

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H3/441

<u>Applicant</u>	Partner Link Investments Limited represented by Kenneth To & Associates Ltd.
<u>Site</u>	3-6 Glenealy, Central, Hong Kong
<u>Site Area</u>	About 1,088.3m ²
<u>Lease</u>	Inland Lot (IL) 140 s.E. RP, 140 s.E ss.1 RP, 140 s.D RP and 7986 RP
<u>Plan</u>	Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/32 (at the time of submission of the application) Draft Sai Ying Pun & Sheung Wan OZP No. S/H3/33 currently in force
<u>Zoning</u>	“Residential (Group A)” (“R(A)”) (the zoning of the site remains unchanged) - maximum building height (BH) of 150mPD or the height of the existing building, whichever is the greater
<u>Application</u>	Proposed Office, Shop and Services/Eating Place

1 The Proposal

- 1.1 The applicant seeks planning permission for a proposed 27-storey office development with shop/eating place on G/F and 1/F at 3-6 Glenealy, Central (the Site). The Site falls within an area zoned “R(A)” on the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/33 (**Plan A-1**). According to the Notes of the “R(A)” zone, while ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses are always permitted on the lowest three floors of the building, planning permission from the Town Planning Board (the Board) is required for ‘Office’ use above the lowest three floors.
- 1.2 The Site is the subject of a previous application No. A/H3/438 which was rejected by the Board on 11.1.2019 and is currently under appeal under Section 17B of the Town Planning Ordinance. A comparison table of major development

parameters and floor uses of the previous application and the current application is at **Appendix II**.

- 1.3 The table below sets out the main development parameters and floor uses of the proposed development. The floor layouts and section plan are shown at **Drawings A-1 to A-10**.

Site Area	1,088.3m ² (about)
Non-domestic Plot Ratio (PR)	12 12.25 (including covered public passageway and covered public landscape area)
Total non-domestic Gross Floor Area (GFA)	13,059.60m ² (office, shop/eating place) 13,331.675 m ² (including covered public passageway and covered public landscape area of 272.075m ²)
No. of Blocks	1
BH	150mPD (at main roof)
No. of Storeys	27
Site Coverage (SC)	Not more than 60% (above podium)
Building Setback	Approximately 0.7m to 3.45m from the site boundary along Glenealy
Car Parking Spaces - Private Car - Motorcycle	65 7
Loading/Unloading (L/UL) Facilities	6 L/UL bays
Major Uses by floor:	
B3/F to B1/F	Car Park
LG/F	Motorcycle parking spaces / L/UL Bays / E&M facilities
G/F	Shop/Eating Place / E&M facilities
1/F	Office Lobby / Shop/Eating Place / Landscape Area / Public Passage / E&M facilities
2/F-22/F	Office

- 1.4 The proposed development will provide a building setback of 0.7m to 3.45m away from the site boundary along Glenealy. This will enable the existing footpath at Glenealy to be widened from about 2.9m to about 6.35m (**Drawing A-5**). The ingress/egress of the proposed development is located at Glenealy (**Drawings A-4 and A-5**).
- 1.5 The applicant proposes a pedestrian enhancement scheme (PES) to provide pedestrian connection between Glenealy and Arbuthnot Road (**Drawing A-12 to A-14**). The PES includes a 24-hour public passageway made up of escalators between G/F and 1/F, the landscape area on 1/F of the proposed development and a platform extended from 1/F of the proposed development to Arbuthnot Road providing a pedestrian connection of not less than 1.5m wide, re-provisioning within the Site of the existing staircases leading from Arbuthnot Road to the back

lane (**Drawing A-12**), and widening of the existing carriageway at Arbuthnot Road from 6m to 8m and both sides of its footpath to 1.5m (**Drawing A-11**).

