

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K15/119

- Applicant** : Charm Smart Development Limited, Glory Mission Development Limited, Hoover (China) Limited and Lucken Limited represented by Planning Team Limited
- Site** : Yau Tong Inland Lots (YTILs) 4 S.B and 9, Yau Tong Marine Lot (YTML) 57 and adjoining Government Land, Tung Yuen Street, Yau Tong, Kowloon
- Site area** : 12,430m² (about) (including about 681m² (5.5%) of Government Land)¹
- waterfront portion (YTML 57) of about 1,469m² (11.8%) and
- inland portion (YTIL 4 S.B and YTIL 9, and adjoining Government land) of about 10,961m² (88.2%)
- Lease** : (a) YTIL 4 S.B
Restricted to industrial and/or godown purposes excluding offensive trade with a gross floor area restriction of 43,503m²; and

(b) YTIL 9 and YTML 57
Restricted to industrial and/or godown purposes with a building height (BH) restriction of 100ft Hong Kong Principal Datum.
- Plan** : Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/25 (currently in force)

Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/24 (in force at time of submission)
- Zoning** : “Comprehensive Development Area (3)” (“CDA(3)”) and “Road”
[Subject to a maximum plot ratio (PR) of 5.0 and a maximum BH of 80 metres above Principal Datum (mPD) for waterfront portion and 100mPD for inland portion. A public waterfront promenade (PWP) of not less than 15m wide on land designated ‘Waterfront Promenade’ on the OZP shall be provided.]

(Same zoning and development restrictions on the draft OZP No. S/K15/24 and the approved OZP No. S/K15/25)
- Application** : Proposed Comprehensive Residential Development

¹ Apart from area falling within “CDA(3)” zone, the site area also includes area shown as ‘Road’ on OZP covered by the proposed footbridge linking up the waterfront portion and inland portion across Tung Yuen Street.

The Proposal

- 1.1 The applicant seeks planning permission for a proposed comprehensive residential development at the application site (the Site) which is zoned “CDA(3)” on the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/25 (**Plan A-1**). According to the Notes of the OZP, an applicant for permission for development on land designated “CDA” shall prepare a Master Layout Plan (MLP) for the approval of the Town Planning Board (the Board) and include therein the technical assessments and other relevant information.
- 1.2 The MLP covers the whole “CDA(3)” zone (of about 1.24 hectare), which is divided into waterfront portion and inland portion, bisected by Tung Yuen Street (**Plan A-2**). According to the applicant, the development proposed is prepared having regard to the ‘Planning Brief for the five “CDA” zones at Tuen Yuen Street and Yan Yue Wai’ (PB) endorsed by the Metro Planning Committee (the Committee) on 20.11.2015. As indicated in the submitted MLP, the proposed development comprises five residential blocks providing 1,056 flats on top of podia with ancillary car park and clubhouse. The total PR and gross floor area (GFA) will be 5 and 58,745m² respectively while the heights of the residential blocks are ranging from 79.75mPD (waterfront portion) to 99.35mPD (inland portion), which is stepping down towards the harbour. The MLP, floor plans, section plans, LMP, urban design proposal and photomontages of the proposed development submitted by the applicant are shown in **Drawings A-1 to A-11**. Key design components of the proposed scheme are summarized as follows:
 - (a) PWP

A 15m-wide PWP for general public enjoyment will be provided along the sea frontage of the waterfront portion as required in the OZP and the PB. A 3m-wide landscaped buffer will be provided between the PWP and residential block at waterfront portion as an interface design measure (**Drawings A-1 and A-6**).
 - (b) Environmental mitigation measures

To address the possible interim interface issues between the proposed residential development and the existing industrial operations in the vicinity, apart from the direct noise mitigation measures (such as acoustic window and enhanced acoustic balcony), series of mitigation measures such as single aspect building design, setbacks from the lot boundary, building separation, and raised residential floor, have been adopted in the building design to further minimise any potential adverse environmental impacts from the adjacent land uses. Environmental assessment (EA) as submitted by the applicant concluded that the proposed development would not subject to adverse noise, air quality and odour impacts from the surrounding uses.
 - (c) Accessibility

Apart from Tung Yuen Street and Shung Wo Path, an alternative pedestrian footbridge via Shung Yiu Street for access to the inland portion is proposed. Besides, a private covered footbridge over Tung Yuen Street linking up podium garden at the two portions would also provide a traffic-free linkage for residents. These two facilities are to serve the residents and visitors

only, and the applicant would bear the construction, maintenance and management duties of the said accesses/footbridges (**Drawing A-1**).

(d) Full height setback for public footpath

The proposed development will be setback from the lot boundary along both sides of Tung Yuen Street and the northwestern side of Yan Yue Wai to allow provision of a 3.5m-wide public footpath (**Drawing A-1**), as required in the PB.

