

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K13/313

- Applicant** : Grandeur Investments Limited represented by Townland Consultants Limited
- Site** : 13 Sheung Yuet Road, Kowloon Bay, Kowloon
- Site Area** : About 1,696m²
- Lease** : (a) New Kowloon Inland Lot (NKIL) No. 5890 (the Lot)
(b) Restricted to industrial and/or godown purposes (excluding offensive trades) purposes
- Plan** : Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
- (a) Maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 120 meters above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater
 - (b) A minimum of 3m wide “non-building area” (“NBA”) from the lot boundary abutting Wang Chiu Road shall be provided within this zone
 - (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR/BH restrictions stated in the Notes of the OZP may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance (the Ordinance)
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Office Development

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) as well as relaxation of BH restriction (BHR) from 120mPD to 141.25mPD (i.e. +21.25m or +17.7%) at 13 Sheung Yuet Road (the Site), which is zoned “OU(B)” on the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/29 (**Plan A-1**). The proposed minor relaxation of PR and BH restrictions is to facilitate the redevelopment of the existing 12-storey industrial building (IB)

constructed before 1987 (pre-1987 IB)^[1] into a 35-storey (including 4 basement levels) commercial/office (C/O) development comprising ‘Office’ use (the Proposed Scheme), which is always permitted under Schedule I for non-IBs of the Notes for “OU(B)” zone. The Site is the subject of three previous approved planning applications, among which one (i.e. No. A/K13/134) is for industrial/office (I/O) development with retail shop use and the relevant planning permission has lapsed.

- 1.2 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in-line with the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise redevelopment of pre-1987 IBs by allowing the relaxation of the maximum permissible non-domestic PR up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 3.1 below for details). The applicant also seeks minor relaxation of BHR by 17.7%.
- 1.3 With reference to the minimum 3m-wide “NBA” requirement from the lot boundary abutting Wang Chiu Road on the OZP, a 3m-wide full height building setback (above ground) is proposed from the boundary of the Lot abutting Wang Chiu Road. Besides, with reference to the adopted Kowloon Bay Outline Development Plan (ODP) No. D/K17/2 (**Plan A-2**), for air ventilation, footpath widening and amenity purposes, the Proposed Scheme has incorporated 3m-wide full height building setbacks (above ground) from the boundary of the Lot along Sheung Yuet Road and Wang Tai Road (**Drawing A-4**)^[2].
- 1.4 Floor plans, diagrammatic sections and photomontages submitted by the applicant are shown at **Drawings A-1 to A-15**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 1,696m ²
Proposed Use	Office Use (including refuge floor cum communal sky garden (communal sky garden))
PR	14.4
Gross Floor Area (GFA) (#)	24,422.40m ²
BH (at main roof level)	141.25mPD
Site Coverage (SC) (<15m)	About 70%
(≥15m)	About 55%
No. of Storeys	35
• Aboveground	31
• Basement	4
Greenery	about 26% / 438m ² ^[3]

^[1] The Occupation Permit (OP) for the subject IB was issued on 1.4.1986.

^[2] The proposed setbacks along Wang Tai Road and Sheung Yuet Road tally with that shown on the ODP (i.e. 5m from the kerbline).

^[3] Excluded 146m² of greenery area at refuge floor at 16/F that accordingly to the applicant will not be counted under Sustainable Building Design (SBD) Guidelines.

Major Development Parameters	Proposed Scheme
Parking Spaces	144
• Private Car (PC)	130 [^]
• Motorcycle (MC)	14
Loading/Unloading (L/UL) Bays	9
• Heavy Goods Vehicle	4
• Light Goods Vehicle	5
Setbacks	
• Wang Chiu Road, Sheung Yuet Road and Wang Tai Road	3m-wide full-height (above ground)

Note:

([#]) According to the applicant, they do not intend to surrender the setback areas to the Government.

([^]) Including 4 disabled parking spaces.

