

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K14/763**

- Applicant** : Charm Step Development Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 350 Kwun Tong Road, Kwun Tong, Kowloon
- Site Area** : 1,782m<sup>2</sup>
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 531 (the Lot)  
(b) Restricted for industrial and/or godown purposes excluding any offensive trades  
(c) Maximum height of any structure on the Lot shall not exceed 170ft above Principal Datum  
(d) The ground floor of the 10ft wide strip of the Lot abutting Hang Yip Street shall be used for parking and loading and unloading (L/UL) of motor vehicles only. Building may however be erected over the area provided that there is a vertical clearance of 15ft from the ground floor  
(e) No vehicular access to or from Lai Yip Street and Kwun Tong Road
- Plan** : Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/22
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
- (a) Maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 100 meters above Principal Datum (mPD), 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/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 PR and BH Restrictions for Permitted Office, Shop and Services & Eating Place Uses

**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%) as well as an increase in BH restriction (BHR) from 100mPD to 125.9mPD (i.e. +25.9m or +25.9%) for a proposed redevelopment (the Proposed Scheme) at 350 Kwun Tong Road (the Site), which is zoned “OU(B)” on

the approved Kwun Tong (South) OZP No. S/K14S/22 (**Plan A-1**). The Proposed Scheme is for redevelopment of the existing 8-storey industrial building (IB) into a 33-storey (including 4 basement levels) commercial building comprising ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses that are uses always permitted under Schedule I for non-IBs of the Notes for “OU(B)” zone.

- 1.2 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in echo of the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise redevelopment of IBs constructed before 1987 (pre-1987 IBs) by allowing the relaxation of the maximum permissible non-domestic PR by up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 3.1 below for details). The applicant also seeks minor relaxation of BH by 25.9%.
- 1.3 With reference to the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2<sup>[1]</sup> (**Plan A-2**), in order to provide proper pedestrian walkway along Hang Yip Street and widen the pedestrian pavements along Lai Yip Street, the Proposed Scheme has incorporated full-height building setbacks of 3m and 3.1m in width respectively from the lot boundary abutting the two streets (**Drawings A-1 to A-13**). These provisions are generally in accordance with the setback requirements under the said ODP.
- 1.4 Floor plans, diagrammatic section, stepped BH profile and photomontages submitted by the applicant are shown at **Drawings A-1 to A-19**. Major development parameters of the Proposed Scheme (**Appendix Ia**) are as follows:

<b>Major Development Parameters</b>	<b>Proposed Scheme</b>
Site Area	About 1,782m <sup>2</sup>
Proposed Use	Office, Shop and Services, Eating Place & refuge floor cum communal sky garden (communal sky garden)
PR	14.4
Gross Floor Area (GFA) <sup>(*)</sup> (#)	25,658m <sup>2</sup>
• Office	22,058m <sup>2</sup>
• Shop and Services/Eating Place	3,600m <sup>2</sup>
BH (at main roof level)	125.9mPD
Maximum Site Coverage (SC)	
• Podium (below 15m)	About 80.0%
• Typical floors	About 54%
No. of Block	1

<sup>[1]</sup> ODPs are departmental plans used administratively within Government to guide development. Although these plans carry no statutory effect, they are binding on all government departments and are used as a basis for works including formulation/modification of lease conditions. The full-height setback requirements along public roads with various widths as stipulated on the ODP are intended for footpath/carriageway widening and amenity/streetscape enhancement. The setback areas are required to be surrendered to the Government upon demand, hence no above- and underground structures are allowed for traffic management and maintenance considerations.

