

FURTHER CONSIDERATION OF APPLICATION NO. A/K14/783
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

**Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions
for Proposed Hotel Use in
“Other Specified Uses” annotated “Business” Zone,
1 Tai Yip Street, Kwun Tong, Kowloon**

1. Background

- 1.1 On 25.2.2020, the applicant, Great Virtue Ventures Limited represented by Llewelyn-Davies Hong Kong Limited, submitted the current application seeking planning permission for minor relaxation of plot ratio (PR) restriction from 12 to 14.4 (i.e. +2.4 or +20%) as well as relaxation of building height (BH) restriction (BHR) from 100 meters above Principal Datum (mPD) to 115.4mPD (i.e. +115.4m or +15.4%) for redevelopment of the existing 14-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 33-storey development (excluding one basement level for E&M facilities) for proposed ‘Hotel’ use (the Proposed Scheme) at 1 Tai Yip Street (the Site) (**Plans FA-1 to FA-3**). The Site (about 536.98m²) falls within an area zoned “Other Specified Uses” annotated “Business” (“OU(B)”) on the approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/22. The proposed ‘Hotel’ use is a Column 2 use under Schedule I for non-IBs of the Notes for “OU(B)” zone that requires planning permission from the Town Planning Board (the Board).
- 1.2 On 18.9.2020, the Metro Planning Committee (the Committee) of the Board considered the application. Members were in support of the policy on revitalisation of pre-1987 IB (the Policy), but considered that further information (FI) on the possibility of provision of basement level as well as the planning and design merits of the Proposed Scheme should be provided to facilitate their consideration. Members also requested the Planning Department (PlanD) to provide additional information in relation to the planning and design merits of approved similar applications in the vicinity for reference. After deliberation, the Committee decided to defer a decision on the application, pending submission of FI for further consideration.
- 1.3 For Members’ reference, the following documents are attached:
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|---|-------------------------|
| (a) MPC Paper No. A/K14/783B considered on 18.9.2020 | (Appendix F-I) |
| (b) Extract of minutes of the MPC meeting held on 18.9.2020 | (Appendix F-II) |
| (c) Secretary of the Board’s letter dated 9.10.2020 informing the applicant of the Committee’s decision | (Appendix F-III) |

^[1] The Occupation Permit for the subject IB was issued in 1980.

- (d) FI(1) vide letter dated 16.10.2020 enclosing supplementary information and additional planning and design merits in response to Members' comments **(Appendix F-IVa)**
- (e) FI(2) vide email dated 2.11.2020 clarifying the landscape treatment at low-zone **(Appendix F-IVb)**
- (f) FI(3) vide letter dated 12.11.2020 and emails dated 13.11.2020 and 16.11.2020 with revised floor plans and illustrations **(Appendix F-IVc)**
- (g) FI(4) vide email dated 16.11.2020 with revised illustration **(Appendix F-IVd)**

2. Further Information Submitted by the Applicant

- 2.1 To address the Committee's comments as mentioned above, the applicant has made the following refinements to the Proposed Scheme :
- (i) Increase in greenery provision from about 23.3% to 28.7% with additional vertical greening (VG) from 1/F to 2/F at portion of building façade facing Wai Yip Street (**Drawing FA-12**); and
 - (ii) Provision of voluntary G/F to 3/F corner setback (about 2m²) at junction of Wai Yip Street and Tai Yip Street to further enhance pedestrian circulation (**Drawings FA-2 to 5 and -11 to 13**).
- 2.2 Additional information as submitted in the FIs (**Appendices F-IVa to IVc**) are summarized below.

