

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/782

- Applicant** : The Garden Company Limited represented by Kenneth To and Associates Limited
- Site** : 58 Castle Peak Road, Sham Shui Po, Kowloon
- Site Area** : About 1,148m²
- Lease** : New Kowloon Inland Lot (NKIL) 3745
(a) restricts to manufacture of confectionary;
(b) prevents the use thereof for any domestic purpose or retail sale or other purpose, except that the ground floor of the premises which is permitted for non-industrial purposes together with a bakery and for the manufacture of confectionary; and
(c) offensive trades clause and design, disposition and height clause.
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/37
- Zoning** : “Residential (Group A) 7” (“R(A)7”)

[Restricted 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 90mPD (110mPD for sites with an area of 400m² or more), or the PR/BH of the existing building, whichever is the greater.

For a non-domestic building to be erected on the site, the maximum PR shall not exceed 9.0.]
- Application** : Proposed Shop and Services, Eating Place, Office and School (Cookery-related)

1. The Proposal

- 1.1 The applicant seeks planning permission to redevelop an existing non-domestic building currently used by a bakery company into a 25-storey (including 3 basement floors) commercial building with uses of ‘shop and services’, ‘eating place’, ‘office’ and ‘school (cookery-related)’. The section and floor plans submitted by the applicant are shown in **Drawings A-1 to A-14**.

- 1.2 According to the Notes of the OZP for “R(A)” zone, while ‘Shop and Services’, ‘Eating Place’, ‘Office’ and ‘School’ are always permitted on the lowest three floors of a building, they require planning permission from the Town Planning Board (the Board) on other floors of a building.
- 1.3 The PR and BH of the proposal are 9 and not exceeding 110mPD respectively. The Site was the subject of a previously approved application (No. A/K5/290). The key development parameters and the proposed floor uses of the current application and the previously approved application are as follows:

Key Development Parameters	Approved Application No. A/K5/290 (a)	Current Application No. A/K5/782 (b)	Difference (b) – (a)
Site Area (about)	1,149m ²	1,148m ²	-1m ²
PR (Non-domestic)	9	9	No change
Non-domestic Gross Floor Area (GFA)			
• Commercial/ Retail GFA	1,931.907m ²	5,675m ²	+3,743.093m ²
• Office GFA	8,409.093m ²	4,657m ²	- 3,752.093m ²
• Total	10,341m ²	10,332m ²	-9m ²
No. of Storeys	15 (including 3 basement levels)	25 (including 3 basement levels)	+10
BH	51mPD	Not exceeding 110mPD	+59mPD
Site Coverage (SC)	74.40% (above 15m)	Not exceeding 92% (0-24m) Not exceeding 90% (24-28m) Not exceeding 80% (28-43m) Not exceeding 65% (above 43m)	-
<u>Parking and Loading/Unloading (L/U) Provision</u>			
Car Parking Spaces	31	61 (including 1 for person with disabilities)	+30
Lorry Parking Spaces/L/UL Bays	4	7	+3
Motorcycle Parking Spaces	0	7	+7
Proposed Floor Use			
B1/F – B3/F	• B2-B3 : Carpark • B1 : Fast Food Shop/Restaurant/ Bank/Retail Shop	Carpark	-
G/F	• Lorry parking, L/UL facilities, Fast Food	L/UL Bays	-

Key Development Parameters	Approved Application No. A/K5/290 (a)	Current Application No. A/K5/782 (b)	Difference (b) – (a)
	Shop/Restaurant/ Bank/Retail Shop		
1/F – 5/F	<ul style="list-style-type: none"> • 1/F : Fast Food Shop/Restaurant/ Bank/Retail Shop • 2/F – 5/F : Office 	Shop and Services/Eating Place/Display Corner	-
6/F – 7/F	6/F – 11/F : Office	Electrical/Mechanical	-
8/F – 10/F		Shop and Services/Eating Place/School (Cookery-related)	-
11/F – 20/F		Office	-
21/F	-	Shop and Services/Eating Place	-

- 1.4 A setback of about 2m in width (8% of site area) is provided along the frontage of the proposed development facing Kowloon Road (**Drawing A-18**) to improve pedestrian circulation and street environment. The applicant will explore opportunity to incorporate landscape treatment along the building edge and provide greenery at the flat roofs in detailed design stage.
- 1.5 The applicant states that the existing Building of the Garden Company, Limited (The Garden) (the Garden Building) has become the landmark in the locality. Some of the office floors of the proposed building will still be used for the headquarter office of The Garden. At 1/F of the proposed building, there will be a display corner of about 15m² of local products and photo records of the bakery history of “The Garden”, and restaurant and shop for tasting and selling the bakery products of “The Garden”. The school (cookery-related) would be provided at 8/F to 10/F to encourage community participation. With the proposed development, the presence of “The Garden” in locality will be maintained and strengthened. The succession of the brand and connection with the community will also be maintained.
- 1.6 The building design of the proposed development will echo with the existing building in respect of colour scheme. The clock with the piece of red façade and the two “bakery chef” logos with the two pieces of white façade (facing Kowloon Road and Castle Peak Road) will be preserved and incorporated in the new building (**Drawings A-26 and A-27**) so that the presence of The Garden Company can be carried on and the collective memory of the public to these elements can be maintained. The clock with the piece of red facade will be reinstalled on the external façade of the podium of the proposed development and the two “bakery chef” logos with the white façade will be reinstalled and covered by curtain wall as the outermost façade so that the two can be viewed from the outside. Also, the concept of large white characters “Garden” and the red band will be reinterpreted in the design of the new building.

- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 18.7.2017 **(Appendix I)**
 - (b) Supplementary planning statement with a Traffic Impact Assessment (TIA) and Sewage Impact Assessment (SIA) **(Appendix Ia)**
 - (c) Letter dated 19.7.2017 with replacement pages of the application form **(Appendix Ib)**
 - (d) Further Information (FI) dated 18.8.2017 to provide responses to departmental comments with revised SIA *[accepted but not exempted from publication and recounting requirement]* **(Appendix Ic)**
 - (e) FI dated 25.9.2017 to provide responses to departmental comments with photomontages showing the proposed development and revised TIA *[accepted but not exempted from publication and recounting requirement]* **(Appendix Id)**
 - (f) FI dated 27.9.2017 to provide responses to departmental comments with revised SIA *[accepted but not exempted from publication and recounting requirement]* **(Appendix Ie)**
 - (g) FI dated 24.1.2018 to provide responses to departmental comments with revised SIA and updated photomontages *[accepted but not exempted from publication and recounting requirement]* **(Appendix If)**
 - (h) FI dated 13.2.2018 to provide replacement pages of the submitted TIA **(Appendix Ig)**
 - (i) FI dated 29.3.2018 to provide responses to departmental comments with revised SIA, supplementary information to TIA and revised photomontages *[accepted but not exempted from publication and recounting requirement]* **(Appendix Ih)**
 - (j) FI dated 3.4.2018 to provide a Queuing Assessment under the TIA *[accepted but not exempted from publication and recounting requirement]* **(Appendix Ii)**
 - (k) FI dated 4.4.2018 to provide original photos of the photomontages *[accepted but not exempted from publication and recounting requirement]* **(Appendix Ij)**
 - (l) FI dated 4.5.2018 to provide responses to departmental **(Appendix Ik)**

comments

- (m) FI dated 17.5.2018 to provide supplementary information on the revised SIA **(Appendix Im)**
- (n) FI dated 30.7.2018 to provide responses to departmental comments and updated photomontages **(Appendix In)**
- (o) FI dated 12.9.2018 to provide responses to departmental comments **(Appendix Io)**
- (p) FI dated 12.9.2018 to provide a replacement page of **Appendix Io** See (q) below
- (q) FI dated 13.9.2018 to supersede the FI dated 12.9.2018 under (p) above **(Appendix Ip)**

1.8 The application was originally scheduled for consideration by the Committee in November 2017. On 24.11.2017, 16.3.2018 and 1.6.2018, the Committee agreed to defer a decision for two months each upon request by the applicant to address comments from the concerned Government departments. With the FI submitted on 30.7.2018, 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 supporting planning statement in **Appendix Ia** and FI in **Appendices Ib to Ip**. They are summarised as follows:

- (a) the Site has a unique history of bakery operation (i.e. 'The Garden'). The existing building on the Site is used for headquarter office and there is a café for visitors to taste the food product of 'The Garden'. The uses of the proposed development are mainly related to the food business including restaurant/café, cookery related class/training and head office of 'The Garden', with an aim of achieving succession of the brand name and passing on skills to the younger generation for continuing the local bakery industry. It will be a loss to the local identity if the Site is no longer used for The Garden's business. The applicant has started dialogues with the Commissioner for Heritage's Office (CHO) and the Antiquities and Monuments Office (AMO) regarding the conservation matters;
- (b) the Site had been zoned "Commercial/Residential" ("C/R") on the previous OZPs which showed that a mix of commercial and residential uses should be allowed in the area;
- (c) the Site has never been used for residential use even though it falls within "R(A)7" zone. It should not be considered as potential residential land supply and thus the continuation of the local brand name of the bakery business at the Site would have no impact on residential land supply;

