

**FURTHER CONSIDERATION OF APPLICATION NO. A/H5/412
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Proposed Commercial Development (including Eating Place, Shop and Services, Office
and Commercial Bathhouse/Massage Establishment)
153-167 Queen's Road East, Wan Chai, Hong Kong**

1. Background

- 1.1 On 15.5.2018, the applicant Eldridge Investments Limited represented by AECOM Asia Company Limited submitted the current application for proposed commercial development (including Eating Place, Shop and Services, Office and Commercial Bathhouse/Massage Establishment) at the application site (the Site) (**Plans FA-1 to FA-4**). The Site falls within an area zoned "Residential (Group A)" ("R(A)") on the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28. According to the Notes of the OZP, planning permission from the Town Planning Board (the Board) is required for 'Eating Place', 'Shop and Services', 'Office' and 'Commercial Bathhouse/Massage Establishment' uses above the lowest three floors of a building within the "R(A)" zone. Part of the Site was the subject of a previously approved planning application for similar commercial uses (Application No. A/H5/400). The current proposal involves expansion of the application site to include two adjoining lots.
- 1.2 According to the application, the proposed development with an area of about 621.9m² will be subject to a non-domestic gross floor area (GFA) of 10,500m² (including 4,252.2m² of 'Eating Place'/'Shop & Services' and 6,247.8m² of 'Office'/'Commercial Bathhouse/Massage Establishment'), plot ratio (PR) of 16.883 (including a bonus PR of about 1.883 claimed for dedication) and site coverage (SC) of 98.6% (podium floors) and 67.9% (including a bonus SC of about 7.9% claimed for dedication (floors above 15m)). The proposal involves an area of about 207m² on G/F and 68m² on B/F which will be dedicated for pedestrian public passage respectively, while part of the existing public footpath abutting the Site along Queen's Road East (QRE) is proposed to be converted to public lay-by (i.e. extending the existing public lay-by in front of Hopewell Centre (HC) from 12m to 40m) (**Drawings A-1 to A-19 in F-Appendix I**).
- 1.3 Compared with the Approved Scheme under Application No. A/H5/400, there is an increase in the site area by 157.8m² due to the inclusion of two additional lots. The total non-domestic GFA proposed under the Current Scheme is correspondingly increased by 2,146.2m². Similar to the Approved Scheme, there is no parking or loading/unloading (L/UL) spaces in the Current Scheme.

- 1.4 On 7.9.2018, the Metro Planning Committee (the Committee) of the Board considered the application. After deliberation, the Committee decided to defer a decision on the application and requested the applicant to provide more information on (i) nil provision of internal transport facilities, (ii) arrangement and future management of the proposed pedestrian subway, (iii) the proposed extension of the existing lay-by at the Site and (iv) justification for claim of bonus PR for the dedication of areas for public passage. A copy of the MPC Paper No. A/H5/412A and the relevant extract of minutes of the Committee's meeting are at **F-Appendices I and II** respectively for Members' reference.

2. Further Information submitted by the Applicant

- 2.1 On 15.11.2018, the applicant submitted further information (**F-Appendix III**) (exempted from publication and recounting requirements) in responses to the Committee's concerns, which can be summarised below:

Nil provision of internal transport facilities

- 2.1.1 The applicant indicates that it is not practical to provide car parking and L/UL facilities for the following reasons.

Provision of vehicular access

- (a) It is not desirable to provide vehicular access (i.e. run-in/run-out) at the Site since QRE is a major district distributor and close to the junction of QRE/Spring Garden Lane (SGL) (**Plans FA-3 and FA-4**). Any vehicles waiting to enter the Site would queue on QRE and the circulation of QRE and its junction with SGL would be adversely affected. There is also a safety concern if vehicular access is proposed on the southern kerb at QRE because it will induce vehicular movements (both westbound and eastbound of QRE) that would conflict with the high pedestrian flows on the southern pavement of QRE.

Provision of ramps and aisles

- (b) There is no sufficient space to accommodate the required ramps and aisles owing to the small footprint of the Site and spaces are required for public pedestrian passage on the G/F and tunnel on B/F (**Drawings FA-1 and FA-2**) which was supported by the Land and Development Advisory Committee. The overall width of the Site is only 15m. The required headroom for private car along the ramp cannot be met (the minimum required width of ramp was estimated to be 18.2m which takes into account the minimum required turning radius required by private cars). The ramps and aisles cannot fit in the footprint of the Site.

