

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K11/235

- Applicant** : Broad Reach Company Limited represented by Kenneth To & Associates Limited
- Site** : No. 21 Luk Hop Street, San Po Kong, Kowloon
- Site Area** : 776.1m²
- Lease** : New Kowloon Inland Lot No.4873 (“the Lot”)
(a) Restricted for industrial purposes excluding any offensive trades
(b) No part of any structure shall exceed a height of 300ft above Principal Datum (i.e. about 91.44mPD)
- Plan** : Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 120 meters above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater
(b) A minimum of 1.5m wide “non-building area” (“NBA”) from the lot boundary abutting Luk Hop Street shall be provided within this zone
(c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR/BH restrictions stated in the Notes of the OZP may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance (the Ordinance)
- Application** : Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Non-Polluting Industrial Use (excluding industrial undertakings involving the use/storage of dangerous goods)

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) for a proposed development at 21 Luk Hop Street (the Site) (**Plan A-1**) for permitted non-polluting industrial use (excluding industrial undertakings involving the use/storage of dangerous goods).

- 1.2 The Site is zoned “OU(B)” on the approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/29 (**Plan A-1**). The Site was previously occupied by a 14-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1], which has been demolished. The Proposed Scheme is for development of a 22-storey IB^[2] for ‘Non-Polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ that is always permitted, under Schedule II for industrial or industrial office (I-O) buildings of the Notes for “OU(B)” zone.
- 1.3 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in line with Government’s Policy on revitalising industrial buildings to incentivise redevelopment of pre-1987 IBs by allowing the relaxation of the maximum permissible non-domestic PR by up to 20% for sites located outside “Residential” zones (see paragraph 3.1 below for details).
- 1.4 The proposed development has incorporated 3.4m-wide building setback from the lot boundary abutting Luk Hop Street (**Drawing A-1**) which is more than the 1.5m-wide NBA requirements as shown on the Notes of the OZP.
- 1.5 Regarding the vehicular access of the proposed development, vehicles could access the Site from the service lane via Sze Mei Street and leave the Site to the service lane via Tai Yau Street (**Plan A-2**).
- 1.6 Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 776.1m ²
Proposed Use	Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)
Plot Ratio	14.4
Gross Floor Area (Non-Domestic)	About 11,175.84m ²
Site Coverage	65% – 92%
Building Height (at upper roof level)	About 91.44mPD
No. of Block	1
No. of Storeys	22 (including the roof level)
Parking Spaces	
• Private Car	19 [^]
• Motorcycle	2
Loading/Unloading (L/UL) area for Light Goods Van (LGV)	2

[1] The site was previously occupied by a 14-storey industrial building with an occupation permit issued on 1.12.1970.

[2] The anticipated completion year is 2023.

Major Development Parameters	Proposed Scheme
Building Setback • From the lot boundary abutting Luk Hop Street	3.4m in width
Total Greenery Ratio	35.8%

[^ 19 private parking spaces including 1 accessible parking space and 12 spaces provided in double-deck parking spaces.]

1.7 Floor plans and schematic section for the Proposed Scheme submitted by the applicant are shown on **Drawings A-1 to A-16**.

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

(a) Application form received on 8.8.2019 **(Appendix I)**

(b) Supporting Planning Statement received on 8.8.2019 **(Appendix Ia)**

(c) Replacement page of Supporting Planning Statement for schematic section received on 8.8.2019 **(Appendix Ib)**

(d) First Further Information (FI) vide letter received on 26.9.2019 providing the response to departmental comments, revised landscape proposal, updated Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), and New Air Quality Impact Assessment(AQIA) **(Appendix Ic)**

[Accepted but not exempted from publication and recounting requirements]

(e) Second FI vide letter received on 31.10.2019 providing the response to departmental comments, revised TIA, Greenery Calculation Plan, Ground Floor Plan, Conceptual Landscape Drawings, as well as replacement pages to the AQIA **(Appendix Id)**

[Accepted but not exempted from publication and recounting requirements]

2. Justifications from the Applicant

2.1 The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia to Id**. They are summarized as follows:

Response to the 2018 Policy Address on Revitalisation Scheme for IBs

(a) The proposed minor relaxation of PR restriction of the Site by 20% is in line with Government's Policy to optimise the use of vacant or underutilised industrial buildings in a more efficient way and provide more floor area to meet Hong Kong's changing economic and social needs. The latest policy direction is to encourage landlords to redevelop industrial building by relaxing the maximum permissible PR by up to 20% in accordance with the Policy Address 2018.

