

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H9/80

<u>Applicant</u>	Global Window Limited c/o Stan Group Project Company Limited represented by Kenneth To & Associates Limited
<u>Site</u>	8 A Kung Ngam Village Road, Shau Kei Wan, Hong Kong
<u>Site Area</u>	About 1,084.2m ²
<u>Lease</u>	Shau Kei Wan Inland Lot No. 784 (a) restricted for industrial and/ or godown purposes (excluding offensive trades) and only factory(s), warehouse(s), ancillary offices and watchmen or caretakers quarters in the opinion of the Commissioner of Labour essential to safety and security of the building are permitted to be erected (b) subject to height restriction of 30.48mPD
<u>Plan</u>	Approved Shau Kei Wan Outline Zoning Plan (OZP) No. S/H9/18
<u>Zoning</u>	“Other Specified Uses” annotated “Business” (“OU(B)”) (a) Restricted to a maximum non-domestic plot ratio (PR) of 12 and maximum building height (BH) of 80mPD, or the PR and height of the existing building, whichever is the greater (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR and BH restrictions (BHR) stated in the Notes of the OZP may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance
<u>Application</u>	Proposed Hotel with Minor Relaxation of PR Restriction and BHR

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 13.5 (i.e. +1.5 or +12.5%) and BHR from 80mPD to 86.15mPD (i.e. +6.15m or +7.69% (or 8.89% in terms of absolute height)) for a proposed hotel at 8 A Kung Ngam Village Road (the Site), which is zoned “OU(B)” on the approved Shau Kei Wan OZP No. S/H9/18 (**Plan A-1**). The proposed minor relaxation of PR restriction is to facilitate the redevelopment of the existing 7-storey industrial

building (IB) constructed before 1987 (pre-1987 IB)¹ into a 24-storey (including 1 level of basement carpark) hotel (the Proposed Scheme), which is a Column 2 use under Schedule I of the “OU(B)” zone which requires planning permission.

- 1.2 According to the applicant, the proposed minor relaxation of PR restriction by 12.5% is in-line with the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise redevelopment of pre-1987 IBs by allowing the relaxation of maximum permissible non-domestic PR by up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 4.1 below for details). The Proposed Scheme also involves minor relaxation of BHR by 7.69% (or 8.89% in terms of absolute height).
- 1.3 The Proposed Scheme has incorporated a voluntary 0.4m and 0.3m full-height setbacks from the lot boundary along Tung Kin Road to the west and the south respectively (**Drawings A-2 and A-7**). Besides, greenery provision of about 21.3% will be provided, including vertical green wall facing Tung Kin Road to the west and greenery at southwestern corner of G/F (0.7%), 2/F landscaped garden (14.9%) and R/F (5.7%) (**Drawings A-2, A4, A6 and A8**). Car parking and L/UL bays would be provided to meet the ‘high-end’ requirement under the Hong Kong Planning Standards and Guidelines (HKPSG).
- 1.4 Typical floor plans, diagrammatic section, photomontages and illustration submitted by the applicant are shown at **Drawings A-1 to A-15**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	
Site Area	About 1,084.2m ²
Proposed use	Hotel
Maximum Non-domestic PR	13.5
Maximum Non-domestic gross floor area (GFA) ²	Not more than 14,636.7m ²
No. of Blocks	1
BH (Main Roof)	+86.15mPD
No. of Storeys	24 (including 1 level of basement carpark)
Maximum Site Coverage	
• Portion at 0-15m	98%
• Portion higher than 15m	62%
No. of Guest Rooms	693
Greenery	About 230.820m ² (about 21.3%)
Parking Space	
• Private Car	7 (including 1 accessible parking space)
• Motorcycle	1
Loading/ Unloading (L/UL) Space	
• Light Goods Vehicle (LGV)	5
• Heavy Goods Vehicle (HGV)	2
• Taxi	4
• Coach	3

¹ The Occupation Permit (OP) for the subject IB was issued in 1980.

² It excludes back-of-house facilities of not more than 3% of the proposed hotel GFA, which is subject to the approval of Building Authority.

