

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/K3/590

<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; and (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>	“Residential (Group E)” (“R(E)”) (about 76%) and area shown as ‘Road’ (about 24%) [For the “R(E)” zone: (a) 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; (b) a 13m-wide non-building area (NBA) aligned with Li Tak Street shall be provided; and (c) minor relaxation of the PR/BH restrictions may be considered by the Town Planning Board (the Board) on application based on individual merits of development proposal.]
<u>Application</u>	Proposed Flat, Shop and Services with Minor Relaxation of Domestic PR Restriction

1. The Proposal

- 1.1 The applicants seek planning permission for proposed flat and shop and services uses with minor relaxation of domestic PR restriction from 7.5 to 8.55 (i.e. +1.05 or +14%) at 25-29 Kok Cheung Street, Tai Kok Tsui, Kowloon (the Site) (**Plan A-1**). With a total domestic PR of 8.55 and non-domestic PR of 0.45, the overall maximum PR for the “R(E)” zone (i.e. 9.0) remains unchanged. Besides, the proposed BH of 100mPD (at main roof) complies with the BH restriction under the OZP.

- 1.2 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, ‘flat’ and ‘shop and services’ uses within the “R(E)” zone^[1] and in area shown as ‘Road’ require planning permission from the Board. Besides, the proposed domestic PR of 8.55 exceeds the permissible domestic PR of 7.5, planning permission from the Board is required for minor relaxation of the domestic PR restriction. Based on individual merits of a development or redevelopment proposal, minor relaxation of the domestic PR may be considered by the Board on application.
- 1.3 The Site is the subject of four previously approved applications (No. A/K3/567, A/K3/571, A/K3/577 and A/K3/585) submitted by the same applicant(s)^[2] of the current application. The latest application (No. A/K3/585) for the same uses with a total PR of 9 (including a domestic PR of 7.5) was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 3.1.2020.
- 1.4 As compared with the latest approved scheme (No. A/K3/585), the current scheme mainly involves an increase in domestic PR from 7.5 to 8.55, a decrease in non-domestic PR from 1.5 to 0.45, and an increase in the number of flats from 636 to 704 (i.e. +68 flats or +10.7%). The total PR (i.e. 9) and BH (i.e. 100mPD) remain unchanged (**Drawing A-3**). A comparison of the major development parameters and floor uses of the approved scheme and the current scheme are as follows:

Development Parameters	Approved Scheme (No. A/K3/585) (a)	Current Scheme (No. A/K3/590) (b)	Differences	
			(b)–(a)	%
Site Area (about)	2,504m ²	2,504m ²	No change	
Total GFA	Not more than 22,536m ²	Not more than 22,536m ²	No change	
• Domestic	18,780m ²	21,409.2m ²	+2,629.2m ²	+14%
• Non-domestic	3,756m ²	1,126.8m ²	-2,629.2m ²	-70%
Total Plot Ratio	9	9	No change	
• Domestic	7.5	8.55	+1.05	+14%
• Non-domestic	1.5	0.45	-1.05	-70%
Site Coverage				
• Domestic Tower Block (above 15m)	40%	40%	No change	
• Non-domestic Portion (above 15m/below 15m)	65%/80%	65%/80%	No change	
No. of Block	1	1	No change	
No. of Storeys	28	31	+3 storey	+10.7%
• Basement	3	3	No change	
• Podium	3	3	No change	
• Residential Tower	22	25	+3 storey	+13.6%
BH (mPD) (at main roof)	100mPD	100mPD	No change	

^[1] According to the Notes of the OZP for “R(E)” zone, under Schedule I for open-air development or for building other than industrial or industrial-office building, the development proposal including ‘flat’ use requires planning permission from the Board. Meanwhile, ‘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] Applications No. A/K3/567, A/K3/571 and A/K3/577 were submitted by one of the applicants of the current application, while Application No. A/K3/585 was submitted by the same applicants of the current application.

