

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/774

- Applicant** : Bright Wind Limited represented by Vision Planning Consultants Limited
- Site** : 7 Lai Yip Street, Kwun Tong, Kowloon
- Site Area** : 1,026m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 534 (the Lot)
(b) Restricted for industrial and/or godown purposes excluding any offensive trades
(c) Maximum height of any structure on the Lot shall not exceed 170ft (i.e. 51.8m) above Principal Datum
(d) The ground floor of the 10ft (i.e. 3.05m) wide strip of the Lot abutting Hang Yip Street shall be used for parking and loading and unloading (L/UL) of motor vehicles only. Building may however be erected over the said area provided that there is a vertical clearance of 15ft (i.e. 4.57m) from the ground floor
(e) No vehicular access to or from Lai Yip Street
- 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, and 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 relaxation of BH restriction (BHR) from 100mPD to 125.9mPD (i.e. +25.9m or +25.9%) at 7 Lai Yip Street (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 13-storey industrial building (IB)

constructed before 1987 (pre-1987 IB)^[1] into a 32-storey (including 3 basement carparks) commercial/office (C/O) development comprising ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses (the Proposed Scheme) which are 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-line 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 25.9%.
- 1.3 Full-height building setbacks from the Lot boundary are incorporated in the Proposed Scheme, namely 3m-width along Hang Yip Street for providing public pedestrian walkway and setbacks along Lai Yip Street with alignment (varies in width with maximum 3m) that generally follows the curved kerb for pedestrian pavement widening purpose (**Drawing A-2**). These provisions are generally in accordance with the setback requirements stipulated in the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**).
- 1.4 Floor plans, diagrammatic section, greenery calculation, landscape drawings, photomontages and artist renderings submitted by the applicant are shown at **Drawings A-1 to A-14**. Major development parameters of the Proposed Scheme (**Appendix Id**) are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 1,026m ²
Proposed Use	Office, Shop and Services, Eating Place & refuge floor cum communal sky garden (communal sky garden)
PR	Not more than 14.4
Gross Floor Area (GFA) ^(*) (#)	About 14,775m ²
BH (at main roof level)	125.9mPD
Maximum Site Coverage (SC)	
<ul style="list-style-type: none"> • Podium (below 15m) • Typical floors 	<p>About 87%</p> <p>About 54%</p>
No. of Storeys	32
<ul style="list-style-type: none"> • Aboveground • Basement 	<p>29</p> <p>3</p>
Greenery	About 222.7m ² (about 21.7%)
Parking Spaces and L/UL Bays	77
<ul style="list-style-type: none"> • Private Car • Motorcycle 	<p>70 (Incl. 2 accessible parking spaces)</p> <p>7</p>
L/UL Bays	8
<ul style="list-style-type: none"> • Heavy Goods Vehicle (HGV) • Light Goods Vehicle (LGV) 	<p>3</p> <p>5</p>

^[1] The Occupation Permit (OP) for the subject IB was issued in 1970

Major Development Parameters	Proposed Scheme
Full-height setbacks ^(@)	
<ul style="list-style-type: none"> • Hang Yip Street • Lai Yip Street 	3m Varies in width with maximum of 3m (see para. 1.3 above)
Anticipated Completion	2023

Note:

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

(#) Any 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. According to the applicant, a bonus GFA of 592m² (equivalent to a PR of 0.58 based on a site area of 1,026m²) will be claimed for the setback areas to be surrendered to the Government subject to approval by BA. Any bonus GFA as approved under BO would not result in any further increase in the applied BH.