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

- (a) Application form received on 24.4.2019 (Appendix I)
- (b) Planning Statement (including a traffic impact assessment (TIA) and a research report on Hong Kong Land Supply) received on 24.4.2019 (Appendix Ia)
- (c) Further Information (FI) dated 31.5.2019 providing response to departmental comments and supplementary information for the TIA submitted by the Applicant[#] (Appendix Ib)
- (d) FI dated 2.7.2019 providing replacement page for the proposed pedestrian enhancement scheme submitted by the Applicant* (Appendix Ic)
- (e) FI dated 8.7.2019 providing response to departmental comments and supplementary information for the proposed PES submitted by the Applicant* (Appendix Id)
- (f) FI dated 8.8.2019 providing a visual tree assessment (VTA) report with a supplementary structural appraisal report and the revised floor plan of 1/F submitted by the Applicant[#] (Appendix Ie)
- (g) FI dated 3.12.2019 providing the revised floor plan of 1/F and a supporting letter from the owner of Fortune Court submitted by the Applicant[#] (Appendix If)
- (h) FI dated 6.12.2019 providing further justifications on the PES submitted by the Applicant* (Appendix Ig)
- (i) FI dated 7.12.2019 providing response to departmental comments submitted by the Applicant* (Appendix Ih)
- (j) FI dated 8.12.2019 providing response to departmental comments submitted by the Applicant* (Appendix Ii)

([#] accepted but not exempted from publication requirement)

(* accepted and exempted from the publication requirement)

2 Justification from the applicant

The justifications put forth by the applicant in support of the application are detailed in Section 4 of the planning statement in **Appendix Ia**. They are summarised as follows:

- (a) the Site is located at the fringe of the central business district (CBD). The area sandwiched between Hollywood Road and Caine Road is occupied by a variety of land uses, including hotel, recreation and commercial uses such as the Former Central Police Station (CPS) Compound (i.e. Tai Kwun). The proposed development with office and retail shops within a mixed-use precinct is considered compatible to the surrounding land uses;
- (b) in view of the continuous demand for office as reflected by the steady increase in rental prices, as well as the limited supply of offices in Central, the proposed development could inject a new supply of office floor space at the fringe of Central, which is considered necessary to sustain a healthy balance of demand and supply of office space;
- (c) the proposed PES helps to improve road safety and walking environment at Arbuthnot Road where the two existing staircases cut across the pavement and encroach into the carriageway, creating a bottleneck on Arbuthnot Road. The PES can widen the pedestrian pavement and remove the bottleneck of the carriageway at Arbuthnot Road, and provide a more direct pedestrian connection between Glenealy and Arbuthnot Road/Caine Road;
- (d) the proposed development provides a setback of 0.7m to 3.45m from the boundary of the Site along Glenealy for a wider footpath of a maximum of about 6.35m. The proposed setback will bring improvements to the walking environment of the upper part of Glenealy.
- (e) the landscape area on 1/F of the proposed development could provide an internal breathing space for the future users, and the permeable design would enhance air penetration and provide space for landscaping;
- (f) the proposed development is in line with Town Planning Board Guidelines No.5 – “Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance” in that:
 - (i) the proposed development is able to accommodate medium-sized offices and provide flexibility to accommodate smaller-sized offices;
 - (ii) the proposed development provides internal transport facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG);
 - (iii) the Site is located within walking distance from Central MTR station;
 - (iv) the TIA has demonstrated that the proposed development would not result in adverse traffic impact;
 - (v) the proposed development is considered compatible with the mixed-use character of the locality; and
 - (vi) the proposed development is purposely designed for office use.

- (g) the TIA concludes that no adverse traffic impact would be generated by the proposed development and the proposed traffic improvement proposal (i.e. the PES) could improve road safety and bring about long-term benefits to the public; and
- (h) with the support from the Fortune Court in surrendering the rear lane, the proposed public passage can satisfy the Transport Department's (TD) minimum requirement of 1.5m wide.

3 Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not the "current land owners" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification letters to the existing land owners. Detailed information would be deposited at the meeting for Members' inspection.

