

MPC Paper No. A/H5/414B
for Consideration by the
Metro Planning Committee
on 13.8.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H5/414

- Applicant** : Board Profit Limited and Come First Limited represented by Masterplan Limited
- Site** : 33 – 35 Kennedy Road, Wan Chai, Hong Kong
- Site Area** : About 715.7m²
- Lease** : Inland Lot (IL) 1923 S.C ss.1 and IL 1923 S.C ss.2
- Permit for development of European type and design subject to the standard non-offensive trade clause and rate and range clause
- Plan** : Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28
- Zoning** : “Residential (Group B)” (“R(B)”)

(a) Subject to a maximum building height (BH) of 120mPD or the height of the existing building, whichever is the greater

(b) Minor relaxation of the BH restriction (BHR) may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance (the Ordinance)
- Application** : Proposed Minor Relaxation of BHR for Permitted Flat Use

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of BHR from 120mPD to 129.95mPD (i.e. +9.95m or +8.29% in terms of mPD¹) for permitted flat use at the Site. The Site falls mainly within “R(B)” zone² on the draft Wan Chai OZP No. S/H5/28 (**Plan A-1**). According to the Notes of the OZP, while ‘Flat’ use is always permitted within the “R(B)” zone, minor relaxation of the BHR may be considered by the Town Planning Board (the Board) on its individual merits.
- 1.2 According to the applicant, the increase in BH is to accommodate all of the permissible gross floor area (GFA) whilst maintaining a floor-to-floor height of 3.15m for the typical floor. There will be two entrances for the proposed

¹ +11.97% in terms of absolute BH with the mean street level at 36.9mPD.

² A minor portion of the Site (i.e. about 29.3m²) falls within area shown as ‘Road’ which will be maintained as a right of way with no building structure. Hence, it will be treated as minor boundary adjustment of “R(B)” zone.

development; one will be located at the northeastern side of the Site which is the existing right-of-way at +36.95mPD (LG2/F of the proposed development) (**Drawing A-2**), and the other at the southwestern side of the Site which is accessible from Kennedy Road through the pedestrian stairway connected to Spring Garden Lane at +45.7mPD (G/F of the proposed development) (**Drawing A-4**). The topmost two floors (i.e. 24/F and 25/F) are having the setback terrace (**Drawing A-8**) and the greenery area is about 53m².

- 1.3 According to the applicant, the Site is about 715.7m² but about half of which has to be reserved for right-of-way for adjacent development. After accommodating all the necessary building features at ground floor, the remaining area is impracticable to provide internal car parking or loading and unloading (L/UL) facilities. Therefore, except one car parking space for the disabled, no internal transport facilities will be provided in the proposed development. The layout plan, floor plans, section plan, planter location plan and photomontages of the proposed development are shown at **Drawings A-1 to A-13**. The proposed development is scheduled to be completed in December 2023.
- 1.4 Two sets of general building plans (GBPs) for similar residential development on the Site were approved by the Building Authority (BA) on 21.12.2018 and 21.8.2020 with a BH of 119.94mPD and 120mPD respectively, which are in compliance with the BHR of the subject "R(B)" zone on the OZP. A comparison of the development parameters of the schemes proposed in the current application (Proposed Scheme) and the two sets of approved GBPs are summarised as follows:

	Proposed Scheme (a)	GBP Scheme 2018 (b)*	GBP Scheme 2020 (c)*	Difference (a) – (b)	Difference (a) – (c)
Site Area	About 715.7m ²	About 715.7m ²	About 715.7m ²	0	0
Total Domestic GFA	5,725m ²	5725.227m ²	5472.869m ²	-0.227m ²	+252.131m ²
Domestic Plot Ratio (PR)	7.999	7.999	7.647	0	+0.352
BH (at main roof)	129.95mPD	119.94mPD	120mPD	+10.01m	+9.95m
No. of Storeys					
Podium	3	3	3	0	0
Domestic Floor	25	23	23	+2	+2
Site Coverage					
Tower	33.33%	31.599%	33.33%	+1.731%	0
Podium G/F	47.993%	31.599%	35.605%	+16.394%	+12.388%
LG1/F	42.865%	36.483%	41.729%	+6.382%	+1.136%
LG2/F	42.865%	37.987%	42.059%	+4.878%	+0.806%
No. of Units	75	46	69	+29	+6
Average Flat Size	57m ²	-	-	-	-
Floor-to-floor Height of Typical Floor	3.15m (Special Floors: 3.5m)	3m	3.05m	+0.15m	+0.1m
Car Parking Spaces	1 (for disabled)	0	0	+1	+1
Clubhouse area (m ²)	243	-	243.225	+243	-0.225

* Development parameters extracted from the GBPs approved by BA on 21.12.2018 (GBP Scheme 2018) and 21.8.2020 (GBP Scheme 2020).

- 1.5 The main uses by floor for the proposed development and floor-to-floor height (**Drawing A-8**) are summarized as follows:

Floor	Main Uses	Floor-to-floor Height
LG 2/F	Lobby, E&M facilities & Disable car park	4m
LG 1/F	Transfer plate & E&M facilities	4.75m
G/F	Lobby & Club House	4.8m
1/F – 25/F	Residential Flats	3.15m (1/F to 22/F) 3.5m (23/F to 24/F) 3.15m (25/F)
R/F	E&M facilities	-

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

- (a) Application Form received on 26.11.2020 (Appendix I)
- (b) Planning Statement including architectural drawings of the Proposed Scheme received on 26.11.2020 (Appendix Ia)
- (c) Supplementary Information received on 1.12.2020 clarifying the number of storeys and the clubhouse area (Appendix Ib)
- (d) Further Information (FI) received on 4.3.2021 providing responses to departmental comments, Tree Location Plan, Traffic Technical Note and Planter Location Plans[#] (Appendix Ic)
- (e) FI received on 18.3.2021 providing responses to departmental comments, section drawings to the special floors and revised architectural plans* (Appendix Id)
- (f) FI received on 3.5.2021 providing responses to departmental comments, tree survey report and letter approving slope upgrading works[#] (Appendix Ie)
- (g) FI received on 7.6.2021 providing responses to departmental comments, revised section plan and information in relation to the proposed development* (Appendix If)
- (h) FI received on 16.6.2021 providing responses to departmental comments, traffic assessment and information in relation to the proposed development[#] (Appendix Ig)
- (i) FI received on 4.8.2021 providing responses to departmental comments, revised floor plan and section plan, and information in relation to the landscape treatment and traffic assessment* (Appendix Ih)

[#]accepted but not exempted from publication requirements

*accepted and exempted from publication requirements

- 1.7 On 22.1.2021 and 30.4.2021, as requested by the applicant's representative, the Committee agreed to defer making a decision on the application for a total of four months (two months for each deferment). Subsequently, various FIs were received between March 2021 and August 2021 (**Appendices Ic to Ih**) and the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 8 of the supporting planning statement at **Appendix Ia** and FIs at **Appendices Ic to Ih**. They are summarised as follows:

- 2.1 The Proposed Scheme is primarily to incorporate a standard residential floor-to-floor height of 3.15m which allow sufficient natural light and air ventilation, and would help to meet the objectives of the Government's Green Building Policy. It is not possible to incorporate all of the permissible GFA in the scheme with a 3.15m floor-to-floor height.
- 2.2 The Proposed Scheme is to meet the current norms of residential floor-to-floor height, while 23/F and 24/F with a floor-to-floor height of 3.5m, is for to cater level difference, fall drain, waterproofing layer at terrace/ roof areas, so as to maintain 3.15m floor-to-floor height for the levels beneath.
- 2.3 There have been 3 sets of GBPs previously submitted to BA for the Site, of which two were approved in 2018 and 2020 and one was rejected in 2019. The approved GBPs scheme in 2018 can accommodate the permissible GFA but with a very sub-standard floor-to-floor height of 3m, whereas the approved GBPs scheme in 2020 has a loss of GFA but with a slightly higher, yet still substandard floor-to-floor height of 3.05m. The GBPs submission in 2019 was rejected as the application to increase the SC to 36.505% utilising Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-132 was refused. Thus, the current application is for providing a healthier floor-to-floor height of 3.15m on the typical floors and at the same time accommodating the entire permissible GFA.
- 2.4 The Proposed Scheme is consistent with the planning intention and the criteria of accommodating building design to address site constraints in achieving the permissible PR under the OZP, as stated in the Explanatory Statement (ES) of the OZP. The approved GBPs demonstrate that the Site is severely constrained by its size and the right-of-way for Wing Way Court. It is difficult to build a modern standard building which could accommodate all the permissible PR with the BHR.
- 2.5 The minor relaxation of only 9.95m (i.e. 8.29% of the total BH) is the minimal amount required to provide a standard modern residential development.
- 2.6 The Visual Impact Assessment (VIA) demonstrates that there will be no adverse visual impact resulting from the minor increase in BH of the Proposed Scheme over the approved GBPs scheme. The height of the proposed development would still be lower than that of almost all of the surrounding buildings even after the relaxation of the BHR.

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**

The Site was zoned “R(B)” on the draft Wan Chai OZP No. LH/35C which was exhibited for public inspection under s.7 of the Ordinance on 4.11.1977 and the zoning remains the same since then. The BHR of 120mPD for the subject “R(B)” zone was first imposed on the draft Wan Chai OZP No. S/H5/26 which was exhibited for public inspection under s.5 of the Ordinance on 24.9.2010. The BHR remains the same on the draft Wan Chai OZP No. S/H5/28 currently in force.

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Application**

There is no similar application for minor relaxation of BHR within “R(B)” zone within the Wan Chai OZP.

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

7.1 The Site is:

- (a) located to the north of Kennedy Road and situated on a building platform at +36.9mPD (about);
- (b) can be accessed from Kennedy Road and by a pedestrian stairway to the west of the Site connecting Kennedy Road and Spring Garden Lane (Plans A-3 and A-5); and
- (c) currently vacant as the two buildings previously situated on the Site have already been demolished.

7.2 The surrounding areas have the following characteristics:

- (a) predominantly medium-density residential area with Government, institution and community (GIC) uses, including the Hong Kong Tang King Po College (+68.7mPD), the Church of Christ in China Wanchai Church (+32.2mPD) and Wanchai Church Kindergarten (+32.7mPD) to its west and northwest;
- (b) to its immediate north and west are residential developments namely Phoenix Court (+71.4mPD) and Wing Way Court (+143.1mPD) respectively;

- (c) to its south and further southeast across Kennedy Road on the Approved Mid-levels East OZP, are residential developments namely Amber Garden (+152.9mPD and +153.2mPD) and Bamboo Grove (ranging from +160.1mPD to +181.2mPD); and
- (d) to its further northeast and northwest down to the Queen's Road East are commercial developments namely Wu Chung House (+137.5mPD) and Hopewell Centre (+220.2mPD).

8. Planning Intention

- 8.1 The planning intention of the "R(B)" zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 8.2 According to the ES of the OZP, to provide incentive for developments/redevelopments with planning and design merits and to cater for circumstances with specific site constraints, minor relaxation of BHR under section 16 of the Town Planning Ordinance will be considered on its own merits and the relevant criteria for consideration of such application are as follows:
 - (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as a public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air and visual permeability;
 - (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP; and
 - (f) other factors such as need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality and would not cause adverse landscape and visual impacts.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application and the 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 IL 1923 S.C ss.1 and IL 1923 S.C ss.2 (the Lots). The Government lease for IL 1923 governing the Lots is for a term of 75 years from 6.8.1912 renewable for 75 years which permit the Lots for development of European type and design subject to the standard non-offensive trade clause and rate and range clause. He has no objection to the proposed residential development under the planning application provided always of course that the proposed redevelopment is approved by BA under the provisions of the BO. The applicant is not required to seek a lease modification from LandsD to implement the proposal. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.
- (b) The "Existing Right of Way" as shown on the Master Layout Plan is covered by a Deed of Covenant and Mutual Grant of Rights of Way (Deed of ROW) registered in the Land Registry under Memorial No. 198862 dated 29.6.1955. The said Deed of ROW is a private agreement made between owners of various private lots without government involvement. The applicant should liaise with the concerned private lots owners to sort out any issue relating to the concerned right of way to facilitate the proposed development. Given there is no GFA restriction under the lease for the Lots, he has no comment on its inclusion in GFA calculation from lease point of view.
- (c) The applicant should ensure that the site area is consistent with the relevant land documents and no encroachment on government land.
- (d) There is no tree preservation clause in the Government Lease for IL 1923 governing the Lots.

Traffic

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

- (a) He objects to the application on the views that the applicant fails to justify the nil provision of internal transport facilities (except one disabled car parking space).
- (b) Regarding the assessment of parking space availability, the applicant has assessed the demand for weekends in the FI on 4.8.2021 (**Appendix Ih**) but the assumptions adopted (e.g. 80% of the minimum requirement of HKPSG) should be further justified.
- (c) While the applicant mentions that it is impractical to provide innovative parking systems (e.g. puzzle-type parking system) in the proposed development, no details are provided in the FI on 4.8.2021 (**Appendix Ih**). There is also no information to support their argument that above-ground car parks are technically infeasible.
- (d) The applicant has assessed the performance of the junction of the existing right-of-way and Kennedy Road (the junction) in the FI on 4.8.2021 (**Appendix Ih**). However, the methodology and

assumptions adopted in the traffic assessment (e.g. traffic growth rate, other developments in the vicinity) have not been mentioned and justified. The applicant should also advise whether the traffic flow along Kennedy Road would be affected by the traffic queue entering to the Site to support the conclusion of satisfactory operation of the junction.

- (e) For the junction capacity assessment, it appears that Arm A (i.e. Kennedy Road eastbound) has only one traffic lane and the width should not be 7.8m as adopted in the calculation.
- (f) Should the application be approved, the following condition is required:
 - the submission of a revised traffic assessment, and the implementation of the mitigation measures, if any, identified in the revised traffic assessment, to the satisfaction of the C for T or of the Board.

Urban Design, Visual and Air Ventilation

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

- (a) He has no comment on the application at this stage.
- (b) Regarding issues related to façade treatment and solar control devices, it is noted that the applicant will consider these issues in the detailed design stage.
- (c) Regarding the greenery issue, it is noted that appropriate amount of greenery will be provided although greenery requirement of Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152 is not applicable for the Site with site area below 1,000m².

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

Urban Design and Visual Impact

- (a) The Site is located within an area of mixed use, with residential developments to its immediate north, west and southeast, Hopewell Centre and Wu Chung House to its further northwest and northeast, GIC uses to its further west and northwest, and a slope to its south. The BH of adjacent developments are ranging from about 30mPD to about 220mPD. Judging from the photomontages submitted (**Drawings A-10 to A-13**), the proposed relaxation of BHR will unlikely to induce significant adverse impacts to the surrounding areas.
- (b) According to the applicant, 3.5m floor-to-floor height for 23/F and 24/F is to address the structural / practical need of the proposed

development. In regard to the design merit to justify the proposed relaxation of BHR, the applicant claims in the submission that the terrace setback for the top two floors would allow more daylight to street level.

Landscape

9.1.5 Comments of CTP/UD&L, PlanD:

- (a) It is acknowledged that some existing trees within the Site will be retained and some roadside trees are adjacent to the Site. Nevertheless, two existing trees growing on the affected retaining wall within the Site in large size (T01 & T02 with 436mm and 650mm DBH respectively, and 12m wide tree crown) which are close to the pedestrian pathway are proposed to be felled due to the proposed development. Impact on the landscape resources is ascertained.
- (b) It is noted landscaping treatment such as planters on the G/F podium and LG2/F will be provided. However, it is unclear that new trees showing in the photomontages will be planted in the proposed planters as the location of new tree planting is not indicated in Planter Location Plan (**Drawing A-9**). Further, no information such as but not limited to proposed plant species, planting spacing and soil depth of the proposed planters etc. is provided.
- (c) In view of (a) and (b) above, the practicability of proposed landscaping treatment to mitigate the impact on the landscape resources cannot be reasonably ascertained.
- (d) The applicant is reminded to approach relevant authority/ government department(s) direct to obtain necessary approval for any proposed tree preservation/ removal scheme if necessary.

Building Matters

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

- (a) She has no comment on the application under the BO.
- (b) Regarding the consultant's statement on strengthening of the existing retaining wall, the slope upgrading work for portion of the feature no. 11SW-D/R191(SD2) was proposed by the Authorised Person arising from a geotechnical comments from the Geotechnical Engineering Office, Civil Engineering and Development Department (GEO, CEDD), however, no removal of the existing tree was proposed in the submission. The proposed slope upgrading work was subsequently approved by BD on 9.2.2021.
- (c) The latest GBPs of the development had been approved by BA on 21.8.2020.

- (d) Detailed comments on compliance with the BO will be given upon formal building plans submission.

Environment

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

- (a) She has no objection to the application from environmental planning perspective.
- (b) Should the application be approved, the following conditions are required:
 - the submission of Noise Impact Assessment (NIA) and implementation of the proposed noise mitigation measures identified in the NIA to the satisfaction of the DEP or of the Board;
 - the submission of a Sewerage Impact Assessment (SIA) for the proposed development to the satisfaction of DEP or of the Board; and
 - the implementation of local sewerage upgrading/sewerage connection works as identified in the SIA in the planning condition above to the satisfaction of the Director of Drainage Services (DSD) or of the Board.

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

- (a) He has no comment from sewerage viewpoint.
- (b) He noted that no SIA is intended to be prepared for the planning application with the view that the sewerage scheme under the approved GBPs will be followed.

Fire Safety

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

- (a) He has no objection in principle 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 GBPs.
- (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 Building (Planning) Regulation 41D which is administrated by BD.

District Officer's Comments

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

His office has not received any comment on the application.

9.2 The following departments has no comment on the application:

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

10. Public Comments Received During Statutory Publication Periods

- 10.1 On 4.12.2020, 12.3.2021, 11.5.2021 and 22.6.2021, the application and FIs were published for public inspection. During the first three weeks of the statutory public inspection periods, a total of 195 public comments were received, including 5 supporting the application (samples at **Appendix IIa**), 189 objecting to the application (of which 24 comments were submitted in 1 standard proforma, sample at **Appendix IIb** and samples of other objecting comments at **Appendix IIc**), and 1 providing views on the application (**Appendix IId**). 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 5 supporting comments were submitted by individuals on the grounds that changes to the approved GBP schemes are minor in nature, the Proposed Scheme will give a new look to the vicinity and improve the living standard/environment of Hong Kong without having significant impact to the surrounding.
- 10.3 The objecting comments were submitted by the Chairman of Wan Chai District Council (WCDC) (Miss Yeung Suet-ying, Clarisse), a member of WCDC (Miss Lee Pik-yee, Peggy), the Incorporated Owners of Amber Garden, the Incorporated Owners of Bamboo Grove, the Incorporated Owners of Phoenix Court, the Kennedy Road Protection Group and 182 locals and individuals. The major grounds of objection are summarised below:
- (a) the last round of OZP amendments has already carefully considered the BHR which achieves a balance between public interest and private development. The proposed increase in floor-to-floor height of the proposed development is not justified. The developer could achieve the floor-to-floor height by amending the number of storey;
 - (b) the proposed development will generate adverse traffic impact and overload the nearby traffic network as it will increase traffic flow. The calculation in the traffic assessment submitted by the applicant is insufficient and the assumption is unrealistic. The proposed development will increase the usage of the right-of-way and the emergency vehicle access may be blocked.

Nil parking spaces and loading/unloading space in the proposed development may cause illegal parking;

- (c) the vehicular ingress and egress at Kennedy Road is shared with the Phoenix Court and Wing Way Court and is a dangerous access.
 - (d) the proposed development will obstruct the view of neighbouring residential buildings and lower the living standards of residents living in the surrounding community;
 - (e) the proposed BH is too excessive and will create a wall effect joining with the Hopewell Centre and Wu Chung Centre. It will cause adverse air ventilation impacts, and limit sunlight penetration;
 - (f) the proposed development will generate adverse environmental impacts to the surrounding areas including noise, air, and sewerage impact, as well as light pollution. It is unacceptable to remove two big and healthy trees for retaining wall upgrading works; and
 - (g) approval of the application would set a bad precedent for other similar cases.
- 10.4 The public comment providing views was submitted by an individual and commented that insufficient building foundation of a high-rise building may create risks to the surrounding neighbourhood.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of BHR from 120mPD to 129.95 mPD (+8.29% in terms of mPD or +11.97% in terms of actual BH) for a proposed 28-storey residential development at the Site.
- 11.2 The applicant claimed that the Site is constrained by the right-of-way for the adjacent Wing Way Court, which has taken up about 42% of the site area (by calculation). However, as mentioned in paragraph 1.4 above, a set of GBPs for residential development with a PR of 7.999 and a BH of about 120mPD was approved by BA at the Site in 2018. The main difference between the two schemes is the increase in floor-to-floor height by 0.15m for each typical residential floor (from 3m to 3.15m) and two additional residential floors. The applicant argues that the proposed floor-to-floor height of 3.15m for typical residential floors is for allowing sufficient natural light and air ventilation, and would help to meet the objectives of the Government's Green Building Policy. In terms of planning and design merits, according to the applicant, the proposed terrace setback for the top floors would allow more daylight to street level (**Drawing A-8**). The visual impact of the proposed development has been demonstrated in the VIA submitted by the applicant (**Drawings A-10 to A-13**). Both CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comments on the application from the visual perspective. Notwithstanding, it is considered that there is insufficient planning and design merits to justify the minor relaxation of the BHR. Besides, given there is a set of approved GBPs which conforms with the BHR on the OZP, the applicant has yet to demonstrate that there is site constraint to justify the minor relaxation of the BHR. The application does not

therefore meet the criteria for minor relaxation BHR as highlighted in paragraph 8.2 above.

- 11.3 C for T objects to the application on the ground that the applicant fails to justify the nil provision of internal transport facilities (except one disabled car parking space). Other departments including CHE/HK, HyD, CBS/HKE&H, BD, CA/CMD2, ArchSD, DEP, CE/HK&I, DSD and H(GEO), CEDD have no adverse comments on the application. Should the application be approved by the Committee, relevant approval conditions as suggested by C for T and DEP are recommended in paragraph 12.2 below.
- 11.4 Regarding the adverse public comments, the planning considerations and assessments in paragraphs 11.2 and 11.3 above, and the departmental comments in paragraph 9 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD does not support the application for the following reason:

the applicant fails to demonstrate strong planning and design merits to justify the proposed minor relaxation of BHR within the "R(B)" zone.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 13.8.2025, 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 assessment, and the implementation of the mitigation measures, if any; identified in the revised traffic assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a Noise Impact Assessment (NIA) and implementation of the proposed noise mitigation measures identified in the NIA to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (d) in relation to (c) above, the implementation of local sewerage upgrading/sewerage connection works as identified in the SIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 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.

14. Attachments

Appendix I	Application Form received on 26.11.2020
Appendix Ia	Planning Statement including including architectural drawings of the Proposed Scheme received on 26.11.2020
Appendix Ib	Supplementary Information received on 1.12.2020
Appendix Ic	FI received on 4.3.2021
Appendix Id	FI received on 18.3.2021
Appendix Ie	FI received on 3.5.2021
Appendix If	FI received on 7.6.2021
Appendix Ig	FI received on 16.6.2021
Appendix Ih	FI received on 4.8.2021
Appendices IIa to IId	Samples of Public Comments
Appendix III	Advisory Clauses
Drawing A-1	Layout Plan
Drawings A-2 to A-7	Floor Plans
Drawing A-8	Section Plan
Drawing A-9	Planter Location Plan
Drawings A-10 to A-13	Photomontages of the Proposed Development
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-5	Site Photos

**PLANNING DEPARTMENT
AUGUST 2021**

2020年11月2日
此文件在 收到・城市規劃委員會
只會在收到所有必要的資料及文件後才正式確認收到
申請的日期

This document is received on 11 NOV 2020
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

Form No. S16-I
表格第 S16-I 號

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF
THE TOWN PLANNING ORDINANCE
(CAP.131)**

根據《城市規劃條例》(第131章)
第16條遞交的許可申請

Applicable to proposals not involving or not only involving:
適用於建議不涉及或不祇涉及:

- (i) Construction of "New Territories Exempted House(s)";
興建「新界豁免管制屋宇」;
- (ii) Temporary use/development of land and/or building not exceeding 3 years in rural areas; and
位於鄉郊地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展;及
- (iii) Renewal of permission for temporary use or development in rural areas
位於鄉郊地區的臨時用途或發展的許可續期

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers: https://www.info.gov.hk/tpb/en/plan_application/apply.html

申請人如欲在本地報章刊登申請通知,以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟,請瀏覽以下網址有關在指定的報章刊登通知:
https://www.info.gov.hk/tpb/tc/plan_application/apply.html

General Note and Annotation for the Form
填寫表格的一般指引及註解

* "Current land owner" means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made
「現行土地擁有人」指在提出申請前六星期,其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

& Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足,請另頁說明

Please insert a 「✓」 at the appropriate box 請在適當的方格內上加上「✓」號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/115/414
	Date Received 收到日期	6 NOV 2020

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件 (倘有), 送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會 (下稱「委員會」) 秘書收。
- Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at <http://www.info.gov.hk/tpb/>. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張, 然後填寫此表格。該份文件可從委員會的網頁下載 (網址: <http://www.info.gov.hk/tpb/>)。亦可向委員會秘書處 (香港北角渣華道 333 號北角政府合署 15 樓 - 電話: 2231 4810 或 2231 4835) 及規劃署的規劃資料查詢處 (熱線: 2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓) 索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載, 亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全, 委員會可拒絕處理有關申請。

1. Name of Applicant 申請人姓名/名稱

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☒ Company 公司 / ☐ Organisation 機構)

Board Profit Limited and Come First Limited

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☒ Company 公司 / ☐ Organisation 機構)

Masterplan Limited

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable) 詳細地址/地點/丈量約份及地段號碼 (如適用)	33-35 Kennedy Road, Wan Chai Lot numbers : IL 1923 S.C ss.1 and IL 1923 S.C ss.2.
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input checked="" type="checkbox"/> Site area 地盤面積 715.7sq.m 平方米 <input type="checkbox"/> About 約 <input checked="" type="checkbox"/> Gross floor area 總樓面面積 5,725sq.m 平方米 <input type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積 (倘有)	NIL sq.m 平方米 <input type="checkbox"/> About 約

(d) Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	Draft Wan Chai Outline Zoning Plan No. S/H5/28
(e) Land use zone(s) involved 涉及的土地用途地帶	Residential (Group B), Road Zone
(f) Current use(s) 現時用途	Empty Lot (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

4. "Current Land Owner" of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 –

- ☒ is the sole "current land owner"[#] (please proceed to Part 6 and attach documentary proof of ownership).
是唯一的「現行土地擁有人」[#] (請繼續填寫第 6 部分，並夾附業權證明文件)。
- ☐ is one of the "current land owners"[#] (please attach documentary proof of ownership).
是其中一名「現行土地擁有人」[#] (請夾附業權證明文件)。
- ☐ is not a "current land owner"[#].
並不是「現行土地擁有人」[#]。
- ☐ The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上 (請繼續填寫第 6 部分)。

5. Statement on Owner's Consent/Notification

就土地擁有人的同意/通知土地擁有人的陳述

- (a) According to the record(s) of the Land Registry as at (DD/MM/YYYY), this application involves a total of "current land owner(s)"[#].
根據土地註冊處截至 年 月 日的記錄，這宗申請共牽涉 名「現行土地擁有人」[#]。

(b) The applicant 申請人 –

- ☐ has obtained consent(s) of "current land owner(s)"[#].
已取得 名「現行土地擁有人」[#]的同意

Details of consent of "current land owner(s)" [#] obtained 取得「現行土地擁有人」 [#] 同意的詳情		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼/處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has notified "current land owner(s)"[#]
已通知 名「現行土地擁有人」[#]。

Details of the "current land owner(s)" [#] notified 已獲通知「現行土地擁有人」 [#] 的詳細資料		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼／處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has taken reasonable steps to obtain consent of or give notification to owner(s):
已採取合理步驟以取得土地擁有人的同意或向該人發給通知。詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的合理步驟

- ☐ sent request for consent to the "current land owner(s)" on (DD/MM/YYYY)[&]
於 (日/月/年)向每一名「現行土地擁有人」[#]郵遞要求同意書[&]

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

- ☐ published notices in local newspapers on (DD/MM/YYYY)[&]
於 (日/月/年)在指定報章就申請刊登一次通知[&]
- ☐ posted notice in a prominent position on or near application site/premises on (DD/MM/YYYY)[&]
於 (日/月/年)在申請地點／申請處所或附近的顯明位置貼出關於該申請的通知[&]
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on (DD/MM/YYYY)[&]
於 (日/月/年)把通知寄往相關的業主立案法團／業主委員會／互助委員會或管理處，或有關的鄉事委員會[&]

Others 其他

- ☐ others (please specify)
其他（請指明）

Note: May insert more than one 「✓」.

Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.

註：可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段（倘適用）及處所（倘有）分別提供資料

6. Type(s) of Application 申請類別

- ☐ Type (i) Change of use within existing building or part thereof
第(i)類 更改現有建築物或其部分內的用途
- ☐ Type (ii) Diversion of stream / excavation of land / filling of land / filling of pond as required under Notes of Statutory Plan(s)
第(ii)類 根據法定圖則《註釋》內所要求的河道改道／挖土／填土／填塘工程
- ☐ Type (iii) Public utility installation / Utility installation for private project
第(iii)類 公用事業設施裝置/私人發展計劃的公用設施裝置
- ☒ Type (iv) Minor relaxation of stated development restriction(s) as provided under Notes of Statutory Plan(s)
第(iv)類 略為放寬於法定圖則《註釋》內列明的發展限制
- ☒ Type (v) Use / development other than (i) to (iii) above
第(v)類 上述的(i)至(iii)項以外的用途／發展

Note 1: May insert more than one 「✓」.

註 1：可在多於一個方格內加上「✓」號

Note 2: For Development involving columbarium use, please complete the table in the Appendix.

