

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H6/89

- Applicant** : Excelsior Hotel (BVI) Limited represented by Masterplan Limited
- Site** : 281 Gloucester Road, Causeway Bay, Hong Kong
- Site Area** : About 4,272m²
- Lease** : Marine Lot (ML) 52 s.G ss.7 & Extension (Ext) and ML 52 s.A ss.1 RP & Ext (“the Lots”) -
- (a) virtually unrestricted except non-offensive trade clause and rate and range clause; and
- (b) a licence has been given to permit the trades or business of victualler or tavern-keeper for the Lots on 13.6.1970.
- Plan** : Approved Causeway Bay Outline Zoning Plan (OZP) No. S/H6/17
- Zoning** : “Commercial (1)” (“C(1)”) – about 4,055m² (about 95%)
- [(a) restricted to a maximum building height (BH) of 135mPD; and
- (b) a 8m-wide non-building area (NBA) is designated in the south-western corner of the site.]; and
- Area shown as ‘Road’ – about 217m² (about 5%)
- Application** : Proposed ‘Office’, ‘Eating Place’ and ‘Shop and Services’ uses

1. The Proposal

- 1.1 The applicant seeks planning permission to develop a 34-storey commercial building, including a 4-storey retail podium and a 3-storey basement for vehicle parking and E/M facilities, with ‘Office’, ‘Eating Place’ and ‘Shop and Services’ uses at 281 Gloucester Road, Causeway Bay (the Site) (**Plan A-1**). While the main part of the proposed commercial building will be located within the “C(1)” zone, a minor portion of the basement (B1/F to B3/F) and podium (1/F, 2/F and the outside seating accommodation of ‘eating place’ on 3/F) of the proposed building, with an area of about 141m² and 205m² respectively, fall within an area shown as ‘Road’ on the OZP (**Drawings A-1 to A-3 and A-5**). According to the Notes of the OZP, ‘Office’, ‘Eating Place’ and ‘Shop and Services’ uses are always permitted within “C(1)” zone but require planning permission from the Town Planning Board (the Board) within area shown as ‘Road’.

- 1.2 The proposed commercial building will have a total gross floor area (GFA) of about 64,080m², plot ratio (PR) of 15 and BH of 135mPD. A total of 131 vehicle parking spaces and 14 loading/unloading spaces will be provided. Key parameters of the proposed development are summarized below (**Drawings A-1 to A-6**):

Key Development Parameters of the Proposed Development	
Site Area	4,272m ²
GFA	about 64,080m ²
PR	15
Site Coverage	about 75.48%
BH (at main roof)	135mPD
No. of Storeys	34
Eating Place and Shop & Services (G/F-3/F & 35/F)*	10,727m ²
Office (5/F-18/F & 21/F-33/F)*	53,353m ²
Outside Seating Accommodation (OSA)	469m ² @
Vehicle Parking Spaces (B1/F-B3/F)#	131
- Private Car Parking	119
- Motorcycle Parking	12
Loading/Unloading (L/UL) Spaces^^	14
- Light Goods Vehicle (LGV)	11
- Heavy Goods Vehicle (HGV)	3

Remarks:

* The floor numbering has excluded 4/F, 13/F, 14/F, 24/F & 34/F.

@ Approximately 205m² of the OSA is located within the area shown as 'Road' on 3/F (**Drawing A-1a**), the rest of the OSA is located on flat roof terraces at 3/F and 35/F of the tower within the "C(1)" zone.

Majority of the L/UL activities will be at the 3-storey basement via a vehicular ramp from Gloucester Road. Apart from vehicle parking spaces and L/UL spaces, E/M and ancillary facilities will also be provided within the basement (**Drawing A-2**).

^^ 3 HGV spaces accessible from Jaffe Road on G/F will be used occasionally with staff deployed to oversee the operation of the L/UL activities (**Drawing A-5**).

- 1.3 The applicant also proposes a number of design measures at G/F of the proposed development to enhance the pedestrian environment and air ventilation. The building line on the G/F of the proposed development fronting Gloucester Road will be set back from the lot boundary to provide an all-weather area for drop-off and pedestrians, while a 3.5m wide footpath will also be provided along Gloucester Road (**Drawings A-5a & A-6**). With a proposed 1.5m setback from the adjoining residential buildings to the eastern boundary of the Site, a contiguous space will be created for full-time pedestrian access (**Drawing A-5**). A large building gap of about 8m high is also proposed on G/F to enable air flow from Gloucester Road through the landscaped pedestrian area towards Jaffe Road (**Drawings A-4, A-4a & A-5**). The proposed building will not encroach upon the NBA designated in the southwestern corner of the Site (about 90.8m²) (**Drawing A-5 & Plan A-2**).

- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 25.10.2019 **(Appendix I)**
- (b) Applicant's letter dated 10.10.2019 together with a planning statement **(Appendix Ia)**

- (c) Applicant's letter dated 24.12.2019 providing further information (FI) including responses to Transport Department (TD)'s comments and a geo-technical paper on the feasibility of basement development [**FI-1**]* **(Appendix Ib)**
- (d) Applicant's letter dated 5.2.2020 providing drawings for clarification of the proposed development [**FI-2**][#] **(Appendix Ic)**
- (e) Applicant's letter dated 14.2.2020 providing responses to comments from TD and Buildings Department (BD) [**FI-3**][#] **(Appendix Id)**
- (f) Applicant's letter dated 2.3.2020 providing responses to comments from TD and Geotechnical Engineering Office (GEO) including traffic assessments and revised drawings for the proposed development [**FI-4**]* **(Appendix Ie)**
- (g) Applicant's letter dated 17.4.2020 providing responses to comments from TD [**FI-5**][#] **(Appendix If)**

* *accepted but not exempted from the publication and recounting requirements*

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1.5 The application was received on 25.10.2019 and originally scheduled for consideration by the Metro Planning Committee (the Committee) of the Board on 13.12.2019. On 13.12.2019, as requested by the applicant, the Committee decided to defer making a decision on the application for two months pending the submission of FI by the applicant. The applicant subsequently submitted three FIs as detailed in paragraph 1.4 above. In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 21.2.2020 for consideration of the application was rescheduled and the Committee agreed to defer consideration of the application. On 2.3.2020 and 17.4.2020, the applicant submitted two FIs (**FI-4 & FI-5**) to address the outstanding departmental comments. The application is 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 detailed in the planning statement and FIs at **Appendix Ia** to **Appendix If**. They can be summarised as follows:

- (a) the applicant is the owner of the Site, general building plan approvals have been obtained for commercial development totally falling within the "C(1)" zone, the current proposed development will enable full utilization of the Site, achieve a better building design with various planning gains for pedestrian, and resulting in additional parking spaces, i.e. 18 for private car and 2 for motorcycle as compared with the previously approved building plan schemes;

- (b) after consulting both TD and Highways Department (HyD), it has been confirmed that the government has no plan for widening of Gloucester Road, and therefore the applicant's land is not required for public road project;
- (c) with good public transport facilities nearby and proximity to MTR station and the site constraints due to its narrow configuration and proximity to surrounding buildings, flexibility should be allowed for the proposed car parking provision for the proposed development in meeting the Hong Kong Planning Standards and Guidelines (HKPSG). The proposed parking provision for retail use meets the lower end requirement of HKPSG, and only relaxation to the office car parking is needed. The proposed car parking provision is considered optimal in comparing with nearby and other office developments with good public transport. The proposed car parking provision is an improvement as compared to the proposal with the approved building plans;
- (d) to minimize back queuing onto Gloucester Road, drop-off lay-bys have been incorporated into the proposed layout to cater for pick-up/drop-off activities for the proposed development, in addition, ingress traffic to the carpark will enter the ramp before reaching drop-off area, ingress traffic and pick-up/drop-off traffic will be separated (**Drawing A-5a**);
- (e) L/UL activities will be time-managed and taken place during non-peak hours to maximize operational efficiency, staff will be deployed to monitor the internal traffic movement including no waiting at the pick-up/drop-off area during peak hours, and car parking vacancy sign will be installed;
- (f) further excavation beyond the proposed 3-storey basement or 17.5m is impractical as it will likely cause ground movement, vibration and noise to adjacent old buildings most of which were completed back in 1960s;
- (g) the building set back on G/F fronting Gloucester Road from the area shown as 'Road' with the podium above will create an all-weather pedestrian entrances and vehicular drop-off to the proposed building, and a 3.5m wide footpath along Gloucester Road will be maintained to minimize vehicle-pedestrian conflict (**Drawings A-5a & A-6**);
- (h) the 1.5m setback at the eastern boundary will create a full-time pedestrian access as well as increase building separation between adjoining residential buildings for better light penetration and air ventilation. The proposed setback can complements the adjacent open space resulting in varying width from 3.5m to 11m (**Drawing A-5**);
- (i) the building gap (about 8m headroom) fronting Gloucester Road (**Drawings A-4 & A-5**) and a clear headroom of not less than 4.7m under the footbridge on 1/F of the proposed development connecting to World Trade Centre will allow a large separation between the proposed building and the adjoining World Trade Centre, and facilitate air flow from the harbour to the landscaped pedestrian area and Jaffe Road;

