

Similar Applications in Kwun Tong Business Area and Kowloon Bay Business Area

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
Kwun Tong Business Area							
1.	S/K14S/22 “OU(B)” A/K14/763 BHR: 100mPD	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> BHR: 100mPD	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/K14S/22 “OU(B)” A/K14/766 BHR: 100mPD	41 King Yip Street, Kwun Tong (2,042.011m 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

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							be incompatible with the planned stepped BH profile in the Area
4.	S/K14S/22 “OU(B)” A/K14/771 (same site as No. A/K14/764) BHR: 100mPD	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.
5.	S/K14S/22 “OU(B)” A/K14/774 BHR: 100mPD	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
6.	S/K14S/22 “OU(B)” A/K14/775 BHR: 100mPD	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

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7.	S/K14S/22 "OU(B)" A/K14/773 BHR: 100mPD	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%)	Approved with conditions on 17.1.2020	4.1m (Workshop)	<ul style="list-style-type: none"> ● Voluntary full-height setback along Hung To Road for improving pedestrian environment ● Greening provision of 202.3m² including vertical greenery (about 21.8% 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 ● Weather protection canopy along the frontage facing Hung To Road ● 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
8.	S/K14S/22 "OU(B)" A/K14/778 BHR: 100mPD	203 Wai Yip Street, Kwun Tong (935.99m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	Approved with conditions on 17.1.2020	4.04m (Workshop)	<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 270m² (about 29% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Weather protection canopy along the frontage facing Wai Yip Street ● Compliance with SBDG and incorporation of green building design measures
9.	S/K14S/22 "OU(B)" A/K14/777 BHR: 160mPD	71 How Ming Street, Kwun Tong (1,271.66m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%)	Approved with conditions on 15.5.2020	5m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along How Ming Street, Chong Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment ● Incorporation of refuge floor cum communal sky garden ● Weather protection canopy along the frontage facing How Ming Street and Chong Yip Street ● Greening provision of about 20% of Site Area ● Compliance with SBDG
10.	S/K14S/22 "OU(B)" A/K14/782 BHR: 100mPD	4 Tai Yip Street, Kwun Tong (557.414m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 125.9mPD (+25.9%)	Approved with conditions on 15.5.2020	3.875m (Shop and Services (Medical-related))	<ul style="list-style-type: none"> ● Full-height setback along Tai Yip Street and Yan Yip Street in accordance with ODP requirement for improving pedestrian environment ● Pedestrian Accesses on G/F facing both Tai Yip Street and Yan Yip Street to enhance pedestrian connectivity ● Greening provision of not less than 20% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Incorporation of refuge floor cum communal podium garden ● Compliance with SBDG and incorporation of green building design measures

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11.	S/K14S/22 “OU(B)” A/K14/780 BHR: 100mPD	107-109 Wai Yip Street, Kwun Tong (1,170.578m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 115mPD (+15%)	Approved with conditions on 29.5.2020	4.08m (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 and additional above-ground NBA along the back alley for improving pedestrian environment ● 4.4m-wide public passageway on G/F for better connection between Wai Yip Street and the back alley ● Greening provision of about 27% of Site Area ● Compliance with SBDG and incorporation of green building design measures
12.	S/K14S/22 “OU(B)” A/K14/783 BHR: 100mPD	1 Tai Yip Street, Kuwn Tong (536.98m ²)	Hotel	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 115.4mPD (+15.4%)	Approved with conditions on 20.11.2020	3.15m (Hotel)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along Wai Yip Street, Tai Yip Street and the back alley in accordance with ODP requirement ● Further corner setback on G/F to 3/F at junction of Wai Yip Street and Tai Yip Street ● Incorporation of communal podium garden ● Weather protection canopy along the frontage facing Wai Yip Street ● Greening provision of about 23.3% 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
13.	S/K14S/22 “OU(B)” A/K14/793 BHR: 100mPD	77 Hoi Yuen Road, Kuwn Tong (1858.05m ²)	I	<u>PR</u> 12 to 14.4 (+20%)	Approved with conditions on 4.12.2020	4.965m (I)	<ul style="list-style-type: none"> ● Full-height setback along Hoi Yuen Road in accordance with ODP requirement ● Additional 1m voluntary setback along Hoi Yuen Road ● Incorporation of communal podium garden ● Weather protection canopy along the frontage facing Hoi Yuen Road ● Greening provision of about 28.7% of Site Area ● Compliance with SBDG and incorporation of green building design measures

Notes

[1] Proposed Uses: Industrial (I), Commercial/ Office (C/O), Office (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.
- (III) The applicant failed to demonstrate that the proposed minor relaxation of BH restriction will not create adverse visual impact on the area.
- (IV) The applicant had not provided strong justifications for the proposed minor relaxation of BH restriction.

