

**Comparison of the Major Development Parameters and Floor Uses of
the Previous Application (No. A/H3/438) and the Current Scheme**

Development Parameters	Previous Application (A/H3/438) (b)	Current Scheme (A/H3/441) (a)	Difference (a)-(b) (%)
Site Area	1,088.3m ² (about)	1,088.3m ² (about)	-
Total non-domestic Gross Floor Area	13,049.38m ²	13,059.60m ² (office, shop/eating place) 13,331.675 m ² (including public passage and public landscape area)	+10.22m ² (+0.8%) +282.295m ² (+2.2%)
- Office	10,757.64m ²	12,137.72m ²	+1,380.08m ² (+12.8%)
- Shop and Services/Eating Place	2,291.74m ²	921.88m ²	-1,369.86m ² (-59.8%)
- Covered public passage and public landscape area	N/A	272.075m ²	+272.075m ²
Non-domestic Plot Ratio	12	12 12.25 (including public passageway and public landscape area)	- +0.25 (+2.1%)
No. of Blocks	1	1	-
Building Height	131.15mPD	150mPD	+18.85m (+14.4%)
No. of Storeys	22	27	+5 (+22.7%)
Site Coverage (above podium)	Not more than 65%	Not more than 60%	-5%
Building Setback	2.7m away from the site boundary along Glenealy	0.7m to 3.45m from the site boundary along Glenealy	-
Car Parking Spaces - Private Car - Motorcycle	63 7	65 7	+2 (3%)
Loading/Unloading (L/UL) Facilities	6 L/UL bays for Light Goods Vehicle	6 L/UL bays for Light Goods Vehicle	-

Development Parameters	Previous Application (A/H3/438) (b)	Current Scheme (A/H3/441) (a)	Difference (a)-(b) (%)
Major Uses by floor			
B3/F to B1/F	Car Park	Car Park	
LG/F	Lobby / Cafe / L/UL Bays	Motorcycle parking spaces / L/UL Bays / E&M facilities	
G/F	Shop / Eating Place / E&M facilities	Shop/Eating Place / E&M facilities	
1/F		Office Lobby / Shop/Eating Place / Landscape Area / Public Passage / E&M facilities	
2/F		Office	
3/F-17/F			
18/F to 22/F	N/A		
Roof	E&M facilities	E&M facilities	

**Similar s.16 Applications for Commercial Development
within the “R(A)” zone on the Sai Ying Pun & Sheung Wan OZP**

Approved Application

Application No.	Location	Date of Consideration (MPC/TPB)	Approval Conditions
A/H3/402	2-4 Shelley Street, Sheung Wan	13.7.2012	(1) to (6)
A/H3/432	2-4 Shelley Street, Sheung Wan	7.4.2017	(2) to (6)

Approval Conditions

- (1) the submission and implementation of a landscape plan
- (2) the submission of a Sewerage Impact Assessment
- (3) the implementation of the local sewerage upgrading/sewerage connection works
- (4) the implementation of the mitigation measures for loading/unloading activities
- (5) the provision of setback of not less than 1.75m at the lower portion of the building along Shelley Street
- (6) the provision of water supplies for fire-fighting and fire service installations

Rejected Application

Application No.	Location	Date of Consideration (MPC/TPB)	Reasons for Rejection
A/H3/436	36 Gage Street, Sheung Wan	29.3.2019 (Review)	(1), (2)

Reasons for Rejections:

- (1) not in line with the planning intention of the “Residential (Group A)9” zone. There was no strong justification in the submission to merit a departure from the planning intention
- (2) approval of the application would set an undesirable precedent for similar applications in the same zone. The cumulative effect of approving such applications could aggravate the shortfall in the supply of housing land.