(@) Full height building setbacks are required for the 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 (**Drawing A-7**) are summarized as follows:

Floor	Main Uses	Floor Height (m)
B3/F - B1/F	Basement carpark	3.8
G/F	Shop and Services, Entrance Lobby, L/UL	6
1/F – 2/F	Shop and Services/Eating Place, E&M	4.5
3/F	Shop and Services/ Eating Place, Landscaped Area	4.375
4/F - 13/F and 15/F – 27/F	Office	4
14/F	Communal sky garden	5.9
28/F	Shop and Services/ Eating Place	4.375

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

- (a) Application form received on 17.7.2019. **(Appendix I)**
- (b) Supporting Planning Statement enclosing architectural drawings, Vehicular Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Visual Impact Assessment (VIA), and Preliminary Geotechnical Impact Review received on 17.7.2019. **(Appendix Ia)**
- (c) First Further information (FI) vide letter received on 29.8.2019 enclosing a revised SIA. **(Appendix Ib)**
- (d) Second FI vide letter received on 4.9.2019 enclosing responses to departmental comments (RtoC), revised and **(Appendix Ic)**

new architectural drawings.

- (e) Third FI vide letter received on 18.9.2019 enclosing RtoC, (Appendix Id) Pedestrian TIA, and revised and supplementary architectural drawings.
- (f) Fourth FI vide letter received on 25.10.2019 enclosing (Appendix Ie) RtoC, revised TIA and SIA, and revised and supplementary architectural drawings.
- (g) Fifth FI vide letter received on 3.12.2019 and 6.12.2019 (Appendix If) enclosing RtoC, revised architectural drawings and artist rendering.

[Second, third and fourth FI were accepted but not exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in the Supporting Planning Statement and the enclosed TIA, SIA, VIA and Preliminary Geotechnical Impact Review at **Appendix Ia** and the FIs at **Appendices Ib to If**, and summarized as follows:

In-line with Government Policy Objectives to Revitalise IBs

- (a) The proposed minor relaxation of PR restriction of the Site by 20% is fully in-line with the PA 2018 to reactivate the revitalisation of existing pre-1987 IBs. It also expedites the transformation of Kwun Tong Business Area (KTBA).

Compatible with Surrounding Developments

- (b) The proposed minor relaxation of BHR to 125.9mPD still allows a stepped BH profile descending from inland areas towards the waterfront areas. VIA shows that the proposed BH will not encroach the 20% building free zone of the Kowloon Ridgeline from the Quarry Bay Park strategic view point (**Drawing A-10**), and will not affect the discernible district centre character at main activity node of MTR Kwun Tong Station and Kwun Tong Town Centre.
- (c) VIA is conducted for the Proposed Scheme. As illustrated in the photomontage (**Drawings A-10 to A-12**), the Proposed Scheme generally blends in well with its surrounding built-up and high-rise urban development. Therefore, the proposed development at the subject site is a tolerable development at this high-rise central business district from visual impact standpoint.
- (d) Similar application (No. A/K14/763) was approved with conditions in March 2019 within the same street block with BHR relaxed from 100mPD to 125.9mPD (i.e.+25.9%) (**Plan A-1**), the BH under application (125.9mPD) is the same as that approved similar application; thus is acceptable and compatible with the local development profile.

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

- (e) The proposed landscape treatment on flat roof at 3/F and communal sky garden

(14/F) (**Drawings A-8 and A-9**) will significantly soften the building hard edges of the Proposed Scheme. The tower setback and communal sky garden enhance the visual and wind permeability and provide more interesting cityscape to local urban context.

- (f) The Site is sandwiched between two existing buildings, namely Chen Yip Industrial Building (about 47mPD) and Tung Lee Industrial Building (about 51mPD). To provide visual break and for enhancing air ventilation between Hang Yip Street and Lai Yip Street, a minimum 6m setback at 3/F and above from the southwestern edge of the Site that generally aligns with the existing back ally across Lai Yip Street in the southeast is proposed (**Drawing A-13**).
- (g) The proposed communal sky garden would provide people-oriented social gathering place for interaction and leisure purposes for future users of the development. It will enhance the visual and natural wind permeability and provide more interesting cityscape in the local urban context.