- (d) the Site is located at the fringe of the Sham Shui Po old residential neighbourhood, and the proposed redevelopment for non-domestic use is expected to have low direct impact to the local residential neighbourhood. The local neighbourhood will have opportunities to visit and enjoy the catering services in the proposed development;
- (e) there have been approved planning applications for commercial/office building at the Site and another nearby site within the same street block the Site falls within;
- (f) a total of 61 private car parking spaces, which is the high-end provision according to the Hong Kong Planning Standards and Guidelines (HKPSG), would be provided in the basement of the proposed building and the options of “car ramp” (**Drawings A-2 to A-5**) and “car lift” (**Drawing A-15 to A-18**) for the carparks which both are technically feasible subject to detailed checking and minor adjustment in the detailed design stage, are proposed in response to Transport Department (TD)’s comments. Some of the car parking spaces are in double-deck design to maximise space utilisation. Due to the operational need of the proposed development during off-peak period, the proposed goods vehicle L/U bays will be for private use only and cannot be opened for public use;
- (g) the proposed commercial/office redevelopment is in line with the Town Planning Board Guidelines PG-No.5 for Application for Office Development in “R(A)” zone, in that the site is of adequate size, no disruption will be made to traffic flow of adjacent roads, and no land use conflict or environmental nuisance will be created;
- (h) the photomontages show that the site coverage of the proposed commercial development will be progressively reduced with increasing building height, providing a setback from the southeast side. The greater site coverage for the podium is to achieve operational need to optimise the use of floor space and fulfil requirements of relevant supporting facilities. Nevertheless, there is opportunity to further adjust the disposition of the podium taken into account the visual corridor along Yen Chow Street and a more transparent approach will be adopted for the podium with the intent for displaying activities inside at the detailed design stage to reduce the perceivable bulk;
- (i) in order to maintain the succession and connection between the Garden and the community, the applicant intends to provide display corner of local products and photo records of the bakery history at 1/F, so that the public would have opportunities to visit and appreciate the history of The Garden. Acknowledging the collective memory to the clock of the public, the applicant proposed to preserve: (1) the Clock with the piece of red façade; (2) the two “bakery chef” logos with the two pieces of white façade (facing Kowloon Road and Castle Peak Road respectively) of the Building. These two elements will be cut out during redevelopment and then reinstalled and incorporated into the new building. The concept of the large white characters “Garden” and the red band will also be reinterpreted in the design of the new building; and

- (j) the submitted TIA and SIA demonstrated that no adverse traffic and sewage impacts are anticipated due to the proposed development.

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

The applicant is not the “current land owner” but has 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 obtaining consent of the only one “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

- 4.1 The Site and its surrounding area were previously zoned “C/R” on the draft Cheung Sha Wan OZP No. LK 5/32. On 6.3.1981, the draft Cheung Sha Wan OZP No. LK 5/32C incorporating amendments to rezone the “C/R” sites including the application site to “R(A)” was exhibited for public inspection as the planning application system provided the flexibility for commercial uses at desirable locations.
- 4.2 To incorporate the recommendations of the Kowloon Density Study Review completed in early 2002, the restriction of maximum PR of 7.5 for a domestic building and maximum PR of 9.0 for a partly domestic and partly non-domestic building in the “R(A)” zone was incorporated in draft Cheung Sha Wan OZP No. S/K5/23 exhibited for public inspection on 31.5.2002. On 30.9.2010, the draft Cheung Sha Wan OZP No. S/K5/32 with the amendments to rezone the Site from “R(A)” to “R(A)7” with BH restriction was exhibited for public inspection. Since then, the zoning of the Site has remained unchanged.

5. **Previous Applications**

There were two previous section 16 planning applications (Nos. A/K5/271 and A/K5/290) at the Site (**Plan A-1**), both of which were submitted by the same applicant of the current application. Application No. A/K5/271 was for proposed 15-storey commercial/office development with bank/fast food shop/retail/restaurant on lower floors, which was approved with conditions by the Committee on 13.1.1995. The validity of the planning permission was extended twice to 13.1.2001. During the validity period of the said planning approval, the same applicant submitted another planning application (No. A/K5/290) for minor amendments to the previously approved scheme, which were mainly on the carpark design. The application was approved with conditions by the Committee on 23.6.1995. The proposed developments of the two approved schemes had not been taken up for implementation before the expiry of the permissions and the permissions were lapsed. Details of the applications are summarized at **Appendix II**.

6. Similar Applications

- 6.1 There are 28 similar applications for office development within “R(A)” zone in the OZP considered by the Committee since the promulgation of the Town Planning Board Guidelines for Application for Office Development in “R(A)” zone under Section 16 of the Town Planning Ordinance (TPB PG-No.5) in December 1990 (**Plan A-1**). All of them, except Application No. A/K5/796, were considered by the Committee before the announcement of 2013 Policy Address which stated that the top priority of the Government was to tackle the housing problem and supply shortage lied at the heart of the prevailing housing problem. 6 of 28 cases were approved with conditions and the remaining 22 cases were rejected by the Committee.
- 6.2 Among the approved cases, 2 (Nos. A/K5/149 and A/K5/174) were completed but the remaining 4 applications have not been implemented.
- 6.3 For the 22 rejected cases, the main rejection reasons were:
- (a) the application site is too small for a properly designed commercial/office building;
 - (b) there are no/insufficient provision of on-site parking and/or L/UL bays/spaces for the proposed development. The proposed alternative on-street L/UL facilities are not satisfactory;
 - (c) the proposed office development is incompatible with the surroundings and/or not in line with the planning intention of the area; and
 - (d) approval of the application will set an undesirable precedent for similar applications within residential areas.
- 6.4 Details of the applications are summarized at **Appendix III**.

