

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H5/411

<u>Applicant</u>	Cherish Shine Limited represented by Masterplan Limited
<u>Site</u>	46-56 Queen's Road East, 2-12 Anton Street and 1-11 Landale Street, Wan Chai, Hong Kong
<u>Site Area</u>	About 1,341m ²
<u>Lease</u>	(a) Inland Lot (IL) 2242, IL 2244 s.A, s.B and s.C, IL2245 s.A, s.B, s.C, s.D, s.E and s.F (b) Unrestricted User with Non-offensive Trade Clause
<u>Plan</u>	Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/27 (at the time of submission of the application) Draft Wan Chai OZP No. S/H5/28 currently in force (the zoning of the site remains unchanged)
<u>Zoning</u>	"Residential (Group A)" ("R(A)") (a) a maximum building height of 110mPD or the height of the existing building, whichever is the greater (b) provision for application for minor relaxation of building height restriction (c) 1m building setback from the lot boundary of Anton Street
<u>Application</u>	Proposed Office, Shop and Services, Eating Place, Exhibition Hall, Convention Hall, Educational Institution, Place of Entertainment and Place of Recreation, Sports or Culture, and Minor Relaxation of Building Height Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed 31-storey commercial development (including office, shop and services, eating place, exhibition hall, convention hall, education institution, place of entertainment and place of recreation, sports or culture) and minor relaxation of building height restriction (BHR) from 110mPD to 130.1mPD at 46-56 Queen's Road East, 2-12 Anton Street and 1-11 Landale Street, Wan Chai (the Site). The Site falls within an area zoned "R(A)" on the draft Wan Chai OZP No. S/H5/28 (**Plan A-1**). According to the Notes of the OZP, planning permission from the Town Planning Board (the Board) is required for

the applied uses within the “R(A)” zone; and based on individual merits of a development or redevelopment proposal, minor relaxation of the BHR stated on OZP may be considered by the Board.

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

- (a) Application form received on 19.4.2018 (Appendix I)
- (b) Supporting Planning Statement (Appendix Ia)
- (c) Applicant’s letter dated 6.7.2018 providing further information (FI) *(accepted but not exempted from publication requirement)* (Appendix Ib)
- (d) Applicant’s letter dated 10.9.2018 providing FI *(accepted but not exempted from publication requirement)* (Appendix Ic)
- (e) Applicant’s letter dated 22.10.2018 providing FI *(accepted and exempted from publication requirement)* (Appendix Id)

1.3 The floor plans, section plan, landscape master plans and photomontages of the proposed commercial development submitted by the applicant are shown at **Drawings A-1 to A-19**. Part of the Site is the subject of a previous application (No. A/H5/377) for office, which was approved with conditions by the Metro Planning Committee (the Committee) in 2008. Compared with the previous scheme, the site boundary is extended southward to include an adjoining site abutting Queen’s Road East (i.e. Po Wah Building) but exclude another adjoining site at 28 Hennessy Road, which was redeveloped into a commercial building in 2012 in accordance with a planning permission given in 2008 under Application No. A/H5/372 (**Plans A-1 and A-2**). According to the applicant, the commercial development at 28 Hennessy Road is designated as Phase I development of the entire street block while the current application is termed as Phase II development.

1.4 The key development parameters and major floor uses of the scheme under application are tabulated below:

Development Parameters	
Site Area	About 1,341m ²
Total Gross Floor Area	About 20,338m ² * <i>(including a bonus GFA of 224m²)</i>
- Office	17,230m ²
- Special Floors [#]	1,560m ²
- Retail (Shop and Services/Eating Place)	41m ²
- Ancillary facilities [@]	1,507m ²
Plot Ratio (PR)	15.17* <i>(including a bonus PR of 0.17 claimed for building setback*)</i>

Site Coverage (SC) (Typical Floors)	65.05%* (including a bonus SC of 0.05 claimed for building setback)
Building Height (Main Roof)	130.1mPD
No. of Storeys	31 (including 3 levels of basement)
Parking Spaces	
Car Parking Spaces	88+
Motorcycle	5
Loading/Unloading (L/UL) Bays	7 (3 for medium goods vehicle and 4 for light goods vehicle)

* The proposed PR and SC exceed the maximum permitted under Schedule 1 of Building (Planning) Regulations (B(P)R). This is due to inclusion of bonus GFA of 224m² and SC of 0.05% for building setback proposal (based on 0.5m setback from Anton Street and 0.5m setback from Landale Street), which is subject to the Building Authority's approval in the building plan submission stage

Special Floors include uses of Office/Educational Institution/Exhibition Hall/Convention Hall/Place of Entertainment/Place of Recreation, Sports or Culture

@ Ancillary Facilities include 'Lobby, E&M facilities, etc.

