

MPC Paper No. A/K10/264C
For Consideration by
the Metro Planning Committee
on 8.1.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K10/264

- Applicant** : Glory Business Development Limited represented by Vision Planning Consultants Limited
- Site** : Kowloon Inland Lots (KILs) 6342, 6344, 7427, 7629, 7630, 7631 and 7632, Mok Cheong Street and Sung Wong Toi Road, Ma Tau Kok, Kowloon
- Site area** : 8,392m² (about)
- Lease** : (a) commencing from 17.3.1952 for a lease term of 75 years with a right of renewal for a term of 75 years;
(b) restricted to ‘industrial’ purposes excluding offensive trade clause; and
(c) subject to mutual right-of-ways (except KIL 6344 & KIL 7427).
- Plan** : Draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/25
- Zoning** : “Comprehensive Development Area (3)” (“CDA(3)”)
- [Maximum domestic gross floor area (GFA) of 62,600m², maximum non-domestic GFA of 12,550m² and maximum building height (BH) of 100mPD]
- Application** : Proposed Comprehensive Residential (Flat), Commercial (Shop and Services) and Social Welfare Facility (Residential Care Home for the Elderly) Development with Minor Relaxation of Non-domestic Gross Floor Area Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed comprehensive residential (flat), commercial (shop and services) and social welfare facility (residential care home for the elderly) (RCHE) development with minor relaxation of non-domestic GFA restriction in Phase 1 at the application site (the Site) which is zoned “CDA(3)” on the draft Ma Tau Kok OZP No. S/K10/25 (**Plans A-1 and A-2a to 2b**). According to the Notes of the OZP, the Site is subject to a maximum domestic and non-domestic GFA of 62,600m² and

12,550m² respectively, and a maximum building height (BH) of 100mPD. Application for permission for development on land designated “CDA” shall require submission of a Master Layout Plan (MLP) for approval of the Town Planning Board (the Board) and include therein the technical assessments and relevant information.

- 1.2 The MLP covers the whole “CDA(3)” zone with development in two phases, i.e. Phase 1 (KIL7632) and Phase 2 (KILs 6342, 6344, 7427, 7629, 7630 and 7631) (**Plans A-2a and 2b**). The applicant has been authorized by the lot owner of Phase 1 (KIL7632) to be the implementation agent for Phase 1. In Phase 1, one 7-storey non-domestic RCHE block on top of a one-storey carpark basement is proposed. It will provide 304 RCHE beds with non-domestic GFA of about 4,640 m² and at BH of 28.15mPD. The anticipated completion year for Phase 1 is 2022.
- 1.3 The applicant has yet to obtain consents of other land owners in Phase 2 for a joint development of the “CDA(3)” site but a notional scheme for Phase 2 has been included in the MLP which assumes that the remaining six lots will be redeveloped in one phase. Three composite buildings of residential-cum-commercial uses, each with 21 residential floors above one level of clubhouse, three levels of commercial floors and three levels of basement carpark are proposed (**Drawings A-12 and A-13**). It will provide 567 flats and commercial uses with domestic and non-domestic GFA of about 54,462m² and 10,918.5m² respectively. The proposed BH of the residential buildings is 100mPD. The anticipated completion year for Phase 2 is 2024.
- 1.4 The MLP, floor plans, section plans, Landscape Master Plans (LMP), photomontages, and urban design proposal submitted by the applicant are shown in **Drawings A-1 to A-23**. Major development parameters for the proposed phased development are shown in the following table:

Development Parameters	Phase 1 (KIL 7632)	Phase 2 (Notional Scheme) (KILs 6342, 6344, 7427, 7629, 7630 and 7631)	Total
Site Area (about) - Gross Site Area	1,091.6m ² (about 13%)	7,300.4m ² (about 87%)	8,392m ² (100%)
GFA (not exceeding) - Domestic - Non-domestic	- 4,640m ²	54,462m ² 10,918.5m ²	54,462m ² 15,558.5m ²
Plot Ratio (about) - Domestic - Non-domestic	- 4.3	7.5 1.5	6.49 1.85
Number of Blocks	1 (Non-domestic)	3 (Composite)	4
BH (main roof)	28.15mPD	100mPD	-

Development Parameters	Phase 1 (KIL 7632)	Phase 2 (Notional Scheme) (KILs 6342, 6344, 7427, 7629, 7630 and 7631)	Total
Site Coverage	About 67.7% (below +28.15mPD)	About 62.8% (below +19.15mPD) About 33.3% (above +19.15mPD)	-
Private Open Space (about)	447m ²	3,289m ²	3,736m ²
Greenery Provision (about)	428m ² (about 39%)	1,758m ² (about 24%)	2,186m ² (about 26%)
Number of Storeys	8	28	-
- Commercial Floors	-	3	
- RCHE Floors	7	-	
- Basement Levels (Carpark)	1	3	
Number of Flats	-	567	567
RCHE Beds	304	-	304
Average Flat Size	-	73.5m ²	73.5m ²
Estimated Population			
- Day-time	332	455	787
- Night-time	310	1,615	1,925
(including staff working in the RCHE and residential towers)			
Ancillary Parking Facilities			
- Private Car	10	204	214 ¹
- Motorcycle	1	12	13
- Loading/Unloading (L/UL) ²	1 (1 Light Goods Vehicle (LGV))	17 (9 LGV + 8 Heavy Goods Vehicle (HGV))	18
Public Vehicle Park (Private Car)	-	50	50
Completion Year	2022	2024	-

¹ Including 3 parking spaces for disabled users.

² The parking space of the 16-seater van with tail lift also serves a L/UL space in Phase 1.

- 1.5 The applicant also applies for minor relaxation of the non-domestic GFA restriction with a view to providing a sizeable floor plate and self-contained RCHE. The applicant has provided the break-down of GFA distribution by phase based on the proportional GFA entitlement of the land ownership pattern within the Site:

Development Parameters	Phase 1	Phase 2 (Notional Scheme)	Total
Site area	1,091.6m ² (about 13%)	7,300.4m ² (about 87%)	8,392m ² (100%)
Domestic GFA			
Maximum Permitted under OZP	8,138m ² (based on 13%)	54,462m ² (based on 87%)	62,600m ²
Proposed	Nil	54,462m ²	54,462m ² (-8,138m² of max. permitted)
Non-domestic GFA			
Maximum Permitted under OZP	1,631.5m ² (based on 13%)	10,918.5m ² (based on 87%)	12,550m ²
Proposed	4,640m ²	10,918.5m ²	15,558.5m ² (+3,008.5m² (+24%) of max. permitted)

- 1.6 Relevant technical assessments including Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA), Air Ventilation Assessment (AVA), Air Quality Impact Assessment (AQIA), Noise Impact Assessment (NIA), Waste Management Report (WMR), Drainage Impact Assessment (DIA) and Sewerage Impact Assessment (SIA) have been submitted to demonstrate the technical feasibility of the development proposal.

