

APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. Y/H5/7

- Applicants** : Great Kinetic Limited, Full Glory Development Limited and Ever Genius Limited represented by KTA Planning Limited
- Site** : 31-36 Sau Wa Fong and 8-12 St. Francis Street, Wan Chai, Hong Kong
- Site Area** : About 989.13m²
- Lease** : Inland Lot (IL) 199 s.A ss.2 RP, s.B ss.1, s.B ss.2, s.B ss.3, s.C ss.4, s.D ss.2 and s.E RP
- virtually unrestricted except the standard non-offensive trades clause
 - the existing pedestrian passages at the north-eastern and north-western boundaries of the application site are designated pedestrian right of way (ROW) via a private agreement among lots owners under the Deed of Partition with memorial No. UB77730
- Plan** : 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)
- (the zoning and development restrictions of the application site remains unchanged on the current OZP)
- Zoning** : “Residential (Group A)” (“R(A)”) – 29.1%
- (a) restricted to a maximum building height (BH) of 110mPD, or the height of the existing building, whichever is the greater
 - (b) provision of a minimum setback of 1m from the lot boundary fronting the portion of St. Francis Street in between St. Francis Yard and Queen’s Road East
- “Residential (Group C)” (“R(C)”) – 44.9%
- (a) restricted to a maximum plot ratio (PR) of 5 and maximum BH of 12 storeys, or the PR and height of the existing building, whichever is the greater
- Area shown as ‘Road’ – 26%

Proposed Amendment : To rezone the application site from “R(A)”, “R(C)” and area shown as ‘Road’ to “Residential (Group A) 9” (“R(A)9”)

1. **The Proposal**

- 1.1 The applicants propose to rezone the application site (the Site) (all under private ownership) (**Plans Z-1 and Z-2**) from “R(A)”¹, “R(C)” and area shown as ‘Road’ to “R(A)9” for proposed residential development with commercial uses (including arts facilities) at the Site under section 12A of the pre-amended Town Planning Ordinance (the Ordinance). The provision of 24-hour public passage is proposed to be specified in the Notes and Explanatory Statement (ES) of the proposed “R(A)9” zone, and the provision of arts facilities is proposed to be specified in the ES of the proposed “R(A)9” zone. BH restriction (BHR) of 110mPD for “R(A)9” zone is also proposed to be stipulated on the OZP. Same as the existing “R(A)” zone, no PR/gross floor area (GFA) restriction is proposed to be stipulated for “R(A)9” zone. The proposed amendments to the Notes of OZP and ES for “R(A)” zone are at **Appendices IIa and IIb** respectively.
- 1.2 Part of the Site (i.e. areas zoned “R(C)” and shown as ‘Road’) is the subject of a section 16 planning application No. A/H5/413 (**Plan Z-1**) which was approved with conditions by the Metro Planning Committee (the Committee) on 24.12.2021 for proposed flat (115 residential units) with minor relaxation of BHR from 12-storey to 15-storey. In the approved application, the entire application site area (including areas zoned “R(C)” and shown as ‘Road’) was used for PR calculation.
- 1.3 Under the applicants’ indicative scheme (**Drawings Z-1 to Z-7**), the proposed residential development with commercial uses (including arts facilities) comprises a residential building of 28-storey providing 216 residential units. The main entrance of the proposed development will be located at St. Francis Street (**Drawings Z-1 and Z-7**). The tentative completion year of the proposed development is 2026. The major development parameters of the indicative scheme are set out as follows:

Site Area	989.13m ²
Net Site Area (excluding the existing pavement along St. Francis Street)	953.03m ²
PR	10.18 ⁽¹⁾
- Domestic	9.63 ⁽¹⁾
- Non-domestic	0.55 ⁽¹⁾
GFA	9,704.36m ²
- Domestic	9,182.09m ²
- Non-domestic	522.27m ²
- Arts facilities	458.65m ²
- Café/Shop	63.62m ²
Maximum Site Coverage (SC)	
- G/F to 1/F	Not more than 50%
- 2/F to 27/F	Not more than 40%
Maximum BH (Main Roof)	Not more than 110mPD
No. of Block	1

¹ No PR/GFA restriction has been stipulated for the “R(A)” zone. The First Schedule of the Building (Planning) Regulations (B(P)R) of the Buildings Ordinance should be followed.

No. of Storeys	28
- Domestic Storeys	24
- Podium (including refuge floor cum podium garden and G/F)	4
No. of Units	216
Average Unit Size	About 42m ²
Communal Private Open Space	Not less than 562m ²
Motorcycle Parking Spaces	2

Remarks:

- (1) It is calculated based on net site area of 953.03m². As no PR/GFA restriction is proposed to be stipulated for the “R(A)9” zone and the applicants assume that the Site will be a class C site, permissible PR of the Site will be subject to the First Schedule of the B(P)R of the Buildings Ordinance.

