

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/775

- Applicant** : Koon Mai Company Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 132 Wai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 418.06m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 518 (the Lot)
(b) Restricted for industrial purposes excluding any offensive trades
(c) Maximum height of any structure on the Lot shall not exceed 170ft (i.e. 51.8m) above Principal Datum
(d) The ground floor of the 10ft (i.e. 3.05m) wide strip of the Lot abutting the back lane shall be used for parking, loading and unloading (L/UL) of motor vehicles only and no building or support for any building shall be erected at ground level of the said area. Building may however be erected over the said area provided that there is a vertical clearance of 15ft (i.e. 4.57m) from the ground floor
(e) No vehicular access from or to Wai Yip Street
- 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, and Eating Place Uses

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) as well as relaxation of BH restriction (BHR) from 100mPD to 120mPD (i.e. +20m or +20%) at 132 Wai Yip Street (the Site), which is zoned “OU(B)” on the approved Kwun Tong (South) OZP No. S/K14S/22 (**Plan A-1**). The proposed minor relaxation of PR and BH restrictions is to

facilitate the redevelopment of the existing 11-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 29-storey commercial/office (C/O) development comprising ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses (the Proposed Scheme) which are uses always permitted under Schedule I for non-IBs of the Notes for “OU(B)” zone.

- 1.2 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in-line with the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise redevelopment of pre-1987 IBs by allowing the relaxation of 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 BHR by 20%.
- 1.3 With reference to the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), for the purpose of footpath/carriageway widening and amenity/streetscape enhancement, the Proposed Scheme has incorporated 2.1m and 1.5m full-height building setbacks from the Lot boundary abutting Wai Yip Street and the back alley respectively, plus an additional 1.5m ground level non-building area (NBA) at the back alley (**Drawings A-1 and A-5**). These provisions are generally in accordance with the setback requirements under the said ODP.
- 1.4 Typical floor plans, diagrammatic section, photomontages and artist renderings submitted by the applicant are shown at **Drawings A-1 to A-11**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 418.06m ²
Proposed Use	Office, Shop and Services & Eating Place
PR	Not exceeding 14.4
Gross Floor Area (GFA) (#)	About 6,020.064m ²
BH (at main roof level)	120mPD
Maximum Site Coverage (SC)	
<ul style="list-style-type: none"> • Podium (below 15m) • Typical floors <ul style="list-style-type: none"> - 3/F – 17/F - 18/F and above 	<p>About 83.7%</p> <p>About 60%^(*)</p> <p>About 49%</p>
No. of Storeys	29 (excluding 1 basement floor for E&M)
Greenery	About 63m ² (about 15%)
Parking Spaces	3
<ul style="list-style-type: none"> • Private Car • Motorcycle 	<p>2 (Incl. 1 accessible parking space)</p> <p>1</p>
L/UL Bay for Light Goods Vehicle	1

^[1] The Occupation Permit (OP) for the subject IB was issued in 1966.

Major Development Parameters	Proposed Scheme
Setbacks	
<ul style="list-style-type: none"> • Wai Yip Street • Back alley 	<p style="text-align: center;">2.1m full-height</p> <p style="text-align: center;">1.5m full-height + 1.5m ground floor NBA</p>

Note:

(#) Any bonus PR that may be approved by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(1) or (2) for the setback areas to be surrendered to the government have not be reflected in the above. According to the applicant, the claimed bonus PR of about 0.656 (equivalent to GFA of about 274.247m²) will be claimed under B(P)R 22(1) or (2), subject to approval by BA.

(*) According to the applicant, bonus SC would be claimed under B(P)R 22(1) or (2), subject to approval by the BA.

