

銅鑼灣



Causeway Bay

Annex A-3

Town Planning Board Approval Letter

(ref. TPB/A/H7/181)

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/H7/181

By Email

rachel.yiu@urbis.com.hk

20 May 2022

Urbis Ltd.
11/F, Siu On Centre
188 Lockhart Road
Wanchai, Hong Kong
(Attn.: David Morkel)

Dear Sir/Madam,

Submission of Layout Plan and Proposed Minor Relaxation of Gross Floor Area For Permitted Eating Place, Office, Place of Recreation, Sports or Culture, Public Clinic, Public Transport Terminus or Station, Public Vehicle Park (excluding container vehicle), Shop and Services and Social Welfare Facility in “Commercial (2)” Zone, Inland Lot No. 8945, Caroline Hill Road, Causeway Bay

I refer to my letter to you dated 5.5.2022.

After giving consideration to the application, the Town Planning Board (TPB) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The permission shall be valid until 6.5.2026, 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 permission is subject to the following conditions :

- (a) the design and provision of vehicular access, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission of a Conservation Management Plan and implementation of the mitigation measures identified therein before commencement of works to the satisfaction of the Commissioner of Heritage or of the TPB.

The TPB also agreed to advise you to note the advisory clauses as set out at the Appendix attached.

If you wish to seek an extension of the validity of this permission, you may submit an application under 16A of the Town Planning Ordinance to the TPB no less than six weeks before its expiry. This is to allow sufficient time for processing of the application in consultation with the concerned departments. The TPB will not consider the application if the time limit for commencement of development specified in the permission has already expired

at the time of consideration by the TPB. Please refer to the TPB Guidelines No. 35C and 36B for details. The Guidelines and application forms are available at the TPB's website (www.info.gov.hk/tpb/), the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) at 17/F, North Point Government Offices, 333 Java Road, North Point; 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin; and the Secretariat of the TPB at 15/F, North Point Government Offices.

For amendments to the approved development that may be permitted with or without application under section 16A, please refer to TPB Guidelines No. 36B for details.

The TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) is available at this link (https://www.info.gov.hk/tpb/en/meetings/MPC/Agenda/694_mpc_agenda.html) and the relevant extract of minutes of the TPB meeting held on 6.5.2022 is enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 10.6.2022). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

This permission by the TPB under section 16 of the Town Planning Ordinance should not be taken to indicate that any other government approval which may be needed in connection with the development, will be given. You should approach the appropriate government departments on any such matter.

If you have any queries regarding this planning permission, please contact Ms Floria Tsang of Hong Kong District Planning Office at 2231 4917. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officers is attached herewith for your reference.

Yours faithfully,



(Leticia LEUNG)

for Secretary, Town Planning Board

List of Government Department Contacts

(Application No. A/H7/181)

部門 Department	辦事處 Office	聯絡人姓名 Name of Contact Person	電話號碼 Telephone No.	傳真號碼 Facsimile No.
運輸署 Transport Department	交通工程(港島)部 Traffic Engineering (HK) Division	何采殷女士 Ms. HO Choi Yan, Candy	2829 5262	2824 0399
發展局 Development Bureau	古物古蹟辦事處 Antiquities and Monuments Office	葉蘋女士 Ms. YIP Ping, April	2655 0834	2721 6216

Advisory Clauses

- (a) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio (PR) and site coverage and/or gross floor area (GFA) concession/exemption for the proposed development will be approved/granted by the Building Authority (BA). The Buildings Department (BD) should be approved direct to obtain the necessary approvals. In addition, if the building design elements and the bonus PR/GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the Town Planning Board (the Board) may be required;
- (b) to note the comments of the District Lands Officer/Hong Kong East, Lands Department (LandsD) that:-
 - (i) as stated in the Information Statement attached to the Tender Notice for sale of the Inland Lot No. 8945 (the Lot), the Government may at his sole discretion, upon application by the Purchaser of the Lot for a lease modification for the provision of additional Government, institution and community (GIC) facilities, consider such application and agree to adjust the maximum GFA as provided in the Conditions. A lease modification is required to be applied from LandsD to implement the proposal. LandsD would process such lease modification application in the capacity of a landlord and if the application is approved, it will be subject to such terms and conditions, including payment of premium and administrative fees as considered appropriate. There is no guarantee that the lease modification application will be approved by LandsD;
 - (ii) if the design and layout of the landscape bridge/covered public open space (POS) over the internal access road is acceptable by the Board and the concerned departments, prior written consent of the Director of Lands under Special Condition (SC) (10)(a) of the Conditions is required to be applied to permit the erection and subsequent maintenance of the proposed landscape bridge;
 - (iii) pursuant to SC(10)(b) of the Conditions, the Purchaser shall on or before 30.6.2026 lay and form portion of the internal access road within the Pink Hatched Blue Stratum and Pink Hatched Blue Stippled Green Stratum and when called upon to do so by the Director of Lands under SC(10)(h)(i) of the Conditions, the purchaser shall at his own expense and without any consideration, payment or compensation whatsoever surrender and deliver up vacant possession of the Pink Hatched Blue Stratum and Pink Hatched Blue Stippled Green Stratum (collectively referred as the "PHB Strata") together with the relevant structures, facilities, services and installations, provided always that the Government shall be under no obligation to accept surrender of the PHB Strata or any part(s) thereof at the request of the Purchaser, but may do so as and when it sees fit and by stages on such date(s) as it decides;