<b>Major Development Parameters</b>	<b>Proposed Scheme</b>
No. of Storeys	33
<ul style="list-style-type: none"> <li>• Aboveground</li> <li>• Basement</li> </ul>	<p style="text-align: center;">29</p> <p style="text-align: center;">4</p>
Greenery Provision	About 357m <sup>2</sup>
Parking Spaces and L/UL Bays	172
<ul style="list-style-type: none"> <li>• Private Car</li> <li>• Motorcycle</li> <li>• Heavy Goods Vehicle (HGV) <sup>(^)</sup></li> <li>• Light Goods Vehicle (LGV) <sup>(^)</sup></li> </ul>	<p style="text-align: center;">146 (Incl. 2 accessible parking spaces)</p> <p style="text-align: center;">15</p> <p style="text-align: center;">3</p> <p style="text-align: center;">14</p>
Setbacks <sup>(@)</sup>	
<ul style="list-style-type: none"> <li>• Hang Yip Street</li> <li>• Lai Yip Street</li> </ul>	<p style="text-align: center;">3m full-height</p> <p style="text-align: center;">3.1m full-height</p>
Anticipated Completion	2021

Note:

(\*) Figure provided excludes the GFA for the communal sky garden that may be exempted upon Building Authority (BA)'s approval under the Buildings Ordinance (BO).

(#) The bonus PR that may be approved by the BA under Building (Planning) Regulations (B(P)R) 22(1) or (2) for the setback areas to be surrendered to the government have not be reflected in the above.

(^) Also serve as L/UL bays.

(@) Full height building setbacks of 3m along the concerned sections of Hang Yip Street and Lai Yip Street are required for the subject site under the ODP.

1.5 The main uses by floor of the proposed development and the floor-to-floor height under the Proposed Scheme (**Appendix Ia** and **Drawing A-12**) are summarized as follows:

<b>Floor</b>	<b>Main Uses</b>	<b>Floor Height (m)</b>
B4/F - B1/F	Carpark	3.1 to 5.75 (varies)
G/F	HGV/LGV Parking or L/UL, Shop and Services/Eating Place	5.9
1/F	Office Entrance, Shop and Services/Eating Place	5
2/F	Shop and Services/Eating Place	4.5
3/F	Flat Roof, Shop and Services/Eating Place	4
5/F - 16/F	Office (omitted 4/F, 13/F & 14/F)	4
17/F	Communal sky garden	5.9
18/F - 32/F	Office (omitted 24/F)	4

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

(a) Application form received on 21.11.2018

**(Appendix I)**

- (b) Supporting Planning Statement received on 21.11.2018 (Appendix Ia)
- (c) Further information (FI) vide letter received on 29.11.2018 providing new Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA), Sewerage Impact Assessment (SIA) and Landscape Proposal (LP) (Appendix Ib)
- (d) Second FI vide letter received on 8.1.2019 providing revised TIA, VIA, SIA and responses to departmental comments (Appendix Ic)
- (e) Third FI vide letter received on 11.2.2019 responding to departmental comments and enclosing revised TIA and VIA (Appendix Id)  
*[All FIs were accepted but not exempted from publication and recounting requirements]*

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in Section 5 of the Supporting Planning Statement at **Appendix Ia**, the TIA, VIA, SIA and LP at **Appendix Ib** and the FIs at **Appendices Ic** and **Id**, and summarized as follows:

### Response to the PA 2018 on Revitalisation Scheme for IBs

- (a) The proposed minor relaxation of PR restriction of the Site by 20% is an immediate response to the PA 2018 which encourages owners to redevelop pre-1987 IBs for providing more floor area to meet the social and economic needs, and making better use of valuable land resources.

### Minimized Increase in BH and Compatible with Stepped BH Profile in the Area

- (b) Efforts have been made in minimizing the proposed increase in BH as far as possible. Despite the current standard floor height for a Grade A office building is 4.5m, the Proposed Scheme has adopted a lower floor-to-floor height of 4m (**Drawing A-12**) for the Office floors so as to minimize the overall BH while satisfying the operational needs of a Grade A office development. The proposed communal sky garden combines the green features with the refuge floor with floor height of 5.9m. It is at the minimal level for which 4.5m clear height fulfils the minimum requirement as set out in JPN No. 2 while the additional 1.4m floor height is for the provision of mechanical and electrical services and structural members. A communal sky garden with the same floor height was approved under the previous application No. A/K14/757 for minor relaxation of BHR (from 100mPD to 105.9mPD, +5.9%) of a proposed 26-storey (including 2 basement levels) commercial building with the same uses as the current submission.
- (c) The proposed increase of BH to 125.9mPD is still compatible with and would preserve the planned stepped BH profile at the Site and its surrounding area (**Drawing A-13**).

