

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/444B

- Applicant** : Tung Chun Company Limited represented by Masterplan Limited
- Site** : Kwai Chung Town Lot (KCTL) No. 432 and Adjoining Government Land, Nos. 1-7 Cheung Wing Road, Kwai Chung
- Site Area** : KCTL No. 432: 12,340m²
Government Land: 2,803m² (about 18.5% of the Site)
Total: 15,143m²
- Land Status** : (i) KCTL No. 432
(a) To expire on 30.6.2047
(b) Restricted to industrial and/or godown purposes excluding offensive trade
- (ii) Government Land
(a) Possession granted to the lot owner of KCTL No. 432 for carrying out formation works
(b) Shall be re-delivered to the Government on demand and in any event shall be deemed to have been re-delivered to the Government on the date of a letter from the Director of Lands indicating that the lease conditions of KCTL No. 432 have been complied with to his satisfaction
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29 (currently in force)
- Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/28 (in force at the time of submission. The zonings and development restrictions for the site remain unchanged on the current OZP)
- Zonings** : (i) Partly within “Comprehensive Development Area” (“CDA”) zone (about 97.36%)
- (a) Subject to a maximum plot ratio (PR) of 6.36 and a maximum building height (BH) of 120mPD, or the PR/BH of the existing building, whichever is the greater; and
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of PR and/or BH restrictions stated on the OZP may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance (TPO)

(ii) Partly within areas shown as 'Road' (about 2.64%)

Application : Proposed Comprehensive Development for 'Flat', 'Eating Place', 'Shop and Services' and 'Office' uses; and Minor Relaxation of Building Height Restriction from 120mPD to 145mPD

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed comprehensive residential/office development with supporting retail uses; and minor relaxation of building height restriction (BHR) at the application site (the Site) (**Plans A-1 and A-2**). The Site mainly falls within an area zoned "CDA" and slightly within areas shown as 'Road' on the draft Kwai Chung OZP No. S/KC/28 in force at the time of submission. The zonings and development restrictions for the application site remain unchanged on the current OZP No. S/KC/29 (**Plans A-2 and A-7**).
- 1.2 According to the Notes of the OZP, planning permission from the Board is required for the proposed 'Flat', 'Eating Place', 'Shop and Services' and 'Office' uses within the "CDA" zone and the areas shown as 'Road'. A Master Layout Plan (MLP) should also be prepared for the approval of the Board and include the required assessment and information. Furthermore, majority of the Site zoned "CDA" is subject to a maximum BH of 120mPD. Hence, planning permission for the proposed minor relaxation of BHR from 120mPD to 145mPD (about 20.8% increase) to facilitate the development is also required.
- 1.3 According to the MLP (**Drawing A-1**), the proposed development comprises four residential towers with a maximum BH of 145mPD, a stepped low-rise office block with a maximum BH not exceeding 74mPD, a podium and a two-level carpark at lower ground and basement level. Four residential towers (i.e. T1 to T4) are proposed; with T4 to the north, T3 and T2 to the east and T1 to the south of the Site. The proposed development scheme is shown in **Drawings A-1 to A-17**. The residential towers will provide about 1,336 flats to accommodate a population of about 4,008 persons. The podium under the residential towers of T1 to T3 mainly accommodates clubhouse, shuttle lifts and retail space. A 12-storey office block with retail space at the lower ground to first floor is also proposed at the south-western portion of the Site (**Drawings A-2 to A-7**). The office block located along Cheung Wing Road will serve as a traffic noise barrier between the road and the residential towers. A central landscape space of about 3,580m² is proposed at the central portion of the development (**Drawing A-14**). The proposed development is anticipated to be completed by 2023.
- 1.4 As required under the New Grant Conditions for KCTL No. 432, a new road (i.e. Road 27E) is proposed at the northern portion of the Site (**Drawings A-1 and A-18**). The proposed new road will be built by the lot owner at his cost and handed over to the Government. Junction improvement measures (**Plan A-8**) and an extra access lane (**Drawing A-19**) along the south-eastern boundary of the Site along Tai Yuen Street are proposed to alleviate the traffic impacts and address the traffic concerns on illegal parking and kerb-side loading/unloading activities in the vicinity.

- 1.5 The proposed MLP, section plans, floor plans and Master Landscape Plan submitted by the applicant are shown at **Drawings A-1 to A-17**. The major development parameters of the proposed comprehensive development are summarized in the following table:

Development Parameters	Development Proposal	
Site Area (about)	15,143m ^{2*}	
Total PR	6.36	
- Domestic PR	4.82	
- Non-domestic PR	1.54	
Total GFA	96,304m ²	
- Domestic GFA	73,056m ²	
- Non-domestic GFA	23,248m ²	
● Office	14,685 m ²	
● Retail including eating place and shop and services	8,563 m ²	
Site Coverage (%)	Over 61m: 27.06%	
No. of Flats	1,336	
Estimated Population	4,008 persons	
Average Flat Size (GFA) (approx.)	55m ²	
No. of Blocks	Domestic: 4 Non-domestic (Office):1	
BH (main roof)		
- Domestic block	About 145mPD	
- Non-domestic (Office) block	Not exceeding 74mPD	
No. of storeys		
- Domestic block	40 storeys	
	T1 to T3	T4
● Residential	34	35
● Basement	2	2
● Podium	3	2
● Refuge floor	1	1
- Non-domestic (Office) block	14 storeys	
Transport Facilities		
- Private Car Parking Spaces	418	
- Motorcycle Parking Spaces	29	
- Taxi/Private Car Lay-Bys	1	
- Loading/Unloading Spaces including:	23	
● Heavy Goods Vehicles	11	
● Light Goods Vehicles	12	
Private Open Space (1m ² per person)	5,000m ²	
Green Coverage	Around 3,494m ^{2^}	

