

Other Technical Comments from Government Departments

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

- (a) The proposed non-domestic site coverage (SC) at different levels above 15m would exceed the permissible limit under Building (Planning) Regulation (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 Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) No. APP-132.
- (b) Under PNAP No. 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.
- (c) No part of the building, up to level of 15m above the street level, shall be within 7.5m from the centreline of the street. PNAP No. APP-151 and APP-152 refer.
- (d) Under PNAP No. APP-42, 100% GFA concessions may be granted to non-essential plant rooms subject to the compliance with the pre-requisites and the overall cap on GFA concessions stipulated in PNAP No. APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.
- (e) Adequate emergency vehicular access should be provided in accordance with B(P)R 41D and the Code of Practice for Fire Safety in Buildings 2011 (FS Code).
- (f) Adequate means of escape should be provided to the premises in accordance with B(P)R 41(I) and FS Code.
- (g) The subject premises should be separated from different use of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code.
- (h) Access and facilities for persons with a disability should be provided to the premises in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008.
- (i) Adequate sanitary fitments should be provided to the premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.

Comments of Chief Engineer/ Mainland South, Drainage Services Department

- (j) The Sewerage Impact Assessment for the subject planning application should meet the full satisfaction of the Environmental Protection Department.

Comments of Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD)

- (k) Headroom for canopy over public footway shall not be less than 3500mm and the projection on footway shall give a minimum set back of 600mm from kerblines on submission plans.
- (l) Any canopy shall be provided with adequate surface water drainage in order to avoid nuisance to the public.
- (m) The lot owner is required to maintain the canopy including lighting at the cost of the lot owner.

- (n) The lot owner shall at his own expense and to the satisfaction of CHE/K, HyD remove the canopy when this is necessitated by any road widening / realignment, improvement and maintenance works or any works related to public utilities and he shall not be entitled to any claim and compensation from the Government.

Comments of District Lands Officer/ Kowloon East (DLO/KE, LandsD)

- (o) It is noted that the proposed glass canopy on 1/F protrudes into the full-height setback area along Wai Yip Street required under the relevant Outline Development Plan. The Government in general will not accept surrender of private land with encumbrance thereon (e.g. with structures either at/above ground level or underground).

Advisory clauses

- (a) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession of the proposed commercial development will be granted by the Building Authority (BA). The proposed development is subject to Site Coverage (SC) concession that may be approved by the BA under Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) No. APP-132. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements, GFA and SC concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the Town Planning Board (TPB) may be required;
- (b) to note the comments of the District Lands Officer/Kowloon East and the Chief Estate Surveyor/Special Duties, Lands Department (LandsD) that 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. There is no guarantee that the application will be approved. 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 applicant is approved, it would be subject to such terms and conditions as the Government shall deem fit. Under the 2018 Industrial Building revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the TPB's approval letter. It is noted that the proposed glass canopy on 1/F protrudes into the full-height setback area along Wai Yip Street required under the relevant Outline Development Plan. The Government in general will not accept surrender of private land with encumbrance thereon (e.g. with structures either at/above ground level or underground);
- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD that the proposed non-domestic site coverage (SC) at different levels above 15m would exceed the permissible limit under Building (Planning) Regulation (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 No. APP-132. Under PNAP No. 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. No part of the building, up to level of 15m above the street level, shall be within 7.5m from the centreline of the street. PNAP No. APP-151 and APP-152 refer. Under PNAP No. APP-42, 100% GFA concessions may be granted to non-essential plant rooms subject to the compliance with the pre-requisites and the overall cap on GFA concessions stipulated in PNAP No. APP-151 on Building Design to Foster a Quality and

Sustainable Built Environment. Adequate emergency vehicular access should be provided in accordance with B(P)R 41D and the Code of Practice for Fire Safety in Buildings 2011 (FS Code). Adequate means of escape should be provided to the premises in accordance with B(P)R 41(I) and FS Code. The subject premises should be separated from different use of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code. Access and facilities for persons with a disability should be provided to the premises in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008. Adequate sanitary fitments should be provided to the premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Detailed comments under Building Ordinance will be given at the building plan submission stage;