### Fulfilling Criteria for Minor Relaxation of BHR

- (d) According to the Explanatory Statement (ES) of the OZP, a minor relaxation clause in respect of the BHR is incorporated into the Notes in order to provide incentive for development/redevelopments with design merits/planning gains. The

Proposed Scheme fulfils three out of the six criteria for consideration of such relaxation, including providing better streetscape/good quality street level public urban space; providing separation between buildings to enhance air ventilation and visual permeability; and innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality.

#### Visual Permeability and Social Benefits

- (e) The communal sky garden would enhance the visual quality, natural ventilation and social benefit for users of the proposed development. VIA/photomontages showing the proposed development and LP (Appendices B & D of **Appendix Ib**, **Appendices Ic** and **Id**, and **Drawings A-14** to **A-28**) show general enhancement of the visual quality by increasing greenery, improving building permeability, offering visual interest to the cityscape and furnishing a less bulky presentation. It provides an overall greenery area of 357m<sup>2</sup> (about 20% of the site area and half of them are at primary zone) (**Drawing A-24**) and a landscaped area of 728.7m<sup>2</sup> on the communal sky garden on 17/F (**Drawing A-10**).
- (f) The indicative scheme has tried to minimize visual impact by maintaining a clean cylinder building form. The proposed BH of 125.9mPD would generally blend in well with the surrounding developments in achieving a stepped BH profile (**Drawing A-13**) and the planning merit brought by the communal sky garden would provide visual relief/enhancement to the surroundings.
- (g) Complemented with ample landscaping, a refreshing ambience will be created at the communal sky garden that provides tenants and their visitors with an alternative place for relaxation and social gathering.

#### No Adverse Impact on Local Infrastructures

- (h) SIA shows that the Proposed Scheme will not generate any adverse sewerage impact on the surrounding areas (**Appendices Ib** and **1c**). The TIA reveals that the additional increase in traffic arising from the minor relaxation of PR from 12 to 14.4 would be minimal with two-way traffic increases from 93 (75) pcu/hour to 111 (86) pcu/hour for the morning (evening) peak and concludes that the Proposed Scheme would not have adverse impact on the surrounding road network, and the critical junctions assessed would operate within capacities or more or less the same as the reference scenario (i.e. without the proposed development) (**Appendix Ib**, **Appendices Ic** and **Id**, and **Drawing A-29**).
- (i) The Proposed Scheme would have 4 basement carpark levels. With the limited site area and site constraint for deeper excavation for more basement carpark, the provision of parking and L/UL facilities are slightly below the high-end requirement under the Hong Kong Planning Standards and Guidelines (HKPSG)<sup>[2]</sup>.

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<sup>[2]</sup> According to the high-end parking provision under HKPSG, the requirements for PC and MC parking for the Proposed Development are 153 and 16 respectively; whereas the respective HGV and LGV parking and L/UL bays required are 5 and 12. In the Proposed Scheme, only 146 nos. PC parking spaces would be provided which is equivalent to about -5% of the high-end requirement and the applicant indicates that such flexibility is generally allowed under lease condition. As for the L/UL bay provision, 2 additional LGV L/UL bay (i.e. 14 in total) would be provided as compensatory spaces to the 2 nos. deficit of HGV L/UL bay (i.e. 3 nos.), with a total 17nos. L/UL bays would be provided.

### Realizing Setback Requirements

- (j) The setback requirements as stipulated on the extant ODP would be incorporated upon redevelopment of the Site. The Proposed Scheme would facilitate the realization of the planned building setbacks proposal and help create a pleasant streetscape and walking environment.

