

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/764

- Applicant** : Epic First Holding Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 32 Hung To Road, Kwun Tong, Kowloon
- Site Area** : 911.2m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 264 (the Lot)
(b) Restricted to industrial and/or godown purposes excluding any offensive trades
(c) No building shall be erected except a factory and/or warehouse ancillary offices and quarters for persons essential to the safety and security of the building
(d) No building shall exceed a height of 170 feet above Colony Principal Datum
- 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 130.2mPD (i.e. +30.2m or +30.2%) for a proposed redevelopment (the Proposed Scheme) at 32 Hung To 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 7-storey industrial building (IB) into a 38-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 30.2%.
- 1.3 With reference to the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2^[1] (**Plan A-2**), in order to widen the pedestrian environment, the Proposed Scheme has incorporated a 2.9m and 1.5m full-height building setback from the lot boundary abutting Hung To Road and the back alley respectively, plus a 1.548m aboveground building setback at the back alley (**Drawings A-1 to A-15 and A-17**). These provisions are generally in accordance with the setback requirements under the said ODP.
- 1.4 Floor plans, diagrammatic section and photomontages submitted by the applicant are shown at **Drawings A-1 to A-22**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 911.2m ²
Proposed Use	Office, Shop and Services, Eating Place & refuge floor cum communal sky garden (communal sky garden)
PR	14.4
Gross Floor Area (GFA) ^{(*)(#)}	13,121.28m ²
<ul style="list-style-type: none"> • Office • Shop and Services/Eating Place • Aboveground carpark (3/F) 	9,209.054m ² 3,485.879m ² 426.347m ²
BH (at main roof level)	130.2mPD

^[1] 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. For existing back alleys, in addition to a 1.5m full-height setback, a 1.5m non-building area (NBA) from ground level with clear headroom of 5.1 are required, which basement structures as well as cantilevered structures projecting above the minimum 5.1m headroom are allowed.

Major Development Parameters	Proposed Scheme
Maximum Site Coverage (SC)	
<ul style="list-style-type: none"> • Podium level (<15m) • Carpark floor (3/F) • Typical floors <ul style="list-style-type: none"> • 5/F - 26/F • 27/F - 33/F 	<p>About 80.86%</p> <p>About 58.88%</p> <p>About 45.23%</p> <p>About 35.55%</p>
No. of Block	1
No. of Storeys	38
<ul style="list-style-type: none"> • Aboveground • Basement 	<p>34</p> <p>4</p>
Greenery Provision	About 127.496m ²
Parking Spaces and L/UL Bays	101
<ul style="list-style-type: none"> • Private Car (PC) • Motorcycle (MC) • Heavy Goods Vehicle (HGV)^(^) • Light Goods Vehicle (LGV)^(^) 	<p>83 (Incl. 2 accessible parking spaces)</p> <p>9</p> <p>3</p> <p>6</p>
Setbacks ^(@)	
<ul style="list-style-type: none"> • Hung To Road • Back Alley 	<p>2.9m full-height</p> <p>1.5m full-height + 1.548m aboveground</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.

(@) 2.9m full-height setback along the concerned section of Hung To Road, and 1.5m full-height setback plus 1.5m NBA from ground level with clear headroom of 5.1m along the existing back alley 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 Ih** and **Drawings A-16** and **A-17**) are summarized as follows:

Floor	Main Uses	Floor Height (m)
B4/F - B1/F	Carpark	3.15 to 3.5
G/F	Parking and L/UL, Shop and Services/Eating Place	5.95
1/F	Lobby, Shop and Services/Eating Place	4.2

Floor	Main Uses	Floor Height (m)
2/F	Shop and Services/Eating Place	4.2
3/F	PC Parking, LGV Parking or L/UL, Landscape Planters	4.2
4/F - 6/F	Shop and Services/Eating Place	3.5
7/F - 15/F	Office	3.5
16/F	Communal sky garden	5.95
17/F - 26/F	Office	3.5
27/F	Shop and Services/Eating Place	3.5
28/F - 33/F	Office	3.5

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

- (a) Application form with technical clarification and replacement pages of the Supporting Planning Statement and the Traffic Impact Assessment (TIA) received on 29.11.2018 **(Appendix I)**
- (b) Supporting Planning Statement and the following assessments received on 29.11.2018 **(Appendix Ia)**
- (c) TIA report received on 29.11.2018 **(Appendix Ib)**
- (d) Visual Impact Assessment (VIA) report received on 29.11.2018 **(Appendix Ic)**
- (e) Sewerage Impact Assessment (SIA) report received on 29.11.2018 **(Appendix Id)**
- (f) Landscape Proposal (LP) report received on 29.11.2018 **(Appendix Ie)**
- (g) First further information (FI) vide letters received on 8.1.2019 and 9.1.2019 responding to departmental comments and enclosing revised TIA, VIA and SIA **(Appendix If)**
- (h) Second FI vide letter received on 11.2.2019 responding to departmental comments and enclosing revised floor plans, section plan, photomontages showing the proposed development, TIA and LP **(Appendix Ig)**
- (i) Third FI vide letter received on 11.3.2019 providing minor clarifications on the Proposed Scheme **(Appendix Ih)**
- (j) Fourth FI vide letter received on 15.3.2019 providing minor clarifications on the Proposed Scheme **(Appendix Ii)**

