

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/766

- Applicant** : Uni Trinity Development Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 41 King Yip Street, Kwun Tong, Kowloon
- Site Area** : 2,042.011m²
- Lease** : Kwun Tong Inland Lot (KTIL) No. 204 (the Lot)
- (a) Restricted to industrial purposes
 - (b) No building shall be erected other than a factory, ancillary offices and quarters for persons essential to the safety and security of the building
 - (c) No building or any part of such building shall be erected of which exceeds a height of 170 feet above Colony Principal Datum
- Plan** : Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/22
- 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 & 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 an increase in BH restriction (BHR) from 100mPD to 126mPD (i.e. +26m or +26%) for a proposed commercial development (the Proposed Scheme) at 41 King Yip Street (the Site).
- 1.2 The Site is zoned “OU(B)” on the approved Kwun Tong (South) OZP No. S/K14S/22 (**Plan A-1**). The Proposed Scheme is for development of a 32-storey

(including 3 basement levels) commercial building comprising ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses that are uses always permitted under Schedule I for non-IBs of the Notes for “OU(B)” zone, on a vacant site which was previously occupied by an industrial building (IB) constructed before 1987 (pre-1987 IB) immediately before it was left vacant^[1].

- 1.3 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in echo of 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 BH by 26%.
- 1.4 With reference to the adopted Kwun Tong (Western Part) Outline Development Plan (ODP)^[2] No. D/K14A/2 (**Plan A-2**), in order to widen the pedestrian pavement, the Proposed Scheme has incorporated 1.2m and 1.5m full-height building setbacks from the lot boundary abutting King Yip Street and the back alley to the northeast respectively, plus a 1.5m aboveground non-building area (NBA) at the back alley (**Drawings A-1 to A-13**). These provisions are generally in accordance with the setback requirements under the said ODP. The Proposed Scheme will make use of the full-height setback areas and aboveground NBA along the back alley (3m wide in total) altogether for vehicular ingress to the Site, while the existing public lane (3m wide) would be used for vehicular egress (**Drawing A-4**).
- 1.5 Floor plans, diagrammatic section, photomontages and architectural renderings submitted by the applicant are shown at **Drawings A-1 to A-13** and **A-15 to A-23**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 2,042.011m ²
Proposed Use	Office, Shop and Services, Eating Place & refuge floor cum communal sky garden (communal sky garden)
PR ^(*)	14.4
Gross Floor Area (GFA) ^{(*)(@)}	29,404.958m ²
• Office	28,278.635m ²
• Shop and Services/Eating Place	1,126.323m ²
BH (at main roof level)	126mPD
No. of Storeys	32
• Aboveground	29
• Basement	3

^[1] The Occupation Permit (OP) for the subject building was issued on 18.1.1965. The IB on the Site was demolished in 2009.

^[2] ODPs are departmental plans used administratively within Government to guide development. Although these plans carry no statutory effect, they are binding on all government departments and are used as a basis for works including formulation/modification of lease conditions.

Maximum Site Coverage (SC)	
<ul style="list-style-type: none"> • Podium level (<15m) • Typical floors <ul style="list-style-type: none"> - Low zone (3-10/F) - Communal sky garden - Mid zone (12-21/F) - Mechanical floor - High zone (23-32/F) 	<p>About 85.908%</p> <p>About 58.569%</p> <p>About 58.569%</p> <p>About 55.178%</p> <p>About 55.178%</p> <p>About 58.569%</p>
No. of Block	1
Greenery Provision	About 419.706m ² (>20%)
Parking Spaces	163
<ul style="list-style-type: none"> • Private Car (PC) • Motorcycle (MC) 	<p>148 (Incl. 3 accessible parking spaces)</p> <p>15</p>
Loading/Unloading (L/UL) Bays	13
<ul style="list-style-type: none"> • Heavy Goods Vehicle (HGV) • Light Goods Vehicle (LGV) 	<p>2</p> <p>11</p>
Setbacks ^(#)	
<ul style="list-style-type: none"> • King Yip Street • Back Alley to the northeast 	<p>1.2m full-height</p> <p>1.5m full-height setback + 1.5m aboveground NBA</p>
Anticipated Completion	2022

Note:

(*) Any bonus PR that may be approved by the BA under Building (Planning) Regulations (B(P)R) 22(1) or (2) for the setback areas to be surrendered to the government have not been reflected in the above. According to the applicant, a bonus PR of 0.574 (equivalent to a GFA of 1,171.185m²) will be claimed for the setback areas to be surrendered to the Government under B(P)R 22(2) subject to approval by the Building Authority (BA) during detailed design stage.