4 Background

The Site and its surrounding area were previously zoned "Commercial/Residential" ("C/R") on the draft OZP No. S/H3/23 (**Plan A-3**). On 7.5.2010, draft OZP No. S/H3/24 incorporating amendments to rezone the "C/R" sites to either "Commercial" ("C") or "R(A)" was exhibited for public inspection, with a view to providing a clear planning intention for these sites. Sites on both sides of Arbuthnot Road and the southern part of Glenealy, including the Site, were rezoned to "R(A)" while the sites on both sides of Wyndham Street were rezoned to "C". Since then, the zoning of the Site has remained unchanged.

5 Town Planning Board Guidelines

- 5.1 The Town Planning Board Guidelines for Application for Office Development in "Residential (Group A)" Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 5) is relevant to this application. The relevant assessment criteria are summarised as follows:
- (a) the site should be sufficiently large to achieve a properly designed office building;
 - (b) there should be adequate provision of parking and L/UL facilities within the site in accordance with HKPSG and to the satisfaction of the Transport Department (TD). For sites with narrow frontage, where on-site L/UL requirement cannot be met, the applicant should demonstrate that there are alternative locations for L/UL facilities to the satisfaction of TD
 - (c) the site should be at an easily accessible location, e.g. close to the Mass Transit Railway Station or well served by other public transport facilities;

- (d) the proposed office development should not cause congestion and disruption to the traffic flow of the locality;
- (e) the proposed office building should be compatible with the existing and planned land uses of the locality and it should not be located in a predominantly residential area; and
- (f) the proposed office development should be purposely designed for office/commercial uses so that there is no risk of subsequent illegal conversion to substandard domestic units or other uses.

5.2 In general, the Board will give favourable consideration to planning applications for office developments which produce specific environmental and planning gains, for example, if the site is located near to major sources of air and noise pollution such as a major road, and the proposed office development is equipped with central air-conditioning and other noise mitigation measures which make it less susceptible to pollution than a residential development. Other forms of planning gain which the Board would favour in a proposed office development would include public open space and community facilities required in the planning district.

6 Previous Application

There was a previous application No. A/H3/438 at the Site (**Plan A-1**) for a 22-storey commercial building with office and shop and services/eating place uses. On 11.1.2019, the Board rejected the application on review on the grounds that the applicant did not provide sufficient justifications to deviate from the planning intention, and approval of the application would set an undesirable precedent for similar applications and aggravate the shortfall in the supply of housing land. On 15.3.2019, the applicant lodged an appeal to the Town Planning Appeal Board against the Board's decision on rejecting the application upon review. The dates of the hearing by the Town Planning Appeal Board are scheduled on 13, 17, 19, 20 and 24 February and 15 and 16 April 2020.

7 Similar Applications

7.1 Since the Site was rezoned to "R(A)" on 7.5.2010, there have been 3 similar applications for office developments within the "R(A)" zone of the Sai Ying Pun & Sheung Wan OZP (**Plan A-1**). Of which, two applications (i.e. Nos. A/H3/402 and A/H3/432) were approved with conditions and one application (i.e. No. A/H3/436) was rejected.

7.2 The two approved applications (i.e. Nos. A/H3/402 and A/H3/432) involve a same site at 2-4 Shelley Street, Sheung Wan for a proposed commercial building with office, eating place and shop and services in "R(A)" zone. The application No. A/H3/402 was approved upon review by the Board on 13.7.2012, having considered that the scale of the proposed development was small (with a total GFA of 3,729m²) and the traffic impact such as the L/UL activities and trip generation caused by the proposed development was relatively insignificant. For

application No. A/H3/432, it was an amendment to the approved scheme under No. A/H3/402, mainly by changing the mix of uses between 'Office' and 'Shop and Services/Eating Place' with no change in the total GFA and a minor increase in the BH of the proposed development. Having considered the fire safety concern on increased floor space for 'Eating Place/Shop and Services' use could be dealt with during the building plans submission stage, the application was approved with conditions by the Committee on 7.4.2017

- 7.3 The application No. A/H3/436 was rejected by the Board on review mainly due to the reasons that there was no strong justification to merit a departure from the planning intention and the setting of an undesirable precedent. Details of all the similar applications are provided at **Appendix III**.

