

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K3/585

<u>Applicants</u>	Asia Turbo Development Limited and Ray Bright Enterprises Limited represented by Kenneth To & Associates Limited
<u>Site</u>	25-29 Kok Cheung Street, Tai Kok Tsui, Kowloon
<u>Site Area</u>	2,504m ² (about)
<u>Lease</u>	Kowloon Marine Lots (KMLs) No. 28 s.K RP and 28 s.M ss.2 RP (a) 999 years from 5.8.1871 (b) virtually unrestricted except the rate and range clause and standard offensive trade clause
<u>Plan</u>	Approved Mong Kok Outline Zoning Plan (OZP) No. S/K3/32
<u>Zoning</u>	(a) “Residential (Group E)” (“R(E)”) (about 76%) [Subject to a maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic, and a maximum building height (BH) of 100mPD. The PR for the domestic part of any building shall not exceed 7.5. A 13m-wide non-building area (NBA) aligned with Li Tak Street shall be provided.] (b) Area shown as ‘Road’ (about 24%)
<u>Application</u>	Proposed Flat, Shop and Services

1. The Proposal

- 1.1 The applicants seek planning permission for a proposed residential development with shop and services use on the lower floors with a total PR of 9.0 (including a domestic PR of 7.5) and a BH of 100mPD at 25-29 Kok Cheung Street, Tai Kok Tsui, Kowloon (the Site) (**Plan A-1**). The Site mainly falls within an area zoned “R(E)” (about 76%) with the western and southern portions falling within an area shown as ‘Road’ (about 24%) on the approved Mong Kok OZP No. S/K3/32 (**Plans A-1** and **A-2**). According to the Notes of the OZP, the development proposal including ‘flat’

and ‘shop and services’ uses within the “R(E)” zone under Schedule I^[1] of the Notes and in area shown as ‘Road’ requires planning permission from the Town Planning Board (the Board).

- 1.2 The Site is currently under construction, which was mainly occupied by a 14-storey industrial building (Tai Chi Factory Building) with its demolition consent issued by the Building Authority (BA) in March 2018. The Site is the subject of three previously approved applications (No. A/K3/567, A/K3/571 and A/K3/577^[2]), with the latter two for the same uses, submitted by one of the applicants of the current application. The latest scheme (No. A/K3/577) was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 10.11.2017.
- 1.3 Under the current application, the Site will be developed into a 28-storey residential block (including three levels of basement and three levels of podium) providing 636 flats (**Drawing A-13**). Shops are proposed on B1/F, G/F and 1/F (**Drawings A-8 to A-10**). A total of 53 car parking spaces, six loading/unloading (L/UL) bays and nine motorcycle parking spaces will be provided on basement levels and G/F at the Site (**Drawings A-6 to A-9**). A 5m-wide NBA along the northern boundary of the Site as required under the OZP will be provided (**Drawings A-9 and A-14**). About 960m² of private open space will also be provided within the proposed development (**Drawing A-15**).
- 1.4 As compared with the latest approved scheme (No. A/K3/577), the current scheme mainly involves an increase in BH from 80mPD to 100mPD in conformity with the relaxed BH restriction under the current OZP^[3] (**Drawing A-3**); an increase in number of flats from 520 to 636, with a corresponding reduction in average flat size from about 36m² to 30m². The site area is slightly reduced from 2,586m² to 2,504m² due to exclusion of Government land (**Drawings A-4 and A-5**), but the total PR of 9.0 (including a domestic PR of 7.5) remains unchanged. Major development parameters and floor uses of the approved scheme and the current scheme are as follows:

Development Parameters	Approved Scheme (No. A/K3/577) (a)	Current Scheme (No. A/K3/585) (b)	Differences	
			(b) – (a)	%
Site Area	2,586m ² (including 82m ² of Government Land)	2,504m ²	-82m ²	-3.17
Development Site Area	2,504m ²	2,504m ²	0	0

^[1] According to Schedule I (for open-air development or for building other than industrial or industrial-office building) of the Notes of the OZP for “R(E)” zone, ‘shop and services’ use is always permitted on the lowest three floors of a building, taken to include basements, excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room.

