

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/783

- Applicant** : Great Virtue Ventures Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : 1 Tai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 536.98m²
- Lease** : (a) Kwun Tong Inland Lot Nos. 567 and 568 (the Lots)
(b) Restricted for industrial and/or godown purposes excluding offensive trades
(c) Height restriction of not exceeding 170 feet above Principal Datum
- 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 Proposed Hotel Use

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 115.4mPD (i.e. +15.4m or +15.4%) at 1 Tai Yip Street (the Site), which is zoned “OU(B)” on the approved Kwun Tong (South) OZP No. S/K14S/22 (**Plans A-1a and 1b**). The proposed minor relaxation of PR and BH restrictions is to facilitate the redevelopment of the existing 14-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 33-storey development (excluding one basement level for E&M facilities) for ‘Hotel’ use (the Proposed Scheme) which is a Column 2 use 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

^[1] The Occupation Permit (OP) for the subject IB was issued in 1980.

redevelopment of pre-1987 IBs by allowing the relaxation of the 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 15.4%.

- 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 2.3m, 1.5m and 1.5m full-height building setbacks from the Lot boundary abutting Wai Yip Street, Tai 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 (Drawings **A-1** and **A-7**). These provisions are generally in accordance with the setback requirements under the said ODP. Greenery provision of about 125m² (23.3% of site area) would be provided, including pocket planters at G/F and 1/F facing Wai Yip and Tai Yip Streets respectively and peripheral planters at 3/F facing Wai Yip Street, Tai Yip Street and part of the back alley (**Drawings A-1, A-2, A-4, A-9** and **A-10**). The main entrance of the proposed hotel development is at Wai Yip Street which is separated from vehicular ingress/egress at the back alley. A canopy for pedestrian weather protection is proposed at part of the façade along Wai Yip Street (**Drawing A-1**).
- 1.4 Typical floor plans, sections, illustrations and photomontages submitted by the applicant are shown at **Drawings A-1** to **A-12**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 537m ²
Proposed Use	Hotel
PR ^(a)	Not exceeding 14.4
Gross Floor Area (GFA) ^(b)	About 7,733m ²
BH (at main roof level)	115.4mPD
Maximum Site Coverage (SC) <ul style="list-style-type: none"> • Podium (below 15m) • Typical floors (over 15m) 	<p style="text-align: center;">about 75%</p> <p style="text-align: center;">about 59.5%</p>
No. of Storeys ^(c)	33 (excluding 1 basement floor for E&M)
Greenery	About 125m ² (about 23.3%)
Number of Guest Rooms	160
Parking Spaces <ul style="list-style-type: none"> • Private Car (PC) • Taxi/PC Layby • Light Bus Layby • LGV Loading/Unloading (L/UL) Bay 	<p>2 (including 1 accessible parking spaces)</p> <p style="text-align: center;">2</p> <p style="text-align: center;">1</p> <p style="text-align: center;">1</p>
Setbacks ^(c) <ul style="list-style-type: none"> • Wai Yip Street • Tai Yip Street • Back alley 	<p style="text-align: center;">2.3m full-height</p> <p style="text-align: center;">1.5 full-height</p> <p style="text-align: center;">1.5m full-height + 1.5m NBA on G/F</p>

Note:

- (a) 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 been reflected. According to the applicant, the bonus PR of about 1.436 (equivalent to GFA of about 771.103m²) will be claimed under B(P)R 22(1) or (2), subject to approval by the BA, and the minor relaxation in BHR, if approved, will not be further increased for incorporation of the said bonus GFA.
- (b) Excluding about 343m² of GFA exemption for Back-of-House (BOH) facilities (not more than 5% of the total GFA). GFA exemptions are subject to the BA's approval at the building plan (BP) submission stage.
- (c) The full height setback areas are required to be surrendered to the Government upon demand as per the ODP.