Feasibility of using car lift

- (c) It is not practical to construct a deep basement (minimum 9 basement levels) at the Site to accommodate the car lift system and the car parking spaces required under Hong Kong Planning Standards and Guidelines (HKPSG). There were not sufficient queuing spaces provided on G/F for the car lift. Traffic queue of waiting vehicles is anticipated and will tail back to QRE and would adversely affect the circulation of QRE. Moreover, there is limited suitable location for installing car lift and car parking spaces taking into account the provision of services/plant rooms, staircases and vent shaft required under Buildings Ordinance for fire safety reason and the provision of public pedestrian passage at the Site. If the number of basement levels is increased, the useable area in basement floors will be further reduced because additional vent shafts and staircases would be required under Buildings Ordinance for fire safety.

Sufficient car parking facilities in the vicinity

- (d) There was surplus in carpark supply in vicinity including Wu Chung House and The Avenue. It is expected that such surplus would be sufficient to serve the anticipated demand of the development at the Site.

L/UL facilities in Hopewell Centre

- (e) For the L/UL demand of the proposed development, it would make use of the L/UL facilities provided in HC. The applicant agreed in-principle with the owner of HC that the users of the proposed development can use the L/UL facilities in HC. With regard to the transportation of goods from HC to the proposed development, it would be via a separate connection provided on 4/F of HC (**Drawing FA-3**), the goods delivery would then be transported to other floors of the development using the service lift provided at the south-western corner of the Site. To avoid people from using the accessible lift which will connect the basement floor and the G/F to 4/F as service lift, the applicant suggests placing a bollard at the connection between 4/F and HC (i.e. the double dashed line in red on **Drawing FA-3**).

Arrangement and future management of the proposed pedestrian subway

- 2.1.2 The applicant will be responsible for the implementation and management of the proposed pedestrian subway at his own cost and will go through all the government required submission procedures. The intended function of the proposed accessible lift is to facilitate wheelchair users and the disabled users to use the proposed subway to cross QRE. For the barrier-free access arrangement during the lift maintenance, the concerned users may still cross QRE through the

at-grade signalised crossing or the nearby footbridge as a temporary arrangement.

The proposed extension of the existing lay-by at the Site

2.1.3 The lay-by (including the proposed extension) is used by the general public. The users of the proposed development will use the L/UL facilities in HC as mentioned in para. 2.1.1 (e) above. The existing lay-by has already been fully occupied leading vehicles waiting outside the lay-by and adversely affects the circulation of QRE. It is therefore necessary to extend the lay-by for public use. The lay-by extension as well as the provision of a dedicated pedestrian passage were supported by the Commissioner for Transport (C for T) and considered essential. C for T had supported such provision in the previous approved application (Application No. A/H5/400).

Justification for the claim of bonus PR for the dedication of areas for public passage

2.1.4 The dedicated area for public passage is considered essential by C for T as it could enhance the public safety as well as providing comfortable and convenient walking environment for pedestrians. The dedicated area will connect the public passage in Hopewell Centre II (HC II) at QRE back lane and proposed pedestrian subway across QRE to link up Wan Chai South and Wan Chai MTR Station to establish a well-circulated pedestrian system. Currently, the footpath on the southern side of QRE, particularly to the section between Ship Street and SGL, is very narrow and crowded during rush hours. With the presence of the public passage, the performance of the concerned section of footpath will be improved.

2.1.5 It is noted that no PR restriction has been imposed for the “R(A)” zone on the Wan Chai OZP. The claim of bonus PR will be dealt with at the stage of building plan submission. Under Section 22 of the Building (Planning) Regulations (B(P)R), the dedication of public passage proposed is permitted for bonus PR and SC, subject to the consent of the government. The bonus PR and SC are necessary to offset the financial sacrifice of losing the valuable ground floor commercial floor space to create space for the public passage and to improve the pedestrian environment in the area.

3. Comments from the Relevant Government Department

3.1 The following government departments have been consulted and their views on the applicant’s FI are summarised as follows:

Traffic Aspect

3.1.1 Comments of C for T:

C for T maintains her no objection to the application and advises that her previous comments on the application remain valid. She has the following comments with regard to the Committee's concerns.

Provision of vehicular access

- (a) According to the Transport Planning Design Manual (TPDM), vehicular access fronting vehicular access fronting district distributors such as QRE should be avoided as far as possible. Given the vehicular and pedestrian flow near the Site, it is not desirable to provide vehicular access at QRE from traffic point of view.

Nil provision of internal transport facilities

- (b) The applicant had mentioned that a number of serious site constraints to justify nil provision of internal transport facilities within the Site, including the long and narrow shape of the Site, the need of accommodating public pedestrian passage on the ground level and basement level within the Site, the requirement of providing staircases and vent shaft for basement under the Buildings Ordinance, etc. The site area is not the only factor affecting the provision of internal transport facilities within a development.