- 1.5 The main uses by floor of the proposed development and the floor-to-floor height under the Proposed Scheme (**Drawing A-1**) are summarized as follows:

Floor	Main Uses	Floor Height
B4/F - B2/F	Basement Carpark	3.60m
B1/F	Basement Carpark	5.20m
G/F	Entrance Lobby, L/UL	6.00m
1/F	Lobby, Landscape Garden, Possible Footbridge Connections, Electrical and Mechanical (E&M) Ancillary Facilities	5.00m
2/F	E&M Ancillary Facilities	5.50m
3-15/F & 17-30/F	Office	4.20m
16/F	Sky Garden cum Refuge Floor	6.00m

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

- (a) Application form received on 11.9.2019 **(Appendix I)**
- (b) Supporting Planning Statement enclosing architectural drawings, Traffic Impact Assessment (TIA) and Visual Impact Assessment (VIA) received on 11.9.2019 **(Appendix Ia)**
- (c) First further information (FI) vide letter received on 31.12.2019 enclosing responses to comments (RtoC), revised floor plans and section plan, revised TIA, a photomontage, and an illustration of pedestrian environment **(Appendix Ib)**

[Accepted but not exempted from publication and recounting requirements]

- (d) Second FI vide letter received on 8.1.2020 enclosing a **(Appendix Ic)**

figure demonstrating the area where fresh air intake point will be located

- (e) Third FI vide letter received on 6.2.2020 enclosing RtoC (Appendix Id)
- (f) Fourth FI vide letter received on 19.2.2020 enclosing RtoC (Appendix Ie) and updated section and floor plans
- (g) Fifth FI vide letter received on 5.3.2020 enclosing RtoC (Appendix If) and updated photomontage and floor plan
- (h) Sixth FI vide letter received on 6.3.2020 clarifying on the photomontage (Appendix Ig)

1.7 On 1.11.2019, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant. The applicant submitted further information on 31.12.2019 (Appendix Ib). In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 21.2.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in the Supporting Planning Statement and the FIs at **Appendices Ia to Ig**, and summarized as follows:

Response to the PA 2018 on Revitalisation Scheme for IBs

- (a) The proposed minor relaxation of PR restriction of the Site is a response to the PA 2018 which encourages owners to redevelop pre-1987 IBs for making better use of valuable land resources and optimising the provision of quality office supply to meet the need in Kowloon Bay Business Area (KBBA). The minor relaxation of BH restriction is also proposed to enable better building design.

In Line with the Planning Intention

- (b) The proposed redevelopment for permitted office use completely aligns with the planning intention of “OU(B)” zone, which is primarily for general business use.

Compatibility with the Surrounding Land Uses and Stepped BH Profile in the Area

- (c) The proposed development for office use is compatible with the surrounding land uses comprising a mix of office redevelopments and aging industrial buildings. The proposed development is located at the heart of a premier Core Business District (“CBD2”) of Hong Kong comprising of a number of new commercial developments ranging from 120mPD to 170mPD. The height and scale of the proposed development is not incompatible with the existing and future development context in KBBA (**Drawings A-11 and A-12**).

Reasonable BH

- (d) The proposed development has adopted an efficient floor plate with visually less bulky tower design. The smaller floor plate also provides better reach of natural lighting to all office areas. The proposed floor-to-floor height of 4.2m is the market standard for the grade of office proposed and with acceptable clear headroom after deduction of structural and M&E zones. It is the minimum floor-to-floor height that is required to achieve the Applicant's intention for a Grade-A Office building. In view of a balance between maximizing natural light penetration into the building, achieving better space around the building and enabling flexibility for architectural innovation, further manipulation of tower footprint is not preferred.
- (e) The potential for enhancing SC has been fully considered. The proposed SC of the tower allows for improved spatial and visual relationships with the surroundings, improves penetration of natural light into the building and encourages the flow of prevailing winds around the Site. Reduction of BH by manipulating tower footprints above the run in/out and transport circulation space at G/F is not technically feasible due to the need for additional structural supports that would obstruct the manoeuvring of heavy vehicles. The adverse impacts to the pedestrian streetscape and overall urban design due to increased tower footprint cannot be overcome by any reduction in BH.

Realizing Pedestrian Environment Improvement in KBBA

- (f) With reference to the building setback requirements under the ODP, the proposed development will provide 3m-wide building setback along Wang Chiu Road, Sheung Yuet Road and Wang Tai Road to enhance air ventilation, enable better streetscape and good quality street level public realm (**Drawing A-4**). The proposed setback is provided above-ground only and the applicant does not intend to surrender the setback areas to the Government.
- (g) The parking and L/UL Bays will be located within the Site so as to avoid on-street L/UL activities that may cause potential disruption to on-street traffic and pedestrian movements and conflict with pedestrian movements (**Drawings A-3** and **A-4**). Innovative building design and landscape amenity in the proposed development will improve the visual condition of the townscape. Weather protection measure will also be provided along building entrance facing Sheung Yuet Road to improve the pedestrian environment.
- (h) The proposed development has allowed for potential connection at 1/F to the future footbridge system as stipulated in ODP which can enhance pedestrian connectivity to Kowloon Bay MTR Station, KBBA, Kai Tak Development and the waterfront. Nonetheless, the footbridge connections will be subject to further discussions with the government and adjacent land owners. The potential connection allows for the realization of the proposals under the KBBA Pedestrian Environment Improvement Feasibility Study under the Energizing Kowloon East initiative.