1.5 The main uses by floor of the proposed development and the floor-to-floor height under the Proposed Scheme (**Drawing A-5**) are summarized as follows:

Floor	Main Uses	Floor Height (m)
G/F	Shop and Services/Eating Place, Entrance Lobby, parking and L/UL	5.95
1/F – 2/F	Shop and Services/Eating Place	4.8 and 4.2
3/F - 13/F and 15/F – 28/F	Office	3.9
14/F	Refuge Floor	3.55

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

- (a) Application form received on 16.8.2019. **(Appendix I)**
- (b) Supporting Planning Statement enclosing architectural drawings, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Visual Impact Assessment (VIA) received on 16.8.2019. **(Appendix Ia)**
- (c) First further information (FI) vide letter received on 12.11.2019 enclosing responses to comments (RtoC), revised TIA and SIA. **(Appendix Ib)**
[Accepted but not exempted from publication and recounting requirements]
- (d) Second FI vide letters enclosing RtoC received on 13.12.2019 and 18.12.2019 **(Appendix Ic)**
- (e) Third FI vide letter enclosing RtoC received on 24.12.2019 **(Appendix Id)**
[Second and third FIs are accepted and exempted from publication and recounting requirements]

- 1.7 On 4.10.2019, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI to response to the departmental comments. With the FI received on 12.11.2019 (**Appendix Ib**), the application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in the Supporting Planning Statement and the FIs at **Appendices Ia to Id**, and summarized as follows:

Response to the PA 2018 on Revitalisation Scheme for IBs

- 2.1 The proposed minor relaxation of PR restriction of the Site by 20% is a 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.

Align with the Planning Intention and Realisation of the Planned Building Setback on ODP

- 2.2 The proposed ‘office’ and ‘shop and services’ and ‘eating place’ uses completely align with the planning intention of the “OU(B)” zone, which is primarily for general business uses. The Proposed Scheme complies with the setback requirement of ODP for enhancing pedestrian environment, visual permeability and ventilation.

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

- 2.3 With the proposed minor relaxation of BHR to 120mPD, the planned progressive increment on BH from the waterfront to inland areas would not be defeated. The permitted BH under the OZP increases substantially from 100mPD to 160mPD immediately across Hung To Road. As such, the proposed BH will still be compatible with the overall BH profile and cityscape of the Kwun Tong Business Area (KTBA) (**Drawing A-6**).
- 2.4 To prevent any potential adverse visual impacts of the resultant building, efforts have been made to reduce the BH as far as possible while accommodating applied increase in the PR. While the current standard floor height for a Grade A office building is 4.5m, in order to minimize the overall BH, the floor-to-floor height of office floors has been specifically set at 3.9m for which the clear headroom is merely 2.25m, disregarding the structural and E&M facilities, and is minimal to meet the operational needs. The proposed office floor height is already lower than that of other developments in KTBA that are recently under construction or recently completed with ranges from 4m to 4.55m.
- 2.5 The longitudinal site is confined geographically and could only acquire natural lighting and ventilation laterally from the façades at the two ends facing Wai Yip Street and the back alley. The Proposed Scheme adopts an optimised tower footprint with SCs of about 60% (3/F to 17/F) which is the maximum SC permissible under B(P)R. For 18/F and above, SC of about 49% is proposed

having regard to the lighting and ventilation requirements for office use with façade facing the back alley under B(P)R (**Drawing A-5**). Therefore, further reduction of BH to accommodate the additional PR by expanding the floor footprint is infeasible.

- 2.6 Similar application (No. A/K14/763) within the same “OU(B)” zone was approved with conditions in March 2019 with BHR relaxed from 100mPD to 125.9mPD (i.e.+25.9%) (**Plan A-1**). In comparison, the current application only seeks for minor relaxation of PR restriction from 12 to 14.4 (i.e. +20%) and BHR from 100mPD to 120mPD (i.e.+20m or 20%). As such, the proposed minor relaxation of BHR should be considered acceptable.

Planning and Design Merits of the Proposed Scheme

- 2.7 The Proposed Scheme incorporates full-height setbacks on both Wai Yip Street and the back alley (of about 55m² or 13% of the site area). The 2.1m setback would allow wider pedestrian pavement along Wai Yip Street for enhancing pedestrian environment; whereas the 1.5m setback and 1.5m NBA would provide a wider back alley for loading/unloading, parking and traffic circulation, as well as integration into the pedestrian network of KTBA. The setback areas and the NBA will be repaved by the applicant in order to create a pleasant and appealing streetscape for pedestrians.
- 2.8 Staggered protrusions along the main façade facing Wai Yip Street on various levels are proposed to break up the visual plainness and bulkiness of the building. The shades provided by the staggered protrusions will also contribute to the enhancement of the micro-climate of the Wai Yip Street streetscape.
- 2.9 While the Site (418m²) is well below the minimum site area required for greenery provision under the Sustainability Building Design Guidelines (SBDG) (see paragraph 2.11 below), effort is made for providing greenery at various levels for adding visual interest of the building, improving quality of the cityscape and enhancing micro-climates of the streetscape. These greening features 5 of the site area) (**Drawing A-11**) include two strips of vertical greening (either the “climber” or other proprietary system supported by metal frame work) from G/F to 2/F and landscaped terraces at 1/F, 5/F, 10/F and 18/F of the main façade facing Wai Yip Street, the landscaped terraces at the flat roof at 2/F and 18/F facing the back alley (**Drawing A-7**). The Site is small and is sandwiched by two adjoining buildings. Upon surrendering of the setback areas, the provision of shops and the required L/UL facilities on G/F, further greenery provision within the Site at street level is infeasible.

Fulfilling Criteria for Minor Relaxation of BHR in Accordance with the OZP

- 2.10 The Proposed Scheme fulfils five out of six relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP, including:
- (a) accommodating the bonus PR – the applied relaxation of BHR is partly to accommodate bonus PR that is subject to approval of the BA under the BO in relation to surrender of land/area for use as public passage/street widening;
 - (b) providing better streetscape/good quality street level public urban space – with full-height setbacks on both Wai Yip Street and back alley, staggered protrusions and landscaped terraces and paving along the setback areas as set

out in paragraphs 2.7 to 2.9 above. The VIA concludes that there will be no adverse visual impact;

- (c) providing separation between buildings to enhance air ventilation and visual permeability – realisation of planned building setbacks providing building separation to enhance natural ventilation and increase visual permeability;
- (d) accommodating building design to address specific site constraints – the SC above 15m is already fully utilised and the proposed BH is the minimal; and
- (e) other factors that would bring about improvements to townscape and amenity – the staggered protrusions along the façade with greenery of the landscaped terraces, minimal floor-to-floor height to reduce the BH increase required for accommodating the 20% increase in PR under application, and opening of the setback areas for public use.

Compliance with SBDG

2.11 As the site area is about 418m², three requirements under the SBDG are not applicable to the Site, yet the Proposed Scheme would achieve the enhancement on the quality and sustainability of the built environment as follows:

- (a) Building separation – The Site has continuous projected façade length of 18m, which is well below the stipulation under the SBDG.
- (b) Building setback – No part of the building is within 7.5m from the centreline of Wai Yip Street to maintain a ventilation corridor.
- (c) Site coverage of greenery – The Site is less than 1,000m² and there is no greening requirement under SBDG. The applicant introduces layers of greenery features with an overall greenery provision of about 15%.

Green Building Design Features

2.12 Green building design elements will be incorporated, including the proposed green roof on 2/F for reducing the cooling load and energy consumption; and Low-E glass and low reflective glass minimising light pollution and glare to surrounding areas. Glass to be used would comply with the requirement of Shading Coefficient, Visible Light Transmittance and External Reflectance imposed in the Overall Building (Energy Efficiency) Regulation.

2.13 The proposed building is designed and would be constructed to have a suitable Overall Thermal Transfer Value and to comply with Building (Energy Efficiency) Regulation imposed to enhance energy efficiency of building. The building services installations would be designed, installed and maintained to a design standard in accordance with the Building Energy Code in order to promote an energy efficient building.

Technical Aspect

2.14 Only two parking spaces and one L/UL bay would be provided, which is lower than the requirements (i.e. 32-42 nos. parking spaces and 3-4 nos. L/UL bays) under the Hong Kong Planning Standards and Guidelines (HKPSG). With the small site area, narrow street frontage (about 15m) and that about 13% of the Site would be surrendered for public use, the remaining area for accommodating such

parking and L/UL facilities is limited after providing the necessary floor spaces for shop and services and other essential uses at G/F. Alternative scheme with basement floor for providing parking or L/UL bay has been explored (**Attachment D of Appendix Ib**). Given the site constraints and that the space allocated for a car lift would affect the provision of the L/UL bay, the TIA demonstrates that the construction of basement car park option would not provide additional parking spaces but affecting the L/UL operation; thus is considered not feasible to accommodate car parking provisions as required under HKPSG.

- 2.15 The findings of the TIA indicate that the road network in the vicinity of the Site would be able to cope with the traffic generated by the proposed commercial development. The SIA demonstrates that the Proposed Scheme will not generate adverse sewerage impacts on nearby development.

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^[2], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside "R" zones in Main Urban Areas and New Towns into industrial/commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R^[3]. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.
- 3.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

Imposition of BHRs for 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

^[2] 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 BPs first submitted to the BA for approval on or before the same date.

^[3] Under the Policy, any bonus floor area claimed under B(P)R 22(1) or (2) is not to be counted towards the proposed relaxation of PR restriction by 20% for redevelopment projects. The bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the "OU(B)" zone, but can only be considered by the BA upon formal submission of building plans (BPs).

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

There is no previous application in respect of the Site.

6. Similar Applications

Since March 2019, the Committee has considered a total of 13 minor relaxation applications in the Metro Area relating to the Policy, including six in KTBA (**Plan A-1**). Out of the 13 similar applications, 11 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) for which the applicant was requested to provide further information on the planning and design merits of the proposal (see **Appendix 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, and with due regard to the requirements under SBDG and green building design considerations.

7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-5 and A-6)

7.1 The Site is:

- (a) occupied by a 11-storey IB (about 40mPD), namely Mai Tower, built in 1966 and currently without any parking facilities with the building;
 - (b) bounded by Wai Yip Street to its northeast and a back alley to its southwest, and two existing IBs to its northwest and southeast, namely Hong Kong Manufacturing Building (about 48mPD) and Sui On Industrial Building (about 51mPD) respectively; and
 - (c) at about 200m southeast of the MTR Ngau Tau Kok Station.
- 7.2 The surrounding areas have the following characteristics (**Plans A-3 and A-4**):
- (a) buildings along Wai Yip Street are mainly industrial or industrial-office buildings; and
 - (b) three existing C/O buildings, namely, C-Bons International Centre, MG Tower and Rykadan Capital Tower to the south along Hoi Bun Road (all with BHs of 100mPD).

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.
- 8.3 The ES of the OZP also stipulates that the setting back of buildings to cater for the future increase in traffic demand may also be required. The setback requirements are stipulated in the ODP (**Plan A-2**) and enforced through lease modification process when appropriate.

9. Comments from Relevant Government Departments

9.1 The following Government bureaux/departments have been consulted and their views on the application are summarized as follows:

Policy Perspective

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

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. In this light, he gives policy support to the current application in principle from policy angle, subject to its compliance with relevant requirements under the Policy and departmental assessment on technical feasibility and planning considerations.

Land Administration

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

- (a) The Site falls within KTEL 518 which is held under government lease dated 16.11.1967. The Conditions contain, inter alia, the following salient restrictions:
 - (i) the Lot is restricted for industrial purposes excluding any offensive trades;
 - (ii) maximum height of any structure on the Lot shall not exceed 170ft (i.e. 51.8m) above principal datum;
 - (iii) the ground floor of the 10ft (i.e. 3.05m) wide strip of the Lot abutting the back lane shall be used for parking, L/UL of motor vehicles only and no building or support for any building shall be erected at ground floor of the said area. Buildings may however be erected over the said area provided that there is a vertical clearance of 15ft (i.e. 4.57m) from the ground level; and
 - (iv) no vehicular access from or to Wai Yip Street.
- (b) The proposed redevelopment of a C/O building with a BH of 120mPD is in breach of the lease conditions. Should the application be approved by the Board, the applicant is required to apply to LandsD for a lease modification to give effect to the proposal. However, there is no guarantee that the lease modification would be approved and if the application is eventually approved by LandsD in the capacity as the landlord at his discretion, it will be subject to those terms and conditions, including user restriction, the 5-year time limit for completion of the development, payment of full premium and administrative fee, etc., as imposed by LandsD.
- (c) Under the Policy, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the

Board's approval letter.

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) Regarding the proposed setback areas to be surrendered, whether bonus PR and SC could be granted for the surrender under B(P)R 22(2) could only be considered in the BP submission stage. Bonus PR and SC for the development will only be allowed if such surrender is considered essential and acceptable to relevant departments.
- (c) Under PNAP APP-2, 50% GFA concession may be granted for aboveground private carpark, provided that the car parking spaces are electric vehicle charging-enabling.
- (d) Under APP-2, 100% GFA concessions may be granted to refuge floor.
- (e) Detailed comments under BO will be given at the BP submission stage. His other technical comments are at **Appendix III**.

Traffic Aspect

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

- (a) He has no in-principle objection to the application from traffic engineering perspective.
- (b) Even though the Site is relatively small and with various development constraints as claimed by the applicant, C for T considers that there may be room for further enhancement in the Proposed Scheme on the provision of parking and L/UL facilities at the detailed design stage. Thus he suggests that should the application be approved by the Board, approval conditions should be imposed for the submission of a revised TIA including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised TIA, and the provision of parking facilities, L/UL spaces and vehicular access for the proposed development.

Environmental Aspect

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

- (a) No objection to the application from environmental perspective based on the following considerations:
- (b) Based on the third FI (**Appendix Id**), the applicant has confirmed that central air-conditioning system will be provided for the proposed development and will not rely on openable window for ventilation. The fresh air intake point of the air-conditioning system will be properly located 10m from Wai Yip Street to meet the buffer distance requirement for vehicular/chimney emissions as stipulated in the HKPSG. As such, insurmountable environmental impacts associated

with the proposed development are not anticipated.

- (c) Insurmountable environmental impacts associated with the proposed development are not anticipated. Notwithstanding this, should the application be approved by the Board, approval conditions on the submission of updated SIA to cater for any refinement in the flow distribution, flow estimation or connection points and the implementation of local sewerage upgrading/sewerage connection works identified in the SIA are recommended.

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) The Site (418m²) zoned “OU(B)” is located at Wai Yip Street within the KTBA with BHR ranging between 100mPD to 160mPD. The Site and its immediate surroundings fall within the height band of 100mPD that are generally covering a wider area south of Hung To Road closest to the waterfront. At the street block to the northeast on the opposite side of Wai Yip Street, a C/O building with BH of 119.7mPD has been approved by the Board under Application No. A/K14/771. Given the above and as illustrated in the VIA, it is unlikely that accommodation of the proposed development with a BH of 120mPD would induce significant adverse effects on the visual character of the townscape. While the subject application alone would not severely undermine the descending BH profile on the OZP, similar minor relaxations within this height band may weaken the height transition from the inland to the waterfront.
- (b) According to the Proposed Scheme, vertical greening, small landscaped terraces at various levels facing Wai Yip Street, and a larger terrace on the 2/F facing the back alley will be provided. The building design also features a slightly staggered façade which coupled with the landscape treatments at the terraces that may add visual interest to the area. Although technically speaking, incorporation of these design measures do not necessarily require additional PR/BH, they still represent the applicant’s efforts in building design improvement. It is also recognized that the scope for the applicant to provide further design merits may be limited given the relatively small site area involved.

Landscape Aspect

- (c) The Site is located in an area of non-landscape sensitive zoning with 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 minor relaxation of PR and BH restrictions is not anticipated. Two narrow strips of vertical greening, either in the form of climbers with metal supporting frame or proprietary vertical greening system, are

proposed along the vertical edges of building façade from G/F to 2/F facing Wai Yip Street to provide some greenery at the entrance of the development (**Drawing A-7**). In consideration of limited space within the Site, implementation of effective landscape treatment (particularly by means of tree planting) for visually improving general environment and bringing greenery contribution to the public realm seems not practicable. As such, he has no adverse comment on the application from landscape perspective.

