

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/773

- Applicant** : Winning Treasure Limited represented by Kenneth To & Associates Limited.
- Site** : 82 Hung To Road, Kwun Tong, Kowloon
- Site Area** : About 929.03m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 646 (the Lot)
(b) Restricted to industrial and/or godown purposes excluding offensive trades
(c) No building shall be erected except a factory and/or warehouse ancillary offices and quarters for watchman or caretakers
(d) No building shall exceed a height of 170 feet above Colony Principal Datum (i.e. 51.82m)
- 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

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 relaxation of BH restriction (BHR) from 100mPD to 119.85mPD (i.e. +19.85m or +19.85%) for proposed development at 82 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 minor relaxation of PR and BH restrictions is to facilitate the redevelopment of the

existing 10-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 29-storey (including 2 basement levels) IB comprising ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/ storage of dangerous goods)’ and ‘Eating Place (Canteen only)’ use (the Proposed Scheme), which are always permitted under Schedule II for industrial or industrial-office (I-O) buildings 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 with the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise redevelopment of pre-1987 IBs by allowing the relaxation of the maximum permissible non-domestic PR by up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 3.1 below for details). The applicant also seeks minor relaxation of BHR by 19.85%.
- 1.3 Floor plans, diagrammatic sections and photomontages submitted by the applicant are shown at **Drawings A-1 to A-6** and **A-11 to A-13**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 929.03m ²
Proposed Use	Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods), Eating Place (Canteen Only) & refuge floor cum communal sky garden (communal sky garden)
PR	14.4
Gross Floor Area (GFA)	13,378m ²
BH (at main roof level)	119.85mPD
Site Coverage (SC) from 3/F and above	Not more than 60%
No. of Storeys	29
• Aboveground	27
• Basement	2
Parking Spaces	26
• Private Car (PC)	23 (Incl. 2 accessible parking spaces)
• Motorcycle (MC)	3
Loading/Unloading (L/UL) Bays	11
• Heavy Goods Vehicle	5
• Light Goods Vehicle	6
Anticipated Completion	2024

^[1] The Occupation Permit (OP) for the subject IB was issued on 4.11.1970.

- 1.4 The main uses by floor of the proposed development and the floor-to-floor height under the Proposed Scheme (**Drawing A-6**) are summarized as follows:

Floor	Main Uses	Floor Height
B2 and B1/F	Parking, L/UL	3.85m and 5.6m
G/F	Entrance Lobby, Parking, L/UL	5.95m
1/F	Factory Canteen (for staff only)	4.8m
2-9/F & 11-26/F	Workshops (Non-polluting Industrial Use)	4.1m (4.2m at 2/F)
10/F	Communal Sky Garden	5.95m

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

- (a) Application form received on 29.5.2019 **(Appendix I)**
- (b) Supporting Planning Statement enclosing architectural drawings, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) and Visual Impact Assessment (VIA) received on 29.5.2019 **(Appendix Ia)**
- (c) First further information (FI) vide letters received on 26.8.2019 and 27.8.2019 responding to departmental comments, providing minor clarifications on the Proposed Scheme and enclosing Landscape Master Plan, revised architectural drawings, TIA and SIA. **(Appendix Ib)**

[Accepted but not exempted from publication and recounting requirements]

- (d) Second FI vide letter received on 4.10.2019 responding to departmental comments. **(Appendix Ic)**

- 1.6 The application was originally scheduled for consideration by the Committee on 19.7.2019. On 19.7.2019, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI to response to the departmental comments. With the FI received on 26.8.2019 (**Appendix Ib**), the application is scheduled for consideration by the Committee at this meeting

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in Section 4 of the Supporting Planning Statement and the enclosed TIA, SIA and VIA at **Appendix Ia** and the FIs at **Appendices Ib** and **Ic**, and summarized as follows:

In-line with PA 2018 on Revitalisation Scheme for IBs

- (a) The proposed minor relaxation of PR restriction of the Site by 20% echoes with 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.

Meets the Planning Intention

- (b) The proposed redevelopment for permitted non-polluting industrial use completely aligns with the planning intention of “OU(B)” zone. The minor relaxation of PR and BH restrictions could facilitate the provision of additional industrial floor while continue to meet the planning intention and help transform Kwun Tong into a new non-polluting business area.