註 2：如發展涉及靈灰安置所用用途，請填妥於附件的表格。

(i) For Type (i) application 供第(i)類申請

(a) Total floor area involved 涉及的總樓面面積	sq.m. 平方米		
(b) Proposed use(s)/development 擬議用途/發展	(If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)		
(c) Number of storeys involved 涉及層數		Number of units involved 涉及單位數目	
(d) Proposed floor area 擬議樓面面積	Domestic part 住用部分		sq.m 平方米 <input type="checkbox"/> About 約
	Non-domestic part 非住用部分		sq.m 平方米 <input type="checkbox"/> About 約
	Total 總計		sq.m 平方米 <input type="checkbox"/> About 約
(e) Proposed uses of different floors (if applicable) 不同樓層的擬議用途(如適用) (Please use separate sheets if the space provided is insufficient) (如所提供的空間不足，請另頁說明)	Floor(s) 樓層	Current use(s) 現時用途	Proposed use(s) 擬議用途

(ii) For Type (ii) application 供第(ii)類申請

(a) Operation involved 涉及工程	<input type="checkbox"/> Diversion of stream 河道改道
	<input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約
	<input type="checkbox"/> Filling of land 填土 Area of filling 填土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 m 米 <input type="checkbox"/> About 約
	<input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約
	(Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用圖則顯示有關土地/池塘界線, 以及河道改道、填塘、填土及/或挖土的細節及/或範圍))
(b) Intended use/development 有意進行的用途/發展	

(iii) For Type (iii) application 供第(iii)類申請

(a) Nature and scale 性質及規模	<input type="checkbox"/> Public utility installation 公用事業設施裝置												
	<input type="checkbox"/> Utility installation for private project 私人發展計劃的公用設施裝置												
	Please specify the type and number of utility to be provided as well as the dimensions of each building/structure, where appropriate 請註明有關裝置的性質及數量, 包括每座建築物/構築物(倘有)的長度、高度和闊度												
	<table border="1"> <thead> <tr> <th>Name/type of installation 裝置名稱/種類</th> <th>Number of provision 數量</th> <th>Dimension of each installation /building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米)(長 x 闊 x 高)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name/type of installation 裝置名稱/種類	Number of provision 數量	Dimension of each installation /building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米)(長 x 闊 x 高)									
	Name/type of installation 裝置名稱/種類	Number of provision 數量	Dimension of each installation /building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米)(長 x 闊 x 高)										
(Please illustrate on plan the layout of the installation 請用圖則顯示裝置的布局)													

(iv) For Type (iv) application 供第(iv)類申請

(a) Please specify the proposed minor relaxation of stated development restriction(s) and **also fill in the proposed use/development and development particulars in part (v) below** –

請列明擬議略為放寬的發展限制並填妥於第(v)部分的擬議用途/發展及發展細節 –

- ☐ Plot ratio restriction From 由 to 至
地積比率限制
- ☐ Gross floor area restriction From 由sq. m 平方米 to 至sq. m 平方米
總樓面面積限制
- ☐ Site coverage restriction From 由% to 至 %
上蓋面積限制
- ☒ Building height restriction From 由m 米 to 至 m 米
建築物高度限制
From 由 120 mPD 米 (主水平基準上) to 至
129.95mPD 米 (主水平基準上)
From 由 storeys 層 to 至 storeys 層
- ☐ Non-building area restriction From 由m to 至 m
非建築用地限制
- ☐ Others (please specify)
其他 (請註明)

(v) For Type (v) application 供第(v)類申請

(a) Proposed use(s)/development
擬議用途/發展

Residential Development.

(Please illustrate the details of the proposal on a layout plan 請用平面圖說明建議詳情)

(b) Development Schedule 發展細節表

Proposed gross floor area (GFA) 擬議總樓面面積	5,725 sq.m 平方米	<input checked="" type="checkbox"/> About 約
Proposed plot ratio 擬議地積比率	7.999	<input checked="" type="checkbox"/> About 約
Proposed site coverage 擬議上蓋面積	33.33 %	<input checked="" type="checkbox"/> About 約
Proposed no. of blocks 擬議座數	1	
Proposed no. of storeys of each block 每座建築物的擬議層數	28 storeys 層	
	<input type="checkbox"/> include 包括 storeys of basements 層地庫	
	<input checked="" type="checkbox"/> exclude 不包括 0 storeys of basements 層地庫	
Proposed building height of each block 每座建築物的擬議高度	Not More Than 129.95 mPD 米(主水平基準上)	<input type="checkbox"/> About 約
 Not More Than 93 m 米	<input type="checkbox"/> About 約

☒ Domestic part 住用部分

GFA 總樓面面積 5,725 sq. m 平方米 ☒ About 約

number of Units 單位數目 75

average unit size 單位平均面積 76sq. m 平方米 ☐ About 約

estimated number of residents 估計住客數目 384

☒ Non-domestic part 非住用部分

GFA 總樓面面積

☐ eating place 食肆 sq. m 平方米 ☐ About 約

☐ hotel 酒店 sq. m 平方米 ☐ About 約

(please specify the number of rooms

請註明房間數目)

☐ office 辦公室 sq. m 平方米 ☐ About 約

☐ shop and services 商店及服務行業 sq. m 平方米 ☐ About 約

☐ Government, institution or community facilities (please specify the use(s) and concerned land area(s)/GFA(s) 請註明用途及有關的地面面積／總樓面面積)

政府、機構或社區設施

.....

.....

☒ other(s) 其他 (please specify the use(s) and concerned land area(s)/GFA(s) 請註明用途及有關的地面面積／總樓面面積)

Club House GFA approximately

243 sq. m (this is non-accountable

GFA)

☒ Open space 休憩用地 (please specify land area(s) 請註明地面面積)

☒ private open space 私人休憩用地 Approx. 89 sq. m 平方米 ☐ Not less than 不少於

☐ public open space 公眾休憩用地 sq. m 平方米 ☐ Not less than 不少於

(c) Use(s) of different floors (if applicable) 各樓層的用途 (如適用)

[Block number] [座數]	[Floor(s)] [層數]	[Proposed use(s)] [擬議用途]
1	LG 2/F	E&M, Lobby, Right of Way
1	LG 1/F	E&M, Lobby
1	G/F	Lobby, Club House, Private Open Space
1	1/F-25/F	Flats
.....

(d) Proposed use(s) of uncovered area (if any) 露天地方 (倘有) 的擬議用途

Private Open Space, Existing Right of Way

.....

.....

.....

7. Anticipated Completion Time of the Development Proposal 擬議發展計劃的預計完成時間

Anticipated completion time (in month and year) of the development proposal (by phase (if any)) (e.g. June 2023)
擬議發展計劃預期完成的年份及月份 (分期 (倘有)) (例: 2023 年 6 月)
(Separate anticipated completion times (in month and year) should be provided for the proposed public open space and Government, institution or community facilities (if any))
(申請人須就擬議的公眾休憩用地及政府、機構或社區設施 (倘有) 提供個別擬議完成的年份及月份)

December 2023.

8. Vehicular Access Arrangement of the Development Proposal 擬議發展計劃的行车通道安排

<p>Any vehicular access to the site/subject building? 是否有車路通往地盤/有關建築物?</p>	<p>Yes 是 No 否</p>	<p><input checked="" type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用))</p> <p>From Kennedy Road</p> <p><input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度)</p> <p><input type="checkbox"/></p>
<p>Any provision of parking space for the proposed use(s)? 是否有為擬議用途提供停車位?</p>	<p>Yes 是 No 否</p>	<p><input type="checkbox"/> (Please specify type(s) and number(s) and illustrate on plan) 請註明種類及數目並於圖則上顯示)</p> <p>Private Car Parking Spaces 私家車車位 _____</p> <p>Motorcycle Parking Spaces 電單車車位 _____</p> <p>Light Goods Vehicle Parking Spaces 輕型貨車泊車位 _____</p> <p>Medium Goods Vehicle Parking Spaces 中型貨車泊車位 _____</p> <p>Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 _____</p> <p>Others (Please Specify) 其他 (請列明) _____</p> <p>_____</p> <p>_____</p>
<p>Any provision of loading/unloading space for the proposed use(s)? 是否有為擬議用途提供上落客貨車位?</p>	<p>Yes 是 No 否</p>	<p><input type="checkbox"/> (Please specify type(s) and number(s) and illustrate on plan) 請註明種類及數目並於圖則上顯示)</p> <p>Taxi Spaces 的士車位 _____</p> <p>Coach Spaces 旅遊巴車位 _____</p> <p>Light Goods Vehicle Spaces 輕型貨車車位 _____</p> <p>Medium Goods Vehicle Spaces 中型貨車車位 _____</p> <p>Heavy Goods Vehicle Spaces 重型貨車車位 _____</p> <p>Others (Please Specify) 其他 (請列明) _____</p> <p>_____</p> <p>_____</p>

9. Impacts of Development Proposal 擬議發展計劃的影響

If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures.

如需要的話，請另頁表示可盡量減少可能出現不良影響的措施，否則請提供理據/理由。

<p>Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?</p>	<p>Yes 是</p>	<p><input type="checkbox"/> Please provide details 請提供詳情</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>																															
<p>Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程? (Note: where Type (ii) application is the subject of application, please skip this section. 註：如申請涉及第(ii)類申請，請跳至下一條問題。)</p>	<p>Yes 是</p>	<p><input checked="" type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地/池塘界線，以及河道改道、填塘、填土及/或挖土的細節及/或範圍)</p> <p><input type="checkbox"/> Diversion of stream 河道改道</p> <p><input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Filling of land 填土 Area of filling 填土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 m 米 <input type="checkbox"/> About 約</p> <p><input checked="" type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 295 sq.m 平方米 <input checked="" type="checkbox"/> About 約 Depth of excavation 挖土深度 5.5 m 米 <input checked="" type="checkbox"/> About 約</p>																															
<p>Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?</p>	<p>No 否</p>	<table border="0"> <tr> <td>On environment 對環境</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On traffic 對交通</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On water supply 對供水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On drainage 對排水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On slopes 對斜坡</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Affected by slopes 受斜坡影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Landscape Impact 構成景觀影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Tree Felling 砍伐樹木</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Visual Impact 構成視覺影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Others (Please Specify) 其他 (請列明)</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> </table> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible) 請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On traffic 對交通	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On water supply 對供水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On drainage 對排水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On slopes 對斜坡	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Affected by slopes 受斜坡影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Landscape Impact 構成景觀影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Tree Felling 砍伐樹木	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>
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Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																															
Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																															

10. Justifications 理由

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.
現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明。

Please see the attached Planning Statement.

11. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in an application to the Board and/or to upload such materials to the Board's website for browsing and free downloading by the public free-of-charge at the Board's discretion.
本人現准許委員會的秘書將本人就這宗申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature
簽署

☐ Applicant 申請人 / ☒ Authorised Agent 獲授權代理人

Kira Whitman

Authorized Signature(s)

Director

Name in Block Letters
姓名 (請以正楷填寫)

Position (if applicable)
職位 (如適用)

Professional Qualification(s)
專業資格

- ☒ Member 會員 / ☐ Fellow of 資深會員
☒ HKIP 香港規劃師學會 / ☐ HKIA 香港建築師學會 /
☐ HKIS 香港測量師學會 / ☐ HKIE 香港工程師學會 /
☐ HKILA 香港園境師學會 / ☐ HKIUD 香港城市設計學會

Others 其他

on behalf of
代表

Masterplan Limited

☒ Company 公司 / ☐ Organisation Name and Chop (if applicable) 機構名稱及蓋章 (如適用)

Date 日期

27 October 2020

(DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in an application to the Board and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:

委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

- (a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and
處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及
(b) facilitating communication between the applicant and the Secretary of the Board/Government departments.
方便申請人與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.

申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。

3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

根據《個人資料(私隱)條例》(第 486 章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

For Developments involving Columbarium Use, please also complete the following:
如發展涉及靈灰安置所用途，請另外填妥以下資料：

Ash interment capacity 骨灰安放容量[@]

Maximum number of sets of ashes that may be interred in the niches

在龕位內最多可安放骨灰的數量

Maximum number of sets of ashes that may be interred other than in niches

在非龕位的範圍內最多可安放骨灰的數量

Total number of niches 龕位總數

Total number of single niches

單人龕位總數

Number of single niches (sold and occupied)

單人龕位數目 (已售並佔用)

Number of single niches (sold but unoccupied)

單人龕位數目 (已售但未佔用)

Number of single niches (residual for sale)

單人龕位數目 (待售)

Total number of double niches

雙人龕位總數

Number of double niches (sold and fully occupied)

雙人龕位數目 (已售並全部佔用)

Number of double niches (sold and partially occupied)

雙人龕位數目 (已售並部分佔用)

Number of double niches (sold but unoccupied)

雙人龕位數目 (已售但未佔用)

Number of double niches (residual for sale)

雙人龕位數目 (待售)

Total no. of niches other than single or double niches (please specify type)

除單人及雙人龕位外的其他龕位總數 (請列明類別)

Number of niches (sold and fully occupied)

龕位數目 (已售並全部佔用)

Number of niches (sold and partially occupied)

龕位數目 (已售並部分佔用)

Number of niches (sold but unoccupied)

龕位數目 (已售但未佔用)

Number of niches (residual for sale)

龕位數目 (待售)

Proposed operating hours 擬議營運時間

[@] Ash interment capacity in relation to a columbarium means –

就靈灰安置所而言，骨灰安放容量指：

- the maximum number of containers of ashes that may be interred in each niche in the columbarium;

每個龕位內可安放的骨灰容器的最高數目；

- the maximum number of sets of ashes that may be interred other than in niches in any area in the columbarium; and

在該靈灰安置所並非龕位的範圍內，總共最多可安放多少份骨灰；以及

- the total number of sets of ashes that may be interred in the columbarium.

在該靈灰安置所內，總共最多可安放多少份骨灰。

Gist of Application 申請摘要

(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and deposited at the Planning Enquiry Counters of the Planning Department for general information.)
(請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及存放於規劃署規劃資料查詢處以供一般參閱。)

Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)		
Location/address 位置/地址	33-35 Kennedy Road, Wan Chai Lot numbers : IL 1923 S.C ss.1 and IL 1923 S.C ss.2.		
Site area 地盤面積	715.7 sq. m 平方米 <input checked="" type="checkbox"/> About 約 (includes Government land of 包括政府土地 Nil sq. m 平方米 <input type="checkbox"/> About 約)		
Plan 圖則	Draft Wan Chai Outline Zoning Plan No. S/H5/28		
Zoning 地帶	Residential (Group B), Road Zone		
Applied use/ development 申請用途/發展	Residential Development		
(i) Gross floor area and/or plot ratio 總樓面面積及/或 地積比率		sq.m 平方米	Plot Ratio 地積比率
	Domestic 住用	5,725 <input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於	7.999 <input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於
	Non-domestic 非住用	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於
(ii) No. of block 幢數	Domestic 住用	1	
	Non-domestic 非住用		
	Composite 綜合用途		

(iii) Building height/No. of storeys 建築物高度／層數	Domestic 住用	93 m 米 <input checked="" type="checkbox"/> (Not more than 不多於)	
		129.95 mPD 米(主水平基準上) <input checked="" type="checkbox"/> (Not more than 不多於)	
		28 Storeys(s) 層 <input checked="" type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括 <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)	
	Non-domestic 非住用	m 米 <input type="checkbox"/> (Not more than 不多於)	
		mPD 米(主水平基準上) <input type="checkbox"/> (Not more than 不多於)	
		Storeys(s) 層 <input type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括 <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)	
	Composite 綜合用途	m 米 <input type="checkbox"/> (Not more than 不多於)	
		mPD 米(主水平基準上) <input type="checkbox"/> (Not more than 不多於)	
		Storeys(s) 層 <input type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括 <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)	
(iv) Site coverage 上蓋面積	33.33 % <input checked="" type="checkbox"/> About 約		
(v) No. of units 單位數目	75		
(vi) Open space 休憩用地	Private 私人	Approx. 89	sq.m 平方米 <input type="checkbox"/> Not less than 不少於
	Public 公眾		sq.m 平方米 <input type="checkbox"/> Not less than 不少於

(vii) No. of parking spaces and loading / unloading spaces 停車位及上落客貨車位數目	Total no. of vehicle parking spaces 停車位總數 Private Car Parking Spaces 私家車車位 Motorcycle Parking Spaces 電單車車位 Light Goods Vehicle Parking Spaces 輕型貨車泊車位 Medium Goods Vehicle Parking Spaces 中型貨車泊車位 Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 Others (Please Specify) 其他 (請列明) _____	NIL
	Total no. of vehicle loading/unloading bays/lay-bys 上落客貨車位/停車處總數 Taxi Spaces 的士車位 Coach Spaces 旅遊巴車位 Light Goods Vehicle Spaces 輕型貨車車位 Medium Goods Vehicle Spaces 中型貨車車位 Heavy Goods Vehicle Spaces 重型貨車車位 Others (Please Specify) 其他 (請列明) _____	NIL

Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件

	Chinese 中文	English 英文
Plans and Drawings 圖則及繪圖		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖/布局設計圖	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖/園境設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input type="checkbox"/>
Reports 報告書		
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估 (噪音、空氣及/或水的污染)	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input type="checkbox"/>

Note: May insert more than one '✓'. 註：可在多於一個方格內加上「✓」號

Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

註：上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&public groups



33-35 Kennedy Road s.16 Submission Clarifications
01/12/2020 10:33

From: Kira Whitman <kira@masterplan.com.hk>
To: <ctlso@pland.gov.hk>
Cc: Town Planning Board <tpb@pland.gov.hk>; Ian Brownlee <ian@masterplan.com.hk>; Heather Sheatheng <heather@masterplan.com.hk>

Dear Chillie,

As discussed in our conversation this morning I would like to clarify that in paragraph 6.1 of the planning statement there is a typographic error and it should read "28-storey" not "27-storey".

In addition to our discussion, I would also like to further clarify the Clubhouse area as shown in Table 1: Development Schedule and the Application Form is also a typographic error and should be read as "154 sq.m" rather than "243 sq.m". This figure corresponds to the plans submitted in the S.16 Planning Statement.

Thanks and regards,

Kira

Masterplan Limited
Rm 3516B, 35/F., China Merchants Tower,
Shun Tak Centre,
200 Connaught Road Central,
Hong Kong

Mobile:
Tel: 2418 2880
Fax: 2587 7068

MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

Your Ref: A/H5/414

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
Hong Kong

3 March 2021

By Email and Hand

Dear Sir,

Section 16 Planning Application No. A/H5/414
For Proposed Residential Development with Minor Relaxation of Building Height
Restriction at 33-35 Kennedy Road, Wan Chai

Response to Comments : Round 1

I refer to the abovementioned application which is currently being processed and is scheduled to be considered on 12 March 2021 by the Metro Planning Committee of the Town Planning Board. I also refer to the departmental comments the District Planning Office made available to us on 16, 23, 28, 30 December 2020. Attached is a document responding to these comments.

Attached are 35 hard copies and 35 soft copies of the Response to Comments Submission to aid the Town Planning Boards consideration of the application.

Yours faithfully,



Kira Whitman,
For and on behalf of
Masterplan Limited

cc. DPO/HK (Attn: Chillie So)
Client & Consultants



MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

Your Ref: A/H5/414

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
Hong Kong

17 March 2021

By Email and Hand

Dear Sir,

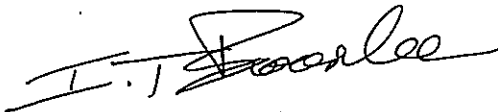
Section 16 Planning Application No. A/H5/414
For Proposed Residential Development with Minor Relaxation of Building Height
Restriction at 33-35 Kennedy Road, Wan Chai

Response to Comments : Round 2

I refer to the abovementioned application which is currently being processed and is scheduled to be considered on 30 April 2021 by the Metro Planning Committee of the Town Planning Board. I also refer to the departmental comments the District Planning Office made available to us. Attached is a document responding to these comments.

Attached are 70 hard copies of the Response to Comments Submission to aid the Town Planning Boards consideration of the application.

Yours faithfully,



Ian Brownlee,
For and on behalf of
Masterplan Limited

cc. DPO/HK (Attn: Chillie So)
Client & Consultants

RECEIVED
2021 MAR 18 A 11:41
TOWN PLANNING BOARD

MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

Your Ref: A/H5/414

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
Hong Kong

3 May 2021

By Email and Hand

Dear Sir,

**Section 16 Planning Application No. A/H5/414
For Proposed Residential Development with Minor Relaxation of Building Height
Restriction at 33-35 Kennedy Road, Wan Chai**

Response to Comments : Round 3

I refer to the abovementioned application which is currently being processed and will be considered by the Metro Planning Committee of the Town Planning Board. I also refer to the departmental comments from Urban Design & Landscape, Planning Department and Lands Department the District Planning Office made available to us by emails dated 23 March 2021 and 12 April 2021. Attached is a document responding to these comments.

Attached are 70 hard copies of the Response to Comments Submission to aid the Town Planning Boards consideration of the application.

Yours faithfully,



Ian Brownlee,
For and on behalf of
Masterplan Limited

cc. DPO/HK (Attn: Chillie So)
Client & Consultants



MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

Appendix If of
MPC Paper No. A/H5/414B

Your Ref: A/H5/414

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
Hong Kong

4 June 2021

By Email and Hand

Dear Sir,

**Section 16 Planning Application No. A/H5/414
For Proposed Residential Development with Minor Relaxation of Building Height
Restriction at 33-35 Kennedy Road, Wan Chai**

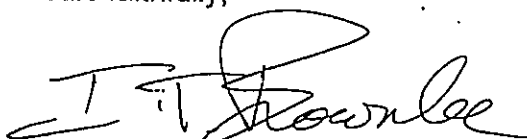
Response to Comments : Round 4

I refer to the abovementioned application which is currently being processed and will be considered by the Metro Planning Committee of the Town Planning Board. I also refer to the departmental comments from Planning Department (including Urban Design & Landscape, Planning Department) the District Planning Office made available to us by emails dated 26 April 2021 and 27 May 2021. Attached is a document responding to these comments.

With regards to the comments from Transport Department (TD), our traffic consultant is still in discussion with Transport Department to ensure their comments are addressed. The response to TD's comments will be submitted at a later stage.

Attached are 70 hard copies of the Response to Comments Submission to aid the Town Planning Boards consideration of the application.

Yours faithfully,



Ian Brownlee,
For and on behalf of
Masterplan Limited

cc. DPO/HK (Attn: Chillie So)
Client & Consultants

RECEIVED
2021 JUN - 7 P 2: 04
TOWN PLANNING BOARD

MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

Your Ref: A/H5/414

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
Hong Kong

15 June 2021

By Email and Hand

Dear Sir,

Section 16 Planning Application No. A/H5/414
For Proposed Residential Development with Minor Relaxation of Building Height
Restriction at 33-35 Kennedy Road, Wan Chai

Response to Comments : Round 5

I refer to the abovementioned application which is currently being processed and will be considered by the Metro Planning Committee of the Town Planning Board. I also refer to the departmental comments from Transport Department and Planning Department that the District Planning Office made available to us by emails dated 07 April 2021 and 10 June 2021. Attached is a document responding to these comments.

Attached are 70 hard copies of the Response to Comments Submission to aid the Town Planning Boards consideration of the application.

Yours faithfully,



Ian Brownlee,
For and on behalf of
Masterplan Limited



cc. DPO/HK (Attn: Chillie So)
Client & Consultants

MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

Your Ref: A/H5/414

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
Hong Kong

4 August 2021

By Email and Hand

Dear Sir,

**Section 16 Planning Application No. A/H5/414
For Proposed Residential Development with Minor Relaxation of Building Height
Restriction at 33-35 Kennedy Road, Wan Chai**

Response to Comments : Round 6

I refer to the abovementioned application which is currently being processed and will be considered by the Metro Planning Committee of the Town Planning Board. I also refer to the departmental comments from Planning Department (including Urban Design & Landscape, Planning Department) and Transport Department that the District Planning Office made available to us by emails dated 25 June 2021, 06 July 2021, 23 July 2021 and 29 July 2021. Attached is a document responding to these comments.

I would like to point out that the purpose of this S16 application is for a minor relaxation of the building height restriction (BHR), by 9.95mPD only. In our response to comments Round 3 in May 2021 we noted the UD&L comment:-

"The BH of adjacent developments are ranging from about 30mPD to about 220mPD. Judging from the photomontages submitted, the proposed relaxation of BHR will unlikely to induce significant adverse impacts to the surrounding areas."

As this application only proposes a minor relaxation of the BHR, the proposed changes at the top of the proposed building are the relevant points of consideration. In this respect the UD&L comment quoted above is the relevant comment. It is important to note that in respect of this application for a minor relaxation of the building height the landscaping and car parking aspects of the proposal are not strictly relevant to the purpose of this application.

Attached are 70 hard copies of the Response to Comments Submission to aid the Town Planning Board's consideration of the application.

Yours faithfully,



Ian Brownlee,
For and on behalf of
Masterplan Limited

cc. DPO/HK (Attn: Chillie So)
Client & Consultants

RECEIVED
2021 AUG - 4 P 1:57
TOWN PLANNING BOARD

5-2

致：香港北角政府合署 15 樓城市規劃委員會秘書處 (傳真：2877 0245)

To: Secretariat of Town Planning Board, 15/F North Point Govt Offices, HK (Fax: 2877 0245)

申請編號：A/H5/414 意見書

Comment on Application No. A/H5/414

(諮詢期至 Expiry Date for Making Comments: 2020/12/28)

本人對《申請編號 A/H5/414》的內容表示 (請加上√)：

Regarding Application No. A/H5/414, I (Please mark with a √):

☒ 支持 Support ☐ 反對 Reject ☐ 沒有意見 Have no comments

意見如下 My opinions (可另加附頁 Please use additional pages if needed)：

本人居住 [REDACTED]，曾經反對中華基督教會灣仔堂改變用途，申請興建二十多層建築，但反對未果。

但本人今次，支持上述申請，理由是上述項目發展商不是優化發展方案，整體改變不大。該發展商的其他項目，本人有垂青過，發現質素與心思不錯，能優化該地區發展，長遠對附近物業可能有正面的影響。本人支持給予上述項目多些塑造空間，更大的發揮。如果城規會不準許或反對 A/H5/414 的 [REDACTED] 如此少幅度之修改，實屬不合理，何以解釋灣仔堂竟然可以由幾層學校變成 20 多層建築？希望城規會給予通過，讓發展商興建更佳之建築，帶動附近社區的更新和發展。發展商申請理由是令每層樓底增至 3.15 米有環保作用，是好的！

*姓名 Name：馮耀東

*聯絡電話 Contact：[REDACTED]

*地址 Address：[REDACTED]

*電郵 Email：[REDACTED]

日期 Date：9/12/20

*聯絡資料供城規會書面回覆之用途 For replies by Town Planning Board

16

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

201223-192047-95866

提交限期

Deadline for submission:

28/12/2020

提交日期及時間

Date and time of submission:

23/12/2020 19:20:47

有關的規劃申請編號

The application no. to which the comment relates:

A/H5/414

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. CK Chan

意見詳情

Details of the Comment :

I support the application as it promotes better living standard /environment in Hong Kong yet without having significant impact to the nearby environment.

tpbpd@pland.gov.hk

22

寄件者: [REDACTED]
寄件日期: 2020年12月28日星期一 18:19
收件者: tpbpd
主旨: 反對堅尼地道33至35號放寬高度限制 (A/H5/414.)

致 城市規劃委員會：

反對堅尼地道 33 至 35 號放寬高度限制 (A/H5/414)

堅尼地道 33 至 35 號向城規會申請放寬略為高度限制，理據並不充分，本人促請城規會否決申請。本人理據如下：

一) 申請人稱住宅的標準樓底高度為 3.15 米，此說並無根據，亦不符一般住宅的標準，與改善自然光及通風關係不大。申請人此舉只為墊高樓宇，令樓宇高達 129 米，超出 120 米高度限制。

二) 高度限制必需嚴格遵守，除非有極強理據。申請人的理據非常薄弱，只需將樓底高度維持一般樓宇的水平，便可在符合高度限制的範圍內用盡可發展樓面面積。

三) 申請人申請放寬逾 8% 的高度限制，明顯不屬「略為放寬」，推高樓宇高度亦將令物業價值提高，申請人將因此而得益，但卻令高度限制下獲保護的環境及景觀公眾利益受損。

四) 由居民組成的堅尼地道關注組，亦去信灣仔區議會表達反對意見，憂慮日後堅尼地道的交通擠塞問題等，城規會必需考慮當區居民的意見。

灣仔區議會主席
楊雪盈

社區專員
陳錦成

二零二零年十二月二十八日

tpbpd@pland.gov.hk

22 附加

寄件者: [REDACTED]
寄件日期: 2020年12月28日星期一 23:43
收件者: tpbpd
主旨: 聯署反對規劃申請 (A/H5/414) 堅尼地道33至35號放寬高度限制
附件: 聯署：反對堅尼地道33至35號放寬高度限制 (A_H5_414) - 表單回應 1.pdf

楊雪盈議員辦

🏠 香港銅鑼灣高士威道16-22號高威利
Unit F, 9/F, Causeway Tower, 16-22 Ca



致 城市規劃委員會：

本辦就題述規劃收到一份聯署，現轉交城規會（見附件）。

楊雪盈議員辦事處

二零二零年十二月廿八日

聯署：反對堅尼地道33至35號放寬高度限制(A/H5/414)

#	聯署時間	聯署人姓名	電郵	反對意見：
23	1	2020/12/28 下午 5:05:24	Cheng Woon Wing	/
24	2	2020/12/28 下午 5:13:46	Lam Kin Ming	反對堅尼地道33至35號放寬高度限制
25	3	2020/12/28 下午 5:52:58	Ruby Cheung	不可放寬高度限制 影響景觀！
26	4	2020/12/28 下午 5:52:59	A Yuen	反對
27	5	2020/12/28 下午 5:54:23	Ho Tsz Ming	該地段唔係高密度發展住宅單位，會造成交通擠塞！
28	6	2020/12/28 下午 5:56:34	Kwan Chi Hong	香港有特色的建築物越來越小，所以要保留保育。
29	7	2020/12/28 下午 6:04:14	Eric Chan	The current transportation network will be overload after the proposed development.
30	8	2020/12/28 下午 6:05:17	包立群	/
31	9	2020/12/28 下午 6:11:06	Evonnie Ng	反對堅尼地道33-35號放寬高度限制
32	10	2020/12/28 下午 6:18:21	Yau chi ming benson	本人反對A/H5/414申請計劃。1) 交通擠塞將更趨嚴重 2) 高樓宇遮擋景觀 3) 影響通風和環境
33	11	2020/12/28 下午 6:18:47	Joecy Lee	本人反對A/H5/414申請計劃。1) 交通擠塞將更趨嚴重 2) 高樓宇遮擋景觀 3) 影響通風和環境
34	12	2020/12/28 下午 6:21:22	May Ip	反對~再度放寬高度！
35	13	2020/12/28 下午 6:23:01	LAW WAI SHAN	請城規會尊重居民意見，保持建築樓宇不要高於原本限制，保持堅尼地道一帶市民生活質素！
36	14	2020/12/28 下午 6:26:26	Tsang Chi Hung	/
37	15	2020/12/28 下午 6:28:57	oo	反對堅尼地道放寬建築物高度限制
38	16	2020/12/28 下午 6:39:55	Carmen li	/
39	17	2020/12/28 下午 7:01:47	Kamini	城市發展已令香港變色，灣仔一變再變，是否要讓原有特色改變？
40	18	2020/12/28 下午 7:23:36	Carmen Wong	強烈反對堅尼地道33至35號放寬高度限制
41	19	2020/12/28 下午 7:48:03	葉佳傑	反對近年新式樓宇逐漸推高樓底高度以將令物業價值提高，並嘗試以此合理化地無視居民及環境。
42	20	2020/12/28 下午 7:49:11	Mitra Chow	/
43	21	2020/12/28 下午 7:49:59	Chow Lai Fong	/
44	22	2020/12/28 下午 9:12:51	曾潔華	反對放寬高度
45	23	2020/12/28 下午 9:31:14	Kate Siu	/
46	24	2020/12/28 下午 9:51:07	Ho Wong	/
47	24	2020/12/28 下午 11:40:40	Hattie Cheng	It's a treasure of Hong Kong's history and archeology.