1.3 Major development parameters are shown in the following table:

Development Parameters	Proposal
Gross Site Area (about)	12,430 m ² Waterfront portion: 1,469 m ² Inland portion: 10,961 m ² (including Government land of about 681m ²)
Net Site Area (about) (countable for GFA calculation) (excluding Government land)	11,749 m ² Waterfront portion: 1,469 m ² Inland portion: 10,280 m ²
Total PR	5
Total GFA (about)	58,745 m ² Domestic GFA: Waterfront portion: 7,607 m ² Inland portion: 50,966 m ² Private Footbridges GFA: 172 m ²
No. of Blocks	5 Waterfront portion: 1 (Tower 5) Inland portion: 4 (Towers 1 to 4)
Site Coverage (SC) (about)	
– Domestic	Waterfront portion: 26% Inland portion: 20%
– Podium	Waterfront portion: 39% Inland portion: 71%
BH (main roof)	Waterfront portion: 79.75mPD Inland portion: 99.35mPD
No. of Storeys	Waterfront portion: 21 residential floors (on top of 2-level clubhouse/ lobby) Inland portion: 27 residential floors (on top of 1-level clubhouse and 1-level basement carpark *)
No. of Flats	1,056 Waterfront portion: 84 Inland portion: 972
Design population (about)	3,168
Open Space (about)	Private: Not less than 3,168 m ² Public: 454m ² (PWP with 15m in width)

Development Parameters	Proposal
Parking Provision# – Private Car – Resident – Visitor – Motorcycle – Loading/unloading (L/UL) bays	194 (including 3 accessible spaces) 169 25 11 5
Target Completion	2023

* The carpark facilities are to be provided in the inland portion, which abuts two streets of different levels, namely Shung Yiu Street (+18.2mPD) and Tung Yuen Street (+4.3mPD). While the carpark floor is at similar level of Tung Yuen Street, the applicant claimed it as underground carpark.

In view of the small site area of the waterfront portion and that nearly one-third of the site has been reserved for PWP, only one L/UL bay would be provided at the waterfront portion and the other parking provision are in the inland portion. Footbridge connecting podium levels of the two portions are proposed to facilitate the use of the parking facilities by the residents and visitors.

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

- (a) Letters received on 13.12.2016 and 15.12.2016 enclosing the application form **(Appendix I)**
- (b) Supplementary Planning Statement (four volumes) **(Appendix Ia)**
- (c) Letters dated 30.3.2017 and 31.3.2017 providing further information (FI) including responses to departmental comments and submitting revised Planning Statement, MLP and architectural drawings, revised technical assessments (Drainage and Sewage Impact Assessment (DIA/SIA), Visual Impact Assessment (VIA), Landscape Master Plan (LMP), Air Ventilation Assessment (AVA), Geotechnical Assessment (GA) and EA), and a new Water Supply Impact Assessment (WSIA) and Urban Design Proposal **(Appendix Ib)**
- (d) Letter dated 26.7.2017 providing FI to response to the departmental comments and submitting revised Planning Statement, MLP, LMP and revised technical assessments (Traffic Impact Assessment (TIA), DIA/SIA, VIA, AVA and EA) **(Appendix Ic)**
- (e) Letter dated 13.9.2017 providing FI including responses to departmental comments and revised MLP, TIA, replacement page of VIA and new Land Contamination Assessment (LCA) **(Appendix Id)**
- (f) Letter dated 25.10.2017 providing FI including responses to departmental comments and revised LCA and EA **(Appendix Ie)**
- (g) Letter dated 15.11.2017 providing FI including responses to departmental comments and revised TIA and LMP **(Appendix If)**

- (h) Letter dated 27.4.2018 providing FI including responses to departmental comments and revised MLP, EA, LCA, LMP and TIA reports. (**Appendix Ig**)
- (i) Letter dated 5.6.2018 clarifying the opening hour of the PWP and replacement pages of EA, LCA and first floor plan. (**Appendix Ih**)

[FIs (c) to (h): *accepted and not exempted from publication and recounting requirement*]

1.5 The application was originally scheduled for consideration by the Committee on 3.2.2017. On 3.2.2017, 26.5.2017, 12.1.2018 and 6.4.2018, 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 response to the departmental comments. With the FI received on 27.4.2018 (**Appendix Ig**), 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 detailed in planning statement in **Appendix Ia** and the FI in **Appendix Ih** and are summarized as follows:

Adhere to the Planning Intention of “CDA(3)” zone

- (a) The proposed residential development at the Site is in line with the planning intention of the “CDA(3)” zone to facilitate comprehensive development and phasing out the industrial use. It complies with the statutory restrictions under OZP and the requirements of the PB.

In line with the Long Term Housing Strategy 2014

- (b) The proposed development (with about 1,056 flats) would help to address the acute shortage of private residential flats.

Sustainable quality building

- (c) By providing a sustainable quality building design according to the Sustainable Building Design Guidelines, including building separations, setback and greenery coverage, the proposed development can improve the townscape of the area by replacing old industrial building with new residential development. A stepping down BH profile towards the seaward side enhances the local ventilation as well as the façade of the building group viewing from waterfront promenade. Moreover, the proposed development has taken into account various air ventilation improvement measures to avoid causing adverse effects on adjoining developments. The podium design serves as a separated level of green platform for safe enjoyments.
- (d) The landscape design would facilitate the creation of a serene outdoor living environment and the provision of active and passive recreation facilities for the enjoyment of the residents. Greenery coverage of about 21% with roadside

trees would contribute to the establishment of soft boundary and enhancement of the visual greenery of the site.