^[2] A section 16A application (No. A/K3/577-1) was submitted on 9.1.2018 seeking planning permission for amendments to the scheme approved under Application No. A/K3/577. The major amendments include changes to the number of building blocks and number of flats/flat size (Class B Amendments), which were approved by the Director of Planning under the delegated authority of the Board on 20.2.2018. However, Application No. A/K5/577-1 has not been pursued.

^[3] The BH restriction of the Site was relaxed from 60mPD (80mPD for sites with an area of 400m² or more) to 100mPD since the draft Mong Kok OZP No. S/K3/31 gazetted on 13.7.2018, which remains unchanged on the current OZP. Details of the relaxation of BH restriction are at paragraph 4.1 below.

Development Parameters	Approved Scheme (No. A/K3/577)	Current Scheme (No. A/K3/585)	Differences	
	(a)	(b)	(b) – (a)	%
Total Gross Floor Area	22,536m ²	22,536m ²	0	0
• Domestic	18,780m ²	18,780m ²	0	0
• Non-domestic	3,756m ²	3,756m ²	0	0
Plot Ratio	9	9	0	0
• Domestic	7.5	7.5	0	0
• Non-domestic	1.5	1.5	0	0
Site Coverage				
• Domestic Tower Block (above 15m)	39.5%	40%	+0.5%	+1.27
• Non-domestic Portion (15m to 20m / below 15m)	N/A	65% / 80%	N/A	N/A
No. of Block	1	1	0	0
No. of Storeys	25	28	+3	+12
• Basement	2	3	+1	+50
• Podium	3	3	0	0
• Tower	20	22	+2	+10
Building Height (at main roof)	80mPD	100mPD	+20m	+25
Building Height (absolute)	75.25m	95.875m	+20.625m	+27.41
No. of Flats	520	636	+116	+22.31
Average Flat Size	36.1m ²	29.5m ²	-6.6m ²	-18.28
Internal Transport Facilities				
Car Parking Spaces	50 (including 1 for disabled)	53 (including 2 for disabled)	+3	+6
Loading/Unloading Bays	6	6	0	0
• Light goods vehicles	3	3	0	0
• Heavy goods vehicles	3	3	0	0
Motorcycle Parking Spaces	8	9	+1	+12.5
Major Uses by Floor				
B3/F	N/A	Car Park and E&M Facilities	N/A	
B2/F	Car Park and E&M Facilities	Car Park and E&M Facilities	N/A	
B1/F	Shops, Car Park and L/UL Bays	Shops, Refuse Vehicle Parking Space, L/UL Bays and E&M Facilities	N/A	

Development Parameters	Approved Scheme (No. A/K3/577) (a)	Current Scheme (No. A/K3/585) (b)	Differences	
			(b) – (a)	%
G/F	Shops, L/UL Bays, Residential Lift Lobby and Pedestrian Walkway (at Fuk Chak Street Extension)	Shops, L/UL Bays, Residential Lift Lobby, Internal Pedestrian Walkway and Pedestrian Walkway (at Fuk Chak Street Extension)	N/A	
1/F	Shops and E&M Facilities	Shops and E&M Facilities	N/A	
2/F	Clubhouse, Swimming Pool, Landscape Roof Garden, Residential Lift Lobby and E&M Facilities	Clubhouse, Landscape Garden and Residential Lift Lobby	N/A	
3/F to 22/F	Residential Units	Residential Units (4/F, 13/F and 14/F omitted)	N/A	
23/F to 27/F	N/A	Residential Units (24/F omitted)	N/A	
28/F	N/A	Residential Units, Clubhouse and Swimming Pool	N/A	

