

FURTHER CONSIDERATION OF APPLICATION NO. A/K14/773
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

**Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions
for Permitted Non-Polluting Industrial Use (Excluding Industrial Undertakings
Involving the Use/Storage of Dangerous Goods) and Eating Place (Canteen Only)
in “Other Specified Uses” annotated “Business” Zone,
82 Hung To Road, Kwun Tong, Kowloon**

1. Background

- 1.1 On 29.5.2019, the applicant, Winning Treasure Limited represented by Kenneth To & Associates 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 119.85mPD (i.e. +19.85m or +19.85%) for redevelopment of the existing 10-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 29-storey (including 2 levels of basement carpark) IB comprising ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/ storage of Dangerous Goods) and ‘Eating Place (Canteen only)’ use (the Proposed Scheme) at 82 Hung To Road (the Site) (**Plans FA-1 to FA-3**). The Site (about 929.03m²) 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 18.10.2019, the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) considered the application. Members generally agreed that the minor relaxation of PR under the current revitalization of IB policy initiative (the Policy) could generally be supported, but the applicant should provide further information (FI) on the planning and design merits of the proposal to justify the proposed relaxation of BHR to facilitate Member’s consideration, in particular any scope for further enhancement to the pedestrian environment. After deliberation, the Committee decided to defer a decision on the application, pending submission of FI for further consideration.
- 1.3 For Members’ reference, the following documents are attached:
- (a) MPC Paper No. A/K14/773A considered on 18.10.2019 **(Appendix F-I)**
 - (b) Extract of minutes of the MPC meeting held on 18.10.2019 **(Appendix F-II)**
 - (c) Secretary of the Board’s letter dated 1.11.2019 informing the applicant of the Committee’s decision to defer a **(Appendix F-III)**

^[1] The Occupation Permit for the subject IB was issued on 4.11.1970.

- decision on the application
- (d) Third FI vide letter dated 15.11.2019 enclosing a refined scheme, refined Landscape Master Plan (LMP) and further elaboration on the planning and design merits of the proposal **(Appendix F-IVa)**
(accepted but not exempted from publication and recounting requirements)
- (e) Fourth FI vide letter dated 23.12.2019 responding to departmental comments **(Appendix F-IVb)**
- (f) Fifth FI vide letter dated 3.1.2020 responding to departmental comments **(Appendix F-IVc)**

2. Further Information Submitted by the Applicant

- 2.1 On 15.11.2019 and 23.12.2019, taking into account the Committee's comments as mentioned above, the applicant submitted FIs proposing a refined scheme with further elaboration on the planning and design merits of the proposal **(Appendices F-IVa to F-IVb)**. Compared with the Proposed Scheme considered at the Meeting on 18.10.2019, the following refinements are made (the Refined Scheme):
- full-height setback from the lot boundary facing Hung To Road with minimum 1.5m at G/F and minimum 2.5m for 1/F and above^[2] **(Drawings FA-3 and FA-4)**, and
 - provision of vertical greening (VG) on 1/F and 2/F at façade facing Hung To Road **(Drawings FA-5 to FA-7)**.
- 2.2 Further elaborations on the planning & design merits as submitted in **Appendices F-IVa to IVb** are summarized as follows:

Full-height Setback

- 2.3 Taking into account of the site constraints including limited site area (of about 929m²), elongated site configuration (with narrow site frontage of about 17.5m), and spaces required for entrance lobby, lifts, parking and loading/unloading (L/UL) facilities **(Drawing FA-1)**, a minimum 1.5m full-height setback from lot boundary at Hung To Road has been incorporated in the Refined Scheme **(Drawings FA-4)**, notwithstanding that there is no setback requirement stipulated in the statutory nor administrative plans for the Site. The proposed voluntary setback would achieve a minimum 4.5m wide footpath in front of the building at Hung To Road to create a land pocket and add interest to pedestrian experience. The Applicant would take up the management and maintenance responsibility of the setback area.
- 2.4 The Applicant also refines the above ground setback at 1/F (from 1m/1.95m to 2.5/3.5m) and 2/F and above (from 4.15m to 5.4m) that would create stepped terrace with edge planting for enhancing natural ventilation and increasing visual permeability **(Drawings FA-2 and FA-4)**.

^[2] The applicant indicates that he has no intention to apply for bonus PR under Building (Planning) Regulation 22(1).