Environmentally acceptable

- (e) With incorporation of various mitigation measures and design, the Noise Impact Assessment (NIA) demonstrates that the proposed development would not be subject to adverse road traffic and noise impact from fixed sources. The Air Impact Assessment (AIA) and odour assessment reveal that the predicted air pollutant concentrations and odour would be generally within the relevant air quality objectives and odour criterion.
- (f) To address the potential industrial/residential (I/R) interface issues, at the design stage, direct environmental mitigation measures and other design elements have been incorporated in the scheme. Acknowledged that industrial activities are in close proximity, the applicant would assist the future residents such as providing a designated hotline for handling complaints in relation to the interface issues, and the future management office is obliged to help the owners to actively liaise with the nearby industrial uses operators to minimise disruptions.

Technically feasible

- (g) The proposed development would not incur significant adverse impacts to its surroundings on the traffic, air ventilation, geotechnical, sewerage, drainage and visual aspects.

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

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

4. Previous Applications

The Site is the subject of two s.16 planning applications (Nos. A/K15/24 and A/K15/31) for proposed industrial/office building development within previous “Industrial” zone covering the Site and adjoining sites (**Plan A-1**). The former application covering part of “CDA(3)” zone and the adjacent “CDA(1)” zone was rejected by the Board upon review on 10.5.1991 mainly on the grounds that the proposed development failed to satisfy the basic design requirements and the revised proposal constituted a material change to the original application. The latter one, covering part of the “CDA(3)” zone, was approved by the Committee on 16.9.1994. The planning permission lapsed on 16.9.1996.

5. Similar Applications

There are four similar planning applications (Nos. A/K15/96, 112, 114 and 120) in the planning area. The former two applications for proposed comprehensive commercial/residential development with Government, institution or community uses, public vehicle park, pier (landing steps) and minor relaxation of PR restriction at Yau Tong Bay “CDA” were approved by the Committee on 8.2.2013 and 16.1.2015

respectively. The latter two for proposed comprehensive residential developments with PWP at the “CDA(1)” and “CDA(5)” sites in Yau Tong Industrial Area (YTIA) were approved by the Committee on 5.2.2016 and 11.8.2017 respectively (**Plan A-1**). Land exchanges for Yau Tong Bay “CDA” and “CDA(1)” are being processed and the construction works for “CDA(5)” has commenced.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3 to A-6)

6.1 The Site is:

- (a) located at the southwestern part of YTIA; and
- (b) composed of waterfront and inland portions separated by Tung Yuen Street. The waterfront portion is bounded by Victoria Harbour on its west, Tung Yuen Street on its east, a concrete batching facility on its south and Tung Yuen Street Cooked Food Market and a salt water pumping station on its north across Shung Wo Path. The inland portion abuts Tung Yuen Street on its west, Shung Yiu Street at a higher level on its east, Yan Yue Wai on its south and a vehicle repair workshop, which forms part of the approved comprehensive residential development at “CDA(1)” site, on its north (**Plan A-2**).
- (c) The inland portion is currently occupied by recycling depot and storage/depot while the waterfront portion is occupied by a 6-storey industrial building for cold storage and warehousing (**Plans A-3 to A-6**).

6.2 The surrounding areas have the following characteristics:

- (a) YTIA has been gradually transformed into residential use. The area to the north of the “CDA” cluster is mainly zoned “Residential (Group E)” (“R(E)”) with the intention to phase out the non-conforming industrial uses through redevelopment. Planning approvals have been granted for some “R(E)” sites for residential developments, of which four were completed, namely Canaryside, Ocean One, the Spectacle and Peninsula East, and two to the further north and east of the inland portion abutting Sze Shan Street are under construction/with building plans approval (**Plan A-2**).
- (b) Planning permissions for proposed comprehensive residential development were granted to the adjoining “CDA(1)” and “CDA(5)” sites on 5.2.2016 and 11.8.2017, respectively (**Plan A-1**).
- (c) The “CDA(4)” zone, adjoining the waterfront portion and to the south of the inland portion, is currently occupied by three concrete batching plants (CBPs). The “CDA(2)” zone, to north of the waterfront portion across Shung Wo Path, is occupied by Kwun Tong Wholesale Fish Market, a Salt Water Pumping Station and Tung Yuen Street Cooked Food Market (**Plan A-2**).

- (d) To the north of the YTIA is the Yau Tong Bay “CDA” site, with planning permission for a proposed comprehensive development (No. A/K15/112) granted on 16.1.2015.
- (e) MTR Yau Tong Station is about 500m to the northeast of the Site.

7. Planning Intention

The “CDA” zone is intended for comprehensive development/redevelopment of the YTIA for residential and/or commercial uses with the provision of open space and other community and supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

8. Major Requirements under the Planning Brief

- 8.1 The Site together with the adjacent “CDA(1)”, “CDA(2)”, “CDA(4)” and “CDA(5)” zones in YTIA and the adjoining roads were previously covered by a large single “CDA” zone. To expedite the early redevelopment, the single “CDA” zone was subdivided into five smaller “CDA” zones, i.e. “CDA(1)” to “CDA(5)” with the remaining area rezoned as ‘Road’ in 2014. To facilitate the preparation of MLPs for the comprehensive developments in the five “CDA” zones, a PB setting out the broad planning parameters and development requirements was endorsed by the Committee on 20.11.2015. To ensure the developments will be implemented in a comprehensive manner and compatible with each other, a coordinated approach of redevelopment of individual “CDA” zone in terms of development scale, design layout, provision of waterfront promenade as well as visual and air corridors should be adopted. In this regard, the PB has covered the general planning principles and development requirements generally applying to all “CDA” zones as well as specific requirements for individual zone. Major design considerations set out in the PB include adoption of a distinct gradation of height profile with descending BH towards the harbourfront and with variation in the BH profile, paying attention to compatibility and congruous with surrounding developments and waterfront setting, provision of visual and ventilation corridors to enhance visual and air permeability, etc. A copy of the PB is attached at **Appendix IIa**.
- 8.2 A comparison of major development parameters and planning requirements of the PB and the subject application are as set out in **Appendix IIb**. The proposed scheme generally complies with the PB requirements with some minor adjustments. Detailed assessments are given in paragraph 11 below.