- (j) the part of the proposed development falling within area shown as ‘Road’ is similar to that of the former Excelsior Hotel (Photos 1 to 3 in **Appendix Ia**), and in visual terms, it is also similar; and
- (k) the cumulative public planning gains from the proposed development will significantly improve building design for a higher quality urban environment.

3. **Background**

- 3.1 Part of the Site falls within area shown as ‘Road’ which was designated on the first Causeway Bay OZP No. LH6/22 gazetted in 1968 and, since then, it has remained unchanged. The Site is owned by the applicant under unrestricted lease. The Site was used as a godown before redevelopment to the Excelsior Hotel which started operation in 1973. The portion of the Site falling within area shown as ‘Road’ was used as circulation space, parking and landscaping area of the Excelsior Hotel, and part of the hotel podium also protruded into the area shown as ‘Road’. The Excelsior Hotel has ceased operation since March 2019.
- 3.2 Before the Excelsior Hotel ceased its operation, a set of building plans for a proposed commercial development with PR of 15 and BH of 135mPD at the Site was approved by the Building Authority (BA) on 3.9.2018. As compared with the current application, the scheme in the approved building plans falls entirely within the “C(1)” zone (**Drawing A-5c**) with fewer parking spaces (i.e. 18 private car and 2 motorcycle parking spaces less) and without the 1.5m setback from the adjoining residential buildings (**Drawing A-5b**).

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

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

5. **Previous Application**

There is no previous application in respect of the Site.

6. **Similar Applications**

There are three similar planning applications for commercial developments within area shown as ‘Road’ in the Causeway Bay area (**Plan A-1**). One of them (Application No. A/H6/12) was for proposed shops in the 2nd basement pedestrian link under East Point Road which was approved with condition by the Board on 18.5.1984. The other two were Applications No. A/H6/78 and No. A/H6/79 for underground vehicular tunnel connecting Lee Garden (LG) One/Sunning Plaza/Sunning Court Redevelopment and LG One/LG Two respectively, which were approved with conditions by the Committee on 24.6.2016.

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

7.1 The Site is:

- (a) occupied by the former Excelsior Hotel, a 34-storey building over 1 basement level which is current under demolition;
- (b) elongated in shape and located near the waterfront adjacent to the Causeway Bay Typhoon Shelter; and
- (c) abutting Gloucester Road/Victoria Park Road to the north, and linking Jaffe Road to the south.

7.2 The surrounding areas have the following characteristics:

- (a) to the north is the Gloucester Road, and the Causeway Bay Typhoon Shelter waterfront open space/promenade where the Noon Day Gun is located;
- (b) areas to the east and west are characterised with an intermixed of residential and commercial developments including World Trade Centre, Rivera Mansion, Prospect Mansion and Miami Mansion, etc. which have accommodated a range of retail outlets and restaurants; and
- (c) highly accessible and well served by public transport including buses, mini-buses, tramway and MTR train services.

8. Planning Intention

The area shown as 'Road' is reserved for road purpose. Uses such as amenity planting, open space, rain shelter, bus/tram/public light bus stop or lay-by, on-street vehicle park, etc. are always permitted according to the covering Notes of the OZP.

9. Comments from Relevant Government Bureau and Departments

9.1 The following government departments have been consulted and their views on the planning application and the public comments received are summarised as follows:

Land Administration Aspect

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

- (a) the government lease for ML 52 governing the Lots is virtually unrestricted except the standard non-offensive trade clause and rate and range clause. A licence to permit the trades/business of a victualler or tavern-keeper for the Lots was granted on 13.6.1970; and
- (b) no comment on the proposed commercial development within the Lots subject to the following:

- (i) there are existing private easements and right of way within the Lots which are private agreements among lot owners without government involvement. The applicant should liaise with the concerned private lot owners to sort out any issue relating to the easements and right of way to facilitate the proposed commercial development; and
- (ii) regarding the proposed dedicated passage for public access at ground level in front of World Trade Centre (**Drawing A-5**), lease modification may be required to reinforce the proposed dedication if BD was entering into a Deed of Dedication with the owner of the Lots.