- 1.5 The main uses by floor and the floor-to-floor height under the Proposed Scheme (**Drawings A-1 to 6**) are summarized as follows:

Floor	Main Uses	Floor Height (m)
G/F	Lobby, Shop, L/UL, E&M	5
1/F	BOH, E&M	4
2/F	Reception, Café, BOH	4.5
3/F	Communal Podium Garden	4.5 (+2 for transfer plate)
4/F – 32/F	Guest Rooms	3.15

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

- (a) Application form received on 25.2.2020 **(Appendix I)**
- (b) Supporting Planning Statement enclosing architectural drawings, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) and Visual Impact Assessment (VIA) received on 25.2.2020 **(Appendix Ia)**
- (c) 1st further information (FI) vide letter received on 9.6.2020 enclosing responses to departmental comments (RtoC), revised architectural drawings, visual illustrations, TIA, SIA, VIA and Air Quality Impact Assessment **(Appendix Ib)**
[FI accepted but not exempted from publication and recounting requirements]
- (d) 2nd FI vide letter received on 31.7.2020 enclosing RtoC and revised SIA **(Appendix Ic)**
- (e) 3rd FI vide letter received on 10.8.2020 enclosing RtoC **(Appendix Id)**
- (f) 4th FI vide letter received on 1.9.2020 enclosing RtoC, swept path analysis, revised SIA, and revised floor plans, illustrations and photomontages **(Appendix Ie)**
[FI accepted but not exempted from recounting requirement]
- (g) 5th FI vide letter received on 11.9.2020 enclosing RtoC and landscape plan **(Appendix If)**

- 1.7 On 24.4.2020 and 1.9.2020, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for two months respectively as requested by the applicant in order to allow sufficient time for preparation of FIs to response to the departmental comments. With the FI received on 1.9.2020 (**Appendix Ie**), 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 (**Appendices Ia to Ie**), and summarized as follows:

Response to the PA 2018 on Revitalisation Scheme for IBs

- 2.1 The redevelopment of the existing IB with minor relaxation of PR restriction of the Site by 20% is in line with PA 2018 which incentivise IB redevelopment for providing more floor area to meet the changing social and economic needs.

In line with the Planning Intention and Facilitate Transformation of Kowloon East

- 2.2 The proposed 'Hotel' use supports the commercial development in Kwun Tong Business Area (KTBA). There are four similar applications approved for 'Hotel' use in the past five years, which shows 'Hotel' use is considered compatible to the land use characteristics in the surrounding. The Proposed Scheme would supply a total of 160 quality hotel rooms which could help materialise the creation of another premier Central Business District.

In line with the Hong Kong Planning Standards and Guidelines (HKPSG) for Suitable Sites for Hotel Development

- 2.3 The Site is considered a suitable site for hotel development in accordance with Chapter 5 of HKPSG by fulfilling the following criteria:
- (a) proximity to compatible uses such as industrial-office (I-O) buildings and commercial/office (C/O) buildings;
 - (b) proximity to MTR stations or public transport interchanges; and
 - (c) in area where there are acceptable views from the main hotel frontage.

Minor Relaxation of BHR under Application is Well Justified

- 2.4 The Site is small (about 537m²) and full-height setbacks on three sides of its boundary abutting Wai Yip Street, Tai Yip Street and the back alley have been incorporated that will be opened for public passageway and surrendered to the Government (about 118m² or 22% of the Site) as stipulated under the ODP (**Drawing A-1**). Hotel rooms are proposed at the frontages abutting Wai Yip Street and Tai Yip Street (**Drawing A-5**) and the proposed floor layout would meet the restriction under B(P)R for maximum 9m distance from prescribed windows for habitation use. With due consideration in fulfilling the aforementioned requirements, the SC of the tower portion is optimized to about 59.5% in the Proposed Scheme to minimize the increase in BH. A stringent typical floor-to-floor height (3.15m) is adopted which

is on the low side as compared with other approved hotel developments (Attachment 2 of **Appendix Ie**), and is also less than the recently approved similar applications (Nos. A/K14/780 and A/K14/782) in the vicinity, with typical floor-to-floor height of 4.08m (for office use) and 3.875m (for medical related use) respectively. As such the proposed BH of 115.4mPD is considered rational and sensible.

- 2.5 The photomontages (**Drawings A-11** and **A-12**) illustrate that the proposed development blends in well with the new commercial developments in the surrounding area and is compatible with the on-going transformation of KTBA, and has no adverse visual impact.

