

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/778

- Applicant** : Kingwise Enterprises Limited represented by Ho & Partners Architects Engineers & Development Consultants Limited
- Site** : 203 Wai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 935.99m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 287 (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) No building or support for any building at ground floor level on the area coloured red hatched black on the lease plan. The whole of this area at G/F level shall be used for the parking, loading and unloading (L/UL) of motor vehicles and for no other purpose
(e) Buildings at first floor level and above may be erected over the said area coloured red hatched black provided that there is a clear space extending upwards from the ground level to a height of 15 feet
- 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 Restriction for Permitted Non-Polluting Industrial Use (Excluding Industrial Undertakings Involving the Use/Storage of Dangerous Goods) and Proposed Shop and Services (Ancillary Showroom)

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%) at 203 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 restriction is to facilitate the redevelopment of the existing 13-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 25-storey IB (including 2 levels of basement carpark) comprising ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ use which is always permitted under Schedule II for IB or Industrial-Office (I-O) buildings for “OU(B)” zone. The applicant also seeks planning permission for ‘Shop and Services (Ancillary Showroom)’ use on 1/F and 2/F of the proposed development (with Gross Floor Area (GFA) of about 1,500m²), which is a Column 2 use under Schedule II that requires planning permission^[2] (the Proposed Scheme).

- 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).
- 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 2.5m 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 (with 5.1m headroom) non-building area (NBA) at the back alley. These provisions are generally in accordance with the setback requirements under the said ODP. In addition, further 1.3m above ground building setback at Wai Yip Street and 1m (width) recess area at G/F entrance are proposed (**Drawings A-1 and A-4**).
- 1.4 Typical floor plans, diagrammatic section, photomontages and illustration submitted by the applicant are shown at **Drawings A-1 to A-5**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 935.99m ²
Proposed Use	‘Non-Polluting Industrial’ use (excluding industrial undertakings involving the use/storage of dangerous goods)’ and ‘Shop and Services (Ancillary Showroom)’
PR	Not exceeding 14.4
GFA (#) <ul style="list-style-type: none"> • Non-polluting industrial use • Shop and Services (Ancillary Showroom) 	About 13,478.26m ² About 11,978.26m ² About 1,500m ²

^[1] The Occupation Permit (OP) for the subject IB was issued in 1977.

^[2] ‘Shop and Service (Ancillary Showroom)’ requiring planning permission refers to showroom use of greater than 20% of the total usable floor area of an industrial firm in the same premises or building. According to the applicant, the proposed Ancillary Showroom at 1/F and 2/F will only be used exclusively by the tenants in the same premises.

Major Development Parameters	Proposed Scheme
BH (at main roof level)	100mPD
Maximum Site Coverage (SC) (*)	
• Podium (below 15m)	About 88.3%
• Typical floors	
- 6/F – 9/F	About 78.7%
- 10/F – 22/F	About 65%
No. of Storeys	25 (including 2 levels of basement carpark)
Greenery	270m ² (about 29%)
Parking Spaces	
• Private Car	23 (Incl. 1 accessible parking space)
• Motorcycle	3
• Light Goods Vehicle (LGV)	4
• Heavy Goods Vehicle (HGV)	2
L/UL Spaces	
• LGV	4
• HGV	1
Setbacks	
• Wai Yip Street	2.5m full-height + 1.3m aboveground
• Back Alley	1.5m full-height + 1.5m ground floor NBA

Note:

(#) The applicant has indicated that bonus PR will be claimed for the setback areas to be surrendered to the Government subject to approval by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(1) or (2). Any bonus PR that may be approved by the BA have not be reflected in the above.

(*) According to the applicant, the SC as indicated above incorporated the flexibility in determining SC that might be approved by the BA for full-height setback of a building under the Practice Note for Authorized Persons, Registered Structural Engineer and Registered Geotechnical Engineer (PNAP) No. APP-132.

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)
B1/F – B2/F	Carpark	5 and 5.2
G/F	Entrance Lobby and L/UL	6.1
1/F – 2/F	Shop and Services (Ancillary Showroom)	5 and 4
3/F	Plant Room/ Buffer Floor	4
4/F - 22/F	Workshops (Non-polluting Industrial Use)	4.04 (except 22/F at 4.18)