Design of Street Level to improve Pedestrian Accessibility, Connectivity and Environment

- (h) The Proposed Scheme incorporates full-height setbacks on both Lai Yip Street and Hang Yip Street (of about 118.4m² or 11.5% of the site area) which complies with the setback requirements in the ODP for the purpose of footpath/carriage way widening and amenity/ streetscape enhancement, and in general conducive to improve the local visual and wind permeability. The setback areas will be repaved by the applicant at their own expenses in order to create a pleasant and comfortable walking environment as well as to enhance the local connectivity in this part of KTBA.
- (i) The Site is in elongated configuration sandwiched by two adjoining buildings. Upon setbacks on Lai Yip Street and Hang Yip Street, and the provision of a shop, and other utilities and required L/UL facilities on G/F, further greenery provision within the Site at street level is limited (**Drawing A-2**).
- (j) Additional design elements including feature pavement at Lai Yip Street, pot planters at street level and weather protection canopy along the frontage facing Lai Yip Street and the proposed feature wall on 1/F and 2/F facing Hang Yip Street (**Drawings A-3 and A-14**) are proposed to break the monotonous urban fabric and enhance the quality of pedestrian environment.

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

- (k) The Proposed Scheme fulfils the relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP, including
 - *accommodating the bonus PR* – the applied relaxation of BHR is partly to accommodate bonus PR that is subject to approval of the BA under the BO in relation to surrender of land/area for use as public passage/street widening;
 - *providing better streetscape/good quality street level public urban space* – with full-height setbacks on both Lai Yip Street and Hang Yip Street, visible greenery features at G/F and 3/F, paving along setback areas and canopy along development edges at Lai Yip Street as set out in paragraphs 2(e), (h) and (j) above. The VIA concludes that there will be no adverse visual impact due to

the proposed redevelopment;

- *accommodating building design to address specific site constraints* – the Site is in elongated site configuration, the BH under application is the minimal in achieving the applied 20% minor relaxation in PR restriction; 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 plantings at G/F and 3/F, and communal sky garden on 14/F would be an enhancement to existing townscape and the visual quality of the building.

Compliance with Sustainable Building Design Guidelines (SBDG)

- (l) The three key building design elements established in the SBDG are incorporated in the Proposed Scheme, where applicable:
- Building separation – The Site is less than 20,000m² 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 within 7.5m from the centreline of Lai Yip Street and Hang Yip Street.
 - Site coverage of greenery – A greenery area of about 222.718m² comprising greening at podium on 3/F and communal sky garden on 14/F would be provided for achieving an overall greenery coverage of about 21.7% which is above the minimum requirement for site with area between 1,000m² and 20,000m².

Consideration of Green Building Design

- (m) The applicant will apply for Building Environmental Assessment Method Plus (BEAM plus) certification for the Proposed Scheme. Green building design elements will be incorporated in detail design stage including “Low-E” glass which has low thermal conductivity to reduce light pollution and glare to the surrounding environment, and compliance with the Overall Thermal Transfer Value for enhancing energy efficiency and Building Energy Code under Building Energy Efficiency Ordinance.

Technical Aspect

- (n) The TIA and the SIA demonstrate that the Proposed Scheme will not generate unacceptable or significant adverse traffic and sewerage impacts to the local area. The parking provision generally follows the requirements as set out in the Hong Kong Planning Standards and Guidelines (HKPSG).

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 Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R^[3]. The Board 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)” sites are at **Plan A-4**.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Application

There is no previous application in respect of the Site.

^[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 BPs first submitted to the BA for approval on or before the same date.

^[3] Under the Policy, any bonus floor area claimed under B(P)R 22(1) or (2) is not to be counted towards the proposed relaxation of PR restriction by 20% for redevelopment projects. The bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, but can only be considered by the BA upon formal submission of building plans (BPs).