Traffic Aspect

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

objection to the application and the key comments as follows:

- (a) no planned road widening works at the portion of the Site shown as 'Road' on the OZP at this stage;
- (b) there are, in general, shortfalls of car parking spaces and L/UL facilities in Wan Chan district, especially in the vicinity of the core commercial areas. The HKPSG sets out the general guidelines and requirements on which the future development should provide its own sufficient internal transport facilities to accommodate the future operation of the proposed commercial development without reliance on the on-street public facilities;
- (c) compared with its original use as hotel, the redevelopment is expectedly generate/attract considerable traffic, in particular in consideration of its advantageous location of abutting Gloucester Road, a major traffic corridor leading to other districts and the evolution of a high quality pedestrian space with improved pedestrian connectivity and provision of pedestrian street. The proposed internal transport facilities do not meet the HKPSG requirements. Under the proposed scheme, only 119 car parking spaces and 14 L/UL spaces are to be provided for the proposed development at the Site with a total GFA of 64,080m² (consisting of 53,353m² office GFA and 10,727m² retail GFA), which is significantly lower than the HKPSG requirements as shown below:
 - proposed car parking provision: only 49.8% of the lower end requirement of HKPSG (239 nos.) and 34.4% of the higher end requirement of HKPSG (346 nos.); and
 - proposed L/UL provision: only 51.9% of the lower end requirement of HKPSG (27 nos.) and 34.1% of the higher end requirement of HKPSG (41 nos.);

- (d) in view of the strong demand for car parking spaces and L/UL facilities in the vicinity and a significant shortfall in meeting the HKPSG requirements, the applicant should conduct appropriate review (such as traffic impact assessment (TIA)) to assess the traffic need and support the proposed provision of internal transport facilities in accordance with the requirements as stipulated in the HKPSG at a level towards the high side of the requirements in order to accommodate the future operation of the proposed commercial development;
- (e) to mitigate the shortfall on car parking spaces and L/UL facilities and taking into consideration of the views from relevant departments, the applicant should carefully consider the opportunity for allowing more parking spaces in the extra basement levels, unless the infeasibility of such could be justified;
- (f) the applicant should justify with a comprehensive TIA that the traffic generated/attracted for the proposed development would not cause adverse traffic conditions along Gloucester Road, Jaffe Road and Cannon Street, etc. Furthermore, pedestrian flow and pattern due to the proposed commercial development would be largely deviated from the original hotel development. Assessment for pedestrian accesses/passageways, level of services and facilities and effect from close proximity to MTR stations, etc. should be conducted in the aforesaid TIA;
- (g) the applicant has suggested measures to prevent back queuing of vehicles on Gloucester Road. However, the effectiveness and performance of these measures should be quantified under a systematic approach (e.g. as part of the TIA) in order to assess if adverse traffic conditions could be avoided or mitigated;
- (h) the adequateness of manoeuvring and frequency of vehicles including HGV through the access via Jaffe Road would need to be assessed with supporting documents at the later stage; and
- (i) other detailed comments are at **Appendix II**.

9.1.3 Comments of the Commissioner of Police (C of P):

no specific comment on the application, nonetheless, the developer should take note of any requirement to notify/apply permit from relevant government departments in respect of any possible road works, L/UL on the street, etc.

Highways Aspect

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

- (a) no comment on the application from highways maintenance viewpoint; and

- (b) there is no planned road widening works at the portion of the Site that is shown as 'Road' on the OZP. Comment from TD should be sought.

Building Aspect

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

no objection to the application subject to the following:

- (a) in accordance with the government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design (SBD) requirements (including building separation, building setback and greenery coverage) should be included, where possible, in building developments;
- (b) the applicant should demonstrate compliance with the SBD requirements for the proposed commercial building to the satisfaction of BD at the building plans submission stage;
- (c) the project Registered Structural Engineer (RSE)/Registered Geotechnical Engineer (RGE) should demonstrate the viability of the proposed Excavation and Lateral Support (ELS) system in the contexts of the margins of safety against instability of the system at each stage of construction sequence, the structural adequacy of structural elements, and the assessment on the effects on the adjoining buildings, structures, lands, streets, utility services, slopes and retaining walls be affected by the proposed ELS works;
- (d) there is no particular requirement on the limitation of excavation depth, but the main concern to the retaining height of the proposed ELS system is the adequacy of margin of safety. Requirements in detail may refer to the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) ADV-33 published by BD; and
- (e) other detailed comments are at **Appendix II**.