Building Setback and Separation

- 1.7 The proposed RCHE development in Phase 1 will offer a 12m-wide full height setback from Mok Cheong Street. Regarding the Phase 2 notional scheme, a 7.25m-wide full height setback from Mok Cheong Street and a 6m-wide setback up to 19.15m along Sung Wong Toi Road are provided (**Drawings A-13 and A-23**).
- 1.8 According to the revised AVA (**Appendix Ie and If**), there will be building setbacks from the eastern lot boundary with widths ranging from about 8m to 16m at podium level (i.e. from G/F to 3/F) and about 7m at 24.9mPD and above (i.e. transfer plate level and above).

Landscaping

- 1.9 No existing tree or vegetation is found within the Site. According to the proposed scheme, a total greenery area of about 26% (i.e. 39% and 24% of greenery will be provided in Phase 1 and Phase 2 respectively) will serve as common greenery and 122 new heavy standard sized trees (including 15 nos. in Phase 1) will be provided within the Site (**Drawings A-14 to A-19**). The proposed development would have about 3,736m² communal open space. One non-building/open corridor of 3m has also been proposed on the Phase 2 site at its interface with the Phase 1 site to create a continuous landscaped area corridor between Mok Cheong Street and Sung Wong Toi Road (**Drawing A-23**).

Traffic Aspect

- 1.10 The Site is currently occupied by six existing industrial buildings with a total of nine vehicular accesses. Since the redevelopment programme of Phase 1 is expected to be completed earlier than Phase 2, a 5.5m-wide temporary ingress/egress point will be formed at Phase 1 to serve the RCHE (**Drawing A-1**). According to the notional scheme for Phase 2, a new ingress/egress point located 26m east of the temporary ingress/egress point may be formed to serve the entire development. The temporary vehicular access at Phase 1 will be closed and reinstated as footpath. One direct pedestrian passageway running in a northeast-southwest direction within the Phase 2 site would be provided for residents and the public to facilitate the connection between Mok Cheong Street and Sung Wong Toi Road (**Drawing A-23**). Pedestrians can also travel from Sung Wong Toi Road to Mok Cheong Street through the commercial podium at Phase 2 (**Drawing A-23**).
- 1.11 In support of the application, the applicant have submitted the following documents:
- (a) Application form received on 24.3.2020 (**Appendix I**)
 - (b) Supplementary planning statement (SPS) (**Appendix Ia**)
 - (c) Letter from the applicant received on 26.3.2020 providing replacement pages of the SPS (**Appendix Ib**)
 - (d) Letter from the applicant received on 8.7.2020, 9.7.2020 and 14.7.2020 providing further information (FI) including responses-to-comments (RtoC) on departmental comments, revised LMP with section diagrams, new urban design proposal diagram and artist renderings of the proposed development at street levels, revised technical assessments including AVA, NIA, SIA, TIA and AQIA, as well as new technical assessments including VIA and WMR [1st FI]* (**Appendix Ic**)
 - (e) Letter from the applicant received on 21.8.2020 providing FI involving RtoC on departmental and public comments, clarification data and drawings related to traffic matters, revised MLP, LMP and other relevant drawings, additional public viewing point for VIA, revised SIA, revised WMR, calculation sheet of water demand and applicant's letters sent to other owners within the same "CDA(3)" site [2nd FI]* (**Appendix Id**)

- (f) Letter from the applicant received on 30.9.2020 **(Appendix Ie)** providing FI involving RtoC on departmental comments, updated key development parameter table, revised MLP, revised LMP and relevant drawings, revised technical assessments including TIA, AVA and AQIA, as well as replacement pages of NIA, SIA and WMR [3rd FI]*
- (g) Letter from the applicant received on 6.11.2020 **(Appendix If)** providing FI involving RtoC on departmental comments, revised MLP and relevant drawings, as well as replacement pages of TIA, AVA, AQIA, NIA and SIA [4th FI]
- (h) Letter from the applicant received on 10.12.2020 **(Appendix Ig)** providing FI involving RtoC on departmental comments, a drawing showing proposed pedestrian crossings at junction of Kowloon City Road / Mok Cheong Street, as well as replacement pages of AQIA and SIA [5th FI]
- (i) Letter from the applicant received on 14.12.2020 **(Appendix Ih)** providing FI involving Transport Department's letter endorsing the traffic forecast data adopted in the submitted Traffic Noise Impact Assessment [6th FI]
- (j) Letter from the applicant received on 4.1.2021 **(Appendix Ii)** providing FI involving RtoC on Director of Environmental Protection's comments with a replacement page of AQIA, as well as responses to public comments [7th FI]

** not exempted from publication and recounting requirements*

1.12 On 15.5.2020 and 20.11.2020, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for two months each as requested by the applicant and Planning Department respectively in order to allow sufficient time for preparation of FI to respond to departmental comments and for relevant government departments to provide comments on the late submission of the 4th FI. 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 set out mainly in Section 7 of the SPS **(Appendix Ia)** and the FIs **(Appendices Ic to Ii)** are summarized as follows:

Realizing the Land-use Intention

- (a) The proposed scheme complies with the planning intention of the “CDA(3)” zone. It is the intention of the applicant to kick start the redevelopment of the Site commencing from the Phase 1 development with a view to catalyzing the redevelopment process of the remaining lots in Phase 2. It will phase out the existing industrial operations/activities in this part of Ma Tau Kok area.