### In Line with Planning Intention and Facilitate Transformation of Kwun Tong Business Area (KTBA)

- (k) The Proposed Scheme is in line with the planning intention as set out in the OZP. The proposed uses would facilitate the phasing out of polluting industrial uses by replacing the deteriorating IB with a new commercial building of more desirable architectural design, thereby enhancing the urban quality of the Site and its surrounding area.
- (l) The Proposed Scheme is intended to establish a prominent retail and office venue at the Site that provides opportunity to diversify local job opportunities and assist local economic transformation. It would create a desirable precedent and spearhead redevelopment along Lai Yip Street, eventually enliven the largely industrial part at the heart of KTBA, and enable this area to create better synergy effects with the remaining parts of the KTBA and even Kowloon East.

## **3. Background**

### Policy Initiatives of Revitalisation of IBs

3.1 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 1987<sup>[3]</sup>, 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 relaxation of PR is subject to approval by TPB on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R<sup>[4],[5]</sup>. 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.

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<sup>[3]</sup> 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 building plans (BPs) first submitted to the BA for approval on or before the same date.

<sup>[4]</sup> The Site, abutting Kwun Tong Road, Lai Yip Street and Hang Yip Street, is a Class C site where the permissible PR under B(P)R is up to 15 and with a maximum SC of 65% for building height of 61m and over.

<sup>[5]</sup> 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.

- 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.

#### Imposition of BHRs for KTBA

- 3.3 The BHRs for KTBA were incorporated on the draft Kwun Tong (South) OZP No. S/K14S/11 on 25.2.2005 to preserve the views to the Kowloon Ridgelines from the vantage points recommended in the Urban Design Guidelines Study, taking into account the local area context and the need to maintain visually compatible building masses in the wider setting. Four height bands of 100mPD, 130mPD, 160mPD and 200mPD are imposed for the “Commercial (1)” (“C(1)”) and “OU(B)”/“OU(B)1” zones covering the commercial, business and industrial developments in KTBA that help achieve a stepped height profile for visual permeability, reduce the solidness of KTBA and maintain a more intertwined relationship with the Victoria Harbour edge. For the sites closer to the harbourfront, i.e. those to the south of Hung To Road (including the Site) and to the west of Lai Yip Street, a BHR of 100mPD is adopted, while higher BHRs from 130mPD to 200mPD are allowed for sites on the inland part of KTBA. The various BHR bands and heights of existing buildings in the “C(1)” and “OU(B)” sites are at **Plans A-3 and A-4**.

#### **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 Site is the subject of three previous applications (Nos. A/K14/120, A/K14/277 and A/K14/362) for a 27-storey I-O building, a 29-storey office/restaurant development and a 29-storey commercial/office (C/O) development respectively (with proposed BH of 107.2mPD (first case) or 118.8mPD (latter two cases) at main roof) when the Site was zoned “Industrial”. They were approved with conditions by the Metro Planning Committee (the Committee) on 7.1.1994, 14.3.1997 and 22.9.2000 respectively, all before the stipulation of BHRs for KTBA in 2005. These permissions have lapsed since the permitted developments were not commenced before the expiry of the validity periods.
- 5.2 The Site is also the subject of a previous application (No. A/K14/757) for minor relaxation of BHR (from 100mPD to 105.9mPD, +5.9%), to incorporate a 5.9m high communal sky garden on 12/F of a 24-storey development with the same use as the current submission above a 2-storey basement as submitted by the same applicant. It was approved with conditions by the Committee on 20.4.2018, and the main considerations were that the proposed communal sky garden would improve the visual quality, ventilation, building permeability and greening of the urban environment, and the proposed increase in BH by 5.9m was considered acceptable.

5.3 No application for minor relaxation of PR at the Site was received previously.

## 6. Similar Applications

### *Application for Minor Relaxation of PR Restriction*

6.1 There is no similar application for minor relaxation of PR in the “OU(B)” zone in KTBA and the adjoining Kowloon Bay Business Area. Another application (No. A/K14/764) for minor relaxation of PR restriction (and BHR) is scheduled for consideration by the Committee at the same meeting.