7. Town Planning Board Guidelines

- 7.1 Town Planning Board Guidelines for Application for Office Development in “R(A)” zone under Section 16 of the Town Planning Ordinance (TPB PG-No.5) are relevant to this application. The main planning criteria are summarised as follows:
- (a) the site should be sufficiently large to achieve a properly designed office building;
 - (b) there should be adequate provision of parking and L/UL facilities within the site in accordance with the HKPSG and to the satisfaction of the Transport Department;
 - (c) the site should be at an easily accessible location, e.g. close to the Mass Transit Railway Station or well served by other public transport facilities;

- (d) the proposed office development should not cause congestion and disruption to the traffic flow of the locality;
- (e) the proposed office building should be compatible with the existing and planned land uses of the locality and it should not be located in a predominantly residential area; and
- (f) the proposed office development should be purposely designed for office/commercial uses so that there is no risk of subsequent illegal conversion to substandard domestic units or other uses.

7.2 In general, the Board will give favourable consideration to planning applications for office developments which produce specific environmental and planning gains – for example, if the site is located near to major sources of air and noise pollution such as a major road, and the proposed office development is equipped with central air-conditioning and other noise mitigation measures which make it less susceptible to pollution than a residential development. Other forms of planning gain which the Board would favour in a proposed office development would include public open space and community facilities required in the planning district.

8. The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos on Plan A-4 to A-5)

8.1 The Site is:

- (a) located at the junction of Castle Peak Road, Yen Chow Street and Kowloon Road. The existing ingress/egress is at Kowloon Road;
- (b) occupied by an existing 10-storey building (including a level of basement) completed in 1960 and the Antiquities Advisory Board (AAB) has endorsed the Grade 2 status of the building at its meeting on 21.6.2018;
- (c) the whole building is being used by The Garden Company Limited with shop, café and an exhibition gallery of the company's history on lower floors, bakery on middle floors and office on upper floors; and
- (d) it is easily accessible by various modes of public transport with MTR Sham Shui Po Station located about 300m from southeast of the Site (**Plan A-2**).

8.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) the area is an old urban core with predominantly residential developments with commercial uses on lower floors, mixed with commercial and government, institution or community (GIC) developments. The area is well served by various modes of public transport including MTR, buses, public light buses and taxis;

- (b) to the north and south of the Site are residential buildings with commercial uses at lower floors, including one under construction located to its immediate northwest. On the same street block at the junction of Castle Peak Road and Kiu Kuang Street is a commercial development with planning permission (No. A/K5/174) granted in 1993. Another commercial building is located at the junction of Yen Chow Street and Fuk Wing Street with an occupation permit issued in 1982;
- (c) to its east are a public rest garden and roads (Kowloon Road and Tai Po Road);
- (d) to the further south of the Site is a 4-storey historical residential building (i.e. 75 Un Chau Street) with proposed Grade 3 status;
- (e) to its west are the GIC developments of Ying Wah Girls School, Precious Blood Convent (Grade 2), the Precious Blood Hospital (Grade 3), Tack Ching primary school and kindergarten, and Precious Blood Nursery; and
- (f) to the north across Tai Po Road are the Savannah College of Art and Design (Grade 2), the Saviour Lutheran School and the Saviour Lutheran Church (pending grading assessment), and Mei Ho House Youth Hostel (Grade 2) with a green knoll located behind them.

9. Planning Intention

The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) he has no objection to the application;
- (b) the application premises falls with New Kowloon Inland Lot No. 3745 (the Lot) and is governed by the Government Lease dated 5 May 1956 as modified by the Modification Letter of 30 March 1957 (the Government Lease). The Government Lease restricts the use of the Lot merely for the manufacture of confectionary and particularly prevents the use thereof for any domestic purpose or retail sale or other purpose, except that the ground floor of the

premises which is permitted for non-industrial purposes (e.g. shop, restaurants or residential use, etc.) together with a bakery and for the manufacture of confectionary. The Government Lease also contains offensive trades clause and design, disposition and height clause. According to the plan annexed to the Government Lease, the Lot has an area of 12,363ft²; and

- (c) it is noted that the proposed redevelopment involves construction of a tower for office, shops, eateries and schools etc, atop a 3-store basement which is for parking purposes, which are not in compliance with the aforesaid lease conditions. If the planning application is approved by the Board, the Lessee has to apply to LandsD for a lease modification. However, there is no guarantee that the lease modification application will be approved. Such application, if received by the LandsD, will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by the LandsD.

Building Matters

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

He has no objection to the application subject to the following:

- (a) the proposal should in all aspects comply with the Buildings Ordinance (BO);
- (b) under PNAP APP-2, 100% GFA concession may be granted for underground private carpark while only 50% GFA concession may be granted for aboveground private carpark;
- (c) in accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the applicant should be advised to take note of the sustainable building design requirements (including building separation, building setback and site coverage of greenery) as coordinated in PNAP APP-152 during the building plan submission stage;
- (d) floor to floor height at G/F and 1/F should not be more than 5m;
- (e) the applicant should ensure the proposed development intensity comply with the First Schedule of the Building (planning) Regulations (B(P)R). Full site coverage of non-domestic podium is restricted to height of 15m in accordance with B(P)R 20(3).

Proposed site coverage of podium shall not exceed the limitation under the First Schedule of the B(P)R; and

- (f) detailed comments under the BO can only be formulated at the building submission stage.

Traffic

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

- (a) she has no objection in principle to the application from the traffic point of view;
- (b) as the applicant has submitted an alternative scheme of using car lifts (**Appendix Io**) in addition to car ramps with double-deck parking system, the following approval conditions are recommended :
 - (i) the submission of a revised TIA and implementation of the recommendations identified therein to the satisfaction of the Commissioner for Transport or of the Board; and
 - (ii) the design and provision of ingress/egress, parking facilities (including but not limited to car ramps, car lifts, double-deck parking system, queuing spaces, etc.), loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the Board.

Urban Design, Landscape and Air Ventilation

10.1.4 Comments of the Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) as the proposed development with a height of 110mPD complies with the maximum BH restriction of the OZP, he has no further comment from visual impact point of view; and
- (b) he has no comment on the public comments on the architectural and visual impact point of view.

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

Urban Design and Visual Impact

- (a) it is noted from the applicant that the SC and BH under the proposed scheme (i.e. commercial building) are around 50%-60% (above 43m) and 110mPD respectively whereas the SC and BH

under the hypothetical OZP-compliance scheme (i.e. composite building) are about 33% (above 15m) and 104mPD respectively;

- (b) based on the revised photomontages, the proposed commercial building appears to have a larger podium than the hypothetical composite building while its perceivable bulk beyond the podium level appears similar to that of the residential tower from the viewpoints chosen;
- (c) the subject site is located at the foot of a small hill to its northeast, unofficially named “The Hill of Garden” 「嘉頓山」, which is a popular hiking spot and public vantage point for sunset and night views of the city. From “The Hill of Garden”, Yen Chow Street clearly stands out as a visual corridor adding interest to Sham Shui Po townscape as illustrated in the photos supplied by the applicant (viewpoints F and G) (**Drawings A-23** and **A-24** refer). According to the related photomontages F and G, the visual corridor of Yen Chow Street will be affected by both the proposed scheme and the hypothetical OZP-compliance scheme. In order to preserve/safeguard this visual corridor, consideration should be given to manipulate the building configuration. The applicant’ responses that there is opportunity to further adjust the disposition of the building taking into account the visual corridor along Yen Chow Street during the detailed design stage (**Appendix Ik**) is noted; and
- (d) according to AMO, the “key character defining elements” of the existing building, which include the clock tower, the “bakery chef logo”, the “Garden” logo, etc., should be preserved. He shares AMO’s view as well as the related public comments received. Hence, efforts in protecting the special architectural and/or historic interest of our townscape, which will enrich our urban fabric, should be supported;

Landscape

- (a) he has no objection to the application from the landscape planning point of view. The Site is fully occupied by the existing Bakery building with no existing vegetation. The surrounding environment mainly comprises of residential, commercial, school and hospital. The proposed use is not incompatible with the surrounding as well as the landscape character; and
- (b) the applicant is advised to consider landscape treatment along the proposed building edge from landscape planning perspective.

Air Ventilation

- (a) no comments from air ventilation perspective;

- (b) according to the Air Ventilation Assessment (AVA) Expert Evaluation for Cheung Sha Wan Area (Sep 2010), the scenario of redevelopment up to the maximum BH restriction of 110mPD under the OZP at the Site has been considered and no further study on such scenario is recommended; and
- (c) the proposed development under application does not exceed the BH restriction of 110mPD as stipulated in the subject OZP. The Site and the proposal do not fall within the categories of which an AVA is required in accordance with the joint HPLB-ETWB Technical Circular No. 1/06 on AVA. As such, it is not anticipated that the proposal would induce any significant adverse air ventilation impact on the surrounding when compared to the OZP compliant condition.

Environment

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

- (a) adverse environmental impacts are not anticipated from the proposed development with implementation of the recommended sewerage upgrading works identified in the SIA. To ensure implementation of the sewerage upgrading and connection works by the applicant, a condition for “the implementation of the local sewerage upgrading / sewerage connection works identified in the sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board” should be imposed if the application is approved; and
- (b) as regards the public comments and as far as environmental issues are concerned, a public comment has raised concern about the potential noise and dust impacts arising from the redevelopment to the nearby residents and student. They are of the view that the applicant would implement the redevelopment in accordance with the relevant pollution control ordinances and the HKPSG, and adopt pollution control measures to minimize construction noise and dust during works. Adverse noise and dust impacts are not anticipated from the proposed redevelopment.