- 1.5 Similar to the approved scheme, an ‘x-shaped’ tower layout to minimise the visual impact, a 5m setback of the building tower from the northern boundary of the Site falling within the area designated as NBA on the OZP and a 24-hour public pedestrian walkway within area shown as ‘Road’ on the OZP at the southern portion of the Site adjoining Fuk Chak Street Extension (**Drawings A-4, A-9, A-13 and A-14**) will be proposed under the current scheme. The proposed pedestrian walkway will be constructed, managed and maintained at the applicants’ own cost and to the satisfaction of relevant government departments. The applicants intend to apply for a short term tenancy (STT) of the concerned Government land adjoining the Site for the full length implementation of the proposed pedestrian walkway. In addition, an internal pedestrian access linking up Kok Cheung Street and Sham Mong Road will be provided on G/F of the proposed development during operation hours of the commercial podium under the current scheme (**Drawing A-9**).
- 1.6 Comparisons of the Master Layout Plan, G/F plan, section plan and Landscape Master Plan of the approved scheme and the current scheme are at **Drawings A-1 to A-4**. The Master Layout Plan, floor plans, section plan, Landscape Master Plan and open space plan of the proposed development are shown at **Drawings A-5 to A-15**.

1.7 In support of the application, the applicants have submitted the following documents:

- (a) Application form, Applicants' letter and Supplementary (Appendix I) Planning Statement with a Landscape Proposal (LP), Traffic Impact Assessment (TIA), Environmental Assessment (EA) and Drainage and Sewerage Impact Assessment (D&SIA) received on 4.11.2019
- (b) Further information dated 12.12.2019 providing responses (Appendix Ia) to departmental comments*
- (c) Further information dated 18.12.2019 providing responses (Appendix Ib) to departmental comments*

Remarks: *FI accepted and exempted from publication and recounting requirement.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application as set out in **Appendices I, Ia** and **Ib** are summarised as follows:

In Line with the Planning Intention

- (a) The proposed development for residential use is in line with the planning intention of the "R(E)" zone and would facilitate the phasing out of existing industrial use and is compatible with the surrounding high-rise developments. Besides, no building structure is proposed within the NBA of the Site.

In Line with the Government Policy on Increasing Housing Land Supply

- (b) The Government has adopted a multi-prolonged approach to address the problem of housing shortage and meet the acute demand for affordable housing in Hong Kong. The proposed development will contribute to the immediate provision of developable land for small-to-medium size flats to meet the housing land supply in a much shorter time frame.

Enhance the Pedestrian Walking Environment and Walkability of the Area

- (c) The improved pedestrian connection at Fuk Chak Street Extension will provide a direct connection between the inner Tai Kok Tsui area and the existing footbridge landing connecting to the Olympic MTR station. A weather-proof pedestrian walkway will be provided on G/F of the proposed development linking up Kok Cheung Street and Sham Mong Road. Further setback at the western portion of the Site along Sham Mong Road will also be provided.

Appropriate Mix of Uses to Enhance Vibrancy

- (d) The shops on the lower floors of the proposed development would offer retail services to the local residents and workers and help enhance the liveliness and vitality of the neighbourhood. The proposed development is considered compatible with the mixed residential and commercial land uses in the surroundings and will not change the ambience of the neighbourhood.

Design Merits

- (e) The proposed development has taken consideration to reducing the potential visual impact when viewed from Sham Mong Road and Kok Cheung Street. The ‘x-shaped’ tower layout would allow a greater separation between the two wings and thus the perceived length of the façade is greatly reduced as compared with the approved scheme. The visual mass of the proposed development can be effectively broken down which is an improvement to the approved scheme.
- (f) With adequate setback of the podium along Kok Cheung Street, the visual intrusiveness of the concrete structures onto the pedestrians will be greatly reduced. Besides, the proposed development will have a setback from the northern boundary of the Site to comply with the NBA requirement. The proposed development with the opening of Fuk Chak Street Extension and the said NBA at the northern boundary of the Site will bring about improvement in air penetration and visual permeability in the area.

No Adverse Traffic, Environmental, Drainage, Sewerage and Landscape Impacts

- (g) The EA demonstrates that adverse road traffic noise, industrial noise and air quality impacts are not anticipated. Besides, no adverse drainage and sewerage impact associated with the proposed development will be resulted according to the assessment result of the D&SIA. The TIA also reveals that the adverse traffic impact to the surrounding road network will not be resulted. With compensation to the felling of trees within the Site, no adverse landscape impact will be anticipated.