- (iv) there are separate provisions of Pedestrian Links and Pedestrian Walkways as referred in SC(21)(a) & (d) of the Conditions respectively. For the former provision, it should be covered and segregated pedestrian ways or paths so as to link up the buildings or facilities as specified in SC(21)(b). The latter provision should be demonstrated to the satisfaction of relevant bureaux/departments including the Transport Department (TD), Highways Department (HyD), Planning Department (PlanD), Civil Engineering and Development Department (CEDD), Harbour Office of the Development Bureau (DEVB) on how the public could access the 24-hour Pedestrian Walkways with barrier free access to link up the POS, the subway connection, the footbridge connection, the ground level(s) of the Lot and the footpath(s) at street level(s) of Caroline Hill Road. His office reserves their comments on such upon compliance checking under the Conditions at general building plan submission stage;
- (v) as revealed in **Drawing A-3** of this Paper, the proposed subway connection partly falls outside the Subway Connection as stipulated under SC(19)(a) of the Conditions (i.e. points A and A' through X2 of the Sale Plan). You are reminded to comply with the requirements stipulated under SC(19)(a) and SC(20)(a) regarding the construction of subway connection and footbridge connection, in particular their locations and their specified finished floor levels (i.e. -6.15mPD and +16.45mPD for the subway connection and the footbridge connection respectively);
- (vi) the Purchaser shall at his own expense design, erect, construct and provide the Government Accommodation within the Lot in accordance with the Conditions, the Technical Schedules annexed thereto and the plans approved under the Conditions on or before 30.9.2029. The design and location of Government Accommodation comprising a child care centre (CCC), a day care centre for the elderly (DCCE) and a district health centre (DHC), Public Vehicle Park, POS in the proposed commercial development should be subject to the agreement of concerned departments including Social Welfare Department (SWD), Food and Health Bureau (FHB), Architectural Services Department (ArchSD), TD and PlanD. It is noted from **Appendix Ia** of this Paper that one loading/unloading (L/UL) space for light goods vehicle is proposed to be shared with CCC and DCCE. The shared-use arrangement of spaces as required under the Conditions, e.g. SC(43)(b)(ii), SC(44)(a)(ii)(II) and SC(44)(b)(i)(I) & (II) of the Conditions for various vehicles for Government Accommodation (including DCCE and CCC) and DHC should be observed and complied with and you should seek advice and comments from TD, FHB and SWD in this respect;
- (vii) there is a submission requirement for a Landscape Master Plan (LMP) to the Director of Planning for approval under SC(14) of the Conditions. In accordance with the streamlined arrangement stated in paragraph 8 of Lands Administration Office (LAO) Practice Note (PN) No. 2/2020, LandsD would process the application for deemed approval for TPRP as allowed under paragraph 8 to 11 in LAO PN No. 2/2020 in complying with preservation of tree clause;