Response to the Projected Shortfall of Industrial Floor Space in “2030+” Study

- (b) According to one of the Topical Paper^[3] of “2030+” Study, there would be a deficit of land area and floor space for industries in short term, medium term and long term. The Site was left vacant for years and it shall be considered as under-utilized site. The proposed new industrial building for non-polluting industrial use with minor relaxation of 20% PR addresses the projection in “2030+” Study by providing additional industrial floor space to cater for the short term demand.

In line with Planning Intention and Facilitate Transformation of San Po Kong Area

- (c) The proposed Scheme is in line with the planning intention of “OU(B)” zone to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses.
- (d) The proposed redevelopment would provide additional non-polluting industrial floor space and up-to-standard fire safety installations, which promptly respond to the latest trend of non-polluting industries development and also synergise the transformation of the San Po Kong Business Area.

Considering as Minor and Acceptable Relaxation

- (e) The relaxation of PR being sought is considered as minor in nature and deemed acceptable. The proposed BH (i.e. 91.44mPD) is far below the BHR of 120mPD as stipulated on the OZP, and will be in harmony with the surrounding area and will help create variation of building height profile upon the redevelopment of surrounding buildings.

Enhancing Streetscape Environment

- (f) The proposed development would provide about 3.4m building setback along Luk Hop Street, which is more than the 1.5m-wide NBA requirement as stipulated on the Notes of the OZP. With the proposed 3.4m setback, an open-air space will be created with the provision of landscape planters for tree and shrub plantings. The open-air space would help enhance visual and air permeability of the local environment and the walking environment of pedestrians, and also facilitating future possible road improvement works.

Adequate Provision of Internal Transport Facilities

- (g) The Site is already in construction stage with foundation works completed and pile cap works completed up to level +5.1mPD. Therefore, it is not feasible to construct basement for the provision of internal parking facilities. To achieve the high-end car parking spaces provision as required under the Hong Kong Planning Standards and Guidelines, some double-deck carpark will be provided at G/F to fulfil the required provisions (i.e. 19 nos. of car parking spaces).
- (h) As the Site is constrained by its size and building structures including columns and lift core, it is not feasible to provide sufficient manoeuvring space for 5m or longer

[3] Topical Paper (9a) – “Consolidated Land Use Requirements and Supply Analysis in “2030+ “ Study” (conducted in October 2019)

vehicles accessing to/from the Site. Two L/UL bays for LGVs will be provided at the service lane to cater for L/UL activities without affecting the traffic on public road. During the construction of the proposed development, the existing on-street L/UL spaces along Luk Hop Street will serve as short term L/UL spaces.

Compliance with Sustainable Building Design Guideline (SBDG)

- (i) As the site is less than 20,000m², and the proposed development does not have a continuous projected facade length of 60m or above, no building separation requirement at both low and high zones is required under SBDG.
- (j) The subject site is less than 1,000m², thus the greenery compliance under SBDG is not required. Nevertheless, a total greenery ratio of about 35.8% (i.e. greenery area of about 278m²) has been provided at the G/F planter, vertical green wall, planter at each floors and green roof at R/F (**Drawings A-1 & A-16**).
- (k) Under the proposed scheme, no part of the building will be within 7.5m from the centreline of Luk Hop Street for maintaining the ventilation corridors (**Drawing A-1**). Thus, the building setback requirement under SBDG has been complied with.

Consideration of Green Building Design

- (l) Based on the set of approved General Building Plans for an industrial building with PR of 12 on the Site, the proposed building has obtained BEAM+ Gold Rating, LEED Gold Rating and WELL Gold Rating which recognized the applicant's commitment to provide green building design (See page 18 of **Appendix Ic**). Details of the green building measures for the proposed development at 14.4 PR will be further considered at the detailed building design stage.