+ Including two accessible car parking spaces

Major Floor Use	
B3/F to B1/F	Carpark and E&M Facilities
G/F	Carpark, Loading/Unloading Spaces and Retail Space
1/F	Entrance Lobby and Retail Space
2/F to 3/F	Special Purposes (including Office/ Educational Institution/ Exhibition Hall/Convention Hall/ Place of Entertainment/ Place of Recreation, Sports or Culture)
4/F	Podium Garden and Refuge Floor
5/F	E&M Facilities
6/F to 27/F	Offices

1.5 The vehicular ingress and egress for the proposed development will be located at Anton Street. Two car lifts will be provided for transporting the vehicles to the basement carparks on B1/F, B2/F and B3/F. It is the applicant's intention to link-up the existing office building at 28 Hennessy Road (Phase I development) and the proposed development at the Site (Phase II development) via a footbridge on 1/F and 2/F (landscape bridge) of the proposed development. Separate pedestrian entrances and vehicular ingress/egress at both developments will be provided. With regard to the building setback proposal, a setback of 1.95m from the lot boundary fronting Anton Street (i.e. 0.95m on top of the 1m setback requirement under the OZP), 2.1m from the lot boundary fronting Landale Street and 5m (up to a height of about 10m from street level) from the lot boundary fronting Queen's Road East are proposed. The footpath of Queen's Road East, Anton Street and Landale Street will have a clear width of about 3m, 2.5m and 2m respectively (**Drawing A-1**).

1.6 The application was received on 19.4.2018 and was originally scheduled for consideration by the Committee on 15.6.2018. On 15.6.2018 and 7.9.2018, at the request of the applicant, the Committee decided to defer making a decision on the

application pending the submission of FI by the applicant. FI were submitted by the applicant on 6.7.2018, 10.9.2018 and 22.10.2018 (**Appendices Ib, Ic and Id**). The application is thus 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 mainly detailed in Section 8 of the supporting planning statement in **Appendix Ia**. They are summarised as follows:

- (a) Wan Chai has been identified in the 2030+ Study as an area, which is suitable for expansion of the Central Business District (CBD). The proposal is also in line with the Government's policy in optimizing the potential of developable land in the urban area as redevelopment of the existing building can generate more floor area for commercial uses.
- (b) The proposal conforms with the TPB Guideline No. 5, including right location of the proposed redevelopment, not conflict with the land use, no environmental nuisance, accessibility of the site and for the benefit of the community's need by providing flexibility in the uses under 'special floors' and provision of open area at ground floor.
- (c) The Site was considered as having great potential to be redeveloped for commercial uses including Office and Hotel in the 2008 Land Use Review by the Planning Department (PlanD). Redevelopment of existing residential developments to commercial developments is compatible with the predominately commercial development pattern.
- (d) The concern on traffic impact has been carefully looked at in the preparation of the application. Traffic impact assessment (TIA) has demonstrated that the proposal would induce no significant traffic impacts on the adjacent road network. The car parking space provision has reach to the lower end requirements according to the Hong Kong Planning Standards and Guidelines (HKPSG). Car lift analysis was carried out to demonstrate that the proposed two car lifts and waiting spaces are sufficient. The applicant is willing to conduct further study in the building plan submission stage to explore the possibility of maximising the car parking provision by fully utilised mechanical car park system.
- (e) The proposed Phase II office development could help to ease the acute demand for office space in this location. Vacancy rate of prime office space in Central and Wan Chai/Causeway Bay areas is low. The persistent demand for Grade A Office is expected to continue. The commercial building at 28 Hennessy Road has been fully leased to tenants since 2015 and it has reached full occupancy rate in the past three years.
- (f) The proposed office development is in line with the existing development context, and meeting the objectives of urban redevelopment. The proposed uses are in line with the character of Wan Chai and compatible with its neighbourhood. A compatible extension of 28 Hennessy Road through physical connections and sharing of L/UL spaces and podium gardens. The project involving renewal of existing dilapidated 60-year-old residential buildings, which will improve the environment of the area.