[The first and second FIs were accepted but not exempted from publication and recounting requirements; the third and fourth FIs were 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 reports at **Appendices Ib** to **Ie**, and the FIs at **Appendices If, Ig** and **Ii**, 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 3.5m – 4.2m (**Drawings A-16** and **A-17**) for the office and shop and services/eating place 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 5.95m. 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 1.45m floor height is for the provision of mechanical and electrical services and structural members.
- (c) While floor plate areas of 4-level basement carpark have been maximized, an additional aboveground carpark floor on 3/F (4.2m in height, comprising 3.6m minimum headroom for LGV and 0.6m structures) is still required to accommodate the high-end parking and L/UL provisions requirements under the Hong Kong Planning Standards and Guidelines (HKPSG).
- (d) Since the proposed office floors would have prescribed windows facing the adjoining building to the southeast, in accordance with B(P)R 31(1)(d), an inclined plane at an angle of 83° projecting above the rectangular horizontal plane of the Site is required, where no part of the building can protrude above such inclined plane (**Appendix Ii**). As such, the attainable maximum SC of the tower above 4/F is less than the 60% stipulated under the First Schedule of B(P)R (**Drawing A-16**), and a higher BH is therefore required.
- (e) The proposed increase of BH to 130.2mPD is still compatible with and would preserve the stepped BH profile at the Site and its surrounding area (Attachment A of **Appendix If**).

Fulfilling Criteria for Minor Relaxation of BHR

- (f) 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

- (g) The communal sky garden would enhance the visual quality, natural ventilation and social benefit for users of the proposed development. Diagrammatic sectional drawings, VIA/photomontages showing the proposed development and LP (**Appendices Ic, If and Ig**, and **Drawings A-16 to A-32**) 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. While no greenery is proposed on G/F (i.e. primary zone) due to site constraint, it provides an overall greenery area of 127.496m² (about 13.99% of site area, **Drawing A-31**) on 3/F and a landscaped area of 287.62m² on the communal sky garden on 16/F that mainly functions as outdoor recreation space such as leisure sitting area (**Drawing A-32**). Feature paving and cobble stone are also proposed on G/F, 4/F, 5/F, 27/F and R/F (**Drawings A-23, A-25, A-26, A-28 and A-29**).
- (h) 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

- (i) SIA shows that the Proposed Scheme will not generate any adverse sewerage impact on the surrounding areas (**Appendix Ib**). 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 49 (45) pcu/hour to 59 (52) 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) (**Appendices Id, If and Ig**, and **Drawing A-33**). Parking and L/UL facilities to fulfill the high-end requirements under the HKPSG 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 Hung To Road, eventually enlivening 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^[2], 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^{[3],[4]}. 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.

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)"

^[2] 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.

^[3] The Site abutting Hung To Road is a Class A site where the permissible PR under B(P)R is up to 15 and with a maximum SC of 60% for building height of 61m and over.

^[4] 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.

sites are at **Plans A-3 and A-4**.

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

The applicant is one of the two “current land owners” of the Site and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by notifying another current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Application

No application for minor relaxation of PR or BH restrictions 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/K14/763) 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 were two similar applications. The first one (No. A/K14/470) is 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 3,279.9m² (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 the imposition of a BHR of 160mPD for that site on the OZP on 25.2.2005.
- 6.3 The second one (No. A/K14/757) is for minor relaxation of BHR (from 100mPD to 105.9mPD, +5.9m) for a proposed commercial development for office, shop and services & eating place uses in order to incorporate a 5.9m high communal sky garden of a 24-storey tower above a 2-storey basement. It was approved with conditions by the Committee on 20.4.2018 on the grounds that the proposal 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.
- 6.4 Another application (No. A/K14/763) 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-4 and photos on Plans A-5 to A-7)