Compliance with Town Planning Board Guidelines

- (b) The proposed phased development will not undermine the planning intention of the “CDA(3)” zone, or the comprehensiveness of the proposed redevelopment of the Site. The proposed MLP is comprehensive, implementable, and that the design of the layout is sympathetic to the character of the Site. Both Phase 1 and Phase 2 developments are self-contained in terms of provision of open space, transport and traffic arrangements, as well as drainage and sewerage systems.
- (c) Although the proposed redevelopment scheme in Phase 1 involves an increase in the maximum permitted non-domestic GFA from its original entitlement of 1,631.5m² to 4,640m² (i.e. +3,008.5m²) in the proposed MLP, the development potential of Phase 2 development in terms of permissible maximum GFA for domestic and non-domestic uses remains unaffected. The proposed MLP therefore totally complies with the criteria/requirements set out in TPB PG-No. 18A.

Minor Relaxation of Non-domestic GFA to increase RCHE beds

- (d) With the proposed re-allocation of 3,008.5m² domestic GFA for non-domestic use which would allow adopting of larger site coverage for a more sizable floorplate, the total RCHE bed spaces will be increased from 80 to 304 (i.e.+ 224 bed spaces). The total maximum permissible GFA in Phase 1 development (i.e. 9,769.5m²) would not be exceeded and there will be no negative effect on the development potential of Phase 2 development.

Achieving Government’s Policy Objective

- (e) The proposed MLP will provide a total of 304 RCHE bed spaces by 2022 to meet the Government policy objective of encouraging the provision of RCHE in new private developments. It will partly meet the soaring demand for RCHE bed space in the community.

No Adverse Impacts

- (f) The results of relevant assessments (e.g. traffic, noise, drainage, sewerage, air ventilation and air quality aspects) have demonstrated that the proposed scheme will not generate any adverse impacts in the area.
- (g) With implementation of noise mitigation measures identified in the NIA (**Drawing A-24** and **Appendix Ie**), including noise canopy, fixed glazing, provision of mechanical ventilation and central air conditioning for the RCHE, acoustic balcony and acoustic windows at noise exceedance units, full

compliance of road traffic noise standard could be achieved.

- (h) With at least 20% of the site area being allocated for unpaved landscaped area, there would be no net increase in stormwater runoff compared with the existing condition. The DIA indicated that there would be no adverse drainage impacts as a result of the proposed development. The sewage flows from the proposed development as well as nearby existing/planned developments have been taken into account in the SIA. Result of the SIA confirmed the feasibility of the proposed development from sewerage perspective.
- (i) The submitted AVA assessed the potential implication on air ventilation due to the proposed minor relaxation of the non-domestic GFA in Phase 1 development from its original 1,631.5m² to 4,640.0m² (with nil provision of domestic GFA). Result of the AVA demonstrated that the proposed development maintains comparable wind performance at the pedestrian level around the Site when compared to the OZP compliant scheme. The AVA demonstrated that the proposed development have better ventilation performance under annual condition and comparable performance under the summer wind condition for the wider local area.
- (j) On traffic aspect, the submitted TIA (**Appendices Ie to Ig**) demonstrated that with proposed junction improvement works, the proposed development would not cause adverse traffic impact to the local road networks. The internal transport facilities for the proposed development will be provided in accordance with the high-end requirement under the Hong Kong Planning Standards and Guidelines (HKPSG). As there is no specific guideline set in the HKPSG for RCHE, the proposed car parking provisions for RCHE is based on the proposed operational needs. 50 public car parking spaces as required by the Commissioner for Transport may also be provided in Phase 2 to address the pressing parking demand for commercial vehicles and private cars in the area.

Planning and Design Merits

- (k) As compared to the OZP compliant scheme, the proposed minor relaxation of non-domestic GFA and nil provision of domestic GFA will result in a substantial reduction of overall BH in the Phase 1 development from 26 storeys above ground level to 7 storeys above ground level. It will enhance the townscape and create a unique breathing space in the high-rise, high-density urban Ma Tau Kok area.
- (l) The proposed RCHE development in Phase 1 will provide a setback of 12m from Mok Cheong Street offering a pleasant visual streetscape in the area. A 7.25m-wide full height setback from Mok Cheong Street and a 6m-wide setback (up to 19.15m) along Sung Wong Toi Road are provided in Phase 2 to create a more comfortable and pedestrian-friendly street environment. The setbacks could also contribute to an extensive softening effect for the fringe of Kai Tak Development Area (KTDA) (**Drawings A-13 and A-23**).
- (m) The provision of a 3m-wide open corridor within the Phase 2 site (at its interface with the Phase 1 site) aims to create a continuous landscaped area corridor to improve the connectivity between Mok Cheong Street and the proposed Sung

Wong Toi Park to the north. It would also allow better visual and natural wind penetration and to enhance walkability for pedestrians. Pedestrians can also travel from Sung Wong Toi Road to Mok Cheong Street through the commercial podium at Phase 2 (**Drawing A-23**).

- (n) In consideration of site coverage of greenery, the greenery ratios of Phase 1, Phase 2 and the whole CDA(3) Site are about 39%, 24% and 26% respectively which attain more than the required 20% greenery areas for a site under area of 20,000m² but larger than 1,000m².

Response to Public Comments submitted by other lot owners

- (o) Regarding the view that the proposal undermines the development rights and interests of other owners within the “CDA(3)” site, as well as concern on the implementability of the PVP and vehicular access at Phase 2, the applicant has provided responses in **Appendix II** which states that the lot owners of Phase 2 could propose an alternative scheme, the provision of PVP in Phase 2 is due to the site area constraint in Phase 1, and the applicant is willing to collaborate with Phase 2 lot owners in implementing the proposed vehicular access.

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

The Site comprises seven private lots. The applicant is authorized by the registered owner of KIL 7632 (Phase 1 site with 13% of land) to implement the Phase 1 development. In respect of the other current land owners within the Site (with 87% of land), the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by taking reasonable steps to give notifications to the other land owners on the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 17A

- 4.1 According to the Town Planning Board Guidelines No. 17A on Designation of “CDA” zones and Monitoring the Progress of “CDA” Developments (TPB PG-No. 17A), “CDA” zones are intended to facilitate urban renewal and restructuring of land uses in the old urban areas; provide incentives for the restructuring of obsolete areas, including old industrial areas, and the phasing out of non-conforming uses; provide a means for achieving co-ordinated development in areas subject to traffic, environmental and infrastructure capacity constraints, and in areas with interface problems of incompatible land-uses, etc.
- 4.2 For “CDA” sites which are not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered.