Relaxation Sought is Minor and Acceptable

- (c) Efforts have been made in minimizing the proposed increase in BH as far as practicable. The Proposed Scheme adopted a typical floor height of 4.1m (**Drawing A-6**) that allow flexibility for future operational needs of non-polluting industrial use. A 2-level basement parking is provided to further minimise the increase in BH. The proposed tower has been designed with SC of about 58% which is close to the maximum permissible under Building (Planning) Regulation (B(P)R), hence there is limited scope to further reduce the BH by enlarging the tower footprint. The Proposed Scheme incorporates a communal sky garden on 10/F with floor height of 5.95m that is the minimal requirement as set out in Code of Practice for Fire Safety in Building 2011 and Joint Practice Notes (JPNs) No. 1 and 2 that would generally enhance the visual quality with more greenery.
- (d) The proposed height will be in harmony with the surrounding development being located between the “OU(B)” clusters with BHRs of 100mPD and 130mPD respectively (**Drawings A-11 to 13**). The proposed minor relaxation of BHR to 119.85mPD still allows a stepped BH profile descending from inland areas towards the waterfront areas.

Enhancing Visual Quality and Social Benefits

- (e) The Proposed Scheme with a communal sky garden and greening at podium edge on 1/F and 2/F facing Hung To Road and flat roof at 3/F facing back alley will provide visual quality enhancement by increasing visible greenery and offering visual interest to the cityscape and furnishing a less bulky presentation (**Drawings A-8 to A-10**). The communal sky garden and the roof garden on 3/F also function as leisure area to provide tenants and their visitors with a place for relaxation and social gathering.

Planning and Design Merits, Taking into Account the Site Specific Characteristics and Local Context

- (f) Terraced podium with proposed setbacks at 1/F (1.95m) and 2/F and above (4.15m) would create a more spacious public realm along Hung To Road. The garden on 3/F facing back alley will create visual benefits for the surrounding developments. Visual break for the architectural façade of the surrounding development is provided by the proposed edge planting at communal sky garden on 10/F. The green roof on R/F may mitigate the heating of the urban area (**Drawings A-7 to A-9**).
- (g) Manulife Financial Centre Tower A to its southwest across the back lane is only about 4m away from the Site boundary. To provide visual break and for better ventilation, setback at 3/F and above from the southwestern boundary is proposed to allow at least 21m tower separation with the buildings across the back lane.

With the proposed 4.15m tower setback, about 26m separation with the buildings across Hung To Road would be reserved (**Drawing A-7**).

Design of Street Level on Pedestrian Accessibility, Connectivity Improves Pedestrian Environment Comfort

- (h) There is no setback requirement along this section of Hung To Road, the recently completed developments near the Site do not provide setback, piecemeal G/F setback for section within the Site (about 17m-wide) would not achieve any significant and effective improvement to pedestrian circulation. About 13.4m of street frontage will be occupied by the proposed vehicular access/main entrance and firefighting and rescue stairway, and the remaining 4m is reserved for other utilities (**Drawing A-2**). With the narrow street frontage, there is limited scope to provide soft landscape at pedestrian level/vertical greening on G/F frontage. A visually lightweight glass canopy structure is provided above the existing pedestrian pavement on Hung To Road that would replace the existing large concrete canopy. The glass canopy would offer protection from inclement weather while allowing sunlight to filter down the pedestrian level to enhance the comfort of pedestrian environment. Besides, proposed greenery at 1/F and 2/F visible from Hung To Road pedestrian level would be provided for enhancement to pedestrian environment (**Drawing A-10**).

Fulfilling Criteria for Minor Relaxation of BHR in Accordance with the OZP

- (i) The Proposed Scheme fulfils the relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP, including
- *providing better streetscape/good quality street level public urban space* – with the visible greenery features at 1/F & 2/F and glass canopy for all-weather protection to the pedestrian at G/F facing Hung To Road as set out in paragraphs 2(e) and (h) above (**Drawing A-10**);
 - *providing separation between buildings to enhance air ventilation and visual permeability* – tower setbacks to allow building separations with the adjoining buildings across Hung To Road and the back lane as mentioned in paragraph 2(g) above (**Drawing A-7**) and the communal sky garden would improve natural ventilation and provide visual relief; and
 - *Other factors that would bring about improvements to townscape and amenity* – As compared with the existing IB with no green features, the Proposed Scheme with landscape proposals at various floors in particular the planting at the setbacks at 1/F and 2/F would be an enhancement to existing townscape and the visual quality of the building. The visually lightweight glass canopy will enhance the sense of spaciousness and allow more sunlight penetration to the pavement at street level. The VIA concludes that there will be no adverse visual impact due to the proposed redevelopment.

