

Comparison of Major Parameters with Requirements in Planning Brief (PB)

Item	Planning Brief (a)	Current Proposal (b)	Difference [(b)-(a)]
Site area (about)	0.43ha (subject to detailed survey)	<u>Gross site</u> : 0.46ha (including Government land on area shown as 'Road' area) <u>Net Site</u> : 0.43ha	0
Maximum Plot Ratio	5 ^[1]	5	0
Building Height	80mPD	80mPD	0
Maximum Site Coverage	<ul style="list-style-type: none"> Not exceeding those stipulated in the Building (Planning) Regulations 	<ul style="list-style-type: none"> Below 15m: Not more than 65% Above 15 m: Not more than 33% 	-
Public waterfront promenade (PWP)	<ul style="list-style-type: none"> A PWP of not less than 15m wide as designated on the OZP should be provided. Section of waterfront promenade at the southwestern end of Yan Yue Wai within the 'Road' area outside the "CDA" zone should be included as part of the waterfront promenade in the "CDA(4)" zone. Its design should be included in the MLP submission and the section of promenade will be implemented by the developer. 	<ul style="list-style-type: none"> A 15m wide PWP as designated on the OZP will be provided. Section of waterfront promenade at the southwestern end of Yan Yue Wai within the 'Road' area is included in the MLP and LMP (Drawings A-1 and A-10). The applicant and the future developer of Phase 2 will take up the M&M responsibilities of the PWP at Phase 1 and Phase 2 (incl. the portion within Yan Yue Wai) respectively before surrendering to the Government upon request, and will not transfer to the M&M responsibilities to the future individual flat owners. 	-

^[1] The areas of PWP and setback can be included in PR calculation.

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	<ul style="list-style-type: none"> Should be opened for public enjoyment every day on a 24-hour basis. 	<ul style="list-style-type: none"> To be opened for public enjoyment every day on a 24-hour basis. 	-
	<ul style="list-style-type: none"> PWP should be designed to allow for the provision of a diversity of activities to ensure vibrancy of the waterfront. Moreover, its design should address the constraints posed by the adjoining existing developments including the fish market and concrete batching plants. 	<ul style="list-style-type: none"> PWP will be designed to create a popular destination of social interaction, jogging and harbour-viewing. Seating benches, wooden deck and open lawn will be provided for public enjoyment. A flight of public landing steps is proposed to further enhance the vibrancy of the PWP and facilitate marine activities (Drawings A-10 and 14) 	
	<ul style="list-style-type: none"> Sufficient width of landscaped buffer between the PWP and residential development should be provided. 	<ul style="list-style-type: none"> 1.2m-wide landscaped buffer area between the proposed development and PWP will be provided (Drawings A-6 to A-8 and A-10 to 12). 	
	<ul style="list-style-type: none"> PWP should be clearly alienated from other part of the development and no structure (except those directly related to the promenade) should be located underneath the promenade. 	<ul style="list-style-type: none"> Raised platform of the Proposed Scheme creates a 2m-high level difference above the PWP. No structure (except those directly related to the promenade) will be located underneath the promenade 	

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	<ul style="list-style-type: none"> Design and materials should make reference to the completed sections for a compatible design. 	<ul style="list-style-type: none"> The design and materials of the PWP will make reference to the adjoining PWP for compatibility. 	Design of PWP at the 'Road' section generally provides a transition from geometric pattern adopted in the approved scheme of "CDA(5)" in the east to the curvature design at the approved scheme of "CDA(3)" in the west.
Commercial uses along PWP	<ul style="list-style-type: none"> To enhance the vibrancy at the waterfront area, suitable commercial uses especially shop and services and eating place, should be provided at each "CDA" zone along the public waterfront promenade. 	<ul style="list-style-type: none"> Commercial use at PWP level with a size of about 100m² at Phase 2 with frontage facing Yan Yue Wai and the PWP. 	-
Local open space	<ul style="list-style-type: none"> Local open space of not less than 1m² per person in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). 	<ul style="list-style-type: none"> Not less than 269m² for Phase 1 and 358m² for Phase 2 (i.e. 1m² per person) 	-
Greenery coverage	<ul style="list-style-type: none"> Minimum greenery coverage of 20% based on net site area (excluding PWP). 	<ul style="list-style-type: none"> Not less than 20% for Phase 1 and Phase 2 (both excluding PWP) 	-
Parking and Loading/Unloading (L/UL)	<ul style="list-style-type: none"> Ancillary parking spaces and L/UL facilities should be provided in accordance with the HKPSG and subject to the traffic impact assessment (TIA) to be carried out by the applicant to the satisfaction of C for T. 	Private car: 148 Motorcycle: 3 L/UL: 2 The internal transport provision is in accordance with the high-end requirement of the HKPSG, and agreed by C for T.	-
Setback	<ul style="list-style-type: none"> Setback in full height at Tung Yuen Street (Plan 5 of Appendix IIa) should be provided to allow provision of 3.5m-wide footpath. 	<ul style="list-style-type: none"> Full height setback will be provided along the concerned road section to allow the provision of 3.5m-wide footpath (Drawing A-1). 	-

