

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K13/318

- Applicant** : Borgia Limited represented by Townland Consultants Limited
- Site** : No. 20 Kai Cheung Road, Kowloon Bay, Kowloon
- Site Area** : About 9,532 m²
- Lease** : (a) New Kowloon Inland Lot (NKIL) Nos. 5848 and 5849 (the Lots)
(b) Restricted to industrial and/or godown purposes excluding offensive trades subject to a maximum height of 45.5 meters above Principal Datum (mPD)
- Plan** : Approved Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/30
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
- (a) Maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 120mPD, 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, 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 120mPD to 128.2mPD (i.e. +8.2m or +6.8%) at No. 20 Kai Cheung Road (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 11-storey industrial

building (IB), constructed before 1987 (pre-1987 IB)^[1], into a 32-storey commercial/office (C/O) development (comprising two 27-storey towers above 2-storey podium and 3-storey basement carparks) for ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses (the Proposed Scheme). The proposed uses are always permitted under Schedule I for non-IBs of the Notes for “OU(B)” zone. The Site is subject of a valid planning permission for motor vehicle showroom at 1/F of the building approved by the Metro Planning Committee (the Committee) on 8.8.1997.

- 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 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 building height restriction (BHR) by 6.8%.
- 1.3 Some key features of the Proposed Scheme are highlighted below:
 - (a) a full-height building setback of about 6m to 6.7m from the boundary of the Lots abutting Wang Chiu Road (**Drawing A-5**), which is more than the minimum 3m-wide NBA requirement from the lot boundary abutting Wang Chiu Road as stipulated on the OZP for air ventilation purpose. Trees, shrubs and planters as well as two landscaped plazas with seatings are provided in this setback area;
 - (b) a full-height building setback of 2.6m to 3.35m from the boundary of the Lots abutting Lam Hing Street resulting in a setback of about 5m to 5.7m from the kerbline (**Drawing A-5**), which tallies with the setback requirement shown on the adopted Kowloon Bay Outline Development Plan (ODP) No. D/K17/2 (**Plan A-2**) (i.e. setbacks of about 5m from the kerbline of Lam Hing Street for air ventilation, footpath widening and amenity purposes). The setback area along Lam Hing Street will be left open to enhance pedestrian circulation;
 - (c) a podium garden on 2/F that is open to public at reasonable hours (**Drawings A-1 and A-7**);
 - (d) greenery provision of 23.1% of the Site, including trees and shrub plantings and vertical greening (VG) on G/F, the podium garden on 2/F, and planters on 1/F, refuge floor, 26/F to 28/F and R/F;
 - (e) a covered pedestrian thoroughfare (4.5m-wide) transversing the Site on G/F connecting Lam Hing Street and Kai Cheung Road (**Drawing A-5**);
 - (f) a 24-hour covered walkway on 1/F with a lift to G/F allowing connections to the existing footbridge to the west (across Kai Cheung Road) and two potential footbridges connecting to the buildings to the south (across Lam Hing Street) and east (across Wang Chiu Road) respectively ^[2] (**Drawing A-6**);
 - (g) separation of 15m between the two proposed towers and 25m-wide void area

^[1] The Occupation Permit (OP) for the subject IB was issued in 1984.

^[2] The proposed connection to the existing footbridge to the west with removal of its existing ramp as well as the two potential footbridges connecting to the buildings to the south and east do not form part of the subject application, and are subject to agreement with the relevant departments and/or adjacent land owners.

in north-south direction at G/F which generally align with Wang Kwun Road to the south (**Drawing A-1**); and

(h) terraces with edge planters on 26/F to 28/F (**Drawings A-2 and A-3**).

1.4 Floor plans, sections, illustrations and photomontages submitted by the applicant are shown at **Drawings A-1 to A-18**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 9,532m ²
Proposed Use	Office, Shop and Services and Eating Place
PR	14.4
Gross Floor Area (GFA) #	137,260.8m ²
BH (at main roof level)	128.2mPD
Site Coverage (SC) (≤15m)	About 68.6%
(>15m)	About 57.9%
No. of Blocks	2 (with a building separation of about 15m)
No. of Storeys	32 (including 2 storeys of podium and 3 levels of basement car park)
Parking Spaces	
• Private Car	712 (including 6 disabled parking spaces)
• Motorcycle	72
• Taxi Layby	7
• Loading/Unloading (L/UL) Bays	74 (48 for Light Goods Vehicles, 26 for Heavy Goods Vehicles)
Setbacks from Lot Boundary	
• Wang Chiu Road	6m to 6.7m (full-height and above-ground)
• Lam Hing Street	2.6m to 3.35m (full height)
Greenery	23.1%

Notes:

According to the applicant, the Proposed Scheme has not reflected any bonus PR under Building (Planning) Regulations (B(P)R) 22(1) or (2) for the setback areas to be surrendered to the Government. Any such bonus PR will be considered during detailed design stage. Nevertheless, the applicant advised that any bonus GFA that may be granted separately by the Building Authority (BA) can be accommodated in the current building height proposed.

- 1.5 The main uses by floor of the proposed development and the floor-to-floor height under the Proposed Scheme (**Drawings A-1 and A-2**) are summarized as follows:

Floor	Main Uses	Floor Height (m)
B3/F to B2/F	Basement Carpark	5.5 (B3/F) 3.5 (B2/F)
B1/F	Basement Carpark, L/UL	6.75
G/F	Shop and Services, Eating Place, Office Lobby, Landscape Area, L/UL, Drop Off Area	6.6
1/F	Shop and Services, Eating Place, Office Lobby, Covered Walkway	5
2/F	Podium Garden	5.7
3-14/F & 16-28/F	Office, Terrace (on 26/F to 28/F)	4.1
15/F	Refuge Floor	3.3

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

- (a) Application form received on 15.5.2020 **(Appendix I)**
- (b) Supporting Planning Statement enclosing architectural drawings, Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA) and Sewerage Impact Assessment (SIA) received on 15.5.2020 **(Appendix Ia)**
- (c) 1st Further information (FI) vide letter received on 26.6.2020 enclosing responses to departmental and public comments, revised photomontage and plans, and supplementary information on landscaping and air ventilation performance **(Appendix Ib)**
- (d) 2nd FI vide letter received on 20.8.2020 enclosing responses to departmental comments (RtoC), new VG illustration, conceptual landscape design plans and revised TIA **(Appendix Ic)**
[accepted but not exempted from publication and recounting requirements]
- (e) 3rd FI vide letter received on 4.9.2020 enclosing RtoC and replacement pages to updated TIA **(Appendix Id)**
[accepted but not exempted from publication and recounting requirements]
- (f) 4th FI vide letter received on 25.9.2020 enclosing RtoC and supporting figures for TIA **(Appendix Ie)**
- (g) 5th FI vide letter received on 16.10.2020 enclosing RtoC and a TIA consolidating the changes submitted in **Appendices Ic to Ie**. **(Appendix If)**

- 1.7 On 10.7.2020, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI in response to the departmental comments. With the FI received on 4.9.2020 (**Appendix Id**), 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 supporting the application as set out in the Supporting Planning Statement and subsequent FIs at **Appendices Ia** to **If** are summarized as follows:

Response to the PA 2018 on Revitalisation Scheme for IBs

- 2.1 The proposed redevelopment of the existing IB with minor relaxation of PR restriction of the Site by 20% is in line with PA 2018 which incentivise IB redevelopment for making better use of valuable land resources. It also optimises the provision of quality office supply to meet the need in Kowloon Bay Business Area (KBBA).

In Line with the Planning Intention

- 2.2 The proposed redevelopment for permitted 'Office', 'Shop and Services' and 'Eating Place' uses completely aligns with the planning intention of the "OU(B)" zone, which is planned primarily for general business uses.

Relaxation of PR and BH is Minor and Acceptable

- 2.3 The relaxation of PR and BH being sought is considered as minor in nature and deemed acceptable. The proposed development has adopted measures to meet the relevant criteria (as set out in the Explanatory Statement of the OZP) for the consideration of application for minor relaxation of BH, including measures for better streetscape/good quality street level public urban space, separation between commercial towers to enhance air ventilation and visual permeability, etc.
- 2.4 The proposed BH of 128.2mPD is in line with the surrounding height profile, ranging from 120mPD to 170mPD (**Plan A-4**). Moreover, the proposed floor-to-floor height of 4.1m of the office floors falls below the bottom end of the typical floor height of Grade A office buildings completed in East Kowloon over the past ten years (ranging from 4.15m to 4.5m).

Enhancement of Pedestrian Environment and Streetscape

- 2.5 With reference to the NBA and building setback requirements under the OZP and ODP respectively, the Proposed Scheme incorporates a 6m to 6.7m-wide and a 2.6m to 3.35m-wide building setbacks from the lot boundary of the Site abutting Wang Chiu Road and Lam Hing Street respectively to enhance air ventilation, streetscape and quality of the street level public realm. The aforesaid setbacks allow streetscape improvements including trees and shrub plantings and landscaped plaza with seatings at pedestrian level which can promote visual interest and increase pedestrian comfort at street level, as shown in the renderings provided by the applicant in **Drawings A-12** to **A-14**. The applicant will undertake the

management and maintenance responsibility of the setback areas.

- 2.6 In addition, an at-grade covered pedestrian thoroughfare is proposed through the Site for better vehicular-free pedestrian connection between Kai Cheung Road and Lam Hing Street (**Drawing A-5**). Curved building form at street corners is proposed to improve surrounding streetscape and sightlines at pedestrian level.
- 2.7 The proposed development has incorporated a 24-hour exterior covered walkway at 1/F which allows for potential connections to the existing footbridge to the west of the Site (across Kai Cheung Road) and two potential footbridges across Wang Chiu Road and Lam Hing Street (**Drawings A-6, A-12 and A-14**). A lift is proposed to provide universal access to the footbridge, which would allow opportunity for removal of the ramp of the aforesaid existing footbridge and replacing it with new landscaped area (**Drawing A-5**). Nonetheless, the aforesaid proposals will be subject to further discussions with the relevant departments and/or adjacent land owners in detailed design stage^[3].
- 2.8 The parking and L/UL bays will be located within the Site to avoid on-street L/UL activities that may cause potential disruption to on-street traffic and conflict with pedestrian movements (**Drawings A-4 and A-5**). Innovative building design, street-level retail frontage and landscape amenity in the proposed development will further improve the visual condition of the townscape.

Enhancement of Greening Provision

- 2.9 The proposed development would provide (i) podium garden at 2/F, (ii) VG on G/F, (iii) landscaped plazas on G/F and (iv) planters on various levels, with an overall greenery provision of 23.1% (**Drawings A-5 to A-11 and A-18**).

Enhancement of Visual and Air Permeability

- 2.10 To enhance the visual and air permeability of the proposed development, the Proposed Scheme has provided (i) separation of 15m between the two proposed towers which generally aligns with Wang Kwun Road to the south, (ii) 25m-wide void area in north-south direction at G/F, (iii) podium garden on 2/F and (iv) a refuge floor on 15/F.

Fulfilling the Sustainable Building Design (SBD) Guidelines and Green Building Design

- 2.11 The proposed development will comply with the SBD Guidelines (PNAP APP-152) as demonstrated in Part IV of Appendix 1 in **Appendix Ia**. The proposed scheme with 15m-wide separation between two towers can fulfil the building separation requirement. Building setback requirement is not applicable to the Site as the adjoining roads/streets have width over 15m. Regarding the requirement on site coverage of greenery, about 2,204m² of greenery (equivalent to 23.1% of the site area) is proposed in the development. Details will be studied in detailed design stage.

^[3] According to the Applicant, several discussions have been conducted with the Energizing Kowloon East Office (EKEO) regarding the feasibility of the proposed footbridge connections and system. Application for waiving the land premium payable to the lease modification for provision of planned pedestrian links was also submitted to Lands Department (LandsD) early this year.

2.12 Other green building features, including insulated glass units, appropriate shading devices, quality interior materials and finishes, will also be incorporated.

No Adverse Impact

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

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^[4], 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^[5]. 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

^[4] 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.

^[5] 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 BPs.

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) (**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 two previous planning applications (No. A/K13/118 and 123) submitted by the same applicant. The former for motor vehicle showroom and showroom at 1/F of the existing building at the Site was rejected on review by the Board on 15.8.1997 while the latter for motor vehicle showroom at 1/F of the existing building at the Site was approved with conditions by the Committee on 8.8.1997. The permission is still valid.

6. Similar Applications

- 6.1 Since March 2019, the Committee has considered a total of 15 minor relaxation applications in the Kwun Tong Business Area (KTBA) and KBBA relating to the Policy Initiatives of Revitalisation of IBs (**Appendix IV**), including three in KBBA (**Plan A-1**). Out of the 15 similar applications, 11 applications were approved with conditions, two were rejected, and two were deferred pending FI on planning and design merit of the development proposal.
- 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. The applicant has to demonstrate that 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 KBBA, they are rejected on the consideration that there was insufficient planning and design merits to support the proposed relaxation of BHR; 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 Plans A-5 and A-6)

7.1 The Site is:

- (a) occupied by a 11-storey IB (about 48mPD), namely Dah Chong Hong Building, built in 1984;
- (b) a corner site bounded by Kai Cheung Road to its north, Wang Chiu Road to its east, Lam Hing Street to its south and a lane with amenity planting to its west; and
- (c) at about 550m 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 Kai Cheung Road, Wang Chiu Road and Lam Hing Street are mixed with C/O buildings, IB or industrial-office buildings;
- (b) surrounding new C/O buildings include Goldin Financial Global Centre (about 140mPD) to its northwest across Kai Cheung Road, China Construction Bank Centre (about 126mPD^[6]) to its south across Lam Hing Street, and Kingston International Centre (about 120mPD) to its further southeast across Wang Chiu Road. Other existing C/O buildings or IBs are around 40mPD in height; and
- (c) to its north across Kai Cheung Road is the Hong Kong Auxiliary Police Force Headquarter (about 31mPD) and to its west is Kellett School (about 33mPD), which fall within “Government, Institution or Community (1)” zone. To its south and east across Wang Chiu Road and Lam Hing Street are the existing Kowloon Motor Bus Depot (about 22mPD) and some existing IBs include Po Lung Centre (about 46mPD), Golden Harvest Building (about 45mPD) and Continental Electric Building (about 45mPD), which fall within “OU(B)” zone. Vast areas of open space, covering Kowloon Bay Park, Kowloon Bay Sports Ground and Kowloon Bay Playground are at the further north and north east of the Site.

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

^[6] The BHR for this site as stipulated on the OZP is 120mPD. Planning permission under Application No. A/K13/232 was granted by the Board on review with conditions on 12.9.2008 for a proposed minor relaxation of BHR from 120mPD to 126mPD to incorporate a 6m sky garden in a development with office and shop and services at this site.

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.
- 8.4 According to the adopted Kowloon Bay ODP No. D/K17/2, a minimum 3m-wide NBA is designated from the lot boundaries abutting both sides of Wang Chiu Road and setbacks of about 5m from the kerblines of Lam Hing Street should be provided for air ventilation, footpath widening and amenity purposes.

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 (SDEV):

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. He supports the current application in principle as the proposed development with office, shop and services and eating place uses is in line with the Policy to encourage redevelopment of aged IBs and the planning intention of the “OU(B)” zoning, subject to its compliance with 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 and the Chief Estate Surveyor/Development Control, Lands Department (LandsD):

- (a) The Site falls within NKIL 5848 and 5849 which are held under two Conditions of Sales both dated 25.5.1981 respectively. The Lots are restricted to industrial and/or godown purposes excluding offensive trades subject to a maximum height of 45.5mPD whereas the existing building on the Lots are permitted to have a height of 55.2mPD for the life time of the building under two no objection letters both dated 31.7.1992 respectively. The Lots are further subject to development conditions including but not limited to parking requirements at specific ratios of GFA and vehicular access points, etc.
- (b) The proposed commercial redevelopment is in conflict with the existing lease conditions. Should the planning application be approved by the Board, the applicant is required to apply to 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 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 full administration fee and premium, as considered appropriate by LandsD.
- (c) Under the Policy, the conditions of land exchange shall be executed within 3 years from the date of the Board's approval letter.
- (d) The applicant proposes connection and alteration to the existing footbridge, as well as connection to a future footbridge system. These proposed arrangement involving gazetting and authorisation under Roads (Works, Use and Compensation) Ordinance (Cap. 370) has to be considered by the Transport Department (TD) and the Highways Department (HyD).

Traffic Aspect

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

- (a) Having reviewed the TIA and the applicant's responses to comments (**Appendices Ia to If**), she has no objection to the application from traffic engineering perspective. Should the application be approved by the Board, she suggests that approval conditions should be imposed for (i) the design and provision of vehicular access, vehicle parking, loading/unloading facilities, access arrangements and manoeuvring spaces for the proposed development to the satisfaction of the C for T or the Board; and, (ii) the submission of a revised TIA, and implementation of the mitigation measures, if any, identified therein, to the satisfaction of the C for T or the Board. Her comments regarding the proposed connection to and removal of the

ramp of the existing footbridge to the west of the Site are included in advisory clauses at **Appendix III**.

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

The applicant is reminded to provide details and seek relevant departments' comments on/agreement to the applicant's proposal to connect the proposed redevelopment to an existing footbridge to the west of the Site and to remove the ramp of footbridge and replace it by a landscape area.

Urban Design, Visual, Air Ventilation and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) The proposed development has provided a 6m to 6.7m building setback from the boundary of the Lots along Wang Chiu Road and a 2.6m to 3.35m building setback from the boundary of the Lots along Lam Hing Street respectively. A 15m-wide building separation between the two office towers is proposed above podium level at 16.7mPD. At the G/F, a north-south thoroughfare generally aligning with Wang Kwun Road has been provided. An external elevated covered walkway accessible to the public opened 24 hour daily is proposed at 1/F to connect the existing elevated walkway across Kai Cheung Road to the northwest of the site to the potential future footbridges across Lam Hing Street and Wang Chiu Road. The top three floors (26/F to 28/F) of the office towers have adopted a terraced form. Landscape treatments in form of vertical greening, planters and seatings have been provided at G/F, 1/F, 2/F and 26/F to R/F. Technically speaking, incorporation of the above design measures, apart from the podium garden, the exterior elevated pedestrian walkway and the terraced form of top tower floors, do not necessarily require additional BH/PR. Nonetheless, they may promote pedestrian connectivity, visual interest and building permeability, and contribute positively to the pedestrian environment.
- (b) Given the site context and as illustrated in the supporting VIA including the revised photomontages (**Appendices Ia and Ib**), it is unlikely that accommodation of the proposed development would induce significant adverse effects on the visual character of the surrounding townscape.

Landscape Aspect

- (c) No objection to the application from landscape planning perspective.
- (d) With reference to the aerial photo of 2019, the Site is located in an area of urban landscape character dominated by medium to high-rise

industrial and commercial buildings with structures for “G/IC” nearby. No existing tree is observed within the Site. Adverse landscape impact caused by the proposed minor relaxation is not anticipated.

- (e) 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 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.
- (f) She would recommend to impose the following planning condition should the application be approved by the Board:
 - the submission and implementation of landscape proposal from G/F to 2/F of the proposed development to the satisfaction of Director of Planning or the Board.

Air Ventilation Aspect

- (g) The proposed development with a total GFA exceeding 100,000m² has fallen under the criteria set out in the Joint HPLB-ETWB Technical Circular on AVA No. 1/06. Based on the applicant’s supporting information to demonstrate that the Proposed Scheme with podium garden and building separation would induce similar air ventilation performance when compared with the scheme in compliance with the current OZP restrictions, she has no further comments on the air ventilation aspects of the proposed development (Attachment 5 of **Appendix Ib**).

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

No comment from visual impact point of view as the proposed development, consisting of two tower blocks with a height of 128.2mPD, may not be incompatible with adjacent commercial developments with BHR ranging from 120mPD to 140mPD. His other comments on detailed building design are included in advisory clauses at **Appendix III**.

Pedestrian Accessibility and Walkability

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

- (a) According to the FI in **Appendix Ic**, it is noted that sufficient building setbacks along Wang Chiu Road and Lam Hing Street have been provided according to OZP and ODP requirements. She has no further comment on the application from pedestrian environment perspective.

- (b) As regards the proposed footbridge system (including the proposed connection to the existing footbridge across Kai Cheung Road, the proposed 24-hour exterior pedestrian walkway on 1/F, and connections to the potential footbridges over Lam Hing Street and Wang Chiu Road), the applicant has indicated that it would be subject to further discussions with the Government and adjacent landowners. The proposal, if implemented in whole, would enhance the connectivity in the area. Her office stands ready to provide facilitation service, if needed.

Environmental Aspect

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

- (a) No objection to the application from environmental perspectives.
- (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 fresh air intakes will be located to meet the buffer distance for vehicular emission and there is no chimney emission within 200m from the Site. Moreover, insurmountable sewerage impacts are not anticipated for the proposed development with minor relaxation of PR and BH. Besides, the proposed development would involve demolition of the existing IB and generation of large amount of construction and demolition (C&D) materials.
- (c) The permission should be subject to the following approval conditions including (i) the submission of a revised SIA to the satisfaction of the DEP or the Board; (ii) the implementation of the local sewerage upgrading / sewerage connection works identified in the SIA in planning condition above to the satisfaction of the Director of Drainage Services or the Board; and (iii) the submission of land contamination assessment in accordance with the prevailing guidelines and implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the DEP or the Board.
- (d) Her other comments on proper waste management during demolition and construction at the Site are included in the advisory clauses at **Appendix III**.

Drainage Aspect

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

He has no objection to the application. The SIA shall meet the full satisfaction of the Environmental Protection Department (EPD) as the

planning authority of sewerage infrastructure, and his comments on the SIA are subject to views and agreement of EPD.

Building Matters

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

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

Others

9.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

Her comments on the maintenance of any new pedestrian and greening facilities are included in advisory clauses at **Appendix III**.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Commissioner of Police;
- (c) Director of Fire Services;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (e) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Periods

The application and the FIs (**Appendices Ic** and **Id**) were published for public inspection. Within the statutory public inspection periods, a total of nine objecting comments were received, including one from a Legislative Councillor (**Appendix IIa**), one from the members of Democratic Party in Kwun Tong (**Appendix IIb**), two from members of the Kwun Tong District Council (KTDC) (**Appendices IIc** and **IId**), one from the Director of Finance & Operations of the Kellett School (**Appendix IIe**) and four from individuals (**Appendices IIff** to **IIii**). The objecting grounds are that the proposed redevelopment would worsen the existing congested traffic and pedestrian flow in the vicinity with inadequate public transport and illegal parking; induce noise and environmental disturbance and disruption to the operations and learning environment of the adjacent Kellett School especially during construction stage; create health and safety risks to the students of Kellett School; and no environmental assessment is provided. Approving the application for minor relaxation of PR and BH restrictions (without strong

justification and planning merits) at the Site and other sites in KBBA would cause cumulative impacts on the aspects of traffic, environment, air ventilation, natural light penetration, visual and open space provision and would set an undesirable precedent. There were also concerns on the adequacy and implementation of proposed greening as well as the usefulness/design of community garden at 2/F, terraces at upper floors, refuge floor, footbridge connection and proposed G/F retail shops.

11. Planning Considerations and Assessments

11.1 The application seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (by 20%) and BHR from 120mPD to 128.2mPD (by 6.8%) for a proposed redevelopment at the Site zoned “OU(B)” into a 32-storey (including 3 levels of basement car park) C/O development. 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.

Planning Intention and Land Use Compatibility

11.2 The proposed development is generally in line with the planning intention of the “OU(B)” zone and the transformation taking place in KBBA from industrial to business/commercial uses. The proposed development is generally in line with the TPB PG-No. 22D for “OU(B)” zone in that it is considered not incompatible with the surrounding land uses and would help transform the area for new non-polluting business uses.

Policy Aspect

11.3 An OP for the subject IB was issued in 1984 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 its compliance with relevant requirements under the Policy and departmental assessments on the technical feasibility and planning considerations.

Minor Relaxation of PR

11.4 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 consolidated TIA submitted (**Appendices If**) reveals that the proposed redevelopment would have no adverse traffic impacts on the surrounding road network. The parking and L/UL facilities proposed generally comply with the requirement under HKPSG. C for T has no in-principle objection to the application, but recommends approval conditions in paragraphs 12.2(a) and (b) below. The other relevant Government departments including EPD, DSD, HyD and FSD have no adverse comments on the application, subject to incorporation of appropriate approval conditions on sewerage and land contamination aspects in paragraphs 12.2 (c) to (e) below.

Minor Relaxation of BHR

- 11.5 The application proposes increase in BH (i.e. +8.2m or +6.8%) for accommodating the minor relaxation of 20% in PR under the Policy being sought. The typical floor-to-floor height of office floors is 4.1m and the SC of the tower portion is 57.9%. The applicant considers that there would be no scope for further reduction in BH by adopting a larger footprint. The applicant has proposed building setbacks, greenery provision, pedestrian and footbridge connections and building separation to enhance streetscape, visual permeability, air ventilation and pedestrian connectivity as highlighted in paragraph 1.3 above. The proposed development generally meets the criteria for considering application for minor relaxation of BHR as mentioned in paragraph 8.2 above.
- 11.6 In terms of BH profile for the KBBA, sites on both sides of Wang Chiu Road (including the Site) and to the further east fall within the BH band of 120mPD, whereas sites to the west of Wang Kwun Road and to the north of Kai Cheung Road fall within the BH band of 140mPD, forming a stepped BH profile descending from west to east (**Plan A-4**). In consideration that the Site is at the edge of the aforesaid BH band of 120mPD and the BHR for the site to the south across Lam Hing Street is 140mPD, the proposed BH for the proposed development at 128.2mPD may still allow a stepped BH profile for KBBA. The proposed BH of 128.2mPD is also comparable to the BH of 126mPD for the China Construction Bank Centre immediately to its south (that was subject of an application (No. A/K13/232) for minor relaxation of BH approved by the Committee in 2008). The applicant indicates that the proposed floor-to-floor height for office floors at 4.1m is lower than that of a number of Grade A office buildings recently completed in East Kowloon, which is ranging from 4.15m to 4.5m. It is also within the range of those adopted in approved similar applications in KBBA and the adjacent KTBA (between 3.5m and 4.1m) and may not be unacceptable (**Appendix IV**). CTP/UD&L, PlanD considers that as illustrated in the VIA, it is unlikely that the proposed development would induce significant adverse effects on the visual character of the surrounding townscape. CA/CMD2, ArchSD considers that the proposed development might not be incompatible with adjacent developments with BHR ranging from 120mPD to 140mPD.
- 11.7 Taking into account the above views, 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 minor relaxation of BHR (6.8%) is generally not disproportionate to the applied minor relaxation of PR with reasonable floor-to-floor height adopted and in line with the stepped BH profile, the proposed minor relaxation of BHR to 128.2mPD at the Site may be tolerated.

Planning and Design Merits

- 11.8 The Site is a corner site and the Proposed Scheme incorporates a 6m to 6.7m-wide building setback from the lot boundary abutting Wang Chiu Road (exceeding the 3m-wide NBA requirement under the OZP) and a 2.6m to 3.35m-wide building setback from the lot boundary abutting Lam Hing Street (i.e. 5m from the kerbline which is in accordance with ODP requirement) to provide better streetscape. The aforesaid setback areas will accommodate some trees/shrub planting, landscaped

plazas with seatings and planters and widened pavement for enjoyment of the pedestrians. These proposals for the setback areas satisfy the planning intention for the NBA/setback requirements stipulated under the OZP/ODP for air ventilation, footpath widening and/or amenity purposes and would provide considerable enhancement to the pedestrian environment. Moreover, a covered pedestrian thoroughfare in north-south direction on G/F of the Site connecting Lam Hing Street and Kai Cheung Road is proposed which would facilitate pedestrian circulation through the Site with long frontage.

- 11.9 The Proposed Scheme has also provided several features to mitigate the air ventilation impact of the proposed development, including separation of 15m between the proposed two towers and 25m-wide void area on G/F that generally align with Wang Kwun Road, as well as a podium garden on 2/F and a refuge floor on 15/F. CTP/UD&L, PlanD advises that while incorporation of most of the above design measures do not necessarily require additional BH/PR, these features may promote pedestrian connectivity, visual interest and building permeability, and contribute positively to the pedestrian environment. She also has no adverse comments on the proposed development from air ventilation perspective.
- 11.10 The proposed development would provide greening achieving a total greenery ratio of about 23.1%, including trees/shrubs/planters and VG on G/F (including within the setback areas), podium garden on 2/F, and planters on upper floors and R/F (**Drawings A-5 to A-11**). CTP/UD&L, PlanD has no objection to the application from landscape planning perspective, and suggests an approval condition for submission and implementation of landscape proposal for G/F to 2/F of the proposed development in paragraph 12.2(f) below.
- 11.11 On the sustainability building design aspect, the applicant advised that the proposed development will meet the SBDG and incorporate other green building features (paragraphs 2.11 and 2.12 above), and details will be studied in the detailed design stage. The building separation and greenery provision could be implemented via existing centralized processing system of Building Plans in the detailed design stage. The applicant also proposed that green building features as highlighted in paragraph 2.12 will be incorporated.

Public Comments

- 11.12 Regarding the public concerns on traffic, environmental, air ventilation and visual aspects as well as the concerns on the proposed retail use / greening / refuge floor / footbridge connection, the merits of the proposed relaxation, the assessments above are relevant. For the disturbance/disruption to the operations and learning environment of the adjacent school, environmental impacts during construction stage will be subject to control under the relevant environmental legislations/regulations. Regarding the public concerns on cumulative impacts of approving similar applications, application for minor relaxation of PR and/or BH in relation to the new policy on revitalizing IBs is subject to demonstration of technical feasibility and will be considered by the Board based on its 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 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 23.10.2024, 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, access arrangements and maneuvering 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 a revised 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;
- (e) the submission of land contamination assessments 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; and,
- (f) the submission and implementation of landscape proposal from G/F to 2/F of the proposed development to the satisfaction of Director of Planning or the Town Planning Board.

Advisory Clauses

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

- 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 for 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 15.5.2020
Appendix Ia	Supporting Planning Statement received on 15.5.2020
Appendix Ib	First FI vide letter received on 26.6.2020
Appendix Ic	Second FI vide letter received on 20.8.2020
Appendix Id	Third FI vide letter received on 4.9.2020
Appendix Ie	Fourth FI vide letter received on 25.9.2020
Appendix If	Fifth FI vide letter received on 16.10.2020
Appendix IIa to III	Public comments received during the statutory publication periods
Appendix III	Recommended advisory clauses
Appendix IV	Similar applications relating to the Policy
Drawings A-1 to A-11	Proposed floor plans and diagrammatic sections submitted by the applicant
Drawings A-12 to A-14	Renderings submitted by the applicant
Drawings A-15 to A-17	Photomontages submitted by the applicant
Drawing A-18	Proposed planter and vertical greening systems
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