplan", a land use review of the "C/R" sites in Wan Chai had been undertaken. In view of the then "C/R" sites to the south of Wan Chai Road and west of Morrison Hill Road (i.e. the area where the Site located at) were predominantly residential in nature, the Site was rezoned from "C/R" to "R(A)" with BHR of 110mPD for high-density residential development under the draft Wan Chai OZP No. S/H5/26 gazetted on 24.9.2010. The "R(A)" zoning and BHR remain the same on the approved Wan Chai OZP No. S/H5/31 currently in force.
- 4.2 The occupation permit for the existing commercial building on the Site, namely Lucky Centre, was issued in November 1983.

### **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 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 the 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 Applications**

- 6.1 The Site is the subject of two previous applications No. H5/15P and A/H5/382 (**Plan A-1**). Details of the previous application are provided in **Appendix II**. Application No. H5/15P for a proposed 18-storey workshop/office building comprising printing press workshops on the lowest three floors and offices on the upper floors was approved by the Board on 16.7.1976. The approved scheme was not implemented.
- 6.2 Application No. A/H5/382 for proposed educational institution at Shop B on G/F, 1/F and 2/F of the existing building (Lucky Centre) at the Site (**Plan A-1**) was approved by the Metro Planning Committee of the Board (the Committee) on 21.8.2009, mainly on the grounds that the proposed educational institution was considered not incompatible with the surrounding developments and no adverse impacts on traffic, sewerage and drainage in the area.

## **7. Similar Applications**

- 7.1 There are seven similar applications for redevelopment of buildings to office developments with/without other commercial uses within the “R(A)” zone of the Wan Chai OZP since 2008. Among the seven similar applications, five applications (Nos. A/H5/372, A/H5/377, A/H5/400, A/H5/411 and A/H5/412) were approved with conditions and two applications (Nos. A/H5/396 and

A/H5/415) were rejected by the Committee. The locations and details of these applications are at **Plan A-1** and **Appendix III** respectively.

- 7.2 Three applications (Nos. 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) (**Plan A-1**)<sup>2</sup>. Having considered the findings of the Land Use Review 2008, application Nos. A/H5/372 and 377 for proposed office use and application No. A/H5/411 for proposed commercial building and minor relaxation of BHR, were approved with conditions on 28.11.2008, 7.11.2008 and 2.11.2018 respectively. Two other applications (Nos. A/H5/400 and A/H5/412) on a similar site in Queen’s Road East for commercial development were approved with conditions 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 the proposed development would offer a better walking environment for the pedestrians, and no adverse comments were received from the concerned departments.
- 7.3 The two remaining applications (Nos. A/H5/396 and A/H5/415) for proposed office with/without shop and services and eating place were rejected on 4.4.2014 and 28.5.2021 respectively. Application No. A/H5/396 was rejected mainly on the ground that the applicant failed to demonstrate that nil provision of internal transport facilities would not adversely impact on the traffic condition of the locality and application No. A/H5/415 was rejected mainly on the ground that the proposed office should not be located in a predominantly residential area. Hence, both of the applicants failed to demonstrate the compliance with the TPB PG-No. 5.

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

### **8.1 The Site is:**

- (a) bounded by Wan Chai Road and Cross Lane to its north and south;
- (b) currently occupied by a 22-storey (65.5mPD) (including 1 level of basement) commercial building, namely Lucky Centre, with shops and services, offices and hotel (PR 14.7); and
- (c) well served by different modes of public transport and the nearest entrance of Wan Chai MTR Station is about 410m from the Site.

### **8.2 The surrounding areas have the following characteristics:**

- (a) the immediate neighbourhood is a mixture of high-rise residential developments with commercial uses on the lower floors (such as Man On House, Pao Woo Mansion and the Oakhill) and commercial developments (such as Emperor Group Centre and Times Media Centre) (**Plan A-3**);

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<sup>2</sup> The review concluded that the concerned area possessed great potential to be redeveloped for commercial use with location which is adjacent to the Central Business District at Central and Admiralty. However, in view of the traffic concerns, wholesale rezoning 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 to the area.

- (b) to its north, northwest and northeast across Wan Chai Road are the “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) zone to reflect the existing mixed commercial/residential land uses. The Grade 2 historic buildings at 1, 3, 5, 7, 9 and 11 Mallory Street and 6, 8, 10 and 12 Burrows Street (namely M7) (**Plan A-2**) is also located to the northwest of the Site; and
- (c) to its further south across Cross Lane and Wood Road is the “Government, Institution or Community” cluster at the Morrison Hill area.