No Adverse Impact

- (m) Various technical assessments (i.e. TIA, SIA and AQIA) as well as clarifications and responses to departmental comments submitted at **Appendices Ia-Id** have demonstrated that the Proposed Scheme would not generate any adverse impact on traffic, sewerage and air quality aspects.

3. Background on the Policy Initiatives of Revitalisation of IBs

3.1 As set out in the Policy Address 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 1987^[4], 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 "Residential" zones in Main Urban Areas and New Towns into industrial/commercial uses. The relaxation of PR is subject to approval by TPB on a case-by-case basis and the maximum non-domestic PR permissible under the

[4] Eligible pre-1987 IBs refer to those were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans first submitted to the BA for approval on or before the same date.

B(P)R^[5]. TPB 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.

- 3.2 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.

4. 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.

5. Previous Application

- 5.1 The application site was the subject of one previous planning application (No. A/K11/154) submitted by Head Step Limited & Broad Reach Company Limited (**Plan A-1**). The application was for proposed hotel use at Nos. 15-21 Luk Hop Street, and was approved with conditions by the TPB on 13.2.2004. However, only a portion of the site at 15-19 Luk Hop Street⁶ was developed for the proposed hotel use under a subsequent Application No. A/K11/163 approved with conditions by the TPB on 13.8.2004.

6. Similar Applications

- 6.1 Since March 2019, the Committee has considered ten minor relaxation applications in the Metro Area relating to the Policy Initiatives of Revitalisation of IBs. Five of the applications in San Po Kong, Hung Hom, Kwai Chung and Tsuen Wan involved relaxation of PR only whilst the other five in Kwun Tong Business Area involved minor relaxation of both PR and BH (see **Appendix II** for details). For the five applications that only involved minor relaxation of PR, all (A/K9/274, A/K11/233, A/KC/460, A/KC/464 and A/TW/505) were approved with conditions. For the five applications involving both minor relaxation of PR and BH, three were approved with conditions (A/K14/763, 766 and 771), one was rejected (A/K14/764) and one was deferred (A/K14/773) by the Committee. Applications No. A/K14/764 and 771 involved the same site.
- 6.2 On minor relaxation of PR restriction aspect, all but one of the applications proposed minor relaxation of PR of 20% which is the maximum relaxation promulgated under the Policy, and one application involved minor relaxation of PR

[5] Under the new policy, any bonus floor area claimed under section 22(1) or (2) of the B(P)R is not to be counted towards the proposed increase of non-domestic PR by 20% for redevelopment projects.

[6] Due to the commercial consideration, the developer of 15-19 Luk Hop Street decided to pursue hotel development independently within their own landholding instead of a joint venture development with the applicant’s site.

of 6.52% (A/K9/274). The Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs. The Committee had no objection to eight Applications A/K9/274, A/K11/233, A/KC/460 and 464, A/TW/505, A/K14/763, 766 and 771 regarding the minor relaxation of PR being applied for, noting that the applicants had provided technical assessments to support the technical feasibility of their proposal and there was no adverse comment from relevant government departments. On the other hand, Application No. A/K14/764 was rejected considering that there was insufficient planning and design merits to support the proposed relaxation of BHR from 100mPD to 130.2mPD, approval would create undesirable precedent that will lead to cumulative visual impacts in the area. Besides, the Committee deferred decision on A/K14/773 on 18.10.2019, which falls within “OU(B)” zone on the Approved Kwun Tong (South) OZP No. S/K14S/22, pending submission of FI from the applicant to address Members’ concern on the proposed design merits and further explain the planning merits for the proposed relaxation of BH as well as concern on the enhancement of the pedestrian environment .

- 6.3 Two other applications including one in Kwun Tong (No. A/K14/774) and one in Tsuen Wan (No. A/TW/509) for minor relaxation of PR restriction are scheduled for consideration at the same meeting.