Detailed Departmental Comments on the Pedestrian Enhancement Scheme

- 1 Comments of the Commissioner for Transport (C for T):
 - (a) no adverse comments on the proposed pedestrian scheme which includes widening of carriageway and footpath at Arbuthnot Road and provision of 24-hour public passage connecting Glenealy and Arbuthnot Road, and the proposed surrender of a portion of the rear lane serving Fortune Court from engineering viewpoint subject to the following:
 - (i) the minimum 1.5m wide continuous passageway which is open to public around the clock shall be provided along the proposed extended pedestrian platform between the proposed development and Arbuthnot Road;
 - (ii) the design and construction of the proposed extended pedestrian platform shall be up to current design standard of Highways Department (HyD) and shall be constructed to the satisfaction of HyD;
 - (iii) the exact extent of the surrender area of rear lane serving Fortune Court shall be agreed with relevant government departments; and
 - (iv) despite the treasurer of the incorporated owners of Fortune Court has agreed not to oppose to the surrendering of the relevant part of the rear lane, other affected buildings apart from Fortune Court using the rear lane shall be consulted.
 - (b) Transport Department (TD) would take up the traffic management responsibility of the proposed surrender of a portion of the rear lane serving Fortune Court provided that HyD would take up its maintenance responsibility (HyD indicated in para. 10.1.3(b) that they would not take up the maintenance responsibility of the proposed surrendered rear lane); and
 - (c) suitable measures and/or enforceable conditions shall be imposed to ensure that the proposed surrender of land and PES can be executed/implemented after approval of the application.
- 2 Comments of the Chief Highways Engineer/Hong Kong (CHE/HK), HyD:
 - (a) the proposed PES involves permanent closure of the area of the existing staircase, forming a platform over the existing staircase and diverting the pedestrian traffic to a passageway inside the lot boundary of 3-6 Glenealy. This may affect the road users and the adjacent residents in using the existing rear lane. It is opined that the applicant should follow the statutory procedures under the Roads (Works, Use and Compensation) Ordinance (Cap 370) for the implementation of the proposed works and conduct local consultation;

- (b) this department would not take up the maintenance responsibility of the proposed surrender of the rear lane serving Fortune Court and the proposed extended platform;
- (c) for the proposed works within the existing public footpath and carriageway maintained by HyD, we have no objection to take up their maintenance responsibility provided that these are constructed in accordance with HyD standards and up to HyD's satisfaction;
- (d) it is understood that the applicant proposed to fill up the existing staircases with mass fill under the proposed extension platform. This mass fill would be applied at the crest and toe of HyD feature no. 11SW-B/R74 to form a foundation for the proposed extension platform. Based on the above understanding, we have following comments on the proposed PES:
 - (i) the maintenance responsibility of the portion of feature no. 11SW-B/R74 underneath the proposed extension platform and the stonewall tree HYD/CW/004 should be transferred to the applicant, given the fact that the proposed mass fill would obstruct our routine maintenance works for the above said slope portion;
 - (ii) the proposed works should not adversely affect the stability of feature no. 11SW-B/R74 and should be approved by GEO;
 - (iii) backfill of soil or permanent structure to cover the existing surface root of the concerned stonewall tree HYD/CW/004 is not allowed. The proposed works should not endanger the health of the stonewall tree and the applicant should devise protective measures to the stonewall tree; and
 - (iv) detailed drawings of the proposed extension platform and the mass fill should be provided.
- (e) the maintenance party of the extended platform is required to take up works in the future to further enlarge the opening with a 200mm clearance from the tree trunk to enable maintenance of the tree. The supporting details of the extended platform should be provided;
- (f) the proposed extended platform should not cause any obstruction to the carrying out of tree assessment related to its root growth on the stonewall tree (HYD/CW/004) also the displacement monitoring survey works for feature no. 11SW-B/R74;
- (g) as the proposed extended platform is in close proximity to the concerned stonewall tree (HYD/CW/004) and in order to ensure the proposal is feasible without damaging the tree, supporting details of the extended platform should be submitted;

- (h) with regard to the Visual Tree Assessment Report and the revised floor layout plan of 1/F, Routine maintenance inspection (RMI) and Engineering Inspection (EI) for HyD's SIMAR slope feature no. 11SW-B/R74 were conducted regularly in accordance with Geoguide 5. With reference to the latest EI report, no sign of distress was recorded. Furthermore, no abnormality in relation to the stability of the slope feature was noted in the RMI report. In addition, periodical wall movement monitoring and tell-tale crack monitoring have been carried out. No sign of significant movement was noted; and
- (i) Form 2 inspection has been carried out for the concerned stonewall tree (HYD/CW/004) every 6 months in accordance with Guidelines for Tree Risk Assessment and Management Arrangement (8th Edition). With reference to the latest Form 2 inspection carried out on 17.6.2019, the tree health condition is fair and its structure is stable. In view of the stability of the slope feature and health condition of the tree, the tree should be preserved.