Enabling Better Visual and Air Permeability through Provision of Sky Garden

- (i) The provision of a communal sky garden would improve visual quality and permeability of the redevelopment of the Site. The sky garden will help improve building permeability and enhance ventilation (**Drawings A-1** and **A-8**). The sky garden with landscaping also contribute to higher well-being and public health,

improvement to workplace quality and effectiveness of office working and enhancement of the quality of life. The proposed 6m floor-to-floor height is commonly found for sky gardens all over Hong Kong.

No Adverse Visual Impact

- (j) VIA/photomontages (**Appendices Ia and Ib**) show that the Proposed Scheme will be an improvement when compared with the rigid OZP Compliant Scheme (Part I of Appendix 1 in **Appendix Ia**). The VIA/photomontages demonstrate that the Proposed Scheme will have ‘negligible’ to ‘improved’ visual impact as compared to the OZP Compliant Scheme. The proposed development is compatible with the neighbouring developments and its visual impact is fully acceptable.
- (k) According to the photomontage provided, when viewed from the vantage point from Quarry Bay Park, while the development will be within the 20% ‘building free zone’, the proposed development with BH of 141.25mPD at main roof level is visually obstructed by Exchange Tower and not visible (**Drawing A-13**)^[4]. The BH of the proposed development is consistent with heights of surrounding developments within the emerging business/commercial hub in Kowloon East - “CBD2”, in which a number of Existing Development are located within the 20% building free zone or have already breached the Ridgeline.

No Adverse Traffic Impact

- (l) The revised TIA (**Appendix Ib**) finds that the Proposed Scheme will have no adverse traffic impact to the surrounding road network and is considered acceptable from the traffic engineering point of view. The applicant has already put in a lot of effort on the building design in order to maximize the car parking and L/UL provisions for the proposed redevelopment within 4 basement floors.

Fulfilling the Sustainable Building Design (SBD) Guidelines

- (m) The proposed development will meet the SBD Guidelines (PNAP APP-152). Details will be studied in the detailed design stage. Figure 4.1 of Appendix 1 in **Appendix Ie** shows how the proposed development complies with the SBD Guidelines.
- (n) Under SBD Guidelines, the applicant proposed to provide 437.514m² of greening (equivalent to 26% of the site area) in the development, including planter and vertical greening (VG) at setback area on G/F, landscape garden on 1/F and planter on roof floor. The applicant stated that they would be responsible for maintenance of the proposed greening.

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

- (o) The Proposed Scheme fulfils the relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP, including
- *providing better streetscape/good quality street level public urban space* – the minor relaxation of BH will allow for a more spacious pedestrian environment, increased landscaping and green opportunities at pedestrian level of the

^[4] The applicant indicated that the photomontage has not taken into account any roof top structures of which the height, extent and disposition are still subject to detailed design. If taking roof-top structures into consideration, there will still not be any breaching of Ridgeline.

Proposed Scheme through setbacks (**Drawings A-4 and A-15**). This will enable a greener and more pedestrian friendly environment;

- *providing separation between buildings to enhance air ventilation and visual permeability* – provision of 3m-wide building setbacks from the building line abutting Wang Chiu Road, from lot boundaries along Sheung Yuet Road and Wang Tai Road, together with at least 2m width of existing pavement to increase visual permeability, enhance air ventilation and improve streetscape for pedestrian is made possible through the minor relaxation of BH, allowing a narrower building footprint (**Drawings A-11 and A-12**); and
- *Other factors that would bring about improvements to townscape and amenity* – consideration was made to avoid a monotonous building form through improving flexibility for architectural and design innovation. Innovative building design and unique building form will create greater visual interest. Besides the setback at ground floor, a sky garden is provided at the refuge floor (**Drawings A-4 and A-8**). These improvements are unachievable in the OZP Compliant Scheme (i.e. at PR of 12 and BHR of 120mPD). Moreover, the smaller building footprint will improve the penetration of natural lighting around the Proposed Scheme.

3. **Background**

Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987^[5], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “R” zones in Main Urban Areas and New Towns into industrial/commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R^[6]. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.
- 3.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

^[5] Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans (BPs) first submitted to the BA for approval on or before the same date.