- (viii) according to SC(13)(f) of the Conditions, prior written consent of the Director of Lands is required prior to the taking of the tree protection measures for the said Old and Valuable Tree (OVT) No. EMSD WCH/1; and
 - (ix) his office reserves comment on the architectural drawings, provision of Pedestrian Link and Pedestrian Walkways, provision of parking, L/UL facilities and GFA accountability, etc. upon compliance checking under the Conditions at general building plans submission stage;
- (c) to note the comments of the Secretary for Food and Health that the details of the DHC should comply with the Technical Schedules for the government accommodation as required under the Conditions. More window frontage with natural daylight would be preferred and access from the adjacent street level on +5.6mPD to the DHC +4.1mPD via escalator, stair or ramps on top of lift access should be allowed;
- (d) to note the comments of the Director of Social Welfare that lift service should be ensure to be provided at street level for the GIC facilities. It is noted that the premises boundary of CCC in the attachment I, Figure 4.3h in **Appendix Id** of this Paper aligns with the site boundary facing to the Caroline Hill Road (East) whereas in attachment II Indicative Boundaries of GIC Facilities in **Appendix Id** of this Paper, the premises boundary of CCC is set back from the site boundary facing to the Caroline Hill Road (East). The premises boundary of CCC should be reviewed by you at detailed design stage. Referring to the attachment I, Figure 4.3k in **Appendix Id** of this Paper, the window frontage with natural daylight will be further reduced by the lift lobbies as shown on the attachment II Indicative Boundaries of GIC Facilities in **Appendix Id** of this Paper. Further review regarding the window frontage should be conducted at detailed design stage. The extent of DCCE should not be separated into two parts by common facilities. Besides, pedestrian crossing facilities for the connection of 24-hour pedestrian walkway and GIC facilities at the new access road (+5.6mPD) should be explored at detailed design stage. In addition, the premises for the development, including the CCC and DCCE concerned, should be provided as an integral part of the development and will be assigned back to the Financial Secretary Incorporated as a government accommodation upon construction completion. Following the established practice, the maintenance and management in respect of the building structure of the government accommodation should be handled as “development common facility” by future building management office, whereas the internal fitting-out within the premises will be maintained by the service operators of the CCC and DCCE;
- (e) to note the comments of the Commissioner for Transport that details of the traffic mitigation measures as recommended in the traffic review report should be submitted for approval prior to the commencement of works. Details of the pedestrian links and 24-hour walkways should be submitted for comment in detailed design stage. The proposed alternative pedestrian route from the landscape bridge to street level via POS at Tower 3 with a long detour route is not attractive to pedestrians. Alternative access to street level without a long detour route should be considered and submitted for consideration in detailed design stage. All the relevant SCs of the Conditions of the application site (the Site) should be complied with. The internal transport provision and details of the associated traffic arrangement should be subject to further adjustment in accordance with the development schedule in detailed design stage and be submitted for consideration in due course;

- (f) to note the comments of the Chief Highway Engineer/Hong Kong, HyD that his office reserves comments from highways maintenance and landscape viewpoint upon receipt of the detailed proposals of the landscape bridge (including the support and the lighting and ventilation) and the internal access road submitted by you for review and approval;
- (g) to note the comments of the Commissioner of Police that the proposal/site construction of vehicle access should not cause adverse traffic obstruction in or beyond the site of works and each Temporary Traffic Arrangement involving works on footpath and/or carriageway, if any, has to be submitted to Road Management Office of the Police for detailed comment prior to its implementation;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, PlanD that:-
 - (i) detailed information on the proposed landscape treatment and recreational function in the various covered POS under the layout plan are not provided. To ensure the provision of POS as proposed under the layout plan, the accessibility and the recreation function of the POS with reference to the Hong Kong Planning Standards and Guidelines (HKPSG) in the revised LMP should be demonstrated;
 - (ii) you are advised to provide information on the proposed recreational function and landscaping within the "Recreational Garden", and ensure the HKPSG requirements could be met. More information on the proposed material covering the landscape bridge is required to be included in the revised LMP to demonstrate that sufficient sunlight could be provided for the proposed plantings in the covered landscape bridge;
 - (iii) you should provide detailed information on the proposed recreational function and landscaping in the subject "Covered POS", clarify and ensure Banyan Garden is at-grade and accessible from G/F of the development;
 - (iv) narrow area with the proposed new tree plantings to north of Tower 3 is counted as POS. Countable open space should be accessible, functional and usable for recreation in accordance with the HKPSG requirements;
 - (v) as tree plantings are observed along T1 and T2 despite the section-line does not run across area with tree plantings, you should review and revise accordingly. Besides, cross-section of T3 showing spatial relationship between stepped terrace on G/F and covered POS should be provided;
 - (vi) approval of the application by the Board does not imply approval of tree works such as pruning, transplanting and felling. Tree removal applications should be submitted direct to relevant authority/authorities for approval; and
 - (vii) in addition, you are advised to further enhance the permeability at low level by widening of the internal pedestrian walkway at G/F under Tower 1 and Tower 2 between Leighton Road and access road. Furthermore, to soften the perceivable building mass of the twin towers (Towers 1 and 2), you are advised to consider adopting permeable elements and other articulations of the building

façade at the detailed design stage;