## **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 Sub-sections 1, 2, 3 and 4 of Section A of I.L. No. 438 (the Lots). The term of the Government Lease dated 10 December 1908 governing I.L. Lot No. 438 is 999 years commencing from 9 July, 1855. The said lease is virtually unrestricted except non-offensive trades clause. In this connection, offensive trades licences in respect of various floors of the existing building have been issued;
- (b) the proposed uses, particularly ‘Eating Place’, would contravene the non-offensive trade clause under lease. An offensive trades licence (“OT Licence”) is required. The applicant is advised to refer to the LandsD Lands Administration Office (LAO) Practice Note (PN) Issue No. 3/2023;
- (c) it is noted that the applicant would ensure that the proposed development is entirely within the Lots and would not encroach onto the adjoining government land. Reference would also be made to LandsD LAO PN Issue Nos. 4/2008 and 1/2017;
- (d) if there is any area to be dedicated as public passage for claiming additional PR and SC under regulation 22 of the Building (Planning) Regulations (B(P)R), the applicant should note that apart from a Deed of Dedication as may be required by the Buildings Department (BD), a lease modification in relation to the matters under the said



Deed is required, which would be subject to such terms and conditions as the Government sees fit; and

- (e) regarding the mechanical parking system (double deck parking) proposed by the applicant, the lease conditions do not contain any restriction on parking and the LAO PN Issue No. 2/2000 is not applicable.

### **Traffic**

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

no objection to the application subject to the following comments:

- (a) the proposed 2.2m and 1m building setback resulting in wider footpath on Cross Lane and Wan Chai Road respectively to enhance walking environment is supported from traffic engineering point of view;
- (b) the proposed canopy above the footpath at Wan Chai Road to enhance walking environment is supported from traffic engineering point of view;
- (c) in general, the minimum dimensions of parking spaces provided should comply with HKPSG Chapter 8. We take note of the catalogue of the mechanical parking system submitted by the applicant in FI at **Appendix Id** as reference. The applicant should submit the detailed design and arrangement (including traffic management plan, contingency plan, swept paths, etc.) in the post-planning approval stage for further approval;
- (d) should the application be approved by the Board, approval conditions on the design and provision of internal transport facilities including car parking spaces (both conventional and mechanical parking system), L/UL bays and car lifts for the proposed development, as well as the design and implementation of a Traffic Management Plan to the satisfaction of Commissioner for Transport or of the Town Planning Board, should be imposed; and
- (e) detailed departmental comments are in **Appendix IV**.

### **Urban Design and Visual**

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

##### *Urban Design and Visual Impact*

- (a) it is noted that the proposed redevelopment will not exceed the BHR stipulated on the OZP, no adverse comment from urban design and visual point of view;

- (b) the Site abutting Wan Chai Road is situated in cluster of mixed residential and commercial developments (the existing buildings are mostly under 80mPD with the tallest building up to about 183mPD). To the further east and south of the Site are various Government, institution and community (GIC) uses (up to about 81mPD);
- (c) according to the proposal by the applicant, several design features are incorporated into the development (**Drawing A-17**), including 2.2m setback from Cross Lane, 1m setback from Wan Chai Road, a weather protection canopy along Wan Chai Road, terraced building façade design with provision of greenery, and refuge cum communal sky garden at 5/F; and

#### *Air Ventilation*

- (d) according to an Expert Evaluation on Air Ventilation Assessment in 2018, the Site does not fall within major air path of the Wan Chai Planning Area. No significant adverse air ventilation impact is anticipated.

#### 10.1.4 Comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

- (a) no comment from architectural and visual impact point of view; and
- (b) the proposed use is similar to the existing use and the scale of the proposed development is compatible with the surrounding setting.

### **Landscape**

#### 10.1.5 Comments of CTP/UD&L, PlanD:

- (a) no adverse comment on the application; and
- (b) based on aerial photo of 2022, the Site is situated in an area of institutional landscape character surrounded by existing residential and commercial buildings. According to paragraph 2.1.1 of the SPS at **Appendix Ia**, the Site is occupied by an existing 21-storey commercial building. With reference to Section 4 of the SPS at **Appendix Ia**, the proposed development under the application involved a 25-storey building for eating place, shop and services, office and ancillary facilities uses, which is considered not incompatible with the landscape character of its surroundings. The Site is fully occupied by existing building with no significant landscape resource observed, significant adverse landscape impact arising from the proposed development is not anticipated.