Compliance with Sustainable Building Design Guidelines (SBDG)

- (j) The three key building design elements^[2] established in the SBDG are incorporated

^[2] The three key building design elements with the objectives to achieve better air ventilation, enhance the environmental quality of living space, provide more greenery particularly at

in the Proposed Scheme, where applicable:

- Building separation – The Site is less than 1,000m² with continuous projected façade length less than 60m, thus this requirement is not applicable to the Proposed Scheme.
- Building setback – No part of the building is built up to within 7.5m from the centreline of Hung To Road to maintain a ventilation corridor.
- Site coverage of greenery – The Site is less than 1,000m² and there is no greening requirement under SBDG. A greenery area of about 202.72m² comprising greening at podium edge on 1/F to 2/F, flat roof on 3/F, communal sky garden on 10/F, and green roof pm R/F would be provided with an overall greenery coverage of about 21.82% (**Drawings A-8 to A-9 and Appendix Ib**).

Consideration of Green Building Design

- (k) The Proposed Scheme incorporates green building devices including ‘Low-E Glass’ which has low thermal conductivity and high light transmittance at curtain wall to reduce light pollution and glare to the surrounding area, and rainwater recycling system to reduce fresh water demand for non-potable uses. In addition, the Proposed Scheme would follow the Building Energy Code (BEC) ^[3] for promoting energy efficiency. More green building measures will be considered at detailed building design stage.

Technical Aspects

- (l) SIA reveals that there would be no adverse sewerage impact after the implementation of the recommended improvements (**Appendix Ia**). The TIA concludes that the Proposed Development will not induce unacceptable traffic flow on the surrounding road network as compared with the traffic generation of existing IB, and will not result in adverse traffic impact to the surrounding road network (**Appendices Ia and Ib**). Parking and L/UL facilities to fulfill the high-end requirements under the HKPSG would be provided.

Others

- (m) Upon redevelopment, the new provision of industrial floor space with modern specifications in fire safety and technology could promptly respond to the trend of industries gradually moving towards non-polluting/high-technology production in the area, as well as expediting and synergising the transformation along Hung To

pedestrian level, and mitigate heat island effect are set out under Practice Notes for Authorized Persons (PNAP) APP-151 “Building Design to Foster a Quality and Sustainable Built Environment” and APP-152 “Sustainable Building Design Guideline”. Compliance with SBDG is one of the pre-requisites for granting GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services by the Buildings Authority (BA).

^[3] BEC sets out the technical guidance and details in respect of the minimum energy efficiency requirements governing the building services installations (namely air-conditioning installations, electrical installations, lift and escalator installations and lighting installations and energy audits in respect of several types of buildings (including commercial buildings)) defined in the Buildings Energy Efficiency Ordinance.

Road. The intended non-polluting industrial uses also enable the diversification of economic activities and local employment opportunities.

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^[4], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside "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^[5]. TPB may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.
- 3.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

Imposition of BHRs for Kwun Tong Business Area (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 **Plan A-4**.

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

^[5] 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. 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

No application for minor relaxation of PR or BH restrictions at the Site was received previously.