6. Similar Applications

- 6.1 Since March 2019, the Committee has considered 10 minor relaxation applications in the Metro Area relating to the Policy (see **Appendix V** for details). Five of the applications in San Po Kong, Hung Hom, Kwai Chung and Tsuen Wan involved relaxation of PR only whilst the other five in KTBA (**Plan A-1**) involved minor relaxation of both PR and BH restrictions. For the five applications outside KTBA that only involved minor relaxation of PR, all were approved with conditions. For the five applications in KTBA involving both minor relaxation of PR and BH, three were approved with conditions (Nos. A/K14/763, 766 and 771), one was rejected (No. A/K14/764), and one was deferred by the Committee (No. A/K14/773). Application Nos. 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% (No. 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 the five Applications (Nos. A/K9/274, A/K11/233, A/KC/460, A/TW/505, and A/KC/464) 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.
- 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. On 18.10.2019, the Committee deferred decision on application No. A/K14/773 requesting further information on the planning and design merit of the proposal from the applicant.
- 6.4 Two other applications including one in San Po Kong (No. A/K11/235) and one in Tsuen Wan (Nos. A/TW/509) for minor relaxation of PR restriction are scheduled for consideration at the same meeting.

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

- 7.1 The Site is:
- (a) occupied by a 13-storey IB (about 47mPD), namely Man Shung Industrial Building, built in 1970;
 - (b) bounded by Hang Yip Street to its northwest, Lai Yip Street to its southeast, two existing IBs to its southwest and northeast, namely Chen Yip Industrial Building (about 47mPD) and Tung Lee Industrial Building (about 51mPD) respectively; and
 - (c) at about 150m southwest of the MTR Ngau Tau Kok Station.

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

- (a) the neighbouring buildings along Kwun Tong Road, Lai Yip Street and Hang Yip Street are mainly industrial or I-O buildings;
- (b) seven existing C/O buildings, namely, Tsui Wah Group Centre (with BH of 26mPD) and No.1 Hung To Road (with BH of 121mPD) to the east across Lai Yip Street; International Trade Tower to the west across Hang Yip Street; and NEO, C-Bons International Centre, MG Tower and Rykadan Capital Tower to the further south along Hoi Bun Road (all with BHs of 100mPD); and
- (c) a C/O building to the further northeast at Kwun Tong Road/Lai Yip Street junction is under redevelopment, which is the subject site of Application No. A/K14/763 (with approved BH of 125.9mPD).

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.
- 8.3 The ES of the OZP also stipulates that the setting back of buildings to cater for the future increase in traffic demand may also be required. The setback requirements are stipulated in the ODP (**Plan A-2**) and enforced through lease modification process when appropriate.

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):

It is Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. In this light, he gives policy support to the current application in principle from policy angle, subject to its compliance with relevant requirements under the Policy and departmental assessment on technical feasibility and planning considerations.

Land Administration

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

- (a) The Site falls within KTIL 534 which is held under Conditions of Sale No. 8497 dated 4.6.1964 which contains, inter alia, the following restrictions:
- (i) the Lot is restricted for industrial and/or godown purposes excluding any offensive trades;
 - (ii) maximum height of any structure on the Lot shall not exceed 170ft (i.e. 51.8m) above principal datum;
 - (iii) the G/F of the 10ft (i.e. 3.05m) wide strip of the Lot abutting Hang Yip Street shall be used for parking and L/UL of motor vehicles only and no building or support for any building shall be erected at G/F of the said area. Buildings may however be erected over the said area provided that there is a vertical clearance of 15ft (i.e. 4.57m) from G/F; and
 - (iv) no vehicular access to or from Lai Yip Street.
- (b) The proposed development of a C/O building with a BH of 125.9mPD is in breach of the lease conditions. Should the application be approved by the Board, the applicant is required to apply to LandsD for a lease modification to give effect to the proposal. However, there is no guarantee that the lease modification would be approved and if the application is eventually approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms and conditions, including, inter alia, payment of full premium and administrative fee as may be imposed by LandsD.
- (c) Among other conditions under the 2018 IB revitalisation measure, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the Board's approval letter

and the proposed redevelopment shall be completed within 5 years from the date of execution of the lease modification letter/conditions of land exchange.