Voluntary Setbacks	
<ul style="list-style-type: none"> • Along Tung Kin Road to the west • Along Tung Kin Road to the south 	400mm (0.4m) 300mm (0.3m)
Anticipated Completion	June 2024

1.5 The main uses by floor for the proposed development and the floor-to-floor height under the Proposed Scheme (**Drawing A-7**) are summarized as follows:

Floor	Main Uses	Floor-to-floor Height (m)
LG/F	Carpark, LGV L/UL Bays and E&M	4.4
G/F	Hotel Entrance Lobby, Taxi Lay-bys, Vehicle Turntable, Car Lifts, HGV and Coach L/UL Bays	5.705
1/F	Hotel Check-in, Office, Dinning Area (Ancillary to Hotel), Conference Room (Ancillary to Hotel) and E&M	5.5
2/F-22/F	Hotel Rooms, Back of House (BOH) and Landscaped Garden (at 2/F only)	3.05
R/F	E&M	4.5

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

- (a) Applicant's letter, application form and supplementary planning statement (PS), including architectural drawings, Traffic impact Assessment (TIA), Visual impact Assessment (VIA) and Sewerage Impact Assessment (SIA), received on 28.8.2019. **(Appendices I and Ia)**
- (b) Applicant's letters received on 11.10.2019[#], 9.12.2019[#], 27.4.2020[#], 5.6.2020^{*}, 28.7.2020[#], 4.9.2020[#] and 19.10.2020[#] providing further information (FI) including revised technical assessment and responses to departmental comments **(Appendices Ib to Ih)**
- (c) Applicant's letter received on 7.12.2020^{*} providing consolidated planning statement and various assessments corresponding to the revised scheme **(Appendix Ii)**³

[#] FI accepted and not exempted from publication requirement

^{*} FI accepted and exempted from publication requirement

1.7 On 15.11.2019, 20.1.2020 and 26.6.2020, at the requests of the applicant, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months in order to allow sufficient time for preparation of FI to response to the departmental comments. With the FI received on 19.10.2020, the application is scheduled for consideration by the Committee at this meeting.

³ The consolidated Supporting Planning Statement at Appendix Ii has incorporated the original Supporting Planning Statement and all previous FIs. The applicant has confirmed that the previous FIs could be superseded by the consolidated Supporting Planning Statement. Hence, the superseded FIs are not attached.

2. Justifications from the Applicant

The justifications put forward by the applicant in support of the application are detailed in the supplementary planning statement and the FIs. They can be summarized as follows:

Response to the PA 2018 on Revitalisation Scheme for IBs

- 2.1 The proposed redevelopment of the existing IB with minor relaxation of PR restriction of the Site by 12.5% is in line with the PA 2018 which encourages owners to redevelop pre-1987 IBs to enhance the social and economic needs, and making better use of valuable land resources.

In Line with the Planning Intention and Facilitate Transformation of the Area

- 2.2 The proposed development providing important business-related facility in support of the growing business operations in the area is in line with the planning intention of the “OU(B)” zone which is intended for mixed commercial and non-polluting business use in the long-run. With approved planning applications and special waivers and no polluting industrial activities observed in the surrounding, the proposed hotel development is considered compatible with the surrounding land uses. The proposed hotel development can provide the much-needed tourism accommodation to meet the continued un-met demand of hotel rooms in the city and support the growing tourism sector in Hong Kong. Given the area has been undergoing a gradual transformation away from an industrial area, the proposed hotel development is considered compatible to business uses and could bring a wider variety of activities to the district. It would thus catalyse the transformation of obsolete IBs in the surrounding area and thereby improve townscape and streetscape.

Minor Relaxation of PR and BHR under Application are Minor and Acceptable

- 2.3 To address departmental and public comment, in particular on the BH, the PR and BH of the proposed hotel development are reduced from 14.4 to 13.5 and 98mPD to 86.15mPD respectively. With a minor relaxation of PR restriction from 12 to 13.5 (i.e. 12.5%) to optimize the utilization of land resources, there is a need for minor relaxation of BHR from 80mPD to 86.15mPD to accommodate the extra non-domestic GFA with car parking spaces and L/UL bays to be accommodated at the basement and G/F. The proposed BH of 86.15mPD is compatible with the medium to high-rise buildings in the surrounding context. No adverse traffic, visual and sewerage impact are anticipated.

Planning and Design Merits of the Proposed Scheme

- 2.4 The Proposed Scheme has incorporated 0.4m and 0.3m full-height setbacks from the lot boundary along Tung Kin Road to the west and the south respectively for the purpose of improving street-level walking environment. There is limitation to provide G/F setback from Tung Kin Road as there is need to accommodate required HGV L/UL bays and coach parking spaces at G/F within the small site area.
- 2.5 The Proposed Scheme has also incorporated greening including 10m long vertical green wall on the facade (from G/F to 1/F) along Tung Kin Road to the west (**Drawing A-8**), planter on G/F (**Drawing A-2**), a landscaped podium garden at 2/F

(**Drawing A-4**) and greenery at R/F (**Drawing A-6**). The vertical green wall and planter on G/F at the corner would improve the streetscape. The podium garden at 2/F would be open to the public from 10:00a.m. to 6:00p.m. daily.