In deriving the phasing of the development, it should be demonstrated that:

- (a) the planning intention of the “CDA” zone will not be undermined;
- (b) the comprehensiveness of the proposed development will not be adversely affected as a result of the revised phasing;
- (c) the resultant development should be self-contained in terms of layout design and provision of open space and appropriate Government, institution or community, transport and other infrastructure facilities; and
- (d) the development potential of the unacquired lots within the “CDA” zone should not be absorbed in the early phases of the development, access to these lots should be retained, and the individual lot owners’ landed interest should not be adversely affected.

5. Previous/On-Going Applications (Plan A-1)

- 5.1 Under the current “CDA(3)” zoning, there is no previous planning application.
- 5.2 When the Site was zoned “Industrial” on the Ma Tau Kok OZP prior to 1998, the Site was the subject of planning application No. A/K10/37 for proposed premise-based motor vehicle showrooms and offices uses on G/F to 2/F of one of the industrial buildings (IBs) (**Plan A-1**). The ‘motor vehicle showrooms with ancillary office’ use on G/F was approved but the ‘office’ use on 1/F and 2/F was rejected by the Committee on 10.4.1987 mainly on the grounds of fire safety and that the proposed use is not related to the industrial activities of the building.
- 5.3 The Site is the subject of another application No. A/K10/265 that is under processing. The application is for proposed comprehensive residential (flat) and commercial (shop and services) development with a proposed MLP, a maximum domestic and non-domestic GFA of 62,600m² and 7,598.5m² respectively, and a maximum BH of 100mPD. The application was submitted on 8.5.2020 by the lot owner of KIL 6344 with consent of KIL 6342 (**Plan A-2b**), and was deferred by the Board on 23.10.2020 for two months at the request of the applicant to allow more time to prepare FI to address departmental comments.

6. Similar Applications

- 6.1 There is no similar planning application for proposed comprehensive residential, commercial and social welfare facility development with minor relaxation of non-domestic GFA within the “CDA(3)” zone on the Ma Tau Kok OZP.
- 6.2 There are nine planning applications (No. A/K10/187, A/K10/195, A/K10/198, A/K10/199, A/K10/199-1, A/K10/224, A/K10/256, A/K10/256-1 and A/K10/259) for a proposed comprehensive residential development with retail shops, and/or eating place and/or shop and services within the “CDA(2)” site at 5 and 7

Mok Cheong Street and 70-78 Sung Wong Toi Road (abutting the northwest of the Site). The “CDA(2)” development is being implemented on the basis of the latest approved A/K10/259, A/K10/256 and A/K10/256-1.

- 6.3 Another planning application (No. A/K10/210) for proposed premise-based shop and services use on G/F of an existing industrial building at a portion of the “CDA(2)” site (**Plan A-1**) was rejected due to fire safety and inadequate transport provision reasons. Details of the applications are summarized at **Appendix II**.

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

7.1 The Site:

- (a) is located at the northern fringe of Ma Tau Kok area with the KTDA to its north and south-east separated by Sung Wong Toi Road and To Kwa Wan Road respectively;
- (b) is located in the middle portion of a street block bounded by Sung Wong Toi Road, To Kwa Wan Road, Mok Cheong Street and Kowloon City Road; and
- (c) comprises seven industrial lots, and is occupied by six industrial buildings of 1 to 6 storeys in height, with building ages ranging from 41 to 67 years which are mainly used for motor services centre / vehicle repair workshop on the ground floor, non-polluting industrial uses, ancillary offices, and warehouse on upper floors. KIL 7632 (Phase 1 of the proposed development) is occupied by a 3-storey factory building built in 1954.

7.2 The surrounding areas (**Plans A-1 and A-2a to 2b**) have the following characteristics:

- (a) to the immediate east is a site zoned “Residential (Group A)” (“R(A)”) partly occupied by the Kowloon Animal Management Centre of the Agriculture, Fisheries and Conservation Department (to be relocated to KTDA) and partly vacant, and has been earmarked for a public housing development. To the south of the “R(A)” site is a “Government, Institution or Community” (“G/IC”) zone currently occupied by a factory cum sheltered workshop and care and attention home of the Hong Kong Society for the Blind (HKSB). The HKSB has planned for in-situ redevelopment at its site;
- (b) to the immediate west is the “CDA(2)” zone that comprises three existing industrial lots which is partly vacant and partly occupied by K.K. Industrial Building that is 9-storey high and mainly used for storage and offices;
- (c) to the further west of the site is “CDA(1)” zone that is currently

occupied by the 5-storey Freder Centre, which is mainly used for industrial storage and offices on the upper floors, and vehicle repair workshops and retail shops on the ground floor. To the further west across Kowloon City Road is a “R(A)” zone comprising residential development, and a hotel development;

- (d) to the south across Mok Cheong Street are street blocks of 5 to 8-storey residential buildings commonly known as the “Thirteen Streets,” which is zoned “CDA”. The ground floors are mainly used for vehicle repair workshops and retail shops;
- (e) to the further south separated by “Thirteen Streets” is the Ma Tau Kok Gas Works (MTKGW), which is zoned “R(A)” and is a potentially hazardous installation, which is currently in operation. About 80% of the area of the Site falls within the 300m Consultation Zone (CZ) of the gas works; and
- (f) to the north of the Site across Sung Wong Toi Road is the proposed open space and “Multi-Purpose Sports Complex” within KTDA.

8. Planning Intention

- 8.1 The “CDA” zone is intended 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 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.
- 8.2 Based on the individual merits of a development or redevelopment proposal, minor relaxation of the GFA restriction may be considered by the Board on application under section 16 of the Town Planning Ordinance.

9. Comments from Relevant Government Bureau/Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):
 - (a) The proposed comprehensive development comprising residential, commercial (shop and services) and social welfare facility will constitute a breach of lease conditions governing the lots.
 - (b) According to the proposed scheme, the right-of-way within KIL

7632 (Phase 1 development) will remain open whilst the right-of-ways within KIL 7630, KIL 7631, KIL 7629, KIL 6342 will be extinguished. If the planning application is approved by the Board, the implementation of Phase 2 development is subject to the extinguishment of the right-of-ways of KIL 7630, KIL 7631, KIL 7629, KIL 6342 and a joint redevelopment by the lot owners of Phase 2 development is required.