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-2 and photos on Plans A-3 to A-4)

7.1 The Site:

- (a) is bounded by Luk Hop Street to its southwest, a back alley to its northeast, and adjoining hotel, namely Pentahotel Hong Kong Kowloon to its northwest, and an IB, namely Max Trade Centre to its southeast (**Plan A-2**);
- (b) was previously occupied by a 14-storey IB built in 1970, which has been demolished, and was left vacant until 2017. General Building Plans for a new industrial building was first approved on 27.5.2017, and construction works^[7] were then started; (**Plans A-3 to A-4**); and
- (c) is well served by various public transport services including franchised buses and minibuses as well as mass transit railway (MTR). The MTR Diamond Hill Station is located at about 350m to the north of the Site (**Plan A-1**).

7.2 The surrounding areas have the following characteristics (**Plans A-1 to A-4**):

- (a) the surrounding area is predominantly occupied by a mix of industrial, industrial-office (I-O) and commercial buildings which fall within “OU(B)” zone;
- (b) to the immediate northeast across the existing back alley is Van Fat Factory Building, which is an IB of 4 storeys built in 1965. To its immediate

[7] According to the applicant, the foundation works were already completed in end of 2018 and pile cap works up to level at 5.1 mPD were also completed.

northwest is Pentahotel Hong Kong Kowloon, which is a hotel of 34 storeys built in 2012;

- (c) to its immediate southeast is Max Trade Centre, which is an IB of 26 storeys built in 1997. To the immediate southwest across Luk Hop Street is Luk Hop Industrial Building, which is an IB of 25 storeys built in 1982;
- (d) to the further southeast at the junction of Tsat Po Street and Luk Hop Street are Kai Tak East Playground and Sports Centre which are proposed to be rearranged as an integrated open space/sports centre/underground public vehicle park project with about 300 public parking spaces^[8]; and
- (e) as the traditional industrial uses in San Po Kong Business Area are undergoing transformation to non-polluting business uses, new commercial, office and hotel developments have emerged in the vicinity of the Site.

8. Planning Intention

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.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Policy Perspective

9.1.1 Comments of the Secretary for Development, Development Bureau (SDEV, DEVB):

- (a) It is Government’s policy to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. In this light, he gives policy support to this application in principle from policy angle subject to its compliance with relevant requirements under the new revitalisation scheme and departments’ assessment of technical feasibility and planning parameters. DEVB accepted that the landowner of a site which was occupied by a Pre-1987 IB immediately before its present vacancy, is eligible for applying for the PR relaxation. DEVB noted that the construction works have started at the Site but considered that the eligibility of the applicant for the aforesaid relaxation would not be affected.

[8] The project is a EKEO’s initiative and requires amendments to the OZP.

Land Administration

- 9.1.2 Comments of the District Lands Officer/Kowloon East (DLO/KE), LandsD and Chief Estate Surveyor/Development Control (CES/DC), LandsD:

General Comments

- (a) “Non-polluting industrial use” in planning terms may constitute uses in breach of the lease conditions. If the proposed industrial development is intended to be used for “non-polluting industrial uses” that are in breach of the lease conditions, the lot owner shall need to apply to LandsD for a lease modification. The proposal will only be considered upon their receipt of formal application from the lot owner. There is no guarantee that the application, if received by LandsD, will be approved and she reserve her comment on such. The application will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the LandsD shall deem fit to do so, including, among others, payment of full premium and administrative fee.
- (b) Among other conditions under the 2018 IB revitalisation measure, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the Board’s approval letter and the proposed redevelopment shall be completed within 5 years from the date of execution of the lease modification letter/conditions of land exchange.

Specific Comments of DLO/KE, LandsD:

- (c) No objection to the application.
- (d) The Site is held under NKIL No.4873 (“the Lot”) and governed by the Conditions of Sale dated 18.7.1964, which contains the following salient restrictions:
- (i) the Purchaser shall not at any time partition the lot, without the prior consent in writing of the Director of Public Works;
 - (ii) the lot shall be used for industrial purposes excluding any offensive, noxious, noisome or unhealthy trade, business or manufacture;
 - (iii) no building or support for any building shall be erected at ground floor level on the area coloured red hatched black^[9] (**Drawing A-11**). The whole of this area at ground floor level shall be used for the parking, loading and unloading of motor vehicles and for no other purpose;

[9] The Applicant demonstrated that clear headroom of 15ft has been provided within the Red Hatched Black Area in the **Appendix Ic** and extracted figure could be found in **Drawing A-11**.