5-5

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

201215-130939-96870

提交限期

Deadline for submission:

28/12/2020

提交日期及時間

Date and time of submission:

15/12/2020 13:09:39

有關的規劃申請編號

The application no. to which the comment relates: A/H5/414

「提意見人」姓名/名稱

Name of person making this comment:

堅尼地道珀苑業主立案法團

意見詳情

Details of the Comment:

堅尼地道珀苑業主立案法團反對上述規劃申請，原因如下：

- 1) 放寬建築物高度限制並非必要，發展商可調整建築物層數而符合現時高度限制的上限；
- 2) 容許發展商蓋建更高的建築物不但會影響周遭環境的和諧，而且會破壞珀苑高層單位的景觀



5-6

KRPG Secretariat:- 11A Man Yuen Garden
Kennedy Road,
Wan Chai,
Hong Kong

Secretary, Town Planning Board
15/F Floor, North Point Government Offices,
333 Java Road,
North Point,
Hong Kong.

14th December 2020

Dear Sirs,

Re:- **Proposed Residential Development with Minor Relaxation of
Building Height Restriction
s.16 Application No. A/H5/414**

"Kennedy Road Protection Group" are a group of residents living in the Wan Chai sector of Kennedy Road in vicinity of the application site on the "R(B)" zone and "Road" at 33-35 Kennedy Road. We have maintained a keen interest in developments at the Wan Chai sector of Kennedy Road since 2003 as we are concerned that **OVER-DEVELOPMENT** will impact this essentially medium density residential area, as noted in both the Wan Chai OZP and the Middle-level East OZP.

We have read the Gist of this application on the Town Planning Board web-site.

The REASONS why we consider this residential redevelopment project OVER-DEVELOPMENT are as follows:-

1. **Development Site** - This is a small and irregularly shaped site, and a large portion of the GFA is derived from the zoned area of "Road", and we understand that normally a "Road" zone cannot be used in the GFA calculation by private developers. The site is set far below Kennedy Road level and has a difficult access.
2. **Building Height** - The application proposes a "*minor relaxation of the Building Height Restriction*" to allow a building height of 129.95 mPD which excludes the E&M facilities on the roof which will add possibly another 10 meters. What the developer is actually proposing is a building of about 140 mPD. The purpose it to maximize the GFA by fully utilizing the plot ratio of 8 because they are restricted to the small triangular site as the "Road" zone cannot be built over because it is a necessary existing-right-of-way. (see proposal *Executive Summary S1.*)
However:-
 - a) Government - Lands Department and Planning Department NEVER guarantee any developer that a site can achieve its maximum potential GFA based on the plot ratio. The allowable size and shape are a "risk" for the developer: the development risk is always for the developer, NOT for the government or the community.

- b) The Planning Department, the Town Planning Board, and the Executive Council have set **TWO** building height restrictions for Wan Chai Planning Area No.5:-
 - i) **120mPD** - focal point at Bowen Road gallery behind No.62 Kennedy Road
 - ii) **90mPD** - focal point at Wan Chai Gap behind No. 90 Kennedy Road - "Merry Garden"

These heights and the relevant views were first identified and recommended in the comprehensive *Hong Kong Island West Development Statement* ("HKWDS") commissioned in 1993 and completed in 1999. The application of these restrictions was also confirmed to The Ombudsman by the Planning Department. Our understanding is that the 120mPD height restriction applies to sites to the west of Spring Garden Lane, and the 90mPD height restriction applies to the sites to the east of Spring Garden Lane. This would mean that **this site has a building height restriction of 90mPD**, so in proposing a height of 129.95mPD the developer is requesting a 44% increase - **this is NOT a MINOR relaxation.**
 - c) The developer forwards the justification that the height of the proposed building is less than many of the surrounding buildings; but these buildings were either built or had GBP approvals BEFORE the height restrictions were imposed on the Wan Chai OZP in May 2002.
3. **Precedent** - there have been recent other applications to the TPB for relaxations of the Building Height Restrictions on other Wan Chai Planning Area No. 5 sites which are pertinent to A/H5/414 - namely :-
- a) Wan Chai Church BHR concession at 77 Spring Garden Lane from 90mPD to 110mPD. This is particularly pertinent to this A/H5/414 case as it is in the immediate vicinity to the west of the application site.
 - b) Wan Chai BHR concession at 99 Kennedy Road from 90mPD 100mPD
 - c) Wan Chai proposed residential with minor relaxation of BHR from 12 storeys to 15 storeys (71mPD) at 31-36 Sau Wa Fong was deferred by the BMC pending the CE in C's decision of the latest Wan Chai OZP.

Generally the TPB's approval for the relaxation of BHR is NOT a formality. It should be granted exceptionally for "special cases" - NOT just because a developer wants more GFA; and this A/H5/414 is a very "weak" case. The BHR were established in the public interest. Granting a relaxation of BHR for "weak" cases would set a **very bad precedent**, where every developer will think they have a "right" to BHR relaxations. Thus would be against the general community interest.

4. **Traffic** - The Master Layout Plan (MLP) shows that NO car-parking is being planned for this redevelopment, and the MLP intimates that the residents of this block will access on foot via Spring Garden. However, these 75 flats will attract considerable traffic (e.g. taxis) along Kennedy Road.
- a) Transport Department acknowledges that the Kennedy Road (KR) and Queen's Road East (QRE) junction is already close to saturation during peak hours. Accordingly when Hopewell Holdings presented the HCII to the relevant government departments and the Town Planning Board they were required to design and implement traffic mitigating measures to justify their project (ref. A/H5/408). Their mitigating measures at KR/QRE junction made no allowance for this A/H5/414 proposed project.
 - b) The vehicular ingress and egress at Kennedy Road is shared with Phoenix Court and Wing Way Court (existing right-of-way) and is a difficult and somewhat dangerous access and exit particularly from the eastbound lane.
 - c) The proposal shows that there is an entrance to the lift lobby directly from Kennedy Road so there may be a dangerous situation created when vehicles (taxis) stop in the eastbound lane.
5. **Architectural and Visual Impact** - Due to the limited building area this project appears to be "shoe-horned" into this irregular shaped site. Despite this small site area, at 3 flats per floor, this project at 75 flats will be one of the largest in our medium-density residential Kennedy road.

The proposed building is juxtapositioned with Wing Way Court and as it is positioned along the western site boundary it appears to almost touch this neighbouring building. Accordingly this extra close proximity will:

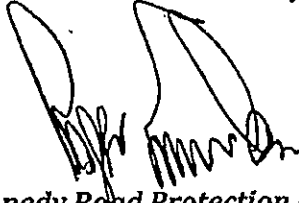
- i) take light from the bedroom area of Wing Way Court.
- ii) create a wind tunnel effect between the two buildings, as the prevailing wind is from the east.
- iii) look "strange"

Open space is immaterial as there appears to be no access for residents.

In the context of the above five points we request consideration and protection under Section 3 (1) of the Town Planning Ordinance Cap.131.

We therefore respectfully request Members of the Board to **REJECT** this s.16 proposal in the **PUBLIC INTEREST**.

Yours sincerely,


Roger Emmerton for Kennedy Road Protection Group

C.C.

- **Miss Peggy LEE** – Wan Chai District Council for Southorn - Fax 2865 3636
- **Miss Clarisse YEUNG** – Chairman Wan Chai District Council Fax 2834 9667
- **Mr. Louis MAK King-sing** – Chairman, WDC Development, Planning and Transport Committee- Fax 3611 5248

20

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

201228-080827-26145

提交限期

Deadline for submission:

28/12/2020

提交日期及時間

Date and time of submission:

28/12/2020 08:08:27

有關的規劃申請編號

The application no. to which the comment relates:

A/H5/414

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. Juditha So

意見詳情

Details of the Comment :

December 18, 2020

The Secretariat
Town Planning Board
15/F North Point Government Offices
333 Java Road
North Point, Hong Kong

Dear Sir or Madam:

Re: Application No. A/H5/414 33-35 Kennedy Road, Wan Chai

We wish to make you aware of a number of strong objections that we have with regard to the proposed relaxation of the building height restriction ("BHR") at 33-35 Kennedy Road, application number referenced above. As an immediate neighbor at Wing Way Court (31 Kennedy Road), we believe that the proposed relaxation will have a serious adverse impact on our standard of living.

Non-compliance with OZP's Building Height Restriction

The building height restriction (BHR) is in place to preserve the local environment, as well as protect the community's interest which include living environment and sunlight penetration. The last round of OZP amendments has already carefully considered BHR to achieve the proper balance between public interest and private development.

Based on recent Sustainable Building Design guidelines, anything above 3.0m floor-to-floor height is acceptable. Recent successful luxury developments The Pavilia Farm (18 Che Kung Miu Road) and Central Peak (18 Stubbs Road) have 3.035 and 3.05m floor-to-floor height, respectively, which invalidates the applicant's claim that modern healthy buildings must have a minimum floor-to-floor height of 3.15m for sufficient natural light and ventilation. The penthouse or duplex units with higher floor-to-floor height of 3.5m does not serve to increase GFA but instead serves only the interest of the developer at the expense of neighboring residents.

Overlooking and Privacy

As a resident of a high floor in Wing Way Court, the proposed relaxation of the building height threatens the privacy of our southeast facing bedroom. The approved height restriction of 120 mPD would unlikely cause any privacy concerns. However, the proposed relaxation of height would likely result in insufficient spacing as seen in the applicant's master layout plan where the bedroom corner is touching the western facade of the applicant's proposed development.

Overshadowing and Loss of Light

The applicant claims that the proposed height increase of 9.95m will have no adverse visual impact. Though there may not be an apparent visual impact, we believe the overshadowing effect and loss of light on the southeast facing bedrooms of Wing Way Court will be significant. Without shadow diagrams or detailed consideration outlining the impact on sunlight penetration of the proposed height increase, we do not believe that this request for height relaxation has fully considered neighbors' interests.

We believe there is an optimal design to achieve maximum permissible GFA while still meeting BHR, SBDG and modern urban design guidelines, and at the same time protect public interest. Therefore, we would be grateful if the Town Planning Board would take our objections into consideration when deciding this application. We sincerely encourage the Town Planning Board to investigate whether there is sufficient justification for further relaxation of BHR.

Sincerely,

Fred F Gao and Juditha So



李碧儀議員辦事處

Office of Peggy Lee, Wan Chai District Councillor

28th December 2020

48

Secretary, Town Planning Board
15/F, North Point Government Offices,
333 Java Road, North Point
Hong Kong

Dear Sirs,

S.16 Application No. A/H5/414

Proposed Residential Development with Minor Relaxation of Building Height Restriction

RECEIVED
2020 DEC 28 P 3:13
TOWN PLANNING BOARD

I am writing to OBJECT Application No. A/H5/414 due to the following reasons:

1. Architectural and Visual Impact

The application proposes a “minor relaxation of the Building Height Restriction” to allow a building height of 129.95mPD which will possibly add 10 meters to the building, thus the Developer is actually proposing to build a residential building of about 140 mPD. The application of relaxation of original restricted height will further block the surrounding scenery, natural sunlight and air-ventilation of No.64 Phoenix Court, Kennedy Road (especially Block 1 and Block 2), which will have adverse impact to residents’ health and existing living condition.

In addition, the proposed building is juxta-positioned with Wing Way Court and the western site boundary appears to almost touch Wing Way Court, this will take light from the bedroom area of Wing Way Court and create wind tunnel effect between two buildings, as the prevailing wind is from the East. Such relaxation of the building height also threatens the privacy of Wing Way Court’s Southeast facing bedroom, resulting in insufficient spacing.

2. Traffic Impact

The Master Layout Plan (MLP) shows that NO CAR PARK is being planned for this 75 residential units redevelopment project. Apparently, the vehicular access in Kennedy Road shared with Phoenix Court and Wing Way Court (the Right of Way) has already reached its full capacity or somehow over congested. The proposed plan shows no entrance along

香灣仔譚臣道8號威利商業大廈13樓A室

Room A, 13/F, Thomson Commercial Building, 8 Thomson Road, Wan Chai, HK

電話 Tel: 2865 3300

傳真 Fax: 2865 3636

電郵 Email: [REDACTED]

Kennedy Road, which means there will be additional hundreds of residents sharing the same narrow Right of Way, which is not in the best interest of existing residents and will create extra traffic burden to the existing Right of Way and may result in a dangerous situation.

In addition, I am curious that how the lorries park when the 75 units of new residents moved in when there is no parking area or loading/unloading area is being planned.

3. Over Development in Kennedy Road

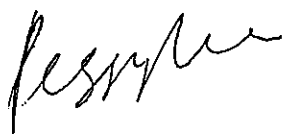
Kennedy Road is a medium density residential area as noted in both Wan Chai Outline Zoning Plan and the Mid- Levels East Outline Zoning Plan. With the development of Hopewell Centre 2, Kennedy Road is already very over development which already created massive traffic during Peak hours. Not to mention on this height restriction application of the development, the original height restriction of 120 mPD is already over developed and will create excessive car flow and crowd to Kennedy Road. In addition, the over development will bring deteriorate impact to the water and drainage supply, and will eventually bring residents inconvenience due to the pollution

The Developer claims that the height of the proposed building is less than many of the surrounding buildings, but these buildings were either built or had General Building Plan (GBP) approvals before the height restrictions were imposed on the Wan Chai Outline Zoning Plan in May 2002.

To conclude, with the reasons above, I see NO NECESSITY of the height relaxation to this development. As a respective Developer or Entrepreneur in Hong Kong, I believe social responsibilities and harmony should also be considered, but not just only consider on their pockets.

I sincerely request consideration from the Board to the points above, to REJECT this s.16 proposal in the PUBLIC INTEREST.

Yours Sincerely,



Peggy Lee Pik-yee

Wan Chai District Councillor (Southorn)

49

28th December 2020

Secretary, Town Planning Board
15/F, North Point Government Offices,
333 Java Road, North Point
Hong Kong

Dear Sirs,

S.16 Application No. A/H5/414

Proposed Residential Development with Minor Relaxation of Building Height Restriction

I am writing to OBJECT Application No. A/H5/414 due to the following reasons:

1. Architectural and Visual Impact

The application proposes a “minor relaxation of the Building Height Restriction” to allow a building height of 129.95mPD which will possibly add 10 meters to the building, thus the Developer is actually proposing to build a residential building of about 140 mPD. The application of relaxation of original restricted height will further block the surrounding scenery, natural sunlight and air-ventilation of No.39 Phoenix Court, Kennedy Road (especially Block 1 and Block 2), which will have adverse impact to residents’ health and existing living condition.

In addition, the proposed building is juxta-positioned with Wing Way Court and the western site boundary appears to almost touch Wing Way Court, this will take light from the bedroom area of Wing Way Court and create wind tunnel effect between two buildings, as the prevailing wind is from the East. Such relaxation of the building height also threatens the privacy of Wing Way Court’s Southeast facing bedroom, resulting in insufficient spacing.

2. Traffic Impact

The Master Layout Plan (MLP) shows that NO CAR PARK is being planned for this 75 residential units redevelopment project. Apparently, the vehicular access in Kennedy Road shared with Phoenix Court and Wing Way Court (the Right of Way) has already reached its full capacity or somehow over congested. The proposed plan shows no entrance along Kennedy Road, which means there will be additional hundreds of

residents sharing the same narrow Right of Way, which is not in the best interest of existing residents and will create extra traffic burden to the existing Right of Way and may result in a dangerous situation.

In addition, I am curious that how the lorries park when the 75 units of new residents moved in when there is no parking area or loading/unloading area is being planned.

3. Over Development in Kennedy Road

Kennedy Road is a medium density residential area as noted in both Wan Chai Outline Zoning Plan and the Mid- Levels East Outline Zoning Plan. With the development of Hopewell Centre 2, Kennedy Road is already very over development which already created massive traffic during Peak hours. Not to mention on this height restriction application of the development, the original height restriction of 120 mPD is already over developed and will create excessive car flow and crowd to Kennedy Road. In addition, the over development will bring deteriorate impact to the water and drainage supply, and will eventually bring residents inconvenience due to the pollution

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To conclude, with the reasons above, I see NO NECESSITY of the height relaxation to this development. As a respective Developer or Entrepreneur in Hong Kong, I believe social responsibilities and harmony should also be considered, but not just only consider on their pockets.

I sincerely request consideration from the Board to the points above, to REJECT this s.16 proposal in the PUBLIC INTEREST.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Tang Tit Ho', is written over a circular official stamp. The stamp contains the text 'THE INCORPORATED OWNERS OF PHOENIX COURT' around the perimeter and '鳳凰閣 業主立案法團' in the center.

Chairman, Tang Tit Ho
For The Incorporated Owners of Phoenix Court

Seq 3 5-128

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&public groups



就有關申請編號：A/H5/414之意見
21/05/2021 12:03

From:

To:

"tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>

FileRef:

1 attachment



有關申請編號A-H5-414之意見書.pdf

敬啟者：

本苑珀苑對有關申請編號：A/H5/414之意見，請參閱附件，謝謝！

珀苑管業處 啟

21.5.2021

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/H5/414 Received on 03/05/2021

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

堅尼地道珀苑業主立案法團再次重申反對上述放寬高度限制的申請，我們認為是非必要及嚴重影響周遭環境的和諧及原有景觀。此外，就進一步遞交資料的樹木位置圖，我們仍然極之反對砍伐兩棵大樹，由於該兩棵大樹正是對著珀苑正門出入口，如砍伐之後會嚴重影響本苑居民出入的景觀及破壞附近的生態環境。

「提意見人」姓名/名稱 Name of person/company making this comment _____

簽署 Signature _____



日期 Date 21/5/2021

5-131

Hally Secretarial Limited
Room 1103, Shanghai Industrial Investment Building
48-62 Hennessy Road
Wanchai
Hong Kong

26th May, 2021

Secretariat of Town Planning Board
15/F., North Point Government Offices
333 Java Road
Hong Kong

BY HAND

Dear Sir

Re: Application No. A/H5/414 (FI)
No. 33-35 Kennedy Road, Wanchai, Hong Kong

We refer to the subject matter.

Regarding Section 16 Planning Application Proposed Minor Relaxation of Building Height Restriction at 33-35 Kennedy Road, Wanchai, Hong Kong, especially on "Urban Design" we would raise an objection to the Application on the following grounds:-

- (1) The relaxation of building height will affect the view of our flat as well as the surrounding environment. We consider the relaxation is prejudicial to our interest as existing resident in the neighborhood on Kennedy Road.
- (2) The relaxation is also prejudicial to other developers in the past who had been bounded by the height restriction.
- (3) Regarding the applicant's claim that the terrace setback for the top two floors would allow more daylight to the street level is only a **deception**. Simple geometry shall show that the affected angle is minimal as the building is a high-rise one. Furthermore, we would point out that as the sun is moving, the timing of more daylight, if any, should be very short. 1 or 2 minutes? This is the usual trick of developers only.
It is so obvious that the applicant's intention is to sell the top two floors with terrace at a higher price only.
- (4) On comment under head(1) and (2) from the Chief Town Planner regarding Urban Design, it appears that the content is a recap of the applicant's views and not the comment of the Chief Town Planner.

- (5) The relaxation if granted, will have a very bad effect to the citizen at large. Even we believe that there is no transfer of benefit between the developer and the Towning Planning Board, the impression is not good. This is the general conscious of the Government to avoid such impression.
- (6) The application if granted will have a consequential effect. Is the Town Planning Board prepared to allow all similar application along Kennedy Road in the future.

Last but not least, if the application is granted, I hereby reserve our right to apply for Judicial Review.

Yours faithfully

For and on behalf of
HALLY SECRETARIAL LIMITED
可利秘書服務有限公司

.....
Authorized Signature(s)

Owner of [REDACTED]
[REDACTED]
[REDACTED]

Enclosure: Comment from the Chief Town
Planner/Urban Design and Landscape and response from Developer

Section 16 Planning Application
Proposed Minor Relaxation of Building Height Restriction at
33-35 Kennedy Road, Wan Chai, Hong Kong

Item	Comment from the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Planning Department)	Response
Architectural and Visual Aspects		
2.	Having reviewed the FI submitted by the applicant, noted that two existing trees within the site located on retaining wall are proposed to be removed as a result of the retaining wall strengthening works. Adverse landscape impact is therefore anticipated arising from the proposed development. With no detailed information on the two affected trees (i.e. species, size, condition, photographic record etc.), the significance of the adverse landscape impact cannot be ascertained at this stage.	Please see the attached Tree Survey in Annex 1 .
3.	Furthermore, information on whether alternative method(s) could be adopted to strengthen the retaining wall without affecting the trees, and information on mitigation measure(s) for the potential landscape impact (e.g. preservation of existing landscape resources etc.) within the site is not provided. Therefore, the applicant failed to demonstrate that potential adverse landscape impact arising from the proposed development has been minimized.	Please see the attached letter from Buildings Department regarding the Approved Slope Upgrading Work, dated 9 February 2021, in Annex 2 .
4.	We reserve our further comments from the landscape planning perspective upon receipt of supplementary information from the applicant.	Noted.

Item	Comment from Lands Department	Response
1	The applicant should ensure that the site area is consistent with the relevant land documents and no encroachment on government land.	Noted.

Section 16 Planning Application
Proposed Minor Relaxation of Building Height Restriction at
33-35 Kennedy Road, Wan Chai, Hong Kong

Item	Comment from the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Planning Department) (on R-to-C: Round 2)	Response
<u>Urban Design</u>		
1.	The site is located within an area of mixed use, with residential developments to its immediate north, west and southeast, Hopewell Centre and Wu Chung House to its further north and northwest, GIC uses to its further west and northwest, and a slope to its south. The BH of adjacent developments are ranging from about 30mPD to about 220mPD. Judging from the photomontages submitted, the proposed relaxation of BHR will unlikely to induce significant adverse impacts to the surrounding areas.	Noted with thanks.
2.	According to the current FI, 3.5m floor-to-floor height for the top two floors is to address the structural / practical need of the proposed development. In regard to the design merit to justify the proposed relaxation of BHR, the applicant claims in the submission that the terrace setback for the top two floors would allow more daylight to street level.	Noted.
<u>Landscape</u>		
3.	It is noted that, only section drawings of the special floors are provided, no information on the landscape aspect of the site is included in this FI.	Landscaping will take place at the podium levels in planters as indicated in <u>"Annex 3: Planter Location Plans"</u> of the Round 1 Response to Comment Submission. The trees abutting the site provide a significant green visual aspect to the site as can be seen from the Tree Survey in Annex 1. The small site and steep retaining wall make it difficult to provide landscaping within

Section 16 Planning Application
Proposed Minor Relaxation of Building Height Restriction at
33-35 Kennedy Road, Wan Chai, Hong Kong

		<p>the site beyond the planters indicated.</p> <p>Vertical greening will be explored at the detailed design stage.</p>
4.	Our further comments would be provided upon receipt of supplementary information on the landscape aspect of the site.	Noted.

5-132

May 25, 2021

Secretary, Town Planning Board
15/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong

BY HAND

Dear Sirs,

Re: Application No. A/H5/414

Location : 33-35 Kennedy Road, Wan Chai, Hong Kong

Proposal: Proposed Residential Development with Minor Relaxation of Building
Height Restriction

Dear Sirs,

We refer to the above application dated 26/11/2020.

We would like to make comments on the above application to the Town Planning Board under sections 16(2K)(c) and 16(2F) of the Town Planning Ordinance. We object to give approval to the above application based on the the following reasons.

- The applicant said in the application the proposed minor relaxation is only 9.95m greater than the building height restriction, representing an 8.29% increase in the total building height. Of course there will be adverse visual impact to the view of the residents on surrounding buildings. Moreover, Building Height Restriction (BHR) in the area has been set for rational zone planning reasons.
- Therefore, approval on application for a proposed relaxation of the BHR is unacceptable.
- There is no way a concession could be made due to a design problem with the limit of the BHR.
- The applicant should resolve the design issues himself using existing permissible limits such as the permissible GFA and BHR. This would be the same when talking about the boundary of the site, would it be possible for the applicant to ask the government to extend the site boundary if they so wish for design issue?

- The applicant claims in the submission that the terrace setback for the top two floors would allow more daylight to street level is incorrect. It is simple geometric issue that more daylight would be allowed onto street level only if the building has terrace set back from lower levels, say from the 4th floor onwards for an over 20-storeys building.

Moreover, an approval for above application would mean opening a flood gate for similar applications in future, would the Town Planning Board willing to entertain and approve such applications to avoid the impression that special favorable treatment has been given to the current application. As such, this application should be rejected based on the existing Building Height Restriction alone, without even considering the adverse visual impact to the surrounding buildings.

Yours faithfully
For and on behalf of
Happy China Limited

For and on behalf of
喜 慶 有 限 公 司
HAPPY CHINA LIMITED

Authorized Signature(s)

Leo Kan

Director

Owner of [REDACTED]
[REDACTED]
[REDACTED]

Contact phone number: [REDACTED]

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/H5/414 Received on 03/05/2021

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

Please refer to the letter enclosed (Ref.: PM-BAMB/ECL/EC/025/21)

「提意見人」姓名/名稱 Name of person/company making this comment Jones Lang LaSalle Management Services Limited

Jones Lang LaSalle Management Services Ltd.

As the agent for & on behalf of

簽署 Signature The Owner of Bamboo Grove

日期 Date 3/15/21



仲量聯行

Ref.: PM-BAMB/ECL/EC/025/21

31 May 2021

Secretary, Town Planning Board
Planning Department
15/F North Point Government Offices
333 Java Road, North Point, Hong Kong.

By Hand. By Fax: 2877 0245 &
By Email: tpbpd@pland.gov.hk

Dear Sirs,

**Re.: Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use
33-35 Kennedy Road, Wan Chai, Hong Kong.
(Application No. A/H5/414 – Submission of Further Information by Applicant)**

We are the Sub-Manager of Bamboo Grove and write on behalf of Hysan Property Management Limited of Bamboo Grove Block A, Bamboo Grove, 74 Kennedy Road, Hong Kong to direct our objection against the subject application. Reasons are as below:

- 1 The extra 9.95 meters height increase will further affect the view and fresh air flow of the 345 nos. of flats in Bamboo Grove. It shall be unreasonable for the said 345 flats in Bamboo Grove being affected by the subject development which consists of 75 flats only;
- 2 Bamboo Grove contributed a lot to develop an environmental friendly community for residents and members of the district with a lot of green areas in the estate developed. The development with extended height of 9.95 meters together with Wing Wai Court and Hopewell Centre forming a curtain (as per photograph enclosed) could block the sunlight and affect fresh air flow to Bamboo Grove. It affects the growth of plants and living environment of Bamboo Grove. Again, it shall be unreasonable for the residents of 345 flats being affected by a new development with 75 flats only.
- 3 We consider that the planning department should only consider such relaxation if there is significant benefit for the public and the design/planning of the development cannot achieve it without the relaxation.

We hope you could consider the above concerns from owners and residents of Bamboo Grove and decline the subject application. Should you have any queries or if any further information is required, please feel free to contact the undersigned on 2846 5917 or [REDACTED]

Yours faithfully,
Jones Lang LaSalle Management Services Limited
As the Sub-Manager
For and on behalf of the Owner of Bamboo Grove


Eric Chan
Senior Manager

Encl.

cc. Client

仲量聯行物業管理有限公司
香港英皇道 979 號多盛大廈 17 樓
公司牌照號碼: C-006182

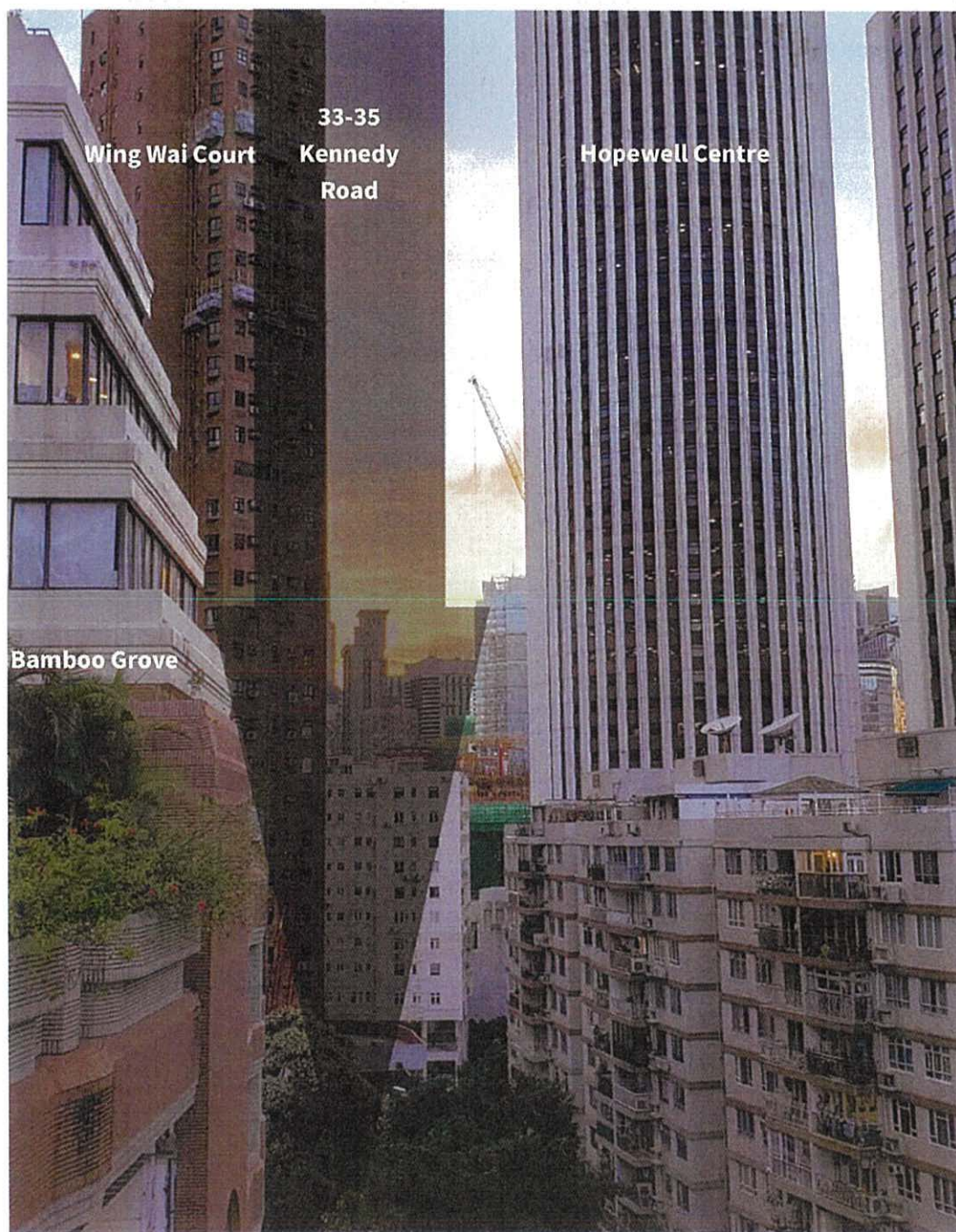
Jones Lang LaSalle Management Services Limited
17/F Dorset House 979 King's Road Hong Kong
Company Licence No.: C-006182

Our quality assurance accreditation
ISO 9001 Quality Management System
ISO 14001 Environmental Management System
ISO 50001 Energy Management System
OHSAS 18001 Occupational Health and Safety Management System

T +852 2846 5000 F +852 2968 1668



仲量聯行



規 劃 署

香港北角渣華道三百三十三號
北角政府合署



Planning Department

North Point Government Offices
333 Java Road, North Point,
Hong Kong

來函編號 Your Reference
本署檔號 Our Reference TPB/A/H5/414
電話號碼 Tel. No.: 2231 4940
傳真機號碼 Fax No.: 2895 3957

By Registered Mail

Seq 3 5-135

11 May 2021

HYSAN PROPERTY MANAGEMENT LTD
BAMBOO GROVE BLOCK A
BAMBOO GROVE
74 KENNEDY ROAD
HONG KONG

Dear Sir/Madam,

**Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use
33-35 Kennedy Road, Wan Chai, Hong Kong
(Application No. A/H5/414 - Submission of Further Information by Applicant)**

Please refer to the attached statutory notice issued by the Town Planning Board (the Board). As you can see from the notice, the Board is now inviting public comments on the further information submitted by the applicant of the captioned planning application which is in your neighbourhood. Any comments on the further information you wish to make must be made in writing to the Board direct not later than **1 June 2021**. Under the Town Planning Ordinance, any out-of-time comment shall not be accepted. You may use the attached submission form for making comment. Details of the application can be inspected on the Board's website (https://www.info.gov.hk/tpb/en/plan_application/A_H5_414.html) or by scanning the QR code below) or at the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000).