9. Comments from Relevant Government Bureau/Departments

- 9.1 The following Government bureau/departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) He has no objection to the application.
- (b) The proposed comprehensive residential development falls within YTML 57, YTIL 4 S.B. and 9 and the adjoining Government land. The lease conditions of the above two lots contain, inter alia, restrictions detailed at **Appendix III**.
- (c) The proposed residential use on both lots is in contravention of, inter alia, the user and height restriction under leases of the two lots respectively. Should the application be approved, the applicant is required to apply to LandsD for a lease modification/land exchange to give effect to the proposal. However, there is no guarantee at this stage that the lease modification/land exchange would be approved. If the application is approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms and conditions including the payment of premium as appropriate, as imposed by LandsD.
- (d) Other detailed comments on management and maintenance of PWP, and the provision of private access and footbridge are in **Appendix III**.

Traffic Aspect

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

- (a) He has no objection to the application but requests the applicant to conduct a revised TIA to address his technical comments as detailed at **Appendix III**.
- (b) On the understanding from the FI at **Appendix Ih** that proposed development will be implemented in a single phase, the applicant has to ensure the ancillary parking provisions of the whole site would be provided upon population intake of the development in order to meet the high-end requirements in the HKPSG. To enhance connectivity between waterfront and inland portions and facilitate the use of the parking facilities, the footbridge across Tung Yuen Street should be provided as proposed by the applicant.

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

- (a) He has no objection to the application.

- (b) Should permission from LandsD on construction of new footpath connection at Shung Yiu Street falling outside the lot boundary be granted, the applicant shall construct the said facility at his own cost. The applicant shall also seek C for T's comments on the proposed new footpath.
- (c) For the proposed footbridge across Tung Yuen Street, clear headroom of 5.1m should be maintained above all part of the public carriageway and the public footpath. The applicant is advised to note Chapter 13 of Structures Design Manual for Highways and Railways for the measurement of effective headroom above the carriageway.

Environmental Aspect

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

Environmental

- (a) It is noted that the subject site is closely surrounded by many existing incompatible industrial uses including existing CBPs, the Kwun Tong Wholesale Fish Market, open carparks and industrial buildings. As such, the proposed residential development at the Site is subject to I/R interface environmental problems arising from the co-existence of the existing industrial uses with the proposed residential development.
- (b) He also understands that the YTIA, which covers the Site, was previously rezoned to "CDA", "R(E)" and "Commercial" zones with the intention of phasing out industrial uses. In addition, based on the planning application and the FI submitted by the applicant, the applicant has committed to provide a package of environmental mitigation measures to address/minimize the I/R interface problems such as raised residential floor to minimize air quality impact, provision of a footbridge between the waterfront and inland portions and an alternative access to the proposed development in Shung Yiu Street to minimize exposure to air pollution, and provision of acoustic windows and balconies to minimize noise impact, etc. Given the above proposed environmental mitigation measures, the applicant has also demonstrated that the proposed development could meet the relevant air quality and noise standards.
- (c) With the above mitigation measures in place and on the understanding that the planning intention of the YTIA is to encourage redevelopment for mainly residential use and phase out non-conforming and polluting industrial uses, he has no objection to the application but considers that relevant approval conditions as stated in paragraphs 12(d) and (e) should be imposed to further minimise the potential interim I/R interface issues, should the application be approved.

- (d) Other technical comments on the EA are in **Appendix III**.

Drainage and Sewerage

- (a) Having considered the applicant's FI in **Appendix Ic**, he has no further comment on the SIA.

Urban Design and Visual Aspect

9.1.5 The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) has no objection to the application from urban design perspective, but have the following comments on the proposed scheme:

- (a) Edge treatment including greening at street level should be maximised to contribute to a pleasing streetscape and public realm, and to minimise the visual bulkiness of the car park at Tung Yuen Street.
- (b) While the applicant's justification on the nil provision of the commercial uses at the waterfront portion is noted, flexible design should be incorporated in the waterfront portion in order to foster the vibrancy of the waterfront area.
- (c) The applicant should provide a better interface between the development and the public domain with the creation of a pleasant pedestrian environment along Shung Wo Path, thereby improving the attractiveness of the PWP.
- (d) The applicant should explore the scope to promote visual interests through BH variation for the residential blocks above the podium at the inland portion.

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

- (a) The photomontages (**Drawings A-8 to A-11**) as submitted demonstrated that the proposed residential development with five towers from 21 to 27 storeys in the Site is not incompatible with the surrounding development, with regard to the long term planning intention for the area.
- (b) The design of the footbridges should take into consideration of the possible adverse ventilation, overshadow and visual impacts to the surroundings; and are subject to the approval from the Advisory Committee on the Appearance of Bridges and Associated Structure in accordance with ETWB TC(W) no. 36/2004. The construction of the proposed footbridge should not cause disturbance to the public usage of the roads.