6. Similar Applications

- 6.1 Since March 2019, the Committee has considered eight minor relaxation applications in the Metro Area relating to the Policy (see **Appendix V** for details). Four of the applications in San Po Kong, Hung Hom, Kwai Chung and Tsuen Wan involved relaxation of PR only whilst the other four in KTBA (**Plan A-1**) involved minor relaxation of both PR and BH. For the four applications that only involved minor relaxation of PR, three (A/K9/274, A/K11/233 and A/KC/460) were approved with conditions and the one at Tsuen Wan (A/TW/505) was deferred by the Committee. For the four applications involving both minor relaxation of PR and BH, three were approved with conditions (A/K14/763, 766 and 771) and one was rejected (A/K14/764). Applications A/K14/764 and 771 involved the same site.
- 6.2 On minor relaxation of PR restriction aspect, all but one of the applications proposed minor relaxation of PR of 20% which is the maximum relaxation promulgated under the Policy, and one application involved minor relaxation of PR of 6.52% (A/K9/274). The Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs. The Committee had no objection for three Applications A/K9/274, A/K11/233 and A/KC/460 regarding the minor relaxation of PR being applied for noting the applicants had provided technical assessments to support the technical feasibility of their proposal and there was no adverse comment from relevant government departments. On the other hand, the Committee deferred decision on A/TW/505 on 16.8.2019, which falls within “Industrial” zone in the approved Tsuen Wan OZP No. S/TW/33, pending submission of FI from the applicant and relevant government departments to address Members’ concern on measures to improve pedestrian accessibility and connectivity.
- 6.3 On minor relaxation of BHR aspect, Application Nos. A/K14/763, 766 and 771 were approved with conditions on grounds that the proposed relaxation of BHR from 100mPD to 125.9mPD, 126mPD and 119.7mPD respectively was not unacceptable. Application No. A/K14/764 was rejected considering that there was insufficient planning and design merits to support the proposed relaxation of BHR from 100mPD to 130.2mPD, approval would create undesirable precedent that will lead to cumulative visual impacts in the area.

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-4 and photos on Plans A-5 and A-6)

7.1 The Site is:

- (a) occupied by a 10-storey IB, namely New Media Tower, built in 1970 (**Plan A-5**);
- (b) bounded by Hung To Road to its northeast, a back alley and adjoining commercial/office (C/O) building, namely Manulife Financial Centre Tower A (with BH of 100mPD) to its southwest, a hotel development, namely Dorsett Kwun Tong (with BH of 100mPD) to its southeast, and an IB, namely Hung To Industrial Building (with BH of 52mPD) to its northwest (**Plans A-3 to A-4**); and
- (c) at about 500m southeast of the MTR Kwun Tong 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, King Yip Street and Wai Yip Street are mixed with C/O, IB or I-O buildings;
- (b) apart from the adjoining C/O buildings and hotel mentioned above, other C/O buildings are found along Hung To Road, namely EGL Tower (125mPD), Contempo Place, KOHO and The Rays (the latter three buildings are wholesale-converted with BHs of about 50-51mPD), and Kin Sang Commercial Centre and King Palace Plaza to the east at King Yip Street (with BHs of 128mPD and 130mPD respectively); and
- (c) Tsui Ping River, which is undergoing revitalisation and Laguna City are located to the further southeast of the Site.

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 Building Ordinance (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, Development Bureau (DEVB):

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 in principle from policy angle and recommends it for the approval by the Board, subject to its compliance with relevant requirements under the new revitalisation scheme and departments' assessment of technical feasibility and planning parameters.

Land Administration

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

- (a) No objection to the application.
- (b) The Site falls within KTIL 646 which is held under a Government Lease dated 8.12.1971 for a term of 99 years less 3 days commencing from 1.7.1989 and was further extended to 30.6.2047 and varied by a Modification Letter dated 26.4.2010. 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 watchmen or caretakers; and
 - (iii) no building shall exceed a height of 170 feet above Hong Kong Principal Datum.
- (c) The proposed non-polluting industrial use (excluding industrial undertakings involving the use/storage of dangerous goods) is permitted under the lease conditions. However, the proposed minor

relaxation of BHR up to 119.85mPD and the proposed 'Eating Place (Canteen only)' are in breach of the lease conditions. If the planning application is approved, the applicant is required to apply to LandsD 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 payment of premium and administrative fee as may be imposed by LandsD.

- (d) The site area quoted in the submission is slightly larger than the site area of the Lot (10,000 s.f.), he reserves his comments on this point at the lease modification stage.
- (e) Among other conditions under the 2018 IB revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the Board's approval letter and the proposed development shall be completed within 5 years from the date of lease modification letter/conditions of land exchange.