3. Compliance with the “Owner’s Consent/Notification” Requirement

The applicants are two of the “current land owners”. In respect of the other “current land owners”, the applicants have complied with the 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. 31A) by sending notices to other current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site was zoned “R(E)1” with a BH restriction of 60mPD (or 80mPD for site with an area of 400m² or more) and a NBA requirement along the northern edge of the Site to allow the westerly wind blowing into the Mong Kok area on the draft Mong Kok OZP No. S/K3/28. In response to the Court’s rulings on the judicial review in relation to the Board’s decision on some representations in relation to the draft Mong Kok OZP No. S/K3/28, a review of the development restrictions on the OZP including the Site was conducted. Based on the findings of the review, the Site was subsequently rezoned to “R(E)” with a maximum BH of 100mPD on the draft Mong Kok OZP No. S/K3/31 and the NBA requirement remained unchanged. Since then, the zoning and development restrictions for the Site remain unchanged on the Mong Kok OZP.

- 4.2 A set of general building plans for a proposed composite development at the Site, which complies with the approved scheme (No. A/K3/577), was approved by BA on 28.1.2019.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/K3/567, A/K3/571 and A/K3/577), which were all submitted by one of the applicants of the current application. Application No. A/K3/567 for proposed wholesale conversion of an existing 14-storey industrial building for office development with minor relaxation of PR restriction was approved with conditions by the Committee on 4.12.2015. Applications No. A/K3/571 and A/K3/577 for proposed residential development with shop and services use were approved with conditions by the Committee on 28.10.2016 and 10.11.2017 respectively mainly on the grounds that the proposed development was in line with the planning intention of the “R(E)” zone including the provision of NBA; was compatible with the surrounding land uses; and would not lead to adverse environmental and traffic impacts. Details of these applications are at **Appendix II**.
- 5.2 Other than the above-mentioned previous applications, the Site is also the subject of four applications (No. A/K3/545, A/K3/554, A/K3/575 and A/K3/579) and one application for amendment to the OZP (Application No. Y/K3/6) which were submitted by one of the applicants of the current application and were all subsequently withdrawn. Applications No. A/K3/545 and A/K3/554 for proposed composite commercial/residential development with minor relaxation of BH restriction were submitted in November 2012 and August 2013 respectively and were withdrawn in November 2012 and August 2013 respectively. Applications No. A/K3/575 and A/K3/579 for proposed composite commercial/residential development with minor relaxation of PR restriction were submitted in March 2017 and October 2018 respectively and were withdrawn in September 2017 and October 2019 respectively. Application No. Y/K3/6 for amendment to the OZP to rezone the Site from “R(E)1” to “Commercial (4)” to facilitate proposed development of a 22-storey office building (including three levels of basement) with shop and services and eating place uses at the lower floors was submitted in March 2014 and was withdrawn in October 2015.

6. Similar Applications

There were five similar applications (No. A/K3/346, A/K3/377, A/K3/441, A/K3/476 and A/K3/535) covering two sites for various residential and composite residential/commercial developments within “R(E)” zone in Mong Kok since 1999. All of them were approved with conditions by the Committee mainly on the grounds of land use compatibility, and that the proposed uses would help to phase out existing industrial uses. The locations and details of these applications are at **Plan A-1** and **Appendix III** respectively.

7. The Site and Its Surrounding Areas (Plans A-1, A-2 and A-5 and Photos on Plans A-3 and A-4)

7.1 The Site:

- (a) is sandwiched between Kok Cheung Street and Sham Mong Road;
- (b) is currently under construction, which was mainly occupied by a 14-storey industrial building with its demolition consent issued by BA in March 2018; and
- (c) has vehicular access from Kok Cheung Street.

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-5**):

- (a) to the north and east of the Site are predominantly residential developments with commercial and/or workshop uses on G/F along Kok Cheung Street, Ka Shin Street, Fuk Chak Street, Li Tak Street and Ivy Street;
- (b) to the immediate south of the Site is a Government land at Fuk Chak Street Extension with an area of 82m² and an existing 15-storey commercial/office building (the Skyway House) with a petrol filling station on G/F. To the further south of the Site across Pok Man Street is the Hong Kong and Shanghai Banking Corporation (HSBC) Centre; and
- (c) to the west of the Site is Sham Mong Road, with footbridges linking to a residential development (the Harbour Green Tower) to the northwest of the Site and the MTR Olympic Station and Olympic City which are located at the further west of the Site across Lin Cheung Road and West Kowloon Highway.