Planning and Design Merits of the Proposed Scheme

- 2.6 The Proposed Scheme fully complies with the relevant setback/NBA requirements under the ODP. In addition, while only G/F setback is required along the NBA at the back alley, mostly full-height setback (except 2/F and 3/F of podium) is proposed to further enhance air and visual permeability and sunlight penetration along the back alley (**Drawing A-8**), and a further recess at the corner of the back alley and Tai Yip Street on G/F (portion of which is designated as taxi laybys) is proposed to provide unobstructed sightline to vehicle traffic along Tai Yip Street to enhance road safety and accessibility (**Drawing A-1**). The pedestrian access is proposed at Wai Yip Street and is separated from the vehicular access at the back alley, which minimises on-street L/UL activities and improve street environment (**Drawing A-7**). A canopy for pedestrian weather protection is proposed at part of the façade along Wai Yip Street.
- 2.7 Pocket planters on G/F and 1/F facing Wai Yip Street and Tai Yip Street respectively are proposed to enhance streetscape for the pedestrian, and a podium garden on 3/F (primarily for hotel guests) is proposed to provide communal space for the future users of the development (**Drawings A-3, A-7 to 10**), which would also help facilitate cross-ventilation and visual permeability while offering peripheral landscape treatments to soften the monotonous urban fabric of the building façade. The total greenery proposed will be about 125m² (about 23.3% of the site area), which will be managed and maintained by future hotel operator.
- 2.8 After surrendering of the setback areas, the usable site area has been reduced to 420m² (78% of the Site area), out of which nearly 74% would be used for parking and L/UL facilities and essential E&M (e.g. high voltage transformer room which is preferable to be situated at G/F for fire safety reasons) and the remaining 26% is for hotel use. Thus, no additional setback for pedestrian environment improvement could be provided which would severely reduce the effective usable area at the G/F of the proposed hotel development.
- 2.9 The Proposed Scheme is designed with due consideration to the harbourfront location of the Site. In terms of visual permeability, the 1.5m full height setback along Tai Yip Street would widen the existing view corridor from harbourfront towards inland area. Incorporation of communal garden with peripheral planting at 3/F will further enhance the visual permeability when viewing towards the Site from major roads and harbourfront.

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

- 2.10 Due considerations have been taken in the building design to ensure that the Proposed Scheme offers planning and design merits (as presented in paragraph 2.4 to 2.9 above and as illustrated in **Drawings A-7 to A-10**) for compliance of the

relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP (as detailed in paragraph 9.2 below).

Compliance with Sustainable Building Design Guidelines (SBDG)

- 2.11 The three key building design elements of SBDG are incorporated in the Proposed Scheme where applicable:
- (a) Building separation – not applicable to the Site which is less than 20,000m² with continuous projected façade length less than 60m.
 - (b) Building setback – Wai Yip Street is more than 15m wide, thus this requirement is not applicable. With the provision of 1.5m full-height setback along Tai Yip Street, the building have at least 7.5m distance from the centreline of the public street.
 - (c) Site coverage of greenery – The Site is less than 1,000m², thus this requirement is not applicable. Notwithstanding, a greenery provision of about 125m² (about 23.3%) will be provided.

Consideration of Green Building Design

- 2.12 The applicant will include low-E glass and materials with low thermal conductivity to the curtain wall system and the external walls to comply with the Overall Thermal Transfer Value (OTTV) requirements set out in Building (Energy Efficiency) Regulation (B(EE)R). Sun-shading devices will be installed at appropriate locations as architectural features to further improve OTTV.

Technical Aspects

- 2.13 The TIA (**Appendices Ia to Ic and Ie**) as submitted demonstrates that the proposed redevelopment will not result in adverse traffic impact to the surrounding road network and is acceptable from traffic engineering perspectives. The parking and L/UL facilities as provided generally comply with the requirements under HKPSG. The SIA (**Appendices Ia, Ib and Ie**) as submitted concludes that the Proposed Scheme is acceptable with the proposed mitigation measures in place.

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

^[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.

