

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

**APPLICATION NO. A/K14/777**

- Applicant** : Sinotex Corporation Limited represented by Masterplan Limited
- Site** : 71 How Ming Street, Kwun Tong, Kowloon
- Site Area** : About 1,271.66m<sup>2</sup>
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 445 and 446 (the Lots)  
(b) Restricted for industrial purposes excluding any offensive trades  
(c) Height restriction of not exceeding 170ft (i.e. 51.8m) above Principal Datum (HKPD)
- 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 160 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 Restriction for Permitted Office Use

**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%) at 71 How Ming 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 restriction is to facilitate the redevelopment of the existing 6-storey industrial building (IB) constructed before 1987 (pre-1987 IB)<sup>[1]</sup> into a 35-storey office development (including four levels of basement car parks) comprising ‘Office’ use (the Proposed Scheme) which is a use 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 maximum permissible non-domestic PR by up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 3.1 below for details).

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<sup>[1]</sup> The Occupation Permit (OP) for the subject IB was issued in 1965.

- 1.3 With reference to the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), for the purpose of footpath/carriageway widening and amenity/streetscape enhancement, the Proposed Scheme has incorporated 3.8m, 3.9m and 1.5m full-height setbacks from the Lot boundary abutting How Ming Street, Chong Yip Street and back alley respectively, plus a 1.5m ground level (with 5.1m clear headroom) non-building area (NBA) at the back alley. These provisions are in compliance with the setback requirements under the said ODP (**Drawings A-7 and A-8**). In addition, the Proposed Scheme incorporated podium garden at 3/F, refuge floor cum sky garden at 14/F and vertical greening at G/F, with an overall greenery of about 20% of the site area, and weather protection canopies along How Ming Street and Chong Yip Street at 1/F of the proposed building.
- 1.4 Typical floor plans, diagrammatic sections and landscape proposal submitted by the applicant are shown at **Drawings A-1 to A-10**. Major development parameters of the Proposed Scheme are as follows:

<b>Major Development Parameters</b>	<b>Proposed Scheme</b>
Site Area	About 1,271.66m <sup>2</sup>
Proposed Use	Office
PR	Not exceeding 14.4
Gross Floor Area (GFA) <sup>(#)</sup>	About 18,312m <sup>2</sup>
BH (at main roof level)	Not exceeding 160mPD
Maximum Site Coverage (SC) (3/F and above)	62.5%
No. of Storeys	35 (including 4 levels of basement carpark)
Greenery	about 20%
Parking Spaces <ul style="list-style-type: none"> <li>• Private Car</li> <li>• Motorcycle</li> </ul>	87 (incl. 2 accessible parking) <sup>(^)</sup> 9
Loading/Unloading (L/UL) Bay <ul style="list-style-type: none"> <li>• Light Goods Vehicles</li> <li>• Heavy Goods Vehicles</li> </ul>	6 1
Setbacks <sup>(*)</sup> <ul style="list-style-type: none"> <li>• How Ming Street</li> <li>• Chong Yip Street</li> <li>• Back alley</li> </ul>	3.8m full-height 3.9m full-height 1.5m full-height + 1.5m G/F NBA

Note:

<sup>(#)</sup> According to the applicant any bonus PR that may be approved by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(2) for setback areas to be surrendered to the government have not be reflected. Increase in BH to accommodate the bonus PR, if approved by the BA, would not be required.

<sup>(^)</sup> 30 spaces in B4 level are provided in double-deck mechanical car parking facilities.

<sup>(\*)</sup> The full height setback areas, where no above and underground structures are allowed for traffic management and maintenance consideration, are required to be surrendered to the Government upon demand.

- 1.5 The main uses by floor of the proposed development and the floor-to-floor height under the Proposed Scheme (**Drawing A-6** and **A-7**) are summarized as follows:

<b>Floor</b>	<b>Main Uses</b>	<b>Floor Height (m)</b>
B4/F – B1/F	Carpark	3.6 and 4.7(B4/F)
G/F	Entrance Lobby and L/UL	6
1/F – 2/F, 4/F – 13/F, 16/F – 30/F	Office	5 and 4.5 (1/F and 2/F)
3/F	Podium Garden	5
14/F	Refuge Floor and Sky Garden	5
15/F	E&M	5