The floor plans, section plan, Landscape Proposal (LP) and photomontages of the indicative scheme submitted by the applicants are at **Drawings Z-1 to Z-7** and **Drawings Z-9 to Z-17** respectively.

- 1.4 The applicants propose to setback from St. Francis Street (maximum about 10m-wide) (**Drawing Z-1**). Within this setback area, the applicants propose a lift and stairs along the northern boundary to form a barrier-free public passage (not less than 4.5m wide and proposed to be opened on a 24-hour basis) (**Drawings Z-1, Z-2 and Z-8**) linking St. Francis Street (at +12mPD) and Sau Wa Fong (at +19.5mPD). The applicants suggest specifying the aforementioned public passage in the Notes and ES of the proposed “R(A)9” zone.
- 1.5 The Site is accessible from St. Francis Street which is a one-way local road ascending from Queen’s Road East to Star Street. According to the indicative scheme, an open area for passenger pick-up/drop-off and loading/unloading (L/UL) with a turntable (proposed Transport Area) (**Drawings Z-1 and Z-8**) will be provided to serve private cars, taxis and light goods vehicle (LGV). There will be nil provision of private car parking space due to site constraints posed by the steep gradient (1:6) of St. Francis Street, yet, 2 motorcycle parking spaces (**Drawings Z-1 and Z-8**) are proposed in the indicative scheme. Residents and visitors would make use of the nearby public transport services and off-street carparks in the vicinity.
- 1.6 The applicants propose arts facilities at 1/F and 2/F of the proposed development (not less than 458m²) (**Drawings Z-2 and Z-3**). The provision of arts facilities is proposed to be specified in the ES of the proposed “R(A)9” zone to further enhance the local character.
- 1.7 According to the indicative scheme (**Drawings Z-4, Z-6 and Z-9**), 8 trees within the Site are proposed to be removed and 8 trees will be compensated within the Site. Multi-level greening framework is proposed in the indicative scheme, including the linear garden and leisure court on 1/F, sky garden on 3/F and roof garden on R/F. Greenings along the glass canopy of the covered walkway and the edge of the building structures are also proposed to maximise greening opportunities.
- 1.8 In support of the application, the applicants submitted the following documents:

- (a) Application form received on 17.11.2022 (Appendix I)
- (b) Supplementary Planning Statement (SPS) received on 17.11.2022
- (c) Supplementary Information (SI) received on 22.11.2022
- (d) Further Information (FI) received on 7.2.2023# (1st FI)
- (e) FI received on 14.4.2023# (2nd FI)
- (f) FI received on 27.6.2023# (3rd FI)
- (g) FI received on 15.8.2023* (4th FI)
- (h) FI received on 13.9.2023* (5th FI)
- (Appendix Ia²)
- # not exempted from publication requirements
* exempted from publication requirements

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Section 6 of the consolidated supporting statement at **Appendix Ia**. They are summarised as follows:

Increase Housing Supply

- 2.1 The proposed rezoning, which makes way for more housing units, is in line with the Government's policy on increasing supply of residential flats to meet the imminent housing need.

Provide a Public Passage and Transport Facilities and Maintain the Character of Sau Wa Fong

- 2.2 Sau Wa Fong is a terraced area accessible by steps/ramp only. To enhance the connectivity and accessibility between St. Francis Street and Sau Wa Fong for the public and in the event of an emergency, the proposed "R(A)9" requires the provision of a 24-hour public passage of not less than 4.5m wide with barrier-free facilities connecting St. Francis Street and Sau Wa Fong. Such requirement would also maintain the local character and terraced streetscape of Sau Wa Fong which is in line with the recommendation of the 'Review of Stepped Street Sites', as well as respecting the original planning intention of the area shown as 'Road' on the OZP.
- 2.3 The proposed development amalgamates seven private lots and makes the provision of pick-up/drop-off and L/UL facilities within the Site possible. Visitors and residents could make use of the proposed Transport Area at the north-western

² A report consolidating all previous supplementary information, supporting planning statement, finalised technical assessments and various Responses-to-Comments tables (**Appendix Ia**) was received from the applicants on 13.9.2023. Thus, the relevant FIs as listed from items (b) to (h) are not attached to this Paper.

portion of the Site and barrier-free facility to access Sau Wa Fong which would enhance the public convenience significantly.

Improve Pedestrian Wind Environment and Visual Permeability

- 2.4 Taking into consideration that St. Francis Street is a narrow one-way single lane access road, the proposed setback area would help to promote desirable passage of air, daylight and to provide visual relief, as well as to fulfil the requirement under Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152 Sustainable Building Design Guidelines (SBDG).

Strengthen Local Character

- 2.5 To strengthen the artistic and cultural atmosphere in the area, the applicants propose to include the provision of arts facilities fronting Sau Wa Fong in the ES of the proposed “R(A)9” zone.