Fire Safety

10.1.7 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 his satisfaction;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

- (c) the arrangement of EVA shall comply with Section 6, part D of the *Code of Practice for Fire Safety in Buildings 2011* which is administered by the BD.

Heritage Conservation

10.1.8 Comments of the Commissioner for Heritage's Office (CHO) and Antiquities and Monuments Office (AMO) of Development Bureau:

- (a) the Garden Building was confirmed with a Grade 2 status by the Antiquities Advisory Board ("AAB") on 21 June 2018. By definition, historic buildings accorded with Grade 2 status are buildings of special merit; efforts should be made to selectively preserve;
- (b) according to the applicant's submissions, a preservation-cum-development approach will be adopted in relation to the redevelopment of the Garden Building which includes the following:
 - (i) a display corner of local products and photo records of the bakery history will be provided at 1/F for public visit and appreciation;
 - (ii) the clock with the piece of red façade will be preserved and incorporated into the new building by reinstallation of it on the external façade of the podium at appropriate height to suit the future design;
 - (iii) the two "bakery chef" logos and the white façade facing Kowloon Road and Castle Peak Road will be preserved and incorporated into the new building by reinstallation of them facing Kowloon Road and Castle Peak Road respectively; and
 - (iv) the concept of large white characters "Garden" and the red band will be reinterpreted in the design of the new building; and
- (c) while details of the display corner of local products and photo records of the bakery history on 1/F are not provided in the further information, CHO and AMO wish to point out that such display corner should be sufficiently large in size and free for public visit and appreciation at reasonable hours. While AAB's recommendations (e.g. required preservation of the Building's character defining elements) have been generally addressed in the submissions, CHO and AMO welcome the applicant to provide design details of the proposed redevelopment and display corner (e.g. area and theme of the display), once available, for their further comments, and the following condition is suggested:

“the preservation and incorporation of the clock with the piece of red façade and two “bakery chef” logos with the two white facades (facing Kowloon Road and Castle Peak Road respectively) into the new building, and the reinterpretation of the concept of a large brand name bearing the white characters “Garden” on the red band in the design of the new building, to the satisfaction of the AMO or of the Board.”

School Registration

10.1.9 Comments of Secretary for Education (SED) :

- (a) she has no adverse comment on the application;
- (b) according to section 3(1) of the Education Ordinance, “school” means an institution, organisation or establishment which provides for 20 or more persons during any one day or eight or more persons at any one time, any nursery, kindergarten, primary, secondary or post-secondary education or any other educational course by any means, including correspondence delivered by hand or through the postal services; and
- (c) according to the Education Ordinance, an application for registration of a school shall be made to the Permanent Secretary for Education (the Permanent Secretary) in the specified form and accompanied by the documents specified in such form. If the school is to be operated in or in any part of any premises which are not designed and constructed for the purposes of a school, additional documents should be provided. For more details about registration, reference could be made to “Guidelines for Registration of a New School” which can be downloaded from EDB homepage (<http://www.edb.gov.hk>) via the following path: *EDB homepage>School Administration and Management>School Registration >About School Registration.*

Electrical and Mechanical Services

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

- (a) he has no adverse comment on the application;

Electricity Safety

- (b) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable under this application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find

out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site;

- (c) the parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

Town Gas Safety

- (d) there is an intermediate pressure underground town gas pipeline (running along Castle Peak Road and Un Chau Street) in the close vicinity of the Site;
- (e) the future developer/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planning gas pipes/gas installations within/in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
- (f) the future developer/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department’s “Code of Practice on Avoiding Danger from Gas Pipes” for reference.

Local Views

10.1.11 District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD):

- (a) the subject building has a history of more than 80 years and has long become a very prominent landmark of the Sham Shui Po district. He/she agreed that the building, particularly the clock tower, has been embedded in people’s collective memory. Their assessment is that a great deal of cultural and historical value has been attached to the building;
- (b) the applicant should address the community’s concerns to the largest extent possible in their redevelopment proposal. Any changes involving the subject building should be carefully handled with due regard to public opinions and sentiment. If such concerns are not properly addressed, the redevelopment proposal will likely attract widespread criticism from the heritage preservation perspective; and
- (c) the Sham Shui Po District Council (DC) discussed the application at its meeting on 5.9.2017. DC members considered the subject building as a historical landmark of the district and the collective

memory of local residents. They expressed concerns on the traffic impacts raised by the proposed development and that the application should be considered after the release of the result for the grading assessment of the existing building. Extract of the minutes is at **Appendix IV**.

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

- (a) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD).

11. **Public Comments Received During Publication Period**

11.1 The application was published five times (25.7.2017, 25.8.2017, 10.10.2017, 2.2.2018 and 13.4.2018) for public inspection. During the five three-week statutory public publication periods ending on 15.8.2017, 15.9.2017, 31.10.2017, 23.2.2018 and 4.5.2018 respectively, a total of 390 public comments were received. Amongst the public comments received, three are from concerned groups namely (a) Central and Western Concern Group; (b) The Conservancy Association; and (c) Designing Hong Kong, two are from Sham Shui Po District Councillors and 28 individuals (**Appendix Va**). The remaining 357 are from individuals in the form of standard bilingual letters (Chinese or English), and samples are at **Appendix Vb**. Except one with no view, all have objections and/or concerns to the application.