The tentative date of the Board to consider the application has been uploaded to the Board's website (<https://www.info.gov.hk/tpb/>)

The paper for consideration of the Board in relation to the application will be available for public inspection at the Planning Enquiry Counters and on the Board's website (<https://www.info.gov.hk/tpb/en/meetings/meetings.html>) before the meeting, and at the Public Viewing Room on the day of meeting.

After the Board has considered the application, enquiry about the decision may be made at tel. no. 2231 4810 or 2231 4835 or the gist of the decision can be viewed at the Board's website after the meeting.

Please bring this matter to the attention of the owners and tenants of your building.

Yours sincerely,

(SO Tsz-lui Chillie)
for District Planning Officer/Hong Kong
Planning Department

(This is a computer print-out and no signature is required)

TOWN PLANNING ORDINANCE (Chapter 131)
APPLICATION FOR PLANNING PERMISSION
SUBMISSION OF FURTHER INFORMATION

Pursuant to section 16(2D)(b) of the Town Planning Ordinance (the Ordinance), the Town Planning Board (the Board) has published newspaper notice(s) of the planning application(s) made under section 16(1) of the Ordinance as set out in the Schedule below. Pursuant to section 16(2K) of the Ordinance, the Board has accepted further information from the applicant(s) to supplement the information included in the application(s). The further information is now available for public inspection during normal office hours at the following locations -

- (i) the Planning Enquiry Counter, 17th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong; and
- (ii) the Planning Enquiry Counter, 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories.

In accordance with sections 16(2K)(c) and 16(2F) of the Ordinance, any person may make comment to the Board in respect of the further information. The comment should state the application number to which the comment relates and should be made to the Secretary of the Board by hand, post (15th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong), fax (2877 0245 or 2522 8426) or e-mail (tpbpd@pland.gov.hk), or through the Board's website (<http://www.info.gov.hk/tpb/>) not later than the date specified in the Schedule.

Any person who intends to make comment is advised to read the "Town Planning Board Guidelines on Publication of Applications for Amendment of Plan, Planning Permission and Review and Submission of Comments on Various Applications under the Town Planning Ordinance" (the Guidelines) for details. The Guidelines are available at the above locations, the Secretariat of the Board (15th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong) as well as the Board's website (<http://www.info.gov.hk/tpb/>).

In accordance with sections 16(2K)(c) and 16(2I) of the Ordinance, any comment made to the Board will be available for public inspection during normal office hours at locations (i) and (ii) above until the Board has considered the application in question under section 16(3).

The gists of the applications (including location plans) can be viewed at the above locations, the Secretariat of the Board and the Board's website.

The tentative date of the Board to consider the application has been uploaded to the Board's website (<http://www.info.gov.hk/tpb/>). The meeting for considering planning applications, except the deliberation parts, will be open to the public. For observation of the meeting, reservation of seat can be made with the Secretariat of the Board by telephone (2231 5061), fax (2877 0245 or 2522 8426) or e-mail (tpbpd@pland.gov.hk) at least one day before the meeting. Seats will be allocated on a first-come-first-served basis.

The paper for consideration of the Board in relation to the application will be available for public inspection after issue to the Board Members at the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000), uploaded to the Board's website before the meeting and at the Public Viewing Room on the day of meeting.

After the Board has considered the application, enquiry about the decision may be made at tel. no. 2231 4810 or 2231 4835 or the gist of the decision can be viewed at the Board's website after the meeting.

Statement on Personal Data

The personal data submitted to the Board in any comment will be used by the Secretary of the Board and Government

departments for the following purposes:

- (a) the processing of the application which includes making available the name of the person making the comment (hereafter known as "commenter") for public inspection when making available the comment for public inspection; and
- (b) facilitating communication between the "commenter" and the Secretary of the Board/Government departments in accordance with the provisions of the Ordinance and the relevant Town Planning Board Guidelines.

Schedule

Application No.	Location	Applied Use/ Development	Further Information	Deadline for Making Comment on the Further Information
A/KC/473	2-10 Tai Yuen Street, Kwai Chung, New Territories	Proposed Minor Relaxation of Plot Ratio Restriction	The applicant provided responses to departmental comments with revised traffic impact assessment.	18 May 2021
A/H5/414	33-35 Kennedy Road, Wan Chai, Hong Kong	Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use	The applicant submitted further information involving responses to departmental comments and new tree survey report.	1 June 2021

11 May 2021

Town Planning Board



李碧儀議員辦事處

Office of Peggy Lee, Wan Chai District Councillor

136

31st May, 2021

15/F North Point Government Office,
Hong Kong
Secretariat of Town Planning Board

To whom it may concern,

Objection to A/H5/414 (FI2)

I am writing to object the further information submitted by the applicant of A/H5/414 (FI2), my reasons are as follow:

1. No response to the previous insufficient calculation and unrealistic assumption in traffic assessment report

The traffic assessment report by LLA/applicant in A/H5/414 (FI) did not give calculation of cars and traffic situation during Peak hours in Kennedy Road, it also did not include the future traffic generates by a new mega hotel (Hopewell Centre 2) in 2022 with over 1000 rooms. However, Transport Department did not require the applicant to submit further calculation on the traffic flow, which is MISLEADING the Board on their traffic impact if heigh restriction is relaxed.

2. No solution is given to ease the overload traffic to the right of way between 33-35 Kennedy Road, Wing Way Court and Phoenix Court ("right of way") and impact to Emergency Vehicle Access ("EVA")

As stated in my previous objection letter, the right of way is now sharing between Wing Way Court and Phoenix Court, but the traffic is already overloaded. More units of the new building mean more pressure to the usage of right of way, EVA may be blocked and put residents' lives and safety at risk, and there is no solution provided by the applicant to address this problem.

3. Removal of big healthy trees without compensatory plan or alternative plan

The applicant proposed to remove two big and healthy trees (T01 and T02) for retaining wall upgrading work which is UNACCEPTABLE. Based on the tree report provided by the applicant, these trees are still in rather healthy status and should be preserved. These trees are treasure to the environment of Kennedy Road and the neighbourhood which provide shade and fresh air to residents. In addition, the applicant was asked by the Building Department to explain whether alternative methods could be adopted to strengthen the retaining wall without cutting the trees. However, the applicant did not response to Building Department but insisted to cut down the trees, which is also UNACCEPTABLE and IRRESPONSBLE by the general public and the environment.

In addition, even if the only way to strengthen the retaining wall is to cut down the trees, the applicant should offer a compensatory plan by replanting trees in other area of Wan Chai. This is a very usual practise adopted by Developer on tree cutting, such practice has also applied in Hopewell Centre 2 project, where a compensatory plan was provided by Hopewell Ltd to replant their 'cut down" trees in other area of Wan Chai.

4: **Air ventilation**

A 28 storeys building will surely block the sunlight and affect air circulation to Phoenix Court and Wing Way Court. I strongly request the applicant to provide neighbourhood a report and analysis on air ventilation impact specially to Block 1 and Block 2 of Phoenix Court.

To conclude, the GBP approved for this site was 46 units in 2018 and 69 units in 2020, and the applicant is now proposing to increase to 75 units by asking for relaxation of height, which is totally **UNACCEPTABLE and UNFAIR** to residents nearby. It is also inadequate to use to the approved GBP in 2018 as a reason for not providing car park as approval of GBP and height relaxation should not be assessed under same mechanism. With all the impact and concerns above, I do not see any reason or necessity of granting the height relaxation to the applicant for more units. I sincerely request the Board to reject the height relaxation application after reviewing all the impact to resident's safety, traffic, greenery and living environment.

Yours Sincerely,



Peggy Lee Pik-yee

Wanchai District Councillor (Southorn)

159

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

210601-205423-72814

提交限期

Deadline for submission:

01/06/2021

提交日期及時間

Date and time of submission:

01/06/2021 20:54:23

有關的規劃申請編號

The application no. to which the comment relates:

A/H5/414

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss Genevieve Moore

意見詳情

Details of the Comment :

I object to the plans to construct a 28 storey residential building on this site, which formerly housed low-rise tong lau, pre-war buildings. This site is not appropriate for a larger scale residential building given the site constraints and already congested and developed nature of Kennedy Road and the surrounding area. Kennedy Road cannot support yet another residential building bringing more traffic to the area, particularly due to the large-scale redevelopment of Hopewell Centre already under construction, which will heavily tax the existing road infrastructure.

Over-Development in Contravention of the Existing OZP: this project will contribute to overdevelopment impacting this medium-density residential area as noted in both the Wanchai OZP and Mid-Level East OZP.

Inappropriate Development Site: this site is inappropriate for residential development given its small and irregularly shaped site set far below Kennedy Road with difficult access. A large portion of the GFA is derived from an area zoned "Road". A "road" zone cannot be used in the GFA calculation by private developers.

Inappropriate Building Height: the applicant proposes a "minor relaxation of the Building Height Restriction" to allow an alleged building height of 129.95 mPD, which excludes the E&M facilities on the roof, which will add another 10 m. Thus, the applicant is actually proposing a building of 140 mPD to maximize the GFA by fully utilizing the plot ratio of 8 because they are restricted to a small triangular site as the "Road" zone cannot be built over as it is a necessary existing right-of-way. According to height restrictions imposed in the comprehensive Hong Kong West Development Statement commissioned in 1993 and completed in 1999 (as confirmed to The Office of the Ombudsman by the Planning Department), this site has a building height restriction of 90 mPD. A proposed height of 129.95 mPD is therefore a 44% increase—not a MINOR relaxation. Such 90 mPD height restriction was imposed in the Wanchai OZP in May 2002 and is applicable to this application. TPB's approval for a relaxation of a building height restriction is to be granted "exceptionally" only in "special cases"—not just because an applicant wants more GFA. If TPB were to approve this application, it would set a very bad precedent going against the general community interest.

Adverse Traffic Impact: despite the fact that no carparking is planned for this development, 75 ft

ats will attract considerable additional traffic along Kennedy Road. Transport Department has already acknowledged that Kennedy Road and Queen's Road East junction are already close to saturation during peak hours. Accordingly, when Hopewell Holdings presented the HCII to TPB and relevant government departments, it was required to redesign and implement traffic mitigation measures to justify the project (A/H5/408). Such mitigation measures made no allowance for this proposed project (A/H5/414). The vehicular ingress/egress at Kennedy Road is shared with Phoenix Court and Wing Way Court (the existing right-of-way) and is a difficult and somewhat dangerous access/exist from the eastbound lane. As the proposed development shows an entrance to the lift lobby directly from Kennedy Road, this may create a dangerous situation when vehicles (taxis) stop in the eastbound lane.

Architectural and Visual Impact: despite the constraints of this very small, triangular shaped site, the applicant plans to build 75 flats at 3 flats per floor. This would make it one of the largest developments in the medium-density residential Kennedy Road. The proposed development is juxtapositioned with Wing Way Court such that it will almost touch the neighboring building along the western boundary. This will take light away from the Wing Way Court bedrooms, create a wind tunnel effect between the two buildings as the prevailing wind is from the east and will look "strange." Finally, there is no open space access for residents.

Tree Impact: I object to the proposed felling of T01 and T02 within the site area. T02 is an old banyan and has high amenity value to the community. It is irrelevant for the applicant to point to the plans approved by Buildings Department (BD) as justification for moving forward with both the development and the tree felling, as BD is not concerned with over-development nor with maintaining existing trees or the natural environment. BD will approve any buildings plan that meets the technical requirements of the Buildings Ordinance. Thus, having approved BD plans is irrelevant to whether TPB approval should be given to this proposed development. I agree with comments of the Planning Department that the applicant has failed to demonstrate that the potential adverse impact to the environment has been minimized.

Accordingly, I request TPB to reject this application.

寄件者: [REDACTED]
寄件日期: 2021年06月01日星期二 19:53
收件者: Tpbpd
副本: Peggy LEE; Clarisseysy; King Sing Mak
主旨: KRPG TPB A/H5/414 (FI)
附件: KRPG-TPB A-H5-414 FI_20210601_0001.pdf; KRPG-TPB A-H5-414 FI_20210601_0002.pdf

Dear SIRS,

With reference to our letter of 14th December 2020 please find attached our additional COMMENTS and OBJECTIONS with regard to the developer's "Response to Comments: Round 3" of May 2021.

The below two photos are referenced in paragraph 1. of our attached letter dated 1st June 2021.

Best regards

Roger Emmerton

for Kennedy Road Protection Group





KRPG Secretariat:- 11A Man Yuen Garden
Kennedy Road,
Wan Chai,
Hong Kong

Secretary, Town Planning Board
15/F Floor, North Point Government Offices,
333 Java Road,
North Point, Hong Kong

1st June 2021

Dear Sirs,

Re:- **Proposed Residential Development with Minor Relaxation of
Building Height Restriction
s.16 Application No. A/H5/414**

"Kennedy Road Protection Group" are a group of residents living in the Wan Chai sector of Kennedy Road in vicinity of the application site on the "R(B)" zone and "Road" at 33-35 Kennedy Road.

In addition to the **FIVE REASONS** why we consider this residential redevelopment project **OVER-DEVELOPMENT** that we forwarded to you in our letter dated 14th December 2021 we wish to give our further perspective on the developer's *"Response to Comments : Round 3"* dated May 2021. As stated we are concerned that over-development will impact this essentially medium density residential area - noted in both the Wan Chai OZP and the Middle-level East OZP.

1. Architectural, Landscape and Visual Aspects -

We refer to the *Tree Survey Report* and consider that this report and the accompanying photos downplay the size, quality and value of these trees to the community. Kennedy Road is well known for its mature banyan trees that line the northern side of the road. T02 and T04 are such trees and have high amenity value to Kennedy Road residents. (We attach two photos that we believe give a better perspective than those in the developer's consultant's portfolio.)

The developer admits that *the (SIX) trees abutting the site will provide a significant green visual aspect*, BUT then ludicrously to the contrary proposes to FELL TWO mature healthy trees that have been happily growing at this location for many years.

2. Urban Design -

- a) The Chief Town Planner – Planning Department should recognize that the BH of adjacent developments were built or had GBP approvals BEFORE the height restrictions were imposed on the Wan Chai OZP in May 2002. We are not aware that a relaxed BH of over 110mPD has been approved by TPB in this Wan Chai Kennedy Road vicinity since 2002. CTP-PD cites *Hopewell Centre* and *Wu Chung House* as examples BUT these are commercial developments founded in Queens Road East and were completed before 2002: they are NOT residential projects on Kennedy Road.

- b) The design merit claimed in the submission that the terrace setback for the top two floors would allow more daylight to street level (i.e Kennedy Road) is complete fantasy as the project is to the north side of the road and sunlight is to the south. In any event Kennedy Road does not suffer from lack of daylight.
- c) "Vertical greening" appear to be magical buzz words – but experience shows that results are usually meaningless.

3. Traffic -

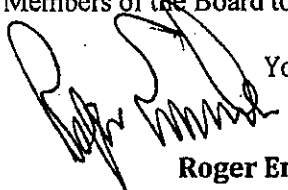
Buildings Department, the Commissioner for Transport and the Chief Highways Engineer are fully aware of the difficulties that access from Kennedy Road to this development site presents – reference Appeal Tribunal – Buildings Ordinance (Cap 123) Case N. 74 91 (Ref (18) in PELB(L) 67/01/05 (74-91).

The Tribunal after visiting the site stated that *"we are left in no doubt that the existing traffic conditions both at the junction of Kennedy Road and the right of way and on the right of way itself are unsatisfactory, unsafe and dangerous"*. Those existing traffic conditions have NOT materially changed since this 1992 statement. We acknowledge that the Master Layout Plan (MLP) shows that NO car-parking is being planned for this redevelopment, and the MLP intimates that the residents of this block will access on foot via Spring Garden. BUT these 75 flats will attract considerable traffic (e.g. taxis) along Kennedy Road and into the "Phoenix Court" junction and the right-of-way.

4. Precedent -

The TPB's approval for the relaxation of BHR is NOT a formality. The intention is that it should be granted exceptionally for "special cases" – NOT just because a developer wants more GFA. The BHR were established in 2002 in the public interest. Granting a relaxation of BHR for "weak" cases would set a very bad precedent, where every developer will think they have a "right" to BHR relaxations. This would be against the general community interest; and also it offers opportunities for collusion and corruption. .

In the context of the above we request consideration and protection under Section 3 (1) of the Town Planning Ordinance Cap.131. We therefore respectfully request Members of the Board to **REJECT** this s.16 proposal in the **PUBLIC INTEREST**.



Yours sincerely,

Roger Emmerton for Kennedy Road Protection Group

c.c.

- Miss Peggy LEE – Wan Chai District Council for Southorn - Fax 2865 3636
- Miss Clarisse YEUNG – Chairman Wan Chai District Council Fax 2834 9667
- Mr. Louis MAK King-sing – Chairman, WCDC DPT Committee- Fax 3611 5248

tpbpd@pland.gov.hk

Seq 5 5-171

寄件者: [REDACTED]
寄件日期: 2021年07月05日星期一 15:54
收件者: Tpbpd
副本: Peggy LEE; Clarisseysy; King Sing Mak
主旨: KRPB TPB A/H5/414 Further Information 5th Round
附件: KRPB-TPB A-H5-414 FI 5th 20210705_0002.pdf; KRPB-TPB A-H5-414 FI 5th 20210705_0001.pdf

Dear SIRS,

With reference to our letter of 14th December 2020 please find attached our additional COMMENTS and OBJECTIONS with regard to the developer's "Response to Comments: Round 5" of June 2021.

Best regards

Roger Emmerton

for Kennedy Road Protection Group

2) Planning Department:-

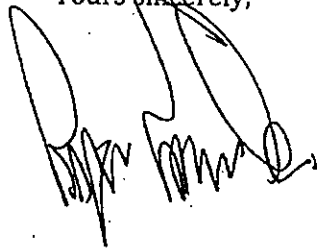
Has the Town Planning Board made a determination on whether the pertinent building height restriction has been correctly assessed by Buildings Department when they approved the General Building Plans on 21st December 2018. These BHR were implemented in 2002 for Wan Chai Planning Area No.5:-

- i) 120mPD - focal point at Bowen Road gallery behind No.62 Kennedy Road
- ii) 90mPD - focal point at Wan Chai Gap behind No. 90 Kennedy Road.

Planning Department photographically confirmed those height restrictions to The Ombudsman. Our understanding is that the 120mPD height restriction applies to sites to the west of Spring Garden Lane, and the 90mPD height restriction applies to the sites to the east of Spring Garden Lane. This site is to the east of Spring Garden Lane.

In the context of the above we request consideration and protection under Section 3 (1) of the Town Planning Ordinance Cap.131. We therefore respectfully request Members of the Board to **REJECT** this s.16 proposal in the **PUBLIC INTEREST**.

Yours sincerely,



Roger Emmerton for Kennedy Road Protection Group

c.c.

- Miss Peggy LEE - Wan Chai District Council for Southorn - Fax 2865 3636
- Miss Clarisse YEUNG - Chairman Wan Chai District Council Fax 2834 9667
- Mr. Louis MAK King-sing - Chairman, WCDC DPT Committee- Fax 3611 5248

KRPG Secretariat:- 11A Man Yuen Garden
Kennedy Road,
Wan Chai,
Hong Kong

Secretary, Town Planning Board
15/F Floor, North Point Government Offices,
333 Java Road,
North Point,
Hong Kong

5th July 2021

Dear Sirs,

Re:- Proposed Residential Development with Minor Relaxation of
Building Height Restriction
s.16 Application No. A/H5/414 – FI 5th Round

"Kennedy Road Protection Group" are a group of residents living in the Wan Chai sector of Kennedy Road in vicinity of the application site on the "R(B)" zone and "Road" at 33-35 Kennedy Road.

In addition to the **FIVE REASONS** why we consider this residential redevelopment project **OVER-DEVELOPMENT** that we forwarded to you in our letters dated 14th December 2020 and 1st June 2021 we wish to give our further perspective on the developer's *"Response to Comments : Round 5"* dated June 2021. As stated we are concerned that over-development will impact this essentially medium density residential area - noted in both the Wan Chai OZP and the Middle-level East OZP.

1. Transport Department's Comments:-

- a) The applicant had mentioned the use of the car-park in front of Nos 52 & 54-56 Kennedy Road. We can report that this facility is already used to full capacity. The metered parking spaces in Kennedy Road near Bamboo Grove, also mentioned, are also already in much demand.
- b) This proposed residential block will have 75 units, making it the largest single block in Kennedy Road : the only larger residences have several blocks. This will NOT have an insignificant effect on traffic generation. Where will this traffic stop for residents to alight? As we pointed out already the Commissioner for Transport and the Chief Highways Engineer are fully aware of the difficulties that access from Kennedy Road to this development site presents – reference Appeal Tribunal – Buildings Ordinance (Cap 123) Case N. 74 91 (Ref (18) in PELB(L) 67/01/05 (74-91). [The Tribunal after visiting the site stated that "we are left in no doubt that the existing traffic conditions both at the junction of Kennedy Road and the right of way and on the right of way itself are unsatisfactory, unsafe and dangerous".] Those existing traffic conditions have NOT materially changed since this 1992 statement – so have TD's safety standards reduced in this time?

tpbpd@pland.gov.hk

177

寄件者: [REDACTED]
寄件日期: 2021年07月12日星期一 16:32
收件者: tpbpd@pland.gov.hk
副本: Leo Kan
主旨: Re: Comments on Application No. A/H5/414 (FI-3)
附件: 20210712165831755.pdf

July 12, 2021

Secretary, Town Planning Board
15/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong

Dear Sirs,

Re: Application No. A/H5/414 (FI-3)
Location : 33-35 Kennedy Road, Wan Chai, Hong Kong
Proposal: Proposed Residential Development with Minor Relaxation of Building Height Restriction

Dear Sirs,

We refer to the above application dated 26/11/2020.

We would like to make comments on the above application to the Town Planning Board under sections 16(2K)(c) and 16(2F) of the Town Planning Ordinance. Further to our letter sent to you making comments dated May 25, 2021 (copy attached), we object to give approval to the above application based on the following additional observation which will be included in the attached scanned letter.

Please see attached scanned copy of the letter of comments together with relevant attachments.

For and on behalf of
Happy China Limited

Leo Kan
Director

[REDACTED]

July 12, 2021

Secretary, Town Planning Board
15/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong

By Fax

Dear Sirs,

Re: Application No. A/H5/414 (FI-3)

Location : 33-35 Kennedy Road, Wan Chai, Hong Kong

Proposal: Proposed Residential Development with Minor Relaxation of Building
Height Restriction

Dear Sirs,

We refer to the above application dated 26/11/2020.

We would like to make comments on the above application to the Town Planning Board under sections 16(2K)(c) and 16(2F) of the Town Planning Ordinance. Further to our letter sent to you making comments dated May 25, 2021 (copy attached), we object to give approval to the above application based on the following additional observation.

- After a review on the responses to comments made by Transport Department to prepared by the Developer's appointed consultant LLA Consultancy Ltd, we found that in Figure 4 of the response, the marking on the Legend on the location of (4) 248 Queen's Road East and (5) The Zenith were incorrect. Please see copy of figure 4 and copies of the map showing the correct location of (4) and (5). Such mistake made on the report as a response to comments made by Transport Department is unacceptable and unprofessional. As such, the accuracy of other information or founding contained in the response are also questionable.
- By deduction, the seriousness of the response made by the Developer to comments and queries from various responsible parties was only slightly taken. Moreover, those comments were treated as if they were only routine questions from different parties which require response rather than serious and detailed to the point answers. And the tactic of extending the application period is used

such that relevant parties including the general public would be tired and will not respond any further to the application and the application would not be rejected eventually.

Moreover, an approval for above application would mean opening a flood gate for similar applications in future, would the Town Planning Board willing to entertain and approve such applications to avoid the impression that special favorable treatment has been given to the current application. As such, this application should be rejected based on the existing Building Height Restriction alone, without even considering the adverse visual impact to the surrounding buildings.

Yours faithfully

For and on behalf of

Happy China Limited

For and on behalf of

喜 京 有 限 公 司
HAPPY CHINA LIMITED

.....
Leo Kan

Authorized Signature(s)

Director



May 25, 2021

Secretary, Town Planning Board
15/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong



COPY

BY HAND

Dear Sirs,

Re: Application No. A/H5/414

Location: 33-35 Kennedy Road, Wan Chai, Hong Kong

Proposal: Proposed Residential Development with Minor Relaxation of Building Height Restriction

Dear Sirs,

We refer to the above application dated 26/11/2020.

We would like to make comments on the above application to the Town Planning Board under sections 16(2K)(c) and 16(2F) of the Town Planning Ordinance. We object to give approval to the above application based on the the following reasons:

- The applicant said in the application the proposed minor relaxation is only 9.95m greater than the building height restriction, representing an 8.28% increase in the total building height. Of course there will be adverse visual impact to the view of the residents on surrounding buildings. Moreover, Building Height Restriction (BHR) in the area has been set for rational zone planning reasons.
- Therefore, approval on application for a proposed relaxation of the BHR is unacceptable.
- There is no way a concession could be made due to a design problem with the limit of the BHR.
- The applicant should resolve the design issues himself using existing permissible limits such as the permissible GFA and BHR. This would be the same when talking about the boundary of the site, would it be possible for the applicant to ask the government to extend the site boundary if they so wish for design issue?

- The applicant claims in the submission that the terrace setback for the top two floors would allow more daylight to street level is incorrect. It is simple geometric issue that more daylight would be allowed onto street level only if the building has terrace set back from lower levels, say from the 4th floor onwards for an over 20-storeys building.

Moreover, an approval for above application would mean opening a flood gate for similar applications in future, would the Town Planning Board willing to entertain and approve such applications to avoid the impression that special favorable treatment has been given to the current application. As such, this application should be rejected based on the existing Building Height Restriction alone, without even considering the adverse visual impact to the surrounding buildings.

Yours faithfully,

For and on behalf of
Happy China Limited

For and on behalf of
HAPPY CHINA LIMITED

Leo Kan
Director





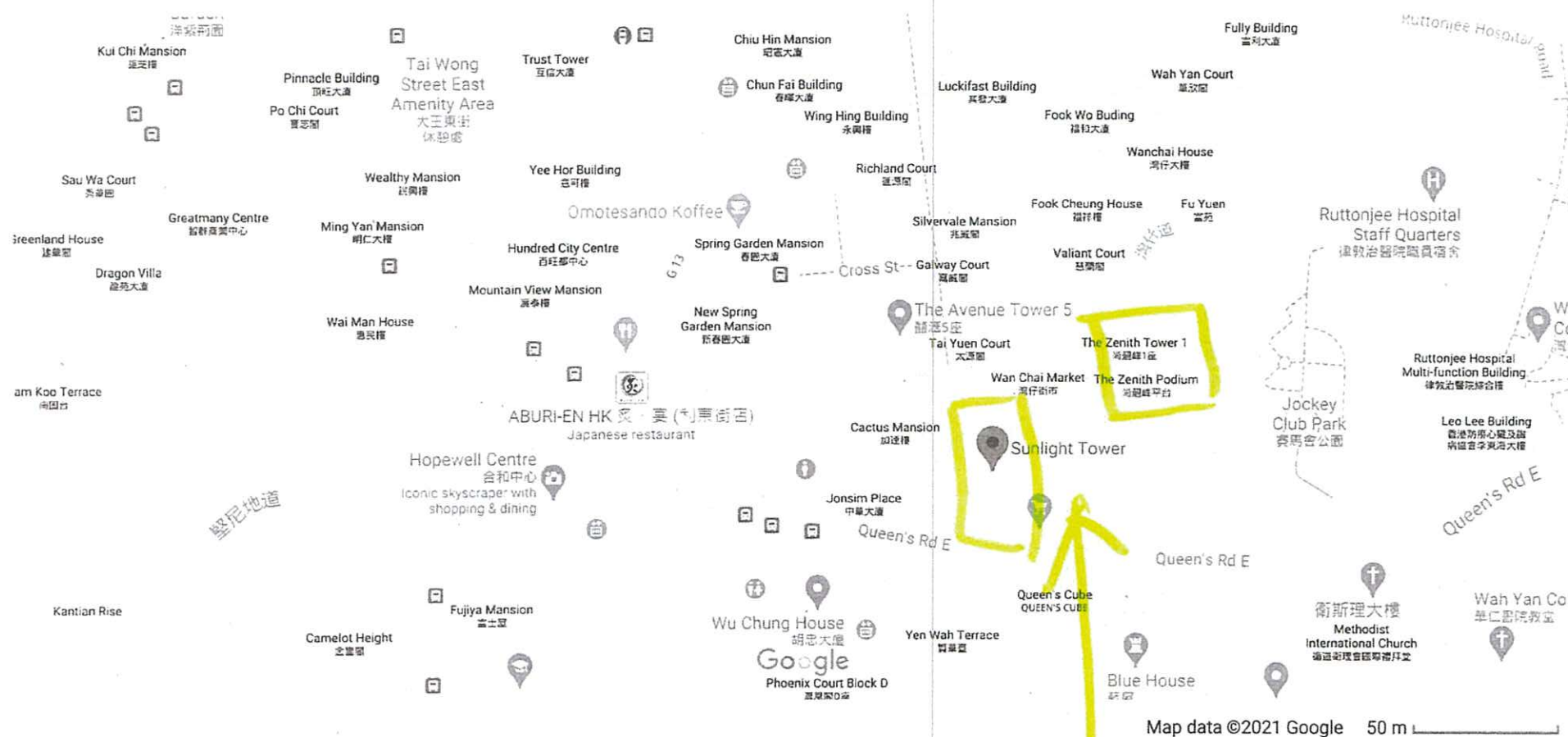
LEGEND:

- 1 HOPEWELL CENTRE
- 2 WU CHUNG HOUSE
- 3 THE AVENUE
- 4 248 QUEEN'S ROAD EAST
- 5 THE ZENITH

PROJECT NO: 40738		PROJECT TITLE: 33-35 Kennedy Road, Hong Kong		FIGURE 4.	
DESIGNED BY: SLN	DATE: JUN 2021	LOCATION OF PUBLIC HOURLY PARKING SPACES WITHIN 300M RADIUS		LLA 顧問有限公司 Consultancy Limited	
DRAWN BY: CLL	SCALE: 1:4000 @ A4				
CHECKED BY: SLN					

FIG. 4. PUBLIC HOURLY PARKING SPACES WITHIN 300M RADIUS

Sunlight Tower





(c) The Government of the Hong Kong SAR. Map reproduced with permission of the Director of Lands.