### *Application for Minor Relaxation of BHR*

6.2 There was a similar application (No. A/K14/470) for minor relaxation of BHR (from 160mPD to 187mPD, +27m) for a proposed office development in KTBA (**Plan A-1**), comprising twin towers of 40 and 43 storeys, both with a refuge floor, above a common 2-storey basement, and incorporating a bonus GFA of 3,279.9m<sup>2</sup> (equivalent to a bonus PR of 0.368) due to the surrender of part of the site for road widening. It was approved with conditions by the Committee on 13.5.2005 taking into account the fact that previous planning permission (No. A/K14/435) for a proposed office/hotel development up to a BH of 187mPD was granted by the Committee on 14.5.2004, prior to imposition of a BHR of 160mPD for that site on the OZP on 25.2.2005.

6.3 Another application (No. A/K14/764) for minor relaxation of BHR (and PR restriction) is scheduled for consideration by the Committee at the same meeting.

## 7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-5 and A-6)

7.1 The Site is:

- (a) occupied by a 8-storey IB, namely Maxwell Industrial Building, built in 1967 (**Plan A-5**);
- (b) bounded by Kwun Tong Road to its northeast, Lai Yip Street to its southeast and Hang Yip Street to its northwest, and adjoining an existing IB to its southwest, namely United Overseas Plaza (with BH of 47mPD) (**Plans A-3 to A-6**); and
- (c) at about 100m southwest of the MTR Ngau Tau Kok Station (**Plan A-1**).

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

- (a) the neighbouring buildings along Kwun Tong Road, Lai Yip Street and Hang Yip Street are mainly industrial or I-O buildings;
- (b) five existing C/O buildings and a hotel are found, namely, Tsui Wah Group Centre to the south at the corner of Lai Yip Street/Hung To Road (with BH of 26mPD), Mapletree Bay Point to the west across Hang Yip Street, C-Bons International Centre, MG Tower and Rykadan Capital Tower to the further south along Hoi Bun Road (all with BH of 100mPD), and L’hotel Elan to the



further southeast at Chong Yip Street (with BH of 130mPD); and

- (c) a C/O building is under construction to the further southwest near the Wai Yip Street/Lai Yip Street junction with proposed BH of 100mPD.

## **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, 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 relaxation are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
  - (b) accommodating the bonus PR granted under the BO in relation to surrender/dedication of land/area for use as public passage/street widening;
  - (c) providing better streetscape/good quality street level public urban space;
  - (d) providing separation between buildings to enhance air ventilation 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 the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

## **9. Comments from Relevant Government Departments**

- 9.1 The following Government bureaux/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 (SDEV), Development Bureau (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. To this end, he gives policy support to this application for relaxation of PR if it satisfies all relevant conditions or criteria (see details in paragraphs 3.1 and 3.2

above).

- (b) As for the application for relaxation of BHR, he does not have any comments from the policy angle, and considers that the departments concerned should be consulted as appropriate.

### **Land Administration**

#### 9.1.2 Comments of the District Lands Officer/Kowloon East and the Chief Estate Surveyor/Special Duties, LandsD:

- (a) No objection to the application.
- (b) The Site falls within KTIL 531 which is held under Conditions of Sale No. 9055 dated 29.11.1965 as varied and modified by a Modification Letter dated 19.5.1969 (hereinafter collectively “the Conditions”). The Conditions contain, inter alia, the following restrictions:
  - (i) the Lot is restricted for industrial and/or godown purposes excluding any offensive trades;
  - (ii) maximum height of any structure on the Lot shall not exceed 170ft (i.e. 51.8m) above principal datum;
  - (iii) the G/F of the 10ft (i.e. 3.05m) wide strip of the Lot abutting Hang Yip Street shall be used for parking and L/UL of motor vehicles only. Buildings may however be erected over the area provided that there is a vertical clearance of 15ft (i.e. 4.57m) from G/F; and
  - (iv) no vehicular access to or from Lai Yip Street and Kwun Tong Road.
- (c) The Occupation Permit (OP) for the subject building was issued on 21.9.1967.
- (d) The proposed development of a commercial building with a BH of 125.9mPD is in breach of the Conditions. Should the planning application be approved by the Board, the applicant is required to apply to his office for a lease modification to give effect to the proposal. However, there is no guarantee that the lease modification would be approved and if the application is eventually approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms and conditions, including, inter alia, payment of full premium and administrative fee as may be imposed by LandsD.
- (e) Among the conditions under the 2018 IB revitalisation measure for redevelopment, the lease modification letter shall be executed no later than three years from the date of the TPB’s approval letter and the proposed redevelopment shall be completed within 5 years from the date of execution of the lease modification letter.