11.2 All the public comments received are summarised in the following table, and deposited at the Board's Secretariat for Members' reference.

Submission	Publication Period	Support	Objection/ Concerns	No View	Total
Planning Application	25.7.2017 to 15.8.2017	0	381	1	382
FI of 18.8.2017	25.8.2017 to 15.9.2017	0	0	0	0
FI of 25.9.2017 & 27.9.2017	10.10.2017 to 31.10.2017	0	1	0	1
FI of 24.1.2018	2.2.2018 to 23.2.2018	0	3	0	3
FI of 29.3.2018, 3.4.2018 & 4.4.2018	13.4.2018 to 4.5.2018	0	4	0	4
Total		0	389	1	390

11.3 The main objection grounds are summarised as follows:

- (a) the proposed development with demolition of the existing Garden Bakery building would destruct a historical landmark in Sham Shui Po District, and the collective memory of Hong Kong people associated to the building and the company;
- (b) the proposed development cannot maintain the historical and architectural values of the existing Garden Bakery building as it does not have any plans for conserving the architecture of the existing building;
- (c) the AMO should evaluate the grading for the Garden Bakery building, and discuss with the community and the business owner for preservation proposals to utilise the historical resources and develop tourism for local culture; and
- (d) the proposed development would bring adverse noise, air quality and air ventilation impacts to the nearby residents and students in the neighbourhood.

11.4 The major concerns raised are as follows:

- (a) the photomontages and the submitted TIA cannot evaluate the design of the proposed building and substantiate that the proposed development would not cause adverse visual and traffic impact to the existing neighbourhood; and
- (b) the existing design features of the building, including the façade, the clock tower and the logo, with historical and architectural values should be preserved and incorporated into the proposed development.

12. Planning Considerations and Assessments

Planning Intention

12.1 The Site falls within the “R(A)” zone which is intended primarily for high-density residential developments with commercial uses always permitted on the lowest three floors of a building. The subject application is to redevelop the existing non-domestic building on the Site to a 25-storey commercial building with office, shop and services, eating places and schools (cookery-related). The proposed commercial/office development is not in line with the planning intention of the “R(A)” zone, which is for high-density residential development.

12.2 While the area in which the Site is located is predominated by residential developments, there are commercial uses on lower floors of the residential buildings, and the area is mixed with GIC and commercial developments. The Site is located at a corner site of a residential cluster and next to a GIC cluster

with schools, church and youth hostel (along Tai Po Road). The proposed development is considered not incompatible with the surrounding developments in land use terms.

Housing Land Supply

- 12.3 Due to acute shortage of housing land since 2013, the Committee takes the view that sites zoned for residential use should generally be retained for residential development unless with very strong justifications. The subject Site, however, warrants special consideration. The Site has a unique history of the bakery operation of 'The Garden'. It has all along been occupied by the subject Garden Building dated back to 1960, before the rezoning together with other sites in the area from "C/R" to "R(A)" in 1981. The existing building on the Site is used for headquarter office and there is a café for visitors to taste the food product of 'The Garden'. The uses of the proposed development will be mainly related to the food business including restaurant/café, cookery related class/training and head office of 'The Garden' and could allow most of the key existing uses and activities of 'The Garden' to be continued at the same site. The Site has been the subject of two planning applications submitted by the same applicant for similar commercial/office development, which were approved in 1995. The approved schemes had not been implemented before the expiry of the permissions and the permissions were subsequently lapsed. The Site has also long been developed for non-domestic uses. Taking account of the special circumstances of the unique history of the Site, the approval of the application will not set an undesirable precedent for similar applications in the area.

Town Planning Board Guidelines

- 12.4 The proposed development in general complies with the relevant assessment criteria specified in TPN PG-No. 5 in that the Site is located at an easily accessible location well-served by public transport, the proposed development is considered not incompatible with the surrounding developments and both BD and TD have no adverse comments on the proposed development from building design and traffic perspective respectively (paragraph 12.7 below refers).

Conservation/Preservation

- 12.5 Being located at the northern end of the main road of Yen Chow Street and surrounded by comparatively low-rise GIC developments and open space, together with its long history at the Site, the "Garden" building has been the landmark of the area. The Garden Building is a Grade 2 historic building as confirmed at the AAB meeting on 21.6.2018, which means that the building is of special merits and efforts should be made to selectively preserve. According to the Historic Building Appraisal prepared by AMO to support the proposed Grade 2 for the building, the clock tower is considered the most recognized and familiar feature of the subject building and the "bakery chef" logos are also the key character defining elements. SSPDC members also considered that the

subject building is a historical landmark of the district with collective memory of local residents.

