

Recommended Advisory Clauses

- (a) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines and any gross floor area concession of the proposed development will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements and GFA concession/bonus PR are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the Town Planning Board (TPB) may be required;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, BD to appoint an Authorized Person to submit building plans (BP) to the BD for approval and demonstration of full compliance with the Buildings Ordinance (BO) and detailed comments under the BO will be given at the BP submission stage;
- (c) to note the comments of District Lands Officer/Kowloon East, Lands Department (LandsD) and Chief Estate Surveyor/Development Control, LandsD on the need to apply to the LandsD for a land exchange to implement the proposal. However, there is no guarantee that the land exchange would be approved and if the application is eventually approved by LandsD in the capacity as the landlord at his discretion, it will be subject to such terms and conditions, including user restriction, the 5-year time limit for completion of the development, payment of any administration fee and premium, as imposed by LandsD. Under the 2018 IB revitalisation measure, the conditions of land exchange shall be executed within 3 years from the date of TPB's approval letter. The proposed footbridge connections involving gazetting and authorization under Roads (Works, Use and Compensation) Ordinance (Cap. 370) has to be considered by Transport Department (TD) and Highways Department (HyD). Technical assessments such as traffic impact, setback requirements, building design, provision of 24-hour pedestrian walkway etc., should be considered by relevant B/Ds. Joint Practice Notes of Buildings, Lands and Planning Departments on greenery site coverage, building setback, building height etc. should be followed;
- (d) to note the comments of the Commissioner for Transport that the proposed lifts and connection to existing footbridge (KF63) should be open 24 hours to the public and the programme of the proposed ramp removal should tie in with the footbridge system proposed by the applicant;
- (e) to note the comments of the Chief Highway Engineer/Kowloon, Highways Department to provide details and seek relevant departments' comments on/agreement to the applicant's proposal to connect the proposed redevelopment to an existing footbridge and to remove the ramp of footbridge (KF63) and replace it by a landscape area;
- (f) to note the comments of the Director of Environment Protection (DEP) that 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 is advised to observe the relevant requirements under the Air Pollution Control Ordinance and Waste Disposal Ordinance for asbestos control prior to

demolition of the existing building;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that it is noted that 11 nos. of tree and shrub planting are proposed on G/F and peripheral shrub planting is proposed on 2/F. Besides, proprietary vertical greening (VG) system is proposed to the building facades on G/F at the corner of Kai Cheung Road and the adjacent lane to soften the building form and enhance the visual quality at street level. The applicant should take into consideration of the long-term commitment to provide proper maintenance to VG system to maintain the planting in good and healthy condition;
- (h) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department to consider solar control devices to reduce solar heat gain and avoid glare affecting adjacent buildings as far as practicable, given some façade area are facing west; and,
- (i) to note the comments of the Director of Food and Environmental Hygiene that if there are any new facilities (e.g. roads, pavements, footbridges, crossing facilities, elevated walkway system, subways, open space, lifts, flower beds, widening of footpaths) are to be built by the applicant and provision of manual cleansing services from Food and Environmental Hygiene Department (FEHD) for such facilities are required, sufficient recurrent consequences should be provided to FEHD, and HyD or other concerned departments that would take up the maintenance responsibility.

**Similar Applications in Kwun Tong Business Area and Kowloon Bay Business Area**

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses <sup>[1]</sup>	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
<b>Kwun Tong Business Area</b>							
1.	S/K14S/22 “OU(B)” A/K14/763  BHR: 100mPD	350 Kwun Tong Road, Kwun Tong (1,782m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 125.9mPD (+25.9%)	<b>Approved</b> with conditions on 22.3.2019	4m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback along Hang Yip Street and Lai Yip Street in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 357m<sup>2</sup> (about 20% of Site Area)</li> <li>● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may still allow a stepped BH profile in the Area</li> <li>● Incorporation of refuge floor cum communal sky garden</li> </ul>
2.	S/K14S/22 “OU(B)” A/K14/764  <i>(same site as No. A/K14/771)</i>  BHR: 100mPD	32 Hung To Road, Kwun Tong (911.2m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 130.2mPD (+30.2%)	<b>Rejected</b> on 22.3.2019 on the following grounds: (I), (II) [see remarks for details]	3.5m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Hung To Road and the back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 127m<sup>2</sup> (about 14% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Incorporation of refuge floor cum communal sky garden</li> </ul>
3.	S/K14S/22 “OU(B)” A/K14/766  BHR: 100mPD	41 King Yip Street, Kwun Tong (2,042.011m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 126mPD (+26%)	<b>Approved</b> with conditions on 16.8.2019	4.025m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along King Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment.</li> <li>● Voluntary setback and corner setback (G/F to 1/F) along King Yip Street to provide more ground floor greening and weather protection to the pedestrian</li> <li>● Curvilinear building design with five layers of edge plantings</li> <li>● Greening provision of 530 m<sup>2</sup> (about 26% of Site Area)</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may not</li> </ul>

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							be incompatible with the planned stepped BH profile in the Area
4.	S/K14S/22 “OU(B)” A/K14/771  (same site as No. A/K14/764)  BHR: 100mPD	32 Hung To Road, Kwun Tong (911.2m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 119.7mPD (+19.7%)	<b>Approved</b> with conditions on 16.8.2019	3.5m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Hung To Road and the back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 197 m<sup>2</sup> (about 22% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Tower deposition to allow building separation at tower with adjoining building to facilitate wind penetration to inland area</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may not be incompatible with the planned stepped BH profile in the Area.</li> <li>● Confined site configuration while the applicant had made effort in the building design to improve the local environment as listed above.</li> </ul>
5.	S/K14S/22 “OU(B)” A/K14/774  BHR: 100mPD	7 Lai Yip Street, Kwun Tong (1,026m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 125.9mPD (+25.9%)	<b>Approved</b> with conditions on 13.12.2019	4m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback along Lai Yip Street and Hang Yip Street in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 222.7m<sup>2</sup> (about 22% of Site Area)</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Weather protection canopy along the frontage facing Lai Yip Street</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may still allow a stepped BH profile</li> </ul>
6.	S/K14S/22 “OU(B)” A/K14/775  BHR: 100mPD	132 Wai Yip Street, Kwun Tong (418.06m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 120mPD (+20%)	<b>Approved</b> with conditions on 3.1.2020	3.9m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Wai Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 63m<sup>2</sup> including vertical greenery (about 15% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and could be tolerated</li> </ul>

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7.	S/K14S/22 “OU(B)” A/K14/773  BHR: 100mPD	82 Hung To Road, Kwun Tong (929.03m <sup>2</sup> )	I	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 119.85mPD (+19.85%)	<b>Approved</b> with conditions on 17.1.2020	4.1m (Workshop)	<ul style="list-style-type: none"> <li>● Voluntary full-height setback along Hung To Road for improving pedestrian environment</li> <li>● Greening provision of 202.3m<sup>2</sup> including vertical greenery (about 21.8% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Weather protection canopy along the frontage facing Hung To Road</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and could be tolerated</li> </ul>
8.	S/K14S/22 “OU(B)” A/K14/778  BHR: 100mPD	203 Wai Yip Street, Kwun Tong (935.99m <sup>2</sup> )	I	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> Nil	<b>Approved</b> with conditions on 17.1.2020	4.04m (Workshop)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Wai Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 270m<sup>2</sup> (about 29% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Weather protection canopy along the frontage facing Wai Yip Street</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> </ul>
9.	S/K14S/22 “OU(B)” A/K14/777  BHR: 160mPD	71 How Ming Street, Kwun Tong (1,271.66m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)	<b>Approved</b> with conditions on 15.5.2020	5m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along How Ming Street, Chong Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Weather protection canopy along the frontage facing How Ming Street and Chong Yip Street</li> <li>● Greening provision of about 20% of Site Area</li> <li>● Compliance with SBDG</li> </ul>
10.	S/K14S/22 “OU(B)” A/K14/782  BHR: 100mPD	4 Tai Yip Street, Kwun Tong (557.414m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 125.9mPD (+25.9%)	<b>Approved</b> with conditions on 15.5.2020	3.875m (Shop and Services (Medical-related))	<ul style="list-style-type: none"> <li>● Full-height setback along Tai Yip Street and Yan Yip Street in accordance with ODP requirement for improving pedestrian environment</li> <li>● Pedestrian Accesses on G/F facing both Tai Yip Street and Yan Yip Street to enhance pedestrian connectivity</li> <li>● Greening provision of not less than 20% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Incorporation of refuge floor cum communal podium garden</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> </ul>

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses <sup>11</sup>	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
11.	S/K14S/22 “OU(B)” A/K14/780  BHR: 100mPD	107-109 Wai Yip Street, Kwun Tong (1,170.578m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 115mPD (+15%)	<b>Approved</b> with conditions on 29.5.2020	4.08m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Wai Yip Street and the back alley in accordance with ODP requirement and additional above-ground NBA along the back alley for improving pedestrian environment</li> <li>● 4.4m-wide public passageway on G/F for better connection between Wai Yip Street and the back alley</li> <li>● Greening provision of about 27% of Site Area</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> </ul>
12.	S/K14S/22 “OU(B)” A/K14/783  BHR: 100mPD	1 Tai Yip Street, Kuwn Tong (536.98m <sup>2</sup> )	Hotel	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 115.4mPD (+15.4%)	<b>Deferred</b> on 18.9.2020	3.15m (Hotel)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Wai Yip Street, Tai Yip Street and the back alley in accordance with ODP requirement</li> <li>● Incorporation of communal podium garden</li> <li>● Weather protection canopy along the frontage facing Wai Yip Street</li> <li>● Greening provision of about 23.3% of Site Area [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> </ul>
<b>Kowloon Bay Business Area</b>							
13.	S/K13/29 “OU(B)” A/K13/313  <i>(same site as No. A/K13/320)</i>  BHR: 120mPD	13 Sheung Yuet Road, Kowloon Bay, Kowloon (1,696m <sup>2</sup> )	O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 120mPD to 141.25mPD (+17.7%)	<b>Rejected</b> on 17.3.2020 on the following grounds: (III), (IV) [see remarks for details]	4.2m (Office)	<ul style="list-style-type: none"> <li>● Proposed setbacks along Sheung Yuet Road and Wang Tai Road in accordance with ODP requirement for air ventilation, footpath widening and amenity purposes</li> <li>● Ground floor NBA from the lot boundary abutting Wang Chiu Road in accordance with OZP requirement</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Greenery coverage of 438m<sup>2</sup> (about 26% of Site Area) excluding 146m<sup>2</sup> of greenery area at refuge floor at 16/F</li> <li>● Compliance with SBDG</li> <li>● Incorporation of potential connections on 1/F to the future footbridge system as stipulated on the ODP</li> </ul>

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14.	S/K13/29 "OU(B)" A/K13/316  BHR: 100mPD	33 Tai Yip Street, Kwun Tong, Kowloon  (1,070.244m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 109.9mPD (+9.9%)	<b>Approved</b> with conditions on 10.7.2020	4.1m (Office)	<ul style="list-style-type: none"> <li>● 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 pedestrian environment</li> <li>● Greening at G/F, 2/F, 3/F and R/F achieving a total greenery ratio of about 20%</li> <li>● Compliance with SBDG</li> </ul>
15.	S/K13/30 "OU(B)" A/K13/320  <i>(same site as No. A/K13/313)</i>  BHR: 120mPD	13 Sheung Yuet Road, Kowloon Bay, Kowloon  (1,696m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> Nil	<b>Deferred</b> on 4.9.2020	4.2m (Office)	<ul style="list-style-type: none"> <li>● Full-height setbacks (aboveground) from the lot boundary abutting Sheung Yuet Road and Wang Tai Road in accordance with ODP requirement for air ventilation, footpath widening and amenity purposes</li> <li>● Full-height setback (aboveground) from the lot boundary abutting Wang Chiu Road in accordance with the NBA requirement under the OZP</li> <li>● Greenery coverage of 462m<sup>2</sup> (about 27% of Site Area)</li> <li>● Compliance with SBDG</li> <li>● Incorporation of potential connections on 1/F to the future footbridge system as stipulated on the ODP</li> </ul>

#### Notes

[1] Proposed Uses: Industrial (I), Commercial/ Office (C/O), Office (O) and Industrial-Office (I-O)

[2] For back alleys, in addition to a 1.5m full-height setback, a 1.5m non-building area (NBA) from ground level with clear headroom of 5.1 are required, which basement structures as well as cantilevered structures projecting above the minimum 5.1m headroom are allowed.

#### Rejection Reasons

(I) The applicant failed to demonstrate that there were sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

(II) The approval of the application would set an undesirable precedent for similar applications for minor relaxation of building height restriction in the area, the cumulative effects of approving similar applications would have adverse visual impact on the area.

(III) The applicant failed to demonstrate that the proposed minor relaxation of BH restriction will not create adverse visual impact on the area.

(IV) The applicant had not provided strong justifications for the proposed minor relaxation of BH restriction.