- (c) If the planning application is approved by the Board, the applicant (i.e. the owner of KIL 7632) has to apply for a lease modification to implement the development at KIL 7632. However, there is no guarantee that the lease modification application will be approved. Such application, if received, will be considered by his department acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by his department. Regarding the application for premium concession in respect of eligible RCHE under LandsD's Practice Note No. 4/2003 as mentioned at paragraph 5.1 of SPS (Volume 1), his comment is reserved until application is received at lease modification stage.

Traffic Aspect

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

- (a) The proposed junction improvement scheme at To Kwa Wan Road / San Shan Road / San Ma Tau Street and the signalized pedestrian crossing at the junction of Kowloon City Road / Mok Cheong Street (**Appendices Ie and Ig**) should be implemented by the applicant. The detailed design shall be subject to Transport Department's satisfaction. With implementation of *all the said* junction improvements and signalized pedestrian crossing *as recommended in the TIA*, he has no adverse comment on the proposed development from traffic impact perspective.
- (b) For the proposed vehicular access arrangement in Phase 1 and 2 developments, i.e. the provision of temporary vehicular access in Phase 1 which will be merged with the vehicular access of Phase 2 when Phase 2 development is implemented (**Appendix If**), C for T considers relevant approval condition should be imposed for the subject development (see paragraph 12.2).
- (c) It is noted that a public vehicle park (PVP) with 50 parking spaces will be provided under Phase 2 of the development. The applicant should bear the construction, management and maintenance responsibilities of the proposed PVP at their own cost.

- (d) To create an enjoyable walking environment, the applicant is encouraged to provide building canopies, including over public footpath(s) and/or right-of-way(s).

Urban Design, Landscape and Air Ventilation

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

Urban Design and Visual

- (a) The proposed development is within the statutory height limit and may not cause any significant visual impacts to the surroundings.
- (b) A 12m-wide and a 7.25m-wide full height setbacks are proposed along Mok Cheong Street at Phase 1 and Phase 2 of the development respectively. A 6m-wide setback (up to 19.15m) is proposed along Sung Wong Toi Road, which will contribute to a softening effect. The cohesiveness between Phases 1 and 2 are reinforced by adopting similar building heights at the roof level of Phase 1 and the podium of Phase 2 as well as edge plantings.

Landscape

- (c) The proposed development is situated in an area of landscape character dominated by industrial/office buildings, medium-rise mixed use residential buildings with ground floor occupied by workshops and planned residential uses. No vegetation is observed within the Site. The proposed comprehensive development is not incompatible with the planned use in the area and significant impact on existing landscape resources and character is not anticipated.
- (d) Should the Board approve the application, it is recommended to impose the following landscape condition:

“submission and implementation of a revised Landscape Master Plan, to the satisfaction of the Director of Planning or of the Town Planning Board.”

Air Ventilation

- (e) According to the revised AVA, various mitigation measures including (i) separations of buildings in Phase 2 from the eastern lot boundary with effective widths ranging from 8m to 16m at podium level (i.e. from G/F to 3/F) and 7m at at 24.9mPD and above (i.e. transfer plate level and above); and (ii) a setback of 12m from the southwest boundary of Phase 1, are proposed to address the potential adverse air ventilation impact induced by the proposed development on the surroundings. The overall performances of the baseline and proposed schemes on pedestrian

wind environment are comparable.

- (f) It is anticipated that the proposed scheme would not impose significant adverse air ventilation impact to the surrounding pedestrian wind environment when compared with the baseline scheme under both annual and summer conditions.

Environmental Aspect

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

Noise

- (a) Taken into account the FIs submitted by the applicant, he has no adverse comments on the application from noise impact perspective. To ensure the proposed assessment of potential noise impact arising from the application and the implementation of the proposed noise mitigation measures, relevant planning approval condition on noise impact (see paragraph 12.2) is recommended to be imposed.

Sewerage

- (b) Having reviewed the revised SIA, he has no further comments from sewerage aspect, subject to implementation of the sewerage works to the satisfaction of the Director of Drainage Services.

Air Quality

- (c) Having reviewed the revised AQIA and noted that the applicant has not yet provided Transport Department's endorsement on the road traffic forecast adopted in the AQIA, planning approval condition on submission of an updated AQIA and the implementation of the mitigation measures identified therein (see paragraph 12.2) is suggested to be imposed, should the application be approved by the Board.

Waste Management

- (d) The applicant is advised to minimise the generation of construction and demolition (C&D) materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development. The applicant should also observe the relevant requirements under the Air Pollution Control Ordinance and Waste Disposal Ordinance for asbestos control prior to demolition of the existing buildings.

Land Contamination

- (e) It is noted that the applicant has committed to complete a land contamination assessment for the Site according to the prevailing guidelines. Should the application be approved by the Board, relevant planning approval condition on land contamination assessment (see paragraph 12.2) should be imposed.

Social Welfare

9.1.5 Comments of the Director of Social Welfare (DSW):

- (a) There should be no capital or recurrent financial implication to the Government, the design and construction of the proposed RCHE shall comply with all relevant licensing and statutory requirements including but not limited to the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and its subsidiary legislation and Code of Practice for Residential Care Homes (Elderly Persons) (CoP) (January 2020 Revised Edition), and that the formal submission of building plans will be submitted to the Building Authority for approval.
- (b) The applicant should also be reminded that, for an RCHE licence to be issued, the intended RCHE has to comply with the licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap 459, its subsidiary legislation and the latest version of CoP.
- (c) While the design and layout of the RCHE will be assessed during licencing stage under relevant guidelines, from the perspective of service need, it is considered that the proposal for habitable portions of the proposed RCHE to be installed with fixed glazing with maintenance windows with the provision of mechanical ventilation and central air conditioning is not acceptable.

Gas Safety

9.1.6 Comments of the Director of Electrical and Mechanical Services (DEMS):

Noting that the proposed day-time and night-time populations of the Site within the Consultation Zone are within the planned populations in the endorsed Hazard Assessment endorsed by the Coordinating Committee on Land Use Planning and Control Relating to Potentially Hazardous Installations (CCPHI), he has no objection to the proposed populations.

