

Other Technical Comments from Government Departments

Comments of the Chief Building Surveyor/Kowloon, Buildings Department:

- (a) 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. Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 and APP-152 refer.
- (b) Natural lighting and ventilation to lavatories should be provided in accordance with B(P)R 36.
- (c) Access and facilities for persons with a disability including accessible toilet should be provided to the premises in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008.
- (d) Adequate emergency vehicular access should be provided in accordance with B(P)R 41D and the Code of Practice for Fire Safety in Buildings 2011 (FS Code).
- (e) Adequate means of escape should be provided to the premises in accordance with B(P)R 41(I) and FS Code.
- (f) The subject premises should be separated from different use of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and FS Code.
- (g) Adequate sanitary fitments should be provided to the premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.

Comments of Chief Highway Engineer/Kowloon, Highways Department

- (h) Headroom for canopy over public footway shall not be less than 3500mm and the projection on footway shall give a minimum set back of 600mm from kerblines on submission plans.
- (i) Any canopy shall be provided with adequate surface water drainage in order to avoid nuisance to the public.
- (j) The lot owner is required to maintain the canopy including lighting at the cost of the lot owner.
- (k) The lot owner shall at his own expense and to the satisfaction of the Chief Highway Engineer / Kowloon remove the canopy when this is necessitated by any road widening / realignment, improvement and maintenance works or any works related to public utilities and he shall not be entitled to any claim and compensation from the Government.
- (l) It should be noted that the transparent property of glass canopy although would admit more sunlight, it would also have the disadvantage of admitting heat, thus adversely affecting pedestrians. The lot owner should bear in mind that this may bring about complaints.

Advisory clauses

- (a) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession of the proposed commercial development will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements and GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the Town Planning Board (TPB) may be required;
- (b) to note the comments of the District Lands Officer/Kowloon East, Lands Department (LandsD) on the need to apply to the District Lands Office, Kowloon East 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 for lease modification 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 considered appropriate by LandsD. Among the conditions under the 2018 Industrial Building revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange 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/conditions of land exchange;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD that the proposal should in all aspects comply with the Buildings Ordinance (BO). Under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2, 100% gross floor area (GFA) concession may be granted for underground private carpark while only 50% GFA concession may be granted for aboveground private carpark. 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. Under Joint Practice Note No. 2, 100% GFA concession may be granted to sky garden, but is subject to the compliance with the pre-requisites stipulated in PNAP APP-151 on "Building Design to Foster a Quality and Sustainable Built Environment". The bonus GFA can only be considered upon formal submission of building plans (BPs). Detailed comments under BO will be given at the BP submission stage;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the sewerage impact assessment needs to meet the full satisfaction of Environmental Protection Department, the planning authority of sewerage infrastructure.
- (e) to note the comments of the Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD)) that headroom for canopy over public footway shall not be less than 3500mm and the projection on footway shall give a minimum set back of 600mm from kerblines on submission plans; any canopy

shall be provided with adequate surface water drainage in order to avoid nuisance to the public; the lot owner is required to maintain the canopy including lighting at the cost of the lot owner; the lot owner shall at his own expense and to the satisfaction of CHE/K, HyD remove the canopy when this is necessitated by any road widening / realignment, improvement and maintenance works or any works related to public utilities and he shall not be entitled to any claim and compensation from the Government; and the transparent property of glass canopy although would admit more sunlight, it would also have the disadvantage of admitting heat, thus adversely affecting pedestrians. The lot owner should bear in mind that this may bring about complaints.

Similar Applications

OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Setbacks	Greenery ^[5] (% of the Site)	Grounds
S/K14S/22 “OU(B)” A/K14/763	350 Kwun Tong Road, Kwun Tong (1,782m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 125.9mPD (+25.9%)	<u>Approved</u> with Conditions on 22.3.2019	4m (Office) (including communal sky garden cum refuge floor)	<u>Required</u> ^[2] Hang Yip Street: 3m, Lai Yip Street: 3m <u>Proposed</u> Hang Yip Street: 3m Lai Yip Street: 3.1m	357m ² (20%)	(a), (b)
S/K14S/22 “OU(B)” A/K14/764 (same site as No. A/K14/771)	32 Hung To Road, Kwun Tong (911.2m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 130.2mPD (+30.2%)	<u>Rejected</u> on 22.3.2019	3.5m (Office) (including communal sky garden cum refuge floor)	<u>Required</u> ^[2] Hung To Road: 2.9m Back Alley: 1.5m + 1.5m NBA ^[3] <u>Proposed</u> Hung To Road: 2.9m	127m ² (14%)	(a), (c), (d), (e)