Extension of lay-by

- (c) Most of the buildings in the vicinity of the Site do not have internal transport facilities and L/UL activities have to be carried out on-street. The existing lay-by is heavily used according to her observation. The proposed extension of lay-by will be located on a public road and for public use. It will not solely serve the proposed development at 153 – 167 QRE but also other nearby buildings. The extension would allow on-street L/UL activities to take place without affecting traffic flow along QRE and to help improve the operation of the junction of QRE/SGL. Therefore, it is considered essential from the traffic point of view. She has no objection to taking up the management responsibility of the extended lay-by provided that Highways Department (HyD) will take up the maintenance upon the completion of the extended lay-by.

Dedicated area for public pedestrian passage

- (d) The proposed dedicated area for public pedestrian passage along the frontage of 153 – 167 QRE is considered essential from the traffic point of view as it could enhance the pedestrian movement at QRE. The applicant has assessed the level of service for this public passage in the traffic impact assessment (TIA) and she has no comment on the assessment.

L/UL facilities in Hopewell Centre

- (e) According to the TIA submitted in the application, the applicant proposes to adopt the same arrangement as the previously approved under Application No. A/H5/400 and has obtained in-principle agreement with HC to use the L/UL facilities within HC such that no additional on-street L/UL demand would be induced. She has no objection in principle to this arrangement provided that the applicant can formulate a mechanism that using the L/UL facilities in HC for the proposed development is always permitted.

3.1.2 Comments of the Chief Highway Engineer/Hong Kong (CHE/HK), HyD:

He will take up the maintenance responsibilities provided that C for T agrees to take up the traffic management of the extended lay-by. It is presumed that the extended lay-by will be constructed by the applicant and handed over to the Government after completion. The design and construction of the proposed works should be up to HyD's standards.

Building Aspect

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

- (a) According to the arrangement of the barrier-free access requirement, any access route for the persons with disability should have a clear width of not less than 1,050mm and be free from protrusion hazards/bollard which cause obstruction. The said requirements are applicable if the opening leading to lobby of accessible lift is designed (**Drawing FA-3**).
- (b) According to Division 19 of Design Manual: Barrier Free Access 2008, every floor of a building shall be accessible by at least one accessible passenger lift. However, there is no provision for any special arrangement in case of break-down of the accessible lift and maintenance of the same.
- (c) The Building Authority (BA) may grant concession in the form of bonus PR/SC for dedication within a building for public passage if the following criteria could be satisfied:
- (i) the dedication will lead to:
- alleviation of congestion problems of vehicular or pedestrian traffic on public roads or walkways;
 - linkage with a footbridge/subway or proposed footbridge/subway which is or will be readily accessible to and used by the general public, and such linkage would significantly enhance public safety or convenience;
 - improvement of road safety or significant enhancement of public convenience; or

- provision of suitable greenery compatible with the use of the proposed public passage
- (ii) the dedication is considered to be essential by relevant government departments including the Transport Department and HyD.
- (iii) Other criteria as laid down in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-108.

Land Administration

3.1.4 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

It is noted in the supporting planning statement of the application (**Appendix Ia** in **F-Appendix I**) that the proposed pedestrian subway underneath QRE linking the Site and The Avenue is under separate submission. In response to the applicant's intention to implement and management of the proposed pedestrian subway, it is advised that lease modification will be required. There is however no guarantee that approval to the lease modification will be given. Further, there may be implication under the Roads (Works, Use and Compensation) Ordinance (Cap. 370).

4. Planning Considerations and Assessment

- 4.1 The application is for the redevelopment of the Site into a 26-storey commercial development primarily including office and retail/eating places uses. Part of the Site is the subject of a previous application (Application No. A/H5/400) for similar commercial uses which was approved with conditions by the Committee in 2015. Except for the increase in site area and the corresponding increase in non-domestic GFA, other development features like nil provision of carparking spaces, shared uses of L/UL facilities with HC, dedication for public passage, the extension of public lay-by along QRE in the Current Scheme are similar to that of the Approved Scheme. The Planning Department has raised previously no objection to the application given the planning history of the Site which may warrant special consideration, the provision of dedicated area for public passage which will enhance pedestrian environment in the area, and no adverse comments from the concerned government departments.
- 4.2 At the Committee meeting on 7.9.2018, most of the Members considered that the Site was more suitable for commercial uses as the surrounding developments were commercial in nature. However, Members raised concerns on (i) nil provision of internal transport facilities, (ii) arrangement and future management of the proposed pedestrian subway, (iii) the proposed extension of the existing lay-by at the Site and (iv) justification for claim of bonus PR for the dedication

of areas for public passage. The applicant has submitted FI to address these concerns.