Fire Safety

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

No objection in-principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Drainage Aspect

9.1.8 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) He has no comment on the application from drainage maintenance viewpoint.
- (a) Should the application be approved, the following approval condition is recommended:

“the implementation of the drainage facilities identified in the Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

Building Matters

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

- (a) No in-principle objection to the application.
- (b) All building works are subject to compliance with the Buildings Ordinance (BO). An Authorized Person should be appointed to coordinate all building works in accordance with the BO.
- (c) The service lane / right-of-way within the Site should be deducted from site area under Building (Planning) Regulation (B(P)R) 23 unless modification is granted.
- (d) The proposed GFA for Phase 2 (if the site is to be developed separately), which is presumably a Class A site, will exceed the permissible limit under the B(P)R.
- (e) RCHE which is for habitation is domestic use under the BO. Modification may be granted by Building Authority for treating RCHE as non-domestic building for the purposes of B(P)Rs 20, 21, 25, 30 and 32.
- (f) Detailed fundamental checking on the building proposal of the development could only be made in the building plan submission stage.

Harbourfront Planning

9.1.10 Comments of the Harbour Office, Development Bureau:

The Site falls within the harbourfront area under the purview of Harbourfront Commission's Task Force on Kai Tak Harbourfront Development (KTTF). The gist and relevant information of the application and FIs have been circulated to Members of KTTF between 27.3.2020 to 13.10.2020. No comment on the application was made by Members of the KTTF. The application should be considered having regard to the Harbour Planning Principles and Guidelines.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Commissioner of Police (C of P);
- (c) Chief Highway Engineer/Kowloon, Highways Department (CHE, HyD);
and
- (d) District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD).

10 Public Comments Received During Statutory Publication Period

10.1 The application and the subsequent FIs were published for public inspection between 31.3.2020 and 13.10.2020. During the statutory public inspection periods, a total of 49 public comments were received, including 11 supporting comments, 23 opposing comments and 15 expressing views. The supportive comments are from individuals. The opposing comments are from 3 registered lot owners within the "CDA(3)" site, including Ixonia Limited (the registered lot owner of KIL 7630), Polin Limited (the registered lot owner of KIL 7629), Express Way Resources Limited (the registered lot owner of KIL 7427), two companies, and individuals. Kai It Properties and Investments Limited (the registered lot owners of KIL 6342 and KIL 6344 within the "CDA(3)" site), Max Hon Knight Properties & Investments Limited (the registered lot owner of K. K. Industrial Building at 5 Mok Cheong Street within the "CDA(2)" site), and individuals expressed views regarding the development. A full set of the public comments is deposited at the meeting for Members' inspection.

10.2 The main grounds of public comments received are summarized as follows:

Supporting Comments (11 public comments) (Appendix IIIa)

- (a) The proposed development can increase supply of RCHE in To Kwa Wan to meet the demand of ageing population in the district. Mixed use development of RCHE with other land uses are also encouraged.

Opposing Comments (23 public comments) (Appendix IIIb)

Other registered lot owners within “CDA(3)” site

- (b) the registered owner of KIL 7630 expressed that relevant landowners were not consulted, given consent nor respected in the current planning submission. The proposal undermines the development rights and interests of other owners within the “CDA (3)” site.
- (c) the registered owner of KIL 7629 submitted two comments and mainly expressed that the proposal will affect the development rights and interests of other owners within the “CDA (3)” site (e.g. the allocation of estimated population, and proposed planning merits to be provided within Phase 2). The proposed vehicular access at Phase 2 is not implementable and the proposed non-domestic GFA for Phase 2 is not achievable under the BO.
- (d) the registered owner of KIL 7427 submitted two comments and mainly expressed that the redistribution of GFA within Phase 1 is not minor and strong justification should be provided by the applicant. The planning merits (e.g. at-grade greenery) and the distribution of estimated population are proposed at the expense of owners of Phase 2. The two phases are not “self-contained” as only a single-vehicular access is provided. The proposed PVP shall be provided within Phase 1 and Phase 2 owners should not be held responsible for provision of the PVP. The proposal is not implementable as the applicant has no control of Phase 2. Also, there is a lack of coordination by the applicant with the Phase 2 owners.

Other companies/individuals

- (e) a company expressed that the supply of ground floor shop premises for industrial uses has been decreasing, which will directly affect the operation environment for related businesses.
- (f) a company mainly expressed that the scale and size of the proposed RCHE is not appropriate and the RCHE should be integrated with the development in Phase 2. Also, the proposed temporary vehicular access being located next to the approved vehicular access of the adjoining “CDA(2)” site would pose dangers to users.
- (g) other individuals expressed opposing comments including that the development potential of the lot is not maximized, oversupply of RCHE in To Kwa Wan and Kowloon City districts, location and design of the proposal is not favourable for RCHE development, lack of integration between the development phases, and concerns on various technical aspects including road capacity, internal transport arrangement, landscape and greenery provision, quantitative risk assessment in relation to the MTKGW, and air ventilation aspects.

Expressing Views (15 public comments) (Appendix IIIc)

Registered lot owner within “CDA(3)” site

- (h) the registered lot owners of KIL 6342 and KIL 6344 expressed that the minor relaxation proposed is not minor, which will significantly alter the GFA restrictions. Development potential of the Site is also not fully utilized, leading to a waste in land resources. Furthermore, the proposed scheme for Phase 2 is too broad-brush in nature, and has not taken into consideration the development rights and potential of individual lot owners within the “CDA(3)” site. The respective lot owners of KIL 6342 and KIL 6344 have submitted a MLP with phased development for the redevelopment of their lots (i.e. application No. A/K10/265). Relevant landowners were not consulted, had not given consent nor being respected in this planning submission.

Registered lot owner of adjacent “CDA(2)” site

- (i) the registered owner of K. K. Industrial Building at 5 Mok Cheong Street within the adjacent “CDA(2)” site submitted two comments and would like to remind Board members and the applicant to pay attention to the chaotic realities of drainage and sewerage facilities amongst the relevant lots during development.

Other individuals

- (j) Other individuals expressed comments including that more RCHE should be planned in To Kwa Wan, more open space/open corridor, green features, youth rental housing should be provided within the scheme, and that the location of the RCHE within the Site is not appropriate because it will be surrounded by residential towers resulting in poor air ventilation and should be reconsidered.