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 BO.
- (c) Under PNAP APP-2, 100% GFA concession may be granted for L/UL area on ground floor and underground private carpark, provided that the car parking spaces are electric vehicle charging-enabling.
- (d) Under PNAP APP-2 and APP-122, 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 Highway Aspects

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

Having reviewed the TIA at **Appendices Ia, Ic to If**, 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 a revised TIA including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised TIA, and the provision of parking facilities, L/UL spaces and vehicular access for the proposed development.

9.1.5 Comments of the Chief Highway Engineer/Kowloon, Highways Department (CHE/E, HyD):

- (a) He has no adverse comment on the application.
- (b) He comments that the applicant is required to maintain the proposed canopy including lighting at the cost of the lot owner; and the applicant owner shall at his own expense and to the satisfaction of the his office remove the proposed 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.
- (c) His other technical comments 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 based on the following considerations:

- (b) Based on the third FI (**Appendix Id**), 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) Insurmountable sewerage impacts are not anticipated for the proposed minor relaxation of PR and BH restrictions. Notwithstanding this, should the application be approved by the Board, approval conditions on the submission of updated SIA to cater for any refinement in the flow distribution, flow estimation or connection points and the implementation of local sewerage upgrading/sewerage connection works identified in the SIA are recommended.

Drainage Aspect

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

He has no adverse comment on the application. His other technical comments are at **Appendix III**.

Urban Design, Visual and Landscape Aspects

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

- (a) The Site zoned “OU(B)” is located at Lai Yip Street within the KTBA with an intended BH profile in the range between 100mPD and 160mPD. Within the same street block to the northeast of the Site, a C/O building with BH of 125.9mPD has been approved by the Board under Application No. A/K14/763. On the opposite side of Lai Yip Street, while the BHR for the “OU(B)” sites to the south and southeast of the Site is 100mPD, the BHR for the “OU(B)” sites to the east of the Site is 160mPD. Given the above and as illustrated in the VIA, it is unlikely that accommodation of the proposed development with a BH of 125.9mPD would induce significant adverse effects on the visual character of the townscape.
- (b) Regarding the design merits of the Proposed Scheme, in addition to the communal sky garden, pot planters and peripheral greenery will be provided along Lai Yip Street respectively on G/F and 3/F at the flat roof. Apart from the sky garden, the provision of these other landscape installations that do not necessarily require additional PR/BH, may contribute to improvement of the streetscape by softening the building edge and providing visual interest. The applicant indicates that proposed tower disposition would allow about minimum 6m tower setback from the southwestern edge of the Site which would improve the air ventilation, notwithstanding the above, without detailed assessment including analyses on the existing wind

environment around the Site, the extent of enhancement of the wind environment brought about by the proposed measure is not clear. The artist's renderings as submitted do not seem to provide a close-to-realistic perception of the aforementioned design features of the proposed development as viewed from the street level.

- (c) The Site is located in an area with urban landscape character dominated by medium to high-rise industrial and commercial buildings, and it not at visually sensitive location. No existing tree is observed within the Site. Adverse landscape impact caused by the proposed minor relaxation of PR and BH restrictions is not anticipated. It is noted that landscape treatment is proposed on 3/F and 14/F and potted plants are proposed on street level under cover at Lai Yip Street. 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, making the proposed development become a new landscape feature within the area nor visually improving the general environment seems not practicable. As such, he has no adverse comment on the application from landscape perspective.

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

- (a) He considers that the proposed development with a BH of 125.9mPD may not be incompatible with adjacent developments with BHRs ranging from 100mPD to 160mPD.
- (b) He advises the applicant to provide some greenery on G/F in order to enhance street level environment.