### **Building Matters**

#### 9.1.3 Comments of the Chief Building Surveyor/Kowloon, BD (CBS/K, BD):

- (a) No objection in principle to the application.
- (b) The proposal is acceptable in principle under BO. The proposal should in all aspects comply with the BO.
- (c) Under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2, 100% GFA concession may be granted for underground private carpark while only 50% GFA concession may be granted for above ground private carpark.
- (d) No part of the building, up to a level of 15m above the street level, shall be within 7.5m from the centreline of the street. PNAP APP-151 and APP-152 refer.
- (e) Under JPN 2, 100% GFA concession may be granted to sky garden, but is subject to compliance with the pre-requisites stipulated in PNAP APP-151 on “Building Design to Foster a Quality and Sustainable Built Environment”.
- (f) Detailed comments under the BO will be given at the BP submission stage.

### **Traffic**

#### 9.1.4 Comments of the Commissioner for Transport (C for T):

Having reviewed the TIA at **Appendices Ib, 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 submission of a revised TIA which incorporates the details in all the submitted FIs to demonstrate the provision of parking facilities, L/UL spaces, vehicular access, internal driveway, efficiency of the car lift system (if applicable) and the impact on the public road, implementation of mitigation measures, if any, identified therein, and provision of the parking facilities.

### **Fire Safety**

#### 9.1.5 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the application subject to fire services installations and water supplies for firefighting being provided to the satisfaction of his department. Detailed fire services requirements will be formulated upon receipt of formal submission of general BPs.

### **Environmental Aspect**

#### 9.1.6 Comments of the Director of Environment Protection (DEP):

- (a) No objection from environmental perspective.

- (b) Given that central air-conditioning system will be provided for the proposed development and openable window will not be relied for ventilation and the fresh air intake point of the air conditioning system will also be properly located to meet the buffer distance requirement for vehicular emissions as stipulated in the HKPSG, insurmountable environmental impacts associated with the proposed development are not anticipated.
- (c) Based on the assessment results of the SIA (Appendix C of **Appendix Ib**), he considered that insurmountable sewerage impacts were not anticipated. Notwithstanding this, an approval condition on submission of SIA is required to cater for any refinement in the flow distribution, flow estimation or connection points.

### **Architectural Aspect**

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

He has no comment from visual impact point of view since it is noted that the proposed development with a BH of 125.9mPD may not be incompatible with adjacent “OU(B)” sites subject to BHRs ranging from 100mPD to 160mPD.

### **Urban Design and Visual Aspects**

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

- (a) He has no objection to the application.
- (b) KTBA has an intended BHR profile in the range between 100mPD and 200mPD for commercial/industrial developments. The Site is located at the junction of Lai Yip Street and Kwun Tong Road. The area immediately opposite to the Site across Lai Yip Street, also under “OU(B)” zoning, is subject to a BHR of 160mPD. The proposed development is considered not incompatible with the surrounding high-rise developments, including No. 1 Hung To Road of about 121mPD and L’hotel Elan of about 129mPD. It is unlikely that the proposed development involving a relaxation of PR (from 12 to 14.4) and BHR (from 100mPD to 125.9mPD) would generate considerable visual impact as illustrated in the photomontages.