^[6] Under the Policy, any bonus floor area claimed under B(P)R 22(1) or (2) is not to be counted towards the proposed relaxation of PR restriction by 20% for redevelopment projects. The bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, but can only be considered by the BA upon formal submission of building plans (BPs).

Imposition of BHRs for KBBA

3.3 The BHRs for KBBA were incorporated on the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/22 in February 2005 to preserve the views to the Kowloon Ridgelines from the vantage points recommended in the Urban Design Guidelines Study, taking into account the local area context and the need to maintain visually compatible building masses in the wider setting. Four height bands of 100mPD, 120mPD, 140mPD and 170mPD are imposed for the “Commercial” (“C”), “OU(B)” and “OU(Commercial Uses with Public Transport Terminus)” zones covering the commercial and business developments in KBBA that help preserve a minimum of 20% building-free zone of Kowloon Ridgelines, create discernible townscape and allow greater visual penetration to the Victoria Harbour from the inland area of Ngau Tau Kok. The southern tip of KBBA has a height profile of 100mPD to tally with height profile of the Kwun Tong Business Area (KTBA). Three sites along Sheung Yee Street are stipulated with BHR of 170mPD for a high-rise node^[7], sites along the two sides of Wang Chiu Road (including the Site) and to those sites to the east are within a BH band of 120mPD, the areas to the west are within a BH band of 140mPD (**Plans A-1 and A-4**).

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

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

5. Previous Applications

The Site is the subject of three previous applications including Application No. A/K13/134 for proposed Composite Industrial-Office Building with Commercial (Retail Shop) use and Application Nos. A/K13/242 and A/K13/248 for ‘Shop and Services’ uses within premises on ground floor of the existing building which were approved with conditions by the Committee on 11.9.1998, 10.7.2009 and 18.12.2009 respectively. Application No. A/K13/134 has lapsed while A/K13/242 was revoked on 20.10.2009. Application No. A/K13/248 is still valid.

6. Similar Applications

6.1 Since March 2019, the Committee has considered a total of 17 minor relaxation applications in the Metro Area relating to the Policy Initiatives of Revitalisation of IBs, none of them is in KBBA (**Plan A-1**). Eight of the applications in Hung Hom, San Po Kong, Kwai Chung, Tsuen Wan and one in Kwun Tong involved relaxation of PR only whilst the other seven in KTBA and one in Cheung Sha Wan involved minor relaxation of both PR and BH (see **Appendix IV** for details). For the nine applications that only involved minor relaxation of PR, all (A/K9/274, A/K11/233,

^[7] The BHR of 170mPD at the high-rise node was stipulated in 2005, taking account of known committed development proposals at that time that had agglomerated to form a critical mass as an identifiable area node.

A/K11/235, A/KC/460, A/KC/464, A/TW/505, A/TW/508, A/TW/509 and A/K14/778) were approved with conditions. For the eight applications involving both minor relaxation of PR and BH, seven were approved with conditions (A/K5/813, A/K14/763, 766, 771, 774, 775 and 773) and one was rejected (A/K14/764) mainly on the grounds that there was insufficient planning and design merits to support the proposed relaxation of BHR. Applications No. A/K14/764 and 771 involved the same site.

- 6.2 In consideration of these applications, the Committee generally indicated support for the Policy to relax the PR up to 20% as it provides incentives to encourage redevelopment of pre-1987 IBs taking account that relevant technical assessments were submitted to support the technical feasibility and there was no adverse comment from relevant government departments.
- 6.3 For proposed minor relaxation of BHR associated with such applications, the applicants have to demonstrate that the proposed BH will not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, and with due regard to the requirements under SBD Guidelines and green building design considerations.
- 6.4 Two other applications (i.e. A/K3/582 and A/KC/463) for minor relaxation of PR by 20% are scheduled for consideration at the same meeting.

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-4 and photos on Plans A-5 and A-6)

- 7.1 The Site is:
 - (a) occupied by a 12-storey IB (about 37mPD), namely Shui Hing Centre, built in 1986;
 - (b) bounded by Wang Chiu Road to its west, Sheung Yuet Road to its south, Wang Tai Road to its east and Yuen Fat Industrial Building (about 40mPD) to its north; and
 - (c) at about 500m west of the MTR Kowloon Bay Station.
- 7.2 The surrounding areas have the following characteristics (Plans A-3 and A-4):
 - (a) the neighbouring buildings along Wang Tai Road, Sheung Yuet Road and Wang Chiu Road are mixed with C/O, IB or industrial-office buildings; and
 - (b) surrounding C/O buildings include Exchange Tower (about 126mPD) to its further south across Sheung Yuet Road; Goldin Financial Global Square under construction (about 119mPD) to its further east across Wang Tai Road; and Centre Parc (which is a commercial building wholesale-converted from an IB) (about 40mPD) to its further west across Wang Chiu Road.