7.1 The Site is:

- (a) occupied by a 7-storey IB, namely Wing Hing Lee Industrial Building, built in 1968 (Plans A-5 and A-6);
- (b) bounded by Hung To Road to its northeast and a back alley to its southwest, and adjoining a commercial building and an IB to its northwest, namely 70-72 Hung To Road and Secure House (with BHs of 25mPD and 34mPD) respectively, and an IB to its southeast, namely Gee Lok Industrial Building (with BH of 51mPD) (Plans A-3 to A-6); and
- (c) at about 300m south 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 Hung To Road and How Ming Street are mainly industrial or I-O buildings;
- (b) four existing C/O buildings and a hotel are found, namely, 70-72 Hung To Road to the northwest at How Ming Street, Kai Centre (wholesale-converted) to the southeast at Hung To Road, Hung To Centre (wholesale-converted) to the north at the corner of Hung To Road/How Ming Street (with BHs of 25, 35 and 50mPD respectively), Elite Centre to the further northwest at Hung To Road (with BH of 100mPD), and Hotel Cozi Harbour View to the southwest at Wai Yip Street (with BH of 120mPD); and
- (c) a C/O building is under construction to the further northeast at How Ming Street with a proposed BH of 160mPD.

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 BH, 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 264 which is held under a Government Lease dated 24.4.1969 for a term of 21 years renewable for 14 years less 3 days commencing from 1.7.1962 and was further extended to 30.6.2047. The lease conditions of the Lot contain, inter alia, the following restrictions:
 - (i) the user is restricted to industrial and/or godown purposes excluding any offensive trades;
 - (ii) no building shall be erected except a factory and/or warehouse ancillary offices and quarters for persons essential to the safety and security of the building; and
 - (iii) no building shall exceed a height of 170 feet above Colony

Principal Datum.

- (c) The Occupation Permit (OP) for the subject building was issued on 5.2.1968.
- (d) The proposed development for office, shop and services and eating place uses and minor relaxation of BHR up to 130.2mPD are in breach of the lease conditions. If the planning application is approved, the applicant is required to apply to his office for a lease modification to give effect to the proposal. However, there is no guarantee at this stage that the lease modification would be approved. If the application is approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to such terms and conditions including the payment of premium and administration 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) 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".
- (e) Detailed comments under the BO will be given at the BP submission stage. His other technical comments are at **Appendix III**.

Traffic

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

Having reviewed the TIAs at **Appendices Ib, If and Ig**, 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):

- (a) 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.
- (b) His other technical comments on the application are at **Appendix III**.

Environmental Aspect

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

- (a) No objection to the application from environmental perspective.
- (b) Based on the first FI (**Appendix If**), the applicant has confirmed that central air-conditioning system will be provided for the proposed development and will not rely on openable window for ventilation. 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. As such, insurmountable environmental impacts associated with the proposed development are not anticipated.
- (c) Having reviewed the assessments (**Appendices Id** and **If**), he considers that insurmountable sewerage impacts are not anticipated. Notwithstanding this, should the application be approved by the Board, an approval condition on submission of SIA is suggested so as to cater for any refinement in the flow distribution, flow estimation or connection points.

Drainage and Sewerage Aspects

9.1.7 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) He has no objection to the application.
- (b) His other technical comments on the SIAs are at **Appendix III**.

Architectural Aspect

9.1.8 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 130.2mPD may not be incompatible with adjacent "OU(B)" sites subject to BHRs ranging from 100mPD to 160mPD.

Urban Design and Visual Aspects

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

- (a) The applicant proposes an increase of the PR restriction by 20%. There is a disproportionate increase in BH, i.e. with respect to the permitted BH, the proposed BHR relaxation of 30.2m amount to an increase of 30.2%, or an increase of 24.25m (+24.25%) if the communal sky garden be disregarded.
- (b) The subject site is located at Hung To Road within an area zoned "OU(B)" subject to a BHR of 100mPD. On the opposite side of Hung To Road, the BHR of the "OU(B)" sites is 160mPD. As illustrated in the photomontages (**Appendix Ig** and **Drawings A-19** to **A-22**), it is unlikely that the proposed development involving a relaxation of PR (from 12 to 14.4) and BH (from 100mPD to 130.2mPD) restrictions would generate significant adverse effects on the character of the townscape or generate considerable visual impact.
- (c) According to the notional scheme provided (**Drawings A-1** to **A-18**), with a stepped building design, some of the upper floors of the proposed development will have SC of less than 60% (i.e. 35.55% and 45.23%) permissible under B(P)R. It appears that there is scope for downward adjustment of the proposed BH for accommodating the additional PR by manipulating the varied footprints.

Landscape Aspect

9.1.10 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

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

In the application, the proposed setbacks along Hung To Road and the back alley are generally in line with the ODP's requirements. The setbacks would improve pedestrian environment and promote walkability as advocated by his Office.