- 2.6 With an aim to minimize the building bulk, majority of the car parking spaces and L/UL bays will be provided on LG/F and G/F. To mitigate the visual impact, disposition of the tower block is placed in southern portion of the Site for the sake of reducing the visual bulkiness from public viewpoints to the north. Softened colour tone and façade materials will be adopted to blend in with the greenery hilly backdrop to its south. Necessary rooftop structures will be concentrated in the western portion at R/F to provide visual relief as viewed from Lei Yue Mun Park & Holiday Camp/ Block 7 of the old Lei Yue Mun Barracks.
- 2.7 Regarding the access arrangement, it is proposed to shift the vehicular run in/ out point from the northwestern corner to the southeastern corner which faces a dead-end of the road with less pedestrian flow. As a result, the pedestrian walking environment at Tung Kin Road along the western side of the Site could be improved. The hotel entrance lobby with appropriate façade treatment and the vertical green wall facing the west would further enhance the perception of hotel guests as well as the public pedestrian.

Sustainable Building Design Guideline (SBDG) Consideration

- 2.8 The three key building design elements of SBDG are incorporated in the Proposed Scheme where applicable:
- (a) Building separation – building separation is not applicable because the site area is less than 20,000m² and continuous projected façade length (Lp) is less than 60m.
 - (b) Building setback – 0.4m and 0.3m setback along Tung Kin Road from the west and the south respectively is provided to comply with the requirement of minimum 7.5m setback from the centreline of the street. In addition, a 3.7m setback for the uncovered planter is provided at the street corner (**Drawing A-2**). There is limitation to provide G/F setback from Tung Kin Road as there is a need to accommodate required HGV L/UL bays and coach parking spaces at G/F within the small site area (i.e. 1,084.2m²).
 - (c) Site coverage of greenery – greening provision at G/F and 2/F within the primary zone is about 169.381m² (about 15.6%) while the overall greenery provision is about 230.820m² (about 21.3%), which are above the minimum requirements for site with area between 1,000m² and 20,000m².

Green Building Design Features

- 2.9 The applicant will apply for Building Environmental Assessment Method Plus (BEAM Plus) certification for the Proposed Scheme. The Proposed Scheme has incorporated green building design as discussed in paragraph 2.5 above.

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

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

4. Background

Policy Initiatives of Revitalisation of IBs

- 4.1 As set out in PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987⁴, there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “R” zones in Main Urban Areas and New Towns into industrial/commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R⁵. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.
- 4.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

Imposition of BHRs for A Kung Ngam Industrial Area (AKNIA)

- 4.3 BH restrictions for various development zones were incorporated in the Shau Kei Wan OZP in 2008 to provide better planning control on the built form upon development/ redevelopment and to meet public aspirations for a better living environment. Due to the presence of the former Lei Yue Mun Barracks with graded historic buildings, consideration was given to maintaining a lower building profile for the development areas located in its proximity. Height bands of 100mPD to 120mPD were recommended for the Shau Kei Wan town centre areas to the east of Lei Yue Mun Park and Holiday Village (**Plan A-1**). As specified in paragraph 9.5.2 of the Explanatory Statement (ES), in order to protect the views from the former Lei Yue Mun Barracks behind AKNIA (**Plan A-5**), development within the subject “OU(B)” zone is subject to a maximum BH of 80mPD.

⁴ Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their BPs first submitted to the BA for approval on or before the same date.

⁵ Under the Policy, any bonus floor area claimed under B(P)R 22(1) or (2) is not to be counted towards the proposed relaxation of PR restriction by 20% for redevelopment projects. The bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, but can only be considered by the BA upon formal submission of building plans (BPs).

5. Previous Application

A premises at 3/F of the existing IB at the Site is the subject of a previous planning application (No. A/H9/57) for proposed printing factory with dangerous goods stores on 3/F of the existing building, which was approved with condition(s) by the Committee on 15.10.2004 (**Plan A-1**). The planning permission has lapsed.

6. Similar Applications

- 6.1 There is a similar application for hotel development at the same “OU(B)” zone (**Plan A-1**). The hotel development (Application No. A/H9/54⁶) was approved with conditions by the Committee in March 2004 and obtained building plans approval from the Building Authority in November 2004. Besides, a site located to the north of the Site at A Kung Ngam Village Road, which has been rezoned from "OU(B)" to "OU(B)1", was the subject of a s.16 application for hospital use approved with conditions by the Committee on 8.1.2016. The hospital is currently under construction (**Plan A-4**).
- 6.2 Since March 2019, the Committee has considered a total of 42 minor relaxation applications in the Metro Area relating to the Policy (**Appendix II**). Out of the 42 similar applications, 38 applications were approved with conditions (to be confirmed), 2 was rejected (No. A/K14/764 & A/K13/313) and 2 were deferred pending submission of FI by the applicant to demonstrate the planning and design merits of the development proposal (No. A/K13/320 & A/K5/820).
- 6.3 In consideration of these applications, the Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs and noted that relevant technical assessment were submitted to support the technical feasibility of their proposals and there was no adverse comment from relevant government departments. For proposed minor relaxation of BHR associated with such applications, the applicants have to demonstrate that the proposed BH will not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, and with due regard to the requirements under SBDG and green building design considerations. For the two rejected applications, namely Application No. A/K14/764 in the Kwun Tong Business Area and A/K13/313 in the Kowloon Bay Business Area, they are rejected on the consideration that there was insufficient planning and design merits to support the proposed relaxation of BHR; and that the applicant for the latter also failed to demonstrate that adverse visual impact would not be created.