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

- (a) Application form received on 30.9.2019. **(Appendix I)**
- (b) Architectural drawings, Traffic Impact Assessment (TIA), Environmental Assessment (EA), Sewerage Impact Assessment (SIA) and Drainage Impact Assessment (DIA) received on 30.9.2019, and clarification of site boundary received on 8.10.2019.. **(Appendix Ia)**
- (c) First further information (FI) vide letters received on 15.11.2019 and 22.11.2019 enclosing responses to comments (RtoC), revised TIA and EA. **(Appendix Ib)**
[Accepted but not exempted from publication and recounting requirements]
- (d) Second FI vide letter received on 25.11.2019 enclosing further justification on planning and design merits, RtoC, revised architectural drawings, and illustration **(Appendix Ic)**
- (e) Third FI vide emails received on 3.1.2020 and 7.1.2020 enclosing RtoC, revised architectural drawings and illustration. **(Appendix Id)**
- (f) Fourth FI vide email received on 13.1.2020 enclosing RtoC **(Appendix Ie)**

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:

In Line with the PA 2018 on Revitalisation Scheme for IBs

- 2.1 The proposed minor relaxation of PR restriction of the Site by 20% is in line with the PA 2018 which encourages owners to redevelop pre-1987 IBs to enhance the social and economic needs, and making better use of valuable land resources.

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

- 2.2 The Proposed Scheme is in line with the planning intention of the “OU(B)” zone by replacing the existing deteriorating IB with new IB of more desirable architectural design, which enhances the streetscape and urban quality of the Site and its surrounding area. The workshops for ‘Non-polluting Industrial’ use enables the diversification of local employment opportunities and assists local economic transformation. Upon redevelopment, the industrial floor space with modern specification in fire safety and technology could promptly respond to the trend of industries gradually moving towards non-polluting/hi-tech production in the area. Thus, the Proposed Scheme would create a desirable precedent for enlivening and synergizing the transformation of the old IBs along Wai Yip Street.

Planning and Design Merits of the Proposed Scheme

- 2.3 With a typical floor-to-floor height of 4.04m for the non-polluting workshop floors, and having optimized the permissible SC under B(P)R (subject to BA's approval on the flexibility in determining SC under PNAP No. APP-132) for all floors with efficient use of floor plate, the Proposed Scheme would accommodate the additional PR under application within the BH restriction (BHR) of 100mPD as stipulated in the OZP and is compatible with the BH profile of KTBA.
- 2.4 The Proposed Scheme incorporates full-height setbacks of 2.5m at Wai Yip Street and 1.5m full-height building setback plus 1.5m NBA (with clear headroom of 5.1m) at the back alley, which are in compliance with the ODP requirements. In addition, further 1.3m above ground building setback at Wai Yip Street and 1m (width) recess area at G/F entrance is proposed so as to create a more spacious public realm along Wai Yip Street and for a better pedestrian environment. Overall, an area of about 141m² (about 15% of the Site) will be opened for public passage use, in which about 79m² (about 8.5% of the Site) will be surrendered to the Government. The applicant will take up the management and maintenance responsibility at the NBA, further setback and recess areas.
- 2.5 Proposed greenery at podium edge on 3/F which would be visible from Wai Yip Street at pedestrian level as well as the greenery at flat roof on 6/F and 10/F facing back alley would offer visual interest to the cityscape and furnish a less bulky building mass. The green roof on R/F would mitigate the heat island effect. While no greenery is proposed on G/F due to site constraints, above ground greening features amount to about 270m² (29% of the site area) would be provided to enhance the quality of pedestrian environment. Besides, lightweight glass canopy would be provided on 1/F facing Wai Yip Street (subject to detailed design) which offers protection from inclement weather while allowing sunlight to filter down to the pedestrian level and enhancing the comfort of pedestrian environment.

Sustainable Building Design Guideline (SBDG) Consideration

- 2.6 The three key building design elements of SBDG are incorporated in the Proposed Scheme where applicable:
- (a) Building separation – The Site is less than 1,000m² with continuous projected façade length less than 60m, thus this requirement is not applicable.
 - (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. Notwithstanding, a greenery area of about 270m² (about 29% of the Site) will be provided.

Green Building Design Features

- 2.7 Green building design elements will be incorporated, including Low-E glass with low thermal conductivity and high light transmittance at curtain wall to reduce light pollution and glare to the surrounding area. In addition, the Proposed Scheme would follow Building Energy Code for promoting energy efficiency.

Technical Aspects

- 2.8 Car parking and L/UL bays would be provided to meet the ‘high-end’ requirement under the Hong Kong Planning Standards and Guidelines (HKPSG). The TIA reveals that the increase in traffic arising from the minor relaxation of PR would be minimal and has no adverse impact on the surrounding road network.
- 2.9 The EA, SIA and DIA as submitted reveal that adverse air quality impact is not anticipated, and the increase of stormwater and sewerage would not be significant. Overall, no environmental impact arising from the Proposed Scheme would be anticipated.