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Technical assessments to be included in MLP submission	<ul style="list-style-type: none"> • TIA, EA, DIA/SIA, AVA, VIA and LMP. • Suitable mitigation measures to address the I/R interface problems, including the nuisances generated by the CBPs and fish market should be proposed in the EA and implemented. 	<ul style="list-style-type: none"> • TIA, EA, DIA/SIA, AVA, VIA, LMP and Urban Design Proposal were submitted. • No adverse comments on the technical assessments from the relevant Government departments. 	-

Detailed Comments from Government Departments

Detailed Comments of the District Lands Officer/Kowloon East, Lands Department:

- (a) The Site affects YTML Lots 58 and the Extension Thereto, 59 and the Extension Thereto, 60, 61 and 62 (“the subject lots”) and a portion of the public road at Yan Yue Wai which falls within the Green Area of Yau Tong Inland Lot No. 44. The lease conditions of the subject lots contain, inter alia, the following restrictions:

YTML 58 and the Extension Thereto

YTML 58 and the *Extension Thereto* is held under the Conditions of Sale No. 9364 dated 17.6.1968 for a term of 99 years less three days commencing from 1.7.1998 ~~1898~~ and further extended to 30.6.2047, as extended by the Conditions of Extension No. 10875 dated 13.1.1976 and as varied or modified by a Modification Letter dated 21.2.1994. The user of the lot is restricted to Industrial and/or Godown purposes only excluding any offensive trade, while the extension area is restricted to the erection and maintenance of a cantilevered gantry crane. The total gross floor area (GFA) of any building or buildings erected or to be erected on the lot shall not exceed 6,465.85m².

YTML 59 and the Extension Thereto

YTML 59 and the Extension Thereto is held under the Conditions of Sale No. 9407 dated 28.10.1968 for a term of 99 years less three days commencing from 1.7.1898 and further extended to 30.6.2047, as extended by the Conditions of Extension No. 10876 dated 13.1.1976 and as varied or modified by a Modification Letter dated 31.1.1994. The user of the lot is restricted to Industrial and/or Godown purposes only excluding any offensive trade, while the extension area is restricted to the rection and maintenance of a cantilevered gantry crane. The total GFA of any building or buildings erected or to be erected on the lot shall be exceed 6,465.85m².

YTML 60

YTML 60 is held under the Conditions of Sale No. 9466 dated 15.4.1969 for a term of 99 years less three days commencing from 1.7.1898 and further extended to 30.6.2047. The user of the lot is restricted to Industrial and/or Godown purposes only excluding any offensive trade. No part of any structure to be erected on the lot shall exceed a height of 100 feet above the Hong Kong Principal Datum (HKPD).

YTML 61

YTML 61 is held under the Conditions of Sale No. 9523 dated 18.8.1969 for a term of 99 years less three days commencing from 1.7.1898 and further extended to 30.6.2047. The user of the lot is restricted to Industrial and/or Godown purposes only excluding any offensive trade. No part of any structure to be erected on the lot shall exceed a height of 100 above HKPD.

A waiver letter dated 29.12.2008 was granted in respect of YTML 60 and 61 so as to permit the erection of structure having a height not exceeding 36.98m above

HKPD in connection with the use of concrete batching plant for a term of 3 years certain commencing on 13.10.2005 and thereafter quarterly.

YTML 62

YTML 62 is held under the Conditions of Sale No. 9524 dated 18.8.1969 for a term of 99 years less three days commencing from 1.7.1898 and further extended to 30.6.2047. The user of the lot is restricted to Industrial and/or Godown purposes only excluding any offensive trade. No part of any structure to be erected on the lot shall exceed a height of 100 feet above HKPD.

- (b) The applicant proposes to construct the public waterfront promenade (PWP). If the PWP is to be surrendered to the Government in the future, the relevant department, presumably Leisure and Cultural Services Department (LCSD), should be asked to confirm its agreement ***to provide comment on the design submission, the opening hours and*** to take up the permanent management and maintenance responsibilities of the waterfront promenade. Given that the subject proposal is a pure residential development, according to the principle of the “Public Open Space in Private Developments Design and Management Guidelines” promulgated by the Development Bureau, before the waterfront promenade is to be surrendered to the Government, its management and maintenance responsibilities should be borne by the developer at his cost, with an undertaking from his parent company (who should not be a shell company), rather than the future individual flat owners.
- (c) It is noted that the portion of the public road at Yan Yue Wai will have to be permanently closed to make way for the proposed PWP. Necessary gazettal procedures may need to be invoked under the Roads (Works, Use and Compensation) Ordinance (Cap. 370). In this connection, comment and agreement should be sought from Transport Department and Highways Department.
- (d) Similarly, the applicant also proposes a flight of landing steps along the proposed PWP. If the flight of landing steps is to be provided by the applicant, the relevant departments(s) should confirm their agreement to provide comment on the design and the opening hours of the landing steps. Unless the flight of landing steps is to be taken up by a Government department, its management and maintenance responsibilities should be borne by the developer at its cost, with an undertaking from his parent company (which should not be a shell company), rather than the future individual flat owners. Furthermore, necessary gazettal procedures may need to be invoked under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) for the provision of the landing steps.