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣甸道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/H5/414 Received on 16/06/2021

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

堅尼地道珀苑業主立案法團再次重申反對上述放寬高度限制的申請，我們認為是非必要及嚴重影響周遭環境的和諧及原有景觀。此外，就進一步遞交資料的樹木位置圖，我們仍然極之反對砍伐兩棵大樹，由於該兩棵大樹正是對著珀苑正門出入口，如砍伐之後會嚴重影響本苑居民出入的景觀及破壞附近的生態環境。

「提意見人」姓名/名稱 Name of person/company making this comment _____

簽署 Signature _____



日期 Date _____

- 8 JUL 2021



李碧儀議員辦事處

Office of Peggy Lee, Wan Chai District Councillor

13th, July, 2021

15/F North Point Government Office,

Hong Kong

Secretariat of Town Planning Board

Dear Chairman and members,

Objection to A/H5/414 (FI3)

I am again waiting to object the height relaxation application by the applicant A/H5/414 after reviewing this time's further information submitted.



Comments and Response to the Transport Department (TD)

1. Under item 2 of the summary of response to TD's comment, the applicant mentioned that the metered car park in front of no 52-56 Kennedy Road is possible alternatives of public parking facilities. I must point out that this car park is 100% full every day and night. In addition, there is always illegal parking near Bamboo Grove and outside Tang Kangaroo Po College due to insufficient supply of car park spaces along Kennedy Road. Reports from the Police can prove the existing illegal parking situation.

2. Under item 4 of the summary of response to TD's comment, the applicant mentioned that their residents will rely more on public transportation, but this can't prove that using public transportation has no adverse effect to the existing traffic flow, in fact I believe majority of residents will rely on taxi or Uber as there is only minibus along Kennedy Road and there is walking distance from the building to the nearest MTR station. Thus, it will worsen the traffic congestion especially during peak hours.

3. No traffic assessment has been done together with Hopewell Centre 2.

Response to the Planning Department

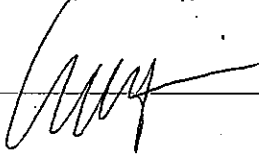
1. From the extracted page of GBP approved by the Building Department in 2018, the new proposed development has over 60% in increase in GBP, such will create traffic issue to Kennedy Road.

2. The Building Height Restriction were implemented in 2002 for Wan Chai Planning Area no 5 after consultation with Wan Chai District Council. A height restriction

was set with 90mPD for focal point at Wan Chai Gap Road behind 90 Kennedy Road and applied to the sites to the east of Spring Garden Lane, where this proposed building located. I believe Planning Department has assessed the surrounding traffic and environment in 2002 to finally impose such height restriction to the area, it is very nonsense to relax any height relaxation when the existing traffic is indeed with no improvement but in fact is worse than 2002.

To conclude, I continue to object to the proposed height relaxation for this development in 33-35 Kennedy Road as all these further information provided cannot solve the concerns, I have raised in my previous objection letters. I sincerely request the Board to review the necessity and impact on such application and to keep the height restriction to 90mPD.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Peggy Lee', written over a horizontal line.

Peggy Lee Pik-yee

Wan Chai District Councillor (Southorn)

194

致：香港北角政府合署 15 樓城市規劃委員會秘書處 (傳真：2877 0245)

To: Secretariat of Town Planning Board, 15/F North Point Govt Offices, HK (Fax: 2877 0245)

申請編號：A/H5/414 (FI-3) 意見書

Comment on Application No. A/H5/414 (FI-3)

(諮詢期至 Expiry Date for Making Comments: 2021/7/12)



本人對《申請編號 A/H5/414 (FI-3)》的內容表示 (請加上√)：

Regarding Application No. A/H5/414 (FI-3), I (Please mark with a √):

☐ 支持 Support

☒ 反對 Reject

☐ 沒有意見 Have no comments

意見如下 My opinions (可另加附頁 Please use additional pages if needed)：

(Please see attached)

*姓名 Name：_____ *聯絡電話 Contact：_____

*地址 Address：_____ AMBER GARDEN RESIDENT.

*電郵 Email：_____ 日期 Date：_____ 6 July 2021

*聯絡資料供城規會書面回覆之用途 For replies by Town Planning Board

Comments on Application No. A/H5/414(FI-3)



8 metered parking spaces near 54 Kennedy Road taken around 11am on 6 July 2021

1. Under item 2 of the Summary of Response to TD's Comment, the Applicant indicated that the above metered parking spaces are possible alternatives of public parking facilities downhill from the proposed development.

However, these metered parking spaces are always being fully occupied. As shown by the 2 red and white cars in the middle of the above photograph, they are already being illegally parked within the facility.

Such illegal parking problem also spreads to the road next to Bamboo Grove as shown below.



Comments on Application No. A/H5/414(FI-3)

2. Under item 3 of the Summary of Response to TD's Comment, the Applicant also listed 5 car parking spaces for public use, including the 3 shown in the photograph below, which are nearest to the property development. Based on these available facilities, the Applicant said they are sufficient to meet the overall demand throughout the day, except the time period between 12:00 to 14:00.



Car parking spaces available around 10:40am on 6 July 2021

However, the following photographs taken around the same time on the same day will demonstrate that despite the availability of such vacant car parking spaces at the above 3 facilities, illegal parking around the area is still serious.

This means that unless the property development itself has car parking facility which enables visitors and delivery vehicles to park at the development, having such car parking spaces nearby does not help resolve traffic congestion and illegal parking problems.

The arrows are pointing at cars and trucks that have illegally parked on the road next to the listed car parking facilities:

Comments on Application No. A/H5/414(FI-3)



Queen's Road East, outside the Avenue facing Hopewell Centre.



Spring Lane, next to the Avenue car park and opposite the Wu Chung House car park

Comments on Application No. A/H5/414(FI-3)



Kennedy Road, next to the Hopewell Centre car park

3. With the newly proposed development of 75 units, a 63% increase from the 2018 approved GBP, the corresponding increase in the number of visitors and delivery trucks will cause a serious traffic load on Kennedy Road and potential danger to pedestrians around the area.
4. ***The only solution is to either (a) reduce the number of units of the property development, or (b) require the new development to have its own car park and loading/unloading area so that traffic jam and illegal parking on Kennedy Road can be avoided.***
5. The situation of the new property development must be assessed together with the upcoming mega hotel block to be completed on Sharp Street with entrance on Kennedy Road and must not be evaluated in silo.

Dated: 6 July 2021

147

致：香港北角政府合署 15 樓城市規劃委員會秘書處 (傳真：2877 0245)

To: Secretariat of Town Planning Board, 15/F North Point Govt Offices, HK (Fax: 2877 0245)

申請編號：A/H5/414 (FI)-2 意見書

Comment on Application No. A/H5/414 (FI)-2

(諮詢期至 Expiry Date for Making Comments: 2021/5/30)

本人對《申請編號 A/H5/414 (FI)》的內容表示 (請加上√)：

Regarding Application No. A/H5/414 (FI, I (Please mark with a √):

☐ 支持 Support ☐ 反對 Reject ☒ 沒有意見 Have no comments

意見如下 My opinions (可另加附頁 Please use additional pages if needed)：

地盤太小，太高有危險，影響對面及左鄰右里，樓宇太高；
地基不夠踏實，釋樓時，我們家是震其衝？以前是六層
舊款屋，沒有甚麼風險；我對面的地盤全世界最小啊？
右屋橋不夠深或偷工減料？死人塌屋，何人要負責任？希望
發展商人員兼錢不要賺盡！！

*姓名 Name：

李煥安

*聯絡電話 Contact：



*地址 Address



*電郵 Email：

打

日期 Date：16/5/2021

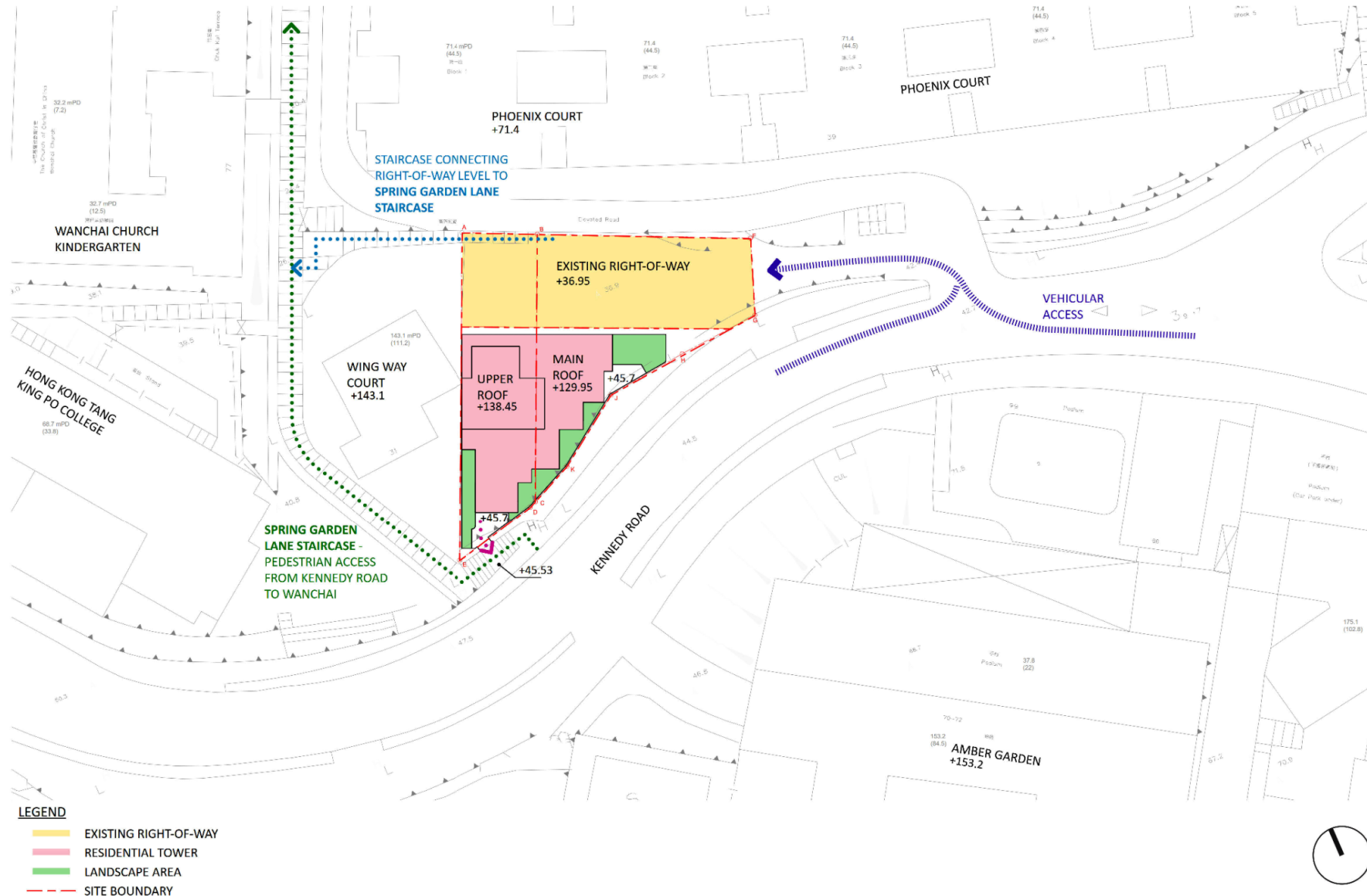
*聯絡資料供城規會書面回覆之用途 For replies by Town Planning Board

Advisory Clauses

- (a) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio (PR) and site coverage (SC) and/or gross floor area (GFA) concession/exemption for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approvals. In addition, if the building design elements and the bonus PR/GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the Town Planning Board (the Board) may be required;
- (b) to note the comments of the District Lands Officer/Hong Kong East, Lands Department that the "Existing Right of Way" as shown on the Master Layout Plan is covered by a Deed of Covenant and Mutual Grant of Rights of Way (Deed of ROW) registered in the Land Registry under Memorial No. 198862 dated 29.6.1955. The said Deed of ROW is a private agreement made between owners of various private lots without government involvement. Any issue relating to the concerned right of way should be liaised and sorted out with the concerned private lots owners to facilitate the proposed development. The site area should be consistent with the relevant land documents and no encroachment on government land;
- (c) to note the comments of the Commissioner for Transport that the methodology and assumptions adopted in the traffic assessment (e.g. traffic growth rate, other developments in the vicinity) have not been mentioned and justified. You should also advise whether the traffic flow along Kennedy Road would be affected by the traffic queue entering to the Site to support the conclusion of satisfactory operation of the junction. For the junction capacity assessment, it appears that Arm A (i.e. Kennedy Road eastbound) has only one traffic lane and the width should not be 7.8m as adopted in the calculation;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department that regarding the consultant's statement on strengthening of the existing retaining wall, the slope upgrading work for portion of the feature no. 11SW-D/R191(SD2) was proposed by the Authorised Person arising from a geotechnical comments from the Geotechnical Engineering Office, Civil Engineering and Development Department (GEO, CEDD), however, no removal of the existing tree was proposed in the submission. Detailed comments on compliance with the Buildings Ordinance will be given upon formal building plans submission;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that relevant authority/ government department(s) should be approached direct to obtain necessary approval for any proposed tree preservation/ removal scheme if necessary; and
- (f) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. The emergency vehicular access provision in the application 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 Building (Planning) Regulation 41D which is administrated by BD.

MASTER LAYOUT PLAN

SCALE 1:400

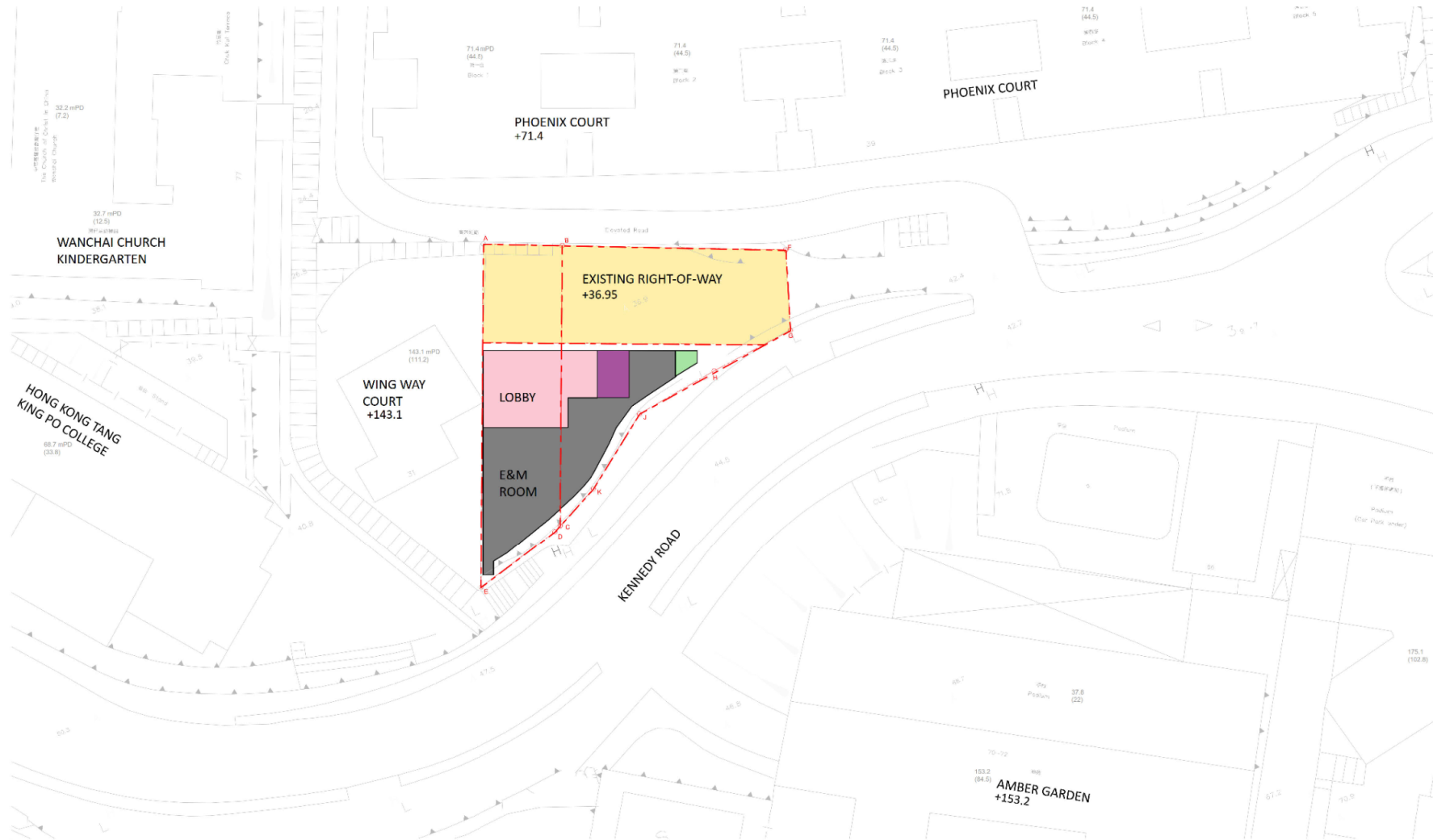


(資料來源：由申請人於2020年11月26日提交)
(Source: Submitted by the applicant on 26.11.2020)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 1

LG 2/F PLAN SCALE 1:400



LEGEND

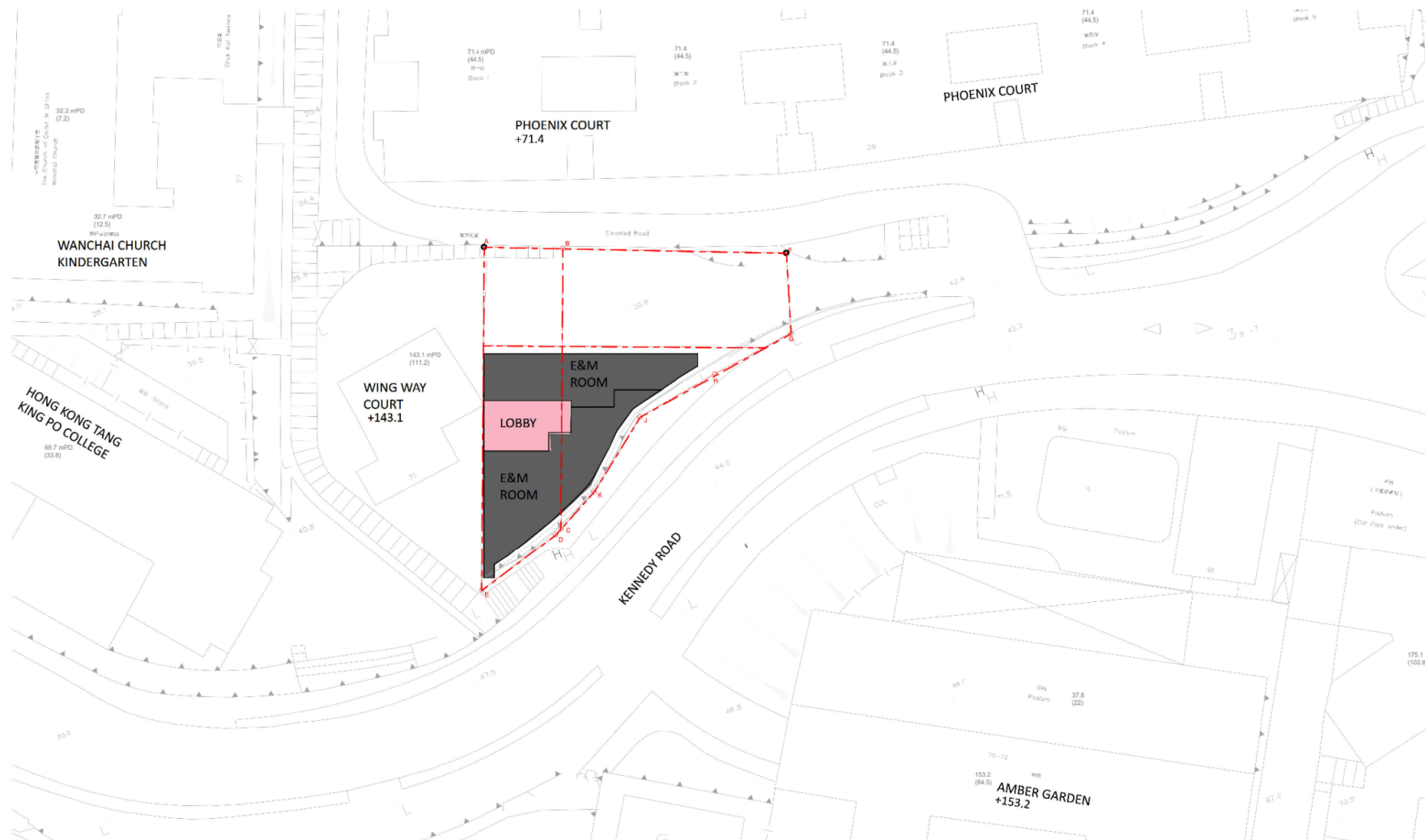
- EXISTING RIGHT-OF-WAY
- RESIDENTIAL TOWER
- LANDSCAPE AREA/ PLANTER LOCATION
- SITE BOUNDARY
- DISABLE PARKING SPACE

(資料來源：由申請人於2021年8月4日提交的進一步資料)
(Source: Further Information submitted by the applicant on 4.8.2021)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 2

LG 1/F PLAN
SCALE 1:400



LEGEND

- EXISTING RIGHT-OF-WAY
- RESIDENTIAL TOWER
- LANDSCAPE AREA
- SITE BOUNDARY

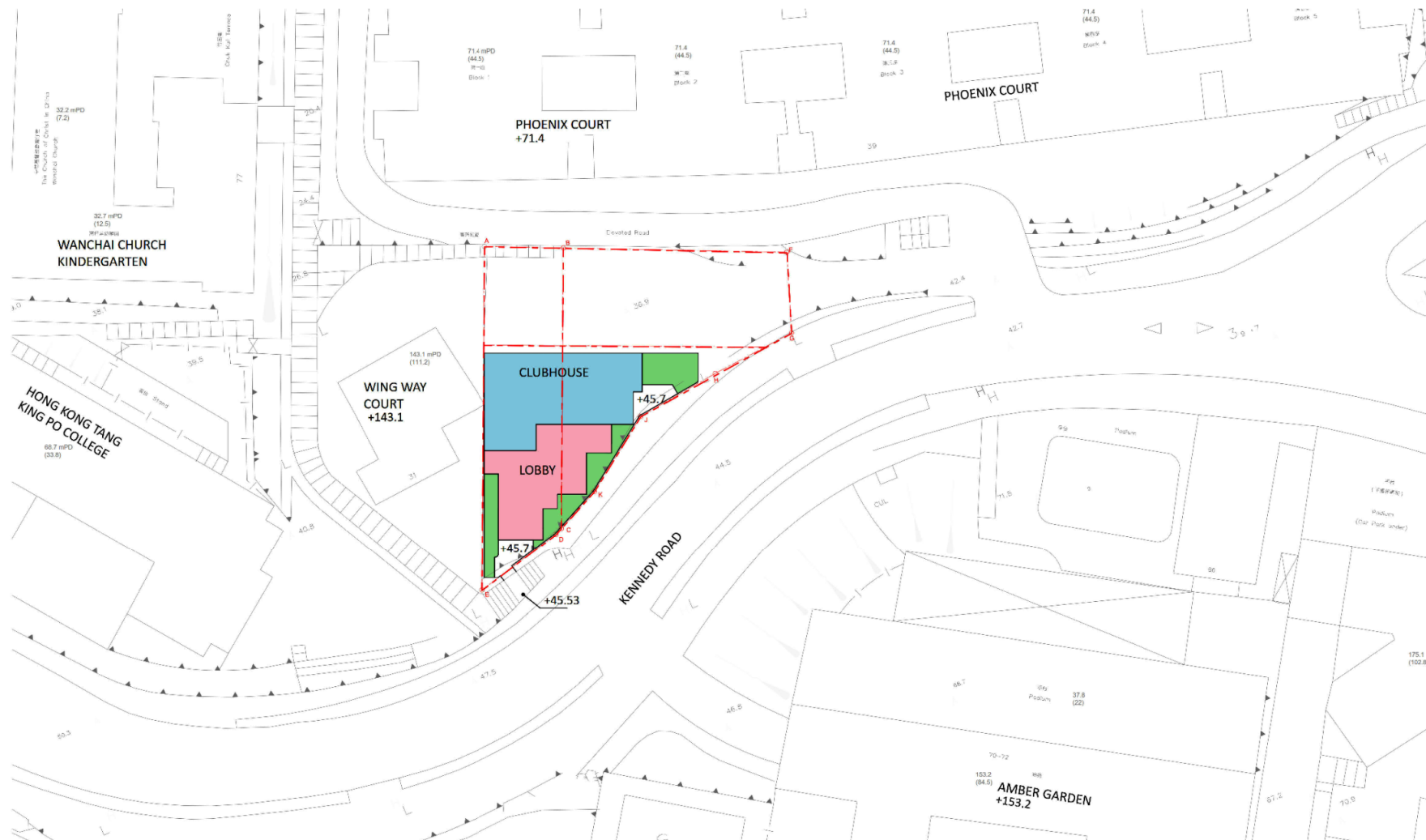


(資料來源：由申請人於2020年11月26日提交)
(Source: Submitted by the applicant on 26.11.2020)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 3

G/F PLAN
SCALE 1:400



LEGEND

- EXISTING RIGHT-OF-WAY
- RESIDENTIAL TOWER
- LANDSCAPE AREA
- SITE BOUNDARY

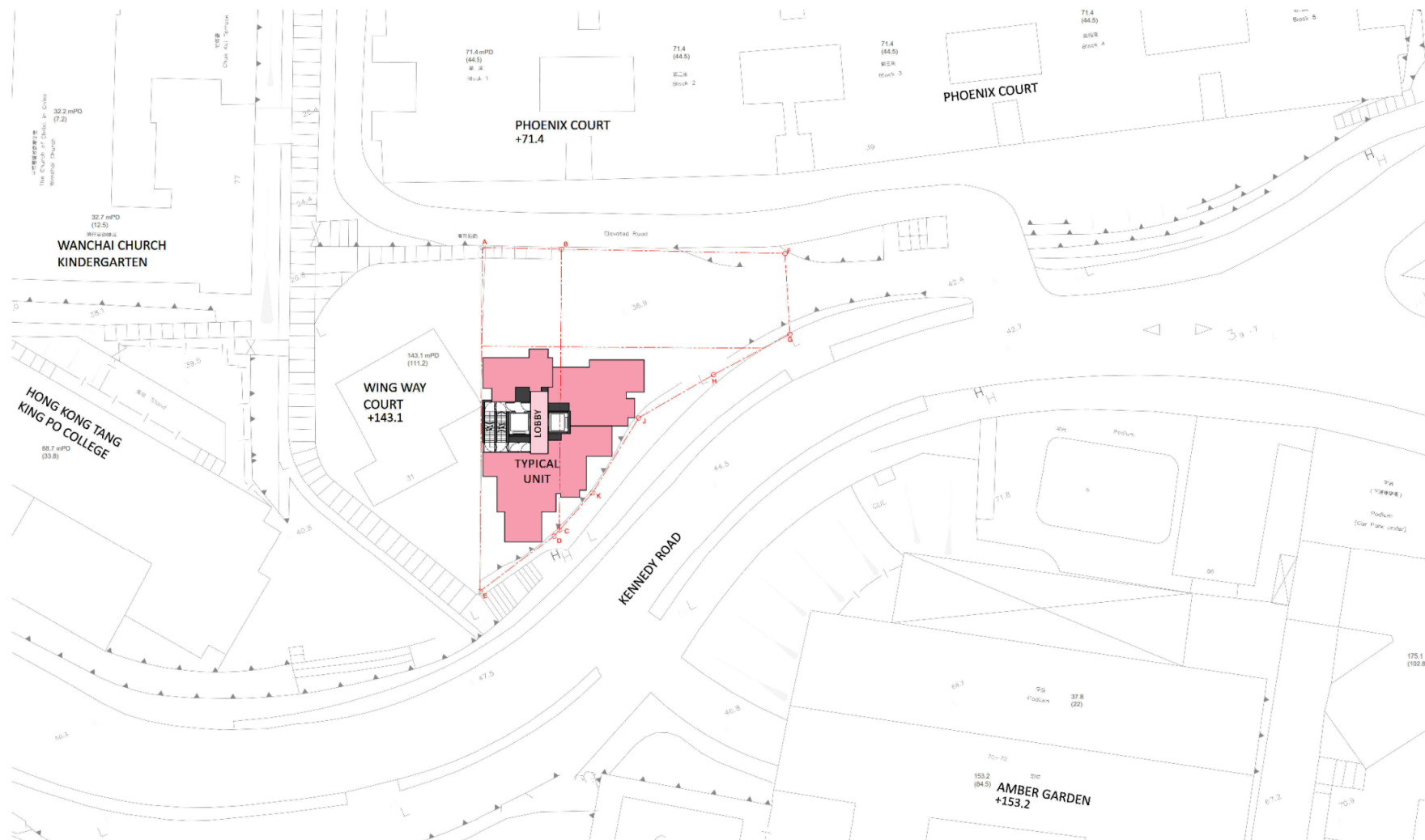
(資料來源：由申請人於2020年11月26日提交)
(Source: Submitted by the applicant on 26.11.2020)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 4

TYPICAL FLOOR PLAN - 1/F TO 23/F

SCALE 1:400



LEGEND

- EXISTING RIGHT-OF-WAY
- RESIDENTIAL TOWER
- LANDSCAPE AREA
- SITE BOUNDARY

(資料來源：由申請人於2021年3月18日提交的進一步資料)
(Source: Further Information submitted by the applicant on 18.3.2021)

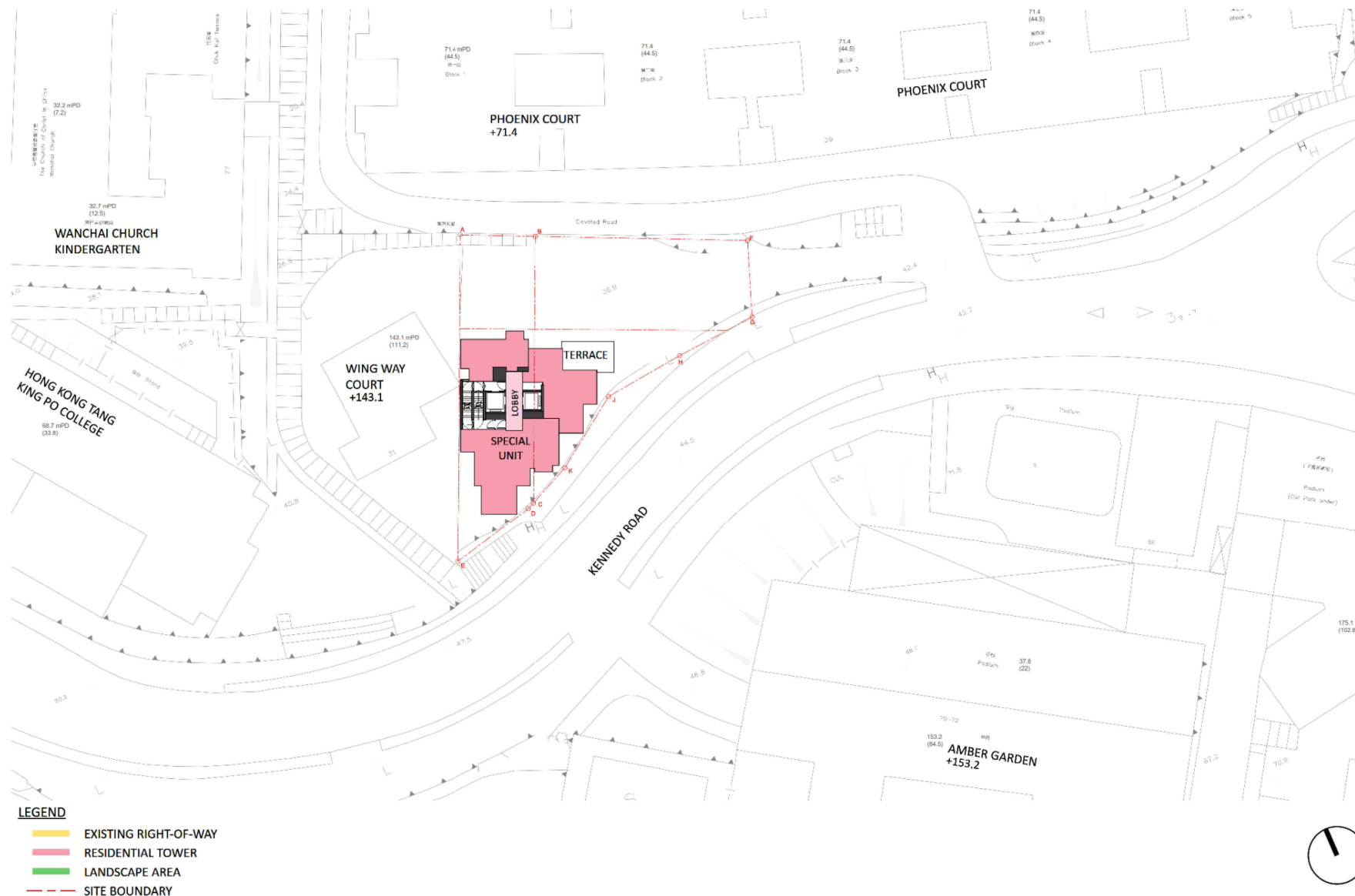
參考編號
REFERENCE No.