3 Comments of the Chief Estate Surveyor/Acquisition, Lands Department:

- (a) if the proposed road works involve gazettal under Roads (Works, Use and Compensation) Ordinance (Cap. 370), the developer has to undertake the expenditure for government services provided to private project proponent;
- (b) the applicant's proposal involves erecting an extended pedestrian platform partly on government land and partly on a private neighbourhood development (i.e. Fortune Court) which is covered by two private lots known as IL 4091 RP and IL 4092 RP and is currently held under multiple ownership. The proposed free surrender of portion of IL 4092 RP ("the proposed surrender") would be considered by LandsD on the following conditions:
 - (i) the proposed surrender is supported by TD and HyD, and they agree to take up the respective management and maintenance responsibilities of the proposed surrender area;
 - (ii) there is no adverse comment from LandsD from lease point of view;
 - (iii) there is no adverse comment from DSD and WSD on the proposed surrender and DSD and WSD agree to take up the respective drainage maintenance and water mains maintenance responsibility, if any, of the proposed surrender area;
 - (iv) the proposed surrender area is clear and free from structures and encumbrances;
 - (v) HyD's confirmation should be sought of not pursuing a road scheme under Cap. 370 as gazetted on 18.1.1991 and authorised on 23.8.1991

that requires to resume a portion of the proposed surrender area falling within IL 4092 RP for widening of Arbuthnot Road;

- (vi) BD to confirm that the proposed surrender forms part of the existing footpath and cannot be enclosed, built on or over; or cannot be included in the site area for the purpose of PR and SC calculations of IL 4092 RP under the Buildings Ordinance; and
 - (vii) all the owners of Fortune Court or the owners' representative with full capacity to represent them to agree to the proposed surrender.
- (c) there is no guarantee that the application for the proposed surrender shall be approved, and if approved by LandsD in the capacity of a landlord, it shall be subject to such terms and conditions, including the payment of administrative fee, as may be considered by LandsD.

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

the applicant is reminded that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under the lease. Tree removal applications should be submitted direct to DLO for approval.

Advisory Clauses

- (a) To apply to LandsD for lease modification of IL 7986 RP. The lease modification application, if received, will be considered by LandsD acting in the capacity as the landlord as its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and fees as may be imposed by LandsD;
- (b) to note the comments of DLO/HKW&S, LandsD regarding the submission of survey on the site area to the District Survey Office/Hong Kong for verification at building plan submission stage; application for licence to remove the offensive trades; and agreement/consent on the proposed pedestrian enhancement scheme from the Transport Department, Highways Department and the concerned lot owners;
- (c) to note the comments of CHE/HK, HyD regarding the maintenance responsibility of the portion of feature no. 11SW-B/R74 underneath the proposed extension platform and the stonewall tree HYD/CW/004 should be transferred to the applicant, the proposed works should not adversely affect the stability of feature no. 11SW-B/R74 and should be approved by GEO, the proposed works should not endanger the health of the stonewall tree and the applicant should devise protective measures to the stonewall tree, the applicant is required to take up works in the future to further enlarge the opening to maintenance the 200mm clearance from the tree trunk, and the proposed extended platform should not cause any obstruction on carrying out the tree assessment related to its root growth on stonewall tree also the displacement monitoring survey works for feature no. 11SW-B/R74;
- (d) to note the comments of CES/A, LandsD regarding the developer has to undertake the expenditure for government services provided to the private project proponent if the proposed road works involve gazettal under Roads (Works, Use and Compensation) Ordinance (Cap. 370), the proposed free surrender of portion of IL 4092 RP would be considered by LandsD on the conditions, and there is no guarantee that the application for the proposed surrender shall be approved, and if approved by LandsD in the capacity of a landlord, it shall be subject to such terms and conditions, including the payment of administrative fee, as may be considered by LandsD;

- (e) to note the comments of DOO CDIST, HKPF regarding the sufficient provision of car parking spaces and the L/UL facilities are made available and should be situated within the building structure;
- (f) to note the comments of CE/HK&I, DSD regarding the hydraulic calculations in SIA and that the applicant should bear all costs and undertake improvement/upgrading works to the existing public sewerage systems for handling additional discharge due to the proposed development;
- (g) to note the comments of D of FS regarding the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011; and
- (h) to note the comments of CA/CMD2, ArchSD that the greening ratio of the proposed development should be provided in accordance with PNAP APP-152.