* includes the proposed Public Road 27E to be handed over to the Government and Public Road 27E is included in the "CDA" zone for PR calculation. The discrepancy in application site boundary and the "CDA" zoning boundary can be regarded as minor adjustments as detailed planning proceeds. The PR would be equivalent to about 7.8 if based on the site area of KCTL No. 432 (i.e. 12,340 m²)

^ not less than 20% of the Gross Site Area and a minimum of 10% will be at grade or on levels easily accessible by pedestrians

- 1.6 Three ingress/egress points are proposed for the Site (**Drawings A-1 and A-10**). The proposed run-in/out at the proposed new road (i.e. Road 27E) to the north is for access to the basement carpark/residential development. The run-in/out at Tai Yuen Street to the east is for vehicular circulation on upper ground level for commercial/office development. The run-in/out at Kwok Shui Road to the south is for access to the loading/unloading area and basement carpark.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 13.2.2017 with letters dated 30.12.2016, 18.1.2017, 20.1.2017, 24.1.2017 and 10.2.2017 **(Appendix I)**
 - (b) Planning Statement together with Traffic Impact Assessment (TIA), Environmental Assessment (EA), Landscape Master Plan (LMP), Air Ventilation Assessment (AVA), Visual Impact Assessment (VIA) and Sewerage Impact Assessment (SIA) attached to the Application Form received on 13.2.2017 **(Appendix Ia)**
 - (c) Further information (FI) received on 7.3.2017 with a table of responses to Environmental Protection Department's comments, replacement pages for SIA and background information to clarify the proposed use within the lot [*Accepted but not exempted from publication and recounting requirements.*] **(Appendix Ib)**
 - (d) Letter dated 10.4.2017 requesting deferment of the application **(Appendix Ic)**
 - (e) FI received on 31.5.2017 providing justification on the calculation of the proposed GFA in response to Planning Department's comments **(Appendix Id)**
 - (f) Letter dated 26.6.2017 requesting deferment of the application **(Appendix Ie)**
 - (g) FI received on 31.8.2017 providing responses to comments of the concerned departments, revised technical assessments including TIA, EA, SIA, AVA and VIA, new Urban Design Proposal and revised LMP/Master Layout Plan (MLP)/architectural drawings [*Accepted but not exempted from publication and recounting requirements.*] **(Appendix If)**
 - (h) FI received on 18.10.2017 providing responses to comments of the concerned departments with revised pages for SIA, EA and LMP [*Accepted but not exempted from publication and*

recounting requirements.]

- (i) FI received on 19.10.2017 providing responses to comments of the concerned departments with revised pages for AVA
[Accepted but not exempted from publication and recounting requirements.] **(Appendix Ih)**
- (j) FI received on 25.10.2017 providing supplementary information on AVA for technical clarification and superseding the revised pages for AVA submitted on 19.10.2017
[Accepted and to exempt from publication and recounting requirements.] **(Appendix Ii)**
- (k) FI received on 27.11.2017 providing revised assessment for road junction capacity and revised drawings for junction improvement
[Accepted but not exempted from publication and recounting requirements.] **(Appendix Ij)**
- (l) FI received on 29.12.2017 providing supplementary information/technical clarification to the TIA regarding swept path analysis/link capacity/queue length assessment. It also includes a plan illustrating the preliminary traffic improvement proposal of an extra lane at Tai Yuen Street
[Accepted and to exempt from publication and recounting requirements.] **(Appendix Ik)**
- (m) FI received on 5.1.2018 providing responses to comments of the concerned departments regarding the EA and LMP
[Accepted and to exempt from publication and recounting requirements.] **(Appendix Il)**

1.8 The application was originally scheduled for consideration by the Committee of the Board on 28.4.2017. On 28.4.2017 and 14.7.2017, 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 FI/technical clarifications to address the departmental comments. The applicant subsequently submitted FI on 31.5.2017, 31.8.2017, 18.10.2017, 19.10.2017, 25.10.2017, 27.11.2017, 29.12.2017 and 5.1.2018 (**Appendices Id, If, Ig, Ih, Ii, Ij, Ik and Il**) in response to departmental comments. With the FI received on 27.11.2017 (**Appendix Ij**), 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 detailed in the Planning Statement at **Appendix Ia** and the clarifications/supplementary information at **Appendices Ib, Id, If, Ig, Ih, Ii, Ij, Ik** and **II**. They are summarized as follows:

- (a) The application is consistent with the Chief Executive's recent Policy Addresses of identifying land for development, optimizing potential of developable land and increasing both residential flat production and quality office space. Approval of the application will help realize the provision of more than 1,300 flats in a relatively short time frame.
- (b) The Site boundary respects the zoning boundary and land ownership boundary. By including the whole "CDA" zone as site area for redevelopment will better utilize the valuable land in urban area.
- (c) The slightly higher BH will allow the proposed development to create a large central landscape space which will become a focal point of the neighbourhood. The development is designed with high permeability for better ventilation and good connectivity to help improve the pedestrian network.
- (d) The relaxed BH under application is still much less than that of the previously approved applications with a BH of 169mPD.
- (e) The owner is committed to redeveloping the Site to cope with the changing needs of the society and economy. However, various downzoning has hindered the redevelopment of the Site.
- (f) The applicant has proposed junction improvement measures and extra access lane along Tai Yuen Street to alleviate the traffic impacts and address the traffic concerns on illegal parking and kerb-side loading/unloading activities in the vicinity. Redevelopment of the Site will not bring adverse traffic impact to the road network but will facilitate implementation and completion of Road 27E linking Tai Yuen Street and Cheung Wing Road.
- (g) It has been demonstrated in the submission that the proposed development scheme is technically feasible in terms of environment, traffic, visual and air ventilation perspectives. The development will provide a new road and bring about significant benefits to the neighbourhood.
- (h) In the light of the judicial review and the willingness of the applicant to explore a reasonable settlement with the Board, the approval of the application would be a significant positive step.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

