

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K13/316

- Applicant** : The Build-up Plastic and Metal Co. Ltd. represented by Kenneth To & Associates Limited
- Site** : No. 33 Tai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 1,070.244m²
- Lease** : (a) New Kowloon Inland Lot (NKIL) No. 5595 (“the Lot”)
(b) Restricted for industrial and/or godown purposes excluding offensive trades
(c) Maximum height of any structure on the Lot shall not exceed 110ft (i.e. 33.5m) above Principal Datum
- Plan** : Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/29 (at time of application)
Approved Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/30 (currently in force)
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 100 meters above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater
(b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR/BH restrictions stated in the Notes of the OZP may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance (the Ordinance)
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Office, Shop and Services and Eating Place Uses

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) as well as relaxation of BH restriction (BHR) from 100mPD to 109.9 mPD (i.e. +9.9m or + 9.9%) at 33 Tai Yip Street (the Site), which is zoned “OU(B)” on the approved Ngau Tau Kok and Kowloon Bay OZP No. S/K13/30 (**Plan A-1**). The proposed minor relaxation of PR and BH restrictions is

to facilitate the redevelopment of the existing vacant 9-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 28-storey (including 3 levels of basement carpark) commercial/office (C/O) development^[2] comprising ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses (the Proposed Scheme) which are always permitted under Schedule I for non-industrial office (I-O) buildings of the Notes for “OU(B)” zone. The Site is the subject of one previous application submitted by a different applicant for proposed development of an industrial-office (I-O) building when the Site was zoned “Industrial” (“I”) which was approved with conditions by the Committee on 22.4.1994. However, the planning permission has lapsed in 1996.

- 1.2 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in line with 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 by up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 3.1 below for details). The applicant also seeks minor relaxation of BHR by 9.9%.
- 1.3 The Site is bounded by Tai Yip Street to its northeast and Wai Yip Street to its southwest respectively, and there is no requirement for setback or non-building area along these two streets on the OZP No. S/K13/30 and the adopted Kowloon Bay Outline Development Plan (ODP) No. D/K17/2. Nevertheless, making reference to the adopted Kwun Tong (Western Part) ODP No. D/K14A/2 to the immediate southeast of the Site^[3] (**Plan A-2**), the applicant proposes a voluntary ground floor setback of 1.5m (clear headroom of 6m) along Tai Yip Street and 1.8m to 2.3m (clear headroom of 4.5m) along Wai Yip Street (**Drawing A-2**) for improvement of pedestrian environment.
- 1.4 Typical floor plans, diagrammatic section, photomontages, artist renderings and proposed vertical greening system 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 1,070.24m ²
Proposed Use	Office, Shop and Services and Eating Place
PR	14.4
Gross Floor Area (GFA)	About 15,411.51m ²
BH (at main roof level)	109.9mPD
Maximum Site Coverage (SC)	Not more than 60% (3/F and above)
No. of Block	1

[1] The occupation permit (OP) for the subject IB was issued in 1978.

[2] The anticipated completion year is 2024.

[3] The adopted Kwun Tong (Western Part) ODP No. D/K14A/2 requires full-height setbacks (i.e. 2.3m along Wai Yip Street and 1.5m along Tai Yip Street) for the street blocks to the immediate southeast of the Site (**Plan A-2**).

Major Development Parameters	Proposed Scheme
No. of Storeys	28 (including 3 levels of basement carpark)
Parking Spaces <ul style="list-style-type: none"> • Private Car • Motorcycle 	92 ^[4] 10
Loading/Unloading (L/UL) Bays <ul style="list-style-type: none"> • Light Goods Vehicle (LGV) • Heavy Goods Vehicle (HGV) 	6 3
Building Setback	1.5m from Tai Yip Street and 1.8m to 2.3m from Wai Yip Street (both on ground floor level only)
Total Greenery Ratio	20.8%