- (iv) buildings at first floor level and above may however be erected over the areas of red hatched black, provided that there is a clear space extending upwards from the ground level to a height of 15 feet (i.e. 4.572m); and
 - (v) no part of any structure shall exceed a height of 300ft above Colony principal datum (i.e. 91.44mPD).
- (e) The current proposal is to redevelop the Site to a 22-storey industrial building with PR 14.4. There is no PR/GFA restriction under lease and the proposed building height of about 91.44mPD (at upper roof level) is not in contravention to the permitted building height under SC(10). DLO/KE noted that the Applicant demonstrated clear headroom of 15ft has been provided within the Red Hatched Black Area (**Drawing A-11**), but reserved comments on the headroom clearance of the Red Hatched Black Area of the lot at the building plan submission stage.
- (f) As to the site area, it is advised that according to the applicant's land surveying exercise, there is a slight discrepancy between the subject lot boundary and the physical setting out of the adjacent development. The applicant is prepared to carve out a small portion of the Lot (about 4.3 m²) to rectify the situation. The said carving out proposal for approval under lease has been received, and, is now being processed. However, there is no guarantee that such application shall be approved.

Building Matters

- 9.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD)
- (a) Building plans for an industrial building was first approved on 27.5.2017, and an amendment plan was approved on 30.8.2019.
 - (b) The proposed site coverage would exceed the permitted site coverage under the Schedule I of Building (Planning) Regulations. Modification for permitting the proposed site coverage to exceed the permitted site coverage may be accepted subject to the compliance with the requirements stipulated in PNAP APP-132.

Traffic

- 9.1.4 Comments of the Commissioner for Transport (C for T):
- (a) C for T have no comments on the proposed run-in/out location, car parking space and loading/unloading provision in view of the site constraints and also the swept path analysis previously

provided in the building plans submission. C for T also noted that the setback at Luk Hop Street fulfilled the minimum NBA requirement in OZP and have no comments to the setback provided that the applicant will take up the management and maintenance responsibility of the area including the proposed plants and planters.

- (b) Having reviewed the TIA at **Appendices Ia, Ic and Id**, he has no in-principle objection to the application from traffic engineering point of view, but suggests that should the application be approved by the Board, approval conditions should be imposed for the submission of revised TIA and implementation of mitigation measures, if any, identified in the TIA, and the provision of parking facilities, L/UL spaces and vehicular access.

Environment

9.1.5 Comments of the Director of Environment Protection (DEP):

EPD has no objection to the application and have no further comments on the responses to comments and the replacements pages for the AQIA (**Appendix Id**) from the environmental perspective. Notwithstanding that, it is suggested to address the noise issues in a new separate Annex rather than mentioning the above in the AQIA for future submissions.

Sewerage and Drainage Aspects

9.1.6 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD), and Comments of the Director of Environment Protection (DEP):

Having reviewed the SIA at **Appendices Ia, Ic and Id**, DSD and EPD have no in-principle objection to the application, but suggest that should the application be approved by the Board, approval conditions should be imposed for the submission of updated SIA and implementation of the local sewerage upgrading/sewerage connection works, if any, identified in the updated SIA.

Urban Design, Visual and Landscape Aspects

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

- (a) The subject site with an area of about 760m² is located in the middle of the San Po Kong Business Area, and falls within the “OU(B)” zone prescribed with a maximum PR of 12 and BH of 120mPD. The immediate surrounding is mainly characterised by existing mid-rise buildings. To the Site’s adjoining west, is a

34-storey hotel (about 120mPD). The application is for minor relaxation of PR restriction to 14.4 for the proposed industrial building development. The building height of the proposed development will be at 91.44mPD that is below the permissible maximum BH. Given the site context, accommodation of the proposed development involving an increase in PR will unlikely have any adverse effects on the intended scale and visual character of the area.

