

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

**APPLICATION NO. A/K14/782**

- Applicant** : Hong Kong Baptist Hospital (HKBH) represented by Townland Consultants Limited
- Site** : 4 Tai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 557.414m<sup>2</sup>
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 682 (the Lot)  
(b) Restricted to industrial and/or godown uses 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) Non-building area abutting Yan Yip Street up to vertical clearance of 15ft (i.e. 4.57m) from the ground level
- 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 ‘Shop and Services’ (Medical-related) 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%) as well as relaxation of BH restriction (BHR) from 100mPD to 125.9mPD (i.e. +25.9m or +25.9%) at 4 Tai 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 development of a 32-storey development (including 2 levels of basement carpark) comprising ‘Shop and Services’ (Medical-related) use for

out-patient day clinic/medical centre (operation from 0700 to 2000)<sup>[1]</sup> (the Proposed Scheme) which is a use always permitted under Schedule I for non-IBs of the Notes for “OU(B)” zone. The Site is currently vacant but was previously occupied by an industrial building (IB) constructed before 1987 (pre-1987 IB) immediately before it was left vacant <sup>[2]</sup>.

- 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). The applicant also seeks minor relaxation of BHR by 25.9%.
- 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 3m and 1.5m full-height building setbacks from the Lot boundary abutting Yan Yip Street and Tai Yip Street respectively (**Drawings A-3 and A-9**). These provisions are generally in accordance with the setback requirements under the said ODP. Pedestrian accesses would be provided at G/F to link up Yan Yip Street and Tai Yip Street. Greenery provision of not less than 20% of the Site area would be provided, including vertical greening facing Tai Yip Street, edge planting at 1/F to 3/F and a landscaped podium garden on 3/F.
- 1.4 Floor and section plans, photomontages and street-level perspectives submitted by the applicant are shown at **Drawings A-1 to A-13**. Major development parameters of the Proposed Scheme are as follows:

<b>Major Development Parameters</b>	<b>Proposed Scheme</b>
Site Area	About 557.414m <sup>2</sup>
Proposed Use	Shop and Services (Medical-related)
PR	About 14.4
Gross Floor Area (GFA) <sup>(#)</sup>	About 8,026.762m <sup>2</sup>
BH (at main roof level)	125.9mPD
Maximum Site Coverage (SC)	
• Podium (below 15m)	About 75.39%
• Tower	About 63.05%
No. of Storeys	32
• Aboveground	30

<sup>[1]</sup> According to the applicant, the proposed general and specialist out-patient day clinic/medical centre and uses therein (including clinical laboratories, facilities for endoscopic/dental/minor surgical/day procedures, Hemodialysis, chemotherapy, physiotherapy & rehabilitation, etc., and diagnostic services) will not be registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) nor the hospital licence under the Private Healthcare Facilities Ordinance (Cap. 633). Also, no other uses permitted under ‘Shop and Services’ (e.g. food and beverages/canteen) is proposed.

<sup>[2]</sup> The Occupation Permit (OP) for the IB was issued in 1974. The IB concerned was demolished recently.

Major Development Parameters	Proposed Scheme
• Basement	2
Greenery	Not less than 20% of Site Area
Parking and L/UL Facilities • Car Parking Spaces <sup>(^)</sup> • L/UL Bay	17 (incl. 1 accessible parking) 1
Setbacks <sup>(*)</sup> • Yan Yip Street • Tai Yip Street	3m full-height 1.5m full-height

Note:

(#) Any bonus PR that may be approved by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(1) or (2) for the setback areas to be surrendered to the government have not been reflected in the above. According to the applicant, a bonus PR of about 1.23 (equivalent to GFA of about 685.8m<sup>2</sup>) will be claimed under B(P)R 22(1) or (2) and the minor relaxation in BHR under application has taken into account the said bonus GFA

(<sup>^</sup>) Including 14 mechanical parking spaces on B1/F and B2/F

(<sup>\*</sup>) Full height building setbacks required for the Site as per the ODP

- 1.5 The main uses by floor of the proposed development and the floor-to-floor height under the Proposed Scheme (**Drawings A-9 and A-10**) are summarized as follows:

Floor	Main Uses	Floor Height
B1/F - B2/F	Basement Carpark	5.85m/ 5.25m
G/F	Entrance Lobby and L/UL	5.5m
1/F & 4/F	E&M	4.9m / 3.775m
2/F	E&M, Shop and Services (Medical-related)	4.6m
3/F	Refuge Floor and Podium Garden	5.6m
5/F - 29/F	Shop and Services (Medical-related)	3.875m (4.225m for 29/F)

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

- (a) Application form received on 23.12.2019. **(Appendix I)**
- (b) Supporting Planning Statement enclosing conceptual architectural drawings, Visual Impact Assessment (VIA), Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) received on 23.12.2019. **(Appendix Ia)**
- (c) First further information (FI) vide letters received on 6.3.2020, 10.3.2020, and 12.3.2020 enclosing responses to departmental comments, revised floor plans, revised perspectives, revised SIA and TIA. **(Appendix Ib)**  
*[Accepted but not exempted from publication and recounting requirements]*
- (d) Second FI vide letters received on 16.4.2020 and 17.4.2020 enclosing responses to departmental comments, revised floor plans, revised perspectives, and clarification on the **(Appendix Ic)**

nature of proposed use.

- (e) Third FI vide letters received on 29.4.2020 and 5.5.2020 (**Appendix Id**) enclosing responses to departmental and public comments, and revised photomontages.
  - (f) Fourth FI vide letters received on 8.5.2020 enclosing (**Appendix Ie**) responses to departmental comments, revised floor plans and revised photomontages.
- 1.7 On 24.4.2020, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for one month as requested by the applicant in order to allow additional time for liaising with government departments. 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 Ie**, and summarized as follows:

### In-line with the Government Policy on Revitalisation Scheme for IBs

- 2.1 The proposed minor relaxation of PR restriction of the Site by 20% is a direct response to the PA 2018 to revitalise the existing pre-1987 IBs.

### Enhancing and Meeting Medical Services Quality and Demand

- 2.2 It is the policy initiatives to encourage the public to use private healthcare services when needed. The Proposed Scheme would help increase the healthcare service capacity in the fast developing Kowloon East (KE)/ Kwun Tong Area, in particular addressing demand for out-patient health services for chronic illnesses, specialist medical care, Positron Emission Tomography–Computed Tomography (PET/CT), etc.
- 2.3 According to the information published by the Hospital Authority (the HA), the number of outpatient attendance in the KE Cluster has been generally increasing over the past five years, largely due to increase in and ageing of population. The proposed new out-patient day clinic/medical centre at the Site would provide technologically advanced and high-quality healthcare services to the community as a whole. Being located in close proximity to the Ngau Tau Kok MTR station, the Site is highly accessible to the public.
- 2.4 The applicant has been participating in the HA's Public-Private Partnership (PPP) programmes<sup>[3]</sup> and the Department of Health's (DH) programmes (e.g. Vaccination Subsidy Scheme in the provision of flu vaccination to eligible group and Colorectal

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<sup>[3]</sup>These include (i) Hemodialysis PPP Programme (to treat renal patients that require long-term and regular Hemodialysis service at HA's designated fees), (ii) Cataract Surgeries Programme and Colon Assessment PPP Programme (to provide cataract surgeries and Colonoscopy services respectively to patients referred by HA at a reduced fee), (iii) General Outpatient Clinic PPP Programme (to provide consultation and medication to stable patients with chronic illness, including diabetic, high blood pressure. Currently, patients only pay \$50 per visit or even be offered free of charge for the service); and (iv) discounts for radiology and PET services.

Cancer Screening Programme (Primary Care Doctor and Colonoscopy Specialist)). The applicant indicated that around half of the clinical floors of the Proposed Scheme are planned to be used to serve the community through the above-mentioned PPP, the forthcoming District Health Centre, and charity programmes. It is envisaged that at least 20% of radiological patients and 50% of PET/CT patients in the Proposed Scheme would be HA's patient from KE.

#### In-line with the Planning Intention and Compatible with the Surrounding Use

- 2.5 The proposed 'shop and services' use is in line with the planning intention of the "OU(B)" zone, which is primarily for general business uses. The proposed use will integrate with a mix of office redevelopments and ageing IBs in the immediate neighbourhood.