⁶ Subsequent minor amendments to the approved scheme are covered by Application Nos. A/H9/56 and A/H9/58, with building plan approval obtained for the latter in November 2006.

7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plan A-4)

7.1 The Site is:

- (a) occupied by a 7-storey IB (about 31mPD) (including 1 level of basement), namely Elegance Printing Centre, built in 1980. Its current use is mainly for storage use (**Plans A-1 to A-3**);
- (b) bounded by Tung Kin Road to the south and to the west. Tung Kin Road is slightly sloping upward from 6.6mPD at the junction of A Kung Ngam Village Road to 12mPD near the Site. At the end of Tung Kin Road fronting the Site is a cul-de-sac;
- (c) at about 430m to the Shau Kei Wan MTR Station and about 560m to the Bus Terminus at Shau Kei Wan.

7.2 The surrounding areas have the following characteristics (**Plans A-2, A-3 and A-4**):

- (a) to the further north is a commercial cluster consisting of an office building (i.e. Sing Tao News Corporation Building) and proposed hospital/ clinic developments; and to the northwest is the Basel Road Playground;
- (b) to the immediate north and west are two existing IBs, namely Centro-Sound Industrial Building and Len Shing Industrial Centre;
- (c) to the northeast are existing residential developments and squatter settlements of the A Kung Ngam Village;
- (d) to the immediate south is a site temporarily allocated to the Civil Engineering and Development Department (CEDD) for use as a depot and works area; and
- (e) to the further southeast are hillslopes and Lei Yue Mun Park and Holiday Village further uphill.

8. Planning Intention

8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings.

8.2 As stated in the ES of the OZP, a minor relaxation clause in respect of BHRs is incorporated into the Notes of the OZP to provide incentive for developments/ redevelopments with design merits/ planning gains. Each application for minor relaxation of BHR under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such application are as follows:

- (a) amalgamating smaller sites for achieving better urban design and local area improvements;

- (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/ dedication of land/ area for use as a public passage/ street widening;
- (c) providing better streetscape/ good quality street level public urban space;
- (d) providing separation between buildings to enhance air and visual permeability;
- (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP; and
- (f) other factors such as need for tree preservation, innovative building design and planning merits that would bring about improvements to the townscape and amenity of the locality and would not cause adverse landscape and visual impacts.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Policy Perspective

9.1.1 Comments of the Secretary for Development (SDEV):

It is Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of existing industrial stock and make better use of our valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, relaxation of the maximum permissible non-domestic PR by up to 20% is allowed under the current revitalisation scheme for redevelopment in respect of pre-1987 IBs located outside "R" zones in Main Urban Areas and New Towns. The proposal is supported as it is in line with the current policy to encourage redevelopment of aged IB; but this should be subject to various planning and technical assessments meeting satisfactorily the requirements overseen by various departments, including those concerning the visual impact of the proposed minor relaxation of the BHR.

Land Administration

9.1.2 Comments of the District Lands Officer/ Hong Kong East (DLO/HKE) and the Chief Estate Surveyor/ Development Control (CES/DC), Lands Department (LandsD):

- (a) the subject application proposes to redevelop into a hotel with BH of 86.15mPD (plus rooftop structures) on Shaukeiwan Inland Lot No. 784 ("the lot"). The lease conditions governing the lot restrict the lot for industrial and/ or godown purposes (excluding offensive trades) and only factory(s), warehouse(s), ancillary offices and watchmen or caretakers quarters in the opinion of the Commissioner of Labour

essential to safety and security of the building are permitted to be erected on the lot. It is also subject to absolute height restriction of 30.48m above HKPD under the lease conditions;

- (b) the proposed development does not comply with the lease conditions. If the Board approve the subject application, the lot owner is required to apply for a lease modification/ land exchange from LandsD to implement the proposal. When processing the lease modification application, LandsD will impose such appropriate terms and conditions including user restriction, payment of full premium and administrative fee. Under the 2018 IB revitalisation measure for redevelopment, the lease modification letter/ conditions of land exchange shall be executed within 3 years from the date of TPB's approval letter and the proposed redevelopment shall be completed within 5 years from the date of the execution of the lease modification letter/ conditions of land exchange. There is no guarantee that the lease modification application will be approved by LandsD. The lease modification application will be considered by LandsD acting in its capacity as the landlord at its own discretion and any approval given will be subject to such terms and conditions as may be imposed by LandsD; and
- (c) the applicant has submitted an application for special waiver for wholesale conversion to convert the entire IB. In this regard, the applicant should be reminded that concurrent application is not accepted under the 2018 IB Revitalisation Scheme.