- (b) According to the proposal, in addition to the 1.5m NBA, the proposed building will be further receded from the street frontage to achieve a total setback of 3.4m from the site boundary fronting Luk Hop Street.
- (c) The applicant presented a number of design merits with artist's rendering, including the setback area of 3.4m along Luk Hop Street with landscape treatment, planter/flower box on almost every floors, a boundary green wall at the south-eastern edge of the site perpendicular to Luk Hop Street.
- (d) The application of such landscape features together with the façade articulation may help to soften the development edge and enhance the street environment. Although technically speaking, incorporation of the above design measures do not necessarily require additional PR, they still represent the applicant's efforts in enhancing the building design for a relatively small site of about 776m².
- (e) It is noted that landscape treatment is proposed on G/F in the 3.4m-wide setback area abutting Luk Hop Street with tree and shrub plantings and vertical green wall. Besides, it is noted that "Window Flower Boxes" on the upper levels are proposed.
- (f) Should the application be approved by the TPB, approval condition regarding the submission and implementation of landscape proposal is recommended to be included in the planning permission.

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

It is noted that the proposed development with a BH of 91.44mPD complies with the BHR of 120mPD and may not be incompatible with adjacent developments with BHR of 120mPD. There is no comment from architectural and visual impact point of view.

Pedestrian Accessibility, Walkability and Streetscape

9.1.9 Comments of the Head of Energizing Kowloon East Office (Head of EKEO), DEVB:

- (a) From the perspective of enhancing the pedestrian environment

and walkability as advocated by this Office, it is noted that the applicant has proposed to setback the building for about 3.4m along Luk Hop Street and provide tree and shrub planting. The proposed setback complies with the requirement (i.e. 1.5m non-building area (NBA) from the lot boundary) as set out in the OZP and contributes to enhancing the pedestrian environment along Luk Hop Street.

- (b) The Site is adjoining an existing hotel. While redevelopment of the site into an industrial building for non-polluting industrial use is permitted under the “OU(B)” zone, inclusion of commercial uses, especially on the lower floors, would create greater synergy effect and bring more vibrancy to the neighbourhood which is under transformation into a business area. The applicant could consider such approach despite lease modification may be involved.

9.2 The following Government departments have no objection to/no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/Kowloon, Highway Department;
- (c) Commissioner of Police;
- (d) Director of Electrical & Mechanical Services Department;
- (e) Director of Fire Services; and
- (f) District Officer (Wong Tai Sin), Home Affairs Department.

10. Public Comments Received During Statutory Publication Periods

- 10.1 The application and FIs (**Appendices Ic-Id**) were published for public inspection on 16.8.2019, 4.10.2019 and 12.11.2019 respectively. Within the three statutory public inspection periods, a total of seven public comments were received, including one from the chairman of Galaxy Factory Building Owners' Corporation^[10] (**Appendix IIIa**), one from Incorporated Owners of Lee King Industrial Building (**Appendix IIIb**), two from Lead On Industrial Building Management Office (**Appendices IIIc & IIId**), and three from the same individual (**Appendices IIIe, IIIf and IIIg**).
- 10.2 Lead On Industrial Building Management Office showed its support to the proposed development. They suggested to provide more public car parking spaces and provide public vehicle park underneath the sports ground at San Po Kong in order to mitigate the deficit of local parking space.
- 10.3 The other five comments objected to the proposed development. The chairman of Galaxy Factory Building Owners' Corporation raised objection mainly on the grounds that the increase in PR of proposed building would increase the pedestrian flow and worsen the traffic condition of the area. Incorporated Owners of Lee King Industrial Building raised objection on the grounds that the proposed development would block their view. The individual raised concern on

[10] See **Plan A-2** for the location of the respective buildings of the surrounding area.

the usefulness of the proposed setback from Luk Hop Street as there was no setback in adjoining buildings. She also raised concern on the heat reflection of the curtain wall facades as well as the implementation and maintenance of the proposed green measures (e.g. green wall which was difficult and expensive to maintain).

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for minor relaxation of PR from 12.0 to 14.4 (+20%) for a proposed development at the Site, zoned “OU(B)” (Plan A-1), into a 22-storey IB development. The proposed development will comprise ‘Non-Polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ which is always permitted under Schedule II of the Notes for IBs in the “OU(B)” zone. The proposed uses are in line with the planning intention of the “OU(B)” zone and the transformation taking place in SPKBA. The proposed BH of 91.44mPD complies with the BHR of 120mPD under the OZP.