#### Justified BH for the Proposed Scheme

- 2.6 The proposed BH is the minimum height required to accommodate the proposed GFA being sought under the Policy and the claimed bonus PR for surrender of land/area for public passage/street widening. The developable area has been reduced by approx. 25% to fulfil the setback requirements under the ODP. The proposed SC of 63.05% is close to the maximum permissible SC (including bonus SC) under B(P)R. Utilization of the remaining permissible SC could accommodate additional GFA of less than one storey and have no effect on reducing the BH.
- 2.7 Floor-to-floor heights of 3.875m for typical clinical floors and 4.225m for 29/F (hydrotherapy pool) are similar to those in the HKBH. The resultant 2.6m clear headroom for typical clinical floors is considered up-to-current standard and compatible with those incorporated in HA's and DH's similar projects <sup>[4]</sup>.
- 2.8 The proposed refuge floor cum podium garden on 3/F with a floor height of 5.6m is minimized, given 4.5m clear headroom is required under Joint Practice Note No.1. Alternatively, the overall BH would be reduced by 2.2m under the refuge floor only proposal, however the applicant considers that the podium garden would be beneficial by bringing more greenery and enhancement to the environment.
- 2.9 Unique E&M facilities are required for the medical-related uses (e.g. waste water retention tank). There is insufficient space to allocate fire safety facilities at G/F, two E&M floors at 1/F and 4/F are currently proposed with floor-to-floor heights of 4.9m and 3.775m respectively. Alternative proposal with an additional basement level for E&M is considered; however, with deeper foundation, smaller floor plate for basement floors would be resulted as there is a need for thicker bored pile walls and additional fire safety installations. The current Proposal is most optimized in terms of design efficiency, parking provision and minimised BH.
- 2.10 Two commercial/office developments within the same 100mPD height band (Application Nos. A/K14/763 and A/K14/774) were approved with BH of 125.9mPD. The Proposed Scheme has maximised the SC and adopted slightly lowered floor-to-floor heights, thus the proposed BH of 125.9mPD is considered

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<sup>[4]</sup> According to the applicant, the clear headroom for the general out-patient clinic/families clinic/dental clinic and the integrated allied health centre at the proposed Community Health Centre cum Social Welfare Facilities in North District and the proposed Joint-user Government Office Building in Area 67, Tseung Kwan O are in the range between 2.5m to 2.7m.

reasonable and acceptable.

- 2.11 The optimized BH will maintain a coherent BH profile with the Kwun Tong Business Area (KTBA). As illustrated in the VIA (**Drawings A-11 and A-12**), the Proposed Scheme is considered to be fully compatible with the surrounding developments and is acceptable in terms of visual impact. Having considered the site constraints and individual merits of the Proposal, approval of the current application would not lead to any undesirable planning precedent.

#### Planning and Design Merits of the Proposed Scheme

- 2.12 The Proposed Scheme incorporates full-height setbacks of 3m and 1.5m at Yan Yip Street and Tai Yip Street respectively for the purpose of street widening at pedestrian level, which is in compliance with the ODP requirement. The Site is small in size (557m<sup>2</sup>) in an elongated configuration (30.5m (L) x 18.3m (W)) and that 25% of the Site would be setback and opened up for public use. Pedestrian accesses on G/F leading to the two roads would be provided and opened during opening hours (0700-2000) to further enhance pedestrian connectivity.
- 2.13 Overall greenery provision of not less than 20% of the Site area would be provided by means of edge planting at 1/F to 3/F (**Drawings A-4 to A-6**), the vertical greening at facade facing Tai Yip Street are shown in **Drawing A-13**. The podium garden at 3/F is for the enjoyment of workers and visitors from 0900 to 1700. Landscape proposal will enhance the pedestrian environment through improved visual quality and soften the building edges, and will mitigate the heat island effect.

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

- 2.14 The Proposed Scheme fulfils four out of the six relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP, including:
- (a) accommodating the bonus PR – the relaxation of BHR under application is partly to accommodate minor relaxation of PR restriction by 20% under the Policy as well as the bonus PR that is subject to approval of the BA under the B(P)R in relation to surrender of land/area for use as public passage/street widening;
  - (b) providing better streetscape/good quality street level public urban space – with the proposed setbacks and greening provisions as discussed in paragraphs 2.12 and 2.13 above;
  - (c) accommodating building design to address specific site constraints – the Site area is limited while full-height setbacks are incorporated, minor relaxation in BHR is required to accommodate the applied minor relaxation in PR; and
  - (d) other factors that would bring about improvements to townscape and amenity – the podium garden and other greenery proposals at the low zone would break up the visual bulkiness and enhance the townscape; proposed BH is to accommodate additional GFA to provide advanced medical facilities and equipment to serve the community.

### Sustainable Building Design Guidelines (SBDG)

- 2.15 The three key building design elements of SBDG are incorporated in the Proposed Scheme where applicable:
- (a) building separation - The Site is less than 20,000m<sup>2</sup> and its continuous projected façade length does not exceed 60m, thus this requirement is not applicable to the Proposed Scheme;
  - (b) building setback – No part of the building is within 7.5m from the centrelines of Tai Yip Street and Yan Yip Street; and
  - (c) site coverage of greenery – The Site is less than 1,000m<sup>2</sup> and there is no greening requirement under SBDG. Notwithstanding, an overall greenery provision of not less than 20% of the Site is proposed.

### Green Building Design Features

- 2.16 The curtain wall of the Proposed Scheme will adopt low-e glass which has low thermal conductivity and high light transmittance. The design and construction would adopt measures that enhance energy efficiency by having suitable Overall Thermal Transfer Value for compliance with the Building (Energy Efficiency) Regulation, and follow the Building Energy Code. The proposed development will also apply for BEAM Plus Gold Certification introduced by Hong Kong Green Building Council upon completion.

### Technical Aspects

- 2.17 There is no parking standard under the Hong Kong Planning Standards and Guidelines (HKPSG) for the proposed medical-related uses. Due to the limited site area upon surrendering of the setback areas and other design considerations to meet the fire safety requirement at basement levels (**Appendix Ib**), two levels of basement carpark with 17 parking spaces (reserved for the management staff only) and one L/UL bay is proposed (**Appendix Ie**). As the whole proposed development is solely owned and operated by the Applicant, all L/UL activities can be well arranged to be carried out during non-peak hours. The findings of the TIA indicate that the Proposed Scheme will have no adverse traffic impact to the surrounding road network and is considered acceptable from traffic engineering point of view.
- 2.18 The SIA as submitted demonstrates that the Proposed Scheme will have no adverse impact to the surrounding sewerage network.
- 2.19 The provision of diagnostic services such as radiology examination, Magnetic Resonance Imaging (MRI) and PET/CT is required to comply with Radiation Ordinance (Cap. 303) and relevant requirements of Radiation Board of Hong Kong. Radiation safety policy and guidelines are in place in HKBH which would also be applicable to the proposed development.

## **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>[5]</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>[6]</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.

#### 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 and to the west of Lai Yip Street (including the Site), 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.

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<sup>[5]</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>[6]</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 building plans (BPs).



## 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 were rejected (see **Appendix II** for details).

6.2 In consideration of these applications, the Committee generally indicated support for the Policy as it provides incentives to encourage 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. For proposed minor relaxation of BHR associated with such applications, the applicants have to demonstrate that the proposed BH would not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, and with due regard to the requirements under SBDG and green building design considerations. For the two rejected applications, one was in KTBA (No. A/K14/764) which was rejected on the consideration that there was insufficient planning and design merits to support the proposed relaxation of BHR (i.e. from 100mPD to 130.2mPD). Another application (No. A/K13/313) in the adjoining Kowloon Bay Business Area was rejected on the grounds the applicant had not provided strong justifications for the proposed minor relaxation of BHR (i.e. from 120mPD to 141.25mPD) and the applicant also failed to demonstrate that the proposed minor relaxation of BHR will not create adverse visual impact on the area.

6.3 Another application in KTBA (No. A/K14/777) for minor relaxation of PR restriction is scheduled for consideration at the same meeting.

## 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) currently vacant and previously occupied by a 7-storey IB built in 1974 which was recently demolished;
- (b) sandwiched between Tai Yip Street and Yan Yip Street, with an IB to its northeast (i.e. Chuan Yuan Factory Building of about 47mPD) and a commercial/office (C/O) development to its southwest (i.e. Linkchart Centre of about 87mPD); and
- (c) at about 230m to the southwest of the MTR Ngau Tau Kok Station.

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

- (a) buildings along Tai Yip Street are mainly IBs or industrial-office (I-O) buildings;
- (b) three existing C/O buildings, namely, International Trade Tower to the east across Yan Yip Street, Neo to the further southeast and One Bay East to the further south west across Wai Yip Street (all with BHs of 100mPD); and
- (c) two sites with approved planning permission for C/O buildings to the further southeast abutting Lai Yip Street, which are the subject sites of Application Nos. A/K14/763 and A/K14/774 (both with approved minor relaxation of PR to 14.4 and minor relaxation of BHR from 100mPD to 125.9mPD) (**Plan A-1**).

## **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 (including clinic) 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 (B/Ds) have been consulted and

their views on the application are summarized as follows:

### **Policy Perspective**

#### 9.1.1 Comments of the 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. He considers that the Site, which was occupied by a pre-1987 IB immediately before its present vacancy, is eligible for applying for relaxation of PR, and supports 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.

#### 9.1.2 Comments of the Food and Health Bureau (FHB):

Facing the challenges of an ageing population, public demand for healthcare services will increase in the future. The Government's policy is to promote the healthy development of a dual-track healthcare system in Hong Kong and alleviate the burden of the public healthcare system in the long run. In this regard, the Government supports development of private healthcare services which will supplement services operated by the public sector. The implementation of the Voluntary Health Insurance Scheme in April 2019, which covers certain ambulatory procedures, would further facilitate more members of the public to use private healthcare services in the future. Against this background, the FHB supports in-principle the current application.

### **Land Administration**

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

- (a) The Lot is held under Conditions of Exchange No. 9663 dated 28.1.1970, which contain, inter alia, the following salient restrictions:
  - (i) restricted to industrial and/or godown uses excluding offensive trades;
  - (ii) maximum height of 170ft (i.e. 51.8m) above principal datum; and
  - (iii) a non-building area zone abutting Yan Yip Street up to vertical clearance of 15ft (i.e. 4.57m) from the ground level.
- (b) The proposed commercial development with a BH of 125.9mPD is in conflict with the existing 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 the landlord at its discretion, it will be subject to those terms and conditions, including the appropriate user restriction, the

5-year time limit for completion of the development, payment of full premium and administrative fee, as considered appropriate by LandsD.

- (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.
- (d) His other comments are at **Appendix III**.

### **Building Matters**

9.1.4 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 Buildings Ordinance (BO) and should in all aspects comply with the BO.
- (c) Regarding the proposed setback areas to be surrendered, whether bonus PR and SC could be granted for the 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.
- (d) Detailed comments under BO will be given at the BP submission stage. His other technical comments are at **Appendix III**.

### **Traffic Aspect**

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

- (a) He has no in-principle objection to the application from traffic engineering perspective.
- (b) Even though the Site is relatively small and with various development constraints as claimed by the applicant, there may be room for further enhancement on the provision of parking and L/UL facilities at the detailed design stage. 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 provision of parking facilities, L/UL spaces and vehicular access for the proposed development.

### **Registration and Licensing Aspects**

9.1.6 Comments of the Director of Health (D of Health):

- (a) The normal operating hours of the proposed redevelopment is tentatively planned to be from 0700 to 2000. The applicant confirms that the proposed redevelopment would neither involve the application of licence under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) nor a hospital licence under the Private Healthcare Facilities Ordinance (Cap. 633). Cap. 633 stipulates that a hospital is any premises that are used, or intended to be used, for providing medical services or carrying out

medical procedures on patients, with lodging.

- (b) For the diagnostic service such as radiological examination, PET/CT, etc. proposed by the applicant could involve the possession and use of radioactive substances and irradiating apparatus, which are subject to the control of the Radiation Ordinance (Cap 303). Licences issued by the Radiation Board under Cap 303 are required for the possession and use of radioactive substances or irradiating apparatus. The Radiation Board will consider the granting of licences under Cap 303 on applications by the relevant responsible person(s) of the concerned premises at the proposed development in regard to their radiological safety and compliance with the provisions of Cap 303.

### **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 (557m<sup>2</sup>) is located at an “OU(B)” zone bounded by Kwun Tong Road to the north and Wai Yip Street/Tai Yip Street to the south and east with an intended BH profile in the range between 100mPD and 160mPD, though the site is within the BH band of 100mPD. To the southwest and further southwest of the site across Wai Yip Street are the Hoi Bun Road Park and Kwun Tong Waterfront Promenade respectively. Within the same “OU(B)” zone further east of the Site, two proposed C/O buildings with BHs of 125.9mPD have been approved by the Board (Application Nos. A/K14/763 and A/K14/774). Given the context, the small size of the Site, and as illustrated in the supporting VIA, it is unlikely that accommodation of the proposed development would induce significant adverse effects on the visual character of the townscape.
- (b) The Proposed Scheme has incorporated 3m and 1.5m full-height setbacks along Yan Yip Street and Tai Yip Street respectively as per the ODP requirements. Apart from the podium garden on the 3/F, the Proposed Scheme also incorporates landscape treatments, including vertical greenings and edge plantings at the low zone of the building. Although technically speaking, incorporation of these design measures do not necessarily require additional PR/BH, they represent the applicant’s effort in promoting visual interest and improving the pedestrian environment for a small lot.

##### *Landscape Aspect*

- (c) 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 and BH restrictions is not anticipated. It is also noted that a vertical green wall and edge planting at low zone of the building are proposed at Tai Yip Street and Yan Yip Street. As such, he has no objection to the application from

landscape perspective. His other technical comments are at **Appendix III**.

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

It is noted that proposed development consists of one tower block with a height of 125.9mPD which is about 27% higher than the adjacent developments with BHR of 100mPD. It is undesirable from visual impact point of view and may not be compatible to adjacent developments.

**Environmental Aspect**

9.1.9 Comments of the Director of Environmental Protection (DEP):

- (a) Based on the FIs (**Appendix Ib and Ic**), he has no objection to the application and no further comments on the assessments as submitted which conclude that insurmountable environmental impacts and sewerage impacts associated with the proposed development are not anticipated on the following considerations:
- (i) On noise and air quality, the applicant has confirmed that central air-conditioning system would be provided for the proposed development and would not rely on openable window for ventilation. The fresh air intake point of the air conditioning system would also be properly located to meet the buffer distance requirement for vehicular emissions as stipulated in the HKPSG.
  - (ii) On sewerage, the existing sewerage system has adequate capacity to accommodate the sewage generated from the proposed development. Insurmountable sewerage impacts are not anticipated. Notwithstanding this, should the application be approved by the Board, approval conditions on the submission of updated SIA and implementation of the local sewerage upgrading/sewerage connection works identified in the SIA are recommended to cater for any refinement in the flow distribution, flow estimation or connection points.
  - (iii) The IB previously occupying the Site has recently been demolished and the Site is currently vacant. Approval condition on the submission of land contamination assessment and implementation of the remediation measures is recommended should the Board approve the application. His other technical comments are at **Appendix III**.

**Pedestrian Accessibility and Walkability**

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

On enhancing pedestrian environment and promote walkability as

advocated by his Office, it is noted that the applicant has proposed 3m and 1.5m full-height building setbacks along Yan Yip Street and Tai Yip Street respectively, which 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/Mainland South, Drainage Services Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Commissioner of Police;
- (e) Director of Fire Services; and
- (f) District Officer (Kwun Tong), Home Affairs Department.

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

The application and the first FI (**Appendix Ib**) were published for public inspection on 3.1.2020 and 20.3.2020. Within the two statutory public inspection periods, a total of four objecting comments submitted by individuals (**Appendices IV(a)** to **IV(c)**) and the owner of International Trade Tower (**Appendices IV(d)**) were received. The objecting comments are mainly on the grounds that the proposed minor relaxation of PR and BH restrictions would induce adverse impacts on traffic and air ventilation aspects, the proposed minor relaxation in BHR would jeopardize the planned BH profile of KTBA, and that there is general inadequacy in provision of open space in the area. The adequacy of proposed parking provision and the effectiveness of the proposed landscape/green features are also doubted, and that compliance with the setback requirement under SBDG should not be considered as a design merit. Also, there is a comment that the Policy to allow minor relaxation of PR and BH restrictions would affect the integrity of such restrictions as imposed on the OZP; thus assessments on the cumulative impacts on air ventilation, noise pollution, penetration of natural light and traffic aspects should be conducted. The owner of International Trade Tower objected to the application on the grounds that the application would set an undesirable precedent for similar applications, there is insufficient planning and design merits, and 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.

## **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 development at the Site zoned "OU(B)" into a 32-storey (including 2 levels of basement car parks) development. The proposed development will comprise 'Shop and Services' (Medical-related) use for out-patient day clinic/medical centre which is 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. The out-patient day clinic/medical centre within the proposed commercial building is considered not incompatible with the surroundings, which is characterised by a mix of C/O, IB, and I-O buildings.

### Policy Aspects

- 11.2 An OP for the IB previously on the Site, recently demolished, was issued in 1974 and DEVB advises that the Site is eligible for applying minor relaxation in PR under the Policy. DEVB gives policy support to the current application, subject to its compliance with relevant requirements under the Policy and departmental assessments on the technical feasibility and planning considerations.
- 11.3 With the Government's policy to promote the healthy development of a dual-track healthcare system in Hong Kong and to facilitate members of the public to use private healthcare services, the Government supports development of private ambulatory services which will supplement services operated by the public sector. In light of the above, FHB gives in-principle policy support to the current application.

### 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. The TIA submitted (**Appendices Ia to Ic**) indicates that the proposed development would have no adverse traffic impacts on the surrounding road network and there are site constraints for providing more parking and L/UL facilities. C for T has no in-principle objection, and recommends approval conditions in paragraphs 12.2 (d) and 12.2 (e) below.
- 11.5 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 land contamination and sewerage aspects in paragraphs 12.2 (a) to (c) below.
- 11.6 Regarding the radiological safety of facilities proposed in the development, D of Health has no adverse comment on the application and advises that licences issued by the Radiation Board are required for the possession and use of radioactive substances or irradiating apparatus, which would be processed under Radiation Ordinance (Cap. 303).

### Minor Relaxation of BH

- 11.7 According to the applicant, the increase in BH (+25.9%) is proposed for accommodating the minor relaxation of 20% in PR under the Policy being sought, and the bonus PR that may be subsequently granted by the BA under B(P)R for surrendering the setback areas. The applicant indicates that the tower SC (63.05%) has been maximized with no scope for lowering the BH by adopting a larger footprint. Alternative proposal to put some of the E&M underground is reviewed but the applicant considers that such proposal would not be better than the current proposal in terms of design efficiency as there would be more fire safety requirements and other engineering considerations. The floor-to-floor height of typical clinical floors set as 3.875m with a clear headroom of 2.6m is compatible to other on-going Government projects for clinical/medical uses. Taking into account the above constraints and operational requirements, the applicant considers that the overall BH has been minimized. With the proposed full-height setbacks and greenery provision intended for enhancing streetscape,



providing wider public footpath and better visual permeability, the applicant indicates that the Proposed Scheme generally meets the criteria for considering application for minor relaxation of BHR as mentioned in paragraph 8.2 above.

- 11.8 In terms of BH profile for the KTBA, sites closer to the harbourfront, i.e. to the south of Hung To Road and to the west of Lai Yip Street (including the Site), are subject to BHR of 100mPD which follows a stepped BH profile descending from inland to the harbourfront. The BHR of 100mPD can reasonably accommodate the maximum PR of 12 as stipulated in the OZP. The Site is located within a central portion of the 100mPD BH band, which has different site context compared to the two sites with planning permission for minor relaxation of BHR to 125.9mPD under application Nos. A/K14/763 and A/K14/774 that are at the fringe which interface with the BH band of 160mPD. In consideration that the Site falls within BH band of maximum 100mPD on the street block adjacent to the waterfront and not abutting any street block with higher BH band, the Proposed Scheme is considered not in line with the BH profile. Having reviewed the technical justifications from the applicant, CA/CMD2, ArchSD comments that the overall BH of 125.9mPD is undesirable from visual impact point of view and may not be compatible to adjacent developments. Whereas, CTP/UD&L, PlanD considers that as demonstrated in the VIA (**Drawings A-11 and A-12**), it is unlikely that the Proposed Scheme with BH of 125.9mPD would induce significant adverse effects on the visual character of the townscape. The proposed floor-to-floor height for typical floor of 3.875m (with 2.6m clear headroom) that is within the range (between 3.5m and 4.1m) of that adopted in approved similar applications for C/O or industrial uses in KTBA (**Appendix II**) may not be unreasonable, however, there may be room to locate some E&M facilities in the basement to further lower the BH.
- 11.9 Taking into account the above with differing views on the proposed minor relaxation of BHR of 125.9mPD, on balance, it is considered to be a marginal case that could be tolerated given the unique circumstances that it is for medical care uses which FHB provided in-principle support to facilitate provision of private healthcare services that could be used by more members of the public.

#### Planning and Design Merits

- 11.10 About 25% of the Site area would be setback and surrendered in accordance with the ODP's requirements, including full-height building setback of 3m for formation of footpath along Yan Yip Street and of 1.5m along Tai Yip Street for footpath widening and amenity/streetscape enhancement. Pedestrian accesses on G/F of the Site would be provided linking Yan Yip Street and Tai Yip Street, and opened during opening hours (0700-2000) of the building to enhance pedestrian connectivity.
- 11.11 Other design elements (including vertical greenings and edge plantings at the low zone and podium garden at 3/F) are proposed with an overall greenery provision of not less than 20%. The applicant also indicates that upon adherence to the setback requirements, the developable area is reduced to 420m<sup>2</sup> rendering it infeasible to provide at-grade greenery. CTP/UD&L, PlanD advises that while these design measures do not necessarily require additional PR/BH, they represent the applicant's efforts in promoting visual interest and improving the pedestrian environment for a small lot.

11.12 On the sustainability building design aspect, the Site (30.5m (L) x 18.3m (W)) is less than 1,000m<sup>2</sup> and the continuous projected façade length of the proposed building is less than 60m, such that the requirements on building separation and greenery are not applicable for the Site, and the Proposed Scheme has complied with the building setback requirement. Notwithstanding the applicant has demonstrated effort in building design improvement by introducing greenery provision of no less than 20% of the Site area. Regarding the green building design proposed by the applicant as detailed in paragraph 2.16 above, these measures could be implemented via existing centralized processing system of BPs in the detailed design stage.

#### Public Comments

11.13 Regarding the public comments on the traffic, visual, parking and landscape provision, the assessments above are relevant. Relevant department has no adverse comments on the application from air ventilation perspective. 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 current application, the podium garden at 3/F would serve the future workers and the 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 generally have no adverse comment on this application on technical 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 revised 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 revised 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 land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures

identified therein prior to development of the site to the satisfaction of Director of Environmental Protection or of the Town Planning Board;

- (d) 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
- (e) 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 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 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**

<b>Appendix I</b>	Application form received on 23.12.2019
<b>Appendix Ia</b>	Supporting planning statement received on 23.12.2019
<b>Appendix Ib</b>	First FI vide letters received on 6.3.2020, 10.3.2020 and 12.3.2020
<b>Appendix Ic</b>	Second FI vide letters received on 16.4.2020 and 17.4.2020
<b>Appendix Id</b>	Third FI vide letters received on 29.4.2020 and 5.5.2020
<b>Appendix Ie</b>	Fourth 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-10</b>	Proposed floor plans and diagrammatic sections submitted by the applicant
<b>Drawings A-11 and A-12</b>	Photomontages submitted by the applicant
<b>Drawing A-13</b>	Street-level perspectives 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 buildings in KTBA
<b>Plan A-5</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2020**