Traffic Aspect

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

- (a) no comments from traffic engineering viewpoint given the proposed development parameters in Table 3.1 of the submitted TIA; and
- (b) should the application be approved, the following condition should be incorporated:

“the design and provision of vehicular access, parking spaces, loading/unloading facilities and traffic management measures at Tung Kin Road for the proposed development to the satisfaction of the C for T or of the Board.”

9.1.4 Comments of the Road Management Office (Enforcement & Control Division) (Traffic Hong Kong Island), Hong Kong Police Force (RMO (E&C) HKI, HKPF):

- (a) no comment from traffic viewpoint; and
- (b) each temporary traffic arrangement involving works on footpath and/or carriageway should be submitted to this office for comment.

Urban Design, Visual and Air Ventilation Aspects

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

- (a) according to the ES of the OZP, in order to protect the view from the former Lei Yue Mun Barracks behind AKNIA, development within “OU(B)” zone is subject to a maximum BH of 80mPD or the height of the existing building, whichever is the greater;
- (b) the proposed development with a BH of 86.15mPD, as compared to a scheme of 80mPD, the proposed minor relaxation of PR and BHR, will, to a certain extent, affect the visual openness in between Lei Yu Mun Barracks (VP3) and Sing Tao News Corporation Building (**Drawings A-9 to A-15**);
- (c) although vertical greening and façade treatment (**Drawing A-8**) are not directly related to the proposed minor relaxation sought, the proposed measures may help soften the perceivable mass and promote visual interest at street level; and
- (d) according to the Air Ventilation Assessment (AVA) Expert Evaluation Report for Shau Kei Wan Area (October 2008), the Site does not fall within any identified breezeway and the subject proposal does not fall within the categories for AVA in accordance with the Joint Housing, Planning and Lands Bureau (HPLB) and Environment, Transport and Works Bureau (ETWB) Technical Circular No. 1/06 on AVAs. In this regards, no significant air ventilation impact is anticipated and AVA is not required.

9.1.6 Comments of the Executive Secretary of Antiquities and Monuments (AMO):

- (a) according to the applicant's submission, the BH of the proposed development at main roof and rooftop is 86.15mPD and 90.65mPD respectively, aiming for slight mitigation of the visual impact at viewpoints VP3 and VP3b, which are set at and near Block 7 of the Old Lei Yue Mun Barracks (a declared monument) respectively (**Drawings A-11 and A-12**); and
- (b) the proposed development is not in line with paragraph 9.5.2 of the ES of the OZP (paragraph 4.3 above refers) on protecting the view from the Old Lei Yue Mun Barracks. We would defer to the Committee to consider whether the heights of the main roof and rooftop structures are acceptable.

Landscape Aspect

9.1.7 Comments of CTP/UD&L, PlanD:

- (a) the application is located along Tung Kin Road. IBs are found at its north and southwest. Basel Road Playground is at its northwest.

Medium to high rise industrial and commercial buildings are found in the vicinity. A 7-storeys building is currently existed in the Site and no significant vegetation is found. Significant change or disturbances arising from the proposed use to the existing landscape character and resource are not envisaged; and

- (b) in view that the Site is not located at landscape sensitive zone, and adverse landscape impact caused by the proposed development is not anticipated, it is considered not necessary to impose a landscape condition, should the application be approved by the Board.

Building Matters

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

- (a) if GFA concession for green/ amenity features and non-mandatory/ non-essential plant rooms and services is applied for the subject development, requirements including SBDG as stated in PNAP APP-151 & 152 should be complied with;
- (b) car parking spaces and L/UL areas may be exempted from GFA calculation provided all the relevant requirements under Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2 area are complied with. Any surplus/ redundant areas, as compared with the area required in PNAP APP-111, should be accountable for GFA calculation under Building (Planning) Regulation (B(P)R) 23(3)(a);
- (c) temporary refuge space should be provided in accordance with Section 4 of Part B of Code of Practice for Fire Safety in Buildings 2011;
- (d) the granting of hotel concession under B(P)R 23A can only be considered upon formal submission of building plans subject to compliance with the criteria under PNAP APP-40;
- (e) natural lighting and ventilation for office and hotel should be provided in accordance with B(P)Rs 30 and 31; and
- (f) detailed comments on compliance with the BO will be made at building plan submission stage.