- (i) to note the comments of the Chief Architect, Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) that the proposed footbridges (one running across Leighton Road and another one across the new internal access road) may block natural daylight and ventilation, overshadow the road/street underneath and create overlooking problem. The design should be as slender as possible, with a lightweight cover so that the proposed footbridges may blend in better with the surrounding environment and minimise the visual impact to the surrounding. For the proposed social welfare/community facilities/POS, you are recommended to create a pedestrian-friendly environment by providing barrier-free access/facilities, adequate shading devices, seating area and greening etc. to enhance enjoyment of the public spaces;
- (j) to note the comments of the Head of Greening, Landscape and Tree Management Section, DEVB that DEVB Technical Circular (Works) No. 5/2020 – Registration and Preservation of Old and Valuable Trees stipulates that OVT should be given priority protection and preservation throughout different stages of development from planning, design, construction to post-construction. Two OVTs, namely HKP WCH/1 and EMSD WCH/1, are located within the Site or in its vicinity. They should be preserved with priority. In particular, any works within Tree Protection Zone (TPZ) should be avoided for tree preservation, and sufficient tree protective measures should be provided for the works in proximity with the TPZ to avoid any adverse impact to the tree health. TPZ is defined as a zone encompassing the tree along its dripline projecting vertically from the tree canopy and extending 2m below the ground level and 2m above the top of an OVT;
- (k) to note the comments of the Commissioner for Heritage and Executive Secretary (Antiquities and Monuments) that:-
 - (i) you are required to clarify if the “further setback of basement footprint” mentioned in paras 5.2.7 and 5.2.8 of Annex B in **Appendix Ia** are accurate. The Antiquities and Monuments Office (AMO) was previously informed by the applicant that only 4.5m of setback from the face of the masonry wall to the proposed basement could be provided. However, it is noted from the Tree Preservation and Removal Proposal in **Appendix Ia** of this Paper that –
 - paragraph 5.2.7: “...Zone 2 ... And further setback of the basement footprint (about 5m) is also required to prevent affecting the stability of the slope and the existing Masonry Wall.”, and the Typical Section on Slope Modification at Zone 2 shows a setback of 4.5m + 5m of the basement; and
 - paragraph 5.2.8: “... only further setback of the basement footprint is required to prevent affecting the stability of the slope and the existing masonry wall ...”, and Typical Section at Zone 1 shows a setback of 4.5m + 3m;
 - (ii) supplementing a summary of the Ground Investigation works conducted at the masonry walls on Slope No. 11SW-B/FR 190 and the Grade 3 Historic Structure

(i.e. Slope No. 11SW-B/FR32, Slope No. 11SW-B/FR 193) to the Geotechnical Planning Review Report is recommended. Strengthening proposal and any proper mitigation/protective measures for the Grade 3 Historic Structure should also be included;

- (iii) it is noted that a deep excavation is proposed in the close vicinity of the Grade 3 Historic Structure to accommodate a five-level underground parking space. AMO would defer to LandsD and relevant bureaux/departments to advise if the required parking spaces are justified in accordance with the relevant condition(s) of sale/ordinance(s)/guideline(s);
- (iv) The following map legends in planning statement in **Appendix Ia** of this Paper, for instance, seem to be inaccurate:
 - Figure 3.1: the accuracy of the arrow indicating the location of the “Existing Masonry Walls and Earthenware Pipes” on the non-graded masonry wall (11SW-B/FR190) facing Leighton Road should be checked;
 - Figure 4.7b: only two masonry walls (with Slope Nos. 11SW-B/FR 193 and 11SW-B/FR 32) and the Earthenware Pipes thereon are graded structures marked in purple with legend “Masonry Walls and Earthenware Pipes”. As the masonry wall (11SW-B/FR 190) facing Leighton Road is not a graded structure, for clarity, a different legend for 11SW-B/FR 190 should be used;
 - Figures 4.7a and 4.7b: the meaning of the legend “Heritage” and its location(s) should be specified; and
 - Figure 4.9: the area in black marked with legend “Masonry Wall” cannot be found, which should be supplemented;
- (v) the AMO would provide comments on the survey/study of the Grade 3 Historic Structure and mitigation/protective measures for the protection of the Grade 3 Historic Structure upon receipt of the relevant submissions/building plans submitted by you and referred to AMO by relevant departments;
- (l) to note the comments of the Director of Environmental Protection that a proper location for fresh-air intake during detailed design stage should be selected to avoid exposing future occupants under unacceptable environmental nuisances/impact;
- (m) to note the comments of the Director of Food and Environmental Hygiene that her department should be consulted if they are invited to take up management and/or maintenance responsibility of any part(s) of the proposed development in future;
- (n) to note the comments of the Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department (BD) that:-

