

FURTHER CONSIDERATION OF APPLICATION NO. A/K14/771
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

**Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for
Permitted Office, Shop and Services & Eating Place Uses in
“Other Specified Uses” annotated “Business” Zone,
32 Hung To Road, Kwun Tong, Kowloon**

1. Background

- 1.1 On 2.4.2019, the applicant, Epic First Holding Limited represented by Ove Arup & Partners Hong Kong Limited, submitted the current application seeking planning permission for minor relaxation of plot ratio (PR) restriction from 12 to 14.4 (i.e. +2.4 or +20%) as well as relaxation of building height restriction (BHR) from 100 meters above Principal Datum (mPD) to 119.7mPD (i.e. +19.7m or +19.7%) for redevelopment of the existing 7-storey industrial building (IB) (a pre-1987 IB)^[1] into a 35-storey (including 4 basement levels) commercial/office (C/O) building with permitted office, shop and services and eating place uses (the Proposed Scheme) at 32 Hung To Road (the Site) (**Plans FA-1 to FA-3**). The Site falls within an area zoned “Other Specified Uses” annotated “Business” (“OU(B)”) on the approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/22.
- 1.2 On 31.5.2019, the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) considered the application. Members were in support of the Policy Initiatives of Revitalisation of IBs (the Policy) to incentivise the redevelopments of pre-1987 IBs, i.e. 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 subject to the Board’s approval^[2]. However, Members considered that there was inadequate information to demonstrate strong justification and planning merits for the proposed minor relaxation of BHR. After deliberation, the Committee decided to defer a decision on the application, pending submission of further information (FI) for further consideration. The required FI included:
- (a) the planning and design merits of the proposed scheme, taking into account the site specific characteristics and local context;
 - (b) design of street level on pedestrian accessibility, connectivity and comfort;
 - (c) compliance with relevant provisions of Sustainable Building Design Guidelines (SBDG); and
 - (d) consideration of green building design.

^[1] The Occupation Permit for the subject IB was issued on 5.2.1968, it is a pre-1987 IB.

^[2] The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the Building (Planning) Regulations (B(P)R).

- 1.3 The Committee also agreed that an analysis of similar approved and rejected applications should be provided to facilitate Members' consideration of the application. This analysis is provided in Section 3 below.
- 1.4 For Members' reference, the following documents are attached:
- (a) MPC Paper No. A/K14/771 considered on 31.5.2019 **(Appendix F-I)**
 - (b) Extract of minutes of the MPC meeting held on 31.5.2019 **(Appendix F-II)**
 - (c) Secretary of the Board's letter dated 21.6.2019 informing the applicant of the deferment of the Committee's decision **(Appendix F-III)**
 - (d) Applicant's letter dated 26.6.2019 providing FI(1) on the planning and design merits of the Proposed Scheme **(Appendix F-IVa)**
(accepted but not exempted from publication and recounting requirements)
 - (e) FI(2) vide letter dated 5.7.2019 providing clarification on the site coverage of greenery **(Appendix F-IVb)**
 - (f) FI(3) vide letter dated 1.8.2019 providing clarification on the setback area **(Appendix F-IVc)**
(FI(2) and FI(3) are exempted from publication and recounting requirements)

2. Further Information Submitted by the Applicant

2.1 On 26.6.2019, 5.7.2019 and 1.8.2019, taking into account the Committee's comments as mentioned above, the applicant submitted FIs to enhance the Proposed Scheme and further elaborate on the planning and design merits of the Proposed Scheme **(Appendices F-IVa and F-IVc)**. As compared with the scheme considered at the Meeting on 31.5.2019, the applicant has refined the Proposed Scheme with additional vertical greening at podium façade facing Hung To Road **(Drawing FA-7)**; thus the site coverage of greenery would increase from about 126.2m² (about 13.85% of the site area) to about 197.45m² (about 21.66% of the site area). The applicant's FI in responses to Members' concerns as submitted in **Appendices F-IVa to IVc**:

- (a) Planning and Design Merits of the Proposed Scheme, Taking into Account the Site Specific Characteristics and Local Context

Enhancing Wind Permeability by Providing Wide Building Separation above Podium Level

2.2 The Site is small (of about 911m²) and is in elongated configuration (38m x 24m). The orientation of the tower with façade facing the adjoining building to the southeast at 34 Hung To Road would allow a building separation of minimum 9.35m (of about 40% width of the Site) from the adjacent site **(Drawing FA-1)**. As compared with the typical building orientation towards Hung To Road that would occupy the full frontage towards the main road, building separation adopted in the Proposed Scheme would facilitate wind penetration from the southwest towards inland **(Drawing FA-2)** and thus improving the micro-climate environment at pedestrian level. It also facilitates sunlight penetration onto Hung To Road.