### **Building Matters**

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

- (a) no comment on the application under the Buildings Ordinance (BO);

- (b) additional PR and SC for proposed surrender/dedication will only be considered when the relevant requirements as laid down in PNAP APP-108 have been complied with;
- (c) granting of SC concessions for the proposed set back will only be considered when the relevant requirements as laid down in PNAP APP-132 have been complied with;
- (d) GFA concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or SC calculation) under PNAP APP-151 will only be considered when the pre-requisites in paragraph 6 of PNAP APP-151, including SBDG as stated in PNAP APP-152, have been complied with;
- (e) GFA concession for private carparking spaces and L/UL areas may be considered when the relevant requirements as laid down in PNAP APP-2 have been complied with; and
- (f) detailed comments on the compliance with the BO can only be provided at the building plans submission stage.

### **Environment**

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

- (a) no objection to the application from environmental planning perspective;
- (b) the SIA submitted by the applicant concluded that sewers upgrading works would be required subject to detailed design of the proposed development and the applicant confirmed that an updated SIA would be conducted after obtaining the planning approval. Should the application be approved, the following conditions are required:
  - the submission of an updated SIA to the satisfaction of the DEP or of the Board; and
  - in relation to (b) above, the implementation of local sewerage upgrading/sewerage connection works as identified in the updated SIA to the satisfaction of the Director of Drainage Services or of the Board;
- (c) according to the information provided, the applicant has confirmed to deploy central air-conditioning system for the building and no openable windows and fresh air intake will be located within 10m buffer distance from Wan Chai Road. 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; and
- (d) detailed departmental comments are in **Appendix IV**.

### **Sewerage and Drainage**

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

- (a) no objection in principle to the application on the understanding that the applicant has agreed to undertake the mitigating works/upgrading the sewers according to the conclusion in the SIA;
- (b) it is noted that the applicant has proposed to upgrade the existing sewer between FMH7011405 and FMH7011407 and FMH70114156 to FMH7011485 from 150mm dia. to 200mm dia., and that the upstream sewer connecting the terminal manhole to public sewerage manhole FMH7011404 would also be upgraded to current standard of 225mm dia.; and
- (c) detailed departmental comments are in **Appendix IV**.

### **Water Supply**

10.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD):

- (a) no objection to the application; and
- (b) detailed departmental comments are in **Appendix IV**.

### **Fire Safety**

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

- (a) no in-principle objection to the proposal subject to 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; and
- (c) the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, and PNAP APP-136 – Building (Planning) Regulation 41D Emergency Vehicular Access.

### **Cultural Heritage**

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

- (a) two Grade 2 historic buildings at 1, 3, 5, 7, 9 and 11 Mallory Street, and 6, 8, 10 and 12 Burrows Street (**Plan A-2**) are in the vicinity of the Site;
- (b) no adverse comment 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 aforesaid historic buildings;  
and

- (c) her comments from the heritage conservation perspective on the works will be offered upon receiving any referrals from respective departments under the current internal monitoring mechanism for the protection of the historic buildings.

### **Others**

#### 10.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation(s), any person intends to carry on any food business for human consumption must obtain a relevant food licence from her department and an application shall be submitted to her department before commencement. If all licensing requirements have been complied with, food licence will be issued to the applicant.

#### 10.1.13 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no particular comment on the application as far as electricity supply is concerned; and
- (b) detailed departmental comments are in **Appendix IV**.

#### 10.2 The following departments have no comment on the application:

- (a) District Officer (Wan Chai), Home Affairs Department;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD); and
- (d) Commissioner of Police.

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

11.1 On 4.4.2023, the application was published for public inspection. During the statutory public inspection period, 21 public comments from individuals were received, including 19 supporting (samples at **Appendix Va**) and 2 objecting to the application (**Appendix Vb**). A full set of public comments received on the application is deposited at the Town Planning Board Secretariat for Members' inspection and reference.