Tourism Aspect

9.1.9 Comment of the Commissioner for Tourism (C for Tourism):

- (a) no objection to the proposed hotel development; and
- (b) the proposed hotel development will help increase the provision of hotel facilities and broaden the range of accommodations for our visitors.

Environmental Aspect

9.1.10 Comment of the Director of Environmental Protection (DEP):

- (a) no objection to the planning application due to the following:
 - (i) hotel developments are normally provided with central air conditioning system and the Applicants/ Authorized Persons should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under acceptable environmental nuisance/ impact; and
 - (ii) the proposed hotel use is not polluting in nature.
- (b) the applicant is reminded the following:
 - (i) the construction and operation of the proposed development are subject to control under relevant environmental legislations; and
 - (ii) the applicant shall observe the requirements related to oily fume and cooking odour emissions from the eating place under Air Pollution Control Ordinance, and take appropriate measures to minimise these emissions from the proposed catering place in order to prevent nuisance to the nearby sensitive receivers. The applicant could refer to Environmental Protection Department (EPD)'s "Pamphlet on Control of Oil Fume and Cooking Odour from Restaurants and Food Business" for details.

9.1.11 Comment of the Chief Engineer/ Hong Kong & Islands, Drainage Services Department (CE/HKI, DSD):

- (a) no objection to the application; and
- (b) as the proposed development is within HATS Protection Area, the project proponent shall ensure all proposed works within the HATS sewage Tunnel Protection Area should comply with the requirements in the Environment, Transport and Works Bureau Technical Circular (Works) No. 28/2003 or the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. APP-62 issued by BD.

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

- (a) Chief Architect/ Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD)
- (b) Director of Fire Services (D of FS)
- (c) Director of Agriculture, Fisheries and Conservation (DAFC)
- (d) Divisional Commander, Chai Wan Division, Commissioner of Police (DC, Chai Wan Division, C of P)
- (e) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD)

- (f) Chief Engineer/ Construction, Water Supplies Department (CE/Construction, WSD)
- (g) Chief Highway Engineer/ Hong Kong, Highways Department (CHE/HK, HyD)
- (h) Director of Electrical and Mechanical Services (DEMS)

10. Public Comments Received During Statutory Publication Periods

10.1 During the first three weeks of the statutory publication periods of the application and FIs, a total of 5,542 public comments were received (**Appendix III**). For the 5,418 public comments objecting to or expressing concerns on the applications, 5,144 of them are in the form of standard letter/questionnaires. A brief summary of the comments are as follows:

	Supporting/ Positive Comments	Objecting/ Expressing Concerns	Total
1st Publication	75	2,249	2,324
Publication of FI-1	1	472	473
Publication of FI-2	1	270	271
Publication of FI-3	27	1,383	1,410
Publication of FI-5	9	439	448
Publication of FI-6	3	282	285
Publication of FI-7	8	323	331
Total	124	5,418	5,542

10.2 The 124 supporting comments were submitted by locals and individuals mainly on the following grounds:

- (a) the proposed development can upgrade the image and status of the local community;
- (b) the proposed development can bring about economic opportunities to the community by flourishing the business and elevating the property value in the vicinity, and provide job opportunities in the local community; and
- (c) the proposed hotel development can promote local culture of Shau Kei Wan and facilitate tourism diversification in Hong Kong.

10.3 The objecting comments were submitted by one Eastern District Council (EDC) member, one Incorporated Owners (IOs) (Block 2 of Newton Harbour View), one jointly submitted by political party/ concern group (SKW East Future, Democratic Party and Labour Party), one company, locals and individuals (**Plan A-1**). Major points of the objections/ concerns, comments and issues raised are summarized

below:

Hotel use

- (d) the proposed hotel development is considered incompatible with the surrounding uses including residential, industrial, school and hospital. There is no demand for hotel in Shau Kei Wan district given it is not a popular tourist destination. There is sufficient hotel supply in the territory given the drop in tourists;

Economic impact

- (e) the proposed development will escalate the land value and rent in the district, while price for commodity is likely to be increased;

Social Impact

- (f) local businesses will shift their focuses from local residents to visitors. The proposed hotel will deprive community facilities, exert pressure on local shops and restaurants, increase crime rate and arouse social and cultural conflicts;

Traffic

- (g) there is not sufficient pick-up/ drop-off points for coaches and L/UL spaces adjacent to the proposed development. The hotel will create adverse traffic impact and aggravate pressure on the existing crowded and narrow pedestrian walkway along Shau Kei Wan Main Street East, therefore creating threat to pedestrian. There is also concern on the access and parking of emergency vehicles at the proposed development given that it is located at the cul-de-sac;

Environmental impact

- (h) the proposed development will create hygiene issue and glare impact. Also, it will create noise and air pollution;

Visual impact

- (i) the proposed development will create wall effect and block the view from the Hong Kong Museum of Coastal Defence at Tung Hei Road and residential buildings in Shau Kei Wan;

Public consultation

- (j) the public inspection period was too short and the local residents are not aware of the proposed development. No public consultation on local residents and associated groups, such as IOs and Mutual Aid Committees (MACs) has been carried out;

Deficiencies in VIA

- (k) the VIA submitted by the applicant does not satisfy all requirements of AMO. The source of information and conclusion of the VIA is being questioned; and

Alternative proposals

- (l) the Site should be used for housing development or provision of community facilities.