						Back Alley: 1.5m+1.548m NBA		
S/K11/29 “OU(B)” A/K11/233	1 Tsat Po Street, San Po Kong (1,346.1m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	Approved with Conditions on 12.4.2019	3.325m (Workshop)	<u>Required</u> ^[4] Tsat Po Street: 1.5m, Sam Chuk Street: 1.5m <u>Proposed</u> Tsat Po Street: 1.5m, Sam Chuk Street: 1.5m		(a)
S/K9/26 “OU(B)” A/K9/274	13 Hok Yuen Street, Hung Hom (3,698.8m ²)	C/O	<u>PR</u> 12 to 12.782 (+6.52%) <u>BH</u> Nil	Approved with Conditions on 17.5.2019	N/A (including refuge floor)	<u>Required</u> Nil <u>Proposed</u> Corner setback at Hok Yuen Street and 4.5m setbacks from adjacent buildings at east and west	740m ² (20%)	(a)
S/K14S/22 “OU(B)” A/K14/766	41 King Yip Street, Kwun Tong	C/O	<u>PR</u> 12 to 14.4 (+20%)	Approved with Condition on 16.8.2019	4.025m (Office)	<u>Required</u> ^[2] King Yip Street: 1.2m,	530m ² (26%)	(a), (f)

	(2,042m ²)		<u>BH</u> 100mPD to 126mPD (+26%)		(including communal sky garden cum refuge floor)	Back Alley: 1.5m + 1.5m NBA ^[3] <u>Proposed</u> King Yip Street: 1.2m + 1.2m further setback and Corner setback Back Alley: 1.5m + 1.5m NBA with no aboveground structure		
S/K14S/22 “OU(B)” A/K14/771 (same site as No. A/K14/764)	32 Hung To Road, Kwun Tong (911.2m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 119.7mPD (+19.7%)	Approved with Condition on 16.8.2019	3.5m (Office) (including communal sky garden cum refuge floor)	<u>Required</u> ^[2] Hung To Road: 2.9m Back Alley: 1.5m + 1.5m NBA ^[3] <u>Proposed</u> Hung To Road: 2.9m Back Alley: 1.5m+1.548m NBA	197.45m ² (21.66%)	(a), (g)

S/KC/29 “OU(B)” A/KC/460	57 – 61 Ta Chuen Ping Street, Kwai Chung (2,261m ²)	I-O	<u>PR</u> 9.5 to 11.648 (+20%) <u>BH</u> Nil	Approved with Conditions on 5.7.2019	N/A (including refuge floor)	<u>Required</u> ^[4] Ta Chuen Ping Street: min 3.5m <u>Proposed</u> Ta Chuen Ping Street : 3.5m – 4.9m	452m ² (20%)	(a)
S/TW/33 “Industrial” A/TW/505	14-18 Ma Kok Street, Tsuen Wan (1,858.1m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	Deferred by the Committee on 16.8.2019	3.5m (Workshop)	<u>Required</u> Nil <u>Proposed</u> Ma Kok Street: about 1m	371.62m ² (20%)	(a), (h)

Notes

- [1] Proposed permitted uses include Industrial (I), Commercial/ Office (C/O), and Industrial-Office (I-O)
- [2] Full-height setbacks as required under relevant Outline Development Plan (ODP).
- [3] For 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.
- [4] As required under relevant Outline Zoning Plan (OZP).
- [5] This list only provides information on the total % of site coverage of greenery and does not distinguish if the greenery is at primary zone set out under Practice Notes for Authorized Persons (PNAP) APP-152 “Sustainable Building Design Guideline”.

Grounds

- (a) Proposed minor relaxation of PR is in line with the Policy.
- (b) Proposed increase in BH is not unacceptable.
- (c) Failed to demonstrate that there were sufficient planning and design merits.
- (d) The approval of the application would set an undesirable precedent.

- (e) Cumulative effects of approving similar applications would have adverse visual impact on the area.
- (f) There were improvements in terms of building design and greenery features.
- (g) Noted the site constrain while applicant had made effort in the building design to improve the local environment.
- (h) More information on provision of a pedestrian friendly environment along Tsuen Yip Street was required.