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^[3], 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^[4]. 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.

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.

^[3] 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.

^[4] 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).

5. Previous Application

There is no previous application in respect of the Site.

6. Similar Applications

- 6.1 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 A-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) for which the applicant was requested to provide FI 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, with due regard to the requirements under SBDG and green building design considerations.
- 6.2 Two other applications (i.e. A/TW/508 and A/K14/773) for minor relaxation of PR by 20% and/or relaxation of BHR are scheduled for consideration at the same meeting.

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 13-storey IB (about 51mPD), namely Tungtex Building, built in 1977;
 - (b) bounded by Wai Yip Street to its northwest and a public back alley to its east, and two existing IBs to its northeast and south, namely Siu Fu Factory Building (27mPD) and Mow Hing Factory Building (47mPD) respectively; and
 - (c) at about 500m southwest of the MTR Kwun Tong Station.
- 7.2 The surrounding areas have the following characteristics (**Plans A-3 and A-4**):
- (a) the neighbouring buildings along Wai Yip Street are mainly IBs or I-O buildings; and
 - (b) three existing commercial/office buildings, namely, One Harbour Square (97mPD), Two Harbour Square (100mPD) and Kwun Tong Harbour Plaza

(52mPD) are found on the other side of Wai Yip Street.

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 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 is willing to provide policy support to the current application, on clear understanding that the redevelopment proposal (if materialised) would help address the increasing long-run shortfall of industrial floor space in Hong Kong under the current projection, subject to the applicant’s compliance with all the technical requirements as examined by the relevant department.

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 KTIL 287 which is governed by Conditions of Sales dated 27.3.1962 and varied or modified by a letter dated 7.1.1965 registered by memorial no. UB476491 for a term of 21 years renewable for 15 years less 3 days commencing from 1.7.1961 and was further extended to 30.6.2047. The lease conditions of the Lot contain, inter alia, the following salient restrictions:
- (i) the Lot shall be used only for industrial purposes excluding any offensive trades;
 - (ii) no building shall be erected on the Lot except a factory, ancillary offices and quarters for persons essential to the safety and security of the building; and

- (iii) no building shall exceed a height of 170ft (i.e. 51.8m) above principal datum;
- (b) The proposed redevelopment would be of 100mPD in height which is in contravention of the BHR stipulated in the lease. It is also noted that the applicant intends to redevelop the Lot to “Non-polluting Industrial” and “Shop & Services (Ancillary Showroom)” uses. “Shop & Services” use would be in breach of the user restriction while the proposed “non-polluting industrial” use in planning term may include uses which are not permitted under the user restriction of the Lot. If any uses or any development parameters in the proposed development will contravene the lease condition of the Lot, the applicant needs to apply to LandsD for a lease modification/ land exchange/ temporary waiver. When processing the lease modification/ land exchange/ temporary waiver application, LandsD will impose such appropriate terms and conditions including user restriction, the 5-year time limit for completion of the development, payment of full premium and administrative fee. There is no guarantee that the application will be approved. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit.
- (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. His other technical comments are at **Appendix III**.

Building Matters

- 9.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):
- (a) No objection in-principle to the application.
 - (b) The proposed non-domestic SC at different levels above 15m would exceed the permissible limit under B(P)R. The application for SC concessions will be considered upon formal submission of building plans subject to the proposal being in compliance with the criteria under PNAP APP-132.
 - (c) Under PNAP APP-2, 100% GFA concession may be granted for underground private carpark while only 50% GFA concession may be granted for aboveground private carpark, provided that the car parking spaces are electric vehicle charging-enabling.
 - (d) Detailed comments under Buildings Ordinance will be given at the BP submission stage. His other technical comments are at **Appendix III**.

Traffic Aspect and Highway

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

Having reviewed the TIA at **Appendices Ia** and **Ib**, he has no adverse comment on 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 TIA, and implementation of the mitigation measures, if any, identified in the revised TIA, and the design and provision of vehicular access, vehicle parking/L/UL facilities and maneuvering spaces for the proposed development.

9.1.5 Comments of the Chief Highway Engineer/Kowloon, Highways Department (CHE/E, HyD):

- (a) He has no adverse comment on the application.
- (b) He comments that the Lot owner is required to maintain the proposed canopy at the cost of the lot owner; and the Lot owner shall at his own expense and to the satisfaction of his office remove the proposed canopy when this is necessitated by any road widening/realignment, improvement and maintenance works or any works related to public utilities and the applicant shall not be entitled to any claim and compensation from the Government.
- (c) His other technical comments are at **Appendix III**.