Compatible Development Intensity and Design Considerations

- 2.6 The BHR of the proposed “R(A)9” zone (110mPD) is same as the adjoining “R(A)” zone. No out of context development is anticipated. The submitted Visual Impact Assessment (VIA) (Appendix 4 of **Appendix Ia**) has demonstrated that the proposed development would be compatible at a right scale and maintain the characteristics of the existing neighbourhood ambience without generating adverse visual impact.
- 2.7 The applicants demonstrate that multi-level landscaping treatments at different floors and glass canopy/glass covered walkway could be provided in the proposed development, which offer visual interest to the cityscape and furnish a less bulky appearance of the proposed development.

Technically Feasible

- 2.8 The findings of Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Environmental Assessment (EA), Air Ventilation Assessment – Expert Evaluation (AVA-EE) and Geotechnical Planning Review Report (GPRR) (Appendices 5 to 9 of **Appendix Ia**) demonstrate that the proposed development would be technically feasible in terms of traffic, sewerage, environmental, air ventilation and geotechnical.

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

The applicants are three of the “current land owners”. In respect of the other “current land owners”, the applicants have 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 Ordinance (TPB PG-No. 31A) by sending requests for consent to the remaining current land owner (i.e. 5/F of 35 Sau Wa Fong). Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

- 4.1 The Site was zoned “Residential” on the first draft Wan Chai OZP No. LH 5/29 which was gazetted on 25.10.1968. The Site was rezoned to “R(A)” on the draft Wan Chai OZP No. LH 5/35C on 4.11.1977. The ‘Study on Redevelopment along Stepped Streets’ was commissioned by Planning Department (PlanD) in 1991 in order to access whether, in addition to the fire safety consideration, there were planning, traffic, environmental or infrastructural reasons for retaining some control over the development intensity of sites along stepped street not accessible to vehicle. Subsequently, under the draft Wan Chai OZP No. S/H5/8 which was gazetted on 10.6.1994, part of the Site was rezoned to “R(C)” zone whilst other parts of the Site (facing St. Francis Street) remained zoned “R(A)”.
- 4.2 PlanD undertook the ‘Review of Stepped Street Sites’ and the findings were agreed in principle by the Board on 23.3.2012. Having considered the local character, visual, air ventilation and traffic conditions of Sau Wa Fong, it was considered that the PR restriction of 5 and BHR of 12 storeys should be maintained for the “R(C)” zone with minor relaxation clause to avoid out-of-scale developments. The Review also recommended, among others, the rezoning of the terraces and the stepped streets in Sau Wa Fong area (including the ROWs within the Site (**Plan Z-2**)) from “R(A)” zone to area shown as ‘Road’ in order to prevent the concerned area from being built over. Subsequently, to take forward the Board’s decision and to preserve the existing character of the area, the draft Wan Chai OZP No. S/H5/27 with amendment showing the stepped streets/terrace as area shown as ‘Road’ (including the area shown as ‘Road’ in the current application) was gazetted on 3.8.2012. The area shown as ‘Road’ remains the same on the approved Wan Chai OZP No. S/H5/31 currently in force.
- 4.3 Regarding the ROWs at the north-eastern and north-western of the Site, they are under the Deed of Partition (with memorial No. UB77730 (dated 25.11.1921)), covering Sections A, B, C, D and E of IL 199 (**Plan Z-2**), which is a private agreement among lots owners without government involvement. There is no provision of ROWs stipulated in the government lease for IL 199.

5. **Previous Application**

Part of the Site (the part zoned “R(C)” and area shown as ‘Road’) is the subject of a previous section 16 application No. A/H5/413 (**Plan Z-1**) for proposed flat with minor relaxation of BHR from 12-storey to 15-storey (+71.05mPD) submitted by one of the applicants. Car parking space and vehicular access were not provided for the proposed development. In the application, the entire application site area (including areas zoned “R(C)” and shown as ‘Road’) was used for PR calculation, whilst the area shown as ‘Road’ would not be built over. The application was approved with conditions by the Committee on 24.12.2021, mainly on the consideration that the proposed development is not incompatible with the surrounding developments. Details of the previous application is summarised at **Appendix III** and its location is shown on **Plan Z-1**.

6. **Similar Application**

There is no similar application for amendment to OZP within the same “R(A)”, “R(C)” and area shown as ‘Road’ on the OZP.