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 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 from inland to the harbourfront 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 and to the west of Lai Yip Street (including the Site), a BHR of 100mPD is adopted, while higher BHRs from 130mPD to 200mPD are allowed for sites in the inland part of KTBA. The various BHR bands and heights of existing/planned 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. Town Planning Board Guidelines

The Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) promulgated in September 2007 are relevant in the following aspects:

- (a) the “OU(B)” zone has been introduced to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the “OU(B)” zone is primarily for general employment uses. As it is not possible to phase out existing polluting and hazardous industrial uses all at once, it is necessary to ensure compatibility of the uses within the same building and in existing industrial area until the whole area is transformed to cater for the new non-polluting business uses; and

^[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 BPs.

- (b) for all new development, redevelopment, conversion and material change of use, adequate parking and L/UL spaces should be provided in accordance with the requirements of the HKPSG, and all other statutory or non-statutory requirements of relevant Government departments must also be met.

6. Previous Application

There is no previous application in respect of the Site.

7. Similar Applications

Proposed Minor Relaxation of PR/BH

- 7.1 Since March 2019, the Committee has considered a total of 14 minor relaxation applications in the KTBA and Kowloon Bay Business Area (KBBA) relating to the Policy Initiatives of Revitalisation of IBs (**Appendix IIa**), 11 of them are in KTBA (**Plan A-1**). Out of the 14 similar applications, 11 applications were approved with conditions, two were rejected, and one was deferred pending FI on planning and design merit of the development proposal.
- 7.2 In consideration of the applications relating to minor relaxation of PR by up to 20%, the Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs and noted that relevant technical assessments were submitted to support the technical feasibility of their proposals 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. For the two rejected applications, namely Application No. A/K14/764 in KTBA and No. A/K13/313 in the adjoining KBBA, they were rejected mainly on the consideration that there was insufficient planning and design merits to support the proposed relaxation of BHR^[4]; and that the applicant for the latter also failed to demonstrate that adverse visual impact would not be created.

Proposed 'Hotel' Use

- 7.3 A total of 36^[5] nos. of similar applications for hotel or office-cum-hotel developments in KTBA have been considered by the Committee/the Board since the KTBA was rezoned to "OU(B)" (**Plan A-1b**). 33 of these applications were approved with conditions mainly on considerations that the proposed uses were

^[4] For those two rejected applications, Application No. A/K14/764 applied for relaxation of BH by 30.2% from 100mPD to 130.2mPD, and Application No. A/K13/313 applied for relaxation of BH by 17.7% from 120mPD to 141.25mPD.

^[5] 22 of them applied for development/redevelopment while 14 applied for wholesale conversion of existing buildings.

generally in line with the planning intention of the “OU(B)” zone and would help phase out the industrial uses in KTBA, no adverse impact on the surrounding area, and that the traffic impacts would be addressed by provision of sufficient parking and L/UL facilities. 24 of these permissions granted had lapsed, three permissions are still valid and six were implemented for approved hotel use (**Plan A-1b**). The remaining three applications were rejected mainly for the reasons of failure in meeting the parking and L/UL requirements under the HKPSG, and adverse traffic impact on the local road network. For details of these similar applications, please refer to **Appendix IIb**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4 and site photo on Plan A-5)

8.1 The Site is:

- (a) occupied by a 14-storey IB (about 50mPD), namely Hay Nien Building, built in 1980 (**Plan A-5**);
- (b) a corner site abutting Wai Yip Street, Tai Yip Street and a back alley, and an existing C/O building, namely Hecny Centre (about 47mPD) to its northwest; and
- (c) at about 200m to the southwest of the MTR Ngau Tau Kok Station (**Plan A-1**).