8. Planning Intention

- 8.1 The planning intention of the “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.
- 8.2 In order to allow more westerly wind to enter into the Mong Kok area, especially into the inner areas, a 13m-wide NBA is designated between the Site and the adjacent Tai Lee Building aligned with Li Tak Street at the subject “R(E)” site sandwiched between Kok Cheung Street and Sham Mong Road (**Plan A-2**). As such, a 5m-wide NBA falls within the Site.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) No objection to the application.
- (b) The Site is situated at KMLs No. 28 s.K RP and 28 s.M ss.2 RP (the Lots). The proposed composite commercial and residential development does not conflict with the relevant Government lease. However, the applicants are reminded that offensive trades or businesses (e.g. restaurant, bar) are not permitted at the Lots.
- (c) It is mentioned in paragraph 3.2.1 of the Supplementary Planning Statement that the applicants intend to apply for a STT of the Government land adjoining the southern boundary of the Lots for the full length implementation of the pedestrian walkway at Fuk Chak Street Extension. In this relation, the applicants are advised that the proposed STT will only be considered upon receipt of their formal application to LandsD. There is no guarantee that the application, if received by LandsD, will be approved. In the event that the STT application is approved, it would be subject to such terms and conditions as the Government shall deem fit, including, among others, payment of rent and administrative fee as may be imposed by LandsD.
- (d) The Government land as marked “KX 2274” on the Lot Index Plan in Figure 2.2 of the Supplementary Planning Statement is now unleased/unallocated Government land and fenced.
- (e) Regarding the projection outside the Lots at 2/F over Kok Cheung Street (presumably a canopy), comments will be provided at the building plan submission stage.

Building Matters

9.1.2 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) No in-principle objection to the application.
- (b) The proposed development should in all aspects comply with the Buildings Ordinance (BO) and its allied regulations.
- (c) The existing lane at the northern boundary is not a required service lane for the scheme itself under Building (Planning) Regulation

(B(P)R) 28(1) but serves as a Street for purpose of site classification. Moreover, based on the approved record of the adjoining building at 31-41 Kok Cheung Street, the existing lane (including northern portion of the Site and the southern part of the adjoining building) has been serving as a Street under the provision of the BO. In this respect, the subject lane should not be included in the site area calculation under B(P)R 23(2)(a).

- (d) Detailed comments under the BO will be given at the building plan submission stage.

Traffic

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

- (a) Based on the submitted TIA, the applicants demonstrate that the redevelopment proposal would accommodate the high-end provision of parking spaces as well as loading/unloading facilities within the proposed redevelopment. The applicants also demonstrate that the nearby roads and junctions would be capable to handle the traffic generated from the redevelopment at three years after its completion with no significant impact. In view of the above, she has no in-principle objection to the application from the traffic engineering perspective.
- (b) The applicants should be reminded that C for T has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development.
- (c) There is currently no programme for the proposed Fuk Chak Street Extension. She has no objection to the applicants' proposal of opening up the area shown as 'Road' in the southern portion of the Site for a 24-hour public pedestrian walkway, which will provide a thoroughfare connecting the MTR footbridge with the West Kowloon area and the Tai Kok Tsui area. It is also given to understand that the proposed public pedestrian walkway will be constructed, maintained and managed by the applicants at their own cost.
- (d) Should the application be approved, it is recommended to impose an approval condition on the design and provision of internal transport facilities and vehicular access arrangement for the proposed development.

Highways

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

- (a) No in-principle objection to the application from highways maintenance point of view.
- (b) Given the applicants' proposal of opening up the southern portion of the Site for a 24-hour public pedestrian walkway, an approval condition on the design and provision of the 24-hour public pedestrian walkway at Fuk Chak Street Extension, at the applicants' own cost to the satisfaction of Director of Highways shall be imposed should the application be approved. The applicants should also be responsible for the maintenance of the proposed pedestrian walkway at Fuk Chak Street Extension at their own cost.