7. The Site and its Surrounding Areas (Plans Z-1 and Z-2, site photos on Plans Z-3 and Z-4)

7.1 The Site is:

- (a) accessible from St. Francis Street which is a one-way southbound local road ascending from Queen's Road East to Star Street to the south;
- (b) currently occupied by three 3-storey residential buildings with commercial/eating place on ground floor at the western portion (currently zoned "R(A)"), and a 8-storey residential building at the eastern portion (currently zoned "R(C)");
- (c) located to south of Queen's Road East and bounded by St. Francis Street to its west and Sau Wa Fong to its east;
- (d) the western portion of the Site (currently zoned "R(A)") abutting St. Francis Street is situated at a level of about +12mPD, whilst the eastern portion of the Site (currently zoned "R(C)" and area shown as 'Road') is situated on building platform at about +19.5mPD on a terraced area, namely Sau Wa Fong;

7.2 The surrounding areas have the following characteristics:

- (a) along St. Francis Street and to the northwest/west of the Site (i.e. Sun Street, Moon Street and Star Street) is predominantly a residential neighbourhood which is mainly occupied by a mixture of old and new, low to high-rise residential developments with some commercial uses on the lower floors. This area is zoned "R(A)" on the OZP and is subject to BHR of 110mPD or the height of the existing building, whichever is the greater;
- (b) the Sau Wa Fong area is a terraced area located to the south of Queen's Road East. It is an enclosed and tranquil residential area. The streetscape and low to medium-rise residential character in the area create a different urban form and ambience in contrast with the high-rise mixed development to the north along Queen's Road East.
- (c) For the residential buildings situated at the areas zoned "R(C)" on the OZP, the buildings are mainly 4-storey (about 20mPD) to 12-storey (about 57mPD) in height;
- (d) to the immediate northeast of the Site is a commercial development namely Portwealth Centre. Further north across Queen's Road East is the mixture of high-rise commercial or developments with commercial uses on the lower floors such as Keen Hung Commercial Building;
- (e) to the immediate south of the Site is a high-rise residential development namely Hoover Tower 1. To the further south is the Grade 1 Historic building Nam Koo Terrace. To the southeast across Ship Street are mainly high-rise commercial developments such as Hopewell Centre and Hopewell Centre II which is under construction; and

- (f) the area is well served by different modes of public transport and the nearest entrance of MTR Admiralty and Wan Chai Stations are about 240m and 470m from the Site respectively.

8. Planning Intention

- 8.1 The planning intention of the “R(A)” zone is 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.
- 8.2 The planning intention of the “R(C)” zone is for low to medium-rise residential developments subject to specific PR and BHRs to preserve the local character and to avoid adverse visual, air ventilation and traffic impacts from more intensive development.
- 8.3 As mentioned in paragraph 4.2 above, the area shown as ‘Road’ at the Site is intended to prevent the stepped streets/terraced area of Sau Wa Fong from being built over and to preserve the existing character of the Sau Wa Fong area.

9. Comments from Relevant Government Departments

- 9.1 The following government bureaux/departments have been consulted, their views on the application/public comments received are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) the Site comprises seven private lots, namely IL 199 s.A ss.2 RP, s.B ss.1, s.B ss.2, s.B ss.3, s.C ss.4, s.D ss.2, and s.E RP, which are held under the Government Lease dated 19 April 1921 for a term of 999 years commencing from 26 June 1843. The lease is virtually unrestricted except the standard non-offensive trades clause;
- (b) some of the proposed uses (e.g. café) would contravene the non-offensive trades clause under lease. An offensive trades licence is required. The applicants are advised to refer to LandsD Lands Administration Office (LAO) Practice Note (PN) Issue No. 3/2023; and
- (c) other detailed comments are in **Appendix IV**.

Traffic

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

- (a) no objection to the application subject to the following comments:

- (i) it is noted that a proposed Transport Area comprising a turntable is proposed within the Site for passenger pick-up/drop-off and goods deliveries. The proposed off-street L/UL arrangement is supported from traffic engineering point of view;
- (ii) the applicants should propose and implement appropriate traffic management measures to manage the use of the turntable and ensure road safety at the run-in/out of the proposed Transport Area;
- (iii) proper ingress/egress should be provided, and the turntable within the proposed Transport Area should be properly maintained and utilised;
- (iv) the proposed 24-hour dedicated public passage with provision of a lift for barrier-free access connecting St. Francis Street with Sau Wa Fong is supported from traffic engineering point of view. It is also noted that the applicants will be responsible for the implementation at their own cost;
- (v) appropriate planning tool to scrutinise the implementation of the traffic improvement proposal should be established/adopted; and
- (vi) in view of the severe site constraints with only one frontage at St. Francis Street, the applicants should submit the proposed access arrangement for construction vehicles and construction traffic impact assessment at the detailed design stage with the consideration of other known projects in the vicinity during demolition and construction stages. Construction traffic generated should preferably be limited to non-peak hours to minimise the adverse traffic impact, including the impact to pedestrians on St. Francis Street.

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

no comment on the proposed development from highways maintenance viewpoint as the proposed Transport Area will be within private lots and shall be managed and maintained by the lot owners.

Drainage

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

- (a) no in-principle objection to the application and the SIA; and
- (b) the applicants should submit the relevant drainage and sewerage plans at the design stage for his review.

Urban Design, Visual and Air Ventilation

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

- (a) no comment from architectural and visual impact point of view; and
- (b) based on the information provided, it is noted that the proposed residential development involves one tower with maximum BH of not more than 110mPD and the adjacent “R(A)” area with BHR of 110mPD is permitted in the OZP and is compatible with the surrounding setting.