8.2 The surrounding areas have the following characteristics (**Plans A-3 and A-4**):

- (a) the neighbouring buildings along Wai Yip Street are mixed with C/O buildings (namely One Bay East and NEO across Wai Yip Street, all with BHs of 100mPD), IBs or I-O buildings. A C/O building, namely International Trade Tower (100mPD), is to its southeast across Yan Yip Street;
- (b) two hotels, namely IW Hotel (75mPD) and IND Hotel (29mPD) as permitted for wholesale conversion for hotel uses under application nos. A/K14/713 and A/K14/686 (**Plan A-1b**) respectively, to its further northwest along Wai Yip Street and Tai Yip Street respectively;
- (c) the Hoi Bun Road Park on the other side of Wai Yip Street with improvement works currently taking place; and
- (d) three sites to the further southeast abutting Tai Yip Street and Lai Yip Street (Application Nos. A/K14/763, A/K14/774 and A/K14/782) and a site to the further northwest along Wai Yip Street (No. A/K14/780) with planning permissions under the Policy for C/O buildings (all with approved minor relaxation of PR to 14.4 and minor relaxation of BHR from 100mPD to 115mPD/126mPD)(**Plan A-1a**).

9. Planning Intention

- 9.1 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.

9.2 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.

9.3 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.

10. Comments from Relevant Government Departments

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

Policy Perspective

10.1.1 Comments of the 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. He supports the current application in principle as the proposed hotel development is in line with the Policy to encourage redevelopment of aged IBs and the planning intention of the "O(U)B" zoning, subject to its compliance with relevant requirements under the Policy and departmental assessment of technical feasibility and planning considerations.

Land Administration

10.1.2 Comments of the District Lands Officer/Kowloon East and the Chief Estate Surveyor/Development Control, Lands Department (LandsD):

- (a) The Site falls within KTIL 567 and 568 which are held under the government lease dated 26.10.1967 and the Conditions of Sale dated 13.7.1964 respectively. The Lots are restricted to industrial and/or

godown purposes excluding offensive trades and subject to a maximum height of 170ft (i.e. 51.8m) above principal datum, NBA up to vertical clearance of 15ft (4.57m) from ground level at the back alley and no vehicular access points along Wai Yip Street, etc.

- (b) The proposed hotel redevelopment is in conflict with the existing 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. When processing the lease modification 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, etc. There is no guarantee that the lease modification would be approved. The application will be considered by LandsD acting in its capacity as the landlord at its own discretion and any approval given will be subject to such terms and conditions as may be imposed by LandsD. Under the Policy, the necessary land document shall be executed within 3 years from the date of the Board's approval letter.

Traffic Aspect

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

Having reviewed the TIA at **Appendices Ia, Ib and Ie**, and that the provision of parking and L/UL would be properly provided, 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 of vehicular access, vehicle parking/ L/UL facilities and manoeuvring spaces for the proposed development.

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

Proposed setbacks/NBA is in compliance with the ODP and is supported from highway's point of view.

Environmental Aspect

10.1.5 Comments of the Director of Environment Protection (DEP):

- (a) Hotel developments are normally provided with central air conditioning system and the Applicant/ Authorized Person should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisance/impacts.
- (b) Approval conditions requiring the submission of SIA, the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA above, and the submission of land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the Site are recommended should the Board approve this application.

- (c) The applicant is advised to minimise the generation of construction and demolition (C&D) materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development. The applicant should observe the relevant requirement under the Air Pollution Control Ordinance and Waste Disposal Ordinance for asbestos control prior to demolition of the existing building.
- (d) His other technical comments on the SIA are detailed at **Appendix IV**.

10.1.6 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS,DSD):

He has no adverse comment on the application and his technical comments on the SIA are detailed at **Appendix IV**.

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) The Site with an area of about 537m² is a corner site located at the junction of Tai Yip Street and Wai Yip Street, forming part of a street block zoned “OU(B)” bounded by Wai Yip Street and Tai Yip Street within the northwestern portion of KTBA with an intended BH profile of 100mPD and increasing to 160mPD in the inland area further southeast of the Site. To the further southwest of the Site across Wai Yip Street are Hoi Bun Road Park and Kwun Tong Waterfront Promenade respectively. It is noted that the applicant has further reduced the proposed BH from 125mPD as originally submitted to 115.4mPD to address his previous comment. As illustrated in the photomontages, accommodation of the proposed development with a BH of 115.4mPD would unlikely induce significant adverse effects on the visual character of the townscape.
- (b) According to the proposal, the proposed development has incorporated 2.3m and 1.5m full-height setbacks along Wai Yip Street and Tai Yip Street respectively as per the ODP requirements. A 1.5m wide non-building area is also proposed along the back alley. A podium garden with peripheral greening at 3/F, small planters at G/F and 1/F and a canopy along Wai Yip Street will be provided. Although technically speaking, incorporation of the said design measures do not necessarily require additional BH, it represents the applicant's efforts to soften the building edge, promote visual interest and enhance pedestrian comfort.