- (i) for any bridge to be built over street, modification for exemption under section 31(1) of the Buildings Ordinance (BO) may be considered on a case-by-case basis when the relevant requirements under Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-38 (Bridges over Streets and Lanes) have been complied with. Favourable consideration will be given if the following requirements are fulfilled:
- the bridge is required under the lease or approval condition of a planning permission; or consistent with the Outline Zoning Plan(s), Outline Development Plan(s) or Layout Plan(s);
 - the bridge is having an identified public benefit and the proposal is acceptable to the LandsD, TD, HyD and relevant department(s);
 - the bridge is having other justified special circumstances; and
 - the width of the bridge is commensurate with the anticipated pedestrian flow with full justifications.
- (ii) he reserves his comments on the proposed landscape bridge under section 31(1) of the BO and PNAP APP-38;
- (iii) clarification on whether the proposed internal access street is formed for any purpose under the BO should be provided. Your attention is drawn to regulation 23(2)(a) of the Building (Planning) Regulations (B(P)Rs);
- (iv) justification on high headroom of covered POS, the office shuttle lobby/performing arts and cultural facilities, commercial floor, E&M floors, carpark and loading/unloading area should be provided for consideration;
- (v) any private street/access road/public road should be excluded from site area calculation for the purpose of PR and site coverage calculations under regulations 20 and 21 of the B(P)Rs. The site area should not include any part of any street under regulation 23(2)(a) of the B(P)R;
- (vi) GFA concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculation) under PNAP APP-151 will only be considered when the pre-requisites in paragraph 6 of PNAP APP-151, including Sustainable Building Design Guidelines as stated in PNAP APP-152, have been complied with;
- (vii) the portion of proposed footbridge within lot boundary should be accountable for GFA and site coverage calculations;
- (viii) pedestrian links or walkways should be accountable for GFA calculation under regulation 23(3)(a) of the B(P)R unless exempted;
- (ix) GFA concession for private carparking spaces and loading/unloading areas may be considered when the relevant requirements as laid down in PNAP

APP-2 have been complied with. Aboveground public car parks that are open and operated commercially for parking by general public should be accountable for GFA calculation;

- (x) all areas under building footprint should be included in GFA calculation unless exempted;
 - (xi) GIC facilities including CCC, DHC, DCCE should be accountable for GFA calculation under regulation 23(3)(a) of the B(P)R; and
 - (xii) detailed comments under the BO will be made at building plan submission stage;
- (o) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. As a CCC and other social welfare facilities are delineated in the proposed layout plan, relevant height restriction should be observed and reminded that licensing requirement will be formulated upon receipt of formal application via the Licensing Authority. The requirements of emergency vehicular access (EVA) as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administrated by BD should be observed;
- (p) to note the comments of the Chief Architect 103, Projects Management Branch, Architectural Services Department that: -
- (i) the internal access road in the the Site should be constructed to the standard for serving as the EVA for the Site and you should further coordinate with the District Court site regarding the EVA requirements, which are essential for the statutory compliance of the District Court development. As such, further comments should be given upon receiving your corresponding formal submission to relevant government departments;
 - (ii) details of drainage provision for the whole Caroline Hill Road site (i.e. including the Site and the District Court site) should be provided by you in the detail design stage. Further comments should be given upon receiving your corresponding formal submission to relevant government departments;
 - (iii) details of proposed retaining structures, construction sequence and associated provisions have not yet been made available by you at this stage. Further comments will be given upon receiving your corresponding formal submission to relevant government departments;
 - (iv) according to **Appendix Id** of this Paper, Section A as marked on “Schematic Excavation and Lateral Support (ELS) Layout Plan” was not found. You should ensure the above information, such as the top level of the proposed retaining structures along common site boundaries between the commercial site and the District Court site, should be included in the future submissions to relevant government departments. You should also ensure stability of the adjacent ground, i.e. the District Court site and the OVT, during ELS and removal of existing sub-structures/foundation which are currently retaining

the existing ground level difference along common boundaries between the commercial site and the District Court site;