The Proposed Scheme also create visual break to alleviate the dense and continuous building mass along Hung To Road (**Drawing FA-3**).

- 2.3 Since the proposed office floors would have prescribed windows facing the adjoining building, in accordance with B(P)R 31(1)(d), 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. As such, the site coverages (SCs) of the tower above 4/F (in range of 35.55% to 50.8%) would be less than the 60% permissible under the First Schedule of B(P)R (**Drawing FA-4**), and a higher BH is therefore required.

Achieving Visual Benefits by Incorporating Communal Sky Garden and Various Landscape Features

- 2.4 The communal sky garden at refuge floor (the sky garden) at 15/F with cross-ventilation and a clear height of 4.5m would allow planting shrubs and trees of appropriate size. It would be opened for visitors' use at reasonable hours. The combination of landscape features at flat roof of 3/F (with shrubs and tall trees like palm trees), sky garden at 15/F, and vertical greenings on building façade facing Hung To Road would enhance visual quality of the proposed development, soften the monotonous urban fabric and thus improve street environment along Hung To Road (**Drawings FA-5 to FA-8**).

Compatibility of the Proposed BH with the Surroundings

- 2.5 Considering that the existing buildings to the southeast (namely Hotel COZi Harbour View)^[3] and to its northeast (namely Fun Tower) are with BHs of about 120mPD and 135mPD respectively (**Plans FA-3 and 4**), and that the sites on the other side of Hung Road are subject to BHR of 160mPD (**Plan FA-1**), the proposed BH of 119.7mPD is in harmony with the adjoining developments and compatible with the overall BH profile that progressive increases from the waterfront to Kwun Tong Road (**Drawing FA-9**).

(b) Design of Street Level on Pedestrian Accessibility, Connectivity and Comfort

- 2.6 The Proposed Scheme incorporates a 2.9m full-height setback abutting Hung To Road and a 1.5m full-height setback plus 1.548m Non-building Area (NBA) (with clear headroom of 5.1m from ground level) at the public back lane, which are generally in line with the requirements stipulated on the Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2. The total setback areas of about 108m² (about 12% of the Site area) will be open for public use at all time for improving the pedestrian accessibility, connectivity, comfort and safety (**Drawing FA-10**). Feature paving at the setback area abutting Hung To Road would also be provided and provision of greenery on G/F will be considered during detailed design stage.

(c) Compliance with Relevant Provisions of SBDG

- 2.7 The three key building design elements^[4] established in the SBDG are incorporated

^[3] The hotel development at 163 Wai Yip Street with BH of about 120mPD was approved by the Committee with conditions on 16.7.2004 prior to the imposition of the BHR for Kwun Tong Business Area in 2005.

^[4] The three key building design elements with the objectives to achieve better air ventilation, enhance the environmental quality of living space, provide more greenery particularly at pedestrian, and

in the Proposed Scheme, where applicable.

- (i) Building separation – The Site is less than 1,000m² with proposed building having a continuous projected façade length less than 60m, thus this requirement is not applicable to the Site. As discussed in paragraphs 2.2 and 2.4 above, the proposed building separation of minimum 9.35m at tower and the sky garden would generally provide visual break to the continuous building mass along Hung To Road, enhance wind permeability and bring beneficial visual impact to the locality.
- (ii) Building setback – Despite that the overall width of Hung To Road is more than 15m wide and setback requirement under SBDG is not applicable to the Site, the proposed building setback as mentioned in paragraph 2.6 above would help facilitate air penetration and improve walking environment.
- (iii) Site coverage of greenery – The Site is less than 1,000m² and there is no minimum greenery requirement under SBDG. Nevertheless, save for the open space at the sky garden, greenery area of about 197.45m² comprising open air planting area at the 3/F and vertical greening at the frontage facing Hung To Road would be provided. Overall, site coverage of greenery of about 21.66% would be provided (**Appendix F-IVb**) which exceeds the 20% required for sites between 1,000m² and 20,000m² in the SBDG.