11.2 The supporting comments were submitted on the grounds that the proposed redevelopment will bring vibrancy, vitality, job opportunities, business activities and investment opportunities to the part of Wan Chai that should be up-scaled and modernised; the proposed development is easily accessible and has a potential to become a new landmark of Wan Chai; and the design of the proposed development is compatible with surrounding area and would not induce adverse environmental impacts.

11.3 The major grounds of objection/main concerns raised are summarised below:

- (a) the pedestrian walkway along Wan Chai Road is already very narrow and congested. The additional traffic generated from the proposed development would worsen the traffic congestion on Cross Lane and the surrounding road network;
- (b) the proposed development with eating places might cause nuisances, including noise pollution and safety issues to the surrounding area which is residential and GIC in nature; and
- (c) the proposed development with PR of 15 is considered too bulky and would create a tall wall that block ventilation and natural light to Mallory Street.

## 12. Planning Considerations and Assessments

12.1 The Site falls within the “R(A)” zone in the south of Wan Chai Road, which is intended primarily for high-density residential developments with a range of commercial uses always permitted on the lowest three floors of a building (**Plan A-1**). Commercial uses above the lowest three floors of a building may be permitted on application. The application is for the redevelopment of the Site from an existing 22-storey commercial building (including 1 level of basement) into a 27-storey (including 2 levels of basement) commercial development (with ‘Shop and Services’, ‘Eating Place’ and ‘Office’ uses) with PR of 15 and BH of 110mPD. Although the proposed uses are not in line with the planning intention of the “R(A)” zone, the Site is currently occupied by a commercial building with PR of 14.7 and BH of 65.5mPD since 1983 which is before the rezoning of the Site from “C/R” to “R(A)” in 2010.

### *Land Use Compatibility*

12.2 The neighbourhood to the north of Wan Chai Road is the “OU(MU)” zone with a cluster of mixed commercial/residential land uses (such as Emperor Group Centre which is a high-rise commercial development, with Chin Hung Building which is a residential building adjacent to it) (**Plan A-3**). For the area to the south of Wan Chai Road, although it is an area zoned “R(A)”, it is also a cluster of mixed commercial developments (such as Times Media Centre and Tak Lee Commercial Centre) and high-rise residential developments with commercial uses on the lower floors (such as Man On House, Pao Woo Mansion and the Oakhill) (**Plan A-3**). In terms of land use and development character, the proposed commercial redevelopment is considered not incompatible with the surrounding mixed land uses.

### *Development Intensity*

12.3 In terms of development intensity, there is no PR control in the OZP and there is only a slight increase in PR from 14.7 to 15. The bulk of the proposed redevelopment of PR 15 has demonstrated in the submitted photomontages by the applicant (**Drawings A-18 to A-22**). It is not considered unacceptable noting that the overall BH of 110mPD is the same as the statutory BHR stipulated on the OZP and the building bulk is considered not incompatible with the nearby developments. Both CA/ASC, ArchSD and CTP/UD&L, PlanD have no adverse

comments to the application in respect of its building/urban design and visual impact.

#### *Proposed Setbacks and Canopy*

- 12.4 In the current proposal, a full height setback of 2.2m from the lot boundary fronting Cross Lane (**Drawing A-4**) has been proposed to comply with PNAP APP-132 Site Coverage and Open Space Provision. After the implementation of the proposed setback, the clear width of the footpath along Cross Lane will be widened from the existing about 1.2m to 3.4m. If the criteria set out in the aforesaid PNAP was met, the SC of a building at different levels could vary according to the height of the level within the percentages set out in the PNAP. In this connection, innovative building design (i.e. a terraced building design) could be incorporated as facilitated by PNAP APP-132 via the setback approach. Detailed checking for compliance with Buildings Ordinance will be made upon building plans submission stage.
- 12.5 A full height setback of 1m from the lot boundary fronting Wan Chai Road (**Drawing A-4**) are also proposed to comply with the Sustainable Building Design Guideline. After the implementation of the proposed setback, the clear width of the footpath along Wan Chai Road will be widened from the existing about 2m to 3m. The applicant also proposed a 2-m wide canopy (a vertical clearance of 3.6m from ground level) to be built above the footpath at Wan Chai Road for weather protection. The proposed setback areas and canopy, which are constructed, managed and maintained by the applicant, could offer a better walking environment for the pedestrian. C for T supports, and CHE/HK, HyD and CBS/HKE&H, BD have no adverse comments on the setback proposal and canopy at this stage.