- (v) your responses in **Appendix Id** of this Paper that no constructions works would be conducted within the TPZ of OVT No. EMSD WCH/1. Though it is stated that struts would not intrude into the TPZ of such OVT according to the revised “Schematic ELS Layout Plan”, the demolition of existing basement within the commercial site which partially falls within such TPZ is still uncertain. Relevant tree submissions due to construction works or works area within the TPZ of the concerned OVT should be followed as proposed by you in paragraph 4.5.3 of the Planning Statement in **Appendix Ia**;
- (vi) design details and the tree protection measures for the OVT (No. EMSD WCH/1) have not yet been made available by you at this stage. Further comments will be given upon receiving your corresponding formal submission to relevant government departments;
- (vii) though no tree root was recorded in the two trial pits adjacent to OVT (No. EMSD WCH/1) according to the Tree Root Assessment Report, relevant tree submissions for any construction works or works area within the TPZ of the concerned OVT should be followed as proposed by you in paragraph 4.5.3 of the Planning Statement in **Appendix Ia** of this Paper;
- (viii) you are reminded that for the tree preservation proposal of OVT No. EMSD WCH/1, detailed demolition and structural proposal along the interface of internal road and OVT No. EMSD WCH/1 should be further coordinated and agreed with District Court site before commencement of works; and
- (ix) according to “Section 6 Conclusion” of the revised Air Ventilation Assessment in **Appendix Ib** of this Paper, the ventilation performance in surrounding area of the applicant’s proposed scheme would be similar to the baseline scheme prepared for the rezoning application before. However, it is considered a general statement about the overall condition. You should ensure that the ventilation performance of the District Court site and its immediate surrounding would not be adversely affected. Further comments will be given upon receiving your corresponding formal submission to relevant government departments;
- (q) to note the comments of the Commissioner of Harbourfront, DEVB that by referring to SC(20)(a), unless otherwise approved by Director of Lands, the footbridge connection and finished floor level of the footbridge connection should be located between the points/levels as specified in the concerned SC. Compliance with the concerned SC should be demonstrated and LandsD should be consulted accordingly. You should demonstrate that 24-hour barrier-free pedestrian pathway has been allowed linking the footbridge connection to the street level of Leighton Road/Caroline Hill Road and the proposed route should be agreed by relevant technical departments, i.e. TD and HyD; and
- (r) to note the comments of the Director of Leisure and Cultural Services that according to SC(15) of the Conditions, you should maintain and manage the POS at your expense.

For the roadside planter to be handed over to his department for future maintenance, it would be subject to their comment when detailed landscape plan is available.

- (s) to note the comments of the Committee that the location of the performing arts and cultural facilities be reviewed, and its accessibility and integration with the public open space, and the connection to the Causeway Bay MTR Station should be enhanced.

Extracted from Confirmed Minutes of 694th Meeting of MPC held on 6.5.2022

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/181 Submission of Layout Plan and Proposed Minor Relaxation of Gross Floor Area for Permitted Eating Place, Office, Place of Recreation, Sports or Culture, Public Clinic, Public Transport Terminus or Station, Public Vehicle Park (excluding container vehicle), Shop and Services and Social Welfare Facility in “Commercial (2)” Zone, Inland Lot No. 8945, Caroline Hill Road, Causeway Bay

(MPC Paper No. A/H7/181)

49. The Secretary reported that the application was submitted by Patchway Holdings (HK) Limited, which was a joint venture of Hysan Development Company Limited (Hysan) and Chime Corporation Limited, and the application site (the Site) was located in Wong Nai Chung. Ove Arup & Partners Hong Kong Limited (ARUP) was one of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|----------------------------------|---|---|
| Mr Ivan M.K. Chung
(Chairman) | - | co-owning with spouse a property in Wong Nai Chung area; |
| Ms Lilian S.K. Law | - | being an ex-Executive Director and committee member of the Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from Lee Hysan Foundation, and co-owning with spouse a property in Wong Nai Chung area; |
| Professor Jonathan W.C. Wong | - | Lee Hysan Foundation had sponsored some of his projects; |

- Mr Ricky W.Y. Yu - Lee Hysan Foundation had sponsored some of his projects and being the Director and Chief Executive Officer of Light Be which had received donation from the Foundation; and
- Mr Franklin Yu - his firm having current business dealings with ARUP.

50. The Committee noted that Mr Ricky W.Y. Yu had tendered an apology for being unable to attend the meeting. As the interests of Ms Lilian S.K. Law and Professor Jonathan W.C. Wong in relation to Hysan were indirect, the properties co-owned by Mr Ivan M.K. Chung (Chairman) and Ms Law had no direct view of the Site and Mr Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

51. With the aid of a powerpoint presentation, Ms. Floria Y.T. Tsang, STP/HK, briefed Members on the background of the application, the proposed layout plan and the minor relaxation of gross floor area (GFA), departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

52. Some Members raised the following questions:

Connectivity of the Site

- (a) noting from Drawing A-1 of the Paper that a future footbridge linking up the Site with Lee Garden Six was annotated as “to be constructed by others”, how the provision of the said footbridge could be ensured, and whether the footbridge would be accessible by the public on a 7 days x 24 hours basis;

- (b) the details of the potential subway connection to the Causeway Bay MTR Station;
- (c) the pedestrian connection to the government/institution/community (GIC) facilities in Tower 3;
- (d) whether the proposed visual corridor at G/F between Towers 1 and 2 would be connected to the public open space at the Site;