11. Planning Considerations and Assessment

Planning Intention

- 11.1 The application is for the proposed redevelopment of an existing IB into a 24-storey (including 1 level of basement carpark) hotel development with minor relaxation of PR restriction from 12 to 13.5 (+12.5%) and BHR from 80mPD to 86.15mPD (+7.69% or 8.89% in terms of absolute height). The Site is located within AKNIA. Since the rezoning of the AKNIA to “OU(B)” zone in 2002, the area is gradually transforming into non-industrial uses. According to the 2014 Area Assessment, there has been an increasing percentage of GFA for non-industrial uses including wholesale conversion for medical clinic (Eastwood Centre), office (Sing Tao News Corporation Building and Hang Tung Resources Centre) and redevelopment for private hospital (Sanatorium Hospital) (**Plan A-3**). The proposed redevelopment is generally in line with the planning intention of the “OU(B)” zone to facilitate transformation of AKNIA from industrial to business/ commercial uses and is also considered not incompatible with the surrounding developments.

Policy Aspect

- 11.2 It is Government’s policy to incentivise owners to redevelop old IBs to optimise utilisation of existing industrial stock and make better use of our valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, relaxation of the maximum permissible non-domestic PR by up to 20% is allowed under the current revitalisation scheme for redevelopment in respect of pre-1987 IBs located outside “R” zones in Main Urban Areas and New Towns. The existing IB with an OP issued in 1980 can be regarded as an eligible pre-1987 IB under the above Government’s policy. DEVB gives policy support to the current application, subject to demonstration of technical feasibility to the satisfaction of relevant departments.

Technical Aspects

- 11.3 To support the application, the applicant has submitted a TIA (**Appendix Ii**) and SIA (**Appendix Ii**) which indicated that the proposed hotel development would not cause adverse traffic and sewerage impact to the surrounding areas. Both C for T and CE/HK&I, DSD have no objection to the application. CTP/UD&L, PlanD also considers that no significant air ventilation impact is anticipated. Other relevant government departments including HyD, FSD and EPD have no adverse comments on the application. Should the application be approved by the Committee, relevant approval condition as suggested by C for T is recommended in paragraph 12.2 below.

Visual Impact

- 11.4 The applicant has first applied for a minor relaxation of PR from 12 to 14.4 (i.e. 20% increase) as allowed under the IB Revitalisation Policy and proposed the BH to be relaxed from 80mPD to 98mPD (i.e. 22.5% increase). To address departmental comments on visual impact from one of the vantage points (i.e. viewing platform at Block 7 of the old Lei Yue Mun Barracks, VP3), however, the applicant has reduced the extent of PR relaxation from 14.4 to 13.5 (i.e. 12.5% increase) and BH relaxation from 98mPD to 86.15mPD (i.e. 7.69% increase). This was effected

through reduction in floor-to-floor height of typical floors from 3.3m to 3.05m, reduction in number of storeys by 2 and reduction in podium structure from 3 storeys to 2 storeys. Besides, disposition of the tower block is placed in southern portion of the Site to reduce visual bulkiness from public viewpoints to the north. Moreover, by concentrating the rooftop structure in the western portion and placing landscape at the edge (**Drawing A-6**), it helps making the building to be visually less obstructive (**Drawings A-11 and A-12**).

- 11.5 To further demonstrate the visual impact of the proposed development, the applicant has also prepared photomontage from an additional view point (VP3b) at Block 7 of the Lei Yue Mun Barracks (**Drawing A-12**). In total, 7 vantage points have been adopted in the VIA submitted by the applicant (**Drawings A-9 to A-15**). With the reduction in the proposed BH, the visual impacts to all the VPs were assessed to be negligible. While AMO considers that the proposed BH is not in line with the ES of the OZP in protecting the view from the Old Lei Yue Mun Barracks (in particular from Block 7 which is a declared monument), CA/CMD2, ArchSD has no adverse comment from architectural and visual impact point of view. CTP/UD&L, PlanD has also no comment on the visual appraisal, but she considers that the proposed minor relaxation of PR and BHR, will, to a certain extent, affect the visual openness between the former Lei Yu Mun Barracks and Sing Tao News Corporation Building.
- 11.6 In view of the above, given the applicant has reduced the development scale of the proposed hotel below the maximum that may be achievable under the IB Revitalisation Policy and incorporated design (blocking disposition/ rooftop structures) and greening measures (rooftop planter) to mitigate the visual impact as viewed from old Lei Yue Mun Barracks, it is considered that the proposed extent of minor relaxation of BH of 6.15m (+7.69% or +8.89% in terms of absolute height) may be tolerated having considered the policy/ planning intention of promoting revitalisation of IBs and transformation of the AKNIA against the overall visual impact brought about by the proposed hotel development.