11 Planning Considerations and Assessments

- 11.1 The application is for a proposed comprehensive residential, commercial and social welfare facility development in the “CDA(3)” zone to be implemented in two phases. Phase 1 is on land in which the land owner has authorized the applicant to implement a 7-storey RCHE with 304 beds. In Phase 2 under the ownership of others, a notional scheme for a composite development with three residential towers and lower floors for commercial uses, as well as a PVP of 50 parking spaces for private car is proposed. The application includes a minor relaxation of non-domestic GFA of the “CDA(3)” zone from a total of 12,550m² to 15,558.5m² (+3,008.5m² or 23.97%) as detailed in paragraph 1.5 above.

Land Use Compatibility

- 11.2 The surrounding areas are predominantly residential in nature or have been planned for residential use, including the ‘Thirteen Street’ “CDA” to the south, the abutting “CDA(2)” zone on Mok Cheong Street, the “R(A)” site on Sung

Wong Toi Road planned for public housing development abutting the northeast, and the vast area zoned "R(A)" to the west. The proposed comprehensive residential and commercial development with social welfare facility is considered generally compatible with the planned land uses for the area although SWD considered that the proposed layout is not acceptable from the perspective of service needs (**Drawing A-24** and paragraph 9.1.5(c)).

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- 11.3 The "CDA" zone is intended for comprehensive development/redevelopment of the Site for residential and/or commercial uses with the provision of open space and other supporting facilities, as well as to phase out the existing industrial activities.
- 11.4 The applicant proposes to develop the Site in two phases according to the proposed MLP (**Drawing A-1**). The applicant, representing the registered owner of KIL 7632, would only implement Phase 1 of the development, which covers a minor portion (about 13%) of the whole "CDA(3)" site. Whilst a notional scheme has been proposed by the applicant for Phase 2 development (about 87% of the Site), there is no information provided to support the assumption that the remaining six private lots owned by others will be jointly developed in Phase 2, particularly when there are objections received from these owners on the application. In view that the notional scheme for a joint development in Phase 2 is highly unlikely, the implementability of the MLP is uncertain. The applicant failed to demonstrate that the planning intention of the "CDA(3)" zone will not be undermined, and the comprehensiveness of the proposed development will not be adversely affected as a result of the proposed phasing.
- 11.5 The applicant claims that the two phases are designed to be self-contained in terms of building layout, provision of open space and greenery. Although a notional scheme has been drawn up for the remaining six lots, the notional scheme is considered very broad-brush in nature without due consideration to the development interests and rights of individual lot owners of Phase 2. The notional scheme is based on the assumption there will be a joint development for the remaining six lots. Five registered lot owners in Phase 2 has submitted public comments opposing/expressing views that the notional scheme does not reflect their development intention and their development rights and interests are not respected. Given that there is no consent from owners of the remaining six lots for a joint development of Phase 2, the claim by the applicant that the Phase 2 development is self-contained is unsubstantiated. In addition, notwithstanding the claim of the RCHE in Phase 1 being self-contained, SWD considered that the proposed layout which require the provision of mechanical ventilation and central air conditioning is not acceptable from the perspective of service needs, and the proposal that the RCHE will be served by a permanent ingress/egress proposed in Phase 2 is very uncertain as this would be subject to the consent of the owners of Phase 2.
- 11.6 In response to the request of C for T for a PVP on the Site to address car parking demand in the area, the applicant has proposed a PVP with 50 parking spaces in Phase 2. In addition, a number of road improvement measures have been

proposed by the applicant. C for T is of view that the construction, management, operation and maintenance responsibilities of the PVP and the road improvement works should be borne by the applicant. However, the applicant has not committed to undertake ~~all~~ any of the above and the party to carry out these measures has not been identified. In addition, the applicant has proposed various design measures including separation of buildings in Phase 2 from the eastern boundary and provision of a 3m-wide open corridor in Phase 2 at the interface of Phase 1 to address UD&L, PlanD's comment to extend the wind path from KTDA to the Ma Tau Kok area and to improve pedestrian connectivity. It is noted from the public comments submitted by some owners within the Phase 2 development that they object to assume the responsibility for provision of the PVP in Phase 2 and consider the proposed scheme does not reflect their development intention. The proposal of providing the PVP, road improvement measures and provision of design measures mentioned above in Phase 2 and by the concerned owners would adversely affect the individual lot owners' landed interest.

- 11.7 With the alleged major planning merit / design measures proposed in Phase 2, which the applicant has no control over its implementation, the resultant traffic and air quality of the proposed development cannot be ascertained. Even though land owners in Phase 2 could submit planning applications to make amendments to the MLP, approval of the current application would unavoidably pose design constraints on the scheme to be submitted by other owners within the "CDA(3)" site. This further undermines the planning intention of a CDA site for comprehensive development, and the applicant fails to demonstrate that the resultant development would be self-contained in terms of layout design and provision of transport facilities.
- 11.8 In view of the above, the application is considered not in line with TPB PG-No. 17A which states that implementation of phased developments for "CDA" sites with multiple land ownership would be allowed if the applicant can demonstrate compliance with the criteria mentioned in paragraphs 4.2(a) to 4.2(d) above.

Relaxation of Non-domestic GFA Restriction

- 11.9 The "CDA(3)" zone is subject to a maximum domestic GFA of 62,600m² (equivalent to a PR of about 7.46) and maximum non-domestic GFA of 12,550m² (i.e. equivalent to a PR of about 1.50) and a BH restriction of 100mPD under the OZP. The GFA proposed in Phases 1 and 2 are detailed in paragraph 1.5 above.
- 11.10 The applicant proposes to re-allocate 3,008.5m² domestic GFA for non-domestic use in Phase 1 with no change in the maximum permitted domestic and non-domestic GFA of Phase 2. As such, the application is for minor relaxation of the maximum non-domestic GFA of the "CDA(3)" zone from a total of 12,550m² to 15,558.5m² which represents an increase of 3,008.5m² or 24%.
- 11.11 With the proposed relaxation of non-domestic GFA in Phase 1, the total GFA (ie. domestic plus non-domestic GFA) entitlement in Phase 1 and that of the entire "CDA(3)" would not be exceeded. Technical assessments submitted by the applicant has demonstrated that the proposed minor relaxation of the

non-domestic GFA is technically feasible and relevant government departments had no adverse comments. CBS/K, BD advised that RCHE which is for habitation is domestic use under the BO, but modification may be granted by Building Authority for treating RCHE as non-domestic building. The proposed minor relaxation would allow provision of more RCHE bed spaces that is in line with the Government policy objective of encouraging the provision of RCHE in new private developments and soaring demand pressure for RCHE bed spaces in the community.