Environment

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

- (a) No in-principle objection to the application from environmental perspective.
- (b) On air quality, noting from the applicants' submission that for area falling within the buffer distance requirement as stipulated in the Hong Kong Planning Standards and Guidelines, no openable window or fresh air intakes would be designed for indoor area, and outdoor area would be designed as landscape area with no air sensitive uses, fresh air intakes or openable window. As such, adverse air quality impact on the proposed development is not anticipated.
- (c) Having reviewed the EA Report and Sewerage Impact Assessment (SIA) Report, insurmountable noise and sewerage impacts arising from the proposed development are not anticipated. Notwithstanding this, the applicants should address the technical comments on the EA Report and SIA Report at **Appendix IV** to demonstrate that the proposed development would not be associated with adverse noise and sewerage impacts with the implementation of proper mitigation measures (if necessary). The following approval conditions are recommended should the application be approved:
 - (i) the submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the DEP or of the Board;
 - (ii) the submission of a revised SIA to the satisfaction of the DEP or of the Board; and
 - (iii) the implementation of the local sewerage upgrading/sewerage connection works identified in the revised SIA to the satisfaction of the Director of Drainage Services or of the Board.

Drainage

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

- (a) No in-principle objection to the application provided that the applicants will address the technical comments at **Appendix IV**.
- (b) On the SIA, the applicants should be advised to meet the full satisfaction of Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. Comments of DSD on the SIA are subject to the views and agreement of EPD.

Fire Safety

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

- (a) No in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (b) The arrangement of emergency vehicular access shall comply with the “Code of Practice for Fire Safety in Buildings” which is administered by BA.

Urban Design and Visual

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

Urban Design and Visual Impact

- (a) The BH of the proposed development at 100mPD is in line with the BH intended for the Site, which is the same as the maximum BH for the adjacent residential zones to its north and east.
- (b) It is noted that the 5m-wide NBA has been accommodated in the proposed layout.
- (c) Since the proposed development does not exceed the statutory OZP restrictions on BH and PR and is compatible with the surrounding context, it is unlikely that the proposal would result in significant adverse visual impact on the surroundings.
- (d) It is noted that the applicants intend to obtain approval for the use of the adjacent Government land to form part of the proposed pedestrian walkway between Sham Mong Road and Kok Cheung Street. For a holistic approach to improve the walkability of the pedestrian connection, the applicants should explore the possibility to integrate

the existing public footpath adjoining the southern boundary of the Site with the proposed pedestrian walkway (**Plan A-2**). The applicants should also consider incorporating continuous pedestrian weather protection along the building edges of the proposed development.

Landscape

- (e) No objection to the application from landscape planning point of view.
- (f) The proposed development is considered not incompatible with the surrounding urban landscape character and significant adverse landscape impact is not anticipated.
- (g) Although the southern portion of the Site (i.e. Fuk Chak Street Extension) is proposed to be opened up for pedestrian passage with a strip of box planters on the side facing the service lane, the applicants should provide more landscape amenity facilities such as seating area and planting provision at this area (**Drawings A-14** and **A-15**). Moreover, the applicants are advised to liaise with LandsD on the treatment of the Government land to enhance the landscape quality of the proposed pedestrian passage in a holistic manner.
- (h) Should the application be approved, an approval condition on the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board is recommended.

Others

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

- (a) There is an intermediate pressure underground town gas transmission pipeline running along Lin Cheung Road in the vicinity of the Site. The applicants shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the Site and any required minimum setback distance away from them during the design and construction stages of development.
- (b) The applicants are also required to observe the requirements of the EMSD's 'Code of Practice on Avoiding Danger from Gas Pipelines'.

9.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Architects/Central Management Division 2, Architectural Services Department;
- (c) Commissioner of Police; and
- (d) District Officer (Yau Tsim Mong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

During the first three weeks of the statutory public inspection period which ended on 3.12.2019, two public comments submitted by individuals expressing concerns on the application were received. A full set of the public comments received is at **Appendix V** for Members' reference. The major concerns can be summarised as follows:

- (a) with the substantial increase in residential flats, the proposed development would intensify the existing severe traffic congestion problem in the Tai Kok Tsui area. More car parking spaces should be designated for public use in the proposed development; and
- (b) the quality of open spaces to be provided within the proposed development is poor as they are mostly located on rooftops.

