

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/771

- Applicant** : Epic First Holding Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 32 Hung To Road, Kwun Tong, Kowloon
- Site Area** : 911.2m²
- Lease** : Kwun Tong Inland Lot (KTIL) No. 264 (the Lot)
- (a) Restricted to industrial and/or godown purposes excluding any offensive trades
 - (b) No building shall be erected except a factory and/or warehouse ancillary offices and quarters for persons essential to the safety and security of the building
 - (c) No building shall exceed 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 119.7mPD (i.e. +19.7m or +19.7%) for a proposed commercial redevelopment (the Proposed Scheme) at 32 Hung To Road (the Site). The Site is the subject of a previous planning application (No. A/K14/764), submitted by the same applicant for minor relaxation of PR restriction from 12 to 14.4 as well as an

increase in BHR from 100mPD to 130.2mPD for proposed commercial development, which was rejected by the Committee on 22.3.2019 (see details in paragraph 5 below).

- 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 redevelopment of the existing 7-storey vacant industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 35-storey (including 4 basement levels) commercial building comprising ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses which are always permitted under Schedule I for non-IBs of the Notes for “OU(B)” zone.
- 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 19.7%.
- 1.4 With reference to the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2^[2] (**Plan A-2**), in order to widen the pedestrian pavement, the Proposed Scheme has incorporated 2.9m and 1.5m full-height building setbacks from the lot boundary abutting Hung To Road and the back alley respectively, plus a 1.548m ground level non-building area (NBA) at the back alley (**Drawings A-1 to A-15**). These provisions are generally in accordance with the setback requirements under the said ODP. The Proposed Scheme will make use of the NBA along the back alley for part of the HGV L/UL bays (**Drawing A-5**).
- 1.5 Floor plans, diagrammatic sections and photomontages submitted by the applicant are shown at **Drawings A-1 to A-24**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 911.2m 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) ^{(*)(@)}	13,121.28m ²
<ul style="list-style-type: none"> • Office • Shop and Services/Eating Place • Aboveground carpark (3/F) 	9,966.833m ² 2,930.32m ² 224.127m ²
BH (at main roof level)	119.7mPD
Maximum Site Coverage (SC)	

^[1] The Occupation Permit (OP) for the subject building was issued on 5.2.1968.

^[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.

<ul style="list-style-type: none"> • Podium level (<15m) • Typical floors <ul style="list-style-type: none"> - 3/F - 4-14/F - Communal sky garden (15/F) - 16-26/F - 27-29/F - 30/F 	<p>About 86.19%</p> <p>About 59.92%</p> <p>About 50.80%</p> <p>About 45.23%</p> <p>About 47.07%</p> <p>About 40.57%</p> <p>About 35.55%</p>
No. of Block	1
No. of Storeys	35
<ul style="list-style-type: none"> • Aboveground • Basement 	<p>31</p> <p>4</p>
Parking Spaces	92
<ul style="list-style-type: none"> • Private Car (PC) • Motorcycle (MC) 	<p>83 (Incl. 2 accessible parking spaces)</p> <p>9</p>
Loading/Unloading (L/UL) Bays	9
<ul style="list-style-type: none"> • Heavy Goods Vehicle (HGV) • Light Goods Vehicle (LGV) 	<p>3</p> <p>6</p>
Setbacks ^(#)	
<ul style="list-style-type: none"> • Hung To Road • Back Alley 	<p>2.9m full-height</p> <p>1.5m full-height + 1.548m ground floor NBA</p>
Anticipated Completion	2021

Note:

(*) Figure provided excludes the GFA for the communal sky garden that may be exempted upon the Building Authority (BA)'s approval under the Buildings Ordinance (BO).

(@) 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. It is indicated in the second further information (FI) that the applicant has no intention to apply for bonus PR under B(P)R.