- 11.12 In view of the above, the proposed minor relaxation of non-domestic GFA is considered not unacceptable. Nevertheless, it is noted that the scheme had not maximized the domestic GFA for the Site which is not in line with the principle to optimize land for housing supply.

Technical Aspects

Environmental Aspects

- 11.13 No polluting industrial sources are identified in the Site and its vicinity and the submitted AQIA demonstrates that there will not be industrial/residential interface problems. Environmental assessments including DIA, SIA, NIA and AQIA have been submitted to demonstrate that the proposed development, with suitable mitigation measures mainly for traffic noise impacts, is not unacceptable from environmental aspects. CE/MS of DSD and DEP have no adverse comments on the submitted assessments. Relevant approval conditions on noise impact, sewerage, drainage and land contamination are suggested to be imposed.

Traffic and Transport Aspects

- 11.14 The applicant has submitted a TIA which concludes that the proposed development would not result in unacceptable traffic impact. C for T, C of P and CHE/K, HyD have no objection to the application. Relevant approval conditions on traffic and transport are suggested to be imposed. Nevertheless, as stated in paragraphs 11.5 and 11.6, the applicant has no control on the provision of one permanent ingress/egress point and PVP in Phase 2, and the applicant has not committed to undertake *all* the road improvement measures proposed. Hence, approving the application with conditions would not ensure implementation of these transport related facilities.

Urban Design, Landscape and Air Ventilation

- 11.15 The proposal is within the statutory height limit (i.e. 100mPD) as stipulated on the OZP and is keeping with the character of the townscape. A set of LMP (**Drawings A-14 to A-17**) is submitted and the scheme has a proposed greenery ratio of about 26%. On air ventilation aspect, the applicant has submitted an AVA to demonstrate that no significant adverse impact on the pedestrian wind environment would be induced by the proposed development. CTP/UD&L has no adverse comments on the application and suggested a planning approval condition (c) on landscape in paragraph 12.2 below. Nevertheless, as pointed out in paragraph 11.7, the applicant is not in control of the provision of the

proposed design merits, greenery and air ventilation mitigation measures in Phase 2 of the development. Even if the application is approved, there is no means for the applicant to comply with the suggested approval condition.

Public Comments

11.16 A total of 49 public comments were received, amongst them, 11 supporting comments were noted. Regarding the opposing comments and comments expressing views from the owners of KILs 6342, 6344, 7427, 7629 and 7630 that they were not consulted and had not given consent, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines No. 31A on Satisfying the “Owner’s Consent/Notification” Requirements by taking reasonable steps to give notifications to the other land owners on the Site (see also **Appendix Id**). Regarding the view that the proposal undermines the development rights and interests of other owners within the “CDA(3)” site, as well as concern on the implementability of the PVP and vehicular access at Phase 2, having considered the applicant’s responses as highlighted in paragraph 2(o) above, the assessments in paragraphs 11.3 to 11.8 above are still valid. On traffic, open space, landscaping, greenery provision, air ventilation, drainage and sewerage facilities, and gas safety aspects, as well as design and development of RCHE, the assessments in paragraphs 11.13 to 11.15 above are relevant.

12 Planning Department’s Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

the proposed phasing of the comprehensive residential/commercial/social welfare facility development is not in line with the Town Planning Board Guidelines No. 17A in that the applicant fails to demonstrate that the planning intention of the “CDA” zone will not be undermined, the comprehensiveness of the proposed development will not be adversely affected; the development of individual phases will be self-contained in terms of layout design and provision of transport facilities and the individual lot owners’ landed interest will not be adversely affected.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 8.1.2025, 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. Should the application be approved, the following approval conditions and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions
- (b) to (l) below to the satisfaction of the Director of Planning or of the

Town Planning Board;

- (b) the submission and implementation of a revised 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, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the implementation of the drainage facilities identified in the Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (f) the submission of an updated Air Quality Impact Assessment and the implementation of the mitigation measures identified therein for the proposed development to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (g) the submission of an updated Noise Impact Assessment and the implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (h) the submission of a Land Contamination Assessment and implementation of the remediation actions identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (i) the design and provision of vehicular access, parking spaces, loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (j) the design and implementation of junction improvement works at To Kwa Wan Road / San Shan Road / San Ma Tau Street, and the signalized pedestrian crossing at the junction of Kowloon City Road / Mok Cheong Street, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (k) the provision, management, operation and maintenance of a public vehicle park, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (l) 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.

Advisory Clauses

12.3 The suggested advisory clauses are attached at **Appendix IV**.

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 reject the application, Members are invited to advise what reasons for rejection should be given to the applicants.

13.3 Alternatively, 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.

14 Attachments

Appendix I	Letter received on 24.3.2020 enclosing the application form
Appendix Ia	Supplementary planning statements (SPS) (Volume 1, 2 & 3)
Appendix Ib	Letter received on 26.3.2020 providing replacement pages of the SPS
Appendix Ic	1 st FI received on 8.7.2020, 9.7.2020 and 14.7.2020
Appendix Id	2 nd FI received on 21.8.2020
Appendix Ie	3 rd FI received on 30.9.2020
Appendix If	4 th FI received on 6.11.2020
Appendix Ig	5 th FI received on 10.12.2020
Appendix Ih	6 th FI received on 14.12.2020
Appendix Ii	7 th FI received on 4.1.2021
Appendix II	Similar Applications
Appendices IIIa to IIIc	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-11	Floor Plans
Drawings A-12 & A-13	Section Plans
Drawings A-14 to A-17	Landscape Master Plans
Drawings A-18 & A-19	Landscape Section Plans
Drawings A-20 to A-22	Photomontages with viewpoint from To Kwa Wan Recreation Ground, Sung Wong Toi Garden and Kai Tak Cruise Terminal Park
Drawing A-23	Urban Design Proposal
Drawing A-24	Recommended noise mitigation measures for the RCHE
Plan A-1	Location Plan
Plans A-2a and A-2b	Site Plan
Plans A-3 to A-6	Site Photo