Geotechnical Engineering Aspect

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

- (a) no geotechnical comment on the analysis results as stated in the technical paper (FI-1) which is based on construction of the proposed 3-level basement. However, the estimated ground movements and the corresponding impacts on the adjacent buildings/structures/services are under the jurisdiction of BD and/or other relevant government departments/authorities;

- (b) the induced ground movement associated with any excavation will depend on the type of the temporary retaining structures and the layout of the strut. Hence, it is considered that construction of 4-level basement may be feasible. The statement that the construction of a 4-level basement is not feasible should be further justified with support of technical details and options considered. It is noted that in **FI-4**, the applicant had not provided any technical details and options to evaluate the technical feasibility of a 4-level basement scheme; and
- (c) no geotechnical objection in principle to the proposed development and the General Building Plan submitted by the Authorized Person dated 30.9.2019 to BD was accepted by this Office on 25.10.2019.

Fire Safety Aspect

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

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

Architectural and Visual Aspects

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

- (a) the proposal is to develop a commercial building of 135mPD with a PR of 15 at the Site which mainly falls within the “C(1)” zone and partly within area shown as ‘Road’ on the OZP. While the proposal requires planning permission with inclusion of the ‘Road’ portion (about 5m in width at 1/F and 2/F, similar to the frontage of the former Excelsior Hotel), the proposed development is within the maximum BH restriction of 135mPD under the OZP. It is not anticipated the proposal would bring upon significant adverse visual impact;
- (b) the applicant has provided an OZP compliant scheme (Figures 3 and 4 in **Appendix Ia**) falling entirely within the “C(1)” zone in the planning statement, and states that there would be improvement in greenery/landscaping and air ventilation, provision of all-weather area for pedestrians, additional car parking spaces and building setback in the current proposed scheme as compared to the OZP compliant scheme;
- (c) the current scheme proposes shared use of vehicular and pedestrian access at ground floor with podium extended above providing an all-

weather area with a headroom of 4.7m to 8m (**Drawings A-3 & A-4**). It is noted the OZP compliant scheme also adopts similar design and access arrangement on ground floor within the “C(1)” zone. Besides, though some landscaping is provided, it is not certain that a quality and safe pedestrian environment can be ensured at this location with shared use of space for vehicles and pedestrians;

- (d) the footpath created by setting back the proposed building of 1.5m from the eastern boundary of the Site would, to a certain degree, enhance accessibility, nonetheless, consideration should be given to provide a more active frontage to improve the vitality and safety of the footpath as most of the frontage may be affected by the proposed vehicular ramp to the basements; and
- (e) improvement in air ventilation terms resulting from the building gap created by setting back the proposed building of 1.5m from the eastern boundary of the Site would be limited (**Drawing A-5**). Whilst the proposed 8m high void between the proposed building and the adjoining World Trade Centre is aligned with the northerly wind and sea breeze (**Drawings A-4, A-4a & A-6**), improvement in air ventilation terms would not be significant.

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

- (a) the design and layout of the proposed building, including its footprint/disposition and building services, is considered acceptable;
- (b) the applicant’s planning statement (**Appendix Ia**), which states that the extended podium which would create an all-weather vehicular drop-off and also pedestrian access across the Site (**Drawing A-5a**); landscaping will be provided to improve the aesthetics of the area and make it more pedestrian friendly; the double height void in the podium (**Drawings A-4 & A-4a**) which allows more wind to flow into Causeway Bay from the harbour at the pedestrian level through the building gap between the proposed development and the World Trade Centre; and the building setback of 1.5m from the eastern lot boundary (**Drawing A-5**) for improved pedestrian access, air ventilation and natural lighting), is considered valid; and
- (c) no comment on the proposed design/measures adopted in the proposed development.

Landscape Aspect

9.1.10 Comments of CTP/UD&L, PlanD:

the Site is occupied by the former Excelsior Hotel, with medium to high-rise residential and commercial buildings found in the vicinity. The existing building is currently being demolished and no significant vegetation is found.

Significant change or disturbance arising from the proposed uses to the existing landscape character and resource are not envisaged.