A/H5/414

繪圖
DRAWING
A - 5

SPECIAL UNIT FLOOR PLAN - 24/F

SCALE 1:400



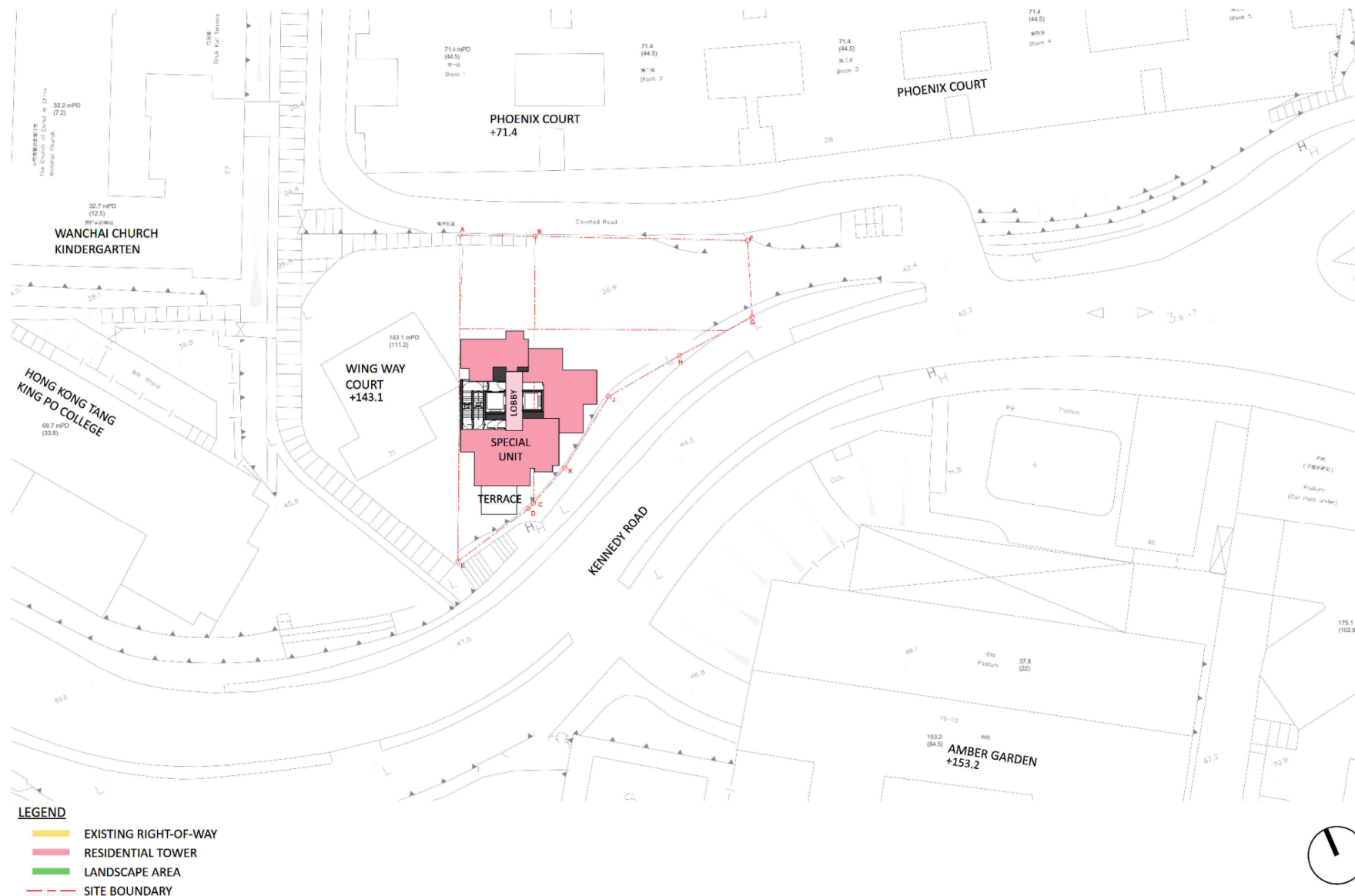
(資料來源：由申請人於2021年3月18日提交的進一步資料)
(Source: Further Information submitted by the applicant on 18.3.2021)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 6

SPECIAL UNIT FLOOR PLAN - 25/F

SCALE 1:400

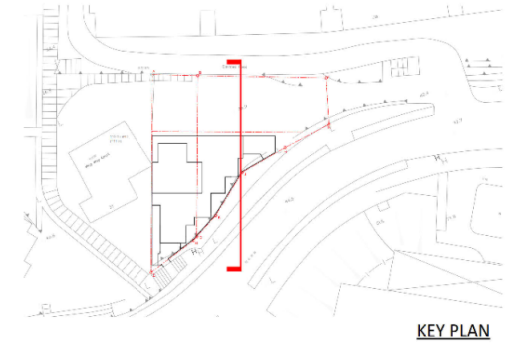
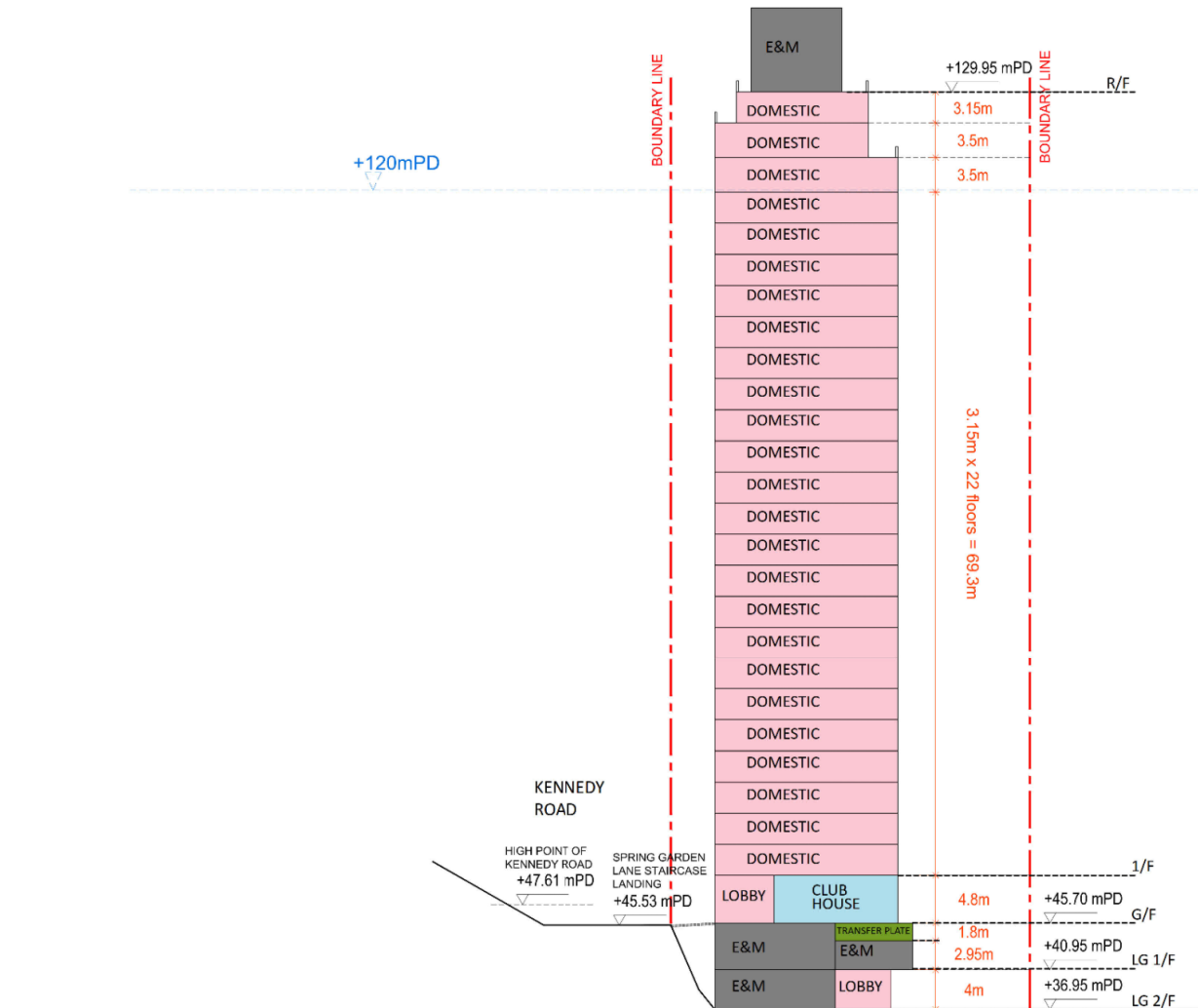


(資料來源：由申請人於2021年3月18日提交的進一步資料)
(Source: Further Information submitted by the applicant on 18.3.2021)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 7

SECTION



LEGEND

- EXISTING RIGHT-OF-WAY
- RESIDENTIAL TOWER
- LANDSCAPE AREA
- SITE BOUNDARY

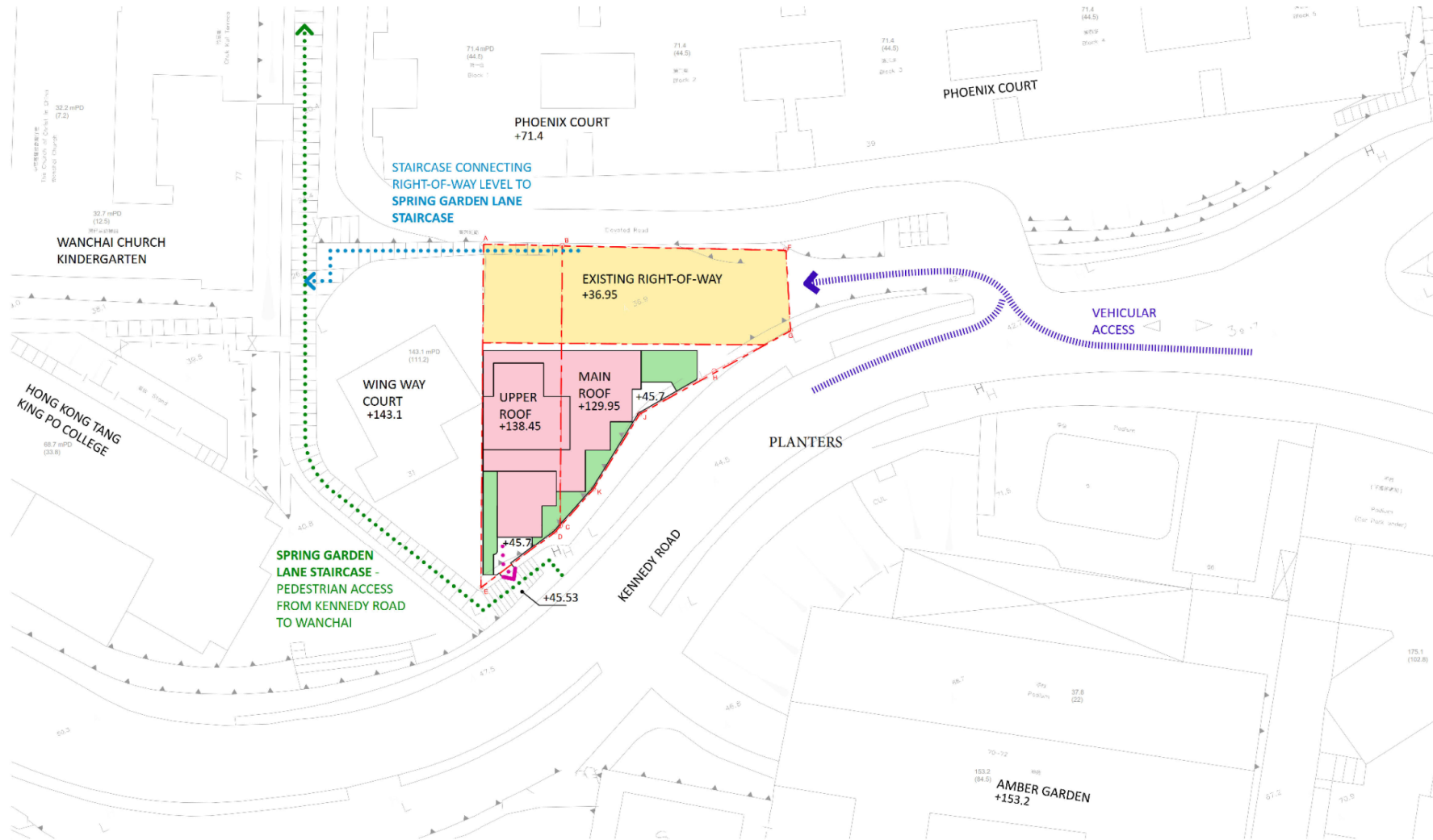
(資料來源：由申請人於2021年8月4日提交的進一步資料)
(Source: Further Information submitted by the applicant on 4.8.2021)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 8

PLANTER LOCATION PLAN

SCALE 1:400



LEGEND

- EXISTING RIGHT-OF-WAY
- RESIDENTIAL TOWER
- LANDSCAPE AREA / PLANTER LOCATION
- SITE BOUNDARY

(資料來源：由申請人於2021年3月4日提交的進一步資料)
(Source: Further Information submitted by the applicant on 4.3.2021)

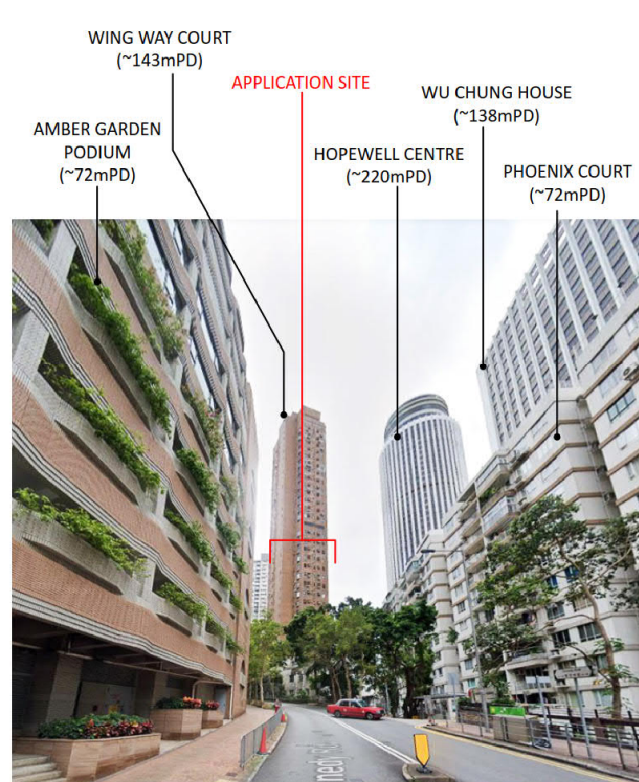
參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 9

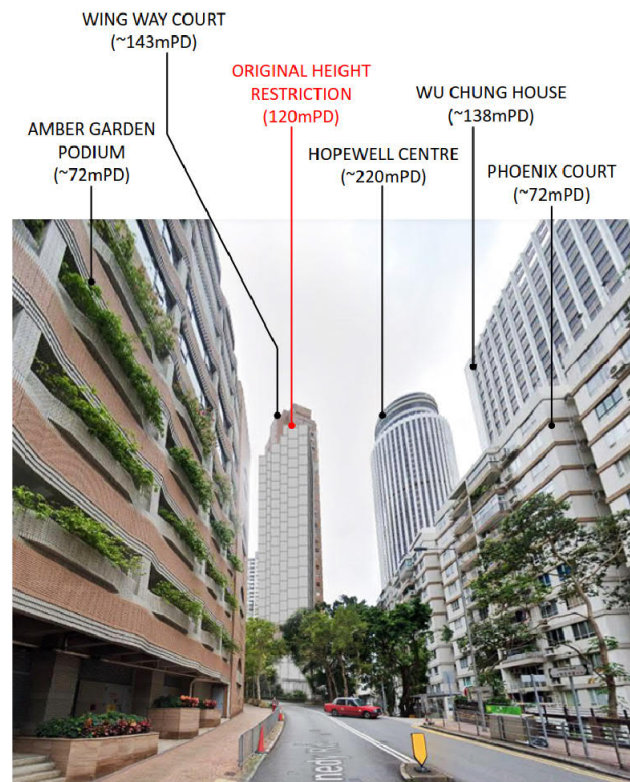
VIEWING POINT - 01 FROM KENNEDY ROAD



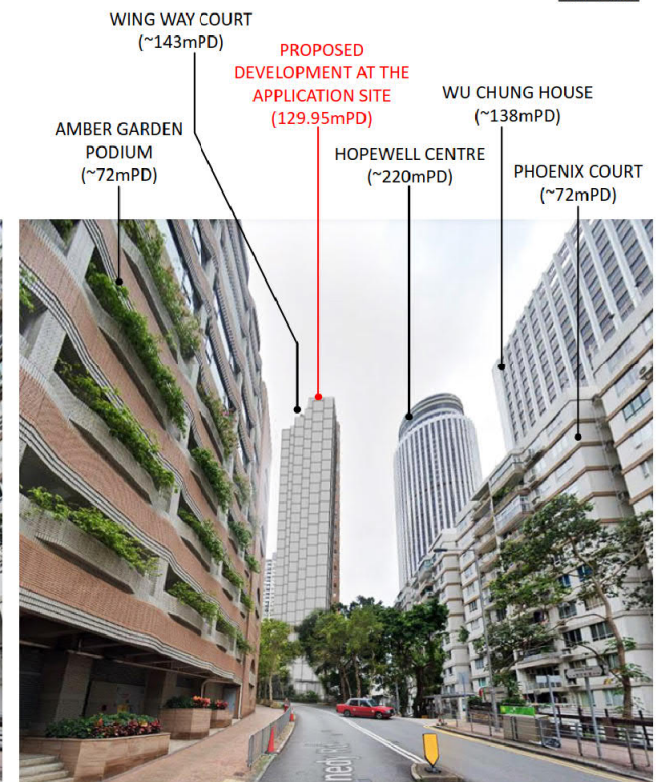
KEY PLAN



EXISTING CONDITION



ORIGINAL HEIGHT RESTRICTION AT 120mPD



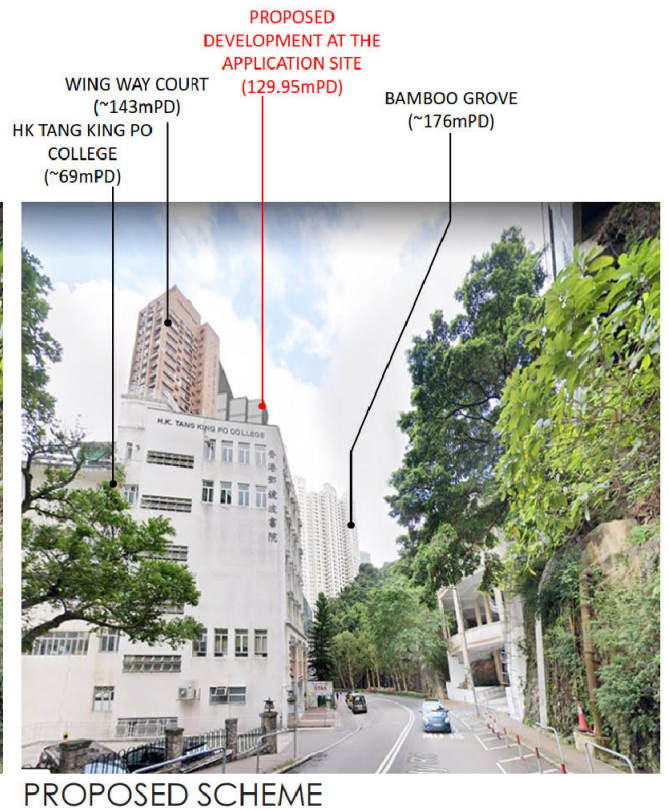
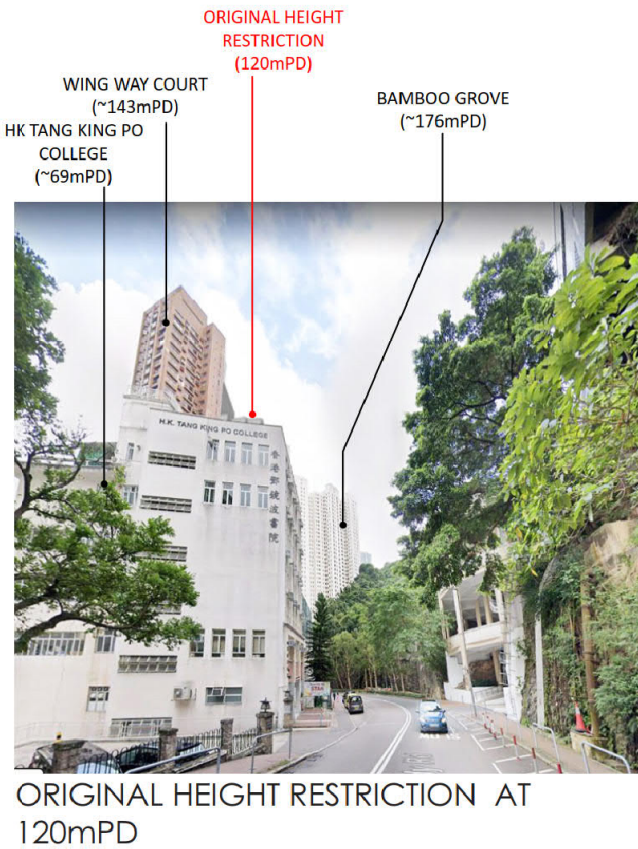
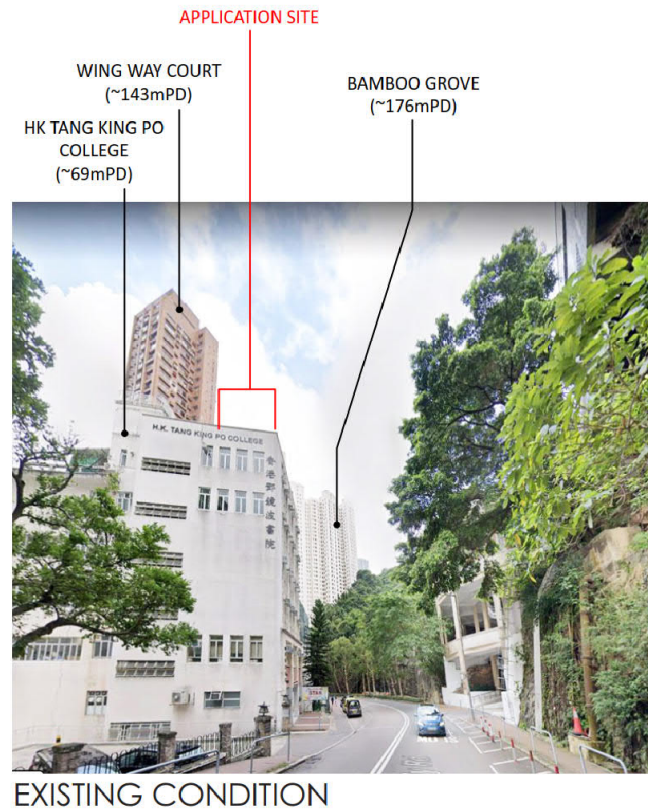
PROPOSED SCHEME

(資料來源：由申請人於2020年11月26日提交)
(Source: Submitted by the applicant on 26.11.2020)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 10

VIEWING POINT - 02 FROM KENNEDY ROAD



(資料來源：由申請人於2020年11月26日提交)
(Source: Submitted by the applicant on 26.11.2020)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 11

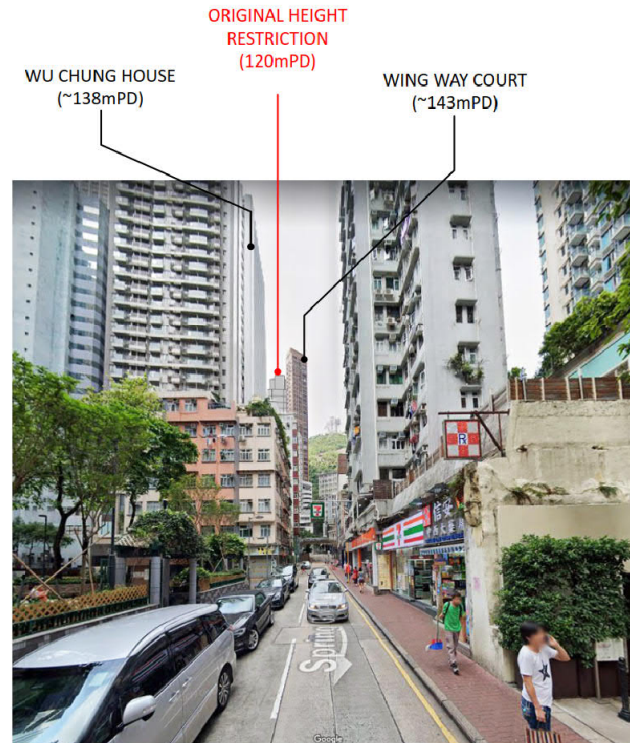
VIEWING POINT - 03 FROM SPRING GARDEN LANE



KEY PLAN



EXISTING CONDITION



ORIGINAL HEIGHT RESTRICTION AT
120mPD



PROPOSED SCHEME

(資料來源：由申請人於2020年11月26日提交)
(Source: Submitted by the applicant on 26.11.2020)

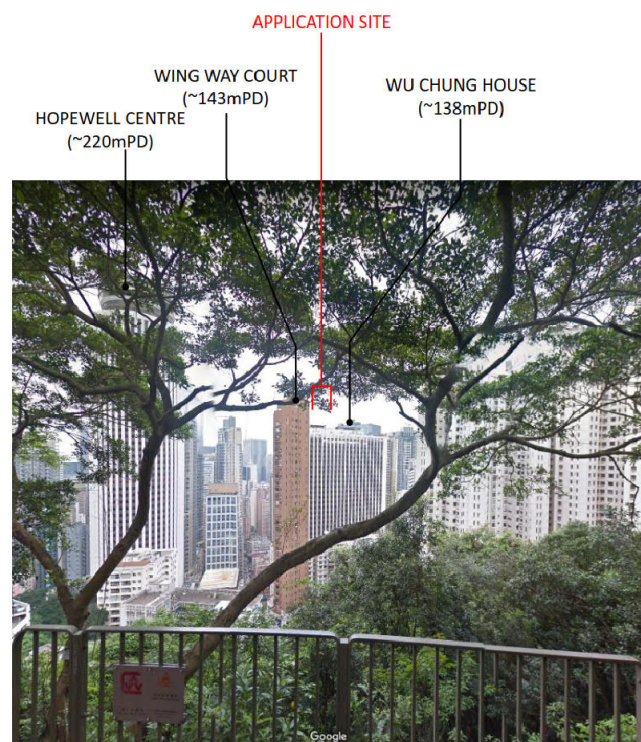
參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 12

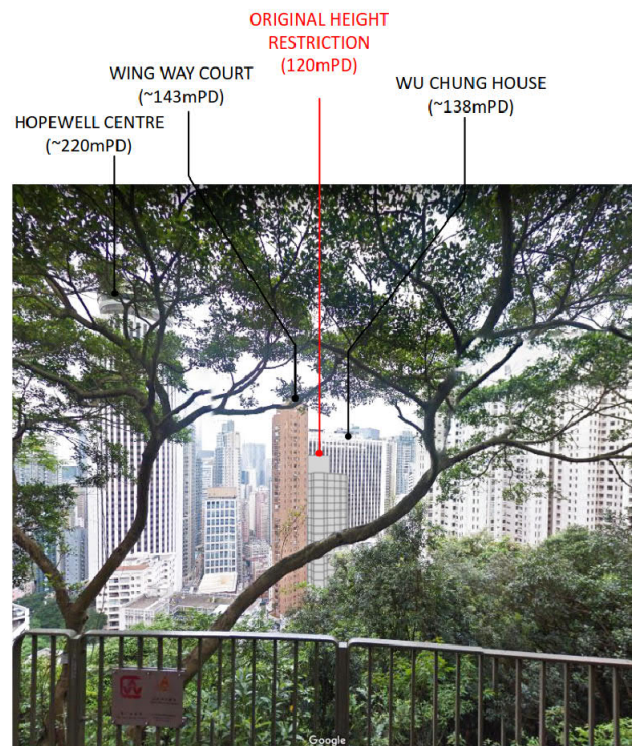
VIEWING POINT - 04 FROM BOWEN ROAD FITNESS TRAIL



