

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H1/102
(for 2nd deferment)

<u>Applicant</u>	China Merchants Properties Development Limited represented by Llewelyn-Davies Hong Kong Ltd.
<u>Site</u>	18 Sai Ning Street, Kennedy Town, Hong Kong
<u>Site Area</u>	About 13,224m ² (including about 21m ² of adjoining Government land)
<u>Lease</u>	Inland Lot 8623 <ul style="list-style-type: none">- restricted to godown or godowns for cargo handling purposes (pink and pink edged brown areas)- restricted to cargo handling pier purpose (edged red area)- aggregated total gross floor area (GFA) of all buildings within pink areas not to exceed 46,445.42m²
<u>Plan</u>	Draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/20
<u>Zoning</u>	“Other Specified Uses” annotated “Commercial, Leisure and Tourism Related Uses” (“OU(Commercial, Leisure and Tourism Related Uses)”) [Restricted to a maximum GFA of 46,446m ² and a maximum building height (BH) of 70mPD for the land portion and 2-storey for the pier portion, or the GFA and BH of the existing building, whichever is the greater]
<u>Application</u>	Proposed Minor Relaxation of GFA Restriction for Proposed Hotel, Office, Shop and Services, Eating Place and Place of Entertainment Uses

1. Background

- 1.1 On 12.6.2019, the Town Planning Board (the Board) received an application seeking planning permission for a minor relaxation of GFA restriction from 46,446m² to 55,735m² for a proposed development with hotel, office, shop and services, eating place and place of entertainment uses at the application site (the site)(**Plan A-1**).
- 1.2 On 2.8.2019, as requested by the applicant, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for a period of two months to allow time for the applicant to prepare further information (FI) to address relevant departmental comments.

- 1.3 As the applicant has not submitted any FI to address the departmental comments, the application is scheduled for consideration by the Committee at this meeting.
- 1.4 The site is also the subject of adverse representations in respect of the draft Kennedy Town & Mount Davis OZP No. S/H1/20 (the draft OZP) which was exhibited for public inspection on 11.3.2016 under section 7 of the Town Planning Ordinance (the Ordinance). Major amendments include rezoning areas under the “Undetermined” zone and several sites within the western part of the Kennedy Town to various zonings including the rezoning of the site to “OU(Commercial, Leisure and Tourism Related Uses)” and the imposition of BH and GFA restrictions. During the exhibition period of the draft OZP, a total of 7,593 valid representations and 306 valid comments were received. Amongst the representations, some of them opposed the BH and GFA restrictions of the “OU(Commercial, Leisure and Tourism Related Uses)” zone. After consideration, the Board decided not to uphold the representations in respect of the site on 11.5.2017. However, submission of the draft OZP to the Chief Executive in Council (CE in C) for approval is subject to the Court's order of stay in relation to judicial reviews (JRs) in respect of the draft Kennedy Town & Mount Davis OZP No. S/H1/18 gazetted on 25.2.2011 under section 7 of the Ordinance. The relevant JRs were heard by the Court of First Instance in May 2018 but the judgment is yet to be handed-down. The background of the draft OZP was briefly mentioned at the Committee’s meeting held on 2.8.2019.

2. Request for Deferment

On 26.9.2019, the applicant’s representative wrote to the Secretary of the Board requesting the Committee to defer making a decision on the application for further two months so as to allow sufficient time for preparation of submission of FI to address relevant departmental comments (**Appendix I**).

3. Planning Department’s Views

- 3.1 The application has been deferred once for two months at the request of the applicant. While the applicant has further requested a deferral for two months for preparation of FI, the site is subject to outstanding adverse representations on the OZP as highlighted in paragraph 1.4 above.
- 3.2 According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations, and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on a s.16 application should be deferred if the application site is still subject to outstanding adverse representations yet to be submitted to the CE in C for consideration and the substance of the representations is relevant to the subject application.
- 3.3 As the BH and GFA restrictions of the site is subject to outstanding adverse representations, it is recommended to defer a decision on the subject application pending the submission of the draft OZP together with the representations to CE in C and the CE in C’s final decision on the representations in respect of the draft OZP.

- 3.4 Should the Committee agree to defer a decision on the application, the application will be submitted to the Committee for consideration after the CE in C's decision on the OZP and the relevant adverse representations.

4. Decision Sought

The Committee is invited to consider whether or not to defer a decision on the application as recommended by the Planning Department. Should the Committee decide not to defer a decision on the application, the application will be submitted to the Committee for consideration at the next meeting.

5. Attachment

Appendix I Letter of 26.9.2019 from the applicant's representative

Plan A-1 Location plan

**PLANNING DEPARTMENT
OCTOBER 2019**