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

Urban Design and Visual Impact

- (a) the Site is situated at the Sau Wa Fong area which is a well-preserved terraced area at the south of Queen’s Road East. It is an enclosed and tranquil residential area. To its immediate vicinity is predominantly a residential neighbourhood zoned “R(A)” on the OZP which is subject to a BHR of 110mPD. The older buildings in Sun Street and Moon Street are mainly 3 to 6-storey in height (up to about 40mPD) whilst some newer developments are up to 30-storey in height (up to about 90mPD). For the residential buildings situated at the areas zoned “R(C)” on the OZP, the buildings are mainly 4-storey (about 20mPD) to 12-storey (about 57mPD) in height. In general, the existing residential and commercial developments in the vicinity are ranging from about 20mPD to 110mPD;
- (b) in the submitted VIA, the applicants adopted the previously approved scheme under application No. A/H5/413 with proposed BH up to about 71.05mPD to compare against the proposed scheme. Some design measures are proposed to enhance the visual permeability and quality of the proposed development, including the proposed 10m setback from St. Francis Street and multi-level greenery at the lower levels and the rooftop of the proposed block. The overall visual impact is considered as slightly adverse as viewed from most of the selected viewpoints;
- (c) given such spatial context, the proposed development with the BH up to 110mPD can integrate with the low to medium-rise urban form, streetscape and local character of the adjoining “R(C)” including Sau Wa Fong area; and

Air Ventilation

- (d) the applicants adopted the layout of the previously approved scheme to compare against the proposed scheme. With some good measures proposed, including the proposed 10m setback from St. Francis Street and the proposed 4.5m-to-9m 24-hour dedicated public passage (northern boundary of the Site), the proposed development is not expected to induce significantly adverse air ventilation impact.

Landscape

9.1.7 Comments of CTP/UD&L, PlanD:

- (a) based on aerial photo of 2022, the Site is situated in an area of organic mixed urban landscape character surrounded by existing residential buildings. With reference to the SPS at **Appendix Ia**, the proposed development involved 1 block of 28-storey building mainly for residential use, which is considered not incompatible with the landscape character of its surroundings. Based on the tree information provided in Appendix 3 of the SPS at **Appendix Ia**, approximately 8 existing trees of common species are found within the Site, all of them are proposed to be removed due to the development and 8 new trees will be compensated within the Site ;
- (b) the applicants are reminded to ensure open space provisions are accessible, functional and usable in accordance with the Hong Kong Planning Standards and Guidelines requirements; and
- (c) the applicants are reminded that approval of the rezoning planning application under the Ordinance does not imply approval of tree works such as pruning, transplanting and felling under the lease. The applicants should seek comments and approval from relevant authority on the proposed tree works prior to commencement of the works.

Building Matters

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

- (a) no objection to the application subject to the following comments:
 - (i) substantiations on the site area should be provided. The proposed site area including the existing service lane and street is considered not acceptable under regulation 23(2)(a) of (B(P)R). Further clarification on the ownership and status of the lane (e.g. ROWs) should be provided for consideration. In addition, justification for the proposed inclusion of service lane into site area should be provided for further consideration by the Building Committee;
 - (ii) the proposed class “C” for site classification is considered not acceptable in that the proposed dedicated public passage will be created as specified street under regulation 18A(3)(v) of the B(P)R and included into the site area. The applicants’ attention is particularly drawn to regulation 23(2)(a) of the B(P)R that no account shall be taken of any part of street or service lane in determining the site area. Further clarification on site classification should be provided for consideration; and
- (b) detailed comments under the Buildings Ordinance and allied regulations, such as permissible PR, SC, private streets, emergency

vehicular access (EVA), open space, provision of lighting and ventilation, barrier free access and facilities, compliance with SBDG, etc. will be formulated at the building plan submission stage.

Fire Safety

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

- (a) no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS;
- (b) it was noted that enhancement measures of fire service installations should be required due to non-provision of EVA, relevant enhancement measures and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the EVA provision shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administrated by BD.

Others

9.1.10 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (AMO):

- (a) there is no graded historic building or new item pending grading assessment situated within the Site;
- (b) it is noted that preservation of the well at the backyard of 12 St. Francis Street (**Plan Z-2**) for incorporating into the new developments is considered not feasible owing to the reasons as stated in **Appendix Ia**. In view of the historical interest of the well, which was a common feature of the tenement buildings built in the 1950s and a testament to the use of well water for flushing in the post-war period, the applicants are advised to consider providing traces of existence of the well as well as a means of interpretation to tell its history and its associated buildings, as far as possible; and
- (c) other detailed comments are in **Appendix IV**.