- 12.6 The applicant intends to carry on the presence of the Garden Company in the locality and has proposed to incorporate the existing clock with the piece of red facade, the existing two company's 'bakery chef' logos with the two pieces of white facades and the existing concept of large white characters (the word "Garden") and the red band on the new building façade. The applicant also indicates that head office of The Garden will remain in the new building, together with shops selling their bakery products, restaurant for tasting the bakery products, and display corner of local products and photo records of the 'The Garden' bakery history to be provided in the new building. Cookery-related school will also be provided. The proposed development could allow most of the key existing uses and activities of 'The Garden' to be continued at the same site. In this connection, both CHO and AMO have no objection to the application, and they welcome the applicant to provide design details of the proposed redevelopment and display corner (e.g. area and theme of the display) for their further comments. In this connection, an approval condition is recommended on preservation and incorporation of various key defining elements in the design of the new building to the satisfaction of AMO.

Technical Aspects

- 12.7 On the technical aspects, relevant Government departments consulted including C for T, CBS/K, BD, DEP, CE/MS, DSD, CE/C, WSD, D of FS, CA/CMD2, ArchSD and CTP/UD&L, PlanD have no adverse comments on the application. Relevant approval conditions on traffic, sewerage and fire safety are suggested to be imposed.

Public Comments

- 12.8 Regarding the public comments received, the assessment above and the departmental comments in paragraph 10 are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above, and having taken into account the public comments mentioned in paragraph 11, 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 21.9.2022, 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. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the preservation and incorporation of the clock with the piece of red façade and two “bakery chef” logos with the two white facades (facing Kowloon Road and Castle Peak Road respectively) into the new building, and the reinterpretation of the concept of a large brand name bearing the white characters “Garden” on the red band in the design of the new building, to the satisfaction of the Antiquities and Monuments Office or of the Board;
- (b) the submission of a revised TIA and implementation of the recommendations identified therein to the satisfaction of Commissioner for Transport or of the Board;
- (c) the design and provision of ingress/egress, parking facilities (including but not limited to car ramps, car lifts, double-deck parking system, queuing spaces, etc.), loading/unloading spaces and lay-bys for the proposed development to the satisfaction of Commissioner for Transport or of the Board;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Board; and
- (e) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Board.

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

there is no strong justification for the proposed commercial development to deviate from the planning intention of the “R(A)” zone which is intended primarily for high-density residential development.

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 18.7.2017
Appendix Ia	Supplementary planning statement with a Traffic Impact Assessment (TIA) and Sewage Impact Assessment (SIA)
Appendix Ib	Letter dated 19.7.2017 with replacement pages of the application form
Appendix Ic	FI dated 18.8.2017 to provide responses to departmental comments with revised SIA
Appendix Id	FI dated 25.9.2017 to provide responses to departmental comments with photomontages showing the proposed development and revised TIA
Appendix Ie	FI dated 27.9.2017 to provide responses to departmental comments with revised SIA
Appendix If	FI dated 24.1.2018 to provide responses to departmental comments with revised SIA and updated photomontages
Appendix Ig	FI dated 13.2.2018 to provide replacement pages of the submitted TIA
Appendix Ih	FI dated 29.3.2018 to provide responses to departmental comments with revised SIA, supplementary information to TIA and revised photomontages
Appendix Ii	FI dated 3.4.2018 to provide a Queuing Assessment under the TIA
Appendix Ij	FI dated 4.4.2018 to provide original photos of the photomontages
Appendix Ik	FI dated 4.5.2018 to provide responses to departmental comments
Appendix Im	FI dated 17.5.2018 to provide supplementary information on the revised SIA
Appendix In	FI dated 30.7.2018 to provide responses to departmental comments and updated photomontages
Appendix Io	FI dated 12.9.2018 to provide responses to departmental comments
Appendix Ip	FI dated 13.9.2018 to provide a replacement page of
Appendix II	Appendix Io Previous applications
Appendix III	Similar applications within “R(A)” Zone in Cheung Sha Wan OZP since 1990
Appendix IV	Extract of Minutes for Sham Shui Po District Council Meeting on 5.9.2018
Appendix Va	Non-standard public comments received during the statutory publication periods
Appendix Vb	Samples of standard public comments received during the statutory publication periods
Appendix VI	Recommended advisory clauses

Drawing A-1	Proposed Sectional Plan submitted by the applicant
Drawings A-2 to A-5	Proposed Layout at B3/F to B1/F and G/F submitted by the applicant with the option of 'car ramp'
Drawings A-6 to A-14	Proposed Layout at 1/F to 21/F submitted by the applicant
Drawings A-15 to A-18	Proposed Layout at B3/F to B1/F and G/F submitted by the applicant with the option of 'car lift'
Drawing A-19	Location of Viewpoints for Photomontages
Drawing A-20 to 25	Photomontages showing proposed development at Viewpoints B and D to H
Drawing A-26 to 27	Photomontages showing the proposed development with incorporation of the historic elements of the existing building
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Location Plan on previous OZPs
Plan A-4 and A-5	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2018**