8. Planning Intention

- 8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings.
- 8.2 As stated in the ES of the OZP, to provide incentive for developments/redevelopments with design merits/planning gains, each application for minor relaxation of BHR under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Building Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air ventilation and visual permeability;
 - (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP; and
 - (f) other factors such as the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.
- 8.3 According to the Notes of the “OU(B)” zone, a minimum of 3m-wide NBA is designated from the lot boundaries abutting both sides of Wang Chiu Road (including the Site). According to the ES of the OZP, the NBA, upon development/redevelopment of the lots, could help improve the effectiveness of Wang Chiu Road functioning as major breezeways as well as create a pleasant pedestrian environment by allowing street planting on wider pavement in KBBA.

9. Comments from Relevant Government Departments

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

Policy Perspective

- 9.1.1 Comments of the Secretary for Development, Development Bureau (DEVB):

It is Government’s policy to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-domestics PR by up to 20% may be permitted under the current revitalization scheme for redevelopment in respect of pre-1987 IBs

located outside “R” zones in Main Urban Area and New Towns. In this light, he gives policy support to this application in principle from policy angle as proposed office development is in line with the “OU(B)” zone, subject to its compliance with relevant requirements under the Policy and departmental assessment on technical feasibility and planning considerations. He will defer comments on the proposed relaxation of BH to relevant departments to consider from urban planning and development perspectives.

Land Administration

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

- (a) The Site falls within NKIL 5890 which is held under a Conditions of Sale No. 11538 dated 28.8.1981. The Conditions of Sale of the Lot contain, inter alia, the following restrictions:
 - (i) the Lot is restricted for industrial or godown purposes or both excluding offensive trades;
 - (ii) type of building only permits factories/godowns, ancillary offices, canteen, welfare facilities (excluding residential quarters) and watchmen/caretakers quarters, with watchmen/ caretakers quarters provision subject to approval and at maximum 5m² per person and canteen and welfare facilities at maximum 10% of total GFA of the building;
 - (iii) maximum height of any structure on the Lot shall not exceed 40mPD;
 - (iv) specific parking spaces requirements; and
 - (v) no right for vehicular access except between the points X and Y through Z as shown on lease plan.
- (b) The proposed redevelopment for office use is in breach of the lease conditions. Should the planning application be approved by the Board, the applicant is required to apply to LandsD for a lease modification to give effect to the proposal. However, there is no guarantee that the lease modification would be approved and if the application for lease modification is eventually approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms, including payment of any administration fee and premium as imposed by LandsD.
- (c) Under the Policy, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the Board’s approval letter.

Building Matters

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

- (a) An Authorized Person should be appointed to submit building plans to the BD for approval and demonstration of full compliance with the BO.
- (b) Detailed comments under the BO can only be provided at the building submission stage.

Traffic Aspect

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

- (a) Having reviewed the TIA at **Appendices Ia and Ib**, he has no adverse comment on the application from traffic engineering point of view, but considers that there is still room for further enhancement on the internal transport facilities to achieve the high-ends of the HKPSG recommendations. Should the application be approved by the Board, he suggests that approval conditions should be imposed for the submission of a revised TIA, and implementation of the mitigation measures, if any, identified in the revised TIA, and the design and provision of vehicular access, vehicle parking, L/UL facilities and manoeuvring spaces for the proposed development.
- (b) He considers that the relevant requirements on the setback area at Wang Chiu Road as stated in OZP should be adhered to. Should the setback area be surrendered to the government, TD would only take up the traffic management responsibility provided that the surrendered area is up to the requirements of Transport Planning and Design Manual and highway standards, and that Highways Department (HyD) agrees to take up the maintenance responsibility of the surrendered area. At present, TD does not have any traffic improvement proposal which would involve the setback area (at Sheung Yuet Road and Wang Tai Road) of this redevelopment proposal.

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

- (a) Any traffic improvement works required as a result of the subject redevelopment should be carried out by the lot owner and at his own costs.
- (b) One of the criteria for HyD to take over an area for maintenance is that no private installations of any kind are allowed within the road reserves. The encroachment of the proposed basement into the setback area would not comply with the said criterion and thus HyD would not take over the proposed setback area for maintenance.