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

- (a) Application form received on 25.9.2019 **(Appendix I)**
- (b) Supporting Planning Statement enclosing architectural drawings and Traffic Impact Assessment (TIA) received on 25.9.2019 and supplementary information received on 3.10.2019. **(Appendix Ia)**
- (c) First Further Information (FI) vide letter enclosing a responses to comment (RtoC) received on 25.11.2019<sup>(\*)</sup> **(Appendix Ib)**
- (d) Second FI vide letter enclosing a RtoC, revised architectural drawings, and TIA received on 17.3.2020<sup>(\*)</sup> **(Appendix Ic)**
- (e) Third FI vide letters enclosing a RtoC, revised architectural drawings, and swept path analysis received on 8.5.2020 **(Appendix Id)**

*[<sup>(\*)</sup> FI accepted but not exempted from publication and recounting requirements]*

- 1.7 On 15.11.2019 and 17.1.2020, the Committee agreed to defer making a decision on the application for two months respectively as requested by the applicant in order to allow sufficient time for preparation of FI to respond to the departmental comments. With the FI received on 17.3.2020 (**Appendix Id**), 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 the Supporting Planning Statement and the FIs at **Appendices Ia** to **Id**, and summarized as follows:

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

- 2.1 The application for minor relaxation of PR restriction of the Site by 20% to capitalise on the policy as announced in PA 2018 which encourages owners to redevelop pre-1987 IBs (the Policy). The new office redevelopment will result in additional 20% GFA to meet Hong Kong's changing social and economic needs, and make better use of the valuable land resources.

In line with the Planning Intention of “OU(B)”

- 2.2 The proposed office use is in line with the planning intention for the “OU(B)” zone for general business uses and would contribute to the transformation of Kwun Tong Business Area (KTBA).

Incorporation of Building Setbacks for Improving the Pedestrian Environment

- 2.3 The Proposed Scheme incorporates full-height setbacks of 3.8m, 3.9m and 1.5m along How Ming Street, Chong Yip Street and the back alley respectively, plus a 1.5m ground floor NBA along the back alley, which are in compliance with the ODP requirements and would enhance pedestrian environment with wider footpaths. The applicant has proposed to provide roadside tree plantings and seating at the setback area to enhance pedestrian environment, however, such proposal has been abandoned taken into account of departmental comments for providing an unobstructed footpath along How Ming Street and Chong Yip Street. Weather protection canopies along How Ming Street and Chong Yip Street at 1/F of the proposed building is proposed, subject to detailed design.

Compliance with Sustainability Building Design Guidelines (SBDG) and Green Building Design Features

- 2.4 The three key design elements under SBDG are incorporated in the Proposed Scheme where applicable:
- (a) Building separation – not applicable as the Site has continuous projected façade length of less than 60m in length.
  - (b) Building setback – No part of the building is within 7.5m from the centreline of How Ming Street and Chong Yip Street.
  - (c) Site coverage of greenery – greenery of about 20% of the site area would be provided (minimum 10% at the primary zone) including podium garden at 3/F, refuge floor cum sky garden at 14/F, and vertical green wall at G/F (**Drawings A-2, A-9 and A-10**). Detailed landscape proposal would be formulated at the building plan (BP) submission stage.
- 2.5 Other green building design features will be considered at detailed design stage.

Technical Aspects

- 2.6 The Proposed Scheme, which complies with the BHR on the OZP and within the maximum SC permissible under B(P)R, will not be excessive in BH and bulk, and will not have adverse impact on the visual amenity.
- 2.7 The TIA concludes that the proposed redevelopment, with vehicular run in/out at the back alley and Chong Yip Street respectively, would not impose adverse traffic impact on the surrounding road network and thus is feasible from traffic engineering point of view. The Proposed Scheme with a 4-level basement carpark would accommodate the low-end parking provision under the Hong Kong Planning Standards Guidelines (HKPSG).
- 2.8 The sewerage generated by the proposed office use will be much less than the existing industrial use and therefore will not have a significant impact on sewerage capacity.

### **3 Background**

#### **Policy Initiatives of Revitalisation of IBs**

- 3.1 As set out in PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987<sup>[2]</sup>, there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “R” zones in Main Urban Areas and New Towns into industrial/commercial uses (the 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<sup>[3]</sup>. 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.