Possibility of Accommodating E&M and Back-of-House (BoH) Facilities at Basement Level

- 2.3 E&M facilities for fire services system (including sprinkler and FS water tanks and the associated pump room) are proposed at basement level which would be served by "cat ladder" for maintenance purpose (**Drawing FA-1**). For fire safety concerns, additional servicing facilities to access the basement plant rooms (such as not less than two sets of staircases to G/F) would be required under Code of Practice for Fire Safety in Buildings 2011 that would further reduce the effective area of the G/F layout, imposing constraint for the parking and loading/unloading (L/UL) space and manoeuvring area. For other E&M facilities (e.g. AHU room, heater room, flushing water pump rom/ TBE room) as proposed on 1/F, there are technical needs for aboveground ventilation, air intake/exhaust purposes (**Drawing FA-3**). Besides, transformer room and main switch room as proposed at G/F and 1/F (**Drawings FA-2 and FA-3**) respectively for allowing adequate ventilation to open air and to meet other design considerations as set out under the Code of Practice 101 for Distribution Substation Design issued by CLP.
- 2.4 Under the refined Proposed Scheme, total areas of all enclosed and covered structures on roof-top will not exceed 50% of the roof area of the floor below and the height of these roof-top structures (e.g. lift machine room, water tanks and the associated pump rooms) would be is within 10% of the proposed BH. As such, should more E&M facilities be provided at roof-top level, the height of these structure would be counted toward the overall BH in accordance with the Joint Practice Notes No. 5.
- 2.5 BOH facilities including laundry, linen store and dry good/furniture store rooms

only take up a small portion of floor area at 1/F (**Drawing FA-3**). Relocation of these facilities will not effectively reduce the BH. Furthermore, these BOH facilities are located close to the guestrooms and other ancillary uses including hotel café, reception and sitting area for daily operation and management considerations. Locating BOH facilities at basement level would result in reserving extra space for vertical transport, which would lead to inefficient use of floor plate and higher overall BH.

Additional Planning and Design Merits

- 2.6 After considering key technical and site constraints including the necessary vehicle manoeuvring space, there is no space to provide additional greenery at G/F. In response to the Board's concerns on building permeability at the primary zone, to further enhance the streetscape and the pedestrian environment, and to add interest to the building façade and to soften the building bulk, additional VG is proposed at 1-2/F at portion of façade facing Wai Yip Street. Together with the originally proposed landscape treatments, total greenery provision would be increased from about 125m² (23.3%) to about 154m² (28.7%) under the refined Proposed Scheme, even though the greenery requirement under Sustainable Building Design Guidelines (SBDG) is not applicable to the Site (with area less than 1,000m²) but it demonstrates Applicant's genuine effort in promoting visual interest and improving the pedestrian environment. In addition, to enhance pedestrian circulation, the applicant proposed a voluntary G/F to 3/F corner setback at the Wai Yip Street and Tai Yip Street junction under the refined Proposed Scheme.
- 2.7 Given the small site area (537m²), planning and design merits are incorporated such as full height set-back, corner setback, podium garden, landscape treatments at G/F, 1/F and 3/F, weather canopy as well as green building designs (see details in paragraphs 2.6 to 2.9 of **Appendix F-I** and **Drawings FA-9** to **FA-12**). The width of pedestrian footpaths along Wai Yip Street and Tai Yip Street will be widened to about 5.9m and 3.7m respectively with the proposed setbacks. With provisions of full-height setbacks at three sides of the Site, corner setback, provision of necessary E&M facilities and parking and L/UL areas, the resultant effective area for hotel use at G/F is further reduced to only about 25% (**Drawings FA- 11** to **13**).

3. Similar Applications on Proposed Minor Relaxation of PR/BH Restrictions under IB Policy in Vicinity

- 3.1 Since March 2019, the Committee has considered a total of 11 similar minor relaxation applications in the Kwun Tong Business Area relating to the Policy (**Appendix F-V** and **Plan FA-1**). Out of the 11 similar applications, 10 applications were approved with conditions and one was rejected by the Committee. For the cluster of sites to the west of Lai Yip Street with BHR of 100mPD, there are four similar applications in the same or nearby street blocks of the Site approved with conditions by the Board with approved minor relaxation of BHR from 100mPD to 115mPD/ 125.9mPD (see **Plan FA-1** for the locations and **Plans FA-6** to **9** for the G/F plan of respective applications). The planning and design merits of these four approved similar applications and that of the Proposed Scheme are given below:

	Approved Similar Application				Current Application
	A/K14/763 (Plan FA-6)	A/K14/774 (Plan FA-7)	A/K14/780 (Plan FA-8)	A/K14/782 (Plan FA-9)	
Site Area	1,782m ²	1,026m ²	1,170m ²	557m ²	537m ²
BH	125.9mPD	125.9mPD	115mPD	125.9mPD	115.4mPD
Setback Area (% of site area)	2-sides ^[#] (12%)	2-sides (12%)	2-sides (18%)	2-sides (25%)	3-sides (22%)
Other pedestrian improvement measures	N/A	N/A	4.4m-wide (G/F) public passageway connecting Wai Yip Street and back alley	pedestrian accesses connecting Tai Yip and Yan Yip Streets	G/F to 3/F corner setback at Wai Yip Street/Tai Yip Street
Canopy	N/A	Facing Lai Yip Street	Portion of façade Facing Wai Yip Street	N/A	Portion of façade Facing Wai Yip Street
Greenery	20%	21.7%	27%	≥20%	28.7%
Greening Provision (Low Zone)	<ul style="list-style-type: none"> ● G/F – planters and VG ● 3/F – planters 	<ul style="list-style-type: none"> ● G/F – pot planters ● 3/F flat roof – landscaping 	<ul style="list-style-type: none"> ● G/F & 1/F – planters and VG 	<ul style="list-style-type: none"> ● 1-3/F – edge planting and VG ● G-1/F - VG 	<ul style="list-style-type: none"> ● G/F & 1/F – pocket greens ● 1-2/F – VG ● 3/F – edge planting
Communal Garden/Sky Garden	<ul style="list-style-type: none"> ● Refuge Floor cum communal sky garden (17/F) 	<ul style="list-style-type: none"> ● Refuge Floor cum communal sky garden (14/F) 	<ul style="list-style-type: none"> ● Communal Garden (1/F) open to public ● Communal Garden (2/F) for workers only 	<ul style="list-style-type: none"> ● Podium Garden (3/F) open to workers and visitors 	<ul style="list-style-type: none"> ● Podium Garden (3/F) mainly open to hotel guests (Drawing FA-8)
Typical Floor to floor height	4m	4m	4.08m	3.875m	3.15m
Tower Site Coverage	54%	54%	≤60%	63.5%	59.5%

Footnote:

[#] Additional full-height setback by 0.1m along Lai Yip Street (in additional to 3m requirement under ODP) was provided.

Enhancement to the Pedestrian Circulation

3.2 All four approved applications have incorporated full-height building setbacks in accordance with the adopted Outline Development Plan (ODP) from 2 sides of the lot boundaries along public roads for footpath/carriageway widening and amenity/streetscape enhancement. Percentages of setback area generally increase with decrease in application site areas (from about 12% for sites over 1,000m² to 25% for site about 560m²). For the subject application, full-height setback on 3 sides of the lot abutting Wai Yip Street, Tai Yip Street and the back alley are proposed that would take up about 22% of the Site (537m²). The applicant further proposed a voluntary G/F to 3/F corner setback at the Wai Yip Street and Tai Yip

Street junction under the refined Proposed Scheme to facilitate pedestrian circulation.

Greening

- 3.3 Greenery provision of not less than 20% of the respective site areas were provided under the approved similar applications. For the subject application, despite that the greening requirement under SBDG was not applicable (with a site area less than 1,000m²), an overall greenery provision of 28.7% is proposed including planters on G/F, edge planting and VG at low-zone levels, and podium garden which primarily serve hotel guests.