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

- (a) in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation, any person intends to carry on any food business for human consumption must obtain a relevant food licence from the Food and Environmental Hygiene Department (FEHD) and an application shall be submitted to FEHD before commencement. If all licensing requirements have been complied with, food licence will be issued to the applicant(s); and
- (b) other detailed comments are in **Appendix IV**.

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

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

9.1.13 Comments of the Director of Electrical and Mechanical Services:

- (a) no particular comment from electricity supply safety aspect at this stage; and
- (b) other detailed comments are in **Appendix IV**.

District Officer's Comments

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

comments from three members of Wan Chai West Area Committee were received and they indicated their support to/had no comment on/well noted the application.

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

- (a) Director of Environmental Protection (DEP);
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (c) Commissioner of Police.

10. Public Comments Received During Statutory Publication Periods

10.1 On 25.11.2022, 17.2.2023, 28.4.2023 and 30.6.2023, the application and FIs were published for public inspection. During the statutory public inspection periods, 70 public comments were received, including 13 supporting comments (samples at **Appendix Va**), 27 objecting comments (samples at **Appendix Vb**) and 30 comments providing views (samples at **Appendix Vc**). A full set of public comments received on the application is deposited at the Town Planning Board Secretariat for Members' inspection and reference.

10.2 The supporting comments were submitted by the Asia Art Archive and individuals. Their major grounds are summarised below:

- (a) the rezoning proposal would better utilise the limited land resources, improve the living environment and enhance the vitality and cultural ambience of the neighbourhood; and
- (b) the rezoning proposal would enhance pedestrian safety and walkability by providing a barrier-free public passage connecting St. Francis Street and Sau Wa Fong.

- 10.3 The objecting comments were submitted by the Chairman of Wan Chai District Council (WCDC), the Chairman of the Institute of Advanced Motorists Hong Kong, the Property Manager of Hoover Towers 1 & 2 representing the Incorporated Owners of the two residential towers, the developer of 3, 5, 7 St. Francis Street and 61 Queen's Road East and locals/individuals. The major grounds of objection/main concerns raised are summarised below:
- (a) St. Francis Street is the only vehicular access to the Site and the service capacity is limited. Whilst no parking facilities (2 motorcycle parking spaces are proposed in the latest indicative scheme) will be provided, the proposed development would increase the development intensity and local population. It will also increase the traffic flow and reduce the efficiency of the emergency services;
 - (b) the service capacity of the proposed turntable is limited and longer time will be required for ingress/egress with the use of the proposed turntable;
 - (c) details of the proposed arts facilities are neither concrete nor definite and the financial sustainability of the proposed arts facilities is doubtful. Hence, the planning gain for the public as claimed by the applicants is uncertain;
 - (d) development density of the proposed development is not compatible with the local character which are mainly low to medium rise residential developments, and contravenes the planning intention and BHR of the "R(C)" zone in the Wan Chai OZP;
 - (e) no visual relief measures is proposed for the façade facing Sau Wa Fong;
 - (f) approval of the application will set an undesirable precedent for other neighbouring "R(C)" sites;
 - (g) the natural and cultural heritage of Sau Wa Fong should be conserved;
 - (h) no information regarding the existing water well at 12 St. Francis Street (**Plan Z-2**) which may have heritage value is provided; and
 - (i) in view of the pressing housing shortage, public housing instead of private housing should be provided at the Site.
- 10.4 The objecting comments from the developer of 3, 5, 7 St. Francis Street and 61 Queen's Road East (i.e. a site to the northwest of the Site across St. Francis Street (**Plan Z-2**) which is under construction) also provided an alternative proposal involving the Site and the residential development at 3, 5, 7 St. Francis Street and 61 Queen's Road East. The alternative proposal comprises (1) a museum at 3, 5, 7 St. Francis Street and 61 Queen's Road East; (2) a connecting footbridge over St Francis Street; and (3) an extension of the museum at the Site.
- 10.5 The comments providing views were submitted by Dunhuang Academy, Director of Jao Tsung-I Petite Ecole and individuals. The major grounds of views are summarised below:

- (a) the proposed BH should be increased to better utilise the scarce land resources;
- (b) the local character and tranquillity of Sau Wa Fong should be preserved;
- (c) the water well at 12 St. Francis Street (**Plan Z-2**) should be preserved;
- (d) suggest to connect the Site with a proposed museum at 3, 5, 7 St. Francis Street and 61 Queen's Road East, Sau Wa Fong, Nam Koo Terrace and Hopewell Centre II (the commenters suggested to establish a digital Dunhuang art centre in Hopewell Centre II), and form a corridor related to arts in Admiralty and Wan Chai;
- (e) the traffic mitigation measures suggested by the applicants are not sufficient to mitigate the adverse traffic impacts caused by the increase traffic and pedestrian flows generated by the proposed development; and
- (f) the use of the proposed turntable will cause traffic congestion on St. Francis Street and the proposed development may pose a fire hazard.