Environmental Aspect

9.1.6 Comments of the Director of Environment Protection (DEP):

- (a) No objection to the application from environmental perspective.
- (b) Based on the second FI (**Appendix Ic**), the applicant has confirmed that central air-conditioning system will be provided for the proposed development and will not rely on openable window for ventilation. The fresh air intake point of the air-conditioning system will also be properly located to meet the buffer distance requirement for vehicular/chimney emissions as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). As such, insurmountable environmental impacts associated with the proposed development are not anticipated.
- (c) The permission should be subject to the following approval conditions including (i) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the DEP or of the Board; and (ii) the implementation of the local sewerage upgrading/connection works identified in the SIA in planning condition above to the satisfaction of the Director of Drainage Services or of the Board.

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) The Site is a triple frontage lot facing Wang Chiu Road, Sheung Yuet Road and Wang Tai Road within the KBBA. The Site and its immediate surroundings fall within the height band of 120mPD and BHRs in KBBA range from 100mPD to 170mPD. Although given the context and as illustrated in the photomontages of the submitted VIA, it is unlikely that accommodation of the proposed development would induce significant adverse effects on the visual character of the surrounding townscape, the proposed development would encroach into the 20% 'building free zone' for protection of the Ridgeline view as demonstrated in the photomontage prepared by PlanD illustrating view towards the proposed development from the strategic viewing point at Quarry Bay Park (**Plan A-7**). Although the photomontage for the same viewing point provided by the applicant (**Drawing A-13**) shows that the proposed development is visually obstructed by the Exchange Tower and is not visible, it is understood that the roof top structures of the proposed development has not been shown in the photomontage.
- (b) Given that the Site is a Class C Site, it seems that there is scope to further downwardly adjust the BH of the proposed development by manipulating the building footprint (the proposed tower coverage is about 55%). The applicant claims that manipulation of tower

footprint of the proposed development above the run in/out and transport circulation space at G/F is not technically feasible. However, it is not clear whether such would render manipulation of tower footprint wholly infeasible, i.e. the current proposed tower footprint (about 55%) is the maximum technically feasible tower coverage for the proposed development. Also, in this connection, it does not seem that the applicant has explored the possibility of a different development scheme that may allow a larger tower footprint.

- (c) According to the proposal, the proposed development has incorporated 3m full-height setback along Wang Chiu Road, Sheung Yuet Road and Wang Tai Road, i.e. the western, southern and eastern boundaries of the Site, and a communal sky garden at 16/F. Landscape treatments will be provided at the G/F, 1/F (landscape garden), 2/F, 16/F (sky garden) and roof floor.
- (d) While the applicant has indicated that the current tower footprint may promote visual and air permeability, given that the Site has already incorporated aboveground setbacks along its three frontages and the relatively small size of the Site, any potential additional improvement brought about by the slightly more slender tower form will unlikely be significant.
- (e) The Site is currently occupied by an existing IB which seems to have some commercial uses at the G/F. To the southwest of the site across Sheung Yuet Road is the low-rise zero carbon building which is a key open space in the area. Given the surrounding context, the proposed development seems to be well-positioned to provide some active commercial uses on G/F and the building low zone. In the current proposal, the first two floors of the proposed development are for M&E, L/UL area and lobby, which may fit the intended functionality of the proposed development but will not contribute much to the public realm/pedestrian environment. Given that there is a wide range of permissible uses within the zone that would help activate the street frontage, the applicant may consider future change of building uses on the lower floors.

Landscape Aspect

- (f) It is noted that at-grade planting and proprietary VG system is proposed to the building facades on G/F to 2/F facing Wang Chiu Road and Sheung Yuet Road to soften the building form and enhance the visual quality at street level. However, the applicant should take into consideration of the long-term commitment to provide proper maintenance to the VG system to maintain the planting in good and healthy condition. She would recommend to impose the following planning condition should the application be approved by the Board:
 - the submission and implementation of planting and vertical greening proposal on G/F to 2/F of the proposed development to the satisfaction of Director of Planning or the Board.

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

Based on fifth FI (**Appendix If**), it is noted that the Applicant has reduced the floor-to-floor height of 28-30/F to 4.2m as per other typical office floors with main roof level revised to 141.25mPD. In this regard, he has no further comment.