- (g) The building setback proposal could improve the wind environment of the area and widen the footpath. The technical assessments and approved previous application have justified the parameters of the proposed development (including the PR and building height) as well as the impact on traffic, sewerage, drainage, visual, air ventilation, etc.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

4.1 The Town Planning Board Guidelines for Application for Office Development in “R(A)” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 5) are 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 loading/unloading facilities within the site in accordance with HKPSG and to the satisfaction of the Transport Department (TD);
- (c) the site should be at easily accessible location, e.g. close to the Mass Transit Railway (MTR) 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.

4.2 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.

5. Background

- 5.1 The Site is situated between Hennessy Road and Queen's Road East at the southwest part of Wan Chai. At the time of considering a planning application (No. A/H5/372) at 28 Hennessy Road, PlanD was concurrently conducting 'Land Use Review of the Area to the southwest of the Junction of Hennessy Road and Johnston Road' in 2008 (Land Use Review 2008) which encompassed the Site and the nearby sites (**Plan A-5**). The Study was to explore the development potential of this residential area for rezoning to commercial use. The review concluded that the concerned area possessed great potential to be redeveloped for commercial use with location which is adjacent to the CBD at Central and Admiralty. However, in view of the traffic concerns, wholesale rezoning of the area to commercial use was considered not appropriate and redevelopment was suggested to be considered by way of the planning permission system to ensure no traffic impact. The findings of the Land Use Review 2008 was considered and noted by the Committee on 7.11.2008.
- 5.2 The zoning of the Site has remained as "R(A)" since 2008. The BHR of 110mPD and 1m building setback from the lot boundary of Anton Street were firstly imposed for the subject "R(A)" zone on the draft Wan Chai OZP No. S/H5/26 in 2010. The building setback requirements along some narrow streets in that part of Wan Chai were also introduced on the OZP in 2010 for the purpose of improving air ventilation upon redevelopment of individual sites. The BHR and the building setback requirement along Anton Street remain the same on the draft Wan Chai OZP No. S/H5/28 currently in force.

6. Previous Application

Part of the Site is the subject of a previous planning application (No. A/H5/377) for office use (**Plan A-1**). After consideration of the findings of the Land Use Review 2008 mentioned in paragraph 5.1 above, the application was approved with conditions by the Committee on 7.11.2008 mainly on the ground that the proposed commercial development, located immediately adjoining the CBD facing the junction of Hennessy Road and Johnston Road, was considered not incompatible with the surrounding commercial uses, and traffic impact was not insurmountable. However, the planning permission was lapsed on 7.11.2012. Details of the previous application are provided in **Appendix II**.

7. Similar Applications

- 7.1 Since 2008, the Board considered four applications (No. A/H5/372, A/H5/396, A/H5/400 and A/H5/412) for redevelopment of buildings to office with other commercial uses within "R(A)" zone in the Wan Chai Planning Scheme Area (**Plan A-1**). Application No. A/H5/372 was for redevelopment of commercial building located at 28 Hennessy Road (adjoining the Site) into office use. The application was approved with conditions upon review on 28.11.2008, after taking into account the findings of the Land Use Review 2008, mainly on grounds that the proposed development was not incompatible with nearby developments and no adverse impacts on traffic, sewerage and drainage impacts. The office building was completed in 2012.

- 7.2 Two other applications (No. A/H5/396 and A/H5/400) were for redevelopment of residential buildings into office cum commercial uses. Application No. A/H5/400 (for the site at 155-167 Queen's Road East) was approved with conditions by the Committee on 2.1.2015 mainly on grounds that the proposed commercial use was not incompatible with the surrounding uses, the proposed public passage would offer a better walking environment and alternative route for the pedestrians and there were no adverse comments from the concerned departments. The Application No. A/H5/396 (for the site at 101-111 Wan Chai Road) was rejected by the Committee on 4.4.2014. The major rejection reasons are the non-provision of internal transport facilities whereas the applicant failed to demonstrate that such arrangement would not adversely impact on the traffic condition of the locality; and approval of the application would set an undesirable precedent for similar applications and the cumulative effect of which would have adverse traffic impact on the road network in the vicinity. Both application sites are located outside the study area of the Land Use Review 2008. Details of the applications are also provided at **Appendix III**.
- 7.3 The remaining application (No. A/H5/412), which is also related to Application No. A/H5/400, was considered by the Committee on 7.9.2018. The Board decided to defer a decision on the application and request the applicant to provide more information regarding the nil provision of internal transport facilities, arrangement and future management of the proposed pedestrian subway, the proposed extension of the existing lay-by at the site and justification for claim of bonus PR for the dedication of areas for public passage on ground level. The applicant has not yet submitted any further information for the application.