8 The Site and its Surroundings (Plans A-2, A-5 to A-11)

8.1 The Site is:

- (a) located at Glenealy, between Arbuthnot Road and Wyndham Street with a steep gradient;
- (b) occupied by two residential buildings at 3-4 Glenealy (9 storeys) and 5-6 Glenealy (11 storeys) providing a total of 73 flats. The buildings were built in the 1960s with a retail shop on G/F of 3-4 Glenealy;
- (c) surrounded by residential developments with Greenville to its immediate northeast, Glenealy Mansion and 8-9 Glenealy to its immediate southwest and Fortune Court, Mandarin Court, Arbuthnot House and Shin King Court to its immediate northwest; and
- (d) located about 300m away from the Central MTR Station.

8.2 The surrounding area has the following characteristics:

- (a) to the west of the Site across Arbuthnot Road is a street block bounded by Caine Road, which is predominantly residential in nature comprising Cordial Mansion, Yuen Ming Building, Bel Mount Garden and Botanical court;
- (b) to the east of the Site across Glenealy is the Hong Kong Sheng Kung Hui Compound, and to the further north and northeast of the Site are mixed commercial and residential developments abutting Wyndham Street;
- (c) in a wider context, the Former Central Police Station Compound (now known as Tai Kwun), the Hong Kong Zoological and Botanical Gardens, and the Government House are located to the west, south and east of the Site respectively; and
- (d) is in close proximity to the area known as SOHO (south of Hollywood Road) with upmarket bars and eateries. Lan Kwai Fong is about 80m away.

9 Planning Intention

The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

10 Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) the Site falls within the private lots, namely IL 140 s.E ss.1 RP, IL 140 s.E RP, IL 140 s.D RP and IL 7986 RP. The Government lease governing the above-mentioned sections of IL 140 is virtually unrestricted where IL 140 s.D RP is subject to an “offensive trade” clause. As for IL 7986 RP, the lot shall be used for residential and commercial purposes only;
- (b) for the proposed eating places use within IL 140 s.D RP, application from the concerned lot owners for the removal of several offensive trades from the “offensive trade” clause is required;
- (c) since the proposed development does not contain any residential elements, it is considered in breach of the user restriction under the lease conditions governing IL 7986 RP. Thus, if planning permission is given to the subject application, the owner of IL 7986 RP is required to apply to LandsD for a lease modification. 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;
- (d) as the concerned sections of IL 140 within the Site were carved out under private agreement(s), notwithstanding the applicant is not a current land owner of the concerned sections of IL 140, it is advised to carry out necessary survey to ensure the accuracy of the site area at building plan submission stage and submit relevant survey to District Survey Office/Hong Kong for verification, if necessary; and
- (e) the proposed upgrading works for a section of footpath and carriageway of Arbuthnot Road fall partly within the public road

and partly within IL 4092 RP. For the portion falling within the Government land, agreement from the Transport Department (TD) and Highways Department (HyD) on the proposed upgrading works should be sought; while for the portion falling within IL 4092 RP, the applicant shall obtain the consent from the lot owners before carrying out any works for the proposed works.

Proposed PES (Detailed Comments in **Appendix IV**)

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

- (a) no adverse comments on the proposed PES;
- (b) 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;
- (c) 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; and
- (d) 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.

10.1.3 Comments of the Chief Highways Engineer/Hong Kong (CHE/HK), HyD:

- (a) 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;
- (b) 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;
- (c) 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.

10.1.4 Comments of the Chief Estate Surveyor/Acquisition, LandsD:

- (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 proposed free surrender of portion of IL 4092 RP would be considered by LandsD provided that:
 - (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, DSD and WSD on the proposed surrender;
 - (iii) 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; and
 - (iv) all the owners of Fortune Court or the owners' representative with full capacity to represent them to agree to the proposed surrender.

Traffic Aspect

10.1.5 Comments of C for T:

- (a) no comment on the TIA from traffic engineering viewpoint; and
- (b) setback of building boundary at Glenealy for public passage are welcomed.

10.1.6 Comments of the District Operations Officer (Central District), Hong Kong Police Force (DOO CDIST, HKPF):

no comment on the application, apart from ensuring sufficient parking spaces and L/UL facilities are made available, and situated within the structure to ensure minimal impact to traffic flow in the vicinity.

Geotechnical Aspect

10.1.7 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no geotechnical comments on the application and the proposed PES;
- (b) feature no. 11SW-B/R74 is a 4m high retaining wall located in the vicinity of the Site. According to the GEO Advice Note for Planning Applications under Town Planning Ordinance (Cap 131),

the Site does not meet the requirement for a Geotechnical Planning Review Report (GPRR); and

- (c) if the above-mentioned feature would be affected, the applicant should seek the comments and obtain necessary approvals from relevant government departments before commencement of the proposed works.

Building Aspect

10.1.8 Comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD):

- (a) no in-principle objection to the application;
- (b) the PR and SC claimed by the applicant are within permitted PR and SC in the First Schedule of the Building (Planning) Regulations; and
- (c) sustainable building design guidelines stipulated in PNAP APP-152 & 152 shall be complied with if the applicant applies for GFA concession under PNAP APP-151.

Environmental Aspect

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

- (a) no objection to the application;
- (b) as office developments are normally provided with centralized air conditioning system, the applicant/Authorized Persons should be able to select a proper location for fresh-air intake at the detailed design stage to avoid exposing future occupants from unacceptable environmental nuisances/impact; and
- (c) should the Committee approve this application, approval conditions requiring the applicant to submit a sewerage impact assessment (SIA) to the satisfaction of DEP or of the Board; and to implement the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services (DSD) or of the Board are recommended to be included in the planning permission.

Sewerage Aspect

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

- (a) no objection to the application;

- (b) the applicant is required to demonstrate with hydraulic calculations that the existing downstream public sewage facilities have adequate capacity to accommodate the flow from the proposed development. If required, 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 to the satisfaction of DSD; and
- (c) the applicant should seek the approval of SIA from the Environmental Protection Department.

Fire Safety Aspect

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

- (a) no objection in principle to the application subject to fire service installations being provided to the satisfaction of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) as no details of the emergency vehicular access (EVA) have been provided, comments could not be offered at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD.

Urban Design & Visual Aspect

10.1.12 Comments of CTP/UD&L, PlanD:

no comment on the proposal from urban design/visual impact perspectives.

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

- (a) no comment from visual impact point of view;
- (b) the proposed development massing and density may not be incompatible with the BH restriction of 150mPD for the Site and adjacent development with BH restrictions ranging from 120mPD to 200mPD; and
- (c) 20% greenery within the Site should be provided in accordance with PNAP APP-152.

Landscape Aspect

10.1.14 Comments of CTP/UD&L, PlanD:

- (a) no objection from landscape planning perspective;
- (b) the Site is situated in an area of urban landscape character and medium to high rise residential and commercial buildings are common in the surrounding areas. The proposed development is considered not incompatible with the existing landscape character; and
- (c) significant change or disturbances arising from the proposed development to the existing landscape character and resource is not anticipated.

Others

10.1.15 Comments of the District Officer (Central and Western), Home Affairs Department (DO(C&W), HAD)

- (a) the proposed development is a matter of considerable public concern in light of the adverse traffic, air ventilation and environmental impacts brought about by the redevelopment, as well as the demand for residential land in the area; and
- (b) noted that some members of the public have lodged objection to the application. We trust that the Board will take all of the public views received into account when deliberating the application.

10.1.16 The following government departments have no objection to/no comment on the application:

- (a) Project Manager (South), CEDD;
- (b) Chief Engineer/Development (2), Water Supplies Department; and
- (c) Road Management Office (Traffic Hong Kong Island), HKPF

11 Public Comments Received During Statutory Publication Period

11.1 During the statutory publication periods of the application and the subsequent FIs, a total of 231 comments were received.

Publication Periods	Supporting Comments	Opposing Comments	No. of comments received
3.5.2019 – 24.5.2019	123	15	138
11.6.2019 – 2.7.2019	16	11	27
20.8.2019 – 10.9.2019	2	34	36
13.12.2019 – 3.1.2020	1	29	30
Total:	142	89	231

- 11.2 Amongst the public comments received, there are 142 supporting comments from the then Central & Western District Council (CWDC) member Mr. Yeung Hok-ming and individuals; 89 opposing comments from the CWDC member Ms. Wong Kin Ching, Central & Western Concern Group, and the incorporated owners of Glenealy Tower at 1 Glenealy and individuals. A full set of the public comments received are at **Appendix V** for Members' reference.
- 11.3 The major grounds of public comments received can be summarised as follows:

Supporting Comments

- (a) the proposal can increase the supply of office space near the CBD to meet the demand especially small and medium enterprises, and to alleviate the problem of high office rental cost;
- (b) the proposed development provides more bars and eating places in the vicinity of the Wyndham Street and Lan Kwai Fong area to cater for the increasing demand from business operators, tourists and local people for bars and restaurants;
- (c) the proposed development is compatible with the neighbourhood as the Site is located near the commercial buildings, bars and restaurants in the vicinity. The proposed development will not generate adverse land use interface issue;
- (d) the proposed development can facilitate the transformation of the fringe area of CBD into a commercial hub;
- (e) developing the Site with commercial use can achieve better land utilisation as commercial development has higher SC than residential development;
- (f) the proposed PES can improve the road safety and walkability with a 24-hour publicly accessible walkway;
- (g) the proposal will provide additional car parking spaces, reduce on-street parking and improve the road traffic situation; and
- (h) the proposed development can enhance the local character.

Opposing Comments

- (i) given the housing shortage and the pressing demand for housing land, the Site should be retained for residential use;
- (j) commercial development is not compatible with the surroundings which are predominated by residential development, and the construction work would bring prolonged serious noise and air pollution to the residents nearby;

- (k) Glenealy is already very congested with frequent traffic jams and is unlikely to accommodate additional traffic generated from the proposed development. The proposed commercial development will increase the traffic pressure on this steep and narrow road and the surrounding road network;
- (l) the traffic capacity of this area cannot accommodate a large commercial development and the increased traffic flow may bring dangers to the pedestrians, in particular the children of the nearby schools;
- (m) the proposed number of car parking spaces and L/UL bays are unacceptable as the Site is close to the MTR station and the proposed development would cause traffic congestion and generate additional traffic to the area;
- (n) the risk of land subsidence of surrounding residential buildings is high due to the steep nature of the Site and the surrounding area and no geotechnical impact assessment has been submitted by the applicant;
- (o) the applicant has not submitted sufficient technical assessments on environmental aspects, pedestrian impact, visual impact, social impact, geotechnical impact, sewerage impact, and trees to justify the proposed development;
- (p) the proposed pedestrian footpath can also be provided in a residential development at this Site and the stonewall tree should not be taken down to make way for the footpath;
- (q) the application provides nothing fundamentally new when compared with another rejected application No. A/H3/438;
- (r) the proposed development brings no planning gain and cannot meet the planning criteria; and
- (s) approval of this application will set a dangerous precedent.

12 Planning Considerations and Assessment

12.1 The applicant proposes to redevelop the two existing residential buildings into a 27-storey office building with 21 levels of office, 2 levels of eating place/shop and services, and 4 levels of basement car parks, providing 65 car parking spaces, 7 motorcycle spaces and 6 L/UL bays for light good vehicles. The proposed BH of the development is 150mPD which is within the BH restriction on the OZP. The applicant also proposes a setback ranging from about 0.7m to 3.45m from the site boundary fronting Glenealy to facilitate a wider footpath (from about 2.9m to a maximum width of about 6.5m). Moreover, a PES is proposed by the applicant to offer a 24-hour public passage connecting Glenealy and Arbuthnot Road (**Drawing A-12**). The applicant also proposes that the carriageway at Arbuthnot Road would be widened from 6m to 8m with the provision of 1.5m wide pavements on both sides of Arbuthnot Road to enhance walking experience and pedestrian safety (**Drawing A-11**).

Planning Intention and Land Use Compatibility

- 12.2 The Site is zoned “R(A)” which is intended primarily for high-density residential development with commercial uses always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. In general, sites should be developed in accordance with the planning intention of the zoning as shown on the OZP unless strong justifications have been provided for a departure from such planning intention.
- 12.3 The immediate neighbourhood of the Site is predominantly residential in nature with Greenville to its northeast, Glenealy Mansion and 8-9 Glenealy to its southwest, and Fortune Court, Mandarin Court, Arbuthnot House and Shin King Court to its northwest. The Site and its surrounding area were rezoned from “C/R” to “R(A)” in 2010 with the planning intention to maintain the residential nature of the area. While the proposed office development with shop and services/eating places on the lowest two floors is considered not incompatible with the surrounding developments, it is not fully in line with the planning intention of the “R(A)” zone.

Undesirable Precedent and Cumulative Effect on Housing Land Supply

- 12.4 The Site of about 1,088.3m² involves two residential buildings currently providing about 73 residential units. The Site takes up a significant portion of the street block bounded by Glenealy and Arbuthnot Road under the “R(A)” zone, which is about 25% in terms of the total land area of the “R(A)” zone (about 4,334m²). Any change in the use of the Site to office development would mean a loss of the existing residential units, and may induce similar change in other residential developments within the same street block. While the Board will consider each application on its individual merits, the Board is also expected to act consistently and come to a similar conclusion on applications with a similar planning context. Hence, approval of the application without strong justifications will set an undesirable precedent for similar applications for other residential sites in the same “R(A)” zone, resulting in cumulative loss of residential land, as well as cumulative impacts on other aspects including traffic impact.
- 12.5 Notwithstanding the applicant’s claim on the limited office supply in Central, it should be noted that there is a shortage of all kinds of land, including housing, economic, infrastructure and facilities, as pointed out in the report of the Task Force on Land Supply published on 31.12.2018. The shortage of both housing land and economic land can also be reflected by the upward trend of rental and price indices for private domestic properties and offices as documented in Hong Kong Property Review 2018. As such, sites zoned for residential use should be retained for its zoned purpose to meet the acute housing demand. The applicant fails to demonstrate strong justifications for the proposed office development at the Site.

Town Planning Board Guidelines (TPB PG-No.5)

- 12.6 While the applicant claimed that the proposed development is able to meet all the planning criteria set out in TPB PG-No.5, it should be noted that the decision to

approve or reject an application rests entirely with the Committee based on individual merits and other specific considerations of each case. Hence, apart from the planning criteria set out in TPB PG-No.5, the Committee would need to take into account other relevant considerations including the planning intention of the Site as stated in the OZP and implications of approving the application.

Planning Merit

12.7 On the PES, which involves a platform extended from 1/F of the proposed development to connect the existing footpath at Arbuthnot Road (**Drawing A-12**) and widening of the existing carriageway and footpath of Arbuthnot Road (**Drawing A-11**), it should be noted that the feasibility of implementing the PES is not yet demonstrated and the planning gain claimed by the applicant is yet to be proven due to the following reasons:

- (a) the proposed extended platform will close off the existing staircases leading from Arbuthnot Road into the existing private rear lane of Fortune Court (**Plan A-4**) and the Government rear lane, with a reprovisioned staircase running through the proposed development to provide access to the said rear lane. The relevant government departments have yet to accept such an arrangement;
- (b) the proposed extended platform falls partly within the private lot of Fortune Court and partly on Government land (**Plan A-4**). While the applicant claims that support had been gained from the owner of 13 out of the 48 residential units of Fortune Court, the views of the majority of the owners on the surrender of the private rear lane and the proposed PES are not known. As HyD has indicated that they would not take up the maintenance of the extended platform, the applicant's proposal to surrender the concerned private lot would unlikely be acceptable to the Government; and
- (c) in view of (b) above, the portion of platform falling within the private lot could only be implemented through private agreement. Hence, the implementation of the proposed extended platform and the provision of a 24-hour public access on the private portion of the platform is not guaranteed.

Previous Application and Similar Applications

12.8 Since the consideration of the previous application (A/H3/438) by the Board on 11.1.2019, there is no material change in planning circumstances of the Site. While the applicant has proposed the PES in the current application as the planning gain of the proposed office development, the planning considerations for the previous application regarding no strong justifications to deviate from the planning intention, setting undesirable precedent and aggravating the shortfall of housing land remain valid, and the feasibility of the proposed PES is not yet demonstrated. There is no strong justification to deviate from the previous decision of the Board.

- 12.9 Unlike the application site (i.e. 2-4 Shelley Street) of the two approved similar applications (A/H3/402 and A/H3/432), which is surrounded on 3 sides by existing commercial buildings, the Site is located in a predominantly residential area. Moreover, it should be noted that the planning permission for A/H3/402 was granted in 2012 before the policy to address the pressing need for housing had been in place and planning application No. A/H3/432 was an amendment to the approved scheme under the Planning Application No. A/H3/402. Given the differences in site context and planning history, the current application should be considered on its own merits and the Committee is not bound by the decision in respect of the approved similar applications.
- 12.10 There are public comments raising concerns on the traffic impact caused, reduction of land supply for residential use and adverse environmental issues. There are also public comments in support of the application as the proposal could increase the supply of office and retail floor space, improve road safety and enhance the local character of the area. The views given in paragraphs 12.2 to 12.9 above and the comments of the relevant government departments in paragraph 10 are relevant.

13 Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, PlanD does not support the application for the following reasons:
- (a) the planning intention of the “Residential (Group A)” (“R(A)”) zone is for high-density residential developments. The applicant fails to demonstrate strong justifications to deviate from the planning intention of the “R(A) zone; and
 - (b) approval of the application will set an undesirable precedent for similar applications in the same “R(A)” zone. The cumulative effect of approving such similar applications will aggravate the shortfall in the supply of housing land.
- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 17.1.2024, 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 suggested for Members’ reference:

Approval Conditions

- (a) the provision of the car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (b) the provision of setback from the site boundary fronting Glenealy, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and implementation of the pedestrian enhancement scheme, as proposed by the applicant, to the satisfaction of the Director of Highways and Commissioner for Transport or of the Town Planning Board;
- (d) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the implementation of the local sewerage upgrading/sewerage connection works as identified in the SIA in (d) above 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 VI**.

14 Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 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.

Attachment

Appendix I	Application form received on 24.4.2019
Appendix Ia	Supporting Planning Statement received on 24.4.2019
Appendix Ib	Further Information dated 31.5.2019
Appendix Ic	Further Information dated 2.7.2019
Appendix Id	Further Information dated 8.7.2019
Appendix Ie	Further Information dated 8.8.2019
Appendix If	Further Information dated 3.12.2019
Appendix Ig	Further Information dated 6.12.2019
Appendix Ih	Further Information dated 7.12.2019
Appendix Ii	Further Information dated 8.12.2019
Appendix II	Comparison of Previous Application and Current Scheme
Appendix III	Similar s.16 planning applications

Appendix IV	Detailed Departmental Comments on the Pedestrian Enhancement Scheme
Appendix V	Public comments
Appendix VI	Advisory Clauses
Drawings A-1 to A-10	Floor plans and section plan
Drawings A-11 to A-14	Plans of Pedestrian Enhancement Scheme
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Location Plan on previous OZPs
Plan A-4	Proposed Pedestrian Enhancement Scheme and Land Status
Plans A-5 to A-11	Site Photos

**PLANNING DEPARTMENT
JANUARY 2020**