Proposed Performing Arts and Cultural Facilities

- (e) noting that the proposed minor relaxation of GFA of 2,000m² was to facilitate the provision of additional GIC facilities for performing arts and cultural, whether there was a mechanism to ensure that the additional GFA would be used for the proposed purpose;
- (f) noting that the performing arts and cultural facilities were proposed on 5/F of Towers 1 and 2, why it was different from the notional schemes previously presented to the Town Planning Board (the Board) and whether the provision of performing arts and cultural facilities was a mandatory requirement under the "Commercial (2)" ("C(2)") zone covering the Site;
- (g) the operator of and the accessibility to the proposed performing arts and cultural facilities;
- (h) whether the building height of the proposed development would be reduced if the performing arts and cultural facilities were not provided;

Others

- (i) whether the disposition of the proposed tower blocks had taken into account the district court buildings to the immediate southwest of the Site; and

- (j) whether the applicant had provided any proposal on ways to enhance public enjoyment and vibrancy of the proposed public open space through organising various types of event, exhibition or activity.

53. In response, Mr Mann M.H. Chow, DPO/HK, made the following main points:

Connectivity of the Site

- (a) the current application was submitted by a joint venture of Hysan and Chime Corporation Limited. Hysan had applied to the Government to waive the land premium for lease modification for construction of five footbridges and one covered walkway in the Causeway Bay area, including the future footbridge linking up the Site with Lee Garden Six (that did not form part of the subject application). The Chief Executive in Council had approved Hysan's application for waiving the premium payable for the aforementioned pedestrian links in 2021. The said footbridge that would be opened for public access 24 hours a day would be completed before 2029 (i.e. the estimated completion year of the proposed development under the current application);
- (b) a connection point for a future pedestrian subway would be reserved on B3/F of Towers 1 and 2, however, the detailed alignment of the potential pedestrian subway connection to the Causeway Bay MTR Station was yet to be finalised by the Government;
- (c) from the future footbridge on 2/F, the public could access the GIC facilities in Tower 3 via the public open space at that level with barrier-free access. The public open space would also be accessible by lifts from B3/F, the level of which was the connection to the possible pedestrian subway to the Causeway Bay MTR Station. Loading/unloading bay and parking of the GIC facilities were provided on B3/F of Tower 3 with direct disabled access to the GIC facilities in Tower 3;
- (d) the visual corridor of 6m wide and 3-storey high was proposed on G/F

between Towers 1 and 2 to preserve the views of the two Old and Valuable Trees and it would be part of the public open space network on G/F;

Proposed Performing Arts and Cultural Facilities

- (e) the additional GFA of 2,000m² for GIC facilities (performing arts and cultural facilities) would exceed the maximum permitted GFA of 100,000m² under the conditions of the lease governing the Site. The applicant had to apply for a lease modification for the provision of additional GFA for performing arts and cultural facilities that was subject to the Lands Department's approval. The use of the additional GFA for performing arts and cultural facilities would be stipulated in the lease concerned;

- (f) some representers, including Hysan, had proposed that performing arts and cultural facilities should be provided at the Site and presented their indicative schemes to the Board during the hearing of the representations and comments on representations in respect of the amendment relating to the "C(2)" zone on the draft Wong Nai Chung Outline Zoning Plan No. S/H7/20 (the OZP). After considering the representations and comments, the Board agreed to highlight the intention of providing additional GIC facilities and that performing arts and cultural facilities (without specification on the scope or location) were compatible uses at the Site in the Explanatory Statement (ES) of the OZP, so as to encourage the developer of the Site to provide such facilities as far as possible. Flexibility was allowed on the design, floor area and location of performing arts and cultural facilities to be provided. While the provision of performing arts and cultural facilities was not mandatory, provision of other GIC facilities including a child care centre, a day care centre for the elderly and a district health centre were stated in the ES and were required under the lease to be provided at the Site. Subsequently, the Site was disposed through public sale and the applicant (i.e. a joint venture of two companies) had succeeded in bidding for the Site. As such, the detailed design of the

proposed development might be different from the notional scheme presented during the representation hearing;

- (g) the proposed performing arts and cultural facilities would be operated on a non-profit making basis by non-governmental organisation(s) to be engaged by the applicant. The said facilities on the 5/F would be accessible via the lifts of Towers 1 and 2;
- (h) even if performing arts and cultural facilities were not provided, the applicant might change the design and layout of the other floors and it might not necessarily result in lower building height. Any major changes in the layout required submission of the revised layout plan for the consideration of the Board;

Others

- (i) the applicant had consulted the Architectural Services Department, which was responsible for the design and construction of the district court, in formulating the design for the proposed tower blocks. A 7.5m-wide tower setback from the district court site was proposed by the applicant to allow sufficient building gap; and
- (j) the applicant had not provided any information in the submission regarding the means to enhance public enjoyment and vibrancy of the proposed open space. However, Members' view on the need to better engage the public in the public open space area could be conveyed to the applicant for their consideration.