Vertical Greening to Enhance Visual Quality, Streetscape and Public Realm

- 2.5 In addition to the previously proposed edge planters at stepped terrace (i.e. 1/F and 2/F), the Refined Scheme incorporates VG on 1/F and 2/F at façade facing Hung To Road (**Drawings FA-5 and FA-6**) for adding visual interest to the cityscape and furnishing a less bulky building appearance. The combination of edge planting and VG would promote natural cooling process for reducing the heat island effect at local level. The multi-layered greenery (namely edge planting and VG at 1/F and 2/F, landscape area at flat roof of 3/F, the communal sky garden at refuge floor at 10/F and green roof at R/F) would provide about 202.3m² greenery (about 21.8% of the site area) and offers aesthetic and landscaping improvement to the public realm (**Drawings FA5 to FA-7**).

Others

- 2.6 The glass canopy that would offer all-weather protection to the pedestrians as incorporated in the Proposed Scheme is maintained in the Refined Scheme. Also, the proposal would comply with the requirements under the Sustainable Building Design Guideline (SBDG) and would adopt various green building design features with details given in paragraphs 2 (j) and (k) of MPC Paper No. A/K14/773A at **Appendix F-I**.

3. Similar Applications

- 3.1 Since March 2019, the Committee has considered a total of 14 minor relaxation applications in the Metro Area relating to the Policy, including seven in KTBA (**Plan FA-1**). Out of the 14 similar applications, 12 applications were approved with conditions, one was rejected (No. A/K14/764) on the grounds that there was insufficient planning and design merits to support the proposed relaxation of BHR, and one was deferred by the Committee (No. A/K14/773, i.e. the current application) for which the applicant was requested to provided FI on the planning and design merits of the proposal (see **Appendix F-V** for details). In consideration of these applications, the Committee generally indicated support for the Policy to relax the PR up to 20% as it provides incentives to encourage redevelopment of pre-1987 IBs taking account that relevant technical assessments were submitted to support the technical feasibility and there was no adverse comment from relevant government departments. For proposed minor relaxation of BHR associated with such applications, the applicants have to demonstrate that the proposed BH will not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, with due regard to the requirements under SBDG and green building design considerations.
- 3.2 Two other applications (i.e. A/TW/508 and A/K14/778) for minor relaxation of PR by 20% and/or relaxation of BHR are 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 FIs, the following government departments have been consulted on the Refined Scheme and their comments are summarized as follows:

Traffic Aspects

- 4.1.1 Comments of the Commissioner for Transport (C for T):

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 the submission of a revised Traffic Impact Assessment (TIA), and implementation of mitigation measures, if any, identified in the TIA and the design and provision of vehicular access, vehicle parking/ L/UL facilities and manoeuvring spaces for the proposed development.

Urban Design, Visual and landscape Aspects

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

Urban Design and Visual Aspect

- (a) The applicant has provided additional design measures that would contribute to streetscape enhancement, including minimum 1.5m wide full-height setback along Hung To Road and VG at 1/F and 2/F. Although delivery of such design measures may not necessarily require the relaxation BHR sought, they still represent the applicant's efforts in building design improvement.

Landscape Aspect

- (b) With reference to the Refined LMP (**Appendix F-IVa and Drawing FA-5**), it is noted that proprietary VG system is proposed to soften the building form and enhance the visual quality at street level. To ensure that the long-term commitment to provide proper maintenance to the VG system and maintain the planting in good and healthy conditions, he recommends that an approval condition on the submission and implementation of edge planting and VG on 1/F and 2/F of the proposed development should be imposed, should the application be approved by the Board.

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

As the proposed minimum 1.5m full-height setback at G/F from the lot boundary together with VG at 1/F and 2/F facing Hung To Road would generally enhance the street environment, he has no further comment on the application from architectural and visual impact point of view.

Pedestrian Walkability

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

It is noted that the applicant has proposed vertical greenery on 1/F and 2/F as well as voluntary full-height building setback with minimum width of 1.5m along Hung To Road under the Refined Scheme. The Refined Scheme is welcomed from the perspective of enhancing pedestrian environment and walkability as advocated by his Office.