Environmental Aspect

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

- (a) the applicant proposes to develop a new commercial building comprising office, eating place and shops and services uses in the former Excelsior Hotel site at Causeway Bay. The proposed commercial development involving office is normally provided with central air conditioning system and the applicant/Authorized Persons should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact; and
- (b) given the above, he has no objection to the application subject to the following comments if the application is approved by the Committee:
 - (i) approval conditions for the submission of sewerage impact assessment (SIA) to the satisfaction of DEP and implementation of local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of Director of Drainage Services (DDS) are required; and
 - (ii) the applicant should be advised to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works; and to properly locate and design all fixed noise sources to comply with the relevant noise requirements in Chapter 9 of the HKPSG.

Drainage Aspect

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

- (a) DEP is the planning authority of sewerage infrastructure, his comments on the application should be sought; and
- (b) apart from merely estimating the sewage generation from the proposed development, the applicant shall assess the proposed sewerage impact on the existing sewerage system due to the proposed development and ensure the adequacy of the relevant sewerage system upon completion of the proposed works. The SIA shall be submitted to DEP and DDS for consideration. The requirement for submission of the SIA should be stipulated as an approval condition if the application is approved by the Committee.

Water Supply Aspect

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

- (a) no objection to the application; and
- (b) other detailed comments are at **Appendix II**.

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

- (a) Director of Leisure and Cultural Services; and
- (b) District Officer (Wan Chai), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 During the statutory public inspection periods of the application, a total of 7 public comments from individuals were received (**Appendix III**).
- 10.2 Of the 7 public comments received, an individual who is a resident in Tin Hau area submitted two comments during the first publication of the application and on **FI-4** supporting the proposed development for the reason that it will improve the environment and facilitate sustainable development while the PR and BH of the proposed building will remain unchanged to that of the former building on site. The remaining 5 comments expressed their concerns on the proposed development, which are summarised below:
 - (a) traffic passing through the narrow Jaffe Road will cause traffic gridlock; alternative design should be adopted with access from Gloucester Road, no information to resolve traffic and pedestrian conflict at Jaffe Road;
 - (b) no information to demonstrate how a more pedestrian and visually friendly development would be provided, and how to upgrade the pedestrian connection to adjoining developments i.e. at Paterson Street and Fashion Walk;
 - (c) no information to demonstrate compliance with the SBD guidelines with greening and landscape planting;
 - (d) development will have light and glare impacts on neighbouring residential developments (i.e. Chee On Building and Paterson Building);
 - (e) affecting the harbourfront area and should consult those involved in harbour planning studies or the Harbourfront Commission;
 - (f) prevent further narrowing of waterfront walkway especially the narrowest section at the Noon Day Gun, and there is a need to widen the harbourfront walkway; and
 - (g) no community gain and no strong justification for the proposed development.

11. Planning Considerations and Assessment

- 11.1 The application is for a 34-storey commercial development with a PR of 15, GFA of about 64,080 sq.m. and BH of 135mPD. While the main part of the proposed building is located within the “C(1)” zone, a minor portion of the proposed development (including part of the basement and part of the podium) falls within area shown as ‘Road’ (about 217m² or 5% of the site area) on the OZP where planning permission for retail/commercial uses is required. It is noted that a set of building plans for a similar commercial development at the Site, falling entirely within the “C(1)” zone, with the same PR and BH of the proposed scheme in the current application was approved by the Building Authority (BA) on 3.9.2018.

Planning Intention

- 11.2 The area shown as ‘Road’ is mainly to depict the road network for vehicular traffic. As confirmed by TD and HyD, there is no planned widening of Gloucester Road. The concerned area is therefore not required for any road works.
- 11.3 Under the proposed scheme, the building line on G/F fronting Gloucester Road will be set back to create an all-weather drop off/pick up and pedestrian entrance with a clear height of about 4.7m (**Drawing A-3**) and with the provision of a footpath of 3.5m along Gloucester Road (**Drawing A-5a**). As mentioned in paragraph 3.1 above, the concerned area was used as circulation space, parking and landscaping area of the former Excelsior Hotel. The proposed traffic arrangement on G/F fronting Gloucester Road in the current application is similar to that of the former Excelsior Hotel. Given the concerned area at ground level will remain to be used for vehicular and pedestrian access, it is not considered as a departure from the purpose of depicting the area shown as ‘Road’.