Development Parameters	Approved Scheme (No. A/K3/585) (a)	Current Scheme (No. A/K3/590) (b)	Differences	
			(b)-(a)	%
BH (absolute)	95.875m	95.875m	No change	
No. of Flats	636 flats	704 flats	+68 flats	+10.7%
Average Flat Size	29.5m ²	30.4m ²	+0.9m ²	+3.1%
Floor-to-floor height				
• Podium	G/F (Retail): 5.2m 1/F (Retail): 5m 2/F (Clubhouse): 5m	G/F (Retail): 5m 1/F (Clubhouse): 4.5m 2/F (Sky Garden): 4.7m	-0.2m -0.5m -0.3m	-3.8% -10% -6%
• Residential Tower	3/F-27/F: 3.5m Top residential floor (28/F): 4m	3/F-30/F: 3.05m Top residential floor (31/F): 4m	-0.45m No change	-12.9% No change
Private Open Space	960m ²	1,778.12m ²	+818.12m ²	+85.2%
Internal Transport Facilities				
Private Car Parking	53 (incl. 2 for disabled)	38 (incl. 1 for disabled)	-15	-28.3%
Loading/ Unloading (L/UL) Bays	6	3	-3	-50%
• Light Goods Vehicles	3	1	-2	-66.7%
• Heavy Goods Vehicles	3	2	-1	-33.3%
Motorcycle Parking Spaces	9	9	No change	
Major Uses by Floors				
B3/F to B2/F	• Car Park • E&M Facilities	• Car Park • E&M Facilities	N/A	
B1/F	• Shops • Refuse Vehicle Parking, • L/UL Bays • E&M Facilities	• Car Park • Refuse Vehicle Parking • L/UL Bays • E&M Facilities	N/A	
G/F	• Shops • L/UL Bays • Residential Lift Lobby • Internal Pedestrian Walkway • Pedestrian Walkway (at Fuk Chak Street Ext.)	• Shops • L/UL Bays • Residential Lift Lobby • Internal Pedestrian Walkway • Pedestrian Walkway (at Fuk Chak Street Ext.)	N/A	
1/F	• Shops • E&M Facilities	• Clubhouse, • Landscape Garden • Residential Lift Lobby	N/A	
2/F	• Clubhouse • Landscape Garden • Residential Lift Lobby	• Sky Garden/Refuge Floor • Podium Garden	N/A	
3/F to 27/F	• Residential Units (4/F, 13/F, 14/F and 24/F omitted)	• Residential Units (4/F, 13/F, 14/F and 24/F omitted)	N/A	
28/F	• Residential Units • Clubhouse • Swimming Pool	• Residential Units	N/A	
29/F to 30/F	N/A	• Residential Units	N/A	
31/F	N/A	• Residential Units • Clubhouse • Swimming Pool	N/A	

- 1.5 Similar to the approved scheme (No. A/K3/585), an ‘x-shaped’ tower layout to minimise the visual impact, a 5.03m setback of the building tower from the northern boundary of the Site falling within the area designated as NBA on the OZP, an internal pedestrian access linking up Kok Cheung Street and Sham Mong Road on G/F of the proposed development during operation hours of the commercial podium, a 24-hour public pedestrian walkway within the area shown as ‘Road’ on the OZP at the southern portion of the Site adjoining Fuk Chak Street Extension, and vehicular access via Kok Cheung Street (**Drawings A-1 to A-4**) will be proposed under the current scheme. The proposed pedestrian walkway at Fuk Chak Street Extension 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, as compared with the approved scheme, a ‘stepped-back’ podium design with the provision of a sky garden on a recessed floor plate at 2/F of the proposed development will be introduced to minimise the bulk of the podium and to enhance visual permeability (**Drawings A-3 and A-9**).
- 1.6 Comparisons of the Master Layout Plan (MLP), G/F plan, section plan and Landscape Master Plan (LMP) of the approved scheme and the current scheme are at **Drawings A-1 to A-4**. The MLP, floor plans, section plan, LMP and open space plan of the proposed development are shown at **Drawings A-5 to A-11**.
- 1.7 In support of the application, the applicants have submitted the following documents:
- (a) Application form, Applicants’ letter, Supplementary Planning Statement with a Traffic Impact Assessment (TIA), Retail Analysis, Drainage and Sewerage Impact Assessment (DSIA), Environmental Assessment (EA) and Landscape Proposal (LP) received on 28.8.2020 (**Appendix I**)
 - (b) Clarification letter received on 2.9.2020 (**Appendix Ia**)
 - (c) Further information (FI) received on 8.10.2020 providing responses to departmental comments* (**Appendix Ib**)
 - (d) FI received on 25.11.2020 providing responses to departmental comments* (**Appendix Ic**)