- (d) to note the comments of the Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD) that the headroom for canopy over public footway shall not be less than 3500mm and the projection on footway shall give a minimum set back of 600mm from kerblines on submission plans. Any canopy shall be provided with adequate surface water drainage in order to avoid nuisance to the public. The lot owner is required to maintain the canopy including lighting at the cost of the lot owner. The lot owner shall at his own expense and to the satisfaction of CHE/K, HyD remove the canopy when this is necessitated by any road widening / realignment, improvement and maintenance works or any works related to public utilities and he shall not be entitled to any claim and compensation from the Government; and
- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the sewerage impact assessment needs to meet the full satisfaction of the Environmental Protection Department.

Similar Applications

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
1.	S/K14S/22 “OU(B)” A/K14/763	350 Kwun Tong Road, Kwun Tong (1,782m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 125.9mPD (+25.9%)	Approved with conditions on 22.3.2019	4m (Office)	<ul style="list-style-type: none"> ● Full-height setback along Hang Yip Street and Lai Yip Street in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 357m² (about 20% of Site Area) ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may still allow a stepped BH profile in the Area ● Incorporation of refuge floor cum communal sky garden
2.	S/K14S/22 “OU(B)” A/K14/764 <i>(same site as No. A/K14/771)</i>	32 Hung To Road, Kwun Tong (911.2m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 130.2mPD (+30.2%)	Rejected on 22.3.2019 on the following grounds: (I), (II) [see remarks for details]	3.5m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along Hung To Road and the back alley in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 127m² (about 14% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Incorporation of refuge floor cum communal sky garden
3.	S/K11/29 “OU(B)” A/K11/233	1 Tsat Po Street, San Po Kong (1,386m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	Approved with conditions on 12.4.2019	3.325m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback in accordance with OZP along Tsat Po Street and Sam Chuk Street for improving pedestrian environment. ● Greening provision of 278 m² (about 20% of Site Area)
4.	S/K9/26 “OU(B)” A/K9/274	13 Hok Yuen Street, Hung Hom (3,698.8m ²)	C/O	<u>PR</u> 12 to 12.782 (+6.52%) <u>BH</u> Nil	Approved with conditions on 17.5.2019	N/A	<ul style="list-style-type: none"> ● Proposed corner setback at Hok Yuen Street and 4.5m setbacks from adjacent buildings at east and west for improving the pedestrian environment ● A 26.8m-wide building gap between the two office towers ● Greening provision of 740 m² (including a landscaped garden on 1/F) (about 20% of Site Area)

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
5.	S/K14S/22 “OU(B)” A/K14/766	41 King Yip Street, Kwun Tong (2,042m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 126mPD (+26%)	Approved with conditions on 16.8.2019	4.025m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along King Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment. ● Voluntary setback and corner setback (G/F to 1/F) along King Yip Street to provide more ground floor greening and weather protection to the pedestrian ● Curvilinear building design with five layers of edge plantings ● Greening provision of 530 m² (about 26% of Site Area) ● Incorporation of refuge floor cum communal sky garden ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may not be incompatible with the planned stepped BH profile in the Area
6.	S/K14S/22 “OU(B)” A/K14/771 (same site as No. A/K14/764)	32 Hung To Road, Kwun Tong (911.2m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 119.7mPD (+19.7%)	Approved with conditions on 16.8.2019	3.5m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along Hung To Road and the back alley in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 197 m² (about 22% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Incorporation of refuge floor cum communal sky garden ● Tower deposition to allow building separation at tower with adjoining building to facilitate wind penetration to inland area ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may not be incompatible with the planned stepped BH profile in the Area. ● Confined site configuration while the applicant had made effort in the building design to improve the local environment as listed above.
7.	S/K14S/22 “OU(B)” A/K14/773	82 Hung To Road, Kwun Tong (929.03m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 119.85mPD (+19.85%)	Deferred by the MPC on 18.10.2019 and the applicant was requested to provide further information on the planning and design merits	4.1m (Workshop)	<ul style="list-style-type: none"> ● Building setback from above 1F ● Glass canopy for providing weather protection to the pedestrian ● Greening provision of 203 m² (about 22% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Incorporation of refuge floor cum communal sky garden ● Compliance with SBDG and incorporation of green building design measures