Pedestrian Accessibility and Walkability

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

It is noted that the applicant has proposed full-height setbacks along Hang Yip Street and Lai Yip Street, which are in compliance with the requirements under the ODP. The setbacks would enhance 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) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Commissioner of Police;
- (d) Director of Fire Services;
- (e) Director of Food and Environmental Hygiene; and
- (f) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 The application and the FIs (**Appendices Ic, Id and Ie**) were published for public inspection on 26.7.2019, 13.9.2019, 27.9.2019 and 5.11.2019. Within the four statutory public inspection periods, a total of ten public comments were received including seven objecting comments from a member of the Kwun Tong District Council (KTDC) (**Appendices II(a) to (d)**), owners of International Trade Tower to the northwest (**Appendix II(e)**) and two individuals (**Appendices II(f) and (g)**); and three comments providing views from the owners of adjoining Chen Yip Industrial Building (**Appendices II(h) and (j)**)
- 10.2 The objecting comments are mainly on the grounds that the proposed minor relaxation of PR and BH restrictions would jeopardize the BH profile of KTBA, induce adverse impacts on visual and air ventilation aspects, inadequacy in provision of open space in KTBA, and the cumulative adverse traffic impacts to the surrounding areas. The effectiveness of landscape provision on 3/F and communal sky garden are also doubted. The owners of International Trade Tower objected to the application on the grounds that the minor relaxation of BHR would severely affect the visual amenity of the area, the natural light penetration and the rental value of their building.
- 10.3 The owners of the adjoining Chen Yip Industrial Building express concern on the likely adverse impacts on the IB during construction stage of the proposed redevelopment and request the applicant to carry out necessary precautionary measures.

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 125.9mPD (by 25.9%) for a proposed redevelopment at the Site into a 32-storey (including 3 basement levels) C/O development in the “OU(B)” zone. The proposed development will comprise ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses which are always permitted under Schedule I of the Notes for non-IBs in the “OU(B)” zone. The proposed uses are in line with the planning intention of the “OU(B)” zone and the transformation taking place in KTBA from industrial to business/commercial uses.
- 11.2 The Proposed Scheme has incorporated full-height setbacks on both Hang Yip Street and Lai Yip Street in accordance with the ODP’s requirement for providing public footpath along Hang Yip Street and widening of existing pedestrian pavements along Lai Yip Street. Head of EKEO advises that the setbacks would improve the pedestrian environment and promote walkability as advocated by his office.

Policy Aspect

- 11.3 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 policy on revitalising IBs. DEVB gives policy support to the current application to optimise utilisation of the existing industrial stock and make better use of the valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses.

Technical Aspects

Minor Relaxation of PR

- 11.4 The proposed minor relaxation of PR generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed scheme. To support the application, the TIA submitted (**Appendices Ia, Ic to If**) indicates that the proposed redevelopment would have no adverse traffic 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 including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised TIA, as well as provision of parking facilities, L/UL spaces and vehicular access for the proposed development, 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 aspects in paragraphs 12.2 (a) and (b) below.
- 11.5 Current application is for minor relaxation of PR from 12 to 14.4. The applicant indicated the intention to claim bonus PR in return for the setback areas to be surrendered to the Government at BP submission stage. Although the bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, CBS/K, BD advised that the claim of bonus PR can only be considered upon formal submission of BPs^[4].

Minor Relaxation of BH

- 11.6 According to the applicant, the increase in BH (+25.9%) is proposed for accommodating the proposed 20% increase in PR as well as the communal sky garden (5.9m in height) which 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 full-height and tower setbacks, communal sky garden and greenery provision would provide enhanced streetscape, wider public footpath, better visual permeability and air ventilation, 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.
- 11.7 With the small site area (about 1,026m²), about 11.5% of the Site area would be surrendered and opened for public use for the purpose of footpath widening and amenity/streetscape enhancement. As the Site has narrow street frontage (about 22m) and confined configuration, the applicant claims that further provision of greenery within the Site at street level is limited after the provision of one small shop, vehicular access, L/UL facilities, entrance and other essential utilities installations (**Drawing A-2**). As such, other design elements including feature pavement, weather protection features and pot planters on G/F facing Lai Yip

^[4] Granting of bonus PR/GFA for the setback areas to be surrendered to the Government is subject to compliance with the conditions set out under PNAP APP-20 and/or PNAP APP-108 and to the agreement/ consents from the concerned departments including but not limited to TD, HyD and LandsD.