*Remarks: *accepted and exempted from publication and recounting requirements*

- 1.8 The application was originally scheduled by the Metro Planning Committee (the Committee) on 23.10.2020. On 23.10.2020, as requested by the applicants, the Committee agreed to defer making a decision on the application for two months in order to allow sufficient time for the applicants to prepare further information. The applicants subsequently submitted further information on 25.11.2020 (**Appendix Ic**). The application is scheduled for consideration by the Committee of the Board at this meeting.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Supplementary Planning Statement (**Appendices I and Ic**). They can be 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 remove the potential industrial/residential interface problem in the area. It is also considered compatible with the surrounding land uses which are mainly residential and commercial in nature. 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 adorable housing in Hong Kong. The proposed development with minor relaxation of domestic PR restriction will contribute to additional flats as compared to the approved scheme. This would represent a quick solution to offer additional housing units in a short time frame.

In Line with the Kowloon Density Study (KDS) Review

- (c) It is suggested in the KDS Review that there might be scope for selective minor relaxation of domestic PRs in cases where large scale urban restructuring could solve existing and forecast problems of infrastructure capacity and environmental conditions. Result of the technical assessments conducted by the applicants revealed that the proposed development would not incur adverse impacts to the surrounding areas. Besides, there are changes in planning circumstances including the implementation of major infrastructures and strategic traffic improvements since the first KDS and the KDS Review were completed almost 30 and 20 years ago respectively. Hence, the minor relaxation of domestic PR, with no increase in the overall density, is considered appropriate.

No Adverse Impact on the Infrastructure Capacity with Minor Relaxation of Domestic PR Restriction

- (d) The proposed development with minor relaxation of domestic PR from 7.5 to 8.55 (but maintaining the total permitted PR of 9.0 under the prevailing OZP) would not lead to adverse impact on the capacity of the surrounding infrastructure.

Similar Application for Minor Relaxation of Domestic PR Restriction

- (e) A similar application involving minor relaxation of domestic PR restriction (No. A/K20/128) from 6.5 to 7.5 and a reduction of non-domestic PR from 1.5 to 0.5 for a comprehensive residential and commercial development has been previously approved by the TPB. Hence, approval of the current application will be in line with the TPB’s previous decision.

No Adverse Impact to Local Residents due to Reduction of Commercial GFA

- (f) A Retail Analysis has been conducted to demonstrate that the reduction of non-domestic PR from 1.5 to 0.45 would have no adverse impact considering there are sufficient retail floor area within the 500m walking distance of the Site (**Drawing A-12**). Besides, the provision of shops on G/F of the proposed development will contribute to a vibrant street economy.

Enhance the Pedestrian Walking Environment and Walkability of the Area

- (g) The proposed development has not only adopted pedestrian friendly design to strengthen the connectivity between Olympic Station and the inner Tai Kok Tsui area, but also contribute to street beautification and enhancement on both streetscape and visual permeability. Apart from an improved pedestrian connection at Fuk Chak Street Extension, a weather-proof pedestrian walkway will also be provided on G/F of the proposed development linking up Kok Cheung Street and Sham Mong Road.

Good Accessibility

- (h) The Site enjoys good accessibility from different parts of the territory as it is well served by various public transport. The Site is located about 200m away from the inner Tai Kok Tsui area and less than 300m away from MTR Olympic Station, and easily accessible through at-grade footpaths and footbridges. The enhanced connectivity would also bring benefit to new residential developments as well as the employment centre and hotel cluster in the area.

Design Merits

- (i) As compared to the previously approved scheme, a ‘stepped-back’ podium design with a sky garden on a recessed floor plate at 2/F has been introduced due to the reshuffling of domestic and non-domestic PR distribution. This would contribute to a quality living in a high density urban environment with provision of more communal open space, and lead to a reduction in podium bulk and enhance visual permeability. The minor relaxation of domestic PR would not lead to increase in building bulk of the proposed development.
- (j) The ‘stepped-back’ podium design would facilitate cross ventilation and improve the air movement at the lower level. This would enhance pedestrian comfort and benefit the wind penetration into the inner Tai Kok Tsui area. Moreover, with the ‘x-shaped’ tower layout, adequate setback of the podium along Kok Cheung Street and Fuk Chak Street Extension and provision of landscape treatment, the visual intrusiveness of concrete podium structures onto the existing narrow streets and pedestrians will be greatly reduced.