- 3.1 The applicant is the sole "current land owner" of KCTL No. 432. Detailed information would be deposited at the meeting for Members' inspection.

- 3.2 The “Owner’s Consent/ Notification” requirements as set out in the Town Planning Board Guidelines on satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) are not applicable to the Government land portion of the Site.

4. Town Planning Board Guidelines

- 4.1 According to the Board’s Guidelines for Designation of “CDA” zones and Monitoring the Progress of “CDA” developments (TPB PG-No.17A), the key objective of designating “CDAs” is to facilitate comprehensive development/redevelopment for urban restructuring and to phase out incompatible development and non-conforming uses.
- 4.2 The Board’s Guidelines (TPB PG-No. 18A) for “Submission of Master Layout Plan (MLP) under Section 4A(2) of the Town Planning Ordinance” are applicable to the application. The main points are summarized as follows:
- (a) all applications for permission in area zoned as “CDA” should be in the form of MLP and supported by other relevant information;
 - (b) the format and details of the MLP submission are set out in the guidelines. For minor amendments to approved MLPs, submission of detailed assessments is generally not required, unless it is considered necessary by relevant Government departments; and
 - (c) any subsequently revised MLPs to incorporate the relevant approval conditions imposed by the Board or any proposed amendments to the scheme approved by the Board should also be deposited as soon as practicable. Upon completion of the development, the final version of an approved MLP should be deposited in the Land Registry for public inspection.

5. Background

- 5.1 The subject site was zoned “Industrial” (“I”) subject to a maximum PR of 9.5 on the draft Kwai Chung OZP No. S/KC/7 gazetted on 19.10.1990. During the exhibition period, the lot owner lodged an objection to the maximum PR of 9.5 imposed on the Site on the ground that the land exchange of the Site with a PR of 15 for industrial use had been agreed between the lot owner and the Government, which was also executed on 27.10.1990.
- 5.2 During the hearing of the objection, the lot owner proposed to redevelop the Site to a factory/godown building, and to extend Tai Yuen Street across the northern boundary of the Site (the proposed Road 27E) at his own cost in order to improve the traffic condition of the area. After considering the objection, the Board decided on 14.2.1992 to amend the “I” zoning of the Site to meet the objection, having regard to the planning gains and the special circumstances of the Site. On 14.5.1992, the Board agreed to rezone the Site from “I” and the area of the proposed Road 27E

(shown as 'Road') to "CDA" without PR/GFA/BH restrictions with a view to maintaining the control over the future development from traffic and environmental perspectives. The proposed "CDA" zone has included the proposed Road 27E which shall be re-delivered to the Government as required by the lease. The zoning amendment was notified in the gazette on 3.7.1992 and no objection to such amendments was received.

- 5.3 Subsequently, Application No. A/KC/127 for a factory/godown development (PR of 15 and BH of 169.75mPD) was approved with conditions by the Committee on 4.6.1993. Yet, the approved application was not implemented and the planning permission was lapsed on 4.6.1995. Subsequently, another Application No. A/KC/197 for the same use/development parameters was approved with conditions on 26.1.1996. The planning approval was also lapsed on 26.7.1998.
- 5.4 On 17.3.2000, a planning Application No. A/KC/241 submitted by the lot owner for the development of a 16-storey hotel block (95.5mPD) and a 38-storey service apartment block (169mPD) with commercial/retail and car parking facilities was approved with conditions by the Committee. Based on the site area of KCTL No. 432 (i.e. 12,340 m²), the PR of development is 6.36 with 78,516 m² GFA. The approved MLP was deposited in the Land Registry on 27.4.2000. In order to reflect the development intensity of the approved application for hotel/service apartment application, a PR of 6.36 for the whole "CDA" zone (site area of 1.51 ha) was incorporated in the Notes of the Kwai Chung OZP No. S/KC/20 which was gazetted on 26.9.2003. No objection was received against the proposed OZP amendments. Despite that Application No. A/KC/241 is deemed to have commenced given that a set of building plans was approved on 20.2.2003 for the application, the approved scheme has not been implemented.
- 5.5 On 20.4.2012, after the BH review conducted for the Kwai Chung area, the draft Kwai Chung OZP No. S/KC/26 incorporating a BHR of 120mPD for the Site was gazetted. A representation was made by the lot owner to the Board requesting to either remove the BHR or to increase the BH to 169mPD at the Site. After hearing the representation on 12.10.2012, the Board decided not to uphold the representation. Subsequently, the lot owner filed a judicial review (JR) on 11.1.2013 against the Board's decision. On 13.2.2017, the lot owner submitted the subject planning application for a comprehensive residential and commercial development with minor relaxation of BH to 145mPD with a view to exploring the possible settlement of the JR case should the application be approved. The lot owner agreed to stay the JR proceedings upon the approval of the application or until 30.6.2017, whichever is earlier. Upon the expiry on 30.6.2017, the lot owner has not yet obtained planning approval from the Board for the proposed scheme. The JR proceedings are then restored and the hearing is fixed for 6.3.2018 to 8.3.2018.

6. Previous Applications (Plan A-1)

- 6.1 The Site was the subject of 5 previous applications (Nos. A/KC/97, A/KC/127, A/KC/197, A/KC/241 and A/KC/298) (**Appendix II**). Application No. A/KC/97

for proposed industrial development to a PR of 15 under “I” zoning was rejected by the Committee on 10.5.1991 on the grounds that the relaxation sought was not minor against the restrictions under the “I” zoning of the OZP.

- 6.2 Application Nos. A/KC/127 and A/KC/197 for an industrial building under the “CDA” zoning with a PR of 15 were approved with conditions by the Committee on 4.6.1993 and 26.1.1996 respectively. They were both approved on the grounds that the proposed development was in line with the planning intention of the “CDA” zone and that it has satisfied relevant technical requirements. However, the approved schemes of both applications have not been implemented and the planning permissions were lapsed on 4.6.1995 and 26.7.1998 respectively.
- 6.3 Application No. A/KC/241 for a hotel and service apartment with commercial/retail facilities (with a total PR of 6.36) was first considered by the Committee on 28.5.1999. The Committee decided to defer a decision on the application pending the submission of FI concerning the traffic impact of the proposed development. The applicant subsequently submitted FI to address the traffic issues by undertaking to construct Road 27E at his cost and widening the footpaths surrounding the Site. After further consideration, the application was approved with conditions on 17.3.2000 on the grounds that the proposed development had a much lower development intensity than the previously approved industrial development; and that the relevant technical requirements were satisfied. To address the traffic concern in particular, an approval condition requiring ‘the design and provision of Road 27E as well as widening of the footpath around the Site as proposed by the applicant at his cost to the satisfaction of the Commissioner for Transport or of the Town Planning Board’ was stipulated. Application No. A/KC/298 proposed for minor amendments to the approved development scheme for Application No. A/KC/241 regarding the location of refuge floor and was approved with conditions by the Committee on 19.1.2005.
- 6.4 Details of the applications are at **Appendix II**.

7. **Similar Applications (Plan A-1)**

- 7.1 There are 14 similar applications for the comprehensive residential and commercial development (including proposed amendments to the approved scheme) within the three “CDA” zones in Kwai Chung.
- 7.2 An application (No. A/KC/117) for the proposed residential development within the “CDA” zone near Kau Wa Keng Area was rejected by the Committee on 20.11.1992.
- 7.3 There are five applications for the proposed commercial and residential development (including proposed amendments to the approved scheme) within the “CDA” zone near Lai King Hill Road and Ching Cheung Road. Three of them (Nos. A/KC/205, A/KC/217 and A/KC/242) were approved with conditions by the Committee on 28.6.1996, 14.3.1997 and 5.2.1999 respectively. Two of them (Nos.

A/KC/99 and A/KC/239) were rejected by the Committee respectively on 7.6.1991 and 30.10.1998.

- 7.4 There are eight applications for the proposed comprehensive commercial/residential development within the “CDA” zone at 29-51 Wo Yi Hop Road. Six of them (Nos. A/KC/151, A/KC/195, A/KC/216, A/KC/233, A/KC/258 and A/KC/270) were approved with conditions by the Committee respectively between 4.2.1994 and 26.7.2002. Two of them (Nos. A/KC/135 and A/KC/198) were rejected by the Committee on 20.9.1993 and 12.4.1996 respectively.
- 7.5 The details of the rejection reasons and approval conditions of the applications are at **Appendix III**.

8. The Site and its Surrounding Areas (Plans A-1 to A-2 and photos on Plans A-3 to A-6)

8.1 The Site is:

- (a) currently occupied by low-rise Tung Chun food manufacturing factory which is still in operation;
- (b) bounded by Cheung Wing Road to its west, Kwok Shui Road to its south, and Tai Yuen Street to its east; and
- (c) located in the fringe of an industrial area which is under transformation to general business use.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is Tung Chun Industrial Building; further northeast is Shek Yam Lei Muk Road Park and residential clusters including Shek Yam Estate and Ning Fung Court;
- (b) to its immediate east is Shui Wing Industrial Building and Milo’s Industrial Building; further east and southeast is a cluster of industrial/commercial development;
- (c) to its south is a large piece of open space with the Salvation Army located on the knoll;
- (d) to its west is an industrial building named Sun Fung Centre; further west is a new residential development, namely the Rise; and
- (e) the area is accessible by public transport.

9. Planning Intention

- 9.1 This zone is intended for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over

the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

- 9.2 According to the Explanatory Statement (ES) of the OZP, the planning intention of the subject “CDA” site is to ensure that redevelopment of the existing low-rise industrial buildings would take place with due consideration of traffic and environmental matters.
- 9.3 Since the area is not adequately served by the existing road network and the subject “CDA” site is located near a major transport interchange - the Cheung Wing Road gyratory, it is specified in the ES that suitable additional road access should be provided from Tai Yuen Street to Cheung Wing Road before development on the subject “CDA” site proceeds.
- 9.4 Development on the Site must also contain appropriate environmental mitigation measures to ensure that the nearby sensitive land-uses will not be affected by any adverse environment impacts. To promote better planning and building design to improve air ventilation at the Site, an AVA should be conducted upon development/redevelopment of the Site.
- 9.5 The ES of the OZP states that each application for minor relaxation of BHR 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 plot ratio granted under the Buildings Ordinance 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; and
 - (e) other factors, such as site constraints, 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.

10. Comments from Relevant Government Departments

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

Lands Administration

10.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW & KT, LandsD):

- (a) the Site is partly within KCTL No. 432 (the Lot) and partly within the Green Area of the Lot. The said Green Area is Government land in which its possession was given to the Grantee of the Lot for the purpose of carrying out the formation works of the Green Area. The said Green Area is not owned by the applicant;
- (b) the Lot is governed by New Grant No. 6787 (the New Grant) and is restricted to industrial and/or godown purposes excluding offensive trade. There is no restriction on GFA and/or PR under the New Grant;
- (c) if the application is approved by the Board, the lot owner is required to apply to LandsD for a lease modification or land exchange for the proposed development. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions including, inter alia, payment of premium and administrative fee as may be approved by the Government. There is no guarantee that the Government will approve the application; and
- (d) it is the understanding that the redevelopment on the Government land is only confined to the proposed road works.

Traffic

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

- (a) there is no adverse comment to the TIA and the long term traffic forecast for the EA.
- (b) there is no objection in principle to the proposed new Road 27E, the 3.5m additional lane at Tai Yuen Street connecting Kwok Shui Road and Road 27E, the 2.75m-wide western footpath of Tai Yuen Street, widening of footpath along Cheung Wing Road and Kwok Shui Road as well as proposed junction improvement work, which are proposed by the applicant to address C for T's concern. The design of the above roads, traffic aids should comply with Transport Planning and Design Manual (TPDM) and Highways Standard and should be submitted to TD & Highways Department, among the others for comment. The proposed carriageway lane of Tai Yuen Street, new Road 27E and proposed footpath widening at Cheung Wing Road, Tai Yuen Street and Kwok Shui Road shall be

carried out at the applicant's own costs and handed over to government for management and maintenance; and

- (c) all proposed junction improvement measures, after implemented, should provide Reserve Capacity (RC)/Design Flow to Capacity Ratio (DFC) of not less than 15%. All proposed junction improvement measures shall be undertaken by the applicant as his own cost.

10.1.3 Comments of the Chief Highway Engineer/ New Territories, Highways Department (CHE/NTW, HyD):

- (a) he has no comment on the application from highway maintenance point of view; and
- (b) the traffic improvement works as identified and proposed in the TIA shall be designed and constructed as part of the project.

Environmental Aspect

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) he has no adverse comment to the application on the noise, air quality and sewerage aspects. From environmental perspective, there is no insurmountable problem for the proposed development; and
- (b) the applicant is reminded to follow up on written consent from Tung Chun Industrial Building of implementing at-source fixed-noise mitigation measures.

Building Matters

10.1.5 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) areas outside the private lot boundary should not be included in site area for the purpose of site coverage and PR calculations under the Building Ordinance (BO);
- (b) any GFA concessions for the proposed carpark and loading/unloading areas is subject to requirements under PNAP APP-2, including the provisions of electric vehicle charging-enabling facilities;
- (c) the sustainable building design requirements (building separation, building set back and site coverage of greenery) in PNAP APP-151 and PNAP APP-152 would be applicable to the building plan

submission if GFA concessions for non-mandatory areas/greenery features are to be applied;

- (d) adequate prescribed windows for office, kitchen and habitation uses should be provided to comply with Building (Planning) Regulations 30 and 31. Acceptable criteria concerning the use of acoustic windows should refer to PNAP APP-130; and
- (e) detailed comments under the BO will be provided at building plan submission stage.

Visual, Landscape and Air Ventilation Aspects

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

Urban Design and Visual

- (a) according to the applicant, one major design merit in relaxing the BHR is the creation of a central landscape space of not less than 3,000m² accessible to the public which can only be achieved by the proposed increase in BHR to 145mPD. It is considered that the provision of the publicly accessible open space as part of the development will help promote visual openness with improved visual relation to the neighbouring streets and can be considered a merit;
- (b) as compared to the notional OZP-compliant scheme (i.e. 120mPD), significant visual impact due to the proposed scheme with an increase of BH to 145mPD is not anticipated. As illustrated in the relevant photomontages, visual impacts of the two schemes are largely similar;

Air Ventilation

- (c) the overall ventilation performances of the OZP-compliant scheme and the proposed scheme are comparable under both annual and summer wind conditions;
- (d) the stimulation data and results are considered acceptable;

Landscaping

- (e) the applicant should consider to increase the portion of greenery to cater for more tree and amenity planting to enrich the landscape setting for the central landscape plaza ; and
- (f) other detailed comments are at **Appendix IV**.

Water Supplies

10.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application;
- (b) existing water mains (**Plan A-2**) will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development;
- (c) in case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5 metres measuring from the centreline of the affected water mains shall be provided to WSD. No structure shall be erected over the waterworks reserve and such area shall not be used for storage purpose;
- (d) the Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize; and
- (e) the Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Fire Safety

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

- (a) he has no objection in principle 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 general building plans; and
- (b) as no details of the emergency vehicular access (EVA) have been provided, comment could not be offered at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD.

District Officer's Comments

10.1.10 Comments of the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD):

- (a) he has no comment on the application from the community point of view; and
- (b) he has posted the application and its FIs on the notice boards at his office and the Shek Lei Community Hall respectively from 3.2.2017 to 24.2.2017, 17.3.2017 to 7.4.2017, 2.9.2017 to 3.10.2017, 27.10.2017 to 17.11.2017 and 8.12.2017 to 29.12.2017 and has not received any comment on the application.

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

- (a) Project Manager (New Territories West), Civil Engineering and Development Department (PM (NTW), CEDD);
- (b) Commissioner of Police (C of P);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD); and
- (e) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD).

11. Public Comments Received During Statutory Publication Period

11.1 On 17.2.2017, the application was published for public comment. The five FIs subsequently submitted by the applicant were also published for public comment on 17.3.2017, 12.9.2017, 27.10.2017 and 8.12.2017. During the statutory public comment periods, a total of 942 comments (945 public comments with 3 submitted by two same individuals) were received. Among them, 928 supported the application, 8 objected to the application and 6 mainly made comments on the application.

11.2 Among the 928 supporting comments, 4 were submitted by local organisations, namely the Community Development Alliance (社區發展聯盟), Shek Lei Chiu Kiu Yulan Shing Wui, Shek Lei Fuk Tak Benevolent Society Limited and Kwai Chung Residents Association (**Appendices Va to Vd**), 6 was submitted by the Owners' Corporation of Milo Industrial Building, the Associate of the Residents of Kwong Fai Circuit (Kwai Hing), the Incorporated Owners of Cheong Wang and Cheong Wai Mansion, the Incorporated Owners of Man Shing Building Kwong Fai Circuit, the Incorporated Owners of Tak Cheong Building and the Incorporated Owners of Kwai King Building (**Appendices Ve to Vj**) and 918 were submitted by the general public. In total, 56 of them supported the application without specifying the ground while other supporting comments (ten samples at **Appendices Vk to Vt** for reference) are summarised as follows:

Land Use Perspective

- (a) The proposed redevelopment will help maximise the utilization of development site and increase the supply of housing, commercial and retail floor space to alleviate the problems of housing shortage and insufficient land supply in urban areas.
- (b) The proposed development with the minor relaxation of BHR is compatible with the surrounding environment.

Traffic Perspective

- (c) The proposed new road will improve the traffic conditions in the area. The proposed pedestrian passage and road widening will provide a better pedestrian network.

Recreational Facilities and Open Space

- (d) There is a lack of recreational facilities and open space in the development area. The proposed development will introduce more open space catering for the cultural, social and recreational needs of the general public. Furthermore, the provision of additional recreational facilities will benefit the community as a whole.
- (e) The proposed development will improve the urban environment through the provision of new buildings, green space and various types of facilities.
- (f) The proposed redevelopment will provide a large greenery and open space. It can be used for holding cultural activities/performances/small stall businesses that help increase the vibrancy of Kwai Chung and encourage cultural development. It can also provide a resting/breathing place for the elderly and for enjoyment of tranquility in the area.

Urban Design

- (g) New buildings with modern design and landscaped space will generate desirable visual effects, and help the place become an iconic feature in the area. The stepping-height building design along Cheung Wing Road will provide visual relief and reduce the visual impact; and the landscaped open space will help beautify and improve the amenity of the area.

Economic Development

- (h) The proposed commercial and residential uses will bring about economic development by increasing the job and business opportunities and providing more shop and services to attract customers including the locals and the tourists.

Revitalization and Vibrancy

- (i) The proposed development will revitalise the old industrial area to become a modern new area, which will attract people to the development, and bring vibrancy to Kwai Chung area.
- (j) The development has proposed a comprehensive and innovative design which can cater for the residential and commercial needs of the community.
- (k) There are a number of old industrial buildings/factories in Kwai Chung area that are not compatible with the current city development. Nowadays factories are rarely located in urban areas and most of them are located in industrial sites away from the city centre. The redevelopment can help establish Kwai Chung as a commercial and residential cluster and eradicate the past image of being an old industrial area.

Others

- (l) The proposed development will benefit the public through the provision of covered pedestrian roads, safer buildings, new shopping places, rain-sheltered areas and community facilities.
 - (m) The proposal is diverse in nature and in line with the principles of sustainable development for catering for different needs/demands of the community from economic, social and environmental perspectives.
 - (n) The feasibility and acceptability of the development proposal has been demonstrated and confirmed by various technical assessments.
- 11.3 Eight comments (1 submitted by a member of Kwai Chung North East Area Committee (**Appendix VIa**) and 7 (**Appendices VIb to VIh**) submitted by the general public) raised objections to the application mainly on the grounds that the proposed development would have adverse impacts on air ventilation and create heat island effect with proposed increase of BH. It would bring about adverse traffic impacts and congestion to the area; and there are insufficient transport and community facilities to cater for the increase of population. The quality and quantity of proposed open space are not satisfactory.
- 11.4 Six comments including that submitted by the Owners' Corporation of Shui Wing Industrial Building, Kwai Tsing District Council (K&TDC) members and two individual members of the general public (**Appendices VIIa to VIId**) are mainly concerned about the traffic impacts brought about by the proposed development, which would result in traffic congestion and affect the nearby shops, industrial buildings and residents. One comment (**Appendix VIIe**) suggests to lower the proposed BH and establish a museum to preserve history of Tung Chun Factory within the proposed development.

- 11.5 A full set of all the public comments received are deposited at the Secretariat of the Board for Members' inspection and reference.

12. Planning Considerations and Assessments

Planning Intention

- 12.1 The Site falls within an area zoned "CDA" on the OZP which is intended for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The proposed comprehensive residential and commercial development with the provision of open space and public road is generally in line with the planning intention of the "CDA" zone.
- 12.2 As set out in paras. 5.1 and 5.2 above, after considering the applicant's objection to the PR of 9.5 imposed on the Site on the draft OZP No. S/KC/7 and the proposal for an industrial development with a PR of 15, the Board in 1992 agreed to rezone KCTL No. 432 and the proposed Road 27E from "I" and the areas shown as 'Road' respectively to "CDA" without the imposition of PR/GFA/BH restrictions on the OZP. It was considered that the "CDA" zoning could exercise control on the redevelopment of the Site through the submission of MLP, and provide a mechanism to ensure that the planning gain relating to the proposed Road 27E can be achieved.
- 12.3 Subsequently, a planning Application No. A/KC/241 for a hotel-cum-service apartment development with a PR of 6.36 (based on KCTL No. 432) and BH of 169mPD was approved by the Committee on 17.3.2000. To reflect the development intensity of the approved application, the approved PR of 6.36 for the Site was incorporated in the draft Kwai Chung OZP No. S/KC/20 in 2003 without the imposition of GFA/BH restrictions. In 2012, the BHR of maximum 120mPD has been imposed on the Site after BH review.

Land Use Compatibility

- 12.4 The Site is located adjacent to areas zoned "Other Specified Uses" annotated "Business" ("OU(B)") to the north and the east; an area zoned "Open Space" to the south and these are residential clusters in the vicinity (Ning Fung Court and Shek Yam Estate) (**Plan A-1**). The proposed commercial and residential development is considered compatible with the surrounding developments and would help phase out the industrial use and facilitate the gradual transformation of the area for residential/commercial development.

Development Intensity

- 12.5 The Site was rezoned from "I" to "CDA" taking into account the background/history of development/special circumstances of the Site itself, as well as the planning intention for comprehensive development and exercising control over the

development to address the traffic and environmental issues. The proposed PR of 6.36 (with GFA based on the area of the whole “CDA” zone) of the subject application for residential/commercial development is within the permissible PR restriction for the “CDA” zone under the OZP.

Urban Design and Landscape

- 12.6 The proposed relaxation of BHR from 120mPD to 145mPD for the development in North East Kwai Chung Area by 25m in general is considered visually compatible with the developments in the surrounding areas including industrial buildings, new commercial development and other residential developments in the area which are subject to BHR from 105/130mPD (the “OU(B)” zones to the southwest and east respectively) to 170mPD (the “R(A)” zone covering Shek Yam Estate and Ning Fung Court to the northeast of the Site) (**Plan A-1**). In the submitted VIA (**Appendix If**), the proposed development scheme with a maximum BH up to 145mPD is comparable to the notional OZP-compliant scheme with a maximum BHR of 120mPD. As illustrated in the relevant photomontages, visual impacts of the two schemes are largely similar. In this regard, CTP/UD&L, PlanD comments that significant visual impact is not anticipated.
- 12.7 An OZP-compliant indicative scheme with a BH of 120mPD may result in building blocks creating a relatively monotonous and continuous façade (**Drawings A-28 and A-29**). By relaxing the BHR to 145mPD, it would provide design flexibility and development opportunity to reduce the number of building blocks from 7 (6 residential + 1 office block) to 5 (4 residential + 1 office block) (**Drawings A-30 and A-31**). This can allow smaller building footprints and free up the ground floor space to create a more visually and permeable development. The provision of the central landscape plaza accessible to the public will enhance visual openness with improved visual relation/connection to the surroundings and neighbouring streets (**Drawing A-15a**). CTP/UD&L, PlanD also comments that the provision of this central landscape area as part of the development will help provide visual openness with improved visual relation to the neighboring streets and is considered a merit. The proposed scheme can also allow the development of an office block with a stepping height descending from about 74mPD to about 32mPD with a more interesting BH profile with landscaped roofs at various levels.

Air Ventilation

- 12.8 On air ventilation aspect, an AVA using Computational Fluid Dynamics has been carried out to support the application. An indicative OZP-compliant scheme (with a PR of 6.36 and BH of 120mPD) and the Proposed Scheme (with a PR of 6.36 and BH of 145mPD) have been evaluated in both qualitative and quantitative ways. CTP/UD&L, PlanD comments that the overall ventilation performance of the proposed scheme and the OZP-compliant scheme are comparable, and has no adverse comment on the application from air ventilation perspective.
- 12.9 In view of the above as mentioned in paras. 12.6 to 12.8, the proposed scheme in general satisfies the relevant criteria for consideration of minor relaxation of BH as stated in paragraph 9.5 above.

Traffic Aspects

12.10 To address the traffic concerns, the applicant has proposed road junction improvement work (**Plan A-8**) and various traffic measures including the proposed new Road 27E, and road/footpath widening of Tai Yuen Street, Kwok Shui Road and Cheung Wing Road. C for T has no objection to the application and approval conditions on the design and provision/implementation of these proposed traffic improvement measures at the applicant's costs to the satisfaction of the C for T are recommended. HyD has no comment on the application given that the traffic improvement work as identified and proposed in the TIA will be designed and constructed as part of the project.

Technical Aspects

12.11 While the Kwai Chung North East Area is being gradually transformed to general business uses, there are still a number of industrial buildings, e.g. Tung Chun Industrial Building, Shui Wing Industrial Building and Chung Kiu Godown Building in the vicinity of the Site. To address the possible interface issues between the proposed residential development and these industrial uses, the applicant has proposed noise mitigation measures at source (including the replacement of the existing noise-generating machines by a newer model and applying noise insulation measures to reduce the noise impact) at Tung Chun Industrial Building which is also managed by the applicant. The applicant has also carried out EA (including Noise Impact Assessment (NIA)) and SIA) to demonstrate that the proposed development is acceptable on environmental ground. Relevant Government departments including WSD, DSD and EPD have no adverse comment on/no objection to the application from environmental and infrastructural aspects. DEP considers that there is no insurmountable problem for the proposed development subject to imposition of approval conditions concerning the submission and implementation of the proposed noise mitigation measures to the satisfaction of the DEP.

Public Comments

12.12 Regarding the public comments on air ventilation, traffic and open space aspects, the relevant technical assessments have demonstrated that the proposal would have no significant impacts on these aspects. The planning considerations and assessments above and departmental comments in paragraph 10 are also relevant.

13. **Planning Department's Views**

13.1 Based on the assessment made in paragraph 12 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 26.1.2022, 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. Should the Committee decide to approve the MLP and the application under sections 4A and 16 of the Town

Planning Ordinance, the following conditions of approval are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan to take into account the approval conditions as stated in paragraphs (b) to (h) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the proposed development (in terms of mPD) should not exceed the height of the buildings as proposed by the applicant;
- (c) the submission and implementation of revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the design and provision of vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of Road 27E, road widening of Tai Yuen Street, widening of the footpath around the Site (including Cheung Wing Road, Kwok Shui Road and Tai Yuen Street) as proposed by the applicant at his cost to the satisfaction of the Commissioner for Transport or of the Town Planning Board and shall be handed over to government for management and maintenance;
- (f) the design and implementation of the road and road junction improvement work as proposed by the applicant at his cost to the satisfaction of the Commissioner for Transport or of the Town Planning Board and shall be handed over to government for management and maintenance;
- (g) the submission and implementation of the noise mitigation measures identified in the Environmental Assessment (EA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (h) the design and provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The suggested advisory clauses are attached at **Appendix VIII**.

- 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 planning and design merits to justify 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 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 13.2.2017 with letters dated 30.12.2016, 18.1.2017, 20.1.2017, 24.1.2017 and 10.2.2017
Appendix Ia	Planning Statement together with Traffic Impact Assessment (TIA), Environmental Assessment (EA), Landscape Master Plan (LMP), Air Ventilation Assessment (AVA), Visual Impact Assessment (VIA) and Sewerage Impact Assessment (SIA) attached to the Application Form received on 13.2.2017
Appendix Ib	Further information (FI) received on 7.3.2017 with a table of responses to Environmental Protection Department's comments, replacement pages for SIA and background information to clarify the proposed use in the lot
Appendix Ic	Letter dated 10.4.2017 requesting deferment of the application
Appendix Id	FI received on 31.5.2017 providing justification on the calculation of the proposed Gross Floor Area (GFA) in response to Planning Department's comments
Appendix Ie	Letter dated 26.6.2017 requesting deferment of the application
Appendix If	FI received on 31.8.2017 providing responses to comments of the concerned departments, revised technical assessments including TIA, EA, SIA, AVA and VIA, a new Urban Design Proposal, as well as a revised LMP, a revised Master Layout Plan (MLP) and revised architectural drawings
Appendix Ig	FI received on 18.10.2017 providing responses to comments of the concerned departments with revised pages for SIA, EA and LMP
Appendix Ih	FI received on 19.10.2017 providing responses to comments of the concerned departments with revised pages

for AVA

Appendix Ii	FI received on 25.10.2017 providing supplementary information on AVA for technical clarification and superseding the revised pages for AVA submitted on 19.10.2017
Appendix Ij	FI received on 27.11.2017 providing revised assessment for road junction capacity and revised drawings for junction improvement
Appendix Ik	FI received on 29.12.2017 providing supplementary information/technical clarification to the TIA regarding swept path analysis/link capacity/queue length assessment. It also includes a plan illustrating the preliminary traffic improvement proposal of an extra lane at Tai Yuen Street
Appendix II	FI received on 5.1.2018 providing responses to comments of the concerned departments regarding the EA and LMP
Appendix II	Similar Applications for Proposed Comprehensive Residential and Commercial Development within “CDA” Zone
Appendix III	Previous Applications
Appendix IV	Detailed Comments of Concerned Departments
Appendices Va to Vj	Ten supporting comments received from local organisations and owners’ corporation
Appendices Vk to Vt	Ten supporting public comments received from the general public
Appendices VIa to VIh	Eight objecting public comments
Appendices VIIa to VIIe	Five comments on the application
Appendix VIII	Suggested Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-7	Section Plans
Drawings A-8 to A-13	Floor Plans
Drawings A-14 to A-15c	Landscape Master Plans
Drawings A-16 to A-17	Open Space Areas
Drawing A-18	Lot Plan of Kwai Chung Town Lot No. 432
Drawing A-19	Preliminary Proposed Improvement Measure along Tai Yuen Street
Drawings A-20 to A-27	Photomontages
Drawing A-28	Massing Study (Base Scheme)
Drawing A-29	The 3D Model of the Base Scheme

Drawing A-30	Massing Study (Proposed Scheme)
Drawing A-31	The 3D Model of the Proposed Scheme
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-6	Site Photos
Plan A-7	CDA and Site Boundary
Plan A-8	Proposed Road Junctions Improvement Measures

**PLANNING DEPARTMENT
JANUARY 2018**