(#) 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 **Drawings A-16** and **A-17**) are summarized as follows:

Floor	Main Uses	Floor Height
B4-B1/F	Parking	3.15m to 3.5m
G/F	Vehicular access at Hung To Road, MC parking, HGV L/UL, Main entrance, Shop and Services/Eating Place	5.95m
1/F	Entrance lobby, Shop and Services/Eating Place	4.2m
2/F	Shop and Services/Eating Place	4.2m
3/F	PC parking, LGV L/UL, Planters on flat roof	4.2m
4-5/F	Shop and Services/Eating Place, Planters on flat roof	3.5m
6-14/F	Office	3.5m

15/F	Communal sky garden	5.95m
16-29/F	Office	3.5m
30/F	Shop and Services/Eating Place	3.5m

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

- (a) Application form with replacement pages of the Sewerage Impact Assessment (SIA) received on 2.4.2019 (**Appendix I**)
- (b) Supporting Planning Statement enclosing Proposed Development Layout, Traffic Impact Assessment (TIA), SIA, Visual Impact Assessment (VIA) and Landscape Master Plan (LMP) received on 2.4.2019 (**Appendix Ia**)
- (c) Clarification letter enclosing replacement pages of the application form, Proposed Development Layout, TIA, SIA and LMP received on 8.4.2019 (**Appendix Ib**)
- (d) First FI vide letter received on 17.5.2019 responding to departmental comments, providing minor clarifications on the Proposed Scheme (**Appendix Ic**)
- (e) Second FI vide letter received on 24.5.2019 providing minor clarifications on the Proposed Scheme (**Appendix Id**)

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 and the enclosed TIA, SIA, VIA and LMP at **Appendix Ia**, and the FI at **Appendix 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. Despite the current standard floor height for a Grade A office building is 4.5m, the Proposed Scheme has adopted a lower floor-to-floor height of 3.5m – 4.2m (**Drawings A-16** and **A-17**) 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. The proposed increase of BH to 119.7mPD is still compatible with and would preserve the planned stepped BH profile in the area (**Appendix Ia**).
- (c) The proposed communal sky garden on 11/F combines the green features with the refuge floor with floor height of 5.95m. 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 1.45m floor height is for the provision of mechanical and electrical services and structural members (**Drawing A-11**).

- (d) Apart from minimizing the floor-to-floor height for various uses, permissible floor space projecting above the 1.5m-wide NBA at the back lane has been fully utilized to maximize tower footprint and to further reduce the proposed BH. In fulfilment of the prescribed window requirement under B(P)R 31(1)(d)^[3] for façade facing an adjoining building, the maximum SC has also been attained.
- (e) While floor plate areas of 4-level basement carpark as well as G/F parking and L/UL have been maximized, an additional aboveground PC parking and LGV L/UL floor on 3/F (4.2m in height, comprising 3.6m minimum headroom for LGV and 0.6m structures) is still required to accommodate the high-end parking and L/UL provisions requirements under the Hong Kong Planning Standards and Guidelines (HKPSG).
- (f) As compared with a similar application (No. A/K14/763) with increase in BH from 100mPD to 125.9mPD recently approved by the Committee on 22.3.2019, the proposed increase of 19.7m (or 19.7% which is slightly less than the applied 20% relaxation of PR) under the subject application is considered acceptable.

Fulfilling Criteria for Minor Relaxation of BHR

- (g) 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

- (h) The communal sky garden would enhance the visual quality, building permeability, natural ventilation and social benefit for users of the proposed development. Diagrammatic sectional drawings, VIA/photomontages showing the proposed development (**Appendix Ia** and **Drawings A-18** to **A-24**) demonstrate that there would be general enhancement of the visual quality by carefully designed building façade and building massing, improving building permeability, offering visual interest to the cityscape and furnishing a less bulky presentation.
- (i) While no greenery is proposed on G/F (i.e. primary zone) due to site constraint, it provides an overall greenery area of 126.20m² (about 13.85% of site area) on 3/F and a landscaped area of 348.46m² on the communal sky garden on 15/F that mainly functions as outdoor recreation space such as leisure sitting area (**Appendix Ib**). Feature paving and cobble stone are also proposed on G/F, 3/F, 4/F, 6/F, 27/F and 30/F (**Drawing A-25**). Vertical greening on the facades facing Hung To Road and the back alley would be explored during detailed design stage to further enhance the street environment.
- (j) Complemented with ample landscaping, a refreshing ambience will be created at the communal sky garden that provides tenants and their visitors with an alternative place for relaxation and social gathering.

^[3] Since the proposed office floors would have prescribed windows facing the adjoining building to the southeast, an inclined plane at an angle of 83° projecting above the rectangular horizontal plane of the Site is required, where no part of the building can protrude above such inclined plane.

No Adverse Impact on Local Infrastructures

- (k) As shown in the Proposed Scheme, the proposed development is not anticipated to generate any adverse impact on the surrounding areas. SIA shows that the Proposed Scheme will not generate any adverse sewerage impact on the surrounding areas (**Appendices Ia and Ib**). The TIA reveals that the additional increase in traffic arising from the minor relaxation of PR from 12 to 14.4 would be minimal with two-way traffic increases from 49 (45) pcu/hour to 58 (50) 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 critical junctions assessed would operate within capacities or more or less the same as the reference scenario (i.e. redevelopment with permissible PR of 12 on the OZP) (**Appendices Ia and Ib**). Parking and L/UL facilities to fulfill the high-end requirements under the HKPSG would be provided.

Realizing Setback Requirements

- (l) The setback requirements as stipulated on the ODP would be incorporated upon redevelopment of the Site that would help create a pleasant streetscape and walking environment.

In Line with Planning Intention and Facilitate Transformation of Kwun Tong Business Area (KTBA)

- (m) The Proposed Scheme is in line with the planning intention for “OU(B)” zone. The proposed uses would facilitate the phasing out of polluting industrial uses by replacing the deteriorating IB with a new commercial building of more desirable architectural design, thereby enhancing the urban quality of the Site and its surrounding area.
- (n) 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 for redevelopment along Hung To Road, 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^[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

^[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.

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^{[5],[6]}. 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 (including the Site) and to the west of Lai Yip Street, a BHR of 100mPD is adopted, while higher BHRs from 130mPD 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

The Site is the subject of a previous application (No. A/K14/764), submitted by the same applicant, 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 130.2mPD (i.e. +30.2m or +30.2%) for a proposed redevelopment for permitted commercial uses, comprising a 38-storey commercial building (including 4 basement carpark levels, an aboveground carpark floor on 3/F and a communal sky garden on 16/F). It was rejected by the

^[5] The Site abutting Hung To Road 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.

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

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. The applicant applied for a review of the Committee's decision under s.17(1) of the Ordinance, which is scheduled for consideration by the Board on 12.7.2019.

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 One similar application No. A/K14/763 for minor relaxation of PR restriction by 20% (from 12 to 14.4) as well as BHR from 100mPD to 125.9mPD (+25.9m) for a proposed commercial development with communal sky garden of 5.9m high, on a 29-storey tower above a 4-storey basement, was approved with conditions by the Committee on 22.3.2019 on the grounds that the proposed minor relaxation of PR is in line with the current policy to incentivise redevelopment of pre-1987 IBs with technical feasibility ascertained, and that the proposed increase in BH is not unacceptable.
- 6.4 Another application (No. A/K14/766) for minor relaxation of PR by 20% (from 12 to 14.4) and BHR by 26% (from 100mPD to 126mPD) 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 Plans A-5 to A-7)

- 7.1 The Site is:

- (a) occupied by a 7-storey vacant IB, namely Wing Hing Lee Industrial Building, built in 1968, which is currently left vacant (**Plans A-5 and A-6**);
 - (b) bounded by Hung To Road to its northeast and a back alley to its southwest, and adjoining a commercial building and an IB to its southwest, namely 70-72 Hung To Road and Secure House (with BHs of 25mPD and 34mPD) respectively, and an IB to its southeast, namely Gee Lok Industrial Building (with BH of 51mPD) (**Plans A-3 to A-6**); and
 - (c) at about 300m south of the MTR Ngau Tau Kok Station (**Plan A-1**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-3 and A-4**):
- (a) the neighbouring buildings along Hung To Road and How Ming Street are mainly industrial or I-O buildings;
 - (b) four existing commercial/office (C/O) buildings and a hotel are found, namely 70-72 Hung To Road to the northwest at How Ming Street, Kai Centre (wholesale-converted) to the southeast at Hung To Road, Hung To Centre (wholesale-converted) to the north at the corner of Hung To Road/How Ming Street (with BHs of 25, 35 and 50mPD respectively), Elite Centre to the further northwest at Hung To Road (with BH of 100mPD), and Hotel Cozi Harbour View to the southwest at Wai Yip Street (with BH of 120mPD); and
 - (c) a C/O building is under construction to the further northeast at How Ming Street with a proposed BH of 160mPD.

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. 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 264 which is held under a Government Lease dated 24.4.1969 for a term of 21 years renewable for 14 years less 3 days commencing from 1.7.1962 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 and/or godown purposes excluding any offensive trades;
 - (ii) no building shall be erected except a factory and/or warehouse ancillary offices and quarters for persons essential to the safety and security of the building; and
 - (iii) no building shall exceed a height of 170 feet above Colony Principal Datum.
- (c) The proposed development for office, shop and services and eating place uses and minor relaxation of BHR up to 119.7mPD 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 building setbacks, NBA, payment of full premium and administrative fee as may be imposed by LandsD.

- (d) The site area quoted in the submission is slightly larger than the site area of the Lot (9,805 s.f.), he reserves his comments on this point at the lease modification stage.
- (e) Among other conditions under the 2018 IB revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the Board's approval letter and the proposed development shall be completed within 5 years from the date of 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) 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.
- (e) Detailed comments under BO will be given at the BP submission stage. His other technical comments are at **Appendix III**.

Traffic

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

Having reviewed the TIA at **Appendices Ia to Id**, he has no in-principle objection to the application from traffic engineering point of view, but suggests that should the application be approved by the Board, approval conditions should be imposed for submission of revised TIA and implementation of mitigation measures, if any, identified in the TIA, and provision of the parking facilities, L/UL spaces and vehicular access.

Environmental Aspect

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

- (a) No objection to the application from environmental perspective.
- (b) Based on the first FI (**Appendix Ib**), the applicant has confirmed that central air-conditioning system will be provided for the proposed development and will not rely on openable window for ventilation. The fresh air intake point of the air-conditioning system will also be properly located to meet the buffer distance requirement for vehicular emissions as stipulated in the HKPSG. As such, insurmountable environmental impacts associated with the proposed development are not anticipated.
- (c) The implementation of sewerage works shall meet the satisfaction of the Drainage Services Department (DSD).
- (d) 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.
- (e) His other technical comments on the SIA are at **Appendix III**, which are to be addressed in the revised SIA at the stage of compliance of approval conditions.

Drainage and Sewerage Aspects

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

He has no objection to the application, but advises that in order to address his technical comments on the SIA (**Appendix III**), should the application be approved, an approval condition requiring the submission of a revised SIA should be imposed.

Urban Design, Visual and Landscape Aspects

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

As illustrated in the VIA, the proposed development with BH of 119.7mPD may not be incompatible with adjacent developments with BHRs ranging from 100mPD to 160mPD. As such, he has no comment from visual impact point of view.

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

- (a) The Site zoned “OU(B)” with a BHR of 100mPD is located at Hung To Road within KTBA with an intended BH profile in the range between 100mPD and 160mPD. On the opposite side of Hung To Road, the BHR for the “OU(B)” sites is 160mPD. Given the above

and as illustrated in the supporting VIA, it is unlikely that the accommodation of the future proposed development with a BH of 119.7mPD would induce significant adverse effects on the visual character of the townscape. As such, he has no objection to the application from the urban design and visual perspectives.

- (b) 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 caused by the proposed development is not anticipated. As such, he has no adverse comment on the application from landscape planning perspective.
- (c) His other technical comments are at **Appendix III**.

Pedestrian Accessibility and Walkability

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

On enhancing walkability and improving the pedestrian environment as advocated by his Office, the submission has proposed full height setbacks of 2.9m along Hung To Road and 1.5m full height setback plus 1.548m NBA with a clear headroom of 5.1m from ground level along the back alley, which are in line with the requirements stipulated in the adopted Kwun Tong (Western Part) ODP.

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

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

10. Public Comments Received During Statutory Publication Period

10.1 The application was published for public inspection on 12.4.2019. During the first three weeks of the statutory public inspection period, which ended on 3.5.2019, a total of three public comments were received from a member of the Kwun Tong District Council (KTDC) (**Appendix II(1)**), a group of occupiers of the existing IB at the Site (**Appendix II(2)**) and an individual (**Appendix II(3)**).

10.2 The KTDC member raises objection mainly on the grounds that the proposed relaxation of PR and BH restrictions would cause adverse visual and air ventilation impacts to the residential area to the north of the Site across Kwun Tong Road, and that further relaxation of PR and BH restrictions on top of the transformation of KTBA from industrial to business uses being take place would result in conflict between the two distinct communities. The group of occupiers of the IB raise objection to the application in that approval of the application may affect the judicial proceedings over the Site, and that redevelopment works and operation of

the proposed development would cause adverse traffic impact to Hung To Road.

- 10.3 The individual indicates that, as compared to the rejected previous application, the proposed BH is currently capped at 120mPD, the application will be approved and there is no need to peruse the application.

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 119.7mPD (by 19.7%) for a proposed redevelopment at the Site into a 35-storey (including 4 basement carpark levels) commercial 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. 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 2.9m and 1.5m along Hung To Road and the back alley respectively, plus a 1.548m NBA (with clear headroom of 5.1m from ground level) along the back alley (that are 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 subject IB was issued in 1968 and the Site can be regarded as an eligible pre-1987 IB under Government's new policy on revitalising IBs. DEVB gives policy support to the current application for the minor relaxation of PR by 20% with the initiative to incentivise redevelopment of old IBs 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.

Technical Aspects

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. To support the application, TIA submitted (**Appendices Ia** and **Ib**) 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 and implementation of 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 FSD, EPD and DSD have no adverse comments on the application, subject to incorporation of appropriate approval conditions on sewerage aspect in paragraphs 12.2 (a) and (b) below.

Minor Relaxation of BH

- 11.5 According to the applicant, a minimal increase in BH (+19.7%) is proposed for accommodating the proposed 20% increase in PR as well as one level of aboveground carpark and communal sky garden (4.2m and 5.95m in height respectively) which are intended for fulfilling the high-end parking and L/UL requirements under the HKPSG and enhancing the quality of the built environment by providing more greenery area and social gathering places for the tenants and their visitors respectively. The applicant also claimed that the proposed setbacks, communal sky garden and greenery provision 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.
- 11.6 Taking into account the applicant's justifications on visual impact and compatibility above and the VIA/photomontages submitted (**Drawings A-19 to A-24**), CA/CMD2, ArchSD and CTP/UD&L, PlanD commented that in considering that the adjacent sites are subject to BHRs of 100mPD and 160mPD, the proposed development may not be incompatible with the planned stepped height profile for KTBA and unlikely to cause any negative visual impact, and may not induce significant adverse effects on the visual character of the townscape.
- 11.7 The previous application (No. A/K14/764) for minor relaxation of both PR (+20%) and BH (+30.2%) restrictions was rejected 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. Under the current application, a lesser minor relaxation of BHR from 100mPD to 119.7mPD (+19.7%) is proposed to accommodate the same minor relaxation of PR (+20%) and the communal sky garden (5.95m in height). As compared with the previously rejected application, the SCs at tower levels in the current proposal have been increased and the office floors is reduced by 3 storeys, with a lower proposed BH from 130.2mPD (previous application) to 119.7mPD (current application).
- 11.8 The proposed increase in BH by 19.7% may be considered generally proportionate to the increase in PR under application and for accommodating 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 160mPD, the proposed BH for the proposed development at 119.7mPD may still allow a stepped BH profile. In view of the above, the proposed minor relaxation of BHR to 119.7mPD at the Site is considered not unacceptable.

Others

- 11.9 Regarding the public comments on the potential adverse visual and traffic impacts, 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. Moreover, relevant Government departments have no adverse comment on this application on all technical aspects. For the

comment that the approval of the application may affect the judicial proceedings over the Site, it is a legal dispute between the occupiers and the owner which is not a valid consideration of the planning application.

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, and implementation of the mitigation measures, if any, identified therein, 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 IV**.

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 the Sewerage Impact Assessment received on 2.4.2019
Appendix Ia	Supporting Planning Statement received on 2.4.2019
Appendix Ib	Clarification letter enclosing replacement pages of the application form and Supporting Planning Statement received on 8.4.2019
Appendix Ic	Further information vide letter received on 17.5.2019
Appendix Id	Further information vide letter received on 24.5.2019
Appendices II(1) to II(3)	Public comments received during the statutory publication periods
Appendix III	Other technical comments from Government departments
Appendix IV	Recommended advisory clauses
Drawings A-1 to A-18	Proposed floor plans and diagrammatic sections submitted by the applicant
Drawings A-19 to A-24	Photomontages submitted by the applicant
Drawing A-25	Sectional drawing of greenery/landscaped area 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
Plans A-5 and A-6	Site photos