No Adverse Traffic, Environmental, Drainage and Sewerage Impacts

- (k) The EA demonstrates that adverse road traffic noise, industrial noise and air quality impacts are not anticipated. Besides, no adverse drainage and sewerage impacts associated with the proposed development will be resulted according to the result of the DSIA. The TIA also reveals that adverse traffic impact on the surrounding road network arising from the proposed development would not be resulted.

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 Section 12A or 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. Previous Applications

- 4.1 The Site is the subject of four previous applications (No. A/K3/567, A/K3/571, A/K3/577 and A/K3/585), which were all submitted by the same applicant(s) 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.
- 4.2 Applications No. A/K3/571, A/K3/577 and A/K3/585 for proposed residential development with shop and services use and a total PR of 9 (including a domestic PR of 7.5) were approved with conditions by the Committee on 28.10.2016, 10.11.2017 and 3.1.2020 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; compatible with the surrounding land uses; and would not lead to adverse environmental and traffic impacts. All these applications do not involve minor relaxation of domestic PR. Details of these applications are at **Appendix II**.

5. Similar Applications

- 5.1 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.
- 5.2 There is no similar application for minor relaxation of domestic PR restriction which exceeds the domestic PR of 7.5 in the Mong Kok and Kowloon area.

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

- 6.1 The Site:
- (a) is sandwiched between Kok Cheung Street and Sham Mong Road;
 - (b) has vehicular access from Kok Cheung Street; and
 - (c) is currently vacant and under construction, with a set of general building plans approved by the Building Authority on 10.7.2020 for a proposed composite commercial/residential development which complies with the approved scheme (No. A/K3/585).
- 6.2 The surrounding areas have the following characteristics (**Plan A-2**):
- (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 Centre; and
- (c) to the west of the Site is Sham Mong Road, with footbridges linking to a residential development (i.e. the Harbour Green) 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.

7. Planning Intention

- 7.1 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.
- 7.2 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.
- 7.3 The Explanatory Statement (ES) of the OZP states that developments within the “R(E)” zone are subject to specific control on PRs and BHs similar to that for the “Residential (Group A)” (“R(A)”) zone (paragraph 8.4.4). For the “R(A)” zone, it is stated in paragraph 8.3.3 that in consideration of the overall transport, environmental and infrastructural constraints, as well as the adequacy in the provision of community facilities envisioned in the KDS Review³ completed in early 2002, developments or redevelopments within the “R(A)” zone are subject to specific control on PRs except otherwise specified in the Notes, i.e. a maximum PR of 7.5 for a domestic building or a maximum PR of 9.0 for a partly domestic and partly non-domestic building.

8. Comments from Relevant Government Departments

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

³ KDS was undertaken in 1991 to devise a basis for building density control in the Kowloon and New Kowloon after the relocation of Kai Tai Airport, when airport height restrictions would be lifted. KDS aimed at assessing the development capacity of Kowloon taking account of infrastructural and environmental considerations, and recommended PRs lower than the maximum permissible under the Building (Planning) Regulations. For “R(A)” zone, the domestic PR was 7.5. KDS Review was carried out to assess whether it would be acceptable to increase the PRs in Kowloon taking account of infrastructural and environmental considerations. The assessments confirmed the need to maintain PRs control and recommended that the PRs for “R(A)” sites would be subject to a total of 9, of which maximum PR of 7.5 for domestic use. KDS Review also concluded that there should be no provision for further transfer of PR from non-domestic to domestic use than is permitted as this would jeopardize the aims of PR controls, and there may be scope for selective relaxation of PRs in large-scale urban restructuring schemes subject to infrastructural capacity.

Land Administration

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

- (a) she has no objection to the application;
- (b) the Site is situated at KML Nos. 28 s.K RP and 28 s.M. ss.2 RP (the Lots). The Lots are held under a Government lease which is virtually unrestricted except with the rate and range clause and standard offensive trade clause. The lease term of the Lots is 999 years from 5.8.1871;
- (c) 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;
- (d) 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 full length implementation of the pedestrian walkway at Fuk Chak Street Extension. 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 and she shall reserve her comments on such. In the event that the 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;
- (e) the Government land as marked 'KX 2274' on the Lots Index Plan in Figure 2.2 of the Supplementary Planning Statement is now unleased/unallocated Government land; and
- (f) regarding the projection outside the Lots on 1/F and 2/F over Kok Cheung Street (presumably a canopy), comments will be provided at the building plan submission stage.