Environmental Aspect

9.1.6 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 first FI (**Appendix Ia**), the applicant has confirmed that central air-conditioning system will be provided for the proposed development and will not rely on opened window for ventilation. The fresh air intake point of the air-conditioning system will also be properly located to meet the buffer distance requirement for vehicular/ chimneys emissions as stipulated in the HKPSG. As such, insurmountable environmental impacts associated with the proposed development are not anticipated.
- (c) Insurmountable sewerage impacts are not anticipated for the proposed minor relaxation of PR restriction. 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

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

Urban Design and Visual Aspect

- (a) The Site (about 936m²) zoned “OU(B)” is located at Wai Yip Street within the KTBA, the KTBA has an intended BH profile in the range between 100mPD and 160mPD. The BH of the proposed development at about 100mPD is in compliance with the BHR stipulated for the Site. Given the context, it is unlikely that the proposed development will induce any significant adverse effect on the visual character of the surrounding area.
- (b) The Proposed Scheme has incorporated 2.5m full-height setback plus further 1.3m above ground setback along Wai Yip Street, and 1.5m full-height setback plus 1.5m ground level NBA along the back alley. Floor setback at 3/F along Wai Yip Street for peripheral greening, landscape treatments at 6/F, 10/F and R/F, and glass canopy at 1/F along Wai Yip Street as proposed. These design measures may help improving the pedestrian environment and promote visual interest. Although technically speaking, incorporation of these design measures do not necessarily require additional PR, they still represent the applicant’s efforts in building design improvement.

Landscape Aspect

- (c) The Site is located in an area of urban landscape character dominated by medium to high-rise industrial and commercial buildings. No existing tree is observed within the Site. Adverse landscape impact caused by the proposed minor relaxation of PR restriction is not anticipated. As such, he has no adverse comment on the application from landscape perspective. In consideration of narrow building frontage and limited space within the Site, implementation of effective landscape treatment (particularly by means of tree planting) for bringing greenery contribution to the public realm seems not practicable.

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

He has no adverse comment from architectural and visual impact point of view as it is noted that the proposed development consists of one tower block with a height of 100mPD which complies with the BHR permitted in the OZP and may not be incompatible with the adjacent development with BHR of 100mPD.

Pedestrian Accessibility and Walkability

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

It is noted that the Proposed Scheme would provide 2.5m full-height setback plus further 1.3m above ground setback along Wai Yip Street and 1.5m full-height setback plus 1.5m ground level NBA along the back alley adjoining the Site, and provision of which are above 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/Mainland South, Drainage Services Department (DSD);
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Commissioner of Police;
- (e) Director of Fire Services; and
- (f) 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 11.10.2019 and 6.12.2019. Within the two statutory public inspection periods, a total of four objecting comments were received, with two from the then member of the Kwun Tong District Council (KTDC) (**Appendix II(a)**) and two from the same individual (**Appendices II(b)** and **(b)**). The objecting comments are mainly on the grounds that the proposed minor relaxation of PR restriction would induce adverse traffic impact, the general inadequacy in provision of open space in KTBA, the lack of public access to the proposed greenery and safety concerns of the peripheral plantings during typhoons. Also, the individual comments that the Policy to allow minor relaxation of PR up to 20% would affect the integrity of such restriction as imposed on the OZP and suggests that assessments on the cumulative impacts on air ventilation, noise pollution, penetration of natural light and traffic aspects for similar applications under the Policy should be conducted.

11. Planning Considerations and Assessments

11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) for a proposed redevelopment at the Site zoned “OU(B)” into a 25-storey (including 2 levels of basement car parks) IB. The proposed development will comprise ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/ storage of Dangerous Goods)’ use, which is always permitted under Schedule II for IB or I-O buildings for “OU(B)” zone. The proposed ‘Shop and Services (Ancillary Showroom)’ uses requires planning permission.

11.2 The applicant seeks planning permission for ‘Shop and Services (Ancillary Showroom)’ use (with GFA of 1,500m²) on the 1/F and 2/F of the proposed

development, with an E&M floor at 3/F to serve as a buffer from the proposed non-polluting industrial uses above. According to the applicant, the proposed ancillary showroom will only be used exclusively by the tenants in the same premises. The applied use is not incompatible with other uses within the proposed development, and is generally in line with the planning intention of the “OU(B)” zone which is for general business use, including the non-polluting industrial use.

Policy Aspect

- 11.3 An OP for the subject IB was issued in 1977 and the Site can be regarded as an eligible pre-1987 IB under government’s policy on revitalising IBs. SDEV is willing to provide policy support to the current application, on clear understanding that the redevelopment proposal (if materialised) would help address the increasing long-run shortfall of industrial floor space in Hong Kong under the current projection.