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

Floor	Main Uses	Floor Height (m)
4/F – 24/F	Offices	4.1
1/F – 3/F	Shop and Retail Facilities, Restaurants	4.2 (3/F) and 4.5 (1/F and 2/F)
G/F	Lift Lobby, L/UL Bays	6
B1/F – B3/F	Car Parking Spaces	4 (B3/F) and 6 (B1/F and B2/F)

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

- (a) Application form received on 24.12.2019 **(Appendix I)**
- (b) Supporting Planning Statement enclosing architectural drawings, Visual Impact Assessment (VIA), Traffic Impact Assessment (TIA) and Sewerage Impact Assessment (SIA), and supplementary information enclosing revised Chinese Executive Summary received on 24.12.2019 and 30.12.2019 respectively **(Appendix Ia)**
- (c) 1st Further Information (FI) vide letters received on 18.5.2020 enclosing responses to departmental comments, revised architectural drawings, revised SIA, new figures and appendices related to transport issues and revised VIA **(Appendix Ib)**
[Accepted but not exempted from publication and recounting requirements]

[4] Includes 68 parking spaces using 34 sets of parking rack, 22 conventional parking spaces, and 2 accessible parking spaces.

- (d) 2nd FI vide letter received on 28.5.2020 enclosing responses to departmental comments (**Appendix Ic**)
- (e) 3th FI vide letter received on 24.6.2020 enclosing responses to departmental comments, revised plan and replacement pages of SIA (**Appendix Id**)
- (f) 4th FI vide letter received on 30.6.2020 enclosing responses to departmental comments, revised architectural drawings and replacement pages of VIA (**Appendix Ie**)
- (g) 5th FI vide letter received on 2.7.2020 enclosing responses to departmental comments (**Appendix If**)
- (h) 6th FI vide letter received on 3.7.2020 enclosing additional drawing and revised drawings of TIA (**Appendix Ig**)

1.7 On 17.3.2020, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant in order to allow time for preparation of FI to address the comments from government departments. The application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia to Ig**. They are summarized as follows:

Response to the PA 2018 on Revitalisation Scheme for IBs

2.1 The existing industrial building at the Site was completed in 1978. The proposed minor relaxation of PR restriction of the Site by 20% is in line with Government's Policy to optimise the use of vacant or underutilised IBs in a more efficient way and provide more floor area to meet Hong Kong's changing economic and social needs.

Response to the Trend of Transformation of the Kowloon East Central Business District 2 (CBD2)

2.2 It is estimated that there would be a deficit of land area and floor space for commercial uses in Hong Kong. The Site with a 9-storey IB (including a basement) having PR far below the OZP restriction is under-utilized. The proposed redevelopment into a new commercial building with minor relaxation of PR and BHR is in compliance with the Policy Address 2016 by promoting the conversion of Kowloon East into CBD2 to accommodate the economic growth.

2.3 The proposed redevelopment would provide additional commercial floor space and new retail and dining facilities, which help synergise the transformation of the CBD2.

In line with the Planning Intention of the Zone

- 2.4 The proposed Scheme is in line with the planning intention of “OU(B)” zone to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses.

Relaxation of PR and BH is Minor and Acceptable

- 2.5 The relaxation of PR and BH being sought is considered as minor in nature and deemed acceptable to optimize the utilisation of land resource. Car parking spaces would be provided at basement levels to minimize building bulk. The proposed BH of not more than 109.9mPD will be in harmony with the surrounding development context. The proposed SC of about 60% (3/F and above) is in line with the maximum SC permissible under Building (Planning) Regulation (“B(P)R”). The typical office floor height is 4.1m, which is lower than that of the nearby newly completed commercial developments (ranging from 4.2m to 4.85m).