Pedestrian Accessibility and Walkability

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

With regard to enhancing the pedestrian environment and walkability as advocated by this Office, it is noted that the proposed development would provide a 3m-wide building setback along Wang Chiu Road and about 3m setback along Sheung Yuet Road and Wang Tai Road. The proposed building setback on Wang Chiu Road complies with the requirement under the adopted Kowloon Bay ODP No. D/K17/2. Regarding the proposed provision of about 3m-wide building setback along Wang Tai Road, he noted that the applicant indicated on the layout plan that the setback area, together with the existing footpath, should add up to a total width of at least 5m that meets the recommendation of the KBBA Pedestrian Environment Improvement – Feasibility Study (KBBA Study). The proposed setback along Wang Tai Road as recommended in the KBBA Study is intended to make allowance for streetscape enhancement and better synergy with possible ground floor restaurants and retail activities upon redevelopment of the interfacing buildings. There are no restrictions on setback on the basement levels. Provided that sufficient setback area could be allowed on the at-grade level, he has no adverse comments on the proposal. As for the setback requirements along Wang Chiu Road and Sheung Yuet Road, his office does not have particular comments as the requirements are not recommended by the KBBA study.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Commissioner of Police;
- (d) Director of Fire Services; and
- (e) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

The application and the FI (**Appendix Ib**) were published for public inspection on 20.9.2019 and 10.1.2020. Within the two statutory public inspection periods, a total of three objecting comments were received. A then member of the Kwun Tong District Council (KTDC) (**Appendix II(a)**) objected to the application mainly on grounds of traffic impacts and compatibility with the BH profile nearby. An individual (**Appendix II(b)**)

and **II(c)**) submitted two comments objecting to the application mainly on the grounds that approving the application for minor relaxation of PR and BH restrictions at the Site and other sites in the Kowloon Bay area would jeopardize the BH profile and cause cumulative impacts in the Kowloon Bay area on the aspects of traffic, environment, air ventilation and open space provision; and the adequacy and implementation of proposed greening/refuge floor are in doubt.

11. Planning Considerations and Assessments

11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) and BHR from 120mPD to 141.25mPD (by 17.7%) for a proposed redevelopment at the Site zoned “OU(B)” into a 35-storey (including 4 basement levels) commercial building comprising ‘Office’ use, which are always permitted under Schedule I of the Notes for non-IBs in the “OU(B)” zone. The proposed uses are in line with the planning intention of the “OU(B)” zone and the transformation taking place in KBBA from industrial to business/commercial uses.

Policy Aspect

11.2 An OP for the subject IB was issued in 1986 and the Site can be regarded as an eligible pre-1987 IB under Government’s new policy on revitalising IBs. DEVB gives policy support to the current application to optimise utilisation of the existing industrial stock and make better use of the valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. He defers comments on the proposed relaxation of BH to relevant departments to consider from urban design and development perspectives.

Technical Aspects

Minor Relaxation of PR

11.3 The proposed minor relaxation of PR generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed scheme. To support the application, the TIA submitted (**Appendices Ia and Ib**) reveals that traffic impacts associated with the proposed redevelopment would be minimal and would have no adverse impacts on the surrounding road network. C for T has no in-principle objection to the application but suggests two approval conditions for submission of a revised TIA, and implementation of the mitigation measures, if any, identified in the revised TIA; and the design and provision of vehicular access, vehicle parking, L/UL facilities and manoeuvring spaces for the proposed development. The other relevant government departments including FSD, EPD and DSD have no adverse comments on the application, subject to incorporation of appropriate approval conditions on sewerage aspect in paragraphs 12.2 (c) and (d) below.

Minor Relaxation of BH

11.4 According to the applicant, the increase in BH (i.e. +21.25m or +17.70%) is proposed for accommodating the proposed 20% increase in PR. The applicant explained that the proposed BH of 141.25mPD would allow a smaller tower footprint (tower site coverage of 55%) for a visually less bulky tower design and to enhance natural lighting in the office, and provide for a floor to floor height of 4.2m for Grade

A office (see para. 2(d) above).