(d) Consideration of Green Building Design

- 2.8 The proposed development at the Site would adopt green building design and comply with the relevant requirements, including those laid out in the Building Environmental Assessment Method Plus (BEAM Plus), Joint Practice Note No. 1 on Green and Innovative Buildings, the Overall Thermal Transfer Value (OTTV)^[5], Building Energy Code under the latest Building Energy Efficiency Ordinance (BEEO)^[6], as well as adoption of glass with external reflectance^[7] less than 20% to minimise glare to the buildings in the vicinity.

mitigate heat island effect are set out under Practice Notes for Authorized Persons (PNAP) APP-151 “Building Design to Foster a Quality and Sustainable Built Environment” and APP-152 “Sustainable Building Design Guideline”. Compliance with SBDG is one of the pre-requisites for granting Gross Floor Area (GFA) concessions for green/amenity features and non-mandatory/non-essential plant rooms and services by the Buildings Authority (BA).

^[5] OTTV is a measure of the energy consumption of building envelope components such as type of glazing, window size, external shading to windows, wall colour and wall type. Legislative control over OTTV has been incorporated in the Building (Energy Efficiency) Regulation, administered by the Buildings Department, which aims at reducing heat transfer through the building envelope thus saving the electricity consumption for air-conditioning by requiring the external walls and roofs of a commercial or hotel building to be designed and constructed to have a suitable OTTV.

^[6] BEEO requires statutory compliance with codes of practice concerning the energy efficiency of air-conditioning installations, electrical installations, lift and escalator installations and lighting installations and energy audits in respect of several types of buildings (including commercial buildings).

^[7] External reflectance means the percentage of daylight reflected from any external surface of any window, door, wall or roof of a building. According to PNAP APP-2, external reflectance of the glass below 20% is one of the pre-requisites for BA’s consideration to accept the outer face of the structural elements (e.g. beams, columns and floor slabs) as the external wall for the purpose of measuring GFA and site coverage for building with curtain wall system.

- 2.9 Apart from the FI as required by the Committee, the applicant provides further elaborations in support of the proposed minor relaxation of BHR.

Fulfilling Criteria for Minor Relaxation of BHR

- 2.10 The Proposed Scheme will achieve multiple design merits that fulfils the following four criteria for consideration of minor relaxation of BHR in the Explanatory Statement of the OZP:
- (a) *providing better streetscape* with the landscape/greening and setback proposals as discussed in paragraphs 2.4 and 2.6 above.
 - (b) *enhancing air ventilation and visual permeability* in respect of realisation of building setback and the proposed building separation above podium level as set out in paragraphs 2.2 and 2.6 above.
 - (c) *accommodating building design to address specific site constraints* (e.g. elongated site configuration) in achieving the applied minor relaxation of PR restriction in respect of the Policy.
 - (d) *Other factors that would bring about improvements to townscape and amenity of the locality* including the sky garden with greenery proposal that would break up the visual bulkiness, minimal floor-to-floor height for achieving a BH that would accommodate the minor relaxation of PR under application while blend-in well with the BH profile in the vicinity, and that the Visual Impact Assessment concluded that there would be no adverse visual impact from short- to long-range vantage points.

Other considerations

- 2.11 Similar application (No. A/K14/763) at 350 Kwun Tong Road with minor relaxation of BHR by 25.9% (from 100mPD to 125.9mPD) were approved by the Committee on 22.3.2019, the proposed minor relaxation of BHR by 19.7% (from 100mPD to 119.7mPD) under application is considered acceptable.
- 2.12 The proposed minor relaxation of PR restriction by 20% is an immediate response to the policy initiative to encourage 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 resource. There was no adverse comment from relevant departments on all technical aspects.

3. Similar Approved and Rejected Applications

- 3.1 Since March 2019, the Committee has considered seven minor relaxation applications in the Metro Area relating to the Policy. Three of the applications in San Po Kong, Hung Hom and Kwai Chung only involved relaxation of PR whilst the other four in Kwun Tong Business Area (KTBA) involved minor relaxation of both PR and BH (see **Appendix F-V** for details). For the three applications that only involved minor relaxation of PR (A/K9/274, A/K11/233 and A/KC/460), they were all approved with conditions. For the four applications involving both minor relaxation of PR and BH, one was approved (A/K14/763), one was rejected (A/K14/764)^[8] and two were deferred (A/K14/766 and A/K14/771) and will be

^[8]The applicant of Application No. A/K14/764 applied for a review of the Committee's decision to reject the application. The Board agreed on 12.7.2019 to defer making a decision on the application

further considered at this meeting. This application and Application No. A/K14/764 involve the same site (**Plan FA-1**).

- 3.2 On minor relaxation of PR restriction aspect, all but one of the applications proposed minor relaxation of PR of 20% which is the maximum relaxation promulgated under the Policy, and one application involved minor relaxation of PR of 6.52% (A/K9/274). The Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs and had no objection regarding the minor relaxation of PR being applied for noting the applicants had provided technical assessments to support the technical feasibility of their proposal and there was no adverse comment from relevant government departments.
- 3.3 On minor relaxation of BHR aspect, two applications were considered at the same Committee meeting on 22.3.2019, A/K14/763 was approved considering that the proposed relaxation of BHR from 100mPD to 125.9mPD was not unacceptable but A/K14/764 was rejected considering that the proposed relaxation of BHR from 100mPD to 130.2mPD was without sufficient planning and design merits, approval would create undesirable precedent that will lead to cumulative visual impacts in the area. At the meeting on 31.5.2019, the Committee deferred decision on A/K14/766 and A/K14/771 (the subject application) and requested the applicant to provide further information to justify the planning and design merits for the proposed relaxation of BH (from 100mPD to 126mPD and 119.7mPD respectively).
- 3.4 Another application in Tsuen Wan (A/TW/505) for minor relaxation of PR by 20% is scheduled for consideration at the same meeting

4. Comments from Relevant Government Departments

- 4.1 Comments on the Proposed Scheme made previously by the relevant Government bureaux/ departments are stated in paragraph 9.1 and 9.2 of **Appendix F-I**.
- 4.2 For the current FI, the following government departments have been consulted and their comments are summarized as follows:

Building matters

- 4.2.1 Comments of the Chief Building Surveyor/Kowloon, Buildings Department:

The Proposed Scheme is acceptable in principle under Buildings Ordinance (BO) and detailed comments under the BO will be given at the building plan submission stage. His other technical comments as given in paragraph 9.1.3 of the MPC Paper No. A/K14/771 in **Appendix F-I** are still valid.

Traffic

- 4.2.2 Comments of the Commissioner for Transport:

He has no adverse comment on the FI from traffic engineering perspective and maintains his suggestion that should the application be approved by the Board, approval conditions should be imposed for submission of

revised traffic impact assessment (TIA) and implementation of mitigation measures, if any, identified in the TIA, and provision of the parking facilities, loading/unloading spaces and vehicular access.

Urban Design, Visual and landscape Aspects

4.2.3 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department:

Greenery should be provided on G/F to enhance pedestrian comfort on street level.

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

(a) In addition to the sky garden, the applicant has provided FI on other design measures that would contribute to streetscape enhancement, such as feature paving at setback area fronting Hung To Road, vertical greening at low zone and planting at some levels of building edge and flat roof, though delivery of such other design measures may not require relaxation of BHR. It is also noted that the setback areas along Hung To Road and the back lane would be open for public use. The Proposed Scheme involves downward adjustment of SC of the office floors as the building goes up in height (from about 51% at 4/F to about 35.6% at 30/F). According to the applicant, such adjustment would enable a permanent building separation above podium (**Drawings FA-1**) of minimum 9.35m from any structure, thus enhancing wind permeability. While the resulting built form will appear more slender as viewed from Hung To Road, given that the Site is relatively small, any potential improvement on the surrounding wind environment as a result of SC adjustment/tower disposition will likely be minor.

(b) He has no comment from landscape planning perspective and his previous comment is still valid that adverse landscape impact caused by the proposed development is not anticipated.

Pedestrian Walkability

4.2.5 Comments of the Head of Energizing Kowloon East Office (Head of EKEO), Development Bureau:

The proposed full height setbacks and NBA proposals are in line with the requirements stipulated in the ODP. The setbacks would improve the pedestrian environment and promote walkability as advocated by his office.

5. Public Comments Received During Statutory Publication Period

5.1 On 9.7.2019, the FI was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 30.7.2019, two public comments were received from a member of the Kwun Tong District Council (KTDC) (**Appendix F-VI(1)**) and an individual (**Appendix F-VI(2)**). The KTDC member objected the application mainly on the grounds that the proposed relaxation of PR and BH restrictions would have adverse traffic impacts and

jeopardize the BH profile of KTBA. The individual raised concerns about the proceedings in handling any amendments to the approved development proposal in detailed design stage if the Site would be redeveloped by another owner, and the existing illegal parking of the subject IB.

- 5.2 Three public comments raising objection to the application were received during the previous public inspection periods as detailed in paragraph 10 of **Appendix F-I**.

6. Planning Considerations and Assessments

- 6.1 The application is for minor relaxations of PR restriction from 12 to 14.4 (by 20%) and BHR from 100mPD to 119.7mPD (by 19.7%) for a proposed redevelopment of the Site into a 35-storey (including 4 basement carpark levels) commercial development. At the MPC meeting on 31.5.2018, Members were in support of the policy to incentivise the redevelopment of pre-1987 IBs, which allow relaxation of PR by 20% subject to the Board's approval. However, Members considered that there was inadequate information to demonstrate strong justification and planning merits for the proposed minor relaxation of BH restriction of the application. In response to information requested by the Committee, as detailed in paragraph 1.2 above, the applicant has submitted FIs to justify the proposed BH of 119.7mPD as set out in Section 2.
- 6.2 The applicant's FIs provided elaborations of the planning and design merits of the Proposed Scheme that generally address Members' concerns. With the small site area (about 911m²), about 12% of the Site area would be surrendered and opened for public use for the purpose of footpath widening and amenity/streetscape enhancement. Head of EKEO advises that the setbacks would improve the pedestrian environment and promote walkability as advocated by his office. Given its small area, CTP/UD&L, PlanD comments that the potential improvement on the wind environment of the Proposed Scheme as a result of SC adjustment/tower disposition, if any, will likely be minor. While the three building design requirements in the SBDG are not applicable to the Site, the applicant claims that the Proposed Scheme adopts various design elements as outlined in Section 2 above that would in turns meet the objectives of SBDG on achieving better air ventilation, enhancing the environmental quality of living environment, and mitigating the heat island effect. The requirements on the provisions of the setback areas/NBA for public use as well as the greenery area would be incorporated in lease modification document governing the Lot as appropriate. Regarding the green building design as proposed by the applicant, these measures could be implemented via existing centralized processing system of building plans in the detailed design stage.
- 6.3 Having considered the applicant's FI in response to the Committee's concerns and the departmental comments as set out in Section 4 above, the planning considerations and assessment as stated in paragraph 11 of MPC Paper No. A/K14/777 at **Appendix F-I** remain valid. In gist, the proposed BH of 119.7mPD (+19.7%) may be considered generally proportionate to the applied 20% minor relaxation of PR restriction under application and for accommodating the 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 (**Plan FA-4**), the proposed BH for the proposed development at 119.7mPD may not be incompatible with the planned stepped height profile for KTBA.

6.4 Regarding the public concerns on the potential adverse visual and traffic impacts, the planning assessments in paragraphs 11.4 and 11.8 of MPC Paper No. A/K14/771 at **Appendix F-I** and departmental comments in paragraph 4.2 above are relevant. As for the concerns about any amendments to the approved development schemes in detailed design stage, the relevant considerations are set out in Town Planning Board Guideline No. 36B for Class A and Class B Amendments to Approved Development Proposals.

7. **Planning Department's Views**

7.1 Based on the assessment made in paragraph 6 above, PlanD maintains its previous view of having no objection to the application.

7.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.8.2023, 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 F-VII**.

7.3 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.

8. Decision Sought

- 8.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 8.2 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.
- 8.3 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.

9. Attachments

Appendix F-I	MPC Paper No. A/K14/771
Appendix F-II	Extract of minutes of the MPC meeting held on 31.5.2019
Appendix F-III	Secretary of the Board's letter dated 21.6.2019 informing the applicant of the Committee's decision
Appendix F-IVa	Further Information submitted by the applicant on 26.6.2019
Appendix F-IVb	Further Information submitted by the applicant on 5.7.2019
Appendix F-IVc	Further Information submitted by the applicant on 1.8.2019
Appendix F-V	Similar applications register
Appendix F-VI(1) and (2)	Public comments on the Further Information received during the statutory publication period
Appendix F-VII	Recommended advisory clauses
Drawing FA-1	Comparison of Typical Layout and Proposed Layout
Drawing FA-2	Indicative Diagram of Wind Flow Direction through the Site
Drawing FA-3	Building Height Profile along Hung To Road
Drawing FA-4	Section Plan of the Proposed Development
Drawing FA-5	Section Plan on Landscape Features of the Proposed Development
Drawing FA-6	Landscape Feature at 3/F Podium Garden
Drawings FA-7 and FA-8	Indicative Elevation of the Proposed Development
Drawing FA-9	Building Height Profile
Drawing FA-10	Setback Areas
Plans FA-1 and FA-2	Location plan Outline Zoning Plan and Outline Development Plan
Plan FA-3	Site plan
Plan FA-4	Height of existing buildings in Kwun Tong Business Area
Plans FA-5 and FA-7	Site photos