Enhancement of Streetscape and Greening Provision

- 2.6 The proposed development would provide a voluntary ground floor setback of 1.5m along Tai Yip Street and 1.8m to 2.3m along Wai Yip Street in order to improve the pedestrian environment (**Drawing A-2**). The proposed development would also provide terraced podiums at 2/F and 3/F at the frontage facing Tai Yip Street as outdoor spaces for social gathering which can energise Tai Yip Street. Besides, the proposed development would provide greening at G/F, R/F and the terraced podium at 2/F and 3/F with overall greenery provision of 20.8%. The applicant also indicates that further greenery provision within the Site at street level is limited with the need to provide essential elements such as L/UL bays and E&M facilities.

Compliance with Sustainable Building Design Guideline (SBDG)

- 2.7 As the site area is under 2ha, the proposed façade length is under 60m and both Wai Yip Street and Tai Yip Street are wider than 15m, the proposed development is not subject to control by building separation and setback requirements under SBDG. The proposed development would have overall greenery provision of 20.8%.

Consideration of Green Building Design

- 2.8 The applicant would explore other green features, such as low-E glasses curtain wall system with low thermal conductivity and high light transmittance to promote green building performance in terms of energy efficiency.

No Adverse Impact

- 2.9 Various technical assessments (i.e. TIA, SIA and VIA) and clarifications/responses to departmental comments at **Appendices Ia to Ig** have demonstrated that the Proposed Scheme would not generate any adverse impact on traffic, sewerage and visual aspects.

3. **Background on the Policy Initiatives of Revitalisation of IBs**

Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in the 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 "Residential" zones in Main Urban Areas and New Towns into industrial/commercial uses. 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.

Imposition of BHRs for Kowloon Bay Business Area (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 (including the Site) to tally with height profile of the Kwun Tong Business Area (KTBA) (**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] Eligible pre-1987 IBs refer to those were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans first submitted to the BA for approval on or before the same date.

[6] Under the new policy, any bonus floor area claimed under section 22(1) or (2) of the B(P)R is not to be counted towards the proposed increase of non-domestic PR by 20% for redevelopment projects.

5. Previous Application

The Site was the subject of one previous planning application (No. A/K13/69) submitted by a different applicant (Plan A-1) for proposed development of I-O building when the Site was zoned "I", which was approved with conditions by the Committee on 22.4.1994. The planning permission has lapsed in 1996.

6. Similar Applications

6.1 Since March 2019, the Committee has considered a total of 27 minor relaxation applications in the Metro Area relating to the Policy Initiatives of Revitalisation of IBs (**Appendix II**), including one in KBBA (**Plan A-1**). Out of the 27 similar applications, 25 applications were approved with conditions, two of them were rejected.

6.2 In consideration of these applications, the Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs and noted that relevant technical assessments were submitted to support the technical feasibility of their proposals and there was no adverse comment from relevant government departments. For proposed minor relaxation of BHR associated with such applications, the applicants have to demonstrate that the proposed BH 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 SBDG and green building design considerations. For the two rejected applications, namely Application No. A/K14/764 in KTBA and Application No. A/K13/313 in the adjoining KBBA, they are rejected mainly on the consideration that there was insufficient planning and design merits to support the proposed relaxation of BHR^[7]; and that the applicant for the latter also failed to demonstrate that adverse visual impact would not be created.

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

7.1 The Site is:

- (a) occupied by a vacant 9-storey IB (including a basement) (about 32 mPD), namely Ying Lun Godown, built in 1978;
- (b) bounded by Tai Yip Street to its northeast and the proposed data centre across Tai Yip Street at BH of 100mPD; Wai Yip Street to its southwest; and two existing IBs to its southeast and northwest, namely Unify Commercial-Industrial Building (about 33mPD) and Fortune Industrial Building (about 33mPD) respectively (**Plan A-4**); and
- (c) at about 440m southwest of the MTR Ngau Tau Kok Station.

^[7] For those two rejected applications, Application No. A/K14/764 applied for relaxation of BH by 30.2% from 100mPD to 130.2mPD, whereas Application No. A/K13/313 applied for relaxation of BH by 17.7% from 120mPD to 141.25mPD.

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

- (a) the neighbouring buildings along Wai Yip Street and Tai Yip Street are mixed with C/O buildings, (e.g. One Bay East and the Quayside across Wai Yip Street both with BHs of 100mPD), IBs or I-O buildings;
- (b) the Tai Yip Street Garden and Sitting-Out Area are located to the further northwest of the Site;
- (c) to its further northwest are Transport Department (TD) Kowloon Bay Vehicle Examination Centre, Water Supplies Department Kowloon East Regional Building and Government Logistics Department Trading and Testing Centre, with all of them falling within “Government, Institution or Community (1)” zone.

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 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.

9. **Comments from Relevant Government Departments**

9.1 The following Government 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 (SDEV, DEVB):

It is Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. In this light, he gives policy support to the current application in principle from policy angle, subject to its compliance with all relevant requirements under the Policy and departmental assessment on technical feasibility and planning considerations.

Land Administration

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

- (a) The Site falls within NKIL No.5595 and is held under the Conditions of Sale dated 23.8.1974, which contains the following salient restrictions:
 - (i) the Lot is restricted to industrial and/or godown purposes excluding offensive trades;
 - (ii) maximum height of any structure on the Lot shall not exceed 110ft (i.e. 33.5mPD); and
 - (iii) development conditions including but not limited to parking requirements at specific ratios of GFA and vehicular access points.
- (b) The proposed development does not comply with the existing lease conditions. If the Town Planning Board approves the subject application, the owner of the subject lot is required to apply for a lease modification/land exchange from LandsD to implement the proposal. When processing the lease modification application, LandsD will impose such appropriate terms and conditions including user restriction, the 5-year time limit for completion of the development, payment of full premium and administrative fee. There is no guarantee that the application will be approved 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) No objection in-principle to the application.
- (b) The proposal is acceptable in principle under Buildings Ordinance (BO). The proposal should in all aspects comply with the BO.
- (c) Detailed comments under the BO will be given at the building plan submission stage. His other technical comments are summarised in advisory clauses at **Appendix IV**.

Traffic Aspect

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

In view of the applicant's responses to comments (**Appendices Ib, If and Ig**), there is no in-principle objection to the application subject to an approval condition on provision of parking facilities, loading/unloading spaces, vehicular access, internal driveway, efficiency of the car lift system and the impact on the public road.

Environment

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

- (a) No objection to the application from environmental perspective. Insurmountable environmental impacts associated with the proposed development are not anticipated.
- (b) The applicant has confirmed that central air-conditioning system will be provided for the proposed development and will not rely on opened window for ventilation. The applicant has also confirmed that there is no chimney emission within 200m from the Site.
- (c) Based on the submitted FI (**Appendices Ib, Ic and Id**), he has no further comment on the SIA.
- (d) It is suggested to incorporate the following approval condition:

the submission of land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the site to the satisfaction of the DEP or of the TPB.
- (e) Besides, the following advisory clause should be included:

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.

Sewerage and Drainage Aspects

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

Based on the submitted FI (**Appendices Ib and Id**), he has no further comment from sewerage viewpoint on the SIA, which should be subject to the view and agreement of the EPD.

Urban Design, Visual and Landscape Aspects

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

(a) According to the application, the proposed development has incorporated ground level setback of 1.8m to 2.3m and 1.5m along Wai Yip Street and Tai Yip Street respectively. Landscape treatments in form of vertical greening and planters have been incorporated at G/F, 2/F, 3/F and R/F of the proposed development. These design measures may help improve the pedestrian environment and promote visual interest. Although technically speaking, incorporation of these design measures do not necessarily require additional BH/PR, they still represent the applicant's efforts in building design improvement.

Urban Design and Visual Aspects

- (b) Given the site context and as illustrated in the photomontages in the supporting VIA (**Appendices Ib and Ie**), it is unlikely that accommodation of the proposed development would induce significant adverse effects on the visual character of the surrounding townscape.
- (c) She has no further comments on the subject application from urban design and visual perspectives.

Landscape Aspect

- (d) With reference to the aerial photo of 2019, the Site is located in area of urban landscape character dominated by medium to high-rise industrial and commercial buildings. No existing tree is observed within the application boundary. Adverse landscape impact caused by the proposed minor relaxation is not anticipated. He has no objection to the application from landscape planning perspective.
- (e) It is noted that vertical greening (VG) and small planting areas are proposed on 2/F, 3/F and R/F. However, there is no information on the type and size of vertical greening, planting arrangement, and etc., provided in the application to demonstrate the feasibility of the proposed landscape treatments. If proprietary VG system is proposed, the applicant is reminded to take into consideration of the long-term commitment to provide proper maintenance for healthy and sustainable plant growth.

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

It is noted that the proposed development consists of one tower block with a height of about 109.9mPD which may not be incompatible with adjacent developments with BHR of 100mPD. In this regard, he has no comment from visual impact point of view.

Pedestrian Accessibility, Walkability and Streetscape

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

According to the Further Information submitted, it is noted that the width of footpath along Tai Yip Street would be about 4 m after incorporating the voluntary setback of 1.5 m at ground floor (**Appendices Ib and Ie**). Provided that TD has no adverse comment on the proposal from pedestrian circulation point of view, she has no further comment on the application.

- 9.2 The following Government departments have no objection to/no comment on the application:
- (a) Chief Engineer/Construction, Water Supplies Department;
 - (b) Chief Highway Engineer/Kowloon, Highway 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 3.1.2020 and 26.5.2020 respectively. Within the two statutory public inspection periods, a total of five objecting comments from individuals were received (**Appendices III(a) to III(e)**). They are mainly on the grounds that approving the subject application and similar ones in the Kowloon Bay area would jeopardize the BH profile and cause cumulative impacts in the Kowloon Bay area on the aspects of traffic, environmental, air ventilation and open space provision; negligible benefit to the community; possible structural impact to the adjoining building and the adequacy and implementation of proposed greening are in doubt.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12.0 to 14.4 (by 20%) and BHR from 100 mPD to 109.9mPD (by 9.9%) for a proposed redevelopment at the Site zoned "OU(B)" into a 28-storey (including 3 levels of basement carpark) C/O building. The proposed development will comprise 'Office', 'Shop and Services' and 'Eating Place' uses 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 1978 and the Site can be regarded as an eligible pre-1987 IB under government's policy on revitalising IBs with the objective 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. DEVB gives policy support to the current application subject to demonstration of technical feasibility.

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. The revised TIA and relevant materials submitted (**Appendices Ia, Ib, If and Ig**) indicates 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 an approval condition as set out in paragraph 12.2(a) below. The other relevant Government departments including HyD, FSD, EPD and DSD have no adverse comment on the application, subject to incorporation of appropriate approval condition on submission of land contamination assessment in paragraph 12.2(b) below.

Minor Relaxation of BHR

- 11.4 According to the applicant, the increase in BH (+9.9%) is proposed for accommodating the minor relaxation of 20% in PR under the Policy being sought. The floor-to-floor height of office floors of the proposed development is proposed at 4.1m to minimize the overall BH and the tower SCs of 60% has been maximised with no scope for lowering BH by adopting a larger footprint. The applicant has proposed ground floor setback and greenery provision to provide enhance streetscape and provide wider public footpath. The proposed development generally meets the criteria for considering application for minor relaxation of BHR as mentioned in paragraph 8.2 above.
- 11.5 In terms of BH profile for the KBBA, sites at the southern part of KBBA, i.e. near Shun Yip Street and Hung Yip Street (including the Site) are subject to BHR of 100mPD which can reasonably achieve the maximum PR of 12 as stipulated in the OZP with due regards to conforming to the height profile of KTBA to the southeast (**Plan A-1**). To accommodate the 20% increase in PR under application, the applicant also seeks minor relaxation of BHR by 9.9% to 109.9mPD. In consideration that the Site falls within BH band of maximum 100mPD not abutting any street block with higher BH band, the Proposed Scheme may not be entirely in line with the BH profile. Nevertheless, the applicant indicates that the proposed typical floor-to-floor height of 4.1m is lower than that of the nearby newly completed commercial developments (ranging from 4.2m to 4.85m, and are all developed with a PR of 12 and BH of 100mPD), and is within the range of those adopted in approved similar applications in the adjacent KTBA (between 3.5m and 4.1m) and may not be unacceptable (**Appendix II**). In this regard, CTP/UD&L, PlanD considered that accommodation of the proposed development would unlikely induce significant adverse effects on the visual character of the surrounding townscape. CA/CMD2,