Traffic and Parking Provision

- 11.4 TD objects to the proposed development for reasons that the proposed internal transport facilities do not meet the HKPSG requirements. TD considers that compared with the previous hotel use at the Site, the proposed development is expected to generate/attract considerable traffic and pedestrian access/passage, and a comprehensive TIA would be required to demonstrate that the proposed development would not cause adverse traffic impacts on the adjoining road and pedestrian networks. In addition, the applicant has not provided sufficient justification for its current provision of internal transport facilities for the proposed development.
- 11.5 If the proposed parking provision is to meet the HKPSG requirement, the applicant claims that further basement development would be required. There would be a significant risk to the adjoining buildings for excavation extending beyond the proposed 3-storey basement or 17.5m in structural and geotechnical point of views. Excavation work will also likely generate ground movement, vibration and noise. Hence, the applicant considers that further excavation is impractical. H(GEO), however, considers that the applicant has not provided technical details and options to demonstrate that construction of 4-level basement at the Site is not feasible. BD also considers that there is no particular limitation to excavation depth as the main concern is the adequacy of margin of safety.

Visual and Urban Design

- 11.6 The Site is subject to a number of constraints including narrow and elongated L-shape (**Plan A-2**) with main vehicular access from Gloucester Road, proximity to adjoining residential buildings and private right of ways. In order to enhance air ventilation and pedestrian environment through the proposed development, the applicant proposes a setback of 1.5m from the boundary of the Site with the adjoining residential buildings, and a large building gap of about 8m high on G/F (**Drawings A-4 & A-5**). As a result, the podium is required to be extended to area shown as 'Road', which could also create an all-weather pedestrian entrance and vehicular drop-off area. According to the applicant, the proposed setback together with the proposed 3.5m wide footpath along Gloucester Road would in general improve pedestrian circulation, landscape and amenity of the area. From visual and urban design perspectives, CTP/UD&L, PlanD is of the view that the proposed building disposition for G/F to 2/F is similar to the frontage of the former Excelsior Hotel and the proposed development is in line with the BH and NBA restrictions on the OZP. It is not anticipated that the proposal would bring upon significant visual impact. CA/CMD2, ArchSD also considers the design and layout of the proposed building acceptable.

Other Aspects

- 11.7 As mentioned above, a set of building plans for a similar commercial development at the Site falling entirely within the "C(1)" zone (i.e. an OZP compliant scheme), with the same PR and BH of the proposed scheme in the current application, was approved by BA in 2018. Compared with the approved building plans, the proposed scheme in the current application will provide an additional 18 car and 2 motorcycle parking spaces. Further, a 1.5m setback from the eastern boundary of the Site will be provided to create a full-time pedestrian access and increase the building separation with the adjoining residential buildings.
- 11.8 Other relevant government departments consulted have no objection to/no adverse comments on the application. To address DEP's technical concerns, relevant approval conditions on the submission of SIA and implementation of relevant local sewerage upgrading/sewerage connection works are recommended in paragraphs 12.2 (b) & (c) below, should the application be approved by the Committee.

Public Comments

- 11.9 As highlighted in paragraph 10 above, a total of 7 public comments were received. There is one supporting view and the remaining are expressing concerns on the proposed development. The above assessments and the departmental comments in paragraph 9 above are relevant. As for the public concern on the Noon Day Gun, the proposed development is located only at the landward side of Gloucester Road and would not affect the waterfront walkway near the Noon Day Gun.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, PlanD does not support the application for the following reason:

- the applicant fails to demonstrate that the proposed development will not result in adverse traffic impact on the surrounding areas.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 24.4.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a traffic impact assessment, and implementation of the improvement measures identified therein, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

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

13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

14. Attachments

Appendix I	Application form received on 25.10.2019
Appendix Ia	Applicant's letter dated 10.10.2019 and the planning statement
Appendix Ib	Applicant's letter dated 24.12.2019 (FI-1)
Appendix Ic	Applicant's letter dated 5.2.2020 (FI-2)
Appendix Id	Applicant's letter dated 14.2.2020 (FI-3)
Appendix Ie	Applicant's letter dated 2.3.2020 (FI-4)
Appendix If	Applicant's letter dated 17.4.2020 (FI-5)
Appendix II	Detailed comments of government departments
Appendix III	Public Comments
Appendix IV	Advisory Clauses
Drawings A-1 to A-6	Layout plans of the proposed commercial development
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and 4	Site Photos

PLANNING DEPARTMENT

APRIL 2020