Landscape Aspect

9.1.7 Comments of the CTP/UD&L, PlanD:

- (a) He has no in-principle objection to the application, but has following technical comments on the LMP:
 - (i) Sufficient signage to “*Demarcate the waterfront promenade and direct public to access the promenade*” and the ramps for barrier free access to the proposed footbridge over Tung Yuen Street should be illustrated on the LMP.
 - (ii) Relevant information demonstrating the percentage for soft landscaping and “planting trees” for public open space for compliance of the HKPSG requirement should be provided.
 - (iii) The applicant should explore rooms for further improving the at-grade greening opportunities.
- (b) To fully address the above technical issues, he considers that approval condition requiring the submission and implementation of revised LMP as stated in paragraph 12(c) below has to be imposed, should the application be approved.

9.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The PWP should be open round the clock and barrier-free for members of public enjoyment freely.
- (b) The applicant should further clarify the management and maintenance responsibility of the proposed retaining trees and compensatory trees for landscape planting along Shung Yiu Street.

Air Ventilation Aspect

9.1.9 Comments of the CTP/UD&L, PlanD:

- (a) An AVA Initial Study using computational fluid dynamic modelling has been carried out to support the application. Two scenarios, i.e. the Baseline Scheme (i.e. OZP-compliant scheme with two 15m wide NBAs) and the Proposed Scheme, have been studied. Under the Proposed Scheme, majority of the NBAs are occupied by a podium deck and a footbridge is proposed to connect the podia of inland and waterfront portions at 2/F across Tung Yuen Street, an air path serving the area in East-West direction. The Proposed Scheme has also incorporated other mitigation measures, including (i) a podium setback of about 13-14m from Tung Yuen Street at the inland portion; (ii) a 19m wide building separation between towers at the inland portion; (iii)

provision of an open-air landscape garden for improving the permeability at the inland portion; and (iv) a building setback of 18m from shoreline at the waterfront portion.

- (b) According to the simulation results, the overall performances of the Baseline and Proposed Schemes at the pedestrian wind environment in the surrounding are comparable under both annual and summer conditions, while the presence of the podium deck within the NBAs and a footbridge across Tung Yuen Street would slightly affect the performance of the NBA aligning Yan Yue Wai under summer condition.

Building Matters

9.1.10 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) He has no objection to the application subject to the comments below.
- (b) All building works are subject to the compliance with the Buildings Ordinance (BO).
- (c) Notwithstanding that the Lots are regarded as one site for planning application purpose, they are however taken as two sites (YYML No. 57 (i.e. waterfront portion) and YTIL No. 4B, 9 & adjoining Government land (i.e. inland portion)) for the purpose of the BO and its regulations. In other words, the two portions should be self-sustained in terms of PR and SC, open spaces, access, emergency vehicular access, means of escape and servicing etc.
- (d) The proposed waterfront promenade is not regarded as a specified street for site classification purpose nor will it be taken as a street for providing natural lighting and ventilation to any adjoining domestic buildings as required under Building (Planning) Regulations (B(P)R) 30 and 31.
- (e) As the PWP shall be surrendered to the Government upon request, it should not be taken into account for provision of open spaces as required under B(P)R 25 and the rectangular horizontal planes for prescribed windows as required under B(P)R 31 for any proposed domestic buildings.
- (f) Other technical comments are in **Appendix III**.

Fire Safety

9.1.11 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (b) The applicant should be reminded that emergency vehicular access should be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Buildings (FS Code) 2011 which is administered by the BD.

Interface with Kwun Tong Wholesale Fish Market

9.1.12 Comments of the Director of Agriculture, Fisheries and Conservation:

- (a) He has no objection to the application.
- (b) The Site is located next to the Kwun Tong Wholesale Fish Market², any potential visual, traffic and environmental (e.g. air quality, odour and noise) impacts of the fish market on the proposed development should be properly addressed. The applicant should incorporate appropriate measures to mitigate the impacts concerned.

GIC Facilities

9.1.13 The Secretary for Education (SED) has no adverse comment on the application but considers that a 6-classroom kindergarten should be provided within the five “CDA” zones according to the HKPSG.

9.1.14 The Director of Social Welfare (DSW) has no adverse comment on the application but suggests exploring feasibility to provide the wish list of social welfare facilities for the small group home, severely disabled person and ex-mentally ill person in other “CDA” zones in YTIA.

9.2 The following Government bureau/departments have no objection to/comment on the application:

- (a) Principal Assistant Secretary (Harbour), Development Bureau (PAS(H), DEVB);
- (b) Project Manager/ East Development Office, CEDD;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (e) Head of Geotechnical Engineering Office, (H(GEO)), CEDD;
- (f) Food and Environmental Hygiene Department; and

² The Civil Engineering and Development Department (CEDD) has recently commenced a Technical Study on Potential Sites for Relocation of Wholesale Markets and Other Industrial Uses in North West Tsing Yi, which will cover the re-provision of the Kwun Tong Wholesale Fish Market. The study is expected to be completed in Q1 2020.