Internal Transport Facilities

- 4.3 In response to the Committee's concerns over the nil provision of internal transport facilities, the applicant has indicated that provision of ramps and aisles or provision of car lift were explored but found not practical. According to the applicant, the limited width (15m) of the Site (together with spaces needed to provide pedestrian public passage on G/F and B/F) renders the Site unable to accommodate car ramp. There are also insufficient queuing spaces for providing car lift on ground floor. Providing vehicular access at QRE would also affect the vehicular circulation of QRE and its junction with SGL. In this regard, C for T advises that provision of vehicular access for the Site at QRE should be avoided according to the TPDM and is undesirable. C for T also accepts the applicant's justifications for non-provision of internal transport facilities due to serious site constraints (including configuration of the Site, spaces required for public passage on both the ground and basement levels as well as for other essential utility facilities.

Pedestrian Subway

- 4.4 The proposed pedestrian subway is intended to connect HC via the Site to Wan Chai MTR Station through The Avenue and the Lee Tung Street Subway (under construction) (**Drawing A-20 in F-Appendix I**). On 14.6.2018, the Land and Development Advisory Committee supported the subject pedestrian subway across QRE as it would facilitate walkability. The applicant has proposed to dedicate 207m² and 68m² on G/F and B/F for public passage as the receiving end of the subway system. Through the public passage on G/F, it can further link up with Kennedy Road uphill through the pedestrian network in HC, HC II and parks at Ship Street and Kennedy Road. The applicant indicates that he will be responsible for the implementation and management of the proposed pedestrian subway at his own cost. C for T considers the dedicated areas for public passage is essential and also supported by the findings of the TIA. As advised by DLO/HKE, LandsD, there may be implication under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) for the proposed subway and lease modification will be required for its implementation.

Extension of lay-by

- 4.5 The lay-by in front of HC along QRE is proposed to be extended from 12m to 40m for public loading/unloading activities in view of its current heavily usage. The applicant claims that users of the proposed development will use the L/UL facilities at 4/F of HC for L/UL activities and a bollard will also be placed at the entrance near the accessible lift at 4/F of the proposed development in order to prevent users from using that lift as a service lift (for goods delivery) against the barrier-free access requirement. C for T accepts the applicant's proposed arrangement and agreed that the lay-by extension is essential as it will serve not only the proposed development but also other nearby buildings which do not have internal transport facilities. The extended lay-by would also help improve

the operation of the road junction of QRE/SGL. As advised by C for T and CHE/HK, HyD, they will take up the management and maintenance responsibilities of the extended lay-by respectively. However, C for T considers that a mechanism should be formulated by the applicant to ensure that the users of the proposed development will be permitted to use the L/UL facilities in HC. In this regard, an approval condition is recommended in paragraph 5.2 below.

Claim for bonus plot ratio

- 4.6 BA clarifies that there is an established set of criteria to assess applications for grant in concession in the form of bonus PR. The dedication should alleviate congestion problems of vehicular or pedestrian traffic, enhance public safety or convenience, and improve road safety, etc. Besides, the dedication has to be considered essential by relevant departments including C for T and Director of Highways. Hence, the applicant has to provide justifications to BA for the claim of bonus PR in the context of B(P)R22. For the proposed dedicated pedestrian public passage (207m²) on ground floor, C for T considers that the dedicated pedestrian public passage could enhance the pedestrian movement and therefore it is essential.
- 4.7 Having considered the applicant's FI in response to the Committee's concerns and the assessment in paragraphs 4.1 to 4.6 above, the planning considerations and assessment as stated in paragraph 12 of MPC Paper No. A/H5/412A at **F-Appendix I** remain valid.

5. Planning Department's Views

- 5.1 Based on the assessment made in paragraph 4 above, the Planning Department maintains its previous view of having no objection to the application.
- 5.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.1.2023, 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 Condition

- (a) the design and provision of public passage on the ground floor fronting Queen's Road East and the public tunnel in the basement floor of the proposed development, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and provision of the public lay-by abutting Queen's Road East, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (c) the provision of loading/unloading facilities at 183 Queen's Road East for the proposed development, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the submission of revised sewerage impact assessment (SIA) and implementation of local sewerage upgrading/sewerage connection works as identified in the SIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) 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
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **F-Appendix IV**.

- 5.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

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

6. Decision Sought

- 6.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 6.2 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.
- 6.3 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

7. Attachments

F-Appendix I	MPC Paper No. A/H5/412A
F-Appendix II	Extract of the minutes of the MPC meeting held on 7.9.2018
F-Appendix III	Applicant's letter dated 15.11.2018
F-Appendix IV	Recommended Advisory Clauses

Drawing FA-1	Basement Floor Plan
Drawing FA-2	G/F Plan
Drawing FA-3	4/F Plan
Plan FA-1	Location Plan
Plan FA-2	Site Plan
Plans FA-3 and F-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2019**