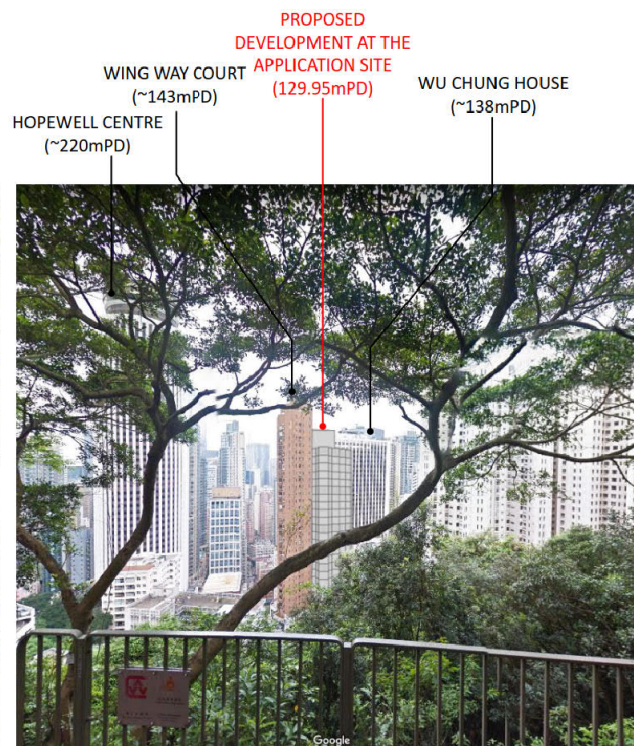
KEY PLAN



EXISTING CONDITION



ORIGINAL HEIGHT RESTRICTION AT
120mPD

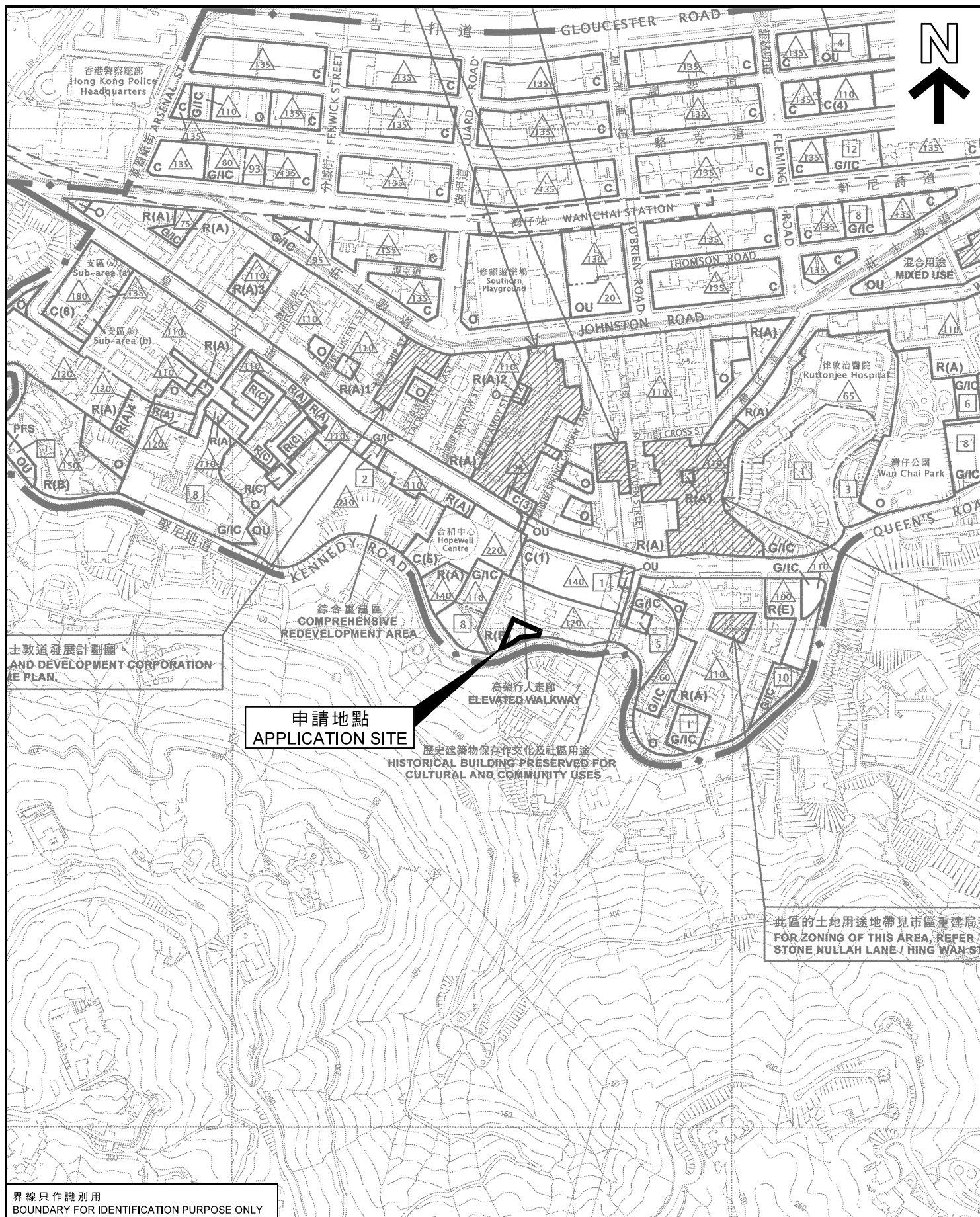


PROPOSED SCHEME

(資料來源：由申請人於2020年11月26日提交)
(Source: Submitted by the applicant on 26.11.2020)

參考編號
REFERENCE No.
A/H5/414

繪圖
DRAWING
A - 13



界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2021年7月26日擬備，
所根據的資料為於2018年5月4日
展示的分區計劃大綱圖編號S/H5/28

EXTRACT PLAN PREPARED ON 26.7.2021
BASED ON OUTLINE ZONING PLAN No.
S/H5/28 EXHIBITED ON 4.5.2018

位置圖 LOCATION PLAN

擬議略為放寬建築物高度限制，以作准許的分層住宅用途
香港灣仔堅尼地道33至35號
PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION
FOR PERMITTED FLAT USE
33 - 35 KENNEDY ROAD, WAN CHAI, HONG KONG

SCALE 1:5 000 比例尺
米 100 0 100 200 米
METRES

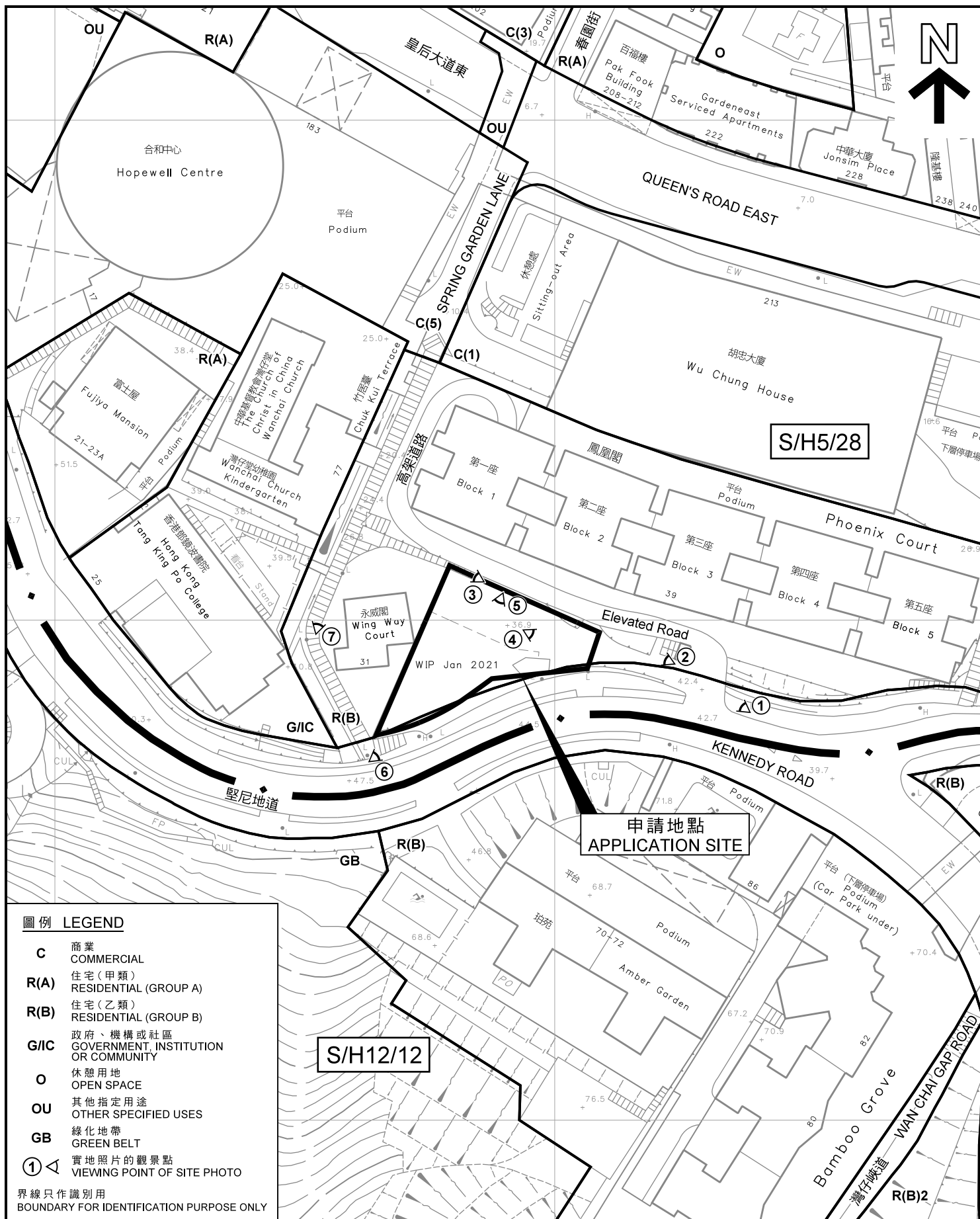
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/H5/414

圖 PLAN
A - 1

此區的土地用途地帶見市區重建局
FOR ZONING OF THIS AREA, REFER TO
STONE NULLAH LANE / HING WAN ST.



圖例 LEGEND

- C** 商業
COMMERCIAL
- R(A)** 住宅(甲類)
RESIDENTIAL (GROUP A)
- R(B)** 住宅(乙類)
RESIDENTIAL (GROUP B)
- G/I/C** 政府、機構或社區
GOVERNMENT, INSTITUTION
OR COMMUNITY
- O** 休憩用地
OPEN SPACE
- OU** 其他指定用途
OTHER SPECIFIED USES
- GB** 綠化地帶
GREEN BELT
- ①** 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

平面圖 SITE PLAN

擬議略為放寬建築物高度限制，以作准許的分層住宅用途
香港灣仔堅尼地道33至35號
PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION
FOR PERMITTED FLAT USE
33 - 35 KENNEDY ROAD, WAN CHAI, HONG KONG

SCALE 1:1 000 比例尺
米 20 0 20 40 米
METRES

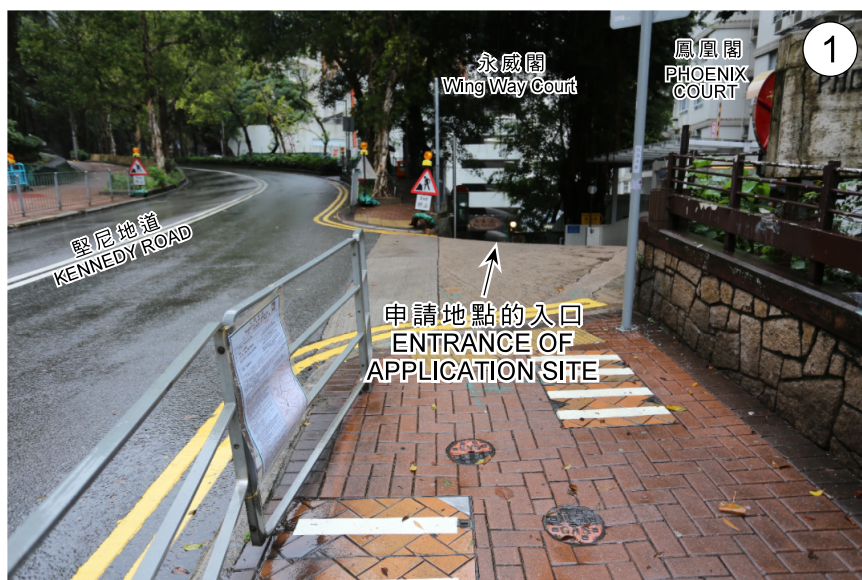
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/H5/414

圖 PLAN
A - 2

本摘要圖於2021年7月29日擬備，
所根據的資料為測量圖編號
11-SW-14B及D
EXTRACT PLAN PREPARED ON 29.7.2021
BASED ON SURVEY SHEETS No.
11-SW-14B&D



界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

本圖於2021年7月28日擬備，
所根據的資料為攝於
2021年6月22日的實地照片
PLAN PREPARED ON 28.7.2021
BASED ON SITE PHOTOS
TAKEN ON 22.6.2021

擬議略為放寬建築物高度限制，以作准許的分層住宅用途
香港灣仔堅尼地道33至35號
PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION
FOR PERMITTED FLAT USE
33 - 35 KENNEDY ROAD, WAN CHAI, HONG KONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/H5/414

圖 PLAN
A - 3



界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

本圖於2021年7月28日擬備，
所根據的資料為攝於
2021年6月22日的實地照片
PLAN PREPARED ON 28.7.2021
BASED ON SITE PHOTOS
TAKEN ON 22.6.2021

擬議略為放寬建築物高度限制，以作准許的分層住宅用途
香港灣仔堅尼地道33至35號
PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION
FOR PERMITTED FLAT USE
33 - 35 KENNEDY ROAD, WAN CHAI, HONG KONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/H5/414

圖 PLAN
A - 4



實地照片 SITE PHOTOS

本圖於2021年7月26日擬備，
所根據的資料為攝於
2021年6月29日的實地照片
PLAN PREPARED ON 26.7.2021
BASED ON SITE PHOTOS
TAKEN ON 29.6.2021

擬議略為放寬建築物高度限制，以作准許的分層住宅用途
香港灣仔堅尼地道33至35號
PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION
FOR PERMITTED FLAT USE
33 - 35 KENNEDY ROAD, WAN CHAI, HONG KONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/H5/414

圖 PLAN
A - 5

Hong Kong District

Agenda Item 4

EXTRACT FROM MINUTES OF 677th MPC HELD ON 13.8.2021

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/H5/414 Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use in "Residential (Group B)" Zone, 33-35 Kennedy Road, Wan Chai, Hong Kong
(MPC Paper No. A/H5/414B)

8. The Secretary reported that T.K. Tsui & Associates Limited (TKT) was one of the consultants of the applicants. Mr Alex T.H. Lai had declared an interest on the item as his former firm had business dealings with TKT. The Committee agreed that as Mr Lai had no involvement in the application, he could stay in the meeting.

Presentation and Question Sessions

9. With the aid of a PowerPoint presentation, Ms Floria Y.T. Tsang, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of building height (BH) restriction for permitted flat use;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, a total of 195 public comments were received, including five supporting comments from individuals, 189 objecting comments (with 24 in standard format) from the Chairman of the Wan Chai District Council (WCDC), a WCDC member, the Incorporated Owners of Amber Garden, the Incorporated Owners of Bamboo Grove, the Incorporated Owners of Phoenix Court, the Kennedy Road Protection Group and individuals, and the remaining one from an individual providing

views on the application. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Although the visual impact assessment submitted by the applicants had demonstrated that the proposed development would unlikely induce significant adverse visual impact and both the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD and Chief Architect/Central Management Division 2, Architectural Services Department had no adverse comment on the application from visual perspective, there were insufficient planning and design merits to justify the proposed minor relaxation of BH restriction. Furthermore, since a set of general building plans (GBPs) able to accommodate the permissible gross floor area (GFA) within the BH restriction on the Outline Zoning Plan (OZP) had been approved, the applicants had yet to demonstrate that there was site constraint to justify the current proposal. The Commissioner for Transport objected to the application on the ground that the applicants failed to justify the nil provision of internal transport facilities (except one disabled car parking space). Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

[Mr Franklin Yu joined the meeting during PlanD's presentation.]

10. The Chairman and some Members raised the following questions:

The Proposal

- (a) the proposed average flat size and range of flat sizes;
- (b) whether the proposed floor-to-floor (FTF) height of 3.15m was a norm for a typical residential floor and essential to meet the objectives of the

Government's Green Building Policy as claimed by the applicants, and whether information on the FTF height of the other residential developments in the area was provided by the applicants in support of the application;

- (c) comparison of the current scheme and the schemes under the approved GBPs, including the FTF height, total BH and provision of electrical and mechanical (E&M) facilities and clubhouse, and whether the maximum site coverage (SC) permissible under the building regime had been adopted under the current scheme;
- (d) noting that some E&M facilities were located on R/F, whether they would be counted towards the overall BH of the proposed development;
- (e) what site constraints would be taken into account in assessing applications for minor relaxation of BH restriction;
- (f) details of the site constraints and arrangement of the ground floor level including the right of way (ROW), and whether building structures were allowed over the ROW;
- (g) the greening ratio of the proposed development;
- (h) apart from the proposed terrace setback, whether there were other planning and design merits under the current scheme that could benefit the general public;
- (i) should the application be rejected, whether the applicants could proceed with the redevelopment without addressing the concerns raised by relevant departments regarding provision of car parking and tree felling;

BH of Surrounding Developments

- (j) the existing BH profile of the area, and whether there was any building exceeding the BH restriction of the OZP; and

- (k) details of the redevelopment of the Church of Christ in China (CCC) Wanchai Church in the vicinity as mentioned in a supporting public comment.

11. In response, Ms Floria Y.T. Tsang, STP/HK, PlanD made the following main points:

The Proposal

- (a) the proposed average flat size was 57m² while the flat size ranged from 34m² to 96m²;
- (b) according to the applicants, the proposed FTF height of 3.15m for typical residential floors was for allowing sufficient natural lighting and air ventilation, yet a FTF height of about 3m was commonly adopted in many residential developments. No information on the FTF height of other residential developments in the area was provided by the applicants;
- (c) as compared with the GBPs approved in 2018 and 2020, the FTF height of typical floor of the current scheme was increased from 3m/3.05m to 3.15m with two additional domestic floors, resulting in an increase in the overall BH of about 10m. There was also an increase in SC for the podium level (i.e. LG2/F to G/F). As compared with the GBP Scheme 2020, the clubhouse (with the same GFA of about 243m²) was currently proposed on G/F instead of LG1/F and G/F. There was no clubhouse proposed in GBP Scheme 2018. The E&M facilities in the current scheme and the two sets of GBPs were mainly accommodated on LG1/F and LG2/F. The current scheme had adopted the maximum permissible SC under the Building (Planning) Regulations (i.e. 33.33% for a Class A site);
- (d) the height of roof top structures including E&M facilities of not more than 10% of the BH of the proposed development or 15m, whichever was the less, would not be counted towards the height of the building;

- (e) in general, site constraints might include factors such as small site area, heritage preservation, existence of overhead electric cables or underground pipelines, etc. Should the site constraints be justified and the planning and design merits could be demonstrated by the applicants, favourable consideration might be given by the Town Planning Board (the Board) to the application;
- (f) according to the applicants, the lowest level of the application site (the Site) was at LG2/F. It was constrained by the need to reserve a ROW for the adjacent Wing Way Court (which had taken up about 42% of the site area) and the remaining area would be occupied by the lobby and E&M facilities. Hence, there was no space available for provision of parking facilities. Regarding the ROW, it was a private agreement amongst owners of various private lots and the applicants could liaise with the concerned owners to sort out issues relating to the ROW, including erection of building structures over and above the ROW. According to the Lands Department (LandsD), there was no GFA restriction on the Site under the lease;
- (g) a total of about 53m² of greenery area would be provided at all levels in the proposed development;
- (h) in terms of planning and design merits, the applicants had only proposed the terrace setback at the top two floors under the current scheme. Other than a section drawing, the applicants had not submitted information to support their claim that the terrace setback at the top two floors would allow more daylight at street level;
- (i) as 'Flat' was a Column 1 use which was always permitted in the "Residential (Group B)" zone, no planning permission from the Board was required as long as the development proposal was in compliance with the BH restriction on the OZP. Should the application be rejected, the applicants could still proceed with redevelopment conforming to the BH restriction on the OZP, including the two schemes under the previously approved GBPs, notwithstanding the concerns raised by relevant

departments on provision of parking facilities and tree felling;

BH of Surrounding Developments

- (j) the proposed development with a BH of about 130mPD was generally considered not incompatible with the surrounding developments including Wing Way Court to its west (about 143mPD), Amber Garden (about 153mPD) and Bamboo Grove to its southeast (about 160mPD to 181mPD) and Phoenix Court to its north (about 71mPD). In terms of the proposed BH, CTP/UD&L, PlanD had no adverse comment on the application from visual perspective. As most of the buildings in the adjoining area were completed before the imposition of BH restrictions on the OZP in 2010, some of them had exceeded the BH restrictions on the OZP. However, no new development in the adjoining area had been approved by the Board exceeding the BH restrictions on the OZP after imposition of BH restrictions in 2010; and
- (k) the CCC Wanchai Church fell within the "Government, Institution or Community" ("G/IC") zone to the further northwest of the Site. After BH restrictions were first imposed on the OZP in 2010, the concerned church submitted a redevelopment proposal with a BH of 110mPD (which exceeded the then BH restriction for that site) to the Government. Given that the redevelopment proposal had obtained relevant policy support and there was no adverse comment received from relevant government bureaux/departments, the BH restriction for that site was amended to 110mPD on the draft Wan Chai OZP No. S/H5/27 to facilitate the redevelopment project.

12. Noting that two existing trees on the affected retaining wall within the Site were proposed to be felled, a Member asked whether application to government departments was required for tree felling on the Site. In response, Ms Floria Y.T. Tsang, STP/HK, PlanD said that according to the applicants, the two concerned trees were proposed to be removed due to slope stabilisation works. According to LandsD, there was no tree preservation clause under the lease.

13. Noting that two sets of GBPs had already been approved in 2018 and 2020 for the Site but the Transport Department (TD) still raised objection to the current application, some Members asked about the specific concerns of TD and innovative parking systems being referred to in TD's comments. Mr Patrick K.H. Ho, Assistant Commissioner for Transport (Urban), TD explained that as a general principle, parking demand generated from the development should be satisfied within the Site, hence parking spaces within the development should be provided unless under special circumstances, such as site constraints, which should be demonstrated by the applicants. In such cases, the applicants should justify whether parking spaces were available in the area for use by occupants of the development and explore the possibility for provision of innovative parking systems such as automatic parking system. For the subject case, there was insufficient information in the application to justify the proposed nil provision of internal transport facilities (except one disabled car parking space). Hence, objection was raised to the application.

14. In response to the Chairman's enquiry, Ms Floria Y.T. Tsang, STP/HK, PlanD confirmed that the subject application was recommended to be rejected on the ground that the applicants failed to demonstrate strong planning and design merits to justify the proposed minor relaxation of BH restriction, but not for reason related to the traffic impact of the proposed development or nil internal transport facilities within the Site.

Deliberation Session

15. The Chairman recapitulated that the subject application was to seek planning permission for proposed minor relaxation of BH restriction at the Site. According to the Explanatory Statement of the OZP, applicants needed to demonstrate the planning and design merits to justify minor relaxation of BH restriction. For the subject application, the only planning and design merit proposed by the applicants was the terrace setback at the top two floors. He invited Members to express views on the application.

16. Members in general did not support the application as the applicants failed to demonstrate that there were sufficient planning and design merits to justify the proposed relaxation of BH restriction. There were no strong justifications nor sufficient public gains to support the application. The mere provision of terrace setback at the top two floors was far from adequate and there were even no details on how such provision could help improve

the natural lighting to the street. A Member opined that the increase in the number of flats due to a reduced average flat size and the provision of a disabled car parking space in the proposed development could not be considered as substantial public gains. Another Member remarked that the proposed minor relaxation of BH restriction would allow the increase in the FTF and provision of two additional residential floors that would only benefit the owners/users of the building but not the general public.

17. Two Members pointed out that as two sets of GBPs conforming to the BH restriction on the OZP had been approved by the Building Authority (BA), the applicants had yet to demonstrate that there was site constraint to justify the proposed minor relaxation of BH restriction. A Member opined that the applicants might explore the possibility to use some space in the ROW for provision of parking facilities.

18. A Member raised concerns on how the traffic and landscape issues arising from the proposed development could be addressed, should the applicants decide to proceed with the OZP compliant scheme instead of going through the planning application process. In response, the Chairman said that relevant government departments including PlanD and TD would be consulted in the GBP submission stage. As long as the development proposal complied with the development restrictions/requirements on the OZP, PlanD would not raise statutory objection to the GBP submission but could provide advisory comments including the landscape issues to BA for consideration. Regarding the parking requirements, TD would also provide their comments to BA as appropriate.

19. After deliberation, the Committee decided to reject the application. The reason was:

“the applicants fail to demonstrate strong planning and design merits to justify the proposed minor relaxation of building height restriction.”

[Dr Frankie W.C. Yeung joined and Mr Alex T.H. Lai left the meeting during the deliberation session.]

[The Chairman thanked Ms Floria Y.T. Tsang, STP/HK, for her attendance to answer Members' enquires. She left the meeting at this point.]

城市規劃委員會
香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

By Post & Fax (2587 7068)

電 話 Tel: 2231 4810

來函編號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/H5/414

27 August 2021

Masterplan Ltd.
Rm 3516B, 35/F, China Merchants Tower
Shun Tak Centre
200 Connaught Road Central

(Attn.: Kira Whitman)

Dear Sir/Madam,

**Proposed Minor Relaxation of
Building Height Restriction for Permitted Flat Use in "Residential (Group B)"
Zone and area shown as 'Road', 33-35 Kennedy Road, Wan Chai, Hong Kong**

I refer to my letter to you dated 10.8.2021.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reason is:

- you fail to demonstrate strong planning and design merits to justify the proposed minor relaxation of building height restriction.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 13.8.2021 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 17.9.2021). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Floria Tsang of Hong Kong District Planning Office at 2231 4917.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'R. KAN', written in a cursive style.

(Raymond KAN)
for Secretary, Town Planning Board

MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

Your Ref. No.: TPB/A/H5/414

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong.

Date: 16 September 2021

By Email & Hand

Dear Sir or Madam,

Request for Section 17 Review
Application Number A/H5/414

**Proposed Minor Relaxation of Building Height Restriction for Permitted Flat
Use in "Residential (Group B)" Zone and area shown as 'Road',
33-35 Kennedy Road, Wan Chai, Hong Kong**

I refer to your letter dated 27 August 2021 advising the decision of the Town Planning Board (the Board) to reject the captioned application. The Applicant considers the reason for rejection to be inadequately justified.

Therefore, on behalf of the Applicant, I write to apply to the Board for a review of the decision under section 17(1) of the Town Planning Ordinance.

I should be grateful if you would advise us of the date on which the hearing will be held.

Yours faithfully,



I. T. Brownlee,
For and on behalf of
Masterplan Limited

c.c.
DPO/HK – Ms. Chillie So (By Email)
Client and Consultants (By Email)

MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

Your Ref. No.: TPB/A/H5/414

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong.

Date: 9 November 2021

By Hand

Dear Sirs,

Section 17 Review
Application Number A/H5/414

**Proposed Minor Relaxation of Building Height Restriction for Permitted Flat
Use in "Residential (Group B)" Zone and area shown as 'Road',
33-35 Kennedy Road, Wan Chai, Hong Kong**

Further Information: Submission of Review Statement

I refer to your letter dated 23 September 2021 confirming receipt of our request for a review of the decision to reject the application under Section 17 of the Town Planning Ordinance.

A Review Statement has been prepared in response to the reason for rejection and I am pleased to attach 35 hard copies and 35 soft copies of the Review Statement.

I would be grateful if you could advise us of the date on which the hearing will be held.

Yours faithfully,



I. T. Brownlee,
For and on behalf of
Masterplan Limited

C.C.
DPO/HK – Ms. Chilie So (By Email)
Client and Consultants (By Email)

RECEIVED
2021 NOV - 9 A 11: 34
TOWN PLANNING BOARD

Your Ref. No.: TPB/A/H5/414

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong.

Date: 5 January 2022

By Hand

Dear Sirs,

Section 17 Review
Application Number A/H5/414

**Proposed Minor Relaxation of Building Height Restriction for Permitted Flat
Use in "Residential (Group B)" Zone and area shown as 'Road',
33-35 Kennedy Road, Wan Chai, Hong Kong**

Further Information: Response to Comments

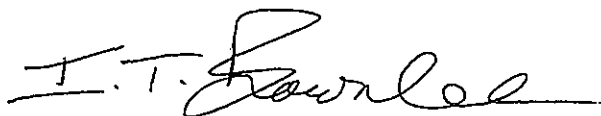
I refer to abovementioned review under Section 17 of the Town Planning Ordinance. On behalf of the Applicants, we would like to make a Further Information submission in response to the departmental comments from Urban Design & Landscape, Planning Department and Transport Department, which were made available to us by the District Planning Office on email on 3rd and 9th December 2021.

In accordance with the Town Planning Board Guideline (TPB PG-No. 32A), the submitted further information are only minor clarifications and do not constitute a material change. Therefore, they should be exempted from the publication and recounting requirements.

Attached are 35 hard copies and 35 soft copies of the Further Information: Response to Comments Submission to aid the Town Planning Board's consideration of the Section 17 Review.

Should you have any queries, please do not hesitate to contact us at 2418 2880.

Yours faithfully,



I. T. Brownlee,
For and on behalf of
Masterplan Limited

c.c.
DPO/HK – Ms. Chillie So (By Email)
Client and Consultants (By Email)

RECEIVED
2022 JAN - 5 P 2:09
TOWN PLANNING BOARD

Detailed Comments from the Transport Department

- (a) Regarding the Building Appeal Tribunal case quoted by the applicants in the their FI dated 9.11.2021 (**Annex D-2**), the content under which is considered largely not relevant to the present s.17 review application, for example, the trip generation and attraction rates of residential developments at present have been significantly changed from those in the early 1990's. Moreover, the tribunal case was based on a set of rejected building plans where the associated vehicular access and car lift arrangement within the Site were considered not unacceptable according to Buildings Ordinance at that time. Such vehicular access and car lift arrangement for 48 parking spaces are not relevant to the proposed development. Moreover, given the existing narrow right-of-way (ROW) for two-way traffic, in the absence of any internal transport facilities within the Site, it is expected that the obstruction on the ROW would be more prevalent as some loading/unloading activities related to the Site may take place on the ROW.
- (b) The applicants mentioned in the FI dated 5.1.2022 (**Annex D-3**) that the ROW under the applicant's ownership cannot be widened. The applicants should provide justification on this matter, explore possible improvement measures.
- (c) No additional justification is the applicants' FI dated 9.11.2021 (**Annex D-2**) is provided to address his previous comments on the FI on 4.8.2021 in the section 16 application stage (Appendix Ih of **Annex A**).
- (d) Regarding the assessment of parking space availability, the applicants have assessed the demand for weekends in the FI on 4.8.2021 (Appendix Ih of **Annex A**) but the assumptions adopted (e.g. 80% of the minimum requirement of the Hong Kong Planning Standards and Guidelines) should be further justified.
- (e) While the applicants mention that it is impractical to provide innovative parking systems (e.g. puzzle-type parking system) in the proposed development, no details are provided in the FI on 4.8.2021 (Appendix Ih of **Annex A**). There is also no information to support their argument that above-ground car parks are technically infeasible.
- (f) The applicants have assessed the performance of the junction of the existing right-of-way and Kennedy Road (the junction) in the FI on 4.8.2021 (Appendix Ih of **Annex A**). However, the methodology and assumptions adopted in the traffic assessment (e.g. traffic growth rate, other developments in the vicinity) have not been mentioned and justified. The applicants should also advise whether the traffic flow along Kennedy Road would be affected by the traffic queue entering to the Site to support the conclusion of satisfactory operation of the junction.
- (g) For the junction capacity assessment, it appears that Arm A (i.e. Kennedy Road eastbound) has only one traffic lane and the width should not be 7.8m as adopted in the calculation.