#### *Technical Aspects*

- 12.6 According to the TIA submitted, the application would induce no significant traffic impacts on the adjacent road network. Car lift analysis was also carried out to demonstrate that the proposed two car lifts and waiting spaces are sufficient. According to the proposal, 39 car parking spaces (including 1 accessible car parking space), 8 motorcycle spaces, and 2 L/UL bays for LGV will be provided whilst the existing commercial building has nil parking provision. Although the provision of car parking spaces and L/UL bays is not sufficient in accordance with the HKPSG, the applicant has demonstrated efforts to maximise car parking space provision by using a mechanical double deck parking system. There are sufficient car parking spaces in the vicinity within walking distance and the Site is close to public transport services. C for T has no adverse comments on the application. To address C for T's concern on the provision of internal transport facilities, a relevant approval condition at paragraph 13.2 (a) is recommended should the application be approved.
- 12.7 Other relevant government departments consulted including CBS/ HKE&H, BD, DEP, CE/HK&I, DSD, CE/Construction, WSD and D of FS have no adverse comments on the application.

### *Town Planning Board Guidelines*

- 12.8 The proposed development in general complies with the relevant assessment criteria in TPB PG-No. 5 in that the Site is located at an easily accessible location well-served by public transport; the proposed development is considered not incompatible with the surrounding developments; the lavatory would be provided in the common area to avoid subsequent conversion of offices into domestic use; and both CBS/HKE&H, BD and C for T have no adverse comments on the proposed development from building design and traffic perspectives respectively.

### *Similar Applications*

- 12.9 Among the 7 similar applications, two (application Nos. A/H5/396 and 415) were rejected. Application No. A/H5/396 was rejected mainly on the ground that the applicant failed to demonstrate that nil provision of internal transport facilities would not adversely impact on the traffic condition of the locality and application No. A/H5/415 was rejected mainly on the ground that the proposed office should not be located in a predominantly residential area. In the current application, internal transports facilities will be provided and the Site is located within a cluster of mixed commercial/residential developments. Thus, the aforementioned rejected applications are not relevant to the subject application.

### *Public Comments*

- 12.10 Regarding the adverse public comments, the planning considerations and assessments in paragraphs 12.1 to 12.9 above, and the departmental comments in paragraph 10 above are relevant. Regarding the comments regarding the proposed development would block the air ventilation of the area, it is noted that the Site does not fall within major air path of the Wan Chai Planning Area according to an Expert Evaluation on Air Ventilation Assessment in 2018.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 19.5.2027, 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 design and provision of the internal transport facilities including car parking spaces (both conventional and mechanical parking system), loading/unloading bays and car lifts for the proposed development to the satisfaction of Commissioner for Transport or of the Town Planning Board;



- (b) the design and implementation of a Traffic Management Plan to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of an updated SIA to the satisfaction of the DEP or of the Board; and
- (d) in relation to (c) above, the implementation of local sewerage upgrading/sewerage connection works as identified in the updated SIA to the satisfaction of the Director of Drainage Services or of the Board.

#### Advisory Clauses

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

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

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.

#### **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 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.
- 14.3 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.

#### **15. Attachments**

<b>Appendix I</b>	Application form received on 29.3.2023
<b>Appendix Ia</b>	SPS received on 29.3.2023
<b>Appendix Ib</b>	SI received on 31.3.2023
<b>Appendix Ic</b>	FI received on 12.4.2023
<b>Appendix Id</b>	FI received on 28.4.2023
<b>Appendix Ie</b>	FI received on 3.5.2023
<b>Appendix If</b>	FI received on 10.5.2023
<b>Appendix II</b>	Previous applications covering the Site
<b>Appendix III</b>	Similar applications on the "R(A)" Zone of the OZP
<b>Appendix IV</b>	Detailed departmental comments
<b>Appendix Va</b>	Samples of public comments supporting the application
<b>Appendix Vb</b>	Public comments objecting the application
<b>Appendix VI</b>	Advisory Clauses

<b>Drawing A-1</b>	Section Plan
<b>Drawings A-2 to A-16</b>	Floor Plans
<b>Drawing A-17</b>	Design Merit Summary
<b>Drawings A-18 to A-22</b>	Photomontages
<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

**PLANNING DEPARTMENT  
MAY 2023**