(@) Any GFA for the communal sky garden that may be exempted upon BA's approval under the Buildings Ordinance (BO) have not been reflected in the above.

(#) Requirements under the ODP.

1.6 The main uses by floor of the proposed development and the floor-to-floor height under the Proposed Scheme (**Appendix Ia** and **Drawing A-13**) are summarized as follows:

Floor	Main Uses	Floor Height
B3-B1/F	Carpark	3.5m
G/F	L/UL, Entrance Lobby, Shop and Services/Eating Place	6m
1/F	Shop and Services/Eating Place	4.5m
2/F	Planters on flat roof, Office	4.5m
3-10/F	Office (omitted 4/F)	4.025m
11/F	Communal sky garden	5.9m
12-21/F	Office (omitted 13/F & 14/F)	4.025m
22/F	Mechanical floor	4.025m
23-32/F	Office (omitted 24/F)	4.025m

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

- (a) Application form with replacement pages of the Supporting Planning Statement received on 8.2.2019 (**Appendix I**)
- (b) Supporting Planning Statement received on 8.2.2019 (**Appendix Ia**)
- (c) First further information (FI) vide letter received on 13.3.2019 responding to departmental comments and enclosing Traffic Impact Assessment (TIA) and Visual Impact Assessment (VIA) reports (**Appendix Ib**)
- (d) Second FI vide letter received on 18.4.2019 responding to departmental comments, providing minor clarifications on the Proposed Scheme and enclosing revised TIA, sectional drawing and photomontages showing the proposed development and new architectural renderings (**Appendix Ic**)
- (e) Third FI vide letter received on 21.5.2019 responding to departmental comments and providing minor clarifications on the Proposed Scheme (**Appendix Id**)
- (f) Fourth FI vide letters received on 28.5.2019 responding to departmental comments (**Appendix Ie**)
- (g) Fifth FI vide letter received on 29.5.2019 responding to departmental comments (**Appendix If**)

[The first two FIs were not exempted from publication and recounting requirements]

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in Section 5 of the Supporting Planning Statement at **Appendix Ia** and the TIA and VIA reports at **Appendices Ib** and **Ic**, and summarized as follows:

Response to the PA 2018 on Revitalisation Scheme for IBs

- (a) The proposed minor relaxation of PR restriction of the Site by 20% is an immediate response to the PA 2018 which encourages owners to redevelop pre-1987 IBs for providing more floor area to meet the social and economic needs, and making better use of valuable land resources.

Minimized Increase in BH and Compatible with Stepped BH Profile in the Area

- (b) Efforts have been made in minimizing the proposed increase in BH as far as possible. The Proposed Scheme has adopted a floor-to-floor height of 4.025m – 4.5m (**Drawing A-13**) for the office and shop and services/eating place floors so as to minimize the overall BH while satisfying the operational needs of a Grade A office development. Being located at the fringe of the Kwun Tong Business Area (KTBA), the proposed increase of BH to 126mPD is still compatible with and would preserve the planned stepped BH profile in the area (**Appendix Ic** and **Drawing A-14**).
- (c) The proposed communal sky garden on 11/F combines the green features with the

refuge floor with floor height of 5.9m. It is at the minimal level for which 4.5m clear height fulfils the minimum requirement as set out in Joint Practice Note (JPN) No. 2 while the additional 1.4m floor height is for the provision of mechanical and electrical services and structural members (**Drawing A-8**). The communal sky garden at 11/F would meet fire services (FS) requirement and could increase the visibility of green features from street level of King Yip Street and from riverside public space of Tsui Ping River (**Drawing A-13**).

- (d) Locating the mechanical floor at higher part of the building (22/F) allows better E&M service arrangement and lift zoning, and reduces visual and noise impact to pedestrian. Its floor-to-floor height of 4.025m is the minimum required to accommodate the FS and sprinkler water tanks of 2.5m high (with top access) (**Drawing A-10**) in order to fulfill the water capacity requirement under FS Codes.