- 11.5 The Site falls within BH band of maximum 120mPD not abutting any street block with higher BH band on the OZP (**Plan A-1**), the proposed development with BH of 141.25mPD is considered not in line with the BH profile. Besides, CTP/UD&L, PlanD advised that the proposed development has encroached into the 20% 'building free zone' for protection of the Ridgeline as viewed from vantage point at Quarry Bay Park with reference to the photomontage provided by the applicant (**Drawing A-13**) and that prepared by PlanD (**Plan A-7**). Whilst the applicant argues that some buildings already protruded into the 20% 'building free zone', those buildings that had encroached into the 20% 'building free zone' were mainly located within the high-rise node where a BHR of 170mPD was stipulated in 2005 after taking into account the known committed development proposals at the time.
- 11.6 The applicant has failed to demonstrate that efforts have been made to minimise the BH so as to avoid encroachment into the 20% 'building-free zone' and to minimize the visual impacts and that the proposed relaxation of BH is required to accommodate the relaxation of PR. The currently proposed SC above 15m is about 55%, there is scope to optimise the tower SCs to reduce the proposed BH. In this regard, CTP/UD&L, PlanD advise that there is scope to downwardly adjust the BH of the proposed development by reducing floor-to-floor height and/or adjusting the building footprint.
- 11.7 The proposed scheme incorporates full-height building setbacks (above ground) of 3m along Wang Chiu Road (in accordance with OZP requirement) and about 3m along Sheung Yuet Road and Wang Tai Road (in accordance with ODP requirement) to provide better streetscape. Head of EKEO has no adverse comment on the setback proposal. While the proposed basement floors encroach into the proposed setback areas, C for T indicates that at present TD does not have any traffic improvement proposal which would involve the proposed setback areas at the Site, and the applicant indicates that there is no intention to surrender the setback areas to the Government. Greenery provision of about 26% of the site area (i.e. 438m²) is proposed in the development, including planter and VG at setback area on G/F, landscape garden at 1/F and 2/F, communal sky garden at 16/F as well as planter on roof floor. CTP/UD&L, PlanD has no adverse comment on the greening proposals but suggests an approval condition for submission and implementation of planting and VG proposal from G/F to 2/F of the proposed development.
- 11.8 Taking into account the above, approval of the proposed minor relaxation of BH to 141.25mPD without strong justifications on the need for the relaxation in BH nor sufficient planning and design merits, would set an undesirable precedent for similar applications and the cumulative effect would be to jeopardise the BH profile, the urban design principle to preserve the 20% 'building-free zone' of important Ridgelines and create overall adverse visual impacts in the KBBA.

Others

- 11.9 On sustainability building design aspect, the applicant advised that the proposed development will meet the SBD Guidelines as shown in Figure 4.1 of Appendix 1 in **Appendix Id**, and details will be studied in the detailed design stage. As mentioned above, greenery provision of about 26% of the site area (i.e. 438m²) is proposed in the development.

11.10 Regarding the public concerns on the proposed greening/refuge floor as well as potential adverse traffic, environmental and air ventilation impacts and compatibility with the BH profile nearby, the assessments above are relevant. Regarding the public concerns on cumulative impacts of approving similar applications for minor relaxation of PR and BH restrictions in Kowloon Bay area, any such applications in the future have to be supported by relevant technical assessments and will be considered on their individual merits.

12. Planning Department's Views

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

- (a) the applicant has not provided strong justifications for the proposed minor relaxation of building height restriction (BHR); and
- (b) the applicant fails to demonstrate that the proposed minor relaxation of BHR will not create adverse visual impact on the area.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 17.3.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the design and provision of vehicular access, vehicle parking, loading/unloading facilities and manoeuvring spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a revised traffic impact assessment, and implementation of the mitigation measures, if any, identified therein, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment for the proposed development in condition (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the submission and implementation of planting and vertical greening proposal from G/F to 2/F of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix III**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 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	Application form received on 11.9.2019
Appendix Ia	Supporting Planning Statement received on 11.9.2019
Appendix Ib	First further information vide letters received on 31.12.2019
Appendix Ic	Second further information vide letter received on 8.1.2020
Appendix Id	Third further information vide letter received on 6.2.2020
Appendix Ie	Fourth further information vide letter received on 19.2.2020
Appendix If	Fifth further information vide letter received on 5.3.2020
Appendix Ig	Sixth further information vide letter received on 6.3.2020
Appendices IIa to IIc	Public comments received during the statutory publication periods
Appendix III	Recommended advisory clauses
Appendix IV	Similar applications
Drawings A-1 to A-10	Proposed floor plans and diagrammatic sections submitted by the applicant
Drawings A-11 to A-13	Photomontages submitted by the applicant
Drawings A-14 and A-15	Section and illustration showing the proposed greening submitted by the applicant
Plans A-1 and A-2	Location plans on Outline Zoning Plan and Outline Development Plan
Plan A-3	Site plan
Plan A-4	Height of existing buildings in KBBA
Plans A-5 and A-6	Site photos
Plan A-7	Photomontage prepared by PlanD