Traffic

8.1.2 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 L/UL 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, L/UL 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; and
- (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

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

- (a) he has no comment on the application from highways maintenance point of view; and
- (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

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

she has no in-principle objection to the application from environmental perspective as adverse environmental impact associated with the proposed development is not anticipated.

Drainage

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

- (a) he has no in-principle objection to the application provided that the applicants will address the technical comments at **Appendix IV**; and

- (b) on the SIA, the applicants should be advised to meet the full satisfaction of the 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.

Urban Design and Landscape

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

Urban Design and Visual Impact

- (a) the Site is sandwiched between Sham Mong Road to the west and Kok Cheung Street to the east. To its immediate north and south are a residential building (Tai Lee Building) and a commercial building (Skyway House) respectively. The surrounding neighbourhood is generally characterised by low-to-medium rise composite buildings with ground floor workshops/shops/restaurants. The planning intention of the “R(E)” zone is for phasing out of industrial uses through development of residential use. The proposed total PR of 9 and BH of 100mPD have not exceeded the PR and BH restrictions under the OZP for the Site. It is unlikely that the proposed development will induce any significant visual impact on the surroundings;
- (b) the northern edge of the Site of about 5m-wide falls within a 13m-wide NBA aligned with Li Tak Street designated on the OZP for creating an east-west air/wind path to improve air penetration and visual permeability upon redevelopment. It is understood that no aboveground buildings/structures have been proposed within the NBA in the proposed layout;
- (c) the applicants propose that part of Fuk Chak Street Extension within the southern portion of the Site will be opened up for a landscaped pedestrian walkway, and will be opened to the public 24-hour, providing connection between the footbridge landing of Olympic Station at Sham Mong Road and Kok Cheung Street. A weatherproof pedestrian access linking up Sham Mong Road with Kok Cheung Street will also be provided within the proposed development during commercial operation hours. Shops are provided fronting the abovementioned pedestrian walkways and Kok Cheung Street. They may together enhance pedestrian connectivity and promote street vibrancy of the area; and
- (d) the proposed podium structure has incorporated a 1.1m-wide setback from the eastern boundary enabling the widening of existing footpath along Kok Cheung Street (**Drawing A-6**). It has adopted a ‘stepped-back’ or ‘terraced’ design with peripheral greenery and a sky garden on a recessed floor plate at 2/F. Landscape treatments in the form of tree, shrub, lawn, vertical greening and water features have been incorporated on G/F, 1/F, 2/F, 31/F and R/F of the proposed development. These design measures could soften the development edge, promote visual interest and enhance pedestrian comfort.

Landscape

- (e) according to the aerial photo taken in 2019, the Site is currently a construction site, situated in an area of city grid mixed urban landscape character and dominated by residential and industrial buildings. The proposed development is considered not incompatible with the landscape setting in the proximity;
- (f) according to the Supplementary Planning Statement, five existing trees within the Site will be affected by the proposed development and are proposed to be felled. 14 trees and landscape treatments, such as shrub and groundcover planting, roof greening, vertical greening and seating areas, are proposed at different levels of the proposed development. Given that significant adverse landscape impact arising from the proposed development is not anticipated, and adequate open space and quality landscaping will be provided, she has no objection to the application from landscape planning point of view; and
- (g) should the application be approved, an approval condition on the submission and implementation of a landscape proposal for G/F of the proposed development to the satisfaction of the Director of Planning or of the Board is recommended.

Building Matters

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

- (a) he has 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) detailed comments under the BO will be given at building plan submission stage; and
- (d) his detailed comments are at **Appendix IV**.

Fire Safety

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

he has no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction and the arrangement of emergency vehicular access shall comply with the 'Code of Practice for Fire Safety in Building' which is administered by BD.

Others

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

- (a) he has no objection to the application;

- (b) there is an intermediate pressure underground town gas transmission pipeline running along Lin Cheung Road in the vicinity of the Site. However, it is considered that a risk assessment is not required;
- (c) 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; and
- (d) the applicants are also required to observe the requirements of the EMSD's Code of Practice on 'Avoiding Danger from Gas Pipelines' 2nd Edition.