54. Regarding a Member's enquiry on whether the performing arts and cultural facilities were already intended for the "C(2)" zone in the OZP amendment stage, the Chairman supplemented that the amendments to the OZP to rezone the Site to "C(2)" were initiated by the PlanD and a notional scheme showing the possible layout of the building blocks and open spaces, without performing arts and cultural facilities, was presented for the reference of the Board. During the hearing, the Board noted that the Wan Chai District

Council (WCDC) had requested for more performing arts and cultural facilities in the area and the Board agreed to revise the ES to encourage the developer of the Site to provide such facilities on a voluntary basis. In response to the suggestion in the ES, the applicant proposed an additional GFA of 2,000m² for provision of performing arts and cultural facilities.

Deliberation Session

55. The Chairman recapitulated that the proposed uses were always permitted under the "C(2)" zone and the subject application was for submission of a layout plan as required under the Notes of the "C(2)" zone. The major differences between the notional scheme presented by PlanD during the OZP amendment stage and the current application were (i) location of the open space (i.e. on G/F only in the notional scheme and on G/F and podium level in the current application) (ii) the design of the building blocks (i.e. instead of having two towers with a 25m-wide building gap in the notional scheme, the towers were combined into a twin tower (Towers 1 & 2) and a visual corridor was provided between Towers 1 and 2 at ground level); and (iii) additional performing arts and cultural facilities of 2,000m² GFA were provided in response to the requirement as stated in the ES of the OZP which was subject to lease modification and such provision could be controlled under the lease.

56. A Member recalled that the performing arts and cultural facilities at the Site were proposed by WCDC during the OZP hearing stage, and the Board had a thorough discussion on the public open space and the facilities to be provided at the Site, including the potential to integrate any performing arts and cultural facilities with the public open space so as to enhance the attractiveness and public enjoyment. Noting that the performing arts and cultural facilities were proposed on 5/F of Towers 1 and 2, a few Members considered that the design under the current application might not be able to attract public attention. Some Members, on the other hand, noted that there were popular performing arts and cultural facilities (such as the ArtisTree in Quarry Bay), located in the upper level premises and not integrated with the outdoor area, and had no objection to the minor relaxation of GFA to accommodate such facilities. Members in general appreciated the applicant's proposal to provide such facilities to address the views of the Board and the request of the WCDC.

57. Some Members said that the applicant should review the location of the

performing arts and cultural facilities e.g. relocating to G/F or lower floors and enhance public accessibility to the premises on 5/F. Some Members also considered that there should be a mechanism to control the use of the additional GFA applied for under the subject application so as to meet the public aspiration for the proposed performing arts and cultural facilities at the Site.

58. A Member considered that public accessibility to the proposed GIC facilities in Tower 3 should be further improved, such as locating the facilities on lower floors of the building as well as better integration and connection with the public open space and pedestrian accesses. Another Member said that the access to the MTR station should be enhanced and various art and cultural activities should also be held in the proposed public open space by the future operator of the performing arts and cultural facilities.

59. The Committee noted that should the application be approved by the Committee, the applicant would be required under the recommended approval condition to submit a revised Landscape Master Plan. The general building plans of the development at the Site would also need to be submitted to the Building Authority for approval. The applicant could be advised to refine the detailed design of the public open space and layout of the proposed development at those stages. If any Class B amendments were involved, an application under s.16(A)2 of the Town Planning Ordinance would need to be submitted.

60. The Chairman concluded that Members generally had no objection to the layout plan and the proposed minor relaxation of GFA of 2,000m² for provision of the proposed performing arts and cultural facilities. To address some Members' concerns, the Committee agreed that an advisory clause should be added to advise the applicant to (i) review the location of the performing arts and cultural facilities (e.g. relocating to a lower level) and enhance its accessibility and integration with the public open space, (ii) improve accessibility to the GIC facilities in Tower 3 and (iii) enhance connection of the Site to the MTR station.

61. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.5.2026, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the design and provision of vehicular access, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission of a Conservation Management Plan and implementation of the mitigation measures identified therein before commencement of works to the satisfaction of the Commissioner of Heritage or of the TPB.”

62. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper and the additional advisory clause as below:

“to note the comments of the Committee that the location of the performing arts and cultural facilities be reviewed, and its accessibility and integration with the public open space, and the connection to the Causeway Bay MTR Station should be enhanced.”