Building Matters

9.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (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 BO.
- (c) Under 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 communal sky garden.
- (e) Detailed comments under BO will be given at the BP submission stage. His other technical comments are at **Appendix III**.

Traffic and Highways Aspects

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

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

9.1.5 Comments of the Chief Highway Engineer/Kowloon, Highways Department:

He has no adverse comments on the application. His other technical comments on the design of the proposed canopy 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 on the following consideration:
- (b) Based on the first FI (**Appendix Ib**), 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 Hong Kong Planning Standards and Guidelines (HKPSG). As such, insurmountable environmental impacts associated with the proposed development are not anticipated.
- (c) Insurmountable sewerage impacts are not anticipated for the proposed minor relaxation of PR and BH restrictions of the development. Notwithstanding this, should the application be approved by the Board, an approval condition on submission of SIA is suggested to cater for any refinement in the flow distribution, flow estimation or connection points.

Urban Design, Visual and Landscape Aspects

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

He has no comment from architectural and visual impact point of view since it is noted that the proposed development with a BH of 119.85mPD may not be incompatible with adjacent developments with BHRs ranging from 100mPD to 130mPD.

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

- (a) The Site zoned “OU(B)” is located at the south-eastern part of KTBA with an intended BH profile in the range between 100mPD and 160mPD. On the opposite side of Hung To Road, the BHR for the “OU(B)” sites is 130mPD. Given the above and as illustrated in the VIA, it is unlikely that accommodation of the proposed development with a BH of 119.85mPD would induce significant adverse effects on the visual character of the townscape.
- (b) Design measures namely linear landscaped terrace at 1/F and 2/F, a weather protection canopy along the façade abutting Hung To Road, and landscaping/greening at 3/F podium and rooftop are incorporated

into the Proposed Scheme. While these measures do not necessarily require additional PR/BH, they may promote visual interest and help contribute to improving pedestrian environment and comfort at street level.

- (c) For the building separation between the Proposed Scheme and Manulife Financial Centre Tower (**Drawing A-7**), given the Site's surrounding context and its relatively small size, any potential improvement on the surrounding wind environment as a result of adjusting tower disposition will likely be minor.
- (d) 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. In consideration of limited space within the Site, implementation of effective landscape treatment (particularly by means of tree planting) for bringing greenery contribution to the public realm seems not practicable. As such, he has no adverse comment on the application from landscape planning perspective.

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) Commissioner of Police;
- (d) Director of Fire Services;
- (e) Director of Food and Environmental Hygiene;
- (f) Head of Energizing Kowloon East Office; and
- (g) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 The application and the first FI were published for public inspection on 11.6.2019 and 6.9.2019. Within the two statutory public inspection periods, a total of three public comments were received. One from a member of the Kwun Tong District Council (KTDC) (**Appendix II(a)**), and two from the same individual (**Appendices II(b)** and **II(c)**).
- 10.2 The KTDC member raises objection mainly on the grounds that the proposed relaxation of PR and BH restrictions would jeopardize the BH profile of KTBA and would cause adverse traffic impact to the surrounding areas.
- 10.3 The individual indicates that there is inadequate information to demonstrate strong justification and planning merits to justify the proposed minor relaxation of BHR. There is no setback on G/F for improving pedestrian environment. There are concerns about the negative impact of increasing building bulk that would block natural lighting and ventilation and have adverse traffic impacts.

11. Planning Considerations and Assessments

11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) and BHR from 100mPD to 119.85mPD (by 19.85%) for a proposed redevelopment at the Site into a 29-storey IB (including 2 basement levels). The proposed development will comprise ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/ storage of dangerous goods)’ and ‘Eating Place (Canteen only)’ use, which are always permitted under Schedule II for IB or I-O buildings for “OU(B)” zone. The proposed uses are in line with the planning intention of the “OU(B)” zone for general business uses, including non-polluting industrial uses.

Policy Aspect

11.2 An OP for the subject IB was issued in 1970 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 application 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

11.3 The proposed minor relaxation of PR generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed scheme. To support the application, TIA submitted (**Appendices Ia and Ib**) reveals that traffic impacts associated with the proposed redevelopment would be minimal and would have no adverse impacts on the surrounding road network. C for T has no in-principle objection to the application, but suggests two approval conditions for submission of a revised TIA and implementation of the mitigation measures, if any, identified in the revised TIA, as well as provision of parking facilities, L/UL spaces and vehicular access, be imposed as set out in paragraphs 12.2(c) and (d) 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 sewerage aspect in paragraphs 12.2 (a) and (b) below.