### **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.

### **6 Similar Applications**

- 6.1 Since March 2019, the Committee has considered a total of 20 minor relaxation applications in the Metro Area relating to the Policy, including eight in KTBA (**Plan A-1**). Out of the 20 similar applications, 18 applications were approved with conditions, two of them involving also minor relaxation of BH restriction were rejected (see **Appendix II** for details).
- 6.2 In consideration of the applications for minor relaxation of PR, the Committee generally indicated support for the Policy as it provides incentives to encourage

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<sup>[2]</sup> Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their BPs first submitted to the BA for approval on or before the same date.

<sup>[3]</sup> 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 BPs.

redevelopment of pre-1987 IBs and noted that relevant technical assessments were submitted to support the technical feasibility of their proposals and there was no adverse comment from relevant government departments.

- 6.3 Another application in KTBA (No. A/K14/782) for minor relaxation of PR and BH restriction is scheduled for consideration at the same meeting.

## **7 The Site and Its Surrounding Areas (Plans A-1 to A-3 and photo on Plan A-5)**

7.1 The Site is:

- (a) occupied by a 6-storey IB (about 34mPD), namely Crystal Industrial Building, built in 1965 and currently without any parking facilities with the building;
- (b) a corner site at the junction of How Ming Street and Chong Yip Street, and with a back alley at its southwest. An office building (i.e. 9 Chong Yip Street of 89mPD) and a IB (i.e. Wai Kee Industrial Building of 40mPD) are located to its northwest and southwest respectively; and
- (c) at about 300m southeast of the MTR Ngau Tau Kok Station.

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

- (a) there are three existing C/O buildings, namely, Monterey Plaza (160mPD), Millennium City 2 (115mPD) and Millennium City 3 (105mPD), and a hotel namely L'hotel Elan Hotel (130mPD) along Chong Yip Street; and
- (b) two C/O buildings are currently under construction, with one opposite to the Site across How Ming Street and another adjacent to Millennium City 3 along Chong Yip Street (both with planned BHs of 160mPD).

## **8 Planning Intention**

8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings.

8.2 The Explanatory Statement 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 B/Ds 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. In this light, he supports this 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 Chief Estate Surveyor/Land Supply and the Chief Estate Surveyor/Special Duties, Lands Department (LandsD):

- (a) The Site is covered by two lots namely KTIL Nos. 445 and 446 and is held under the Conditions of Sale No. 8188 (KTIL 445) and Conditions of Sale No. 8187 (KTIL 446) (collectively referred to as “the Lease Conditions”) with a lease term expiring in 6/2047. Under the Conditions, the Lots are subject to the following major development restrictions:
  - (i) for industrial purposes excluding any offensive trades;
  - (ii) no building shall be erected except a factory, ancillary offices and quarters for persons essential to the safety and security of the building;
  - (iii) height restriction of not exceeding 170ft (i.e. about 51.8m) above HKPD;
  - (iv) 10ft building setback at ground level (up to a height of 15ft) over the areas measures from the Lot boundary along the back alley i.e. public lane; and
  - (v) no right of vehicular access except at the points between the existing junction of How Ming Street and Chong Yip Street.
- (b) The Proposed Scheme is in contravention of the Lease Conditions. Should the application be approved by the Board, the owner of the Lots will need to apply to LandsD for a lease modification/land exchange to implement the proposal. Such application will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the application will be approved by LandsD. In the event that the lease modification application is approved, it would be subject to such terms and conditions as the Government shall deem appropriate, including, among others, the payment of premium and administrative fee, as may be imposed by LandsD at its sole discretion. Unless there is justifiable reason, the registered area of the Lots (i.e. 1,276.3m<sup>2</sup>) would be adopted in processing similar lease modification/ land exchange applications.
- (c) Under the Policy, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the Board’s approval letter. His other comments are at **Appendix III**.

### **Building Matters**

- 9.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):
- (a) No objection in-principle under the Buildings Ordinance (BO) to the application.
  - (b) Whether bonus PR and SC could be granted for surrender under B(P)R 22(2) could only be considered in the BP submission stage. Bonus PR and SC for the development will only be allowed if such surrender is considered essential and acceptable to relevant departments.
  - (c) 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):
- (a) Having reviewed the TIA at **Appendices Ia, Ic** and **Id**, he has no adverse comment on 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, and implementation of the mitigation measures, if any, identified in the revised TIA, and the design of vehicular access, vehicle parking/ L/UL facilities and maneuvering spaces for the proposed development.
  - (b) His other technical comments are at **Appendix III**.
- 9.1.5 Comments of the Chief Highway Engineer/Kowloon, HyD (CHE/KE, HyD):
- (a) He has no adverse comment on the application.
  - (b) He comments that the Lot owner is required to maintain the proposed canopy at the cost of the lot owner; and the Lot owner shall at his own expense and to the satisfaction of 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 the applicant 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 Environmental Protection (DEP):
- (a) Based on the second FI (**Appendix Ic**), the applicant has confirmed that central air-conditioning system would be provided for the proposed development and would not rely on opened window for ventilation. The fresh air intake point of the air-conditioning system will be properly located to meet the buffer distance requirement for vehicular/chimney emissions as stipulated in the HKPSG. Also, the



applicant confirmed that there is no chimney in the vicinity of the proposed development. As such, insurmountable environmental impacts associated with the proposed development are not anticipated. He has no objection to the application from environmental perspective.

- (b) Insurmountable sewerage impacts are not anticipated for the proposed minor relaxation of PR for the proposed development. Notwithstanding this, should the application be approved by the Board, approval conditions on the submission of a Sewerage Impact Assessment (SIA) to assess the potential sewerage impact and to demonstrate the effectiveness of mitigation measures, and the implementation of sewerage upgrading/connection works identified in the SIA are recommended.

### **Urban Design, Visual and Landscape Aspects**

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

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

- (a) The Site (1,272m<sup>2</sup>) is a corner site located at the junction of Chong Yip Street and How Ming Street within the KTBA zoned “OU(B)” with an intended BH profile in the range between 100mPD and 160mPD. While the proposed floor-to-floor height of 5m for the typical floors is on the high side, the overall BH of Proposed Scheme not exceeding 160mPD is in compliance with the BHR stipulated for the Site. Given the context, it is unlikely that the proposed development will induce any significant adverse effects on the visual character of the surrounding townscape.
- (b) The proposed development has incorporated a podium garden at 3/F, a refuge floor cum sky garden at 14/F, vertical greening at G/F and weather protection canopies along setback areas abutting Chong Yip Street and How Ming Street. Although technically speaking, incorporation of these design measures do not necessarily require additional PR, they represent the applicant’s effort in promoting visual interest and improving the pedestrian environment.
- (c) The Site is strategically located at the intersection of the pedestrian routes leading north across Kwun Tong Road. The proposed development seems to be well-positioned to provide some active commercial uses at the building low zone. In the Proposed Scheme, the first three floors are for L/UL areas, lobby and office, which may fit the intended functionality of the proposed development but will not contribute much to the public realm/pedestrian environment. Given that there is a wide range of permissible uses within the “OU(B)” zone that would help activate the street frontage, the applicant may consider designing the building in a way that allow for flexibility to accommodate future change of building uses on the lower floors.

##### *Landscape Aspect*

- (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 minor relaxation of PR restriction is not anticipated. As such, he has no adverse comment on the application from landscape perspective.

- (e) Vertical green wall and sky garden are proposed on G/F and refuge floor respectively. However, there is no information or details provided in the application to demonstrate the feasibility of the proposed landscape treatments.

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

It is noted that the proposed development consists of one tower block with BH of about 160mPD which complies with the BHR permitted in the OZP and may not be incompatible with adjacent developments with BHR of 160mPD. In this regard, he has no comment from visual impact point of view.

**Pedestrian Accessibility and Walkability**

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

As regards to enhancing the pedestrian environment and walkability as advocated by her office, the Proposed Scheme would provide 3.8m and 3.9m full-height setback along How Ming Street and Chong Yip Street respectively and 1.5m full-height setback plus 1.5m ground level NBA along the back alley adjoining the Site. The proposed building setbacks and NBA are in compliance with the requirements under the ODP.

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 (DSD);
- (c) Commissioner of Police;
- (d) Director of Fire Services; and
- (e) District Officer (Kwun Tong), Home Affairs Department.

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

The application and the FIs (**Appendices Ib** and **Ic**) were published for public inspection on 11.10.2019, 6.12.2019 and 27.3.2020. Within the three statutory public inspection periods, a total of four objecting comments were received from three individuals (**Appendices IV(a)** to **(d)**). The objecting comments are mainly on the grounds that the proposed minor relaxation of PR restriction would induce adverse impacts on traffic aspect, the inadequacy in open space provision in KTBA, there is lack of greening features in the Proposed Scheme and no strong justification and planning merits to justify the proposed minor relaxation of PR restriction. Also, an individual comments that the Policy to allow minor relaxation of PR up to 20% would affect the integrity of such restriction as imposed on the OZP and suggests that assessments on the cumulative impacts on air ventilation, noise pollution, penetration of natural light and traffic aspects for similar applications under the Policy should be conducted.

## **11 Planning Considerations and Assessments**

11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) for a proposed redevelopment at the Site zoned “OU(B)” into a 35-storey office development (including four levels of basement carpark). The proposed ‘Office’ use is always permitted under Schedule I of the Notes for non-IBs in the “OU(B)” zone. The Proposed Development would have a BH not exceeding 160mPD which is within the BHR for the Site. The proposed use is in line with the planning intention of the “OU(B)” zone and the transformation taking place in KTBA from industrial to business/commercial uses.

### Policy Aspect

11.2 An OP for the subject IB was issued in 1965 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, subject to its compliance with relevant requirements under the Policy and departmental assessments on the technical feasibility and planning considerations.

### Minor Relaxation of PR

11.3 The proposed minor relaxation of PR restriction generally follows the Policy, and consideration of such application is subject to technical assessments confirming the feasibility of the Proposed Scheme. To support the applicant, the TIA submitted (**Appendices Ia, Ic and Id**) reveals that the proposed redevelopment would have no adverse traffic impacts on the surrounding road network and C for T has no adverse comment on the TIA, but suggests two approval conditions for submission of a revised TIA and implementation of the mitigation measures, and the provision of parking facilities, L/UL spaces and vehicular access 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.

### Planning and Design Merits

11.4 In accordance with the ODP’s requirement, the Proposed Scheme incorporates full-height building setbacks of 3.8m, 3.9m and 1.5m along How Ming Street, Chong Yip Street and the back alley respectively, plus a 1.5m ground floor NBA along the back alley. About 271m<sup>2</sup> (about 21% of the Site) will be opened for public passage and surrendered to the Government upon demand. Head of EKEO advises that the setbacks would enhance pedestrian environment and promote walkability as advocated by his Office.

11.5 The Proposed Scheme incorporates a podium garden at 3/F, a refuge floor cum sky garden at 14/F, vertical greening at G/F (with overall provision of minimum 20% coverage of greenery) and canopy at 1/F along How Ming Street and Chong Yip Street. CTP/UD&L, PlanD advises that these features may help improve the pedestrian environment and promote visual interest.

11.6 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 requirement. Besides, provision of minimum 20% coverage of greenery (comprising vertical greening at G/F, podium garden at 3/F and refuge floor cum sky garden at 14/F) would be provided in accordance with the requirement under SBDG at BP submission stage. The applicant indicates that other green building design features will be considered at detailed design stage.

#### Others

- 11.7 Regarding the public comments on the traffic aspect, the assessments above are relevant. As for the concern on the local 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 the current application, the podium garden at 3/F and the refuge floor cum sky garden at 14/F would serve the future workers and their visitors. Regarding the view on conducting comprehensive assessments on cumulative impacts of similar applications under the Policy, application for minor relaxation of PR in relation to the new policy on revitalising IBs is subject to demonstration of technical feasibility and would be considered by the Board based on its individual merits, and the relevant Government departments have no adverse comment on this application on traffic, environmental and air ventilation impact aspects.

## **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 15.5.2024, 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 a 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 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 in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (d) the design of vehicular access, vehicle parking/loading/unloading facilities and maneuvering spaces 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 V**.

- 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 plot ratio restriction.

**13 Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14 Attachments**

<b>Appendix I</b>	Application form received on 25.9.2019
<b>Appendix Ia</b>	Supporting planning statement received on 25.9.2019 and supplementary information received on 3.10.2019
<b>Appendix Ib</b>	First FI vide letter received on 25.11.2019 and 28.11.2019
<b>Appendix Ic</b>	Second FI vide letter received on 17.3.2020
<b>Appendix Id</b>	Third FI vide letters received on 8.5.2020
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Other technical comments from Government departments
<b>Appendices IV(a) to IV(d)</b>	Public comments received during the statutory publication periods
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawings A-1 to A-8</b>	Proposed floor plans and diagrammatic section submitted by the applicant
<b>Drawings A-9 and A-10</b>	Landscape proposal submitted by the applicant
<b>Plans A-1 and A-2</b>	Location plans on Outline Zoning Plan and Outline Development Plan
<b>Plan A-3</b>	Site plan
<b>Plan A-4</b>	Height of existing/planning buildings in KTBA
<b>Plan A-5</b>	Site photos