Proposed BH (Plan FA-1)

- 3.4 In terms of BH, minor relaxation of BHR from 100mPD to 125.9mPD were approved for similar applications (i.e. A/K14/763 and A/K14/774) which are adjacent to an area with high BH band of 160mPD. For A/K14/782 (medical related 'Shop and Service' use) with approved minor relaxation of BHR to 125.9mPD, while the application site is not abutting any street block with higher BH band, Members considered that the proposed private healthcare services could supplement medical services under the Public-Private Partnership programme, which could be regarded as planning gains. For A/K14/780, a BH of 115mPD is approved having regard to its direct frontage to the waterfront.
- 3.5 For the current application, the applicant has reduced the minor relaxation of BH applied for from 125mPD as originally submitted to 115.4mPD for minimising the visual impact of the Site at the prominent waterfront location in response to departmental comments. This is similar to the BH of 115mPD approved for A/K14/780 to its north (**Plan FA-1**). Both Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) and Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no adverse comment on the proposed BH of 115.4mPD from visual point of views (see para. 10.1.7 and 10.1.8 of **Appendix F-I**).

4. Comments from Relevant Government Departments

- 4.1 Comments on the current application made previously by the relevant Government bureaux/departments are stated in paragraph 10.1 and 10.2 of **Appendix F-I** and paragraph 4.2.1 below.
- 4.2 For the current two FIs, the following government departments have been consulted and their comments are summarized as follows:

Urban Design, Visual and landscape Aspects

4.2.1 Comments of the CTP/UD&L, PlanD:

Urban Design and Visual Aspect

- (a) The applicant has provided revised visual illustration with proposed additional VG wall facing Wai Yip Street (**Appendix F-IVc**). Although technically speaking, incorporation of the said design measure does not necessarily require additional BH, it represents the applicant's efforts to soften the building edge, promote visual interest and enhance pedestrian comfort.

Landscape Aspect

- (b) Having reviewed the FI (**Appendices F-IVa to IVc and Drawings FA-4 to 7**), his previous comments are still valid in that there is limited available space at street level for landscape treatment to enhance the quality of the public realm due to small size of the Site. He has no objection to the current application from landscape planning point of view.
 - (c) If proprietary VG system is proposed, the applicant is reminded to take into consideration of the long-term commitment to provide proper maintenance for healthy and sustainable plant growth.
- 4.3 The following Government departments have no objection to/no further comment on the FIs:
- (a) Head of Energizing Kowloon East Office;
 - (b) Director of Fire Services (DFS);
 - (c) CA/CMD2, ArchSD; and
 - (d) Chief Building Surveyor/ Kowloon, Buildings Department (CBS/K, BD).

5. Planning Considerations and Assessments

- 5.1 The application is for minor relaxations of PR restriction from 12 to 14.4 (by 20%) and BHR from 100mPD to 115.4mPD (by 15.4%) for proposed redevelopment of the Site into a 33-storey hotel development with 160 guest rooms, shop on G/F and café on 2/F. At the MPC meeting on 18.9.2020, Members requested the applicant to provide FI on the possibility of provision of basement level as well as the planning and design merits of the Proposed Scheme. In response to information requested by the Committee as detailed in paragraph 1.2 above, the applicant has submitted FIs to justify the proposed BH of 115.4mPD as set out in paragraph 2 above.
- 5.2 The applicant further refined the Proposed Scheme as discussed in paragraph 2.1 above (with additional VG for achieving a higher greenery of 28.7% and additional voluntary corner setback at the junction of Wai Yip Street and Tai Yip Street) and provided elaborations of the planning and design merits of the Proposed Scheme to address Members' concerns. The applicant considered that there are technical constraints to provide majority of the E&M facilities at basement level as such facilities are required to be aboveground for ventilation and air intake/exhaust purposes and for meeting design consideration set out under Code of Practice 101 for Distribution Substation Design issued by CLP. Besides, to enlarge the basement level for accommodating more E&M and the BOH facilities, two sets of exit staircase to G/F would be required for fire safety reasons which would further reduce the G/F effective usable area. CBS/K, BD and DFS have no adverse comments in this regard. Also, the applicant claims that relocation of the BOH facilities from 1/F to basement level would require reserving extra space for vertical transport that would lead to inefficient use of floor plate and is not effective from operational perspective. Given that only about 25% of the site area would be left for hotel use at G/F after disregarding the setback areas, the parking and L/UL facilities, the essential transformer room and voluntary corner setback, the

justifications put forth by the applicant may not be unacceptable.