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, HyD;
- (c) Commissioner of Police; and
- (d) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

The application and the first two FIs (**Appendices If and Ig**) were published for public inspection on 11.12.2018, 18.1.2019 and 19.2.2019. Within the three statutory public inspection periods, thirteen public objecting comments were received from two members of the Kwun Tong District Council (KTDC) (**Appendices II(1) to II(5)**), a group of occupiers of the existing IB at the Site (**Appendices II(6) to II(8)**) and four individuals (**Appendices II(9) to II(13)**). The KTDC members raise objection 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, and that the proposed substantial increases in PR and BH without strong justifications would jeopardize the BH profile of KTBA. The group of occupiers of the IB raise objection to the application in that approval of the application may affect the judicial proceedings over the Site. The individuals object to the application on the grounds that there would be adverse environmental, traffic, visual and landscaping impacts, worsened vehicle-pedestrian conflicts along Hung To Road as well as encouraging similar applications that will result in cumulative environmental impact. In view of multiple applications for minor relaxation of PR and BH restrictions, there is also a suggestion of conducting comprehensive technical assessments on the whole planning scheme area.

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 130.2mPD (by 30.2%) for a proposed redevelopment of the Site into a 38-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 building setbacks of 2.9m and 1.5m along Hung To Road and the back alley respectively, plus a 1.548m aboveground setback along the back alley (that are in accordance with the ODP's requirements), so as to facilitate widening of pedestrian pavements/service lane (**Drawings A-1 to A-15 and A-17**), which in general would enhance the walking environment.

Policy Aspects

- 11.3 An OP for the subject IB was issued on 1968 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, TIA submitted (**Appendices Ib, If and Ig**) 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-33**) 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, a minimal increase in BH (+30.2%) is proposed for accommodating the proposed 20% increase in PR as well as one level of aboveground carpark and communal sky garden (4.2m and 5.95m in height respectively) which are intended for enhancing the quality of the built environment by providing more greenery area and social gathering places for the tenants and their visitors and fulfilling the high-end parking and L/UL requirements under the HKPSG respectively. 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 VIA submitted (**Drawings A-19 to A-22**), 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 and unlikely to cause any negative visual impact. Notwithstanding, CTP/UD&L, PlanD pointed out that there may be scope for reducing the proposed BH by reviewing the tower footprint. Regarding the applicant's claim that the maximum SC of 60% could not be attained for the office floors above due to the need to fulfill the prescribed window requirement under B(P)R 31(1)(d) for façade facing an adjoining building (**Appendix Ii and Drawing A-16**), the applicant has not demonstrated that there is no scope to increase the SC by assessing an alternative building disposition with prescribed windows facing Hung To Road instead.
- 11.7 There is no strong justification and planning merit supporting a relaxation of BHR to 130.2mPD (+30.2%), which is not proportionate to the applied 20% increase in PR. However, considering that the Site is at the edge of the "OU(B)" cluster subject to BH of 100mPD and the BHR for the sites across Hung To Road is 160mPD, the proposed BH of 130.2mPD may still allow a stepped BH profile

descending from inland areas towards the harbourfront. In view of the above, the proposed minor relaxation of BHR to 130.2mPD 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. Regarding the view on conducting comprehensive technical assessments for the planning scheme area, application for minor relaxation of PR in relation to the new policy on revitalising IBs is subject to demonstration of technical feasibility and would be considered by the Board on a case by case basis, and the relevant Government departments have no adverse comment on this application on all technical aspects. For the comment that the approval of the application may affect the judicial proceedings over the Site, it is a legal dispute between the occupiers and the owner which is not a valid consideration of the planning application.

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;
- (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 IV**.

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

- (c) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction; and
- (d) 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

Appendix I	Application form with technical clarification and replacement pages of supporting planning statement and traffic impact assessment received on 29.11.2018
Appendix Ia	Supporting planning statement received on 29.11.2018
Appendix Ib	Traffic impact assessment report received on 29.11.2018
Appendix Ic	Visual impact assessment report received on 29.11.2018
Appendix Id	Sewage impact assessment report received on 29.11.2018
Appendix Ie	Landscape proposal report received on 29.11.2018
Appendix If	First further information vide letters received on 8.1.2019 and 9.1.2019
Appendix Ig	Second further information vide letter received on 11.2.2019
Appendix Ih	Third further information vide letter received on 11.3.2019
Appendix Ii	Fourth further information vide letter received on 15.3.2019

Appendices II(1) to II(13)	Public comments received during the statutory publication periods
Appendix III	Other technical comments from Government departments
Appendix IV	Recommended advisory clauses
Drawings A-1 to A-18	Proposed floor plans and diagrammatic sections submitted by the applicant
Drawings A-19 to A-22	Photomontages submitted by the applicant
Drawings A-23 to A-32	Proposed landscape master plans and greenery/landscaped area calculations submitted by the applicant
Drawing A-33	Key junctions studied in the traffic impact assessment
Plans A-1 and A-2	Location plans on Outline Zoning Plan and Outline Development Plan
Plan A-3	Site plan
Plan A-4	Height of existing buildings in Kwun Tong Business Area
Plans A-5 to A-7	Site photos

**PLANNING DEPARTMENT
MARCH 2019**