Landscape Aspect

- (c) The Site is located in an area with urban landscape character dominated by medium to high-rise industrial and commercial buildings. Existing hotel developments are also observed at nearby locations. No existing tree is observed within the Site boundary. Adverse landscape impact caused by the proposed minor relaxation of PR and BH restrictions is not anticipated. As such, he has no adverse

comment on the application from landscape planning perspective.

- (d) In view of the small size of the Site, there is limited available space at street level for landscape treatment to enhance the quality of the public realm.
- (e) For the proposed communal podium garden, it is noted that applicant has provided seating facilities at landscape areas for the target users.
- (f) His technical comments on urban design and landscape aspects are detailed at **Appendix V**

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

In response to his previous comment, he notes that the Applicant has reduced the proposed BH from the originally proposed 125mPD to 115.4mPD. Based on the FIs at **Appendices Ib** and **Ie**, he notes that the floor-to-floor height of typical floor (3.15m) and overall BH have been reasonably provided. As such, he has no comment from architectural and visual impact point of view.

Tourism Aspect

10.1.9 Comments of the Commissioner for Tourism (C for Tourism):

The proposed hotel development will help increase the provision of hotel facilities, broaden the range of accommodation for visitors, and support the development of convention and exhibition, tourism and hotel industries. In this regard, he has no objection to the proposed hotel development at the Site provided that it is agreeable to all relevant Government departments, and that the applicant is able to comply with all requirements laid down by the relevant departments.

Licensing Aspect

10.1.10 Comments of the Chief Officer (Licensing Authority), Home Affairs Department (CO(LA), HAD):

- (a) No objection to the application.
- (b) The applicant should submit a copy of the OP or acknowledgement letter for proposed hotel issued by BD when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO).
- (c) The licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Team upon receipt of application under HAGAO.

Pedestrian Accessibility and Walkability

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

It is noted that the Proposed Scheme would provide 1.5m and 2.3m full-height setbacks along Tai Yip Street and Wai Yip Street respectively, and 1.5m full-height setback plus 1.5m aboveground NBA along the back alley.

The setback proposal complies with the requirements under the ODP. The setbacks would enhance pedestrian environment and promote walkability as advocated by his Office.

Building Matters

10.1.12 Comments of the Chief Building Surveyor/Kowloon, BD (CBS/K, BD):

- (a) No objection in principle to the application under the Buildings Ordinance (BO) to the proposed hotel use and minor relaxation of PR provided that the proposal should in all aspects comply with the BO and its allied regulations.
- (b) The hotel building may be treated as a non-domestic building for SC and PR purposes under PNAP APP-40 and Building B(P)R 23A. The BA will consider the case at the BP submission stage. In this connection, the building shall be operated as a “bona fide hotel” and the required license should be obtained from the Licensing Authority.
- (c) Regarding the proposed setback to be surrendered, whether bonus PR could be granted for the surrender under B(P)R 22(2) could only be considered in the BP submission stage. Bonus PR for the development will only be allowed if such surrender is considered essential and acceptable to relevant departments. PNAP APP-20 is relevant.
- (d) Detailed comments under BO will be given at the BP submission stage.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Commissioner of Police;
- (c) Director of Fire Services (FSD); and
- (d) District Officer (Kwun Tong), HAD.