11. Planning Considerations and Assessments

- 11.1 The application is to rezone the Site from "R(A)" (subject to BHR of 110mPD), "R(C)" (subject to PR of 5 and BHR of 12 storeys) and area shown as 'Road' to a new "R(A)" subzone (i.e. the proposed "R(A)9") to facilitate the proposed residential development with commercial uses (including arts facilities). The proposal involves provision of arts facilities (proposed to be specified in the ES) and a 24-hour public passage of not less than 4.5m wide with barrier-free facilities (i.e. a lift) connecting St. Francis Street and Sau Wa Fong (proposed to be specified in the Notes and ES of the "R(A)9" zone). BHR of 110mPD for "R(A)9" zone is also proposed to be stipulated on the OZP. According to the applicants' indicative scheme (**Drawings Z-1 to Z-7**), the proposed development comprises a residential building of 28-storey (including a 3-storey non-domestic portion and a 1-storey refuge floor cum podium garden). Arts facilities are proposed on 1/F and 2/F.

Land Use and Development Intensity

- 11.2 It is noted that the proposed rezoning allows some non-domestic uses, such as shop and services, eating place, on the lowest three floors of a building. As the Site is mainly surrounded by "R(A)" zone with some commercial uses on the lower floors (**Plan Z-2**), it is considered that the land use of the proposed rezoning is not incompatible with the surrounding land uses. The planning intention for residential development on the "R(A)" and "R(C)" portions of the Site is not affected by the rezoning proposal. The development restrictions of the "R(A)" portion of the Site will also remain unchanged.
- 11.3 Regarding the proposal to rezone part of the Sau Wa Fong (the "R(C)" portion) to "R(A)9", it is noted that there are significant level differences between the Sau Wa Fong area (+19.5mPD) and the nearby access roads (St. Francis Street (+12mPD) and Queen's Road East (+5.4mPD), and that "R(C)" portion is inaccessible by vehicular traffic. It was the recommendation of the 'Study on

Redevelopment along Stepped Streets' (1991) to rezone the concerned area from "R(A)" to "R(C)" mainly due to the lack of vehicular access. In the current application, the applicants propose to amalgamate the Lots in Sau Wa Fong (i.e. the "R(C)" portion and the area shown as 'Road') with the Lots fronting St. Francis Street (i.e. the "R(A)" portion) to form the Site. With direct vehicular access to the Site, the applicants propose to increase the maximum PR of the "R(C)" zone from 5 to the level permitted under B(P)R. The proposed increase in development intensity is considered not incompatible with the surrounding developments, and not unacceptable by relevant government departments provided that there will be a direct vehicular access from St. Francis Street and L/UL facilities within the Site. Noting that the applicants are not the sole owners of the Site, piecemeal/standalone development at Sau Wa Fong portion cannot be precluded should the Committee agree to the amendments as proposed by the applicants. To avoid having a higher intensity development at Sau Wa Fong portion without any direct vehicular access, it is considered necessary to impose appropriate planning control in the Notes.

- 11.4 Regarding the proposal to rezone the area shown as 'Road' to "R(A)9", as mentioned in paragraph 4.2, part of the Site (i.e. Sau Wa Fong) was rezoned from "R(A)" to area shown as 'Road' as per the recommendation of the 'Review of Stepped Street Site' (2012) with a view to preventing Sau Wa Fong from being built over upon redevelopment and to preserve the existing character of the area. To respect the unique character of Sau Wa Fong, the applicants propose no building on the area shown as 'Road' (which was the same as the approved s.16 application), which will serve as a 24-hour public passage. To ensure the ambience and environment of Sau Wa Fong would be preserved, it is considered necessary to designate the area shown as 'Road' as non-building area (NBA) to avoid the terrace of Sau Wa Fong from being built over upon redevelopment should the Committee agree to rezone the Site. Details of the proposed amendments to the OZP will be submitted to the Committee for consideration should the Committee agree to rezone the Site.

Urban Design and Visual Aspects

- 11.5 The area along St. Francis Street and Sau Wa Fong are predominantly a residential neighbourhood which is zoned "R(A)" and "R(C)" on the OZP and are subject to BHR of 110mPD and 12 storeys or the height of the existing building, whichever is the greater (**Plan Z-2**). The proposed maximum BH of 110mPD is the same as the existing "R(A)" zone in the surroundings. Also, the VIA prepared in support of the application demonstrated that the visual impact of the proposed development with BH of 110mPD is slightly adverse to negligible/partly enhanced in long term (**Drawings Z-10 to Z-17**). CTP/UD&L, PlanD considers that the proposed development with the BH up to 110mPD can integrate with the low to medium-rise urban form, streetscape and local character of the Sau Wa Fong area and the design measures proposed in the indicative scheme, including the proposed about 10m-wide setback from St. Francis Street and multi-level greenery at the lower levels and the rooftop of the proposed block, could help enhancing the visual permeability and quality of the proposed development. CA/CMD2, ArchSD also has no adverse comment from architectural and visual impact point of view. In view of the above, the proposed BH of 110mPD is considered not incompatible with the surroundings.