Planning and Design Merits

- 11.7 The Proposed Scheme has incorporated 0.4m and 0.3m full-height setbacks from the lot boundary along Tung Kin Road to the west and the south respectively for reserving for public footpaths and thereby improving street-level walking environment. The applicant claims that no further set back can be made given the need to accommodate various L/UL bays and coach parking spaces on G/F within the small site area. After the setbacks, the corresponding footpaths are widened to 3.3m and 4m respectively (**Plan A-2**). The footpaths upon widening shall be able to support the pedestrian flow as reflected from the assessment of pedestrian facilities in the TIA. In this connection, C for T has no comment on the TIA.
- 11.8 The Proposed Scheme also incorporates greening including 10m wide vertical green wall on the facade along Tung Kin Road to the west, planter on G/F (**Drawing A-2**), a landscaped podium garden on 2/F (**Drawing A-4**) and greenery on R/F (**Drawing A-6**). The overall greenery provision of 21.3% is marginally over 20% as required under SBDG but the greenery at primary zone (i.e. below 15m) is 15.6% which is higher than 10% as required under SBDG. The applicant has committed that the landscaped podium garden on 2/F would be open for public enjoyment from 10:00a.m. to 6:00p.m. daily. The vertical green wall and planter

on G/F would improve the streetscape (**Drawing A-8**). CTP/UD&L, PlanD considers that although vertical greening and façade treatment are not directly related to the proposed minor relaxation of BH/ PR restrictions sought, the proposed measures may help soften the perceivable mass and promote visual interest at street level.

- 11.9 On the sustainable building design aspect, building setback and greenery have been incorporated in the Proposed Scheme as detailed in paragraph 2.8 above. According to the applicant, BEAM Plus would be applied to the proposed development and specialist soft landscape contractor will be appointed to monitor and maintain the greenery during the first year of operation and will be taken up by the applicant after first year.

Public Comments

- 11.10 Regarding the public concerns on adverse traffic, environmental and visual impacts, and the related technical assessment submitted by the applicant, the assessments above and departmental comments in paragraph 9 are relevant. For the concerns related to public consultation, the applicant's submissions, including the FI received, were published for public inspection in accordance with the provisions of the Town Planning Ordinance. For the concern related to the escalation in land value and rent, it is considered that such aspects are not related to land use. While the alternative proposals suggested by the public are noted, the site is a private land and its development is subject to the land owner's own decision.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decided to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 18.12.2024, 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 condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

the design and provision of vehicular access, parking spaces, loading/unloading facilities and traffic management measures at Tung Kin Road for the proposed development to the satisfaction of the Commissioner of Transport or of the Town Planning Board.

Advisory Clauses

- 12.3 The recommended advisory clauses are attached at **Appendix IV**.
- 12.4 Alternatively, should the Committee decide to reject the application, the following

reasons for rejection is suggested for Member's reference:

- the applicant fails to demonstrate that the proposed development would not have adverse visual impact from the Old Lei Yue Mun Barracks.

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 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.
- 13.3 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.

14. **Attachments**

Appendix I	Applicant's letter and application form received on 28.8.2019
Appendix Ia	Supporting Planning Statement received on 28.8.2019
Appendix Ib	FI-1 received on 11.10.2019
Appendix Ic	FI-2 received on 9.12.2019
Appendix Id	FI-3 received on 27.4.2020
Appendix Ie	FI-4 received on 5.6.2020
Appendix If	FI-5 received on 26.7.2020
Appendix Ig	FI-6 received on 4.9.2020
Appendix Ih	FI-7 received on 19.10.2020
Appendix Ii	Consolidated submission received on 7.12.2020
Appendix II	Similar applications relating to the policy
Appendix III	Public comments received during the statutory publication periods (CD-Rom)
Appendix IV	Recommended advisory clauses
Drawings A-1 to A-6	Floor plans submitted by the applicant
Drawing A-7	Diagrammatic section submitted by the applicant
Drawing A-8	Rendering Images submitted by the applicant
Drawings A-9 to A-15	Photomontage submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos
Plan A-5	Height of existing buildings in A Kung Ngam Industrial Area