Other Technical Comments from Government Departments

1. Comments of the Chief Estate Surveyor/Development Control, Lands Department:

Technical assessments such as traffic impact, building design, landscaping, and para. 4.3.2 of the Planning Statement mentioned the greenery ratio “*which (is) well above 20% requirement... under SBD Guidelines*” should be considered by the relevant Government Departments. The Applicant also proposed in the Planning Statement that pockets of setback area for various purposes (para. 4.2.3 to 4.2.5), street level landscaping on Hung To Road (para. 4.2.6), and repaving of the setback areas (para. 4.2.9). The respective management and maintenance responsibilities have to be agreed by the relevant Government Departments, in particular Transport Department and Highways Department.

2. Comments of the Director of Environmental Protection

- (a) The sewerage work shall be implemented to the satisfaction of Drainage Services Department (DSD).
- (b) On the revised Sewerage Impact Assessment, Appendix B: please state in the footnote that 10% allowance has been included for the estimated sewer capacity; Section 3.3.2: in the second sentence, please check and revise the manhole numbers to tally with Appendix B.

3. Comments of the Chief Engineer/Mainland South, DSD

- (a) The SIA shall meet the full satisfaction of Sewerage Infrastructure Group of the Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. DSD’s comments on the report are subject to views and agreement of EPD. The methodology of sewerage flow estimate from the proposed development and existing catchment should be agreed with EPD.
- (b) Referring to RtoC item 2a of **Appendix Ic** – according to section 9 of GESF, quantities of industrial discharges depend on the nature of individual industries. The estimation of sewage discharge solely based on flows due to industrial employees without consideration of the industrial activities may lead to underestimation of sewage flow. As sewage flow may be generated from irrigation for crop and aquaculture production, the Consultant may reference from flow survey data or water consumption records or similar projects to verify the actual flow. Please ensure to obtain the view and agreement from the EPD on your estimated approach.
- (c) Referring to Figure 2.1 and RtoC item 2b of **Appendix Ic** – please verify and confirm that buildings along Hung To Road downstream to the proposed development (e.g. Morlite Building and Century Centre) will not discharge into the sewerage system in the assessment (i.e. FMH4034157 to FMH4042942).

4. Comments of the Chief Town Planner/ Urban Design and Landscape, Planning Department

- (a) For VP1 in the revised Visual Impact Assessment (Annex 3 of **Appendix Ib**), it is unclear if the proposed development will be entirely blocked by the planned development at 98 How Ming Street. The applicant may wish to clearly indicate the proposed/ planned development(s) in the photomontage (e.g. with red-dotted line).
- (b) Please consider indicate the proposed landscape treatments at R/F on the floor plan (Annex I of **Appendix Ia**) for easy reference.

Recommended Advisory Clauses

- (a) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession of the proposed industrial development will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements and GFA 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 Lands Department (LandsD) that if any uses or any development parameters in the proposed development contravene the lease conditions of the lot, the applicant needs to apply to LandsD for a lease modification/waiver. There is however no guarantee that the application, if received by LandsD, will be approved. Upon receipt of 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, other conditions applicable to 2018 Industrial Building revitalisation measure etc. 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 considers appropriate, including but not limited to payment of premium/waiver fee and administrative fee as may be imposed by LandsD. Under the Policy, the lease modification letter shall be executed within 3 years from the date of the Board's approval letter.
- (c) to note comments of the Chief Building Surveyor/Kowloon, Buildings Department that the proposal should in all aspects comply with the Buildings Ordinance (BO) and its allied regulations. Regarding the proposed setback areas to be surrendered, whether bonus plot ratio (PR) and site coverage (SC) could be granted for the surrender under Building (Planning) Regulation 22(2) could only be considered in the building plan (BP) submission stage. Bonus PR and SC for the development will only be allowed if such surrender is considered essential and acceptable to relevant departments. Practice Note for Authorized Persons, Registered Structural Engineer and Registered Geotechnical Engineer (PNAP) No. APP-20 is relevant. Detailed comments under BO will be given at the BP submission stage;
- (d) to note the comments of the Director of Environmental Protection 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 is advised to observe relevant requirements under the Air Pollution Control Ordinance and Waste Disposal Ordinance for asbestos control prior to demolition of the existing building; 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.