11. Planning Considerations and Assessments

- 11.1 The applicants seek planning permission for a proposed residential development with shop and services use on the lower floors with a total PR of 9.0. The Site is also the subject of a previously approved application for the same uses. As compared with the approved scheme (No. A/K3/577), the current application is mainly to revise its BH to the permissible BH under the OZP and to increase the number of flats from 520 to 636 (+116 flats or 22%) by reducing the average flat size from about 36m² to 30m². The proposed PR and NBA remain unchanged, which comply with the OZP restriction/requirement. The other changes include an increase in the number of storeys by three storeys (including one basement level), increase in parking spaces and changes in internal layout, which are consequential to the changes in BH and number of flats.
- 11.2 Given the changes in BH, which complies with the BH restriction as stipulated on the current OZP, CTP/UD&L, PlanD has no objection to the application from urban design and visual perspective and an approval condition on landscape proposal under paragraph 12.2(g) is recommended. While there is an increase in the number of flats by 116 with the corresponding increase in the car parking facilities, C for T has no objection to the application subject to the incorporation of an approval condition on parking facilities and vehicular access arrangement under paragraph 12.2(b) below.
- 11.3 Besides, the planning merits (i.e. a 5m-wide NBA and a 24-hour public pedestrian walkway) in the approved scheme will be retained and enhanced (**Drawings A-2, A-4, A-9, A-13 and A-14**). CHE/K, HyD has no objection to the pedestrian walkway but recommends that an approval condition in this regard under paragraph 12.2(a) below be imposed. Under the current scheme, an additional internal pedestrian access linking up Sham Mong Road and Kok Cheung Street through the G/F of the proposed development is proposed (**Drawing A-9**), which will help enhance the walking environment and vibrancy of the area. In addition, similar to the approved scheme, the 'x-shaped' tower layout is adopted. With a greater separation between the two wings, the perceived length of the façade is reduced as compared with the approved scheme (**Drawings A-1 and A-5**). Hence, the visual quality of the proposed development will be improved.

- 11.4 Other relevant government departments including DEP, D of FS, CBS/K, BD and CE/C, WSD have no objection to or no adverse comment on the application. To address their technical concerns, approval conditions under paragraphs 12.2(c) to (f) below regarding the environmental, sewerage and fire safety aspects are recommended.
- 11.5 Regarding the concerns raised in the public comments, the planning assessments in paragraphs 11.1 to 11.4 above and the departmental comments in paragraph 9 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.1.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the design and provision of the 24-hour public pedestrian walkway at Fuk Chak Street Extension at the applicants' own cost, as proposed by the applicants, to the satisfaction of the Director of Highways or of the Town Planning Board;
- (b) the design and provision of internal transport facilities and vehicular access arrangement for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the revised Sewerage Impact Assessment in condition (d) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (f) the 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; and

- (g) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

- 12.3 There is no strong planning reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

14. Attachments

Appendix I	Application Form, Applicants' Letter and Supplementary Planning Statement received on 4.11.2019
Appendix Ia	Further Information dated 12.12.2019
Appendix Ib	Further Information dated 18.12.2019
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Comparison of Approved and Current Schemes – Master Layout Plan
Drawing A-2	Comparison of Approved and Current Schemes – Ground Floor Plan
Drawing A-3	Comparison of Approved and Current Schemes – Section Plan
Drawing A-4	Comparison of Approved and Current Schemes – Landscape Master Plan
Drawing A-5	Master Layout Plan
Drawing A-6	B3/F Floor Plan
Drawing A-7	B2/F Floor Plan
Drawing A-8	B1/F Floor Plan
Drawing A-9	G/F Floor Plan
Drawing A-10	1/F Floor Plan
Drawing A-11	Typical Floor Plan
Drawing A-12	28/F Floor Plan
Drawing A-13	Section Plan
Drawing A-14	Landscape Master Plan
Drawing A-15	Open Space Plan

Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos
Plan A-5	Existing Land Uses in the Surrounding Area

**PLANNING DEPARTMENT
JANUARY 2020**