11. Public Comments Received During Statutory Publication Period

The application and the FI (**Appendix Ib**) were published for public inspection on 3.3.2020 and 16.6.2020. Within the two statutory public inspection periods, a total of three objecting comments were received from members of public, with two from the same individual (**Appendix IIIa to IIIc**). The objecting comments are mainly on the grounds that the proposed minor relaxation of PR and BH restrictions would induce adverse traffic impact; the proposed minor relaxation in BHR would jeopardize the planned BH profile of KTBA and the proposed BH (of 125mPD as originally submitted) is too high for a Site close to the harbourfront; the general inadequacy in provision of open space in KTBA; the lack of public access to the communal podium garden and no road side tree planting along Wai Yip Street; concern on the effectiveness and sustainability of the proposed greenery; and minor relaxation of PR up to 20% would affect the integrity of such restriction as imposed on the OZP, thus assessments on the cumulative impacts should be conducted.

12. Planning Considerations and Assessments

- 12.1 The applicant seeks planning permission for proposed hotel development and minor relaxations of PR restriction from 12 to 14.4 (by 20%) and BHR from 100mPD to 115.4mPD (by 15%) at the Site zoned “OU(B)”. The proposed 33-storey hotel development includes 160 guest rooms with shop on G/F and café on 2/F.

Planning Intention and Land Use Compatibility

- 12.2 The proposed hotel development is considered generally in line with the planning intention of the “OU(B)” zone and the transformation taking place in KTBA from industrial to business/commercial uses. The proposed hotel development is generally in line with the TPB PG-No. 22D for “OU(B)” zone in that it is considered not incompatible with the surrounding land uses and would help transform the area for new non-polluting business uses.
- 12.3 As discussed in paragraph 7.3 above, there are 33 planning permissions granted for wholesale conversion or redevelopment of IB/I-O buildings into hotel/office-cum-hotel use (**Plan A-1b**). Six of which were completed with two hotels in close proximity to the Site (i.e. IW Hotel and IND Hotel to the northwest along Wai Yip Street and Tai Yip Street respectively). The Site is located at the north-western fringe of the KTBA where is characterised by a mix of IBs, I-O and C/O buildings. The proposed hotel use at the Site is considered not incompatible to the surrounding uses. C for Tourism supports the application and relevant Government departments consulted including TD, DSD, BD, FSD, EPD and CO(LA) of HAD have no objection to or no adverse comment on the application.

Policy Aspect

- 12.4 An OP for the subject IB was issued in 1980 and the Site can be regarded as an eligible pre-1987 IB under government’s policy on revitalising IBs with the objective 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. DEVB gives policy support to the current application, subject to its compliance with relevant requirements under the Policy and departmental assessments on the technical feasibility and planning considerations.

Minor Relaxation of PR

- 12.5 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 to Ic**) reveals that the proposed redevelopment would have no adverse traffic impacts on the surrounding road network. The parking and L/UL facilities proposed generally comply with the requirement under HKPSG. C for T has no in-principle objection to the application but recommends approval conditions in paragraphs 13.2(d) and (e) 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 and land contamination aspects in paragraphs 13.2 (a) to (c) below.

Minor Relaxation of BHR

- 12.6 According to the applicant, the increase in BH (+15.4%) is proposed for accommodating the minor relaxation of 20% in PR under the Policy being sought.

The typical floor-to-floor is 3.15m and the SC of the tower portion is 59.5% , thus there would be no scope for further reduction in BH by adopting a larger footprint. The applicant also claims that the proposed full-height setbacks and greenery provision would materialize road widening and enhance streetscape, landscape amenity, visual permeability, air ventilation and sunlight penetration. It is claimed that the Proposed Scheme generally meets the criteria for considering application for minor relaxation of BHR as mentioned in paragraph 9.2 above.