Pedestrian Connectivity and Transport Facilities

- 11.6 The Site is located between St. Francis Street and Sau Wa Fong, which has a significant level difference from about 12mPD to 19.5mPD. Sau Wa Fong is a terraced area accessible by steps/ramp only. To enhance the pedestrian connectivity and accessibility between St. Francis Street and Sau Wa Fong for the public and in the event of an emergency, the applicants propose to impose the requirement to provide a 24-hour public passage of not less than 4.5m wide with barrier-free facilities connecting St. Francis Street and Sau Wa Fong under the proposed “R(A)9” zone. The 24-hour public passage would offer a more direct, convenient and barrier-free route for the public to access Sau Wa Fong. C for T supports the proposed public passage from traffic engineering point.
- 11.7 According to the indicative scheme, the Site would be served by vehicular access at St. Francis Street. The proposed Transport Area including an open area for passenger pick-up/drop-off and L/UL with a turntable in the indicative scheme (**Drawings Z-1 and Z-8**) will serve private cars, taxis and LGV. The submitted TIA demonstrated that the proposed development (with the proposed planning parameters under the indicative scheme) would induce no significant traffic impact on the adjacent road and pedestrian networks. C for T supports the proposed off-street L/UL arrangement and has no objection to the application subject to the adoption of appropriate planning tool to scrutinise the implementation of the traffic improvement proposal. As mentioned in paragraph 11.3 above, appropriate planning control is considered necessary to be imposed to ensure a comprehensive development with direct vehicular access and internal transport facilities within the Site, should the Committee agree to rezone the Site.

Technical Aspects

- 11.8 To support the application, the applicants have submitted relevant technical assessments including LP with Tree Survey Report, AVA-EE, SIA, EA, and GPRR, which concluded that the indicative scheme is technically feasible and would not cause any insurmountable landscape, air, sewerage, environmental and geotechnical impacts. Concerned departments including CTP/UD&L, PlanD, CE/HK&I, DSD, DEP and H(GEO), CEDD have no adverse comment on the application.

Public Comments

- 11.9 The supporting public comments are noted. Regarding the opposing public comments and submissions providing views received as mentioned in paragraphs 10.3 to 10.5 above, the planning assessments in paragraphs 11.2 to 11.8 above and departmental comments in paragraph 9 above are relevant.
- 11.10 Regarding the existing water well at 12 St. Francis Street (**Plan Z-2**), the applicants advise that the existing water well is a common feature in Hong Kong and preliminary investigation indicated that the well would create a void underground and significantly affect the excavation and foundation arrangement during the construction stage of the proposed development. Hence, the preservation of the well in its existing status is considered not technically practicable. AMO has no objection to the application. The applicants also advise that appropriate design measures will be considered to provide traces of the

existence of the existing water well at G/F in the detailed design stage as suggested by AMO.

- 11.11 With regard to the alternative proposals, including footbridge connection to the neighbouring lots and development of a corridor related to arts in Admiralty and Wan Chai, and the lack of details of the proposed arts facilities in the indicative scheme, it should be noted that the main consideration of the rezoning proposal is the proposed zoning, land uses and development intensity, detailed uses of the proposed development would be subjected to the applicants' decision at the detailed design stage. Regarding the suggestion of public housing at the Site, it should be noted that the Site is a private lot.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no in-principle objection to the proposed rezoning and recommends the Committee to partially agree to the application to rezone the application site to allow the development intensity on par of "Residential (Group A)" with stipulation of appropriate control to ensure provision of direct vehicular access for future development and designation of NBA at Sau Wa Fong.
- 12.2 Should the Committee decide to agree/partially agree to the application, the proposed amendments to the Wan Chai Outline Zoning Plan, together with the revised Notes and Explanatory Statement, will be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance.
- 12.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' consideration:
- the applicants fail to provide strong justification to demonstrate the proposed rezoning of the Site from "R(A)", "R(C)" and area shown as 'Road' to "R(A)9" with increased development intensity is technically feasible and acceptable.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicants.

14. Attachments

Appendix I	Application Form received on 17.11.2022
Appendix Ia	Consolidated Report received on 12.9.2023
Appendix IIa	Proposed Amendments to the Notes for "R(A)" zone
Appendix IIb	Proposed Amendments to the Explanatory Statement for "R(A)" zone
Appendix III	Previous Section 16 Application covering the Site

Appendix IV	Detailed Comments from Government Departments
Appendices Va to Vc	Public Comments
Drawings Z-1 to Z-6	Floor Plans
Drawing Z-7	Section Plan
Drawing Z-8	Traffic Improvement Proposal
Drawing Z-9	Landscape Proposal
Drawings Z-10 to Z-17	Photomontages
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plans Z-3 to Z-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**