5. Public Comments Received During Statutory Publication Period

- 5.1 On 29.11.2019, the FI enclosing the Refined Scheme (**Appendix F-IVa**) was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.12.2019, two public comments were received from a then member of the Kwun Tong District Council (KTDC) (**Appendix F-VI(a)**) and an individual (**Appendix F-VI(b)**). The then KTDC member objected the application mainly on the grounds that the proposed relaxation of PR and BH restrictions would jeopardize the BH profile of KTBA and would cause adverse traffic impact to the surrounding areas. The individual raised concerns about the effectiveness of the private open space provided on 3/F.
- 5.2 Three public comments raising objection to the application were received during the previous public inspection period 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 119.85mPD (by 19.85%) for a proposed redevelopment of the Site into a 29-storey (including 2 levels of basement carpark) comprising 'Non-polluting Industrial' use (excluding industrial undertakings involving the use/storage of Dangerous Goods)' and 'Eating Place (Canteen only)' use, which are uses always permitted under Schedule II for IB or Industrial-Office buildings for "OU(B)" zone. At the MPC meeting on 18.10.2019, Members generally agreed that the minor relaxation of PR under the Policy could generally be supported, but the applicant should provide FI on the planning and design merits of the proposal to justify the proposed relaxation of BHR to facilitate Member's consideration, in particular the scope for further enhancement to the pedestrian environment. In response to information requested by the Committee, the applicant has submitted FIs proposing a Refined Scheme with further elaborations on the planning and design merit of the proposal as set out in paragraph 2.
- 6.2 With the small site area (about 929m²), minimum 1.5m setback at G/F (about 3% of the site area) would be full-height setback from the lot boundary (**Drawings FA-3** and **FA-4**) and would be opened to public for footpath widening, even though there is no such setback requirement stipulated in the statutory nor administrative plans for the Site. The applicant would also take up the management and maintenance responsibility of the setback area. CTP/UD&L, PlanD considers that the proposed voluntary setback would contribute to streetscape enhancement and Head of EKEO advises that the setbacks is welcomed from the perspective of enhancing pedestrian environment and promote walkability as advocated by his office. The Refined

Scheme and applicant's elaborations of the planning and design merits generally address Members' concerns.

- 6.3 The Applicant also refines the LMP with additional VG at 1/F and 2/F façade facing Hung To Road (**Drawings FA-5 to FA-7**) and CTP/UD&L, PlanD advises that such greening feature would soften the building form and enhance visual quality at street level. Besides, while there is no greenery requirement under SBDG for the Site (<1,000m²), with the proposed edge planting and VG at podium level, landscape area at flat roof of 3/F, the communal sky garden at refuge floor (10/F) and green roof at R/F, greenery provision of about 202.3m² (about 21.8% of the site area) would be provided. To ensure that the long-term commitment to provide proper maintenance to the VG system and maintain the planting in good and healthy conditions, an approval condition on the submission and implementation of edge planting and VG on 1/F and 2/F of the proposed development is recommended, should the application be approved by the Board.
- 6.4 Having considered the FIs in response to the Committee's concerns and the departmental comments as set out in Section 4 above, the planning considerations and assessments as stated in paragraph 11 of MPC Paper No. A/K14/773A at **Appendix F-I** remain valid. In gist, the proposed BH of 119.85mPD (+19.85%) may be considered generally proportionate to the applied 20% minor relaxation of PR restriction and for accommodating the communal sky garden (5.95m), 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 (**Plan FA-4**), the proposed BH for the proposed development at 119.85mPD may still allow a stepped height profile for KTBA.
- 6.5 Regarding the public concerns on the potential adverse visual and traffic impacts, the planning assessments in paragraphs 11.3 and 11.8, and the departmental comments in paragraph 9 of MPC Paper No. A/K14/773A at **Appendix F-I** are relevant. On the effectiveness of private open space provided on 3/F, the applicant claimed that the landscape provisions on 3/F including shrub, hedge and lawn planting would offer visible greenery to the surrounding buildings.

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 17.1.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission of a updated sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of sewerage upgrading/ connection works identified in the updated sewerage impact assessment in condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (c) the submission of a revised traffic impact assessment, and the implementation of the mitigation measures, if any, identified therein, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and provision of vehicular access, vehicle parking/loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (e) the submission and implementation of edge planting and vertical greening on 1/F and 2/F of the proposed development to the satisfaction of the Director of Planning 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:

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction

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/K14/773A
Appendix F-II	Extract of minutes of the MPC meeting held on 18.10.2019
Appendix F-III	Secretary of the Board's letter dated 1.11.2019 informing the applicant of the Committee's decision
Appendix F-IVa	Third FI submitted by the applicant dated 15.11.2019
Appendix F-IVb	Fourth FI submitted by the applicant dated 23.12.2019
Appendix F-IVc	Fifth FI submitted by the applicant dated 3.1.2020
Appendix F-V	Similar applications
Appendix F-VI(a) and (b)	Public comments on the Further Information received during the statutory publication period
Appendix F-VII	Recommended advisory clauses
Drawings A-1 to A-4	Typical floor plans and diagrammatic sections of the Refined Scheme
Drawings A-5 and A-6	Refined Landscape Master Plan
Drawing A-7	Photomontages submitted by the applicant

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/planned buildings in Kwun Tong Business Area
Plans FA-5 and FA-6	Site photos

**PLANNING DEPARTMENT
JANUARY 2020**