致：香港北角政府合署 15 樓城市規劃委員會秘書處 (傳真：2877 0245)

To: Secretariat of Town Planning Board, 15/F North Point Govt Offices, HK (Fax: 2877 0245)

申請編號：A/H5/414 (覆核) 意見書

Comment on Application No. A/H5/414 (Review)

(諮詢期至 Expiry Date for Making Comments: 2021/10/13)

本人對《申請編號 A/H5/414 (覆核)》的內容表示 (請加上√)：

Regarding Application No. A/H5/414 (Review), I (Please mark with a √):

☒ 支持 Support ☐ 反對 Reject ☐ 沒有意見 Have no comments

意見如下 My opinions (可另加附頁 Please use additional pages if needed)：

本人居住於 [REDACTED] 本人一直對上述放寬高度申請表示支持。

原因：1. 放寬申請甚為輕微，並無大幅改變，純屬優化設計，對社區更新及改造有利。應給予允許，更鼓勵重建舊樓。
2. 運輸署就新樓宇車位要求而否決高度之輕微放寬申請，毫無合理之連結。運輸署有否理解合和二期之車位及車流^將對堅尼地道影響甚巨！而上述發展只屬「蚊型」車位之有否多寡根本對本區毫無實質影響，而且上述 A/H5/414 之地段要為鄰廈提供 Right of Way，車位之有否或多少亦因此而受限，此乃普通常識，不應作為反對之理由。

*姓名 Name：TONY FUNG

*聯絡電話 Contact：[REDACTED]

*地址 Address：[REDACTED]

*電郵 Email：[REDACTED]

日期 Date：30/9/2021

*聯絡資料供城規會書面回覆之用途 For replies by Town Planning Board



李碧儀議員辦事處 Office of Peggy Lee, Wan Chai District Councillor

15th, October, 2021

15/F North Point Government Office,
Hong Kong
Secretariat of Town Planning Board

Dear Chairman and members,

Objection to A/H5/414 (Review)



I am again waiting to object the height relaxation application by the applicant A/H5/414 (Review).

Transport Department (TD)

1. It's required by TD that all new constructed buildings should reserve certain area for car park facility to solve illegal parking and traffic issue in Hong Kong. I think this rationale should apply to **ALL SIZES of buildings and sites** and **SHOULD NOT BE exempted**. The new residential building in 33-35 Kennedy Road will have 75 units which means there will be increase in car flow every day, but the Applicant **HAS NOT proposed any plan or car park facilities** to deal with their increase car flow in this review. As mentioned in my previous objections, the metered car park mentioned by the Applicant in front of no 52-56 Kennedy Road is still 100% full every day and night. In addition, we still continuously found serious illegal parking near Bamboo Grove and outside Tang Kang Po College due to insufficient supply of car park spaces along Kennedy Road.
2. The Applicant mentioned that their residents will rely more on public transportation, there is still no solid proof in this review to show this assumption is correct.
3. **NO new traffic assessment** has submitted by the Applicant with the traffic forecast of future traffic in Kennedy Road, i.e. Hopewell Centre 2 traffic.

Planning Department

From the extracted page of GBP approved by the Building Department in 2018, the new proposed development has over 60% in increase in GBP, such will create traffic issue to Kennedy Road



To conclude, I believe the Board has already given enough chances for the Developer to submit further information (A/A5/414, A/H5/414FI1, A/H5/A414FI2 and A/H5/A414FI3) to address our concerns. Therefore, the "DECLINE" decision made by the Board should have taken the concerns of different Departments and residents nearby into consideration after 4 rounds of consultation and comments, such the "DECLINED" decision should be BINDED. In addition, the Applicant **DID NOT SUBMIT** any new supporting documents to support this review, or any new plan to solve the traffic and parking issue, there is **NO REASONABLE JUSTIFICATION for such review.**

I continue to object to the proposed height relaxation for this development in 33-35 Kennedy Road. I **sincerely request the Board to maintain the decision due to UNSOLVED TRAFFIC, PARKING AND AIR CIRCULATION ISSUES by the Applicant.**

Yours Sincerely,



Peggy Lee Pik-yee

Wan Chai District Councillor (Southorn)



仲量聯行

Ref.: PM-BAMB/ECL/EC/025/21

12 October 2021

Secretary, Town Planning Board
Planning Department
15/F North Point Government Offices
333 Java Road, North Point, Hong Kong.

By Hand. By Fax: 2877 0245 &
By Email: tpbpd@pland.gov.hk

Dear Sirs,

**Re.: Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use
33-35 Kennedy Road, Wan Chai, Hong Kong.
(Review of Application No. A/H5/414)**

We are the Sub-Manager of Bamboo Grove and write on behalf of Hysan Property Management Limited to direct our objection against the subject application. Reasons are as below:

- 1 The extra 9.95 meters height increase will further affect the view and fresh air flow of the 345 nos. of flats in Bamboo Grove. It shall be unreasonable for the said 345 flats in Bamboo Grove being affected by the subject development which consists of 75 flats only;
- 2 Bamboo Grove contributed a lot to develop an environmental friendly community for residents and members of the district with a lot of green areas in the estate developed. The development with extended height of 9.95 meters together with Wing Wai Court and Hopewell Centre forming a curtain (as per photograph enclosed) could block the sunlight and affect fresh air flow to Bamboo Grove. It affects the growth of plants and living environment of Bamboo Grove. Again, it shall be unreasonable for the residents of 345 flats being affected by a new development with 75 flats only.
- 3 We consider that the planning department should only consider such relaxation if there is significant benefit for the public and the design/planning of the development cannot achieve it without the relaxation.

We hope you could consider the above concerns from owners and residents of Bamboo Grove and decline the subject application. Should you have any queries or if any further information is required, please feel free to contact the undersigned on 2846 5917 or [redacted]

Yours faithfully,
Jones Lang LaSalle Management Services Limited
As the Sub-Manager
For and on behalf of the Owner of Bamboo Grove

Eric Chan
Senior Manager

Encl.

cc. Client



仲量聯行物業管理有限公司
香港英皇道 979 號多盛大廈 17 樓
公司牌照號碼: C-006182

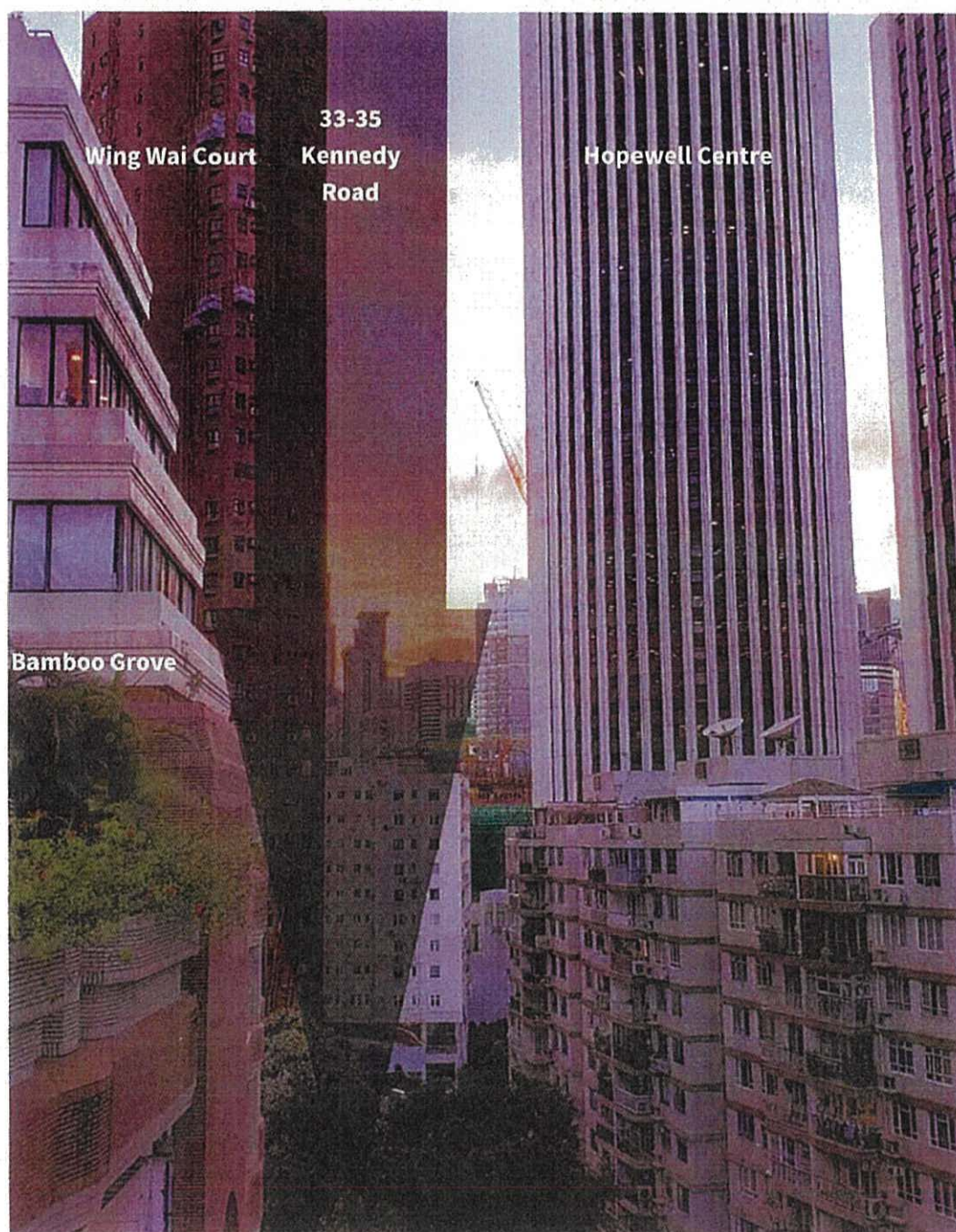
Jones Lang LaSalle Management Services Limited
17/F Dorset House 979 King's Road Hong Kong
Company Licence No.: C-006182

Our quality assurance accreditation
ISO 9001 Quality Management System
ISO 14001 Environmental Management System
ISO 50001 Energy Management System
OHSAS 18001 Occupational Health and Safety Management System

T +852 2846 5000 F +852 2968 1668



仲量聯行



規 劃 署

香港北角渣華道三百三十三號
北角政府合署



Planning Department

North Point Government Offices
333 Java Road, North Point,
Hong Kong

來函編號	Your Reference	
本署編號	Our Reference	TPB/A/H5/414
電話號碼	Tel. No. :	2231 4940
傳真機號碼	Fax No. :	2895 3957

By Registered Mail

24 September 2021

Dear Sir/Madam,

**Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use
33-35 Kennedy Road, Wan Chai, Hong Kong
(Review of Application No. A/H5/414)**

Please refer to the attached statutory notice issued by the Town Planning Board (the Board). As you can see from the notice, the Board is now inviting public comments on the captioned planning application which is in your neighbourhood. The applicant has sought a review on the Board's decision on the application. Any comments you wish to make **must be made in writing to the Board direct not later than 15 October 2021**. Under the Town Planning Ordinance, any out-of-time comment shall not be accepted. You may use the attached submission form for making comment. Details of the application can be inspected on the Board's website (https://www.info.gov.hk/tpb/en/plan_application/A_H5_414.html) or by scanning the QR code below) or at the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000).



The tentative date of the Board to consider the application has been uploaded to the Board's website (<https://www.info.gov.hk/tpb/>)

The paper for consideration of the Board in relation to the application will be available for public inspection at the Planning Enquiry Counters and on the Board's website (<https://www.info.gov.hk/tpb/en/meetings/meetings.html>) before the meeting, and at the Public Viewing Room on the day of meeting.

After the Board has considered the application, enquiry about the decision may be made at tel. no. 2231 4810 or 2231 4835 or the gist of the decision can be viewed at the Board's website after the meeting.

Please bring this matter to the attention of the owners and tenants of your building.

Yours sincerely,

(SO Tsz-lui Chillie)
for District Planning Officer/Hong Kong
Planning Department

(This is a computer print-out and no signature is required)

規 劃 署

香港北角渣華道三百三十三號
北角政府合署



Planning Department

North Point Government Offices
333 Java Road, North Point,
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來函編號	Your Reference	
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電話號碼	Tel. No.:	2231 4940
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掛號函件

先生／女士：

香港灣仔堅尼地道 33 至 35 號

擬議略為放寬建築物高度限制，以作准許的分層住宅用途
(覆核申請編號：A/H5/414)

請參閱隨函夾附由城市規劃委員會(下稱「城規會」)發出的法定通知。
一如通知所述，城規會現邀請公眾就標題所述的規劃申請(涉及你鄰近的地點)提供意見。申請人已就城規會對其申請所作的決定提出覆核。如果你欲提供意見，則必須於 **2021 年 10 月 15 日或之前**以書面方式直接向城規會提出。根據《城市規劃條例》，任何逾時提出的意見將不獲接納。你可以在夾附的表格上填寫意見。詳細的申請資料可於城規會網頁(https://www.info.gov.hk/tpb/tc/plan_application/A_H5_414.html 或掃描以下二維碼)或規劃署的規劃資料查詢處(查詢熱線 2231 5000)查閱。



城規會考慮申請的暫定會議日期已上載於城規會的網頁(<https://www.info.gov.hk/tpb/>)。

供城規會在考慮申請時參閱的文件，會在會議前存放於規劃資料查詢處及城規會網頁(<https://www.info.gov.hk/tpb/tc/meetings/meetings.html>)，以及在會議當日存放於會議轉播室，以供公眾查閱。

在城規會考慮申請後，可致電 2231 4810 或 2231 4835 查詢有關決定，或是在會議結束後，在城規會的網頁上查閱決定摘要。

請就上述事宜通知你的大廈內所有業主和租客。

規劃署港島規劃專員

(蘇芷薈 代行)

2021 年 9 月 24 日

(此函件為電腦列印，無須簽署)

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/H5/414

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

See letter enclosed

「提意見人」姓名/名稱 Name of person/company making this comment

Jones Lang LaSalle Management Services Ltd.
As the agent for & on behalf of
The Owner of Bamboo Grove

簽署 Signature

日期 Date

12. Dec 21

October 12, 2021

RS-23

Secretary, Town Planning Board
15/F, North Point Government Offices,
333 Java Road, North Point,
Hong Kong

By Email

Dear Sirs,

Re: Request for Section 17 Review

Application No. A/H5/414

Proposal: Proposed Minor Relaxation of Building Height Restriction

Location : 33-35 Kennedy Road, Wan Chai, Hong Kong



We refer to the above application dated 26/11/2020 and subsequent request from Developer on September 16, 2021 for a review on the decision of the Town Planning Board to reject the Proposed Minor Relaxation of Building Height Restriction.

We would like to make comments on the above application to the Town Planning Board under section 17 of the Town Planning Ordinance.

As there is no additional information or any further planning merit to support the application to review the decision, we are of the opinion that the Board should reject the review application.

We have gone through the minutes recording and found that the Town Planning Board had considered the BHR application with sufficient review of the submitted materials from the developer. With a lack of planning merit to support the BHR application, it is more than reasonable for the Board to reject the BHR application.

- The applicant claims in the submission that the terrace setback for the top two floors would allow more daylight to street level is absolutely incorrect. It is simple geometric issue that more daylight would be allowed onto street level only if the building has terrace set back from lower levels, say from the 2nd floor onwards for an over 20-storeys building.

- The applicant said in the application the proposed minor relaxation is only 9.95m greater than the building height restriction, representing an 8.29% increase in the total building height. Of course there will be adverse visual impact to the view of the residents on surrounding buildings. Moreover, Building Height Restriction (BHR) in the area has been set for rational zone planning reasons.
- Therefore, approval on application for a proposed relaxation of the BHR is unacceptable.
- There is no way a concession could be made due to a design problem with the limit of the BHR.

Moreover, an approval for above application would mean opening a flood gate for similar applications in future, would the Town Planning Board willing to entertain and approve such applications to avoid the impression that special favorable treatment has been given to the current application. As such, this review application should be rejected based on the existing Building Height Restriction alone, without even considering the adverse visual impact to the surrounding buildings and no planning merit to the surrounding areas.

Yours faithfully

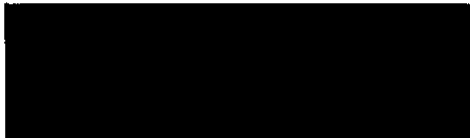
For and on behalf of

Happy China Limited

For and on behalf of

HAPPY CHINA LIMITED

.....
Authorized Signature(s)



Hally Secretarial Limited

Wanchai
Hong Kong

RS-24

Your ref. no. TPB/A/H5/414

12th October, 2021

The Secretary
Town Planning Board
15/F., North Point Government Offices
333 Java Road
North Point
Hong Kong



Dear Sir/Madam

Application Number A/H5/414
No. 33-35 Kennedy Road, Wanchai, Hong Kong

We refer to the subject matter and the letter addressed to the Town Planning Board (TPB) issued by Masterplan Limited dated 16th September, 2021.

We have listened to the meeting recordings in depth. We understood that the subject application was rejected by the TPB with valid reasons.

In the letter issued by Masterplan Limited, there is no valid reason or document to support the request for review under section 17 of the Town Planning Ordinance. It appears that the request is without any merit for the TPB's consideration. It is only a wasting of the TPB's members valuable time.

Last but not least, we would raise our objection to the application again.

Yours faithfully

For and on behalf of
HALLY SECRETARIAL LIMITED
可利秘書服務有限公司

.....
Authorized Signature(s)

Enclosure - A copy of our objection letter dated 26th May, 2021

Hally Secretarial Limited

Wanchai
Hong Kong

COPY

26th May, 2021

Secretariat of Town Planning Board
15/F., North Point Government Offices
333 Java Road
Hong Kong



BY HAND

Dear Sir

Re: Application No. A/H5/414 (F1)
No. 33-35 Kennedy Road, Wanchai, Hong Kong

We refer to the subject matter.

Regarding Section 16 Planning Application Proposed Minor Relaxation of Building Height Restriction at 33-35 Kennedy Road, Wanchai, Hong Kong, especially on "Urban Design" we would raise an objection to the Application on the following grounds:-

- (1) The relaxation of building height will affect the view of our flat as well as the surrounding environment. We consider the relaxation is prejudicial to our interest as existing resident in the neighborhood on Kennedy Road.
- (2) The relaxation is also prejudicial to other developers in the past who had been bounded by the height restriction.
- (3) Regarding the applicant's claim that the terrace setback for the top two floors would allow more daylight to the street level is only a deception. Simple geometry shall show that the affected angle is minimal as the building is a high-rise one. Furthermore, we would point out that as the sun is moving, the timing of more daylight, if any, should be very short. 1 or 2 minutes? This is the usual trick of developers only.
It is so obvious that the applicant's intention is to sell the top two floors with terrace at a higher price only.
- (4) On comment under head(1) and (2) from the Chief Town Planner regarding Urban Design, it appears that the content is a recap of the applicant's views and not the comment of the Chief Town Planner.

- (5) The relaxation if granted, will have a very bad effect to the citizen at large. Even we believe that there is no transfer of benefit between the developer and the Towning Planning Board, the impression is not good. This is the general conscious of the Government to avoid such impression.
- (6) The application if granted will have a consequential effect. Is the Town Planning Board prepared to allow all similar application along Kennedy Road in the future.

Last but not least, if the application is granted, I hereby reserve our right to apply for Judicial Review.

Yours faithfully

For and on behalf of

HALLY SECRETARIAL LIMITED

可利秘書服務有限公司

.....
Authorized Signature(s)

Enclosure: Comment from the Chief Town
Planner/Urban Design and Landscape and response from Developer

致城市規劃委員會秘書：

寄人送遞或郵遞：香港北角渣甸道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：lpbpd@pland.gov.hk

Seq 1

PS-74

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : lpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/H5/414 Received on 09/11/2021

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

堅尼地道珀苑業主立案法團再次重申反對上述放寬高度限制的申請，我們認為是非必要及嚴重影響周遭環境的和諧及原有景觀。此外，就進一步遞交資料的樹木位置圖，我們仍然極之反對砍伐兩棵大樹，由於該兩棵大樹正是對著珀苑正門出入口，如砍伐之後會嚴重影響本苑居民出入的景觀及破壞附近的生態環境。

「提意見人」姓名/名稱 Name of person/company making this comment _____

簽署 Signature _____



日期 Date

6/12/2021



李碧儀議員辦事處 Office of Peggy Lee, Wan Chai District Councillor

15/F North Point Government Office,
Hong Kong
Secretariat of Town Planning Board

Seal
R5-81

9th December 2021



To whom it may concern,

Objection to A/H5/414 (Review)

I am writing to object the further information submitted by the applicant of A/H5/414 (Review), my reasons are as follow:

1. Tree Preservation

We understand that the government land lease of 33-35 Kennedy Road is a document drafted 60 years ago and no Tree Preservation Clause was included in such an old lease. However, Kennedy Road is always an area with nice greenery, and surrounded by many valuable old trees. As a responsible Developer in Hong Kong, I think it is a must to protect our environment, but not to cut down trees due to any reasons.

2. Car Park Issue

Our strong request to car park spaces and loading areas for this residential building is because the vehicle path outside the building is the ONLY access to Wing Way Court and its car parks, if it's blocked by lorry/cars or any illegal parking, it will have terrible traffic issue to both Wing Way Court and Phoenix Court. The precedent submitted by Developer is a case 29 years ago where the number of cars on street was totally different from what we have now, especially in Kennedy Road, therefore, it should not be applied in this case.

3. Building Heights

According to the Buildings Department - Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers, point 5 under "Building Heights" states clearly that the minimum height of rooms for habitation or office for health reason is 2.5 m, therefore the GBP approved scheme on 21 December 2018 with floor-to-floor height of 3m is well above the minimum requirement of the Building Department for health reason. The reason for the Developer to have higher building height is just to get a higher unit price for more profit.



李碧儀議員辦事處 Office of Peggy Lee, Wan Chai District Councillor

4. Approved General Building Plans (GBP)

The GBP approved scheme dated 21 December 2018 already approved and allowed the applicant to achieve the full permissible GFA with the Building Height Restriction on the lots. The only reason for Developer to apply for height relaxation is to build more unit and to have higher building height just to earn more money.

5. Location of the Proposed Building

33-35 Kennedy Road is extremely close to Wing Way Court and Phoenix Court, every increase of height will have further negative impact to the adjacent buildings in term of scenery, sunlight, air ventilation and traffic.

6. Housing Supply to specific group of buyers

Lacking housing supply is an issue concerned by the Government and the public. However, this lacking housing supply refers to housing supply to low-income family or earners. Thus, the increase in units of this proposed residential building doesn't help to increase housing supply for the general housing market as it targets at high income group of buyers or investors.

To conclude, the GBP approved for this site was 46 units in 2018 and 69 units in 2020, and the applicant is now proposing to increase to 75 units by asking for relaxation of height, which is totally **UNACCEPTABLE and UNFAIR** to residents nearby. It is also inadequate to use to the approved GBP in 2018 as a reason for not providing car park as approval of GBP and height relaxation should not be assessed under same mechanism. With all the impact and concerns above, I do not see any reason or necessity for the Board to withdraw the "Rejected" decision on the height relaxation to the applicant.

I believe the Broad and all relevant government departments have already fully reviewed and considered all information submitted by the Applicant in many rounds of submissions with the existing regulations and rules, and to finally come up with a "REJECTED" decision. Since the Applicant **DID NOT SUMBIT** any new supporting documents to support this review, I continue to object to the proposed height relaxation for this development in 33-35 Kennedy Road. **I sincerely request the Board to maintain the decision.**

Yours Sincerely,

Peggy Lee Pik-yee

Wanchai District Councillor (Southorn)

寄件者: [REDACTED]
寄件日期: 2021年12月09日星期四 20:43
收件者: Tpbpd
副本: Peggy LEE
主旨: Fw: KRPG TPB A/H5/414 S.17 Review - further information OBJECTION
附件: KRPG-TPB-A-H5-414 Review Objection 20210929.pdf

Seq 1

DS-112

Dear SIRS

We refer to our OBJECTION letter dated 29 September 2021 and wish to retain our views.

We confirm that we have read the applicant's "further information" given on the TPB website (as below) and have followed the applicant's rational for feeling aggrieved by the Board's previous rulings on this A/H5/414 case.

We believe the the Town Planning Board should NOT grant relaxations to height restrictions "willy-nilly" as this will lead to over-development and set a bad precedent for this essentially medium density residential road, and local area.

The applicant argues that they have been unable to build over the full land ownership area because a ROW ("right-of-way") to adjacent private properties uses up a large area of the site, and the scope for utilizing the allowed plot ratio on the balance area is stymied by the height restriction of 120mPD.

However:-

a) The development risk is for the developer - government and the community NEVER GUARANTEE any developer a full plot ratio utilization and a maximum GFA.

b) The ROW is a private agreement between the owners of the application site, Wing Way Court and Phoenix Garden and is shown as a "Private Road".

Without this road passing through the application site vehicular access would not be possible to the adjoining sites.

The ROW agreement would have been by legal contract, which would have entailed offer, acceptance and CONSIDERATION.

The precept of *caveat emptor* would appear to apply.

Best regards

Roger Emmerton

for Kennedy Road Protection Group

TPB : Planning Application A/H5/414

TPB : Planning Application A/H5/414

From: [REDACTED]
To: Tshnd <tshnd@pland.gov.hk>
Cc: [REDACTED]
Sent: Wednesday, September 29, 2021, 11:28:30 PM GMT+8
Subject: KRPG TPB A/H5/414 S.17 Review OBJECTION


Dear SIRS,

Please find attached our COMMENTS and OBJECTIONS with regard to the developer's application for a s.17 Review regarding the MPC rejection of their proposal for a height restriction relaxation at the s.16 stage.

Best regards

Roger Emmerton

for *Kennedy Road Protection Group*


Secretary, Town Planning Board
15/F Floor, North Point Government Offices,
333 Java Road,
North Point, Hong Kong

29th September 2021

Dear Sirs,

Re:- Proposed Residential Development with Minor Relaxation of
Building Height Restriction
s.17 Application No. A/H5/414 - OBJECTION

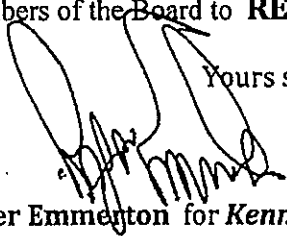
"Kennedy Road Protection Group" are a group of residents living in the Wan Chai sector of Kennedy Road in vicinity of the application site on the "R(B)" zone and "Road" at 33-35 Kennedy Road.

We notice from the Town Planning Board website that the applicant has applied for a s.17 Review of the REJECTION of their s.16 application which went through many stages of "further information". ALL this information given to government departments was unable to garner support for the proposed height restriction relaxation from the relevant government officials, Wan Chai District Councillors and the residents in the locality. During the s.16 planning procedures for A/H5/414 we sent four letters to the TPB on 14th December 2020, 1st June 2021, 5th July 2021 and 8th July 2021 giving specific reasons for our OBJECTION to this proposal.

In brief our COMMENTS and OBJECTIONS focused on:-

1. Architectural, Landscape and Visual Aspects -
2. Urban Design -
3. Traffic.
4. Legal Outcome Appeal Tribunal - Buildings Ordinance (Cap 123) Case N. 74 91 (Ref (18) in PELB(L) 67/01/05 (74-91).
5. Wan Chai OZP - contradiction of specific planning statements
6. Precedent -

We can find no new information in the gist given to the public on the TPB website. In the context of the above we request consideration and protection under Section 3 (1) of the Town Planning Ordinance Cap.131. We therefore respectfully request Members of the Board to **REJECT** this s.17 proposal in the **PUBLIC INTEREST**.


Yours sincerely,

Roger Emmerton for Kennedy Road Protection Group

Advisory Clauses

- (a) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio (PR) and site coverage (SC) and/or gross floor area (GFA) concession/exemption for the proposed development will be approved/granted by the Building Authority (BA). You should approach the Buildings Department (BD) direct to obtain the necessary approvals. In addition, if the building design elements and the bonus PR/GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the Town Planning Board (the Board) may be required;
- (b) to note the comments of the District Lands Officer/Hong Kong East, Lands Department that the “Existing Right of Way” as shown on the Master Layout Plan is covered by a Deed of Covenant and Mutual Grant of Rights of Way (Deed of ROW) registered in the Land Registry under Memorial No. 198862 dated 29.6.1955. The said Deed of ROW is a private agreement made between owners of various private lots without government involvement. Any issue relating to the concerned right of way should be liaised and sorted out with the concerned private lots owners to facilitate the proposed development. The site area should be consistent with the relevant land documents and no encroachment on government land;
- (c) to note the comments of the Commissioner for Transport that the trip generation and attraction cannot be considered as negligible. The loading/unloading demand of the proposed development would not be eliminated by not providing parking spaces within the subject site (the Site), and therefore the adverse traffic impact and road safety hazard due to stopping/parking of vehicles on the ROW and Kennedy Road due to the proposed development may arise in such case. Justification for not providing any parking spaces and loading/unloading facilities within the Site should be provided. Also, justification on the ROW cannot be widen should be provided, possible improvement/traffic management measures on the ROW under the applicants’ ownership should be explored, and provide confirmation on whether the width of the ROW will be further reduced with the proposed greenery. Regarding the assessment of parking space availability, the assumptions adopted (e.g. 80% of the minimum requirement of the Hong Kong Planning Standards and Guidelines) should be further justified. The methodology and assumptions adopted in the traffic assessment (e.g. traffic growth rate, other developments in the vicinity) have not been mentioned and justified. You should also advise whether the traffic flow along Kennedy Road would be affected by the traffic queue entering to the Site to support the conclusion of satisfactory operation of the junction. For the junction capacity assessment, it appears that Arm A (i.e. Kennedy Road eastbound) has only one traffic lane and the width should not be 7.8m as adopted in the calculation;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department that detailed comments on compliance with the Buildings Ordinance will be given upon formal building plans submission;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that relevant authority/ government department(s) should be approached direct to obtain necessary approval for any proposed tree preservation/ removal scheme if necessary;
- (f) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. The

emergency vehicular access provision in the application 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 Building (Planning) Regulation 41D which is administrated by BD; and

- (g) to note the comments of the Commissioner of Police that the developer should take note of any requirement to notify/apply permit from relevant departments in respect of any possible road works, loading/unloading on the street, etc.