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ¹¹	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
8.	S/KC/29 “OU(B)” A/KC/460	57 – 61 Ta Chuen Ping Street, Kwai Chung (2,261m ²)	I-O	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	Approved with conditions on 5.7.2019	N/A	<ul style="list-style-type: none"> ● Full-height setback along Ta Chuen Ping Street wider than OZP requirement for long-term road widening and improving air ventilation
9.	S/TW/33 “Industrial” A/TW/505	14-18 Ma Kok Street, Tsuen Wan (1,858.1m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	Approved with conditions on 1.11.2019	3.5m (Workshop)	<ul style="list-style-type: none"> ● Voluntary full-height setback along Ma Kok Street for improving pedestrian environment ● Greening at G/F (with 0.6m setback) along Tsuen Yip Street ● Greening provision of 389 m² (about 20% of Site Area) ● Compliance with SBDG and incorporation of green building design measures
10.	S/KC/29 “OU(B)” A/KC/464	20-24 Kwai Wing Road, Kwai Chung (1,579m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	Approved with conditions on 29.11.2019	4.2m (Workshop)	<ul style="list-style-type: none"> ● Voluntary full-height setbacks at the northern portion of site and along Castle Peak Road - Kwai Chung for improving pedestrian environment, air ventilation and visual permeability ● Greening provision of 316m² (about 20% of Site Area) ● Provision of communal escalator with universal accessible lift and staircase open to the public for improving pedestrian connectivity, accessibility and comfort ● Compliance with SBDG and incorporation of green building design measures
11.	S/K14S/22 “OU(B)” A/K14/774	7 Lai Yip Street, Kwun Tong (1,026m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 125.9mPD (+25.9%)	Approved with conditions on 13.12.2019	4m (Office)	<ul style="list-style-type: none"> ● Full-height setback along Lai Yip Street and Hang Yip Street in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 222.7m² (about 22% of Site Area) ● Incorporation of refuge floor cum communal sky garden ● Weather protection canopy along the frontage facing Lai Yip Street ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may still allow a stepped BH profile
12.	S/TW/33 “Industrial” A/TW/509	8-14 Sha Tsui Road, Tsuen Wan (4,645.16m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	Approved with conditions on 13.12.2019	4.95m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback along Sha Tsui Road, Pun Shan Street and back alley ● Building setback above 1/F ● Landscape and seating provided in setback area along Sha Tsui Road and Pun Shan Street ● Substantial vertical greenery in front facade and total greenery coverage of not less than 20% ● Compliance with SBDG and incorporation of green building design measures

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
13.	S/K11/29 “OU(B)” A/K11/235	No. 21 Luk Hop Street, San Po Kong, Kowloon (776.1m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	Approved with conditions on 13.12.2019	3.603m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback wider than OZP requirement to achieve a total of 3.4m-wide setback from the lot boundary abutting Luk Hop Street featured with landscape planters ● Greening provision of 278 m² (about 35.8% of Site Area) by inclusion of planters, vertical green wall and green roof ● Incorporation of green building design measures
14.	S/K14S/22 “OU(B)” A/K14/775	132 Wai Yip Street, Kwun Tong (418.06m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 120mPD (+20%)	Approved with conditions on 3.1.2020	3.9m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along Wai Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 63m² including vertical greenery (about 15% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and could be tolerated

Notes

[1] Proposed Uses: Industrial (I), Commercial/ Office (C/O), and Industrial-Office (I-O)

[2] For back alleys, in addition to a 1.5m full-height setback, a 1.5m non-building area (NBA) from ground level with clear headroom of 5.1 are required, which basement structures as well as cantilevered structures projecting above the minimum 5.1m headroom are allowed.

Rejection Reasons

(I) The applicant failed to demonstrate that there were sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

(II) The approval of the application would set an undesirable precedent for similar applications for minor relaxation of building height restriction in the area, the cumulative effects of approving similar applications would have adverse visual impact on the area