8. The Site and the Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) occupied by twelve 6-storey and one 14-storey residential buildings with two shop and restaurant on ground floor of 12 Anton Street and 7-11 Landale Street. These residential buildings were built in the 1950s and 1960s; and
- (b) bounded by Queen's Road East, Anton Street and Landale Street to its south, west and east respectively.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north, an existing office building (i.e. 28 Hennessy Road) was developed by the same land owner of the subject application. The nearby developments are commercial and mixed commercial/residential in nature, where area to the north of Hennessy Road are mainly occupied by high-rise commercial buildings and the neighbourhood to the south of Queen's Road East and the east of Landale Street are predominated by a mixture of old and new, low to high-rise residential developments with commercial uses on the lower floors;
- (b) several Government, Institution or Community (GIC) uses are located in the vicinity, including Duke of Windsor Social Service Building and The Boys' and Girls' Clubs Association of Hong Kong; and

- (c) the area is well-served by public transport, including buses and minibuses, and the Wan Chai/Admiralty MTR Station and tram stops are within walking distance from the Site.

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 East, Lands Department (DLO/HKE, LandsD):

- (a) The Site falls within IL2242, IL2244 s.A, s.B and s.C, IL 2245 s.A, s.B, s.C, s.D, s.E and s.F which are held under Government Leases all dated to 10.11.1918 (the leases). The concerned leases do not have any user restrictions but contains non-offensive trades clauses.
- (b) The proposed landscape bridge connecting subject development and the development at 28 Hennessy Road falls within areas of the private lots. No lease modification is required to effect the proposal.
- (c) The proposed eating place at G/F and 1/F of the development would be in breach of the non-offensive trade clauses under the leases. If the Board approves the current application, the lots owner is required to apply to her office for a licence to permit the proposed eating place uses under the leases. However, there is no guarantee that such licence application will be approved and if approved by LandsD, acting in its capacity as the landlord at its discretion, it will be subject to such terms and conditions, including payment of appropriate fee, as imposed by LandsD.

Traffic Aspect

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

- (a) She has no objection to the application subject to the following comments.
- (b) She noted that the updated proposal includes a 3-level basement with extended footprint, where mechanical parking will be used. Under this

arrangement, the total number of car parking spaces is 88, which meets the lower end of the HKPSG requirement.

- (c) To meet the increasing demand for parking spaces, car parking spaces at the upper end of HKPSG requirements should be provided whenever practical. Having considered the accessibility to the Site as well as the constraints including site area, effective use of floor area and underground conditions, she has no in principle objection to the proposed internal transport facilities in the application. Nevertheless, the applicant is highly recommended to explore the feasibility of further increasing the provision of car parking spaces. The applicant's willingness to conduct further study at later stage for exploring the possibility of using automatic parking system is noted and welcome. Besides, she would like to remind the applicant all car parking spaces should meet the dimensions requirement (i.e., 2.5m x 5.0m x 2.4m headroom), including those in mechanical parking.

Building Aspect

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

- (a) He has no objection to the application.
- (b) As indicated in the submitted planning statements, the subject developments consists of an existing building, i.e. 28 Hennessy Road (Phase I) and a proposed office tower (Phase II). Moreover, there is an existing lane between buildings at Anton Street and buildings at Landale Street. Under Buildings Ordinance Section 31(1) & Building (Planning) Regulation 23(2), existing lane should not be built over, upon and under and should be excluded from site area. If the existing lane is proposed to be included in site area for calculation of SC and PR or to be extinguished in the redevelopment and to be built over, upon or under, further information and justification should be provided for consideration in building plan submission stage, BD's position under Buildings Ordinance Section 31(1) & Building (Planning) Regulation 23(2) are reserved.
- (c) If GFA concession for green/amenity features and non-mandatory/non-essential plant rooms and services is applied for the subject development, requirements including Sustainable Building Design Guidelines as stated in PNAP APP-151 & 152 should be complied with. In particular, 15m building separation between the office tower at Phase II & existing building at Phase I should be provided according to the Sustainable Building Design Guidelines. Otherwise, GFA concession for green/amenity features and non-mandatory/non-essential plant rooms and services will not be considered.
- (d) The proposed structure/link bridge connecting Phase II and Phase I should be included in GFA and SC calculation.