8.2 The following government departments have no objection to/ comment on the application:

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

9. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, five public comments were received (**Appendix V**). Amongst the public comments, one object to the application, while the remaining four (including a Yau Tsim Mong District Council Member) provided comments/concerns on the application. The objection is mainly on the ground that a more spacious living space is much needed for liveable and affordable homes and it is doubtful whether the current average flat size as proposed is beneficial. The major views of the other four public comments are summarised as follows:

- (a) with the increase in residential flats, the proposed development would intensify the existing traffic congestion problem in the Tai Kok Tsui area. More car parking spaces should be provided in the proposed development;
- (b) the proposed development should provide more shops, not only to cater for the increase in residential flats, but also to serve the existing neighbourhood; and
- (c) the quality of the open spaces to be provided within the proposed development is questionable.

10. Planning Considerations and Assessments

10.1 The applicants seek planning permission for a proposed residential development with shop and services uses, and minor relaxation of domestic PR restriction from 7.5 to 8.55 at the Site. The Site is the subject of a previous application (No. A/K3/585) submitted by the same applicants for the same uses with a total PR of 9 (including a domestic PR of 7.5), which was approved with conditions by the Committee in January 2020. As compared with the approved scheme (No. A/K3/585), the current scheme mainly

involves an increase in domestic PR from 7.5 to 8.55 (+14%), a decrease in non-domestic PR from 1.5 to 0.45 (-70%), and an increase in the number of flats from 636 to 704 (+10.7%) and average flat size from 29.5m² to 30.4m² (+3.1%). The total maximum PR of 9 remains unchanged and BH of 100mPD complies with the OZP restriction. In addition, a ‘stepped-back’ podium design with the provision of a sky garden on a recessed floor plate at 2/F of the proposed development will be introduced to minimise the bulk of the podium and to enhance visual permeability (**Drawings A-3 and A-9**).

Planning Intention and Land Use Compatibility

- 10.2 The proposed residential development with shop and services is in line with the planning intention of the “R(E)” zone which is intended to phase out existing industrial uses through redevelopment or conversion for residential use. It is also considered compatible with the surrounding land uses which are mainly residential and commercial in nature. Besides, no building structure is proposed within the NBA of the Site.

Relaxation of Domestic PR Restriction

- 10.3 As set out in the ES, sites within the “R(A)” zone are subject to specific control on PRs (i.e. a maximum PR of 7.5 for a domestic building or a maximum PR of 9.0 for a partly domestic and partly non-domestic building) in consideration of the overall transport, environmental and infrastructural constraints, as well as the adequacy in the provision of community facilities envisioned in the KDS Review completed in early 2002. Sites within the “R(E)” zone are subject to specific control on PRs similar to that for the “R(A)” zone. The above control is applicable to the Kowloon and New Kowloon areas under the KDS Review. A total of 16 Kowloon OZPs^[4] including the Mong Kok OZP to incorporate the recommendations of the KDS Review were amended and gazetted under the Town Planning Ordinance in 2002. The KDS Review also concluded that there should be no provision for further transfer of PR from non-domestic to domestic use that is permitted as this would jeopardize the aims of the PR controls, and there may be scope for relaxation of PRs in large-scale urban restructuring schemes. The application only involves individual site redevelopment which could not be considered as a large-scale urban restructuring scheme.
- 10.4 In view of the above, the proposed increase of domestic PR from 7.5 to 8.55 deviates from the recommendations of the KDS Review. The applicants have not submitted any strong planning justification for a departure from the intention of the PR control in the Kowloon and New Kowloon areas set out in the KDS Review for the proposed minor relaxation of the domestic PR.

Government Policy on Increasing Housing Land Supply

- 10.5 The applicants have indicated that the proposed minor relaxation of domestic PR from 7.5 to 8.55 will contribute to additional flats as compared to the approved scheme and in line with the Government policy on increasing housing land supply. However, according to the Chief Executive’s 2014 Policy Address, the Government considered it feasible to boost housing land supply by generally increasing the maximum domestic

^[4] The 16 Kowloon OZPs included Tsim Sha Tsui, Yau Ma Tei, Mong Kok, Shek Kip Mei, Cheung Sha Wan, Ho Man Tin, Wang Tau Hom & Tung Tau, Hung Hom, Ma Tau Kok, Tsz Wan Shan, Diamond Hill & San Po Kong, Ngau Tau Kok & Kowloon Bay, Kwun Tong (South), Kwun Tong (North), Cha Kwo Ling, Yau Tong & Lei Yue Mun, and Lai Chi Kok.