Minor Relaxation of PR

- 11.4 The proposed minor relaxation of PR generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the Proposed Scheme. To support the applicant, TIA submitted (**Appendices Ia, Ib and Id**) reveals that the proposed redevelopment would have no adverse traffic impacts on the surrounding road network. C for T has no in-principle objection to the application, but suggests two approval conditions for submission of a revised TIA and implementation of the mitigation measures, if any, identified in the revised TIA, and the provision of parking facilities, L/UL spaces and vehicular access for the proposed development, should be imposed as set out in paragraphs 12.2(c) and (d) below [**Pending**]. 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.

Planning and Design Merits

- 11.5 In accordance with the ODP’s requirements, the Proposed Scheme incorporates full-height building setbacks of 2.5 and 1.5m along Wai Yip Street and the back alley respectively, plus a 1.5m ground floor NBA along the back alley. In addition to the ODP requirements, further 1.3m above ground setback at Wai Yip Street (i.e. a total 3.8m above ground setback) and 1m recess area at G/F entrance is provided to facilitate widening of pedestrian pavements/service lane. These setback areas amounts to about 141m² (about 15% of the Site) will be opened for public passage use, in which about 79m² (about 8.5% of the Site) will be surrendered to the Government. Head of EKEO advises that the setbacks would enhance pedestrian environment and promote walkability as advocated by his Office.
- 11.6 The Proposed Scheme incorporates peripheral greening and landscape treatments at 3/F, 6/F, 10/F and R/F (with overall provision of about 29%) and glass canopy at 1/F along Wai Yip Street. CTP/UD&L, PlanD advises that these features may help improve the pedestrian environment and promote visual interest. While incorporation of these design measures do not necessarily require additional PR, they represent the applicant’s efforts in building design improvement. In

consideration of limited space within the Site, he also considers that implementation of effective landscape treatment (particular by means of tree planting) for bringing greenery contribution to the public realm seems not practicable.

- 11.7 On the sustainability building design aspect, the applicant has considered the three key building design elements of SBDG in the Proposed Scheme. While building separation and greenery requirements are not applicable for the Site (with site area less than 1,000m²), the applicant has demonstrated effort in building design improvement by introducing greenery provision as outlined in paragraph 2.5 above. Regarding the green building design as proposed by the applicant, these measures could be implemented via existing centralized processing system of BPs in the detailed design stage.

Others

- 11.8 Regarding the public comments on the traffic impact, the assessments above in paragraph 11.3 are relevant. On the lack of public access to the proposed greenery, the applicant claims that greenery feature at 3/F would be visible at street level, and as compared with the existing IB with no green features, the Proposed Scheme with landscape proposals at various floors would be an enhancement to existing townscape. Regarding the safety concerns about the peripheral plantings, only grass would be proposed for the main roof and the applicant will appoint Authorised Person and registered structure engineer for the building works to ensure public safety. As for the concern on the local open space provision, there is an overall surplus in planned local open space in the planning area, which should be sufficient to cater for the demand of workers in KTBA as well. For the current application, the flat roof at 6/F and 10/F would serve the future workers therein for enjoyment and social benefit. Regarding the view on conducting comprehensive assessments on cumulative impacts of similar applications under the Policy, application for minor relaxation of PR in relation to the new policy on revitalising IBs is subject to demonstration of technical feasibility and would be considered by the Board based on its individual merits, and the relevant Government departments have no adverse comment on this application on all technical aspects.

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 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 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 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, and the implementation of 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 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.

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 plot ratio restriction.

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 30.9.2019
Appendix Ia	Architectural drawings, TIA, EA, SIA and DIA received on 30.9.2019, and clarification received on 8.10.2019
Appendix Ib	First FI vide letters received on 15.11.2019 and 22.11.2019
Appendix Ic	Second FI vide letter received on 25.11.2019
Appendix Id	Third FI vide email received on 3.1.2020 and 7.1.2020
Appendix Ie	Fourth FI vide email received on 13.1.2020
Appendices II(a) to II(d)	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-4	Typical floor plans and diagrammatic section submitted by the applicant
Drawing A-5	Illustration submitted by the applicant
Plans A-1 and A-2	Location plans on Outline Zoning Plan and Outline Development Plan
Plan A-3	Site plan
Plan A-4	Height of existing/planned buildings in KTBA
Plans A-5 and A-6	Site photos

**PLANNING DEPARTMENT
JANUARY 2020**