### **Landscape Aspect**

#### 9.1.9 Comments of CTP/UD&L, PlanD:

He has no objection to the application from landscape planning perspective. The Site is located in an area of urban landscape character dominated by medium to high-rise industrial and commercial buildings. No existing tree is observed within the Site. Adverse landscape impact caused by the proposed development is not anticipated.

### **Pedestrian Accessibility and Walkability**

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

- (a) It is noted that the applicant has proposed full-height setbacks along Hang Yip Street and Lai Yip Street, which generally meet the requirements under the ODP. The setbacks would enhance walkability as advocated by his Office.
- (b) The Highways Department (HyD) is investigating a new subway proposal along Lai Yip Street, with a staircase proposed at the junction of Kwun Tong Road and Lai Yip Street which might interface with the entrance of the proposed development. He advises the applicant that consideration should be given to shifting the proposed entrance southwards by about 4m to avoid pedestrian bottlenecks.
- (c) His other advisory comments are at **Appendix III**.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Highway Engineer/Kowloon, HyD;
- (d) Commissioner of Police; and
- (e) District Officer (Kwun Tong), Home Affairs Department.

## **10. Public Comments Received During Statutory Publication Period**

The application and the FIs (**Appendices Ib to Id**) were published for public inspection on 30.11.2018, 11.12.2018, 18.1.2019 and 19.2.2019. Within the four statutory public inspection periods, seven objecting comments and one comment providing views were received from two members of the Kwun Tong District Council (KTDC) (**Appendices II(1) to II(5)**) and three individuals (**Appendices II(6) to II(8)**). The two KTDC members raise objections mainly on the grounds that the proposed relaxation of PR and BH restrictions would cause adverse visual and air ventilation impacts to the residential area to the north of the Site across Kwun Tong Road. Apart from visual and air ventilation impacts, two individuals also object to the application on the grounds that there would be adverse environmental impact to both local residents and workers, traffic impacts to the district, as well as encouraging similar applications that will result in cumulative environmental impact. One individual considers that comments should be sought on how the Proposed Scheme may affect EKEO's proposal for a pedestrian connection from MTR Ngau Tau Kok Station to the locality.

## **11. Planning Considerations and Assessments**

11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) and proposed increase in BH from 100mPD to 125.9mPD (by 25.9%) for a proposed redevelopment of the Site into a 33-storey (including 4 basement carpark

levels) commercial development. The proposed development will comprise 'Office', 'Shop and Services' and 'Eating Place' uses which are always permitted under Schedule I of the Notes for non-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 KTBA from industrial to business/commercial uses.

- 11.2 The Proposed Scheme has incorporated full-height setbacks of 3m and 3.1m along Hang Yip Street and Lai Yip Street respectively to facilitate provision or widening of pedestrian pavements (**Drawings A-5 to A-11**), which in general would enhance the walking environment.

#### Policy Aspects

- 11.3 An OP for the subject IB was issued on 21.9.1967 and the Site can be regarded as an eligible pre-1987 IB under government's new policy on revitalising IBs. DEVB gives policy support to the current application for the minor relaxation of PR by 20% with the initiative to incentivise redevelopment of old IBs to optimise utilisation of the existing industrial stock and make better use of the valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses.

#### Technical Aspects

##### *Minor Relaxation of PR*

- 11.4 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 TIA submitted (**Appendices Ib, Ic and Id**) reveals that the additional increase in traffic arising from the minor relaxation of PR from 12 to 14.4 would be minimal and that the road network and junctions in the vicinity of the Site (**Drawing A-29**) would operate within the capacity or more or less the same as under the reference scenario. C for T has no in-principle objection to the application, but suggests an approval condition for submission of a revised TIA should be imposed as set out in paragraphs 12.2 (d) and (e) below. The other relevant Government departments including FSD, EPD and DSD have no adverse comments on the application, subject to incorporation of appropriate approval conditions on fire safety and sewerage aspects in paragraph 12.2 below.

##### *Minor Relaxation of BH*

- 11.5 According to the applicant, minimal increase in BH (+25.9%) is proposed for accommodating the proposed 20% increase in PR as well as the communal sky garden (5.9m in height) which was previously approved with minor relaxation of BHR under application No. A/K14/757 and is intended for enhancing the quality of the built environment by providing more greenery area and social gathering places for the tenants and their visitors. The applicant also claimed that the proposed setbacks, communal sky garden and greenery provision would help providing enhanced streetscape, wider public footpath and better visual permeability, which would in turns improve the townscape and amenity of the locality and generally meet the criteria for considering application for minor relaxation of BHR as mentioned in paragraphs 8.2(c), (d) and (f) above.

- 11.6 Taking into account the applicant's justifications on visual impact and compatibility above and the submitted photomontages (**Drawings A-14 to A-19**), CA/CMD2, ArchSD and CTP/UD&L, PlanD commented that in considering that the adjacent sites are subject to BHRs of 100mPD to 160mPD, the proposed development may not be incompatible with the planned stepped height profile for KTBA. As pointed out by CTP/UD&L, PlanD, it is unlikely that the proposed minor relaxation of BH for accommodating the proposed 20% additional PR and a sky garden with greenery will cause considerable visual impact as illustrated in the VIA submitted by the applicant.
- 11.7 Under current application, a minor relaxation of BHR from 120mPD to 125.9mPD is to accommodate the applied 20% increase in PR and the communal sky garden (5.9m in height) which was previously approved under A/K14/757. The applicant's justification for the communal sky garden in the previous approved application remains unchanged. The proposed increase in BH may be considered proportionate to the 20% increase in PR under application and the 5.9% for the communal sky garden, and may not be unreasonable. As the Site is at the edge of the "OU(B)" cluster subject to BH of 100mPD and the BHR for the sites across Lai Yip Street is 160mPD, the proposed BH for the Proposed Development at 125.9mPD may still allow a stepped BH profile. In view of the above, the proposed minor relaxation of BHR to 125.9mPD at the Site may be tolerated.

#### Others

- 11.8 Regarding the public comments on the potential adverse visual, environmental and traffic impacts, the assessments above are relevant. As for the concerns on the potential adverse air ventilation, CTP/UD&L, PlanD has no adverse comment on the application from air ventilation perspective. For the comment in relation to pedestrian connectivity, the comments of EKEO 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 22.3.2023, 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 conditions of approval and advisory clauses are suggested for Members' reference:

#### Approval conditions

- (a) provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) submission of sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (c) implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment for the proposed development in condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) 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; and
- (e) provision of parking facilities, loading/unloading spaces, vehicular access and internal driveway 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 III**.

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

- (a) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction; and
- (b) the approval of the application would set an undesirable precedent for similar applications for minor relaxation of building height restriction in the area, the cumulative effects of approving similar applications would have adverse visual impact on the area.

### **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**

<b>Appendix I</b>	Application form received on 21.11.2018
<b>Appendix Ia</b>	Supporting planning statement received on 21.11.2018
<b>Appendix Ib</b>	First further information vide letter received on 29.11.2018
<b>Appendix Ic</b>	Second further information vide letter received on 8.1.2019
<b>Appendix Id</b>	Third further information vide letter received on 11.2.2019
<b>Appendices II(1) to II(8)</b>	Public comments received during the statutory publication periods



<b>Appendix III</b>	Recommended advisory clauses
<b>Drawings A-1 to A-13</b>	Proposed floor plans, diagrammatic section and stepped building height profile
<b>Drawings A-14 to A-19</b>	Photomontages showing the proposed development
<b>Drawings A-20 to A-28</b>	Proposed landscape master plans and greenery/landscaped area calculations
<b>Drawing A-29</b>	Key junctions studied in the traffic impact assessment
<b>Plans A-1 and A-2</b>	Location plans on Outline Zoning Plan and Outline Development Plan
<b>Plan A-3</b>	Site plan
<b>Plan A-4</b>	Height of existing buildings in Kwun Tong Business Area
<b>Plans A-5 and A-6</b>	Site photos

**PLANNING DEPARTMENT  
MARCH 2019**