Comments of the Director of Electrical and Mechanical Services (DEMS):

In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the

“Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. Detailed fire services requirements will be formulated upon receipt of formal submission of BP.
- (b) The applicant should be reminded that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings (FS Code) 2011 which is administered by the BD.

Advisory Clauses

- (a) the approved Master Layout Plan (MLP), together with the set of approval conditions, will be certified by the Chairman of the Town Planning Board (the Board) and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (b) 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/or the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the proposed building design elements and GFA concession are not approved/granted by the BA and the Lands Authority, and major changes to the approved scheme are required, a fresh planning application to the Town Planning Board may be required;
- (c) to note the comments of the District Lands Officer/Kowloon East, LandsD on the need to apply to LandsD for lease modification/land exchange to give effect to the proposal. However, there is no guarantee that the lease modification/land exchange application would be approved. If the application for lease modification/land exchange is approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to such terms and conditions including the payment of premium and fee as considered appropriate by LandsD. Given that the subject proposal is a pure residential development, according to the principle of the “Public Open Space in Private Developments Design and Management Guidelines” (POSPD Guidelines) promulgated by Development Bureau (DEVB), before the waterfront promenade is to be surrendered to the Government, its management and maintenance responsibilities should be borne by the applicant at his cost, with an undertaking from his parent company (who should not be a shell company), rather than the future individual flat owners. The portion of the public road Yan Yue Wai to make way for public waterfront promenade (PWP) may require gazettal under Roads (Works, Use and Compensation) Ordinance (Cap 370). Similarly, unless the flight of landing steps is to be taken up by a Government department, its management and maintenance responsibilities should be borne by the applicant at his cost, with an undertaking from his parent company (who should not be a shell company), rather than the future individual flat owners. The proposed landing steps may require gazettal under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127);

- (d) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that façade area of Phase 1 and Phase 2 of the proposed development are facing west. Solar control devices should be considered to reduce solar heat gain and avoid glare affecting adjacent buildings as far as practicable.
- (e) to note the comments of the Chief Building Surveyor/Kowloon, BD that applications for modification to Buildings Ordinance (BO), if any, shall be submitted at building plan submission stage, with demonstration of compliance with the relevant acceptance criteria, requirements, prerequisites, cap, etc. in the relevant PNAPs for his consideration. Detailed comments will be given at building plan submission stage. If the PWP within lots is to be surrendered to the Government before the application for occupation permit for the proposed development, area of the PWP shall be deducted from the site area calculation and shall not form part of the Site for the proposed development under BO;
- (f) to note the comments of the Chief Engineer/Port Works, Civil Engineering and Development Department that in view of the potential coastal hazards at the shoreline, the applicant should check whether the existing seawall meets the requirements in the latest version of the Port Works Design Manual taking into account the proposed development as to safeguard the public. If negative, the existing seawall should be enhanced by the applicant in accordance with the latest version of the Port Works Design Manual. The landing steps and the affected seawall should meet the requirements in the latest version of the Port Works Design Manual. To enhance the protection of public lives and properties, the applicant should carefully review the potential impact of more extreme weather to the development which is located at or close to the coastline, in particular pier facility, seawalls, promenade, basement, carpark, pump house, electricity room or ancillary facilities, etc. They should be designed or enhanced to protect the development from possible damage or coastal flooding as a result of extreme wave action;
- (g) to note the comments of the Director of Fire Services that fire service installations and water supplies for firefighting should be provided to the satisfaction of his department. The applicant is reminded that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings (FS Code) 2011 which is administered by the BD;
- (h) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the potential impact arising from daily operation of the Kwun Tong Wholesale Fish Market (KTWFM), including visual, traffic and environmental (e.g. air quality, odour and noise) impacts, to the future residents of the proposed development should be duly acknowledged by the applicant. The applicant is advised to incorporate measures in the proposed development to mitigate the impacts concerned. Alternatively, the applicant may propose mitigation measures at the KTWFM with the assistance of the Fish Marketing Organization, subject to prior agreement of DAFC and other relevant authorities together with the provision of the required capital and recurrent costs; and

- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that since part of the proposed 15m wide PWP, the 20m wide building separation and the low-rise kiosks at the proposed commercial area (with maximum 3m-high and building permeability of not less than 70%) are located within Phase 2, the applicant and/or future developer of Phase 2 should pay attention on the implementation of such air ventilation design features in order not to affect the pedestrian wind environment around the application site.