ArchSD considered that the proposed development might not be incompatible with adjacent developments with BHR of 100mPD.

- 11.6 Taking into account the above, given the policy initiative to incentivise redevelopment of pre-1987 IBs to optimize utilization of the existing industrial stock and make better use of valuable land resources, and that the proposed minor relaxation of BHR (9.9%) is not disproportionate to the proposed 20% relaxation of PR sought with not unreasonable floor-to-floor height proposed, the proposed minor relaxation of BHR to 109.9mPD at the Site may be tolerated.

Planning and Design Merits

- 11.7 While there is no requirement for setback or non-building area along Tai Yip Street and Wai Yip Street on the OZP No. S/K13/29 and the adopted Kowloon Bay Outline Development Plan (ODP) No. D/K17/2, the Applicant has proposed a voluntary ground floor setback of 1.5m from Tai Yip Street and 1.8m to 2.3m from Wai Yip Street in order to improve the pedestrian environment. Head of EKEO has no adverse comment on the proposed setback from the pedestrian environment perspective.
- 11.8 The proposed development would provide greening at G/F, 2/F, 3/F and R/F achieving a total greenery ratio of about 20% (**Drawings A-8 and A-15**). The applicant also indicates that further greenery provision within the Site at street level is limited with the need to provide essential elements such as L/UL bays and E&M facilities. In this regard, CTP/UD&L, PlanD advises that while these design measures do not necessarily require additional PR/BH, these features may help improve the pedestrian environment and promote visual interest, and represent the applicant's efforts in building design improvements.
- 11.9 On the sustainability building design aspect, the proposed development is not subject to the requirements on building separation and setback under SBDG. Besides, the proposed development would have overall greenery provision of about 20%. Regarding the green building design as proposed by the applicant as detailed in paragraph 2.10 above, these measures could be implemented via existing centralized processing system of BPs in the detailed design stage.

Others

- 11.10 Regarding the public concerns on the proposed greening, benefit to the community, 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 100, the Planning Department has no objection to the application.

- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 10.7.2024, 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 provision of parking facilities, loading/unloading spaces, vehicular access, internal driveway, efficiency of the car lift system and the impact on the public road for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) the submission of land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of Director of Environmental Protection or of the Town Planning Board;

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

13. Decision Sought

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

14. Attachments

Appendix I	Application form received on 24.12.2019
Appendix Ia	Supporting Planning Statement and supplementary information received on 24.12.2019 and 30.12.2019 respectively
Appendix Ib	First FI and addendum received on 18.5.2020
Appendix Ic	Second FI received on 28.5.2020

Appendix Id	Third FI received on 24.6.2020
Appendix Ie	Fourth FI received on 30.6.2020
Appendix If	Fifth FI received on 2.7.2020
Appendix Ig	Sixth FI received on 3.7.2020
Appendix II	Similar applications
Appendix III(a) to III(e)	Public comments received during the statutory publication periods
Appendices IV	Recommended advisory clauses
Drawings A-1 to A-9	Proposed floor plans, landscape plan and sections submitted by the applicant
Drawing A-10 and A-11	Renderings submitted by the applicant
Drawings A-12 to A-14	Photomontages submitted by the applicant
Drawing A-15	Proposed vertical greening system
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 (Part) and KTBA (Part)
Plan A-5	Site photos

**PLANNING DEPARTMENT
JULY 2020**