- (g) District Officer (Kwun Tong), Home Affairs Department

10. Public Comments Received During Statutory Publication Period

10.1 The application and the subsequent FIs were published for public inspection on 20.12.2016, 18.4.2017, 4.8.2017, 3.11.2017, 24.11.2017 and 8.5.2018. During the statutory public inspection periods, a total of 37 public comments were received (**Appendices IV (1) to (37)**). The public comments are submitted by Mr. LUI Tung-hai (Kwun Tong District Council (KTDC) Member), the current tenant of the Site, recycling industry operators, and individuals.

10.2 The major views of the public comments are summarized as follow:

19 Supportive comments (from individuals) (**Appendices IV (1) to (19)**)

- (a) The proposed development is in line with the planning intention of “CDA” zone to speed up revitalization of Yau Tong, improves existing environment and traffic, and increases housing supply.
- (b) Approval of the application would phase out the polluting industries currently operating at the Site and would expedite transformation of the area.
- (c) Provision of the PWP and the building setbacks would improve the living environment.
- (d) While residential development at the Site is supported, the technical issues such as traffic, noise, sewerage and drainage should be properly addressed.
- (e) There are planning permissions for residential developments in the area, thus approval should also be granted to this application so as to materialise the planning intention to phase out the polluting industries for the benefits of the residents in the vicinity.

15 Opposing views (from current tenant of the Site, recycling industry operators, and individuals) (**Appendices IV (20) to (34)**)

- (f) The Site is not suitable for residential development in view of the poor air quality and the frequent truck circulation in the area.
- (g) Insufficient provision of open space, greenery and planting, and the PWP is too small and may be abused by the future development.
- (h) The proposed footbridge across Tung Yuen Street would cast shadow effect and have adverse ventilation and visual impacts.
- (i) The proposed development may cause adverse traffic impact to the area.
- (j) The tenant of the Site claimed that he has invested a large sum of money for the operating metal recycling business, but has only operated for only

two years. The company would be adversely affected if the application is approved.

- (k) The recycling industry in Yau Tong will be adversely affected financially if the application is approved. Interface issues with co-existence of residential and industrial uses are anticipated.

3 Providing views (from a KTDC Member and individuals) (Appendices IV (35) to (37))

- (l) More parking spaces should be provided to cater the needs.
- (m) The government should consider to relocate the polluting concrete and recycling plants along the Tung Yuen Street, improve the traffic condition and pedestrian facilities, reserve sufficient recreational area and prevent dense and tall building to allow the air ventilation
- (n) The building height of the proposed development should not exceed 80m.

Consultation with HC's Task Force

10.3 On 14.2.2017, the applicant consulted the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing (the Task Force) of Harbourfront Commission on the proposed scheme. The Secretary of the Task Force submitted a letter to the Board on 5.6.2017 attaching extract of the meeting minutes (at **Appendix V**). The Task Force had reservation on the proposal and could not support the scheme. In gist, some members had concern about the width of PWP which only met the minimum requirement, and its coherence in design with neighbouring PWP, the proposed private footbridge should also be opened for public access to the PWP, and on the ground that fulfilling the PB requirement might not be sufficient from harbourfront enhancement point of view. Some members suggested the Government to take a more proactive approach for enhancing water-land interface facilities in this area and provide wider pavement at Tung Yuen Street for public enjoyment.

11. Planning Considerations and Assessments

Planning Intention and Development Intensity

- 11.1 The application is for a comprehensive residential development with 1,056 flats within the “CDA” zone with provision of a PWP for public enjoyment. The planning intention of the “CDA(3)” zone is to phase out the existing industrial operations for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other community and supporting facilities. The proposed development is considered in line with such planning intention.
- 11.2 The “CDA(3)” zone is subject to a maximum PR of 5 and BHs of 80mPD and 100mPD for the waterfront and inland portion respectively under the OZP. The proposed development with PR of 5.0 and BHs of 79.5mPD to 99.35mPD, do

not exceed the statutory limits and is considered acceptable.

Land Use Transformation / Compatibility

- 11.3 YTIA is mainly zoned “R(E)”, “CDA” and “Commercial” with the general intention to encourage redevelopment for appropriate uses to phase out current industrial uses. The Site and other four “CDA” sites are located at the southwestern waterfront area of the YTIA. They were previously covered by a large single “CDA” zone, which had not been implemented mainly due to fragmented land ownership. It was then sub-divided into five smaller “CDA” zones in 2014 with due regard to the ownership status and the aim at expediting the early redevelopment for the area. Planning permissions were granted for residential developments at the “CDA(1)” to its northwest and “CDA(5)” to its southeast in 2016 and 2017 respectively (**Plan A-2**). The construction works for the latter has commenced, while the land exchange for the former is being processed. The inland portion of the Site is currently occupied by recycling depot/storage while a 6-storey industrial building for cold storage and warehousing is erected at the waterfront portion. Should planning application for residential development at the Site be approved, the existing non-conforming industries at the Site would be phased out and environment in the area would be improved.
- 11.4 The areas surrounding the five “CDA” sites are mainly zoned “R(E)” with the intention of redeveloping for residential use and phasing out industrial uses. Residential development within the “R(E)” zone would require planning approval from the Board to ensure that the development would be environmentally acceptable and the I/R interface issue can be fully addressed. Planning permissions have been granted for some adjacent “R(E)” sites for residential developments, of which some were completed (Ocean One, Canaryside, the Spectacle and Peninsula East), and some are under different stages of development, e.g. under construction (13-15 Sze Shan Street) or with approved building plans (28 Sze Shan Street) (**Plan A-2**). The proposed comprehensive residential development at the Site is considered compatible with the planned land use of the area and would facilitate the planning intention of gradual transformation of the area for residential use.