Fulfilling Criteria for Minor Relaxation of BHR

- (e) The Proposed Scheme fulfils three out of the six criteria for consideration of minor relaxation in the Explanatory Statement (ES) of the OZP, including providing better streetscape/good quality street level public urban space; providing separation between buildings to enhance air ventilation and visual permeability; and innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality.

Visual Permeability and Social Benefits

- (f) The communal sky garden would enhance the visual quality, natural ventilation of the proposed development and provide tenants and their visitors with an alternative place for relaxation and social gathering. VIA/photomontages (**Appendix Ib** and **Drawings A-15 to A-21**) and architectural renderings (**Drawings A-22** and **A-23**) demonstrate that there would be general enhancement of the visual quality with carefully designed building façade and building massing, improving building permeability, offering visual interest to the cityscape and furnishing a less bulky presentation.
- (g) The provision of greenery in the Proposed Scheme fulfills the requirement of minimum 20% site coverage of greenery as per the Sustainable Building Design Guidelines. Landscape features such as vertical greenery at street level and planters at building edges are incorporated to provide pleasant landscaping for pedestrians and public. The extent of vertical greenery would be considered during detailed design stage.

No Adverse Traffic Impact

- (h) The TIA reveals that the additional increase in traffic arising from the minor relaxation of PR^[3] would be minimal with two-way traffic increases from 102 (72) pcu/hour to 128 (89) pcu/hour for the morning (evening) peak and concludes that the Proposed Scheme would not have adverse impact on the surrounding road network, and the key junctions assessed would operate within capacities or more or less the same as the reference scenario (i.e. proposed development with permissible PR of 12 on the OZP) (**Appendix Ib**).

^[3] The TIA has assessed the impacts assuming a development with bonus PR that may be approved under B(P)R as worst case scenario.

- (i) The Proposed Scheme would have 3 basement carpark levels. With the limited site area, the need to provide full-height setbacks and technical difficulties for deeper excavation for more basement carpark, the provision of parking and L/UL facilities are proposed in between the low-end and high-end requirements under the Hong Kong Planning Standards and Guidelines (HKPSG)^[4].
- (j) With the proposed 1.5m full height setback and 1.5m aboveground NBA arrangement, the existing one-lane/two-way traffic at the 3m-wide public back alley to the northeast would be improved. As demonstrated in the TIA at **Appendix Ib**, sufficient manoeuvring space would be provided for vehicles accessing to/from the Site without affecting the L/UL activities within the lot boundaries of adjoining IBs along the back alley. There would be no anticipated traffic safety and capacity issues.

Realizing Setback Requirements

- (k) The setback requirements as stipulated on the ODP would be incorporated upon redevelopment of the Site that would help to enhance the walking environment along King Yip Street and the area adjoining the revitalized Tsui Ping River.

In Line with Planning Intention and Facilitate Transformation of KTBA

- (l) The Proposed Scheme is in line with the planning intention for “OU(B)” zone. With a new commercial building of more desirable architectural design, the proposed development would enhance the urban quality of the surrounding area.
- (m) The Proposed Scheme is intended to establish a prominent retail and office venue at the Site that provides opportunity to diversify local job opportunities and assist local economic transformation. It would create a desirable precedent and spearhead redevelopment along King Yip Street, facilitating the phasing out of polluting industrial uses, eventually enlivening the largely industrial part at the heart of KTBA, and enable this area to create better synergy effects with the remaining parts of the KTBA and even Kowloon East.

3. Background

Policy Initiatives of Revitalisation of IBs

3.1 As set out in PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987^[5], there is a policy

^[4] According to the low-end and high-end parking provisions under HKPSG, the requirements for PC and MC parking for the Proposed Development are 128-179 and 7-18 respectively; whereas the respective HGV and LGV parking and L/UL bays required are 4-6 and 7-11. In the Proposed Scheme, 148 and 15 PC and MC parking spaces and 13 L/UL bays would be provided which are within the range required under HKPSG. Among the 13 L/UL bays, 11 nos. are for LGV to meet the high-end requirement, whereas 2 nos. are for HGV that is below the low-end requirement.