Minor Relaxation of BH

11.4 According to the applicant, a minimum increase in BH (+19.85%) is proposed for accommodating the proposed 20% increase in PR and the communal sky garden (5.95m in height) which 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 claims that the proposed greenery at 1/F and 2/F, glass canopy at G/F and setbacks of the tower on 1/F and above would help provide enhanced streetscape and visual permeability, which would in turn 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.

11.5 As there is no statutory nor administrative requirement for providing building

setback along this section of Hung To Road, the applicant indicates that piecemeal setback within the Site (about 17m wide) would not achieve significant and effective improvement to the pedestrian environment at street level. With narrow street frontage and the need to reserve sufficient spaces for vehicular access, entrance, fire safety and other essential utilities installations, the applicant claims that there would be limited scope to provide soft landscape at pedestrian level/vertical greening on G/F frontage. As such, only the glass canopy is proposed at G/F above existing public pavement for all-weather protection to the pedestrian that would replace the existing concrete canopy structure (**Drawing A-9**). The Proposed Scheme also incorporates setbacks at 1/F (1.95m) and 2/F and above (4.15m) and landscape terrace for creating a more spacious public realm along Hung To Road. CTP/UD&L, PlanD advises that while these measures do not necessarily require additional PR/BH, they may promote visual interest and help contribute to improving pedestrian environment and comfort at street level.

- 11.6 On the sustainability building design aspect, while the three building design requirements in the SBDG are not applicable to the Site, the applicant claims that the Proposed Scheme adopts various design elements as outlined in paragraph 2 above that would enhance the environmental quality of the urban environment and mitigate the heat island effect. Regarding the green building design as proposed by the applicant, these measures could be implemented via existing centralized processing system of building plans in the detailed design stage.
- 11.7 Taking into account the applicant's justifications on visual impact and compatibility above and the VIA/photomontages submitted (**Drawings A-11 to A-13**), CA/CMD2, ArchSD and CTP/UD&L, PlanD comment that in considering that the adjacent sites are subject to BHRs of 100mPD and 130mPD, the proposed development may not be incompatible with the planned stepped height profile for KTBA and unlikely to induce significant adverse effects on the visual character of the townscape.
- 11.8 In view of the above, the proposed relaxation of BHR by 19.85% may be considered generally proportionate to the increase in PR under application and for accommodating the communal sky garden, and may not be unreasonable. As the Site is near the edge of the "OU(B)" cluster subject to BH of 100mPD and the BHR for the sites directly across Hung To Road is 130mPD, the proposed BH for the proposed development at 119.85mPD may still allow a stepped BH profile. In view of the above, the proposed minor relaxation of BHR to 119.85mPD at the Site is considered not unacceptable.

Others

- 11.9 Regarding the public concerns on the potential adverse visual and traffic impacts, the planning assessments in paragraphs 11.3 and 11.8 and departmental comments in paragraph 9 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.

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 18.10.2023, 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) the submission of sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment for the proposed development in condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of a revised traffic impact assessment, and implementation of the mitigation measures, if any, identified therein, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (d) the provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

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:
- (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

Appendix I	Application form received on 29.5.2019
Appendix Ia	Supporting Planning Statement received on 29.5.2019
Appendix Ib	First further information vide letters received on 26.8.2019 and 27.8.2019
Appendix Ic	Second further information vide letter received on 4.10.2019
Appendices II(a) to II(c)	Public comments received during the statutory publication periods
Appendix III	Other technical comments from Government departments
Appendix IV	Recommended advisory clauses
Appendix V	Similar applications
Drawings A-1 to A-6	Proposed floor plans and diagrammatic sections submitted by the applicant
Drawings A-7 to A-12	Sectional drawing of greenery/landscaped area submitted by the applicant
Drawing A-13	Photomontages submitted by the applicant
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 and A-6	Site photos

**PLANNING DEPARTMENT
OCTOBER 2019**