Policy Aspect

- 11.2 Under Government’s new policy on revitalising IBs, the landowner of a site which was occupied by a pre-1987 IB immediately before its present vacancy is eligible for applying the aforesaid PR relaxation. The site was previously occupied by a 14-storey industrial building (with an OP issued on 1.12.1970). DEVB gives policy support to the application to help address the increasing long-run shortfall of industrial floor space in Hong Kong.

Technical Aspects

- 11.3 The proposed minor relaxation of PR generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed scheme. To support the application, the revised TIA (**Appendix Id**) demonstrates that traffic impacts associated with the proposed redevelopment would be minimal and would have no adverse impacts on the surrounding road network. C for T has no in-principle objection to the application, but suggests two approval conditions for submission of a revised TIA and implementation of the mitigation measures, if any, identified in the revised TIA, as well as provision of parking facilities, loading/unloading spaces and vehicular access, be imposed as set out in paragraphs 12.2(a) and (b) below. Regarding the SIA, EPD and DSD have no objection to the application and no adverse comments on the assessment, but suggest that approval condition for the submission of updated SIA and implementation of the local sewerage upgrading/sewerage connection works, if any, identified in the updated SIA, be imposed as set out in paragraphs 12.2(c) and (d) below. For the air quality aspects, EPD has no objection to the application and no adverse comments on the AQIA.

Setback Requirement

- 11.4 In accordance with paragraph 8.6.6 of the Explanatory Statement of the OZP, a minimum of 1.5m-wide NBA from the lot boundary abutting Luk Hop Street

should be provided. In addition to the 1.5m NBA requirement, the applicant proposed to further recess the building from the street frontage to achieve a total setback of 3.4m from the lot boundary fronting Luk Hop Street featured with landscape planters (**Drawings A-12 to A-14**). The total setback of 3.4m together with the landscape treatment could enhance the pedestrian environment along Luk Hop Street, improve the wind environment within SPKBA and enhance the overall streetscape.

Green Building and Design Merit

- 11.5 On the sustainability building design aspect, the applicant indicated that both building separation and greenery requirements in the SBDG are not applicable to the Site while the building setback requirement in SBDG has been complied with. Nevertheless, the Proposed Scheme adopts various design elements, such as planter at G/F, vertical green wall, planter at 6/F and green roof at R/F achieving a total greenery ratio of about 35.8% (**Drawings A-13 to A-16**), that would enhance the environmental quality of the urban environment. CTP/UD&L has no adverse comment on the application and suggested an approval condition for the submission and implementation of landscape proposal as set out in paragraph 12.2(e) below.
- 11.6 Regarding green building design, the Applicant indicated that based on the set of approved general building plans for an industrial building with PR of 12 on the Site, the proposed building has obtained BEAM+ Gold Rating, LEED Gold Rating and WELL Gold Rating which recognized the applicant's commitment to provide green building design. The green building design for the 14.4 PR scheme will be further considered at detailed building design stage.

Others

- 11.7 Regarding the public concerns on the proposed green measures and setback as well as the potential adverse visual and traffic impacts, the planning assessments in paragraphs 11.3 to 11.5 and departmental comments in paragraph 9 above are relevant.

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, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide 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 13.12.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval condition

- (a) the submission of a revised traffic impact assessment, and implementation of the mitigation measures, if any, identified therein, to

the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (b) the provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of an updated sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated sewerage impact assessment for the proposed development in condition (c) to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

12.3 There is no strong planning reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or to 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	Application form received on 8.8.2019
Appendix Ia	Supporting Planning Statement received on 8.8.2019
Appendix Ib	Replacement page of Supporting Planning Statement for schematic section received on 8.8.2019
Appendix Ic	First Further Information (FI) vide letter received on 26.9.2019
Appendix Id	Second FI vide letter received on 31.10.2019
Appendix II	Similar applications
Appendices IIIa-IIIg	Public comments received during the statutory publication periods
Appendix IV	Recommended advisory clauses

Drawings A-1 to A-16	Proposed floor plans, schematic section and landscaping proposal submitted by the applicant
Plan A-1	Location Plan on OZP
Plan A-2	Site Plan
Plans A-3 to A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2019**