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

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 relaxation of PR is subject to approval by TPB on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R^{[6],[7]}. TPB 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 KTBA

- 3.3 The BHRs for KTBA were incorporated on the draft Kwun Tong (South) OZP No. S/K14S/11 on 25.2.2005 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, 130mPD, 160mPD and 200mPD are imposed for the “Commercial (1)” (“C(1)”) and “OU(B)”/“OU(B)1” zones covering the commercial, business and industrial developments in KTBA that help achieve a stepped height profile for visual permeability, reduce the solidness of KTBA and maintain a more intertwined relationship with the Victoria Harbour edge. For the sites closer to the harbourfront, i.e. those to the south of Hung To Road and to the west of Lai Yip Street (including the Site), a BHR of 100mPD is adopted. The sites at the south-eastern periphery of KTBA (i.e. to the east of Hoi Yuen Road and to the north of Hung To Road) are subject to a BHR of 130mPD, while higher BHRs from 160mPD to 200mPD are allowed for sites on the inland part of KTBA. The various BHR bands and heights of existing buildings in the “C(1)” and “OU(B)” sites are at **Plan 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 Application

No application for minor relaxation of PR or BH restrictions at the Site was received previously.

^[6] The Site abutting King Yip Street is a Class A site where the permissible PR under B(P)R is up to 15 and with a maximum SC of 60% for building height of 61m and over.

^[7] 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.

6. Similar Applications (Plan A-1)

Minor Relaxation of BHR only

- 6.1 There were two similar applications for minor relaxation of BHR in KTBA (**Plan A-1**). Application No. A/K14/470 is for minor relaxation of BHR (from 160mPD to 187mPD, +27m) for a proposed office development, comprising twin towers of 40 and 43 storeys, both with a refuge floor, above a common 2-storey basement. It was approved with conditions by the Committee on 13.5.2005 taking into account the fact that previous planning permission (No. A/K14/435) for a proposed office/hotel development up to a BH of 187mPD was granted by the Committee on 14.5.2004, prior to the imposition of a BHR of 160mPD for that site on the OZP on 25.2.2005.
- 6.2 Another similar application No. A/K14/757 for minor relaxation of BHR (from 100mPD to 105.9mPD, +5.9m) for a proposed commercial development to accommodate a 5.9m high communal sky garden on a 24-storey tower above a 2-storey basement was approved with conditions by the Committee on 20.4.2018 on the grounds that the proposed communal sky garden would improve the visual quality, ventilation, building permeability and greening of the urban environment, and the proposed increase in BH by 5.9m was considered acceptable.

Minor Relaxation of Both PR and BH Restrictions

- 6.3 There were two similar applications for minor relaxation of PR and BHR in KTBA. The two applications were for minor relaxation of PR restriction by 20% (from 12 to 14.4), as well as BHR from 100mPD to 125.9mPD (No. A/K14/763) and from 100mPD to 130.2mPD (No. A/K14/764) for two proposed commercial developments with communal sky gardens of 5.9m and 5.95m in height respectively. The former (No. A/K14/763) was approved with conditions by the Committee on 22.3.2019 on the grounds that the proposed minor relaxation of PR was in line with the current policy to incentivise redevelopment of pre-1987 IBs with technical feasibility ascertained, and that the proposed increase in BH was not unreasonable. The latter (No. A/K14/764) was rejected by the Committee on 22.3.2019 on the grounds that the applicant failed to demonstrate that there were sufficient planning and design merits to justify the proposed minor relaxation of BHR, and the approval of the application would set an undesirable precedent for similar applications for minor relaxation of BHR in the area, the cumulative effects of approving similar applications would have adverse visual impact on the area.
- 6.4 Another application (No. A/K14/771) for minor relaxation of PR by 20% (from 12 to 14.4) and BHR by 19.7% (from 100mPD to 119.7mPD), covering the same site as that of the similar application No. A/K14/764, is scheduled for consideration by the Committee at the same meeting.

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

7.1 The Site:

- (a) was previously occupied by an IB built in 1965, which was demolished in 2009, and is now vacant (**Plan A-5**);

- (b) is bounded by King Yip Street to its southeast and three back alleys on the other site boundaries, and adjoining a commercial/office (C/O) building to its southwest, namely Manulife Financial Centre Tower B (with BH of 100mPD), a hotel to its northwest, namely Dorsett Kwun Tong (with BH of 100mPD), and an IB and two C/O buildings to its northeast, namely Dah Way Industrial Building (under wholesale conversion to commercial use), Ray Centre (wholesale-converted) and 90 Hung To Road (with BHs of 41mPD, 53mPD and 36mPD) respectively (**Plans A-3 to A-5**); and
 - (c) at about 500m southwest of the MTR Kwun Tong Station (**Plan A-1**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-3 and A-4**):
- (a) the neighbouring buildings along King Yip Street, Hung To Road and Wai Yip Street are mixed with C/O and industrial or I-O buildings;
 - (b) apart from the adjoining C/O buildings and hotel mentioned in paragraph 7.1 (b) above, other existing C/O buildings are found, namely EGL Tower, Contempo Place, KOHO and The Rays (the latter three buildings being wholesale-converted) to the north at Hung To Road (with BHs of 125mPD, 50mPD, 51mPD and 51mPD), and Kin Sang Commercial Centre and King Palace Plaza to the northeast at King Yip Street (with BHs of 128mPD and 130mPD); and
 - (c) Tsui Ping River, which is undergoing revitalisation, is on the other side of King Yip Street, and Laguna City is located to the further southeast 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 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 bureaux/departments have been consulted and their views on the application are summarized as follows:

Policy Perspective

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

- (a) 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. While the Site had been occupied by a pre-1987 IB immediately before it was left vacant, for the purposes of the current time-limited policy for IB revitalisation, the applicant should be eligible for applying for the proposed relaxation of PR to pursue redevelopment under this policy initiative. To this end, he gives policy support to this application for relaxation of PR if it satisfies all relevant conditions or criteria (see details in paragraphs 3.1 and 3.2 above).
- (b) As for the application for relaxation of BH, he does not have any comments from the policy angle, and considers that the departments concerned should be consulted as appropriate.

Land Administration

9.1.2 Comments of the District Lands Officer/Kowloon East and the Chief Estate Surveyor/Special Duties, LandsD:

- (a) No objection to the application.
- (b) The Site falls within KTIL 204 which is held under a Government Lease dated 19.8.1966 for a term of 21 years commencing from 1.7.1960 renewable for 16 years less 3 days and was further extended to 30.6.2047. The lease conditions of the Lot contain, inter alia, the following restrictions:
- (i) the user is restricted to industrial purposes;
- (ii) no building shall be erected other than a factory, ancillary offices and quarters for persons essential to the safety and security of the building;
- (iii) no building or any part of such building shall be erected of which exceeds a height of 170 feet above Colony Principal Datum; and

- (iv) will not erect or use or allow to be used the pink hatched black area at ground floor level for any purpose other than the parking, L/UL of motor vehicles and a clear headroom of 15 feet from ground level is required.
- (c) The proposed development for office, shop and services and eating place uses and minor relaxation of BHR up to 126mPD are in breach of the lease conditions. If the planning application is approved, the applicant is required to apply to LandsD for a lease modification to give effect to the proposal. However, there is no guarantee at this stage that the lease modification would be approved. If the application for lease modification is approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to such terms and conditions including the payment of full premium and administrative fee as considered appropriate by LandsD.
- (d) The site area quoted in the submission is slightly larger than the site area of the Lot (21,980 s.f.), he reserves comments on this point at the later lease modification stage.
- (e) Among the conditions under the 2018 IB revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange shall be executed no later than three years from the date of the TPB's approval letter and the proposed redevelopment shall be completed within 5 years from the date of execution of the lease modification letter/conditions of land exchange.

Building Matters

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

- (a) No objection in principle to the application.
- (b) The proposal is acceptable in principle under BO. The proposal should in all aspects comply with BO.
- (c) Under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2, 100% GFA concession may be granted for underground private carpark while only 50% GFA concession may be granted for above ground private carpark.
- (d) No part of the building, up to a level of 15m above the street level, shall be within 7.5m from the centreline of the street. PNAP APP-151 and APP-152 refer.
- (e) Under JPN 2, 100% GFA concession may be granted to sky garden, but is subject to compliance with the pre-requisites stipulated in PNAP APP-151 on "Building Design to Foster a Quality and Sustainable Built Environment".
- (f) The bonus GFA can only be considered upon formal submission of BPs.

- (g) Detailed comments under BO will be given at the BP submission stage.

Traffic and Highways

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

Having reviewed the TIAs at **Appendices Ib to If**, he has no in-principle objection to the application from traffic engineering point of view. To ensure the provision and proper implementation of the traffic management plan for the vehicular passage and avoid the vehicles entering/leaving the subject development from queueing onto King Yip Street, he suggests that should the application be approved by the Board, approval conditions should be imposed for submission of revised TIA (including a traffic management plan for the vehicular access arrangement) and implementation of the management proposal and mitigation measures (if any) identified in the revised TIA, as well as provision of parking facilities, L/UL spaces and vehicular access.

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

According to ODP No. D/K14A/2, 1.2m setback along King Yip Street and 1.5m setback plus 1.5m NBA along the back alley to the northeast are required. The surrender of the setback areas is supported. The applicant is advised that the setback areas to be surrendered to the Government shall in general be free of structures.

Environmental Aspect

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

- (a) He has no objection to the application from environmental perspective on the following considerations:
- (b) The applicant has confirmed that central air-conditioning system will be provided for the proposed development and will not rely on openable window for ventilation. The fresh air intake point of the air-conditioning system will be properly located during detailed design stage to meet the buffer distance requirement for air emissions as stipulated in the HKPSG. The proposed development should be able to avoid exposing occupants under unacceptable environmental nuisances/impact.
- (c) It is also noted that the applicant will address the potential land contamination and associated waste management issues during detailed design stage. Land contamination assessment and remediation (if needed) should be completed prior to development of the Site.
- (d) In general, he considers that insurmountable sewerage impacts are not anticipated for the proposed minor relaxation of PR and BH restrictions of the development. Notwithstanding this, should the application be approved by the Board, an approval condition on submission of sewerage impact assessment (SIA) is suggested so as

assess the potential sewerage impact and to demonstrate the effectiveness of mitigation measures.

Drainage and Sewerage

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

- (a) He has no objection to the application.
- (b) Should the application be approved, relevant approval conditions should be imposed requiring the submission of a SIA to the satisfaction of the DEP or of the Board, and implementation of the local sewerage connection works identified in the SIA to the satisfaction of DSD or of the Board. The applicant should also be reminded to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

Urban Design, Visual and Landscape Aspects

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

He has no comment from visual impact point of view since it is noted that the proposed development with a BH of 126mPD may not be incompatible with adjacent developments with BHRs ranging from 100mPD to 130mPD.

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

- (a) The Site zoned “OU(B)” is located at the south-eastern edge of KTBA with an intended BHR profile in the range between 100mPD and 160mPD for commercial/industrial developments. The area to the Site’s northeast across Hung To Road, also under “OU(B)” zoning, is subject to a BHR of 130mPD. Given the above, and as illustrated in the VIA, the accommodation of the proposed development with a BH of 126mPD may not induce significant adverse visual impact.
- (b) On urban design aspect, as illustrated in the sectional drawing (**Drawing A-13**), the proposed setback along King Yip Street facing Tsui Ping River will improve the pedestrian environment and create a pedestrian scale at street level. Also, some landscape features have been provided at the low zone, such as vertical greening at G/F of the southwestern façade, and some greenery at 2/F of the southeastern façade.
- (c) In view of the above, he has no objection to the application from the urban design and visual perspectives, but advises the applicant to consider extending the vertical greening to the front façade to enhance the building’s visual appeal for the pedestrian and further reinforce the visual distinction between the tower and the podium.
- (d) The Site is located in an area of urban landscape character dominated

by medium to high-rise industrial and commercial buildings. No existing tree is observed within the Site. Adverse landscape impact is not anticipated. As such, he has no objection to the application from landscape planning perspective.

Pedestrian Accessibility and Walkability

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

In the application, the proposed 1.2m full-height setback along King Yip Street and 1.5m full-height setback plus 1.5m NBA along the back alley are generally in line with the ODP's requirements. The setbacks would improve pedestrian environment and promote walkability as advocated by his Office.

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; and
- (d) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

10.1 The application and the first two FIs (**Appendices Ib** and **Ic**) were published for public inspection on 15.2.2019, 19.3.2019 and 30.4.2019. Within the three statutory public inspection periods, a total of 14 public comments were received. 10 objecting comments were received from members of the Kwun Tong District Council (KTDC) (**Appendices II(1) to II(4)**), the owner company of an adjoining IB at 86 Hung To Road (**Appendices II(5) to II(7)**) and individuals (**Appendices II(8) to II(10)**). Another four public supportive comments were received from individuals (**Appendices II(11) to II(14)**).

10.2 The objecting comments are mainly on the following reasons:

- (a) The proposed relaxation of PR and BH restrictions would cause adverse visual, air ventilation, noise, natural-light penetration and traffic impacts to the area, encouraging similar applications that will result in cumulative environmental impact. The proposed increases in PR and BH without strong justifications would jeopardize the BH profile of KTBA.
- (b) The vehicular ingress of the proposed development would be provided along the setback/NBA, whereas the egress would make use of the existing one-lane/two-way back alley to the northeast of the Site, which the adjoining three IBs have been using for vehicular access and L/UL activities. The proposed access arrangement would result in vehicular conflict, for instance, traffic running at opposite directions along the back alley. The traffic generated from the proposed development would overload the back alley.
- (c) There is a deficit in open space provision for meeting demands of residential

population in Kwun Tong (South) OZP area as well as workers in KTBA. The impact of the additional influx of workers to the area resulting from the proposed minor relaxation of PR would further worsen the demand for open space.

- (d) The Site without any existing building should not be eligible for the policy on revitalisation of pre-1987 IBs as defined in LandsD Practice Note No. 2/2019^[8]. As such, the Board should not grant the 20% PR relaxation on the grounds of the policy but on individual merits alone. However, there is no planning merit in the Proposed Scheme that could justify a 20% PR relaxation, which is not minor in nature.
- 10.3 The other individuals support the application mainly on the grounds that the development of Grade A office and retail uses at King Yip Street would improve the pedestrian environment and coincide with the planned Tsui Ping River project. The proposed development would also expedite the phasing out of industrial activities and the transformation of KTBA, which is in line with the Chief Executive's policy initiatives of revitalisation of IBs.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) and proposed increase in BH from 100mPD to 126mPD (by 26%) for a proposed development at the Site into a 32-storey (including 3 basement carpark levels) commercial development. The proposed development comprises 'Office', 'Shop and Services' and 'Eating Place' uses that are uses 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 KTBA from industrial to business/commercial uses.
- 11.2 The Proposed Scheme has incorporated full-height building setbacks of 1.2m and 1.5m along King Yip Street and the back alley respectively, plus a 1.5m aboveground NBA along the back alley in accordance with the ODP's requirements, so as to facilitate widening of pedestrian pavements/service lane, which in general would enhance the walking environment.

Policy Aspect

- 11.3 An OP for the IB previously on the Site, demolished in 2009, was issued in 1965 and DEVB advises that the Site can be regarded as eligible under Government's new policy on revitalising IBs. DEVB gives policy support to the current application for the minor relaxation of PR by 20%.

^[8] LandsD's Practice Note No. 2/2019 on "Lease Modification (or a Land Exchange) for Redevelopment of an Industrial Lot (Special time-limited arrangement for relaxation of development intensity)" states that a lot owner of a pre-1987 IB who wishes to apply for a lease modification or an in-situ land exchange for the redevelopment of an industrial lot (refers to a lot which, under the terms of its land grant, shall not be used for any purpose other than for industrial or godown purposes or both) at a non-domestic PR not exceeding 20% more than the maximum development intensity permitted under the relevant statutory town plans may wish to refer to the said Practice Note before submitting an application to LandsD.

Technical Aspects

Minor Relaxation of PR

- 11.4 The proposed minor relaxation of PR by 20% generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed scheme. To support the application, TIA submitted (**Appendices Ib to If**) reveals that the additional increase in traffic arising from the minor relaxation of PR from 12 to 14.4 would be minimal and that the road network and junctions in the vicinity of the Site would operate within the capacity or more or less the same as that under the reference scenario. C for T has no in-principle objection to the application, but suggests two approval conditions for submission of a revised TIA including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management proposal and the mitigation measures, if any, identified in the revised TIA, as well as provision of parking facilities, L/UL spaces and vehicular access, be imposed as set out in paragraphs 12.2(c) and (d) below. The other relevant Government departments including Fire Services Department, Environmental Protection Department and DSD have no adverse comments on the application, subject to incorporation of appropriate approval conditions on sewerage aspect in paragraphs 12.2 (a) and (b) below.
- 11.5 Current application is for minor relaxation of PR from 12 to 14.4. The applicant provided information on proposed claim of bonus PR at BP submission stage. Although the bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, CBS/K, BD advised that the claim of bonus PR can only be considered upon formal submission of BPs^[9]. In this regard, the bonus PR as included in the FIs represents the worst case scenario for the purpose of technical assessments and should not be taken as approved under the subject application.

Minor Relaxation of BH

- 11.6 According to the applicant, a minimal increase in BH (+26%) is proposed for accommodating the proposed 20% increase in PR, the bonus PR of 0.574 (to be claimed under B(P)R and subject to approval by BA) as well as the communal sky garden (5.9m in height) which is intended for enhancing the quality of the built environment by providing more greenery area and social gathering places for the tenants and their visitors. The applicant also claimed that the proposed setbacks and communal sky garden would help provide enhanced streetscape, wider public footpath and better visual permeability, which would in turn improve the townscape and amenity of the locality and generally meet the criteria for considering application for minor relaxation of BHR as mentioned in paragraphs 8.2(c), (d) and (f) above.
- 11.7 Taking into account the applicant’s justifications on visual impact and compatibility above and the VIA/photomontages and architectural renderings

^[9] Granting of bonus PR/GFA for the setback areas to be surrendered to the Government is in general subject to compliance with the conditions set out under PNAP APP-20 and/or PNAP APP-108 and to the agreement/ consents from the concerned departments including but not limited to TD, HyD and LandsD.

submitted (**Drawings A-15 to A-23**), CA/CMD2, ArchSD and CTP/UD&L, PlanD commented that in considering that the south-eastern edge of KTBA is subject to BHRs of 100mPD to 160mPD and that the sites to the further northeast are subject to BHRs of 130mPD, the proposed development may not be incompatible with the planned stepped height profile for KTBA, and may not induce significant adverse effects on the visual character of the townscape.

- 11.8 Under current application, a minor relaxation of BHR from 100mPD to 126mPD is to accommodate the applied increase in PR and the communal sky garden (5.9m in height). The proposed increase in BH by 26% may be considered generally proportionate to the applied increase in PR and to accommodate the communal sky garden, and may not be unreasonable. As the Site is near the edge of the “OU(B)” cluster subject to BH of 100mPD and the BHR for the sites across Hung To Road is 130mPD, the proposed BH for the proposed development at 126mPD may still allow a stepped BH profile. In view of the above, the proposed minor relaxation of BHR to 126mPD at the Site is considered not unacceptable.

Others

- 11.9 Regarding the public comments on the potential adverse visual, noise, natural light penetration, traffic and environmental impacts as well as eligibility for the policy on revitalisation of pre-1987 IBs, the assessments above are relevant. As for the concerns on the potential adverse air ventilation, CTP/UD&L, PlanD has no adverse comment on the application from air ventilation perspective. As for the concern on the open space provision, there is an overall surplus in planned local open space in the planning area, which should be sufficient to cater for the demand of workers in KTBA as well. For current application, the proposed communal sky garden would serve the future workers therein for enjoyment and social benefit.

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 on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 31.5.2023, 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) submission of sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment for the proposed development in condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (c) submission of a revised traffic impact assessment including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management proposal and the mitigation measures, if any, identified in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (d) provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of 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:

- (a) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction; and
- (b) 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.

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 with replacement pages of supporting planning statement assessment received on 8.2.2019
Appendix Ia	Supporting planning statement received on 8.2.2019
Appendix Ib	First further information vide letter received on 15.3.2019
Appendix Ic	Second further information vide letter received on 18.4.2019
Appendix Id	Third further information vide letter received on 21.5.2019
Appendix Ie	Fourth further information vide letters received on 28.5.2019
Appendix If	Fifth further information vide letter received on 29.5.2019

Appendices II(1) to II(14)	Public comments received during the statutory publication periods
Appendix III	Recommended advisory clauses
Drawings A-1 to A-13	Proposed floor plans and diagrammatic section submitted by the applicant
Drawing A-14	Illustration drawing of stepped building height profile submitted by the applicant
Drawings A-15 to A-21	Photomontages submitted by the applicant
Drawings A-22 and A-23	Architectural renderings submitted by the applicant
Plans A-1 and A-2	Location plans on Outline Zoning Plan and Outline Development Plan
Plan A-3	Site plan
Plan A-4	Height of existing buildings in Kwun Tong Business Area
Plan A-5	Site photos

**PLANNING DEPARTMENT
MAY 2019**