- (e) If dedication for public passage is proposed and sufficient information is provided to demonstrate that the proposal will enhance public safety/ convenience and the proposal is supported by the relevant government departments, bonus PR and SC in return for dedication of land for public passage may be considered in the building plan submission stage.
- (f) The applicant should clarify the exact use on 2/F & 3/F and demonstrate the compliance under Building (Planning) Regulation 49A if the proposed entertainment/exhibition use on 2/F and 3/F is for Places of Public Entertainment under Places of Public Entertainment Ordinance (Cap. 172).
- (g) Detailed comments on compliance with the Buildings Ordinance including the proposed bonus PR and SC would be given upon formal submissions.

Environmental Aspect

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

- (a) He has no objection to the application from environmental planning perspective.
- (b) There were some minor inconsistencies between the assumptions and calculations, and the drainage records of Drainage Services Department in the revised Sewerage Impact Assessment (SIA). However, such inconsistencies would not affect the conclusion of the SIA and no approval condition is required.
- (c) Notwithstanding the above, since the proposed development would involve demolition of existing buildings and require excavation for the proposed commercial development (including three-level basement), the applicant is advised to minimise the generation of construction and demolition (C&D) materials and reuse and recycle the C&D materials on the Site as far as possible.

Drainage and Sewerage Aspect

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

He has no adverse comment on the application including the drainage impact assessment and the SIA. It is noted that DEP has been consulted regarding the sewage impact on the existing public sewerage system.

Water Supply Aspect

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

- (a) There are some existing fresh and salt water mains within and in the vicinity of the Site and are affected by the proposed development. Free access should be allowed for WSD at any time to carry out operation and maintenance of these water mains. In case the applicant considers that diversion of these water mains is required, the applicant should study the feasibility of diverting these water mains. If diversion is considered feasible, the applicant should submit their proposal for WSD's consideration and approval. The diversion work shall be carried out by the applicant at their own cost to the satisfaction of WSD. WSD will only carry out the connection works to the existing network and the associated connection cost should be borne by the project proponent. Moreover, a 3m wide Waterworks Reserve should be proposed for the water mains within the Site.
- (b) The applicant should note the WSD's record plans showing the existing water mains within and in the vicinity of the Site. The exact lines and levels of the water mains should be established by hand dug trial pits on site if they are of significance to construction works. Some changes might have been made to the information on the WSD's record plan in the course of time and that digging of trial holes to ascertain the exact alignment and depth of water mains would still be necessary before any road excavation.

Fire Safety Aspect

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

- (a) He has no in-principle objection to the application subject to fire service installations and water supplies for fire fighting being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (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 Building 2011 which is administrated by BD.
- (c) It is noted that Education Institution and Place of Entertainment are included in the application. The applicant is advised to observe Paragraph 6, Part X of FSD Circular Letter 4/96 regarding the compatibility of occupancy in composite buildings containing cinema or theatre.

Urban Design & Visual Aspect

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

Urban Design and Visual

- (a) Overall judging from the visual impact assessment submitted, it is anticipated that the proposal would unlikely create significant adverse visual impact on the surrounding area.
- (b) The applicant has put forth justifications in support of the application including the 5m covered recess area from Queen's Road East as well as the setback proposal along Landale Street and Anton Street. It is generally acknowledged that the proposed recess area would enhance streetscape and the proposed footpath widening along Landale Street and Anton Street would enhance pedestrian amenity. From urban design view point on the quality of the pedestrian environment, the main concern is to achieve a wider footpath to cater for better pedestrian environment, given the pavements of Anton Street and Landale Street are particularly narrow. In this regard, while the applicant proposes to change planters proposed along Landale Street and Anton Street to lawn to maximise the circulation space to 3.5m wide, lawn may not be an effective pedestrian circulation space, particularly for barrier-free access. Consideration should be given to improve the design and provision of pedestrian space at the detailed design stage.

Air Ventilation

- (c) An Air Ventilation Assessment (AVA) – Expert Evaluation is submitted to demonstrate the ventilation performance under existing condition and under the proposed development. There are mitigation measures incorporated in the proposed development to alleviate potential impact to the surrounding wind environment, including setback from Landale Street by a minimum of 2.1m; additional setback from Anton Street by 0.95m on top of the 1m setback requirement stipulated in the OZP; 5m setback from Queen's Road East at low zone (up to a height of about 10m from street level); podium garden with 4.5m clear headroom located on 4/F; and 14m building separation from 28 Hennessy Road. With the incorporation of the above features in the proposed development, no significant impact is anticipated on the surrounding pedestrian wind environment. Nevertheless, there is a minor comment on the figure regarding the study site and surrounding area in the AVA since not all buildings falling within the building height ranges are highlighted.

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

It is noted the proposal involves minor relaxation of building height restriction from 110mPD to 130.1mPD. The proposed use, development

massing and intensity may not be incompatible with adjacent developments with building heights ranging from approximately 99mPD to 220mPD. In this regard, she has no comment from visual impact point of view.

Landscape Aspect

10.1.10 Comments of CTP/UD&L, PlanD:

- (a) She has no objection to the application from landscape planning perspective.
- (b) The Site is currently occupied by low to medium residential buildings with no significant vegetation. It is situated in an area of urban landscape character and medium to high rise residential and commercial buildings are common in the surrounding area. The proposed development includes a 31-storey commercial building including a landscape bridge at 2/F to connect the adjoining existing office building, and it is considered not incompatible with the existing landscape character. Significant change or disturbances arising from the proposed development to the existing landscape character and resource are not anticipated;
- (c) Should the Board approve the application, it is suggested to impose the following approval condition in the planning permission:

“the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board”

10.1.11 Comments of the Director of Leisure and Cultural Services (DLCS):

According to the application, all landscape initiatives will be conducted within the private lot boundary and they will be formed, managed and maintained by the private developer. She has no comment on the application on the understanding that none of her existing facility and pavement tree will be affected.

Others

10.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no particular comments from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near

Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

10.1.13 Comments of the Secretary for Education:

As the proposed education institution on 2/F and 3/F of the proposed development is still uncertain at this stage, he is not in a position to comment on the application. Advice shall be sought from the relevant section of Education Bureau in due course.

District Officer’s Comments

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

He has no comments on the application. One public comment, submitted by Designing Hong Kong, was received by his office concerning the vibrant street should be maintained at the Site (**Appendix IV**).

10.2 The following government departments have no comment on the application:

- (a) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD);
- (b) Director of Food and Environmental Hygiene (DFEH); and
- (c) Commissioner of Police.

11. Public Comments Received During Statutory Publication Period

- 11.1 On 27.4.2018, 17.7.2018 and 21.9.2018, the application and the FI were published for public inspection. A total of 322 comments were received, including three from Wan Chai District Council (WCDC) members, seven from Designing Hong Kong, Central and Western Concern Group and Green Animals Association Limited, and 312 comments from general public including local residents. Amongst the public comments received, there are 206 supporting comments from individuals, 76 objections from WCDC members, the concern groups and individuals, and the remaining 40 from a WCDC member and individuals not stating whether support or object to the application and indicating concerns on the application. A full set of the public comments is included in **Appendix V**.
- 11.2 Major supporting views include that the proposed development is in line with the Government’s Policy Address to increase the supply of Grade A office building; facilitate urban renewal in the area; creating ambience and synergy effect to the neighbourhood of Star Street and Pacific Place to become a cohesive office community; easy accessibility for a variety of commercial uses; attracting more businesses in the area; providing more space for exhibition, entertainment, arts and culture; enhancing the streetscape amenity and improving the surrounding walking environment particularly to Queen’s Road East; provision of green features to enhance the overall environment; sustainable building design; provision of carpark to reduce illegal on-street parking; the proposed setback and high headroom on the ground level would allow better air ventilation for pedestrian; the developer has been well in urban regeneration of the area for retaining and enhancing regional vibrancy;

limited development possibilities for residential use; and may encourage a possible plan to extend the existing underground pedestrian subway at Three Pacific Place to the Phase I development.

11.3 The major grounds of objection and the public concerns are summarised below:

- (a) The proposal is not in line with the planning intention of the “R(A)” zone. The previous planning approval in 2008 was irrelevant as the planning permission has expired and the application must be considered under the current policies and circumstances. It is also not in line with the Government’s Policy to maximise the land resources and to increase flat production which would set an undesirable precedent to similar applications. The Board should make reference to its recent decision in rejecting application for commercial use within “R(A)” zone. The Site should be reserved for residential/“R(A)” type development or public housing development.
- (b) The application should not cause adverse traffic impact. Requirements for parking and loading/unloading facilities should be met. On the other hand, some suggest that the number of car parking space should be reduced to avoid extra traffic and no carparking provision should be introduced to encourage people using public transport. The loading and unloading facilities at 28 Hennessy Road should be shared with the proposed development.
- (c) The footpath/building setback should be further widened. Some suggest that a 2.3m wide sidewalk should be provided on Anton Street and Landale Street to facilitate a safe and usable walking environment, but some of the comments indicate that the setback area should not include planters and lawns. Some are of the view that the ground floor is mainly used for waiting space for vehicles and loading /unloading activities rather than pedestrian.
- (d) The proposal would destroy the community value and the sense of community in Wan Chai, further gentrifying the area in Wan Chai without preserving the existing small local businesses. The existing buildings should be kept and revitalized to serve the neighbourhood. Some suggest that a rent control system may be applied to allow affordable rent for small local shops.
- (e) Vibrant street level living, including retails, restaurant, green spaces, resting places and pedestrian-friendly walkways should be provided to create a more liveable and attractive environment for locals and visitors. The service entrances and greenery eliminate the active street frontage and create dead zone. The applicant should modify the plans to include street-level shopping areas. Four lifts serving the office floors can be moved to podium level to free up the space of lift cores on the ground level for retail use. The proposal is not favourable to provision of retail use at the basement level while there is no underground connection to the Pacific Place Three and no escalators connecting to the basement.
- (f) The size of the proposed building is inappropriate given the capacity of the narrow street.

- (g) Noise and environmental nuisance to local residents during construction and after completion of the development is a concern.

12. Planning Considerations and Assessment

- 12.1 The application is for the redevelopment of three existing residential buildings into a 31-storey commercial development primarily including office and some retail uses. The Site is located within the “R(A)” zone, which is intended primarily for high-density residential developments with a range of commercial uses always permitted on the lowest three floors of a building (**Plan A-1**). Commercial uses above the lowest three floors of a building may be permitted on application. The proposed development is not entirely in line with the planning intention of the “R(A)” zone. In recent years, the Board has been more stringent in considering applications for commercial developments in “R(A)” zone to avoid reduction in supply of housing land in view of the pressing housing demand, except under special circumstances.
- 12.2 Notwithstanding the above, as mentioned in paragraph 5 above, the Site and the nearby sites were included in the Land Use Review 2008 (**Plan A-5**) which concluded that the concerned area possessed great potential to be redeveloped for commercial use as its location is adjacent to the CBD at Central and Admiralty. However, in view of the traffic concerns, wholesale rezoning of the area to commercial use was considered not appropriate at the time and redevelopment was suggested to be considered by way of the planning permission system to ensure no traffic impact arising from such redevelopments. Part of the Site was also the subject of an application for office development (No. A/H5/377) which was approved with conditions by the Committee on 7.11.2008 after considering the findings of the Land Use Review 2008. Subsequently, another planning application, covering part of the application site of No. A/H5/377, for a proposed office development (No. A/H5/372) was also approved by the Board upon review on 28.11.2008 taking into account the findings of the Land Use Review 2008. Hence, the current application may warrant a special consideration given that C for T has no in principle objection to the application in terms of traffic impact as detailed below.

Land Use Compatibility

- 12.3 With the completion of Three Pacific Place and 28 Hennessy Road (immediate adjacent to the Site) in 2004 and 2012, the area is gradually transforming into a commercial area forming an extension of the CBD in Central and Admiralty. The Site is easily accessible and well served by public transport. It is within walking distance from the Admiralty Station through Three Pacific Place or from Wan Chai Station. The Site, with an area of about 1,341m², is large enough to achieve a properly designed office building. The proposed development is also considered not incompatible with the existing land uses of the locality. This complies with the criteria (a), (c) and (e) of TPB PG-No. 5.

Traffic Impact and Internal Transport Facilities

- 12.4 According to the TIA submitted, the application would induce no significant traffic impacts on the adjacent road network, car lift analysis was also carried out to demonstrate that the proposed two car lifts and waiting spaces are sufficient.

According to the proposal, 88 car parking spaces including two accessible car parking spaces, 5 motorcycles spaces and 7 loading/unloading bays will be provided. C for T has no in principle objection to the application including the TIA and car lift analysis after considering the accessibility to the Site and the constraints including area of the site, effectiveness of the floor use and underground conditions. The applicant has indicated that the possibility of maximising the car parking provision using fully mechanical car parking system would be further explored during the building plan submission stage. Hence, an approval condition regarding the design and provision of internal transport facilities is recommended, should the application be approved by the Committee. This complies with the criteria (b) and (d) of TPB-PG No. 5.

Visual Impact, Air Ventilation and Landscape Proposal

- 12.5 Anton Street and Landale Street are narrow. In the AVA conducted as part of the building height review in 2010, it was recommended that existing buildings should be setback by 1m from Anton Street (together with other narrow streets in this part of Wan Chai) upon redevelopment to facilitate air ventilation. The setback requirement is re-affirmed in the AVA conducted as part of the latest building height review in 2018. The applicant has proposed full height building setbacks of 1.95m along the boundary fronting Anton Street and minimum of 2.1m along the boundary fronting Landale Street, and a 5m building setback at low zone (about 10m high from street level) along Queen's Road East (**Drawings A-1, A-10 and A-11**). By setting back the building of 1.95m from Anton Street, the application is in compliance with the OZP requirement in that there should be a 1m building setback from the lot boundary of Anton Street. Besides, a podium garden with 4.5m clear headroom on 4/F and a 14m building separation from 28 Hennessy Road will also be provided. CTP/UD&L, PlanD advises that no significant impact is anticipated on the surrounding pedestrian wind environment with the incorporation of the above said features in the proposed development.
- 12.6 The proposed building height of 130.1mPD, though exceeding the building height restriction (BHR) of 110mPD of the subject "R(A)" zone by 18.3%, is not incompatible with other predominantly commercial developments in the vicinity such as 28 Hennessy Road. It also generally tallies with the building height profile of a standard commercial building (i.e. 130m) fulfilling the Sustainable Building Design Guidelines (SBDG) requirements based on the standard assumptions as adopted in the recent review of BHR for various land use zones in Wan Chai OZP. Hence, the proposed BH of 130.1mPD is considered reasonable if the proposed commercial use is approved by the Board. The visual impact assessment submitted has demonstrated that the proposal would unlikely create significant adverse visual impact on the surrounding area. Both CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comments on the proposed development from visual and urban design perspective.

Setback Area for Pedestrian and Provision of Greenery Areas

- 12.7 The applicant has proposed to provide building setbacks along the three sides of the Site fronting Anton Street, Landale Street and Queen's Road East to provide more pedestrian spaces and greenery areas to comply with the SBDG requirements. After the implementation of the proposed set-back, the clear width of the footpaths along

Queen's Road East, Anton Street and Landale Street will be widened from the existing 2.7m, 1.5m and 1.5m to 3m, 2.5m and 2m respectively. C for T, CHE/HK, HyD, CBS/HKE&H, BD and DLO/HKE, LandsD have no objection to the setback proposal at this stage. The applicant's proposal to claim a bonus GFA of 224m² for the proposed setbacks fronting Anton Street and Landale Street will be subject to the agreement of the Building Authority at the building plan submission stage.

Others

- 12.8 Other relevant departments have no adverse comments or no objection to the application in respect of land administration, environmental, drainage, sewerage, water supplies and fire safety aspects.
- 12.9 With regard to the public comments on land use compatibility, development intensity, building design, streetscape, traffic impacts, as well as possible environment and air ventilation impact of the proposed development, the comments from relevant government departments as set out in paragraph 10 and planning assessments as mentioned in the paragraphs 12.2 to 12.8 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 2.11.2022, 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 design and provision of car parking spaces, loading/unloading facilities and ingress/egress and pedestrian access arrangement for the proposed development to the satisfaction of Commissioner for Transport or of the Town Planning Board;
- (b) the provision of fire service installations and water supplies for fire fighting including Emergency Vehicular Access to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clause

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

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection are suggested for Members' reference:

- (a) given the current shortfall in housing supply, the application site should be developed for its zoned use. The proposed development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory.

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 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 19.4.2018
Appendix Ia	Supporting Planning Statement
Appendix Ib	Applicant's letter dated 6.7.2018 providing further information
Appendix Ic	Applicant's letter dated 10.9.2018 providing further information
Appendix Id	Applicant's letter dated 22.10.2018 providing further information
Appendix II	Previous s.16 planning application
Appendix III	Similar s.16 planning applications
Appendix IV	Public comments received by District Office (Wan Chai)
Appendix V	Public comments
Appendix VI	Advisory Clauses
Drawings A-1 to A-11	Floor Plans and Section Plan
Drawings A-12 to A-15	Photomontages
Drawings A-16 to A-19	Landscape Drawings
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3 to A-4	Site Photos
Plan A-5	Sites under Land Use Review 2008