Street (**Drawing A-14**), feature wall at 1/F and 2/F facing Hang Yip Street (**Drawing A-3**) and peripheral greenery on 3/F at the flat roof (**Drawing A-8**) are proposed. 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. The applicant indicates that proposed tower disposition would allow about minimum 6m tower setback from the southwestern edge of the Site which would improve the air ventilation. CTP/UD&L, PlanD comments that the proposed tower setback may improve building permeability, however without detailed assessment the extent of enhancement of the wind environment is not clear.

- 11.8 On the sustainability building design aspect, the applicant has explained that according to SBDG, building separation requirement is not applicable for the Site and the Proposed Scheme has complied with the building setback and site coverage of greenery requirements. Regarding the green building design as proposed by the applicant as detailed in paragraph 2(m) above (namely the use of “Low-E” glass to reduce light pollution and glare to the surrounding environment; and compliance with the OTTV and Building Energy Code under BEEO to enhance energy efficiency), these measures could be implemented via existing centralized processing system of BPs in the detailed design stage.
- 11.9 Taking into account the VIA and the photomontages submitted by the applicant (**Drawings A-10 to A-12**), 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 BH profile for KTBA, and may not induce significant adverse effects on the visual character of the townscape.
- 11.10 In view of the above, the proposed minor relaxation of BHR by 25.9% 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 across Lai Yip Street is 160mPD and that an application (No. A/K14/763) for minor relaxation of BHR to 125.9mPD at the same street block was approved, the proposed BH for the proposed development at 125.9mPD may still allow a stepped BH profile. In view of the above, the proposed minor relaxation of BHR to 125.9mPD at the Site is considered not unacceptable.

Others

- 11.11 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. The tower disposition with minimum 6m tower setback from above podium level at the south-western side of the building as compared to the existing 4m tower setback would facilitate sunlight penetration and the Proposed Scheme complies with the building setback requirement under SBDG to mitigate street canyon effect on the public roads. As for the concern on the open space provision, there is an overall surplus in planned local open space in the planning area, which should be sufficient to cater for the demand of workers in KTBA as well. For current application, the proposed communal sky garden would serve the future workers therein for enjoyment and

social benefit.

- 11.12 Regarding the concerns of the owners of the adjoining IB on the any adverse impacts during construction stage of the Site, all demolition and construction proposals should be submitted for formal approval by the BA under BO, and the Authorized Persons (AP) should strictly followed the BO and related regulations to ensure public safety during the demolition and construction stage. The applicant will appoint an AP to carry out the demolition works in accordance with the relevant prevailing building regulations.

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, it is suggested that the permission shall be valid until 13.12.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission of updated 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 updated sewerage impact assessment 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 including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised traffic impact assessment, 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:

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

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 17.7.2019
Appendix Ia	Supporting planning statement received on 17.7.2019
Appendix Ib	First further information vide letter received on 29.8.2019
Appendix Ic	Second further information vide letter received on 4.9.2019
Appendix Id	Third further information vide letter received on 18.9.2019
Appendix Ie	Fourth further information vide letter received on 25.10.2019
Appendix If	Fifth further information vide letter received on 3.12.2019 and 6.12.2019
Appendices II(a) to II(j)	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-7	Proposed floor plans and diagrammatic section submitted by the applicant
Drawings A-8 and A-9	Landscape drawings submitted by the applicant
Drawings A-10 to A-12	Photomontages submitted by the applicant
Drawing A-13	Tower setback and general wind direction submitted by the applicant
Drawing A-14	Artist rendering
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 KTBA
Plans A-5 and A-6	Site photos