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

It is noted that the proposed development consists of one tower block with a height of 120mPD which is marginally higher than the adjacent developments with BHR of 100mPD. Nevertheless, as the floor to floor height of each floor and overall BH are reasonably provided, he has no comment from architectural and visual impact point of view.

Pedestrian Accessibility and Walkability

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

It is noted that the applicant has proposed 2.1m full-height setback along Wai Yip Street and 1.5m full-height setback plus 1.5m NBA with 5.1m headroom along the back alley adjoining the Site, which are in compliance with the requirements under the ODP. The setbacks would enhance pedestrian environment and promote walkability as advocated by his Office.

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

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

10. Public Comments Received During Statutory Publication Period

The application and the FI (**Appendix Ib**) were published for public inspection on 23.8.2019 and 22.11.2019. Within the two statutory public inspection periods, a total of three objecting comments were received from a then member of the Kwun Tong District Council (KTDC) (**Appendices II(a)** and **(c)**) and an individual (**Appendix II(b)**). The objecting comments are mainly on the grounds that the proposed minor relaxation of PR and BH restrictions would induce adverse impacts on traffic aspect, the proposed minor relaxation in BHR would jeopardize the planned BH profile of KTBA, the inadequacy in parking provision, and the effectiveness of the piecemeal setback and the proposed landscaped terraces on 2/F and 18/F are also doubted.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) and BHR from 100mPD to 120mPD (by 20%) for a proposed redevelopment at the Site zoned “OU(B)” into a 29-storey C/O development. The proposed development will comprise ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses which are always permitted under Schedule I of the Notes for non-IBs in the “OU(B)” zone. 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.

Policy Aspect

- 11.2 An OP for the subject IB was issued in 1966 and the Site can be regarded as an eligible pre-1987 IB under government’s policy on revitalising IBs. DEVB gives policy support to the current application 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

- 11.3 The proposed minor relaxation of PR generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the Proposed Scheme. The TIA submitted (**Appendices Ia** and **Ib**) indicates that the proposed redevelopment would have no adverse traffic impacts on the surrounding road network and there are site constraints for providing parking and L/UL facilities required under HKPSG. C for T has no in-principle objection to the application, but suggests two approval conditions for submission of a revised TIA including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised TIA, as well as provision of parking facilities, L/UL spaces and vehicular access for the proposed development, 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

- 11.4 According to the applicant, the increase in BH (+20%) is proposed for accommodating the proposed 20% increase in PR, and efforts have been made to reduce the BH while accommodating the additional PR in the future development. The floor-to-floor height of office floors of the proposed development is set at 3.9m to minimize the overall BH and the tower SCs are optimised to meet relevant requirements under B(P)R. The applicant also claims that the proposed full-height setbacks and greenery provision would provide enhanced streetscape, wider public footpath, better visual permeability and air ventilation, which would in turns improve the townscape and amenity of the locality. As such, it is considered that the Proposed Scheme generally meets the criteria for considering application for minor relaxation of BH restriction as mentioned in paragraphs

8.2(c), (d), (e) and (f) above.

- 11.5 Sites closer to the harbourfront, i.e. to the south of Hung To Road (including the Site) and to the west of Lai Yip Street, are subject to BHR of 100mPD which can reasonably achieve the maximum PR of 12 as stipulated in the OZP with due regards to the stepped BH profile for the KTBA. To accommodate the 20% increase in PR under application, the applicant also seeks minor relaxation of BHR to 120mPD. In consideration that the Site falls within BH band of maximum 100mPD on the street block adjacent to the waterfront and not abutting any street block with higher BH band, the Proposed Scheme may not be entirely in line with the BH profile. It is noted that the proposed floor-to-floor height for office floors of 3.9m is within the range (between 3.5m and 4.025m) of that adopted in approved similar applications in KTBA (**Appendix V**), and the applicant claims that the proposed tower SCs have been optimised for fulfilling relevant requirements under B(P)R. Having reviewed the technical justifications from the applicant, CA/CMD2, ArchSD considers that the floor height of each floor and overall BH are reasonably provided, and he has no adverse comment from architectural and visual impact point of view. CTP/UD&L, PlanD considers that it is unlikely that the Proposed Scheme with BH of 120mPD would induce significant adverse effects on the visual character of the townscape; and while the subject application alone may not severely undermine the descending BH profile of the OZP, similar minor relaxations within this height band may weaken the BH transition from inland to the waterfront.
- 11.6 Taking into account the above, given the policy initiative to incentivise redevelopment of pre-1987 IBs to optimize utilization of the existing industrial stock and make better use of valuable land resources, and that the relaxation of BH (20%) sought is generally proportionate to the proposed relaxation of PR with reasonable floor-to-floor height adopted, the proposed minor relaxation of BHR to 120mPD at the Site could be tolerated.