- 12.7 In terms of BH profile for the KTBA, sites closer to the harbourfront, i.e. to the south of Hung To Road and to the west of Lai Yip Street (including the Site), are subject to BHR of 100mPD which follows a stepped BH profile descending from inland to the harbourfront. The BHR of 100mPD can reasonably accommodate the maximum PR of 12 as stipulated in the OZP. To accommodate the 20% increase in PR under application, the applicant seeks minor relaxation of BHR to 115.4mPD. 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, and that the Site is with direct frontage to the waterfront, the Proposed Scheme may not be entirely in line with the BH profile. The applicant indicates that the proposed typical floor-to-floor height of 3.15m is lower than that of the typical hotel developments (3.5m) (Attachment 2 of **Appendix Ie**), and is on low side of those adopted in approved similar applications for C/O developments in the KTBA (between 3.5m and 4.1m) and may not be unacceptable (**Appendix IIa**). Nevertheless, the applicant has reduced the minor relaxation of BH applied for from 125mPD as originally submitted to 115.4mPD to address departmental comments for minimising the visual impact of the Site at the prominent waterfront location. CA/CMD2, ArchSD considered that the floor-to-floor height of typical floor and overall BH has been reasonably provided and has no comment from architectural and visual impact point of view. CTP/UD&L, PlanD has no objection to the proposed reduced BH from visual perspective.
- 12.8 Taking into account of the above views, 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 minor relaxation of BHR (15%) sought is generally proportional to the applied minor relaxation of PR with reasonable floor-to-floor height adopted, the proposed minor relaxation of BHR to 115.4mPD at the Site may be tolerated.

Planning and Design Merits

- 12.9 The Site is a corner site and full-height setbacks from three sides of Site boundary abutting Wai Yip Street, Tai Yip Street and the back alley (about 22% of the site area) would be opened for public passage. Head of EKEO advises that the setbacks would enhance pedestrian environment and promote walkability as advocated by his Office. In response to the departmental comment, a canopy for pedestrian weather protection is proposed along part of the façade facing Wai Yip Street (**Drawing A-1**).
- 12.10 While the greenery requirement under SBDG is not applicable to the Site (<1,000m²), the Proposed Scheme incorporates communal podium garden (mainly for hotel guests) and other landscape treatments at G/F, 1/F, and 3/F for achieving an overall greenery provision of 125m² (about 23.3%), that would generally enhance the pedestrian environment (**Drawings A-1 to A-3, A-9 and A-10**). CTP/UD&L, PlanD advises that while, these design measures do not necessarily require additional BH, it represents the applicant's efforts to soften the building edge, promote visual interest and enhance pedestrian comfort. With the small site area (about 537m²)

and upon surrendering of the setback areas, CTP/UD&L, PlanD considers that there is limited available space at street level for landscape treatment to enhance the quality of the public realm.

- 12.11 On the sustainability building design aspect, the three key building design elements of SBDG on building separation, building setback and greenery have been incorporated in the Proposed Scheme where appropriate.

Public Comments

- 12.12 Regarding the public comments on the traffic and visual impacts, BH profile and the provision of greenery, the assessments above are relevant. 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 Proposed Scheme, the communal podium gardens would serve the future users of the hotel development. 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 generally have no adverse comment on this application on technical aspects.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.9.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission of a sewerage impact assessment 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 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 land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a revised traffic impact assessment and 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

- (e) the design of vehicular access, vehicle parking/ loading/unloading facilities and manoeuvring 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 V**.

- 13.3 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 justifications for the proposed minor relaxation of building height restriction.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application form received on 25.2.2020
Appendix Ia	Supporting planning statement received on 25.2.2020
Appendix Ib	1 st FI vide letter received on 9.6.2020
Appendix Ic	2 nd FI vide letter received on 31.7.2020
Appendix Id	3 rd FI vide letter received on 10.8.2020
Appendix Ie	4 th FI vide letter received on 1.9.2020
Appendix If	5 th FI vide letter received on 11.9.2020
Appendix IIa	Similar Applications Relating to the Policy in KTBA and KBBA
Appendix IIb	Similar Applications for Hotel Development in KTBA
Appendices III(a) to III (c)	Public comments received during the statutory publication periods
Appendix IV	Other technical comments from Government departments
Appendix V	Recommended advisory clauses
Drawings A-1 to A-6	Proposed floor plans and section submitted by the applicant
Drawings A-7 to A-10	Illustrations submitted by the applicant
Drawings A-11 and A-12	Photomontages submitted by the applicant
Drawing A-13	Indicative Landscape Design on 3/F
Plans A-1a and A-1b	Location plans on Outline Zoning Plan

Plan A-2	Location plan on Outline Development Plan
Plan A-3	Site plan
Plan A-4	Height of existing/planned buildings in KTBA
Plan A-5	Site photo

**PLANNING DEPARTMENT
SEPTEMBER 2020**