Compliance with PB

- 11.5 The proposal scheme generally complies with the PB requirements regarding the planning parameters, provision of PWP and local open space, greenery coverage and setback. In particular, with due regard to the site characteristics and constraints, the submitted MLP has complied with the relevant planning and design requirements including respecting the waterfront setting, stepped BH profile descending toward the waterfront, provision of sufficient separation between building towers for improving ventilation and visual permeability and setback of development for footpath widening. Although there are some adjustments to the opening hours of promenade and encroachment on the NBA/air ventilation corridor, and nil provision of commercial use, the changes are supported with justifications, demonstrated to be acceptable with relevant assessments, and are generally acceptable to concerned departments. The relevant issues are further elaborated in the paragraphs below.

Public waterfront promenade

- 11.6 A 15m wide PWP is designated on OZP, across the five “CDA” zones (**Plan A-1**). In accordance with the requirement in the OZP and PB, a PWP of not less than 15m wide will be provided in the proposed development. It will be managed and maintained by the applicant without transferring the responsibilities to the future individual flat owners prior to surrendering to the Government upon request. Instead of opening the PWP for 24 hours a day as stated in the PB, the applicant proposes opening hours from 8:00 to 21:00 every day before the promenade is surrendered to the Government, based on the considerations of limited number of visitors before opening of the adjacent portion of PWP³ and of security reason and public safety concerns at night. Such arrangement is adopted for the short section of PWP in the approved scheme of “CDA(1)” site. The above proposal is considered not unacceptable and concerned department including PAS(H), DEVB has no adverse comments on this arrangement. Upon surrendering back of the PWP to the Government, the Government will duly consider the appropriate opening hours. Under the proposed scheme, no commercial use is proposed along the waterfront promenade as suggested in the PB. The applicant explained that owing to the small-sized and narrow frontage, the PWP together with the 3m landscape buffer from the PWP would have already taken up over one-third of the waterfront portion site. Besides, it is required under BO to provide self-sustained open spaces, emergency vehicular access etc, within the development site at waterfront portion, thereby limiting the room to provide commercial use at the waterfront frontage. PAS(H), DEVB has no adverse comment on this aspect.
- 11.7 Regarding Task Force’s concerns on the width of the PWP and design integration with neighbouring PWP, the proposed scheme has met the requirements stipulated on the PB in these aspects, and the width of the PWP, i.e. 15m, are the same as those in the approval schemes for “CDA(1)” and “CDA(5)” zones. The design of the PWP and its integration with other section of PWP will be duly accessed at the detailed design stage. An approval condition has been imposed in this regard. Regarding allowing public use of the proposed footbridge over Tung Yuen Street and wider pavement at Tung Yuen Street with the proposed building setback, there will be widened footpath of minimum 3.5m-wide along Tung Yuen Street (**Drawing A-1**) in accordance with the requirements in the PB and appropriate road crossing facilities for public access to the waterfront. Passage through the podium of the proposed private residential development is considered not appropriate. PAS(H), DEVB raises no objection to the application on this aspect.

Urban Design, Landscape and Air Ventilation Aspects

- 11.8 The proposed development with a varied BH profile from 79.75mPD to 99.35mPD can blend in with the overall stepped BH profile of the area descending from the inland area to the waterfront. With the aid of photomontages (**Drawings A-8 to A-11**), the applicant has demonstrated that there will be no significant visual impact to the surrounding areas. The

³ Section of PWP falls within “CDA(2)” and “CDA(4)” zones which have no approved planning application.

terraced design of podium at inland portion fronting Tung Yuen Street together with the building setback and provision of greening along Tung Yuen Street/Yan Yue Wai can help reducing visual bulkiness of the podium and enhance visual interests. Both CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment on the application from visual and urban design points of view.

- 11.9 On air ventilation aspect, an AVA has been carried out to support the application. Two schemes, the baseline scheme (an indicative scheme according to the NBA requirement in the PB) and the proposed scheme (podium has encroached on the NBA/air ventilation corridor on PB, but various air ventilation measures includes podium setback, building separation and setback from shoreline are proposed) have been evaluated. According to the AVA report, the overall air ventilation performances of the schemes are comparable, and the proposed development would not result in significant adverse air ventilation impact to the area. CTP/UD&L, PlanD has no in-principle objection to the application from air ventilation perspective.
- 11.10 On landscape aspect, CTP/UD&L, PlanD has no in-principle objection on the submitted LMP (**Drawing A-6**) but considers that some technical issues should be further addressed upon detailed design. DLCS also has some comments on tree planting. To ensure the satisfactory addressing of these issues, an approval condition on the submission of a revised LMP is suggested in paragraph 12.2(c).