- 5.3 Being a corner site with small site area (about 537m²), the full-height setbacks required from three sides of the Site boundary abutting Wai Yip Street, Tai Yip Street and the back alley would take up about 22% of the site area for public passage. Given the site constraint, CTP/UD&L, PlanD comments that there is limited available space at street level for landscape treatment to enhance the quality of the public realm. He also comments that while the incorporation of the proposed additional VG wall facing Wai Yip Street together with other landscape design features, technically speaking, do not necessarily require addition BH, it represents the applicant's efforts to soften the building edge, promote visual interest and enhance pedestrian comfort. The additional voluntary corner setback would further enhance the pedestrian circulation.
- 5.4 Having considered the applicant's FIs in response to the Committee's concerns and the departmental comments on the FIs as set out in Section 4 above, the planning considerations and assessment as stated in paragraph 12 of MPC Paper No. A/K14/783B at **Appendix F-I** remain valid. In gist, the proposed relaxation of PR is in line with the policy initiatives to incentivize redevelopment of pre-1987 IBs to optimize utilization of the existing industrial stock and make better use of valuable land resources. Noting that the applicant has reduced the minor relaxation of BH applied for from 125mPD as originally submitted to 115.4mPD to address departmental comments and minimize the visual impact of the Site at the prominent waterfront location; the proposed BH of 115.4mPD (+15.4%) may be considered generally proportionate to the applied 20% minor relaxation of PR restriction under application with reasonable floor-to-floor height (3.15m) adopted, and may be tolerated. Refinements to the proposed scheme to increase the greenery and provision of voluntary corner setback in the FIs submitted after deferral may also be considered as additional planning and design merits to support the application.
- 5.5 A summary of the planning and design merits of approved similar applications relating to the Policy in the vicinity, and a comparison with the Proposed Scheme are given in paragraph 3 above and as detailed in **Appendix F-V** for Members' reference and consideration.

6. Planning Department's Views

- 6.1 Based on the assessment made in paragraph 5 above, PlanD maintains its previous view of having no objection to the application.
- 6.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.11.2024, 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 sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the local sewerage upgrading/ sewerage connection works identified in the sewerage impact assessment in condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning

Board;

- (c) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a revised traffic impact assessment and implementation of the mitigation measures, if any, identified in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (e) the design of vehicular access, vehicle parking/ loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory clauses

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

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

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction

7. Decision Sought

- 7.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 7.2 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.
- 7.3 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.

8. Attachments

Appendix F-I	MPC Paper No. A/K14/783C
Appendix F-II	Extract of minutes of the MPC meeting held on 18.9.2020
Appendix F-III	Secretary of the Board's letter dated 9.10.2020 informing the applicant of the Committee's decision
Appendix F-IVa	FI(1) vide letter dated 16.10.2020
Appendix F-IVb	FI(2) vide email dated 2.11.2020
Appendix F-IVc	FI(3) vide letter dated 12.11.2020 and emails dated 13.11.2020 and 16.11.2020
Appendix F-IVd	FI(4) vide email dated 16.11.2020
Appendix F-V	Similar applications
Appendix F-VI	Recommended advisory clauses
Drawings FA-1 to FA-7	Revised floor plans and section submitted by the applicant

Drawing FA-8	Revised indicative landscape design on 3/F
Drawings FA-9 and FA-10	Revised illustrations submitted by the applicant
Drawings FA-11 and FA-12	Revised photomontages submitted by the applicant
Drawing FA-13	Corner setback illustration
Plan FA-1	Location plan on Outline Zoning Plan
Plan FA-2	Location plan on Outline Development Plan
Plan FA-3	Site plan
Plan FA-4	Height of existing/planned buildings in KTBA
Plan FA-5	Site Photo
Plans FA-6 to FA-9	G/F layout plans for approved similar application nos. A/K14/763, A/K14/774, A/K14/780 and A/K14/782

**PLANNING DEPARTMENT
NOVEMBER 2020**