Planning and Design Merits

- 11.7 In accordance with the ODP's requirements, the Proposed Scheme incorporates full-height building setbacks of 2.1 and 1.5m along Wai Yip Street and the back alley respectively, plus a 1.5m ground floor NBA along the back alley, so as to facilitate widening of pedestrian pavements/service lane. Head of EKEO advises that the setbacks would improve the pedestrian environment and promote walkability as advocated by his office.
- 11.8 With the small site area (about 418m²), about 13% (55m²) of the site area would be surrendered for public use for footpath widening and amenity/streetscape enhancement. Other design elements (including staggered protrusions, two strips of vertical greening and layers of greening features at building edge facing Wai Yip Street, and landscaped terraces at 2/F and 18/F facing the back alley) are proposed with an overall greenery provision of about 15%. The applicant also indicates that further greenery provision with the Site at street level is limited after surrendering of the setbacks, and provision of shops and the parking and L/UL facilities. CTP/UD&L, PlanD advises that while these design measures do not necessarily require additional PR/BH, they represent the applicant's efforts in building design improvements. Given the small site area, he considers that scope for providing further design features and implementation of effective landscape

treatment for visually improving the built environment and bringing greenery contribution to the public realm is limited.

- 11.9 On the sustainability building design aspect, the applicant has explained that according to SBDG, building separation and greenery requirements are not applicable for the Site and the Proposed Scheme has complied with the building setback requirement, notwithstanding the applicant has demonstrated effort in building design improvement by introducing greenery provision of about 15% of the site area. Regarding the green building design as proposed by the applicant as detailed in paragraphs 2.12 and 2.13 above, these measures could be implemented via existing centralized processing system of BPs in the detailed design stage.

Others

- 11.10 Regarding the public comments on the traffic, parking and landscape provision, the assessments above are relevant. On the effectiveness of the setback proposal, it is the Government's intention for carriageway/footpath widening and amenity/streetscape enhancement to cope with the increasing traffic/pedestrian demand and for creating a better pedestrian environment. Imposition of setback requirement on redevelopment project is one of the practicable and effective measures to pursue this long term planning intention.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.1.2024, 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 updated sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the local ~~updated sewerage upgrading~~/sewerage 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 including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and

- (d) the 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:

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction that would affect the planned building height profile stepping down to the waterfront.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 16.8.2019
Appendix Ia	Supporting planning statement received on 16.8.2019
Appendix Ib	First FI vide letter received on 12.11.2019
Appendix Ic	Second FI vide letters received on 13.12.2019 and 18.12.2019
Appendix Id	Third FI vide letter received on 24.12.2019
Appendices II(a) to II(c)	Public comments received during the statutory publication periods
Appendix III	Other technical comments from Government departments
Appendix IV	Recommended advisory clauses
Appendix V	Similar applications
Drawings A-1 to A-5	Proposed floor plans and diagrammatic section submitted by the applicant
Drawings A-6 and A-8	Illustrations submitted by the applicant
Drawings A-9 and A-10	Photomontages submitted by the applicant
Drawing A-11	Greenery provision and calculations submitted by the applicant
Plans A-1 and A-2	Location plans on Outline Zoning Plan and Outline

Plan A-3	Development Plan
Plan A-4	Site plan
Plans A-5 and A-6	Height of existing buildings in KTBA
	Site photos

**PLANNING DEPARTMENT
JANUARY 2020**