Environmental Aspect

- 11.11 The planning intention of the YTIA is to encourage redevelopment for mainly residential use and phase out non-conforming and polluting industrial uses. While a number of residential developments were approved at "R(E)" and various "CDA" zones, the land use transformation takes time to fully complete. During the interim period, co-existence of residential developments and industrial installations, e.g. CBPs and the fish market, is unavoidable. It is vital to ensure through the planning application mechanisms that appropriate measures are adopted in the proposed residential development to address the possible I/R interface issues in the interim period. In this application, EA submitted by the applicant has demonstrated that the proposed development would be environmentally acceptable. To address the possible I/R interface issues, apart from the direct noise mitigation measures (such as acoustic window (top-hung type) and enhanced acoustic balcony), the applicant has committed to provide a number of measures in the building layout design to mitigate the environmental impacts and nuisance from the industrial operations, such as raised residential floor, provision of a footbridge between two portions and an alternative access at Shung Yiu Street and setbacks from the lot boundary. Given the proposed mitigation measures, DEP considered that the applicant has demonstrated that the proposed development could meet the relevant air quality and noise standards, and has no objection from environmental perspective. To address the technical comments and further minimize the I/R interface problem, imposition of approval conditions requiring the submission of revised EA and LCA and implementation of environmental mitigation measures identified therein are suggested in paragraphs 12.2 (d) and (e) below.

Technical Aspects

11.12 The applicant has also submitted reports on TIA, DIA, SIA, WSIA, LCA and GA. Concerned Government departments have adverse comment on/no objection to the application from traffic, sewerage, drainage, water supply, land contamination and geotechnical aspects, subject to the incorporation of appropriate approval conditions.

GIC Facilities

11.13 Regarding SED and DSW's suggested provision of 6-classroom kindergarten and social welfare facilities in the "CDA" zones in YTIA, the applicant responded that due to various physical constraints, there is no space for such facilities in the proposed scheme. In this regard, it should be noted that both kindergarten and social welfare facilities are premise based, and could be incorporated in other "CDA" sites if considered appropriate by concerned departments and developers. In addition, a "G/IC" site at Lei Yue Mun Path, which is about 250m from the CDA cluster, has been reserved for the provision of social welfare complex (**Plan A-1**).

Public Comments

11.14 37 public comments were received. The supportive comments are noted. Regarding the opposing comments on air quality and traffic in the area, the above paragraphs 11.11 to 11.12 are relevant. In respect of the concerns of planning intention, suitability of residential uses at this location, BH and open space provision, the above paragraphs 11.1 to 11.5 and 11.8 to 11.10 are relevant. For general comment requesting more car parking spaces in Yau Tong, high end of the parking space provision of HKPSG has been adopted in the proposed development, and the provision is considered acceptable by C for T.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the comments as mentioned in paragraph 10, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application and the MLP on the terms of the application as submitted to the Board under sections 4A and 16 of the Ordinance, it is suggested that the permission shall be valid until 15.6.2022, 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 and implementation of a revised Master Layout Plan, taking into account the approval conditions (b) to (k) below to the satisfaction of the Director of Planning or of the Town Planning Board;

- (b) the submission and implementation of a development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission and implementation of a revised Landscape Master Plan, including tree preservation proposal, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the submission of a revised Environmental Assessment to address the potential air quality and noise impacts and industrial/residential interface problems, and the implementation of the environmental mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the submission of a revised Land Contamination Assessment and the implementation of the mitigation measures proposed therein prior to the commencement of the construction works for the proposed development to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (f) the implementation of the sewerage facilities identified in the submitted Sewerage Impact Assessment Report to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (g) the submission of a revised Traffic Impact Assessment and implementation of traffic mitigation measures identified therein for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) the design and provision of vehicular access, parking spaces, and loading/unloading facilities and ancillary carpark provisions should be provided to corresponding phase(s) of the development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (i) the design and provision of detailed setback along Tung Yuen Street and Yan Yue Wai, as proposed by the applicant, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (j) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (k) the design and provision of the Public Waterfront Promenade, and to be maintained and managed by the applicant before surrendering to the Government, to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board.

Advisory Clauses

- 12.3 The recommended advisory clauses are attached at **Appendix VI**.
- 12.4 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' consideration:

The applicant has not demonstrated that the proposed comprehensive residential development would not be subject to unacceptable environmental impact from the industrial operations in the vicinity, and the I/R interface can be satisfactorily addressed.

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

Appendix I	Letters received on 13.12.2016 and 15.12.2016 enclosing the application form
Appendix Ia	Supplementary planning statements
Appendix Ib	Further information dated 30.3.2017 and 31.3.2017
Appendix Ic	Further information dated 26.7.2017
Appendix Id	Further information dated 13.9.2017
Appendix Ie	Further information dated 25.10.2017
Appendix If	Further information dated 15.11.2017
Appendix Ig	Further information dated 27.4.2018
Appendix Ih	Further information dated 5.6.2018
Appendix IIa	Planning Brief
Appendix IIb	Comparison of major parameters with requirements in Planning Brief
Appendix III	Detailed comments from Government departments
Appendices IV(1) to IV(37)	Public comments
Appendix V	Letter from the Secretary of the Task Force
Appendix VI	Recommended advisory clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-4	Floor plans
Drawing A-5	Section plans

Drawing A-6	Landscape Master Plan
Drawing A-7	Urban Design Proposal
Drawings A-8 to A-11	Photomontages
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 to A-6	Site photos

**PLANNING DEPARTMENT
JUNE 2018**