PR currently permitted for some density zones by around 20% as appropriate except for the north of Hong Kong Island and Kowloon Peninsula, which are more densely populated. The Site is located in the Kowloon Peninsula and is therefore not covered by the said policy. Moreover, the Chief Executive's 2018 Policy Address mentioned to thin out the dense population in urban areas to facilitate redevelopment of old districts, improve living environment. In this regard, it is considered that the minor relaxation of domestic PR is not in line with the Government's initiatives to achieve a more balanced spatial development pattern for the territory.

Other Technical Aspects

- 10.6 On the technical aspects, all consulted Government departments, including CHE/K, HyD, CTP/UD&L, PlanD, C for T, CE/MN, DSD, D of FS, CBS/K, BD and DEP have no objection to or no adverse comments on the application. Their concerns can be addressed by imposition of relevant approval conditions regarding the pedestrian connection, landscape, traffic, sewerage and fire safety aspects.

Previous Applications

- 10.7 The Site is the subject of four previous applications (No. A/K3/567, A/K3/571, A/K3/577 and A/K3/585), which were all submitted by the same applicant(s) of the current application. The latter three applications (No. A/K3/571, A/K3/577 and A/K3/585) for proposed residential development with shop and services use with a total PR of 9 (including a domestic PR of 7.5) were approved with conditions by the Committee on 28.10.2016, 10.11.2017 and 3.1.2020 respectively (**Appendix II**). All the three previously approved applications complied with the domestic PR and total PR restrictions as stipulated under the OZP.

Setting of Undesirable Precedent

- 10.8 There is no previous and similar application for minor relaxation of domestic PR in Mong Kok or Kowloon areas with resultant domestic PR exceeding 7.5. The application No. A/K20/128 quoted by the applicants involves a "Comprehensive Development Area" site which is subject to different planning circumstances and considerations. In any case, the proposed domestic PR of the above-mentioned application does not exceed 7.5. Approval of the application will jeopardize the intention of imposing the domestic PR restriction as set out in the KDS Review and will set an undesirable precedent for other similar applications for other residential sites zoned "R(A)" and "R(E)" in Mong Kok and other Kowloon areas. The cumulative effect of approving such applications will undermine the PR control of a wider area and overstrain the capacity of the existing and planned infrastructures and result in adverse impacts on the provision of community facilities in the Kowloon area.

Public Comments

- 10.9 There are public comments raising concerns on the intensification of existing congested traffic problem due to the increase in number of flats and whether the proposed small flat size is acceptable and beneficial to the community. The views given in the planning assessments above and the departmental comments in paragraph 8 above are relevant.

11. Planning Department's Views

11.1 Based on the assessments made in paragraph 10 above, and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department does not support the application for the following reasons:

- (a) the proposed domestic PR of 8.55 deviates from the planning intention for specific control on PRs in consideration of the overall transport, environmental and infrastructural constraints, as well as the adequacy in the provision of community facilities envisioned in the KDS Review. No strong justification has been provided by the applicants for the proposed minor relaxation of domestic PR restriction; and
- (b) approval of the application would set an undesirable precedent for similar applications in the "R(E)" and "R(A)" zones with similar PR control in Mong Kok and other Kowloon area. The cumulative effect of approving such similar applications will undermine the PR control of a wider area and overstrain the capacity of the existing and planned infrastructures in the area and have adverse impact on the provision of community facilities.

11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 23.10.2024, 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 implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission and implementation of landscape proposal for G/F of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (e) the provision of fire service installations and water supplies for fire fighting to the satisfaction to the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Board decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 12.3 Alternatively, should the Board 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. Attachments

Appendix I	Application form, supplementary planning statement and clarification letter received on 28.8.2020
Appendix Ia	Clarification letter received on 2.9.2020
Appendix Ib	Further information received on 8.10.2020
Appendix Ic	Further information received on 25.11.2020
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Public Comments
Appendix VI	Recommended 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	G/F Plan
Drawing A-7	Typical Floor Plan
Drawing A-8	31/F Floor Plan
Drawing A-9	Section Plan
Drawing A-10	Landscape Master Plan
Drawing A-11	Open Space Plan
Drawing A-12	Distribution of Major Retail Facilities
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos