

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/813

- Applicant** : Glory View Properties Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 822 Lai Chi Kok Road, Cheung Sha Wan, Kowloon
- Site Area** : About 1318.3m²
- Lease** : New Kowloon Inland Lot (NKIL) No. 5568 (the Lot)
(a) Restricted for industrial or godown purposes or both excluding offensive trades
(b) No building shall be erected except factories or godowns, ancillary offices and canteen and other welfare facilities for workmen employed on the Lot
(c) Building height (BH) restriction of 150 feet above Hong Kong Principal Datum
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/37
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0 and maximum BH of 120 metres above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater
(b) Minor relaxation of the PR/BH restrictions may be considered by the Town Planning Board (the Board) on application based on individual merits of a development or redevelopment proposal
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Office, Shop and Services and Eating Place Uses

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) as well as relaxation of BH restriction from 120mPD to 125.7mPD (i.e. +5.7m or +4.75%) at 822 Lai Chi Kok Road (the Site), which is zoned “OU(B)” on the approved Cheung Sha Wan OZP No. S/K5/37 (**Plan A-1**). The application is for redevelopment of an existing 13-storey industrial building (IB)

constructed before 1987 (pre-1987 IB) ^[1] into a 31-storey (including four basement levels) commercial/office (C/O) development comprising ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses (the Proposed Scheme) which are uses always permitted under Schedule I for non-IBs of the Notes for “OU(B)” zone. Minor relaxation of the PR and BH restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance (the Ordinance).

- 1.2 In accordance with the setback requirements under the draft Cheung Sha Wan and Sham Shui Po Outline Development Plan (ODP) (Northern Part) No. D/K5A/1B (**Plan A-2**), for the purpose of street widening and streetscape improvement, the Proposed Scheme incorporates 3.5m full-height building setbacks from the lot boundary abutting Lai Chi Kok Road and Cheung Lai Street. In addition to the setback requirements under the ODP, 1m building setback at G/F and 1/F (with headroom of about 10.4m) along Cheung Yee Street is also proposed to enhance pedestrian connectivity and comfort (**Drawings A-5, A-17 to A-19**).
- 1.3 According to the applicant, the proposed minor relaxation of BH restriction from 120mPD to 125.7mPD could accommodate a proposed sky garden cum refuge floor with a floor-to-floor height of 5.7m at 12/F for enhancing building permeability, facilitating natural ventilation, and providing social gathering places for visitors and tenants of the proposed C/O development (**Drawings A-14, A-17 to A-19**).
- 1.4 The Proposed Scheme also incorporates flat roofs/recessed terraces at 3/F and 6/F with greenery to provide visual relief and reduce solar heat gain. Vertical green walls are proposed on the façades along Lai Chi Kok Road and Cheung Yee Street with roadside planters (**Drawings A-5, A-8, A-11, A-17 to A-19**). The proposed development will achieve a 20% greenery coverage (263.891m²) with an additional 50m² of vertical greening (not accountable towards required greenery coverage) at pedestrian zone (i.e. below 15m at G/F, 1/F and 3/F). The applicant also intends to claim a bonus PR of about 0.983 (i.e. a floor area of about 1,295.888m²) under section 22 of the Building (Planning) Regulations (B(P)R) for the proposed 3.5m building setbacks along Lai Chi Kok Road and Cheung Lai Street as required under the ODP.
- 1.5 Relevant floor plans, diagrammatic sections, elevations and photomontages submitted by the applicant are shown at **Drawings A-1 to A-22**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area ⁽¹⁾	About 1318.3m ²
PR ⁽²⁾	Not exceeding 14.4
Total Gross Floor Area (GFA) ⁽²⁾	About 18983.52m ²
Site Coverage (SC)	
<ul style="list-style-type: none"> ● G/F-2/F (Podium below 15m) ● 3/F-26/F (Tower) 	Not more than 81% Not more than 65%

^[1] The Occupation Permit (OP) for the subject IB was issued on 18.4.1979.

Major Development Parameters	Proposed Scheme
No. of Storeys	31 (including four basement levels for car parking and E&M facilities)
BH (at main roof level)	125.7mPD
Proposed Uses	Office, Shop and Services, and Eating Place
Parking Spaces	134
<ul style="list-style-type: none"> ● Private Car ● Motorcycle 	121 (including four accessible parking spaces) 13
Loading/Unloading (L/UL) Bays ⁽³⁾	9
<ul style="list-style-type: none"> ● Light Goods Vehicle (LGV) ● Heavy Goods Vehicle (HGV) 	6 3
Setbacks	
<ul style="list-style-type: none"> ● Lai Chi Kok Road ● Cheung Lai Street ● Cheung Yee Street 	3.5m full-height 3.5m full-height 1m at G/F and 1/F (with headroom of about 10.4m)
Greenery Coverage ⁽⁴⁾	about 20% (263.891m ²)
Anticipated Year of Completion	2023

Notes:

- (1) The site area includes the proposed 3.5m full-height building setbacks along Lai Chi Kok Road and Cheung Lai Street as required under the ODP and the 1m setback at G/F and 1/F of the proposed building along Cheung Yee Street.
- (2) Any bonus PR that may be approved by the Building Authority (BA) under B(P)R 22(1) or (2) for the setback areas to be surrendered to the Government have not been reflected in the above. On top of the PR and GFA set out as above, the applicant intends to claim a bonus PR of about 0.983 (i.e. GFA of about 1,295.888m²) under B(P)R 22(2) for the 3.5m building setback areas at Lai Chi Kok Road and Cheung Lai Street to be surrendered to the Government subject to approval by BA during detailed design stage. The proposed BH will be able to accommodate the bonus PR.
- (3) According to the applicant, the proposed provision should be for L/UL of goods vehicles, and 50% of which should also be for parking of goods vehicles.
- (4) In addition to the greenery coverage area set out as above, a 50m² vertical greening not accountable towards the required greenery coverage area under PNAP APP-152 is proposed by the applicant.

1.6 The main uses by floor of the proposed development and the floor-to-floor heights under the Proposed Scheme (**Drawing A-17**) are summarised below:

Floor	Main Uses	Floor-to-Floor Height (m)
G/F	Entrance Lobby, L/UL Bays	5.9
1/F-4/F	Shop and Services/Eating Place	4.5 (1/F and 2/F) and 4.4 (3/F and 4/F)
6/F-11/F and 13/F-26/F	Office	4.375
12/F	Sky Garden cum Refuge Floor	5.7

1.7 In support of the application, the applicant has submitted the following documents:

- (a) Application form and supplementary information (**Appendix I**) received on 22.11.2019

- (b) Supporting Planning Statement (SPS) enclosing plans and drawings, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), and Visual Impact Assessment (VIA) received on 22.11.2019 **(Appendix Ia)**
 - (c) First further information (FI) received on 17.1.2020 and 22.1.2020 providing responses to departmental comments and public comments, revised SIA, revised architectural drawings and photomontages
[Accepted but not exempted from publication and recounting requirements] **(Appendix Ib)**
 - (d) FI 2 received on 24.2.2020 providing responses to departmental comments and enclosing car park layout plans **(Appendix Ic)**
- 1.8 On 17.1.2020, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI to address the departmental comments. With the FI received on 17.1.2020 and 22.1.2020 (**Appendix Ib**), 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 set out in the SPS and the FIs at **Appendices Ia to Ic** and summarised as follows:

Realising Intention of Policy to Encourage Redevelopment of Pre-1987 IBs

- 2.1 The application for a minor relaxation of PR restriction of 20% is a proactive response to the policy set out in 2018 Policy Address to encourage owners to redevelop IBs completed before 1987. The proposed development will provide more floor area to meet the changing social and economic demand in Hong Kong and make use of the valuable land resources.

Complying with Criteria for Relaxing Maximum Permissible PR

- 2.2 The application, with the subject building completed before 1987 and located within non-residential zone in the main urban area, is intended for commercial development. It complies with all eligible criteria for relaxing the maximum permissible PR for IBs by up to 20%.

In-line with Planning Intention

- 2.3 The intended 'Office', 'Shop and Services' and 'Eating Place' uses are always permitted under Schedule I of the Notes for "OU(B)" zone and is in-line with the planning intention primarily for general business uses.

Realising Building Setback

- 2.4 The requirements for 3.5m building setbacks along Lai Chi Kok Road and Cheung Lai Street under the ODP will be realised upon the proposed redevelopment to achieve benefits on traffic, ventilation and visual aspects (**Drawing A-5**). An additional 1m building setback at G/F and 1/F (with headroom of about 10.4m) along Cheung Yee Street is proposed to provide shading at street level and to enhance pedestrian connectivity and comfort (**Drawing A-5**). For provision of weather protection design measures along the building facades, the setback along Cheung Yee Street serves similar function. Provision of such design measures e.g. canopies may have GFA implication and in the setback areas to be surrendered to the Government is subject to discussion with concerned departments during the subsequent detailed design and lease modification stages.

Minimum Increase in BH

- 2.5 Efforts have been made to reduce the BH as far as possible. The proposed floor-to-floor height of typical office floors has been reduced to 4.375m (originally proposed 4.5m). The proposed minor relaxation of BH would accommodate the proposed sky garden cum refuge floor (5.7m) at 12/F to provide additional greenery, improve natural ventilation and social gathering place for visitors and tenants of the proposed development, and accommodate the proposed PR of 14.4 and the bonus PR to be claimed under B(P)R 22(2) (**Drawing A-17**). Four levels of car parking spaces are designated in the basement to minimise BH increase (**Drawing A-17**).

Compatible with BH Profile of the Surrounding

- 2.6 The Site is located at the southern fringe of the Cheung Sha Wan Industrial/Business Area (CSWIBA) immediately north to a belt of residential developments with BHs ranging from 135 to 185mPD. With the proposed minor relaxation of BH, it presents a visually enhanced stepping BH profile from 135 to 185mPD (in the south), to 125.7mPD (the Site), and 120 to 130mPD for the rest of the CSWIBA as stipulated on the OZP (in the north). The proposed minor relaxation of BH would be fully embedded in the area (**Drawings A-20 to A-22**).

Fulfilling Criteria for Minor Relaxation of BH Restriction

- 2.7 The Proposed Scheme is expected to fulfil the criteria for considering minor relaxation of BH restriction as stated in the Explanatory Statement (ES) of the OZP, including:
- (a) accommodating bonus PR – the proposed BH serves to accommodate the bonus PR to be claimed for setback areas surrendered to the Government;
 - (b) providing better streetscape/good quality street level public urban space – two 3.5m setbacks have been incorporated in accordance with the ODP, and the setback areas will be paved and greenery features including vertical green walls and road side planters will be incorporated to provide better streetscape and walking environment along Lai Chi Kok Road and Cheung Yee Street;

- (c) providing separation between buildings to enhance air ventilation and visual permeability – the sky garden, the built form with flat roofs/recessed terraces with greenery, and the tower portion setback from adjoining building would enhance visual permeability and natural ventilation;
- (d) accommodating building design to address specific site constraints – the SC below 15m with incorporation of building setbacks and the SC above 15m permitted under B(P)R are fully utilised, and all parking spaces are proposed at basement levels to reduce the above-ground building bulk; and
- (e) Other factors that would bring about improvements to townscape and amenity – the innovative design including flat roofs/recessed terraces provides multi-level greenery and breaks up visual plainness and bulkiness.

Planning and Design Merits

- 2.8 The Proposed Scheme not only satisfies the growing demand for Grade A office space in the territory and ancillary retail spaces in the surrounding area, but also provides multiple planning and design merits for the public including the proposed sky garden, flat roofs/recessed terraces with greenery, vertical green walls, roadside planters and building setbacks for improvements on visual, ventilation, streetscape and pedestrian walking environment (**Drawings A-18 to A-19**). In addition, it will replace the existing IB by a modern building with unique built form and multiple planning and design merits particularly for pedestrians.

Sustainable Building Design Guidelines (SBDG) and Green Building Design

- 2.9 The Proposed Scheme has taken into account the SBDG on the aspects of building separation (not required as site area and projected façade length are less than the criteria), building setback (abutting streets are wider than 15m and no part of the building falling within 7.5m from the centreline of the streets) and greenery SC (20% greenery coverage provided within the pedestrian zone).
- 2.10 The Proposed Scheme has taken into consideration of green building design to pursue energy efficiency including the greenery at flat roofs/recessed terraces to reduce solar heat gain of the building. The curtain wall system will be made up by Low-E glass to ensure visible light transmittance while reducing light pollution and glare to surrounding areas and the glass used will comply with the requirements of Shading Coefficient, Visible Light Transmittance and External Reflectance imposed by the Overall Building (Energy Efficiency) Regulation. Besides, the proposed development will comply with Building (Energy Efficiency) Regulation and the building services installations would be provided in accordance with the Building Energy Code to promote energy efficiency.

No Adverse Impacts

- 2.11 As demonstrated in the submitted TIA, SIA and VIA, the proposed development is anticipated to generate no adverse impacts on the surroundings. The external lighting installations will comply with the Charter on External Lighting launched by the Environment Bureau to minimise the light nuisance to the nearby residents.

Provision of Transport Facilities

- 2.12 With the building setbacks, the ground floor efficiency for spatial planning is lessened. The proposed provision of goods vehicle L/UL bays at G/F is still in compliance with the Hong Kong Planning Standard and Guidelines (HKPSG). Due to operational needs of the proposed development and limited site footprint area, the internal transport facilities will be solely for private use and no public car park will be provided. Besides, the provision of a new underground entrance/exit within the Site to MTR Lai Chi Kok Station as raised in the public comment might have implications on reducing the number of car parking spaces at basement level(s) of the Site.

Desirable Precedent in the Cheung Sha Wan Industrial/Business Area

- 2.13 The proposed development is echoing the intended transformation of the CSWIBA. The Proposed Scheme is justified with the provision of multiple planning and design merits. Approval of this application would set a desirable precedent for similar developments in the area to facilitate redevelopment of IBs for modern standard commercial uses to optimise valuable land resources in urban areas with good public transport accessibility.

3. Background

Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in 2018 Policy Address, to provide more floor area to meeting Hong Kong's changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987^[2], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside "Residential" zones in Main Urban Areas and New Towns into industrial/commercial uses. The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R^[3]. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.
- 3.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

^[2] Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans first submitted to BA for approval on or before the same date.

^[3] Under the new policy, any bonus floor area claimed under section 22(1) or (2) of the B(P)R is not to be counted towards the proposed increase of non-domestic PR by 20% for redevelopment projects.

Imposition of BH Restrictions for the CSWIBA

- 3.3 The BH restrictions for the CSWIBA were incorporated on the draft Cheung Sha Wan OZP No. S/K5/32 exhibited on 30.9.2010 with a view to preventing excessively tall or out-of-context buildings, preserving the views to the ridgelines and providing better control on the BHs of developments, taking account of the natural terrain, local context, achieving diversity in height, local wind environment and measures suggested for ventilation improvements and permitted PR under OZP. Three main height bands of 100mPD for “Commercial” zone and 120mPD and 130mPD for “OU(B)” zones are imposed covering the commercial, business and industrial developments in the CSWIBA. The various BH restrictions and the heights of existing buildings in “C” and “OU(B)” sites in the CSWIBA are at **Plan A-3**.
- 3.4 An Expert Evaluation on Air Ventilation Assessment (AVA-EE) was undertaken to assess the existing wind environment and the likely impact of the BHs of the development sites within the Cheung Sha Wan Area on the pedestrian wind environment. For the CSWIBA, Cheung Yee Street is identified as one of the air paths in the area. If developments along Cheung Yee Street cannot be capped at 60mPD, the AVA-EE Report recommended that the width (building face to building face) of Cheung Yee Street should be widened to 17m to facilitate air ventilation of the CSWIBA. In this connection, building setback requirement of 5m along Cheung Yee Street (at the opposite side of Cheung Yee Street that the Site is located) upon redevelopment, which is in line with the ODP requirement, was proposed (**Plan A-2**). The setback requirement was incorporated in the draft Cheung Sha Wan OZP No. S/K5/32 and has been maintained in the extant OZP.
- 3.5 As the setback requirement under the OZP is on the opposite side of the Cheung Yee Street that the Site is located, the Site is not subject to any setback requirements under OZP but under the ODP only for street widening and streetscape improvement purposes (**Plan A-2**) (paragraph 8.3 below refers).

4. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (Nos. A/K5/249 and A/K5/269) (**Plan A-1**), both for a 23-storey industrial-office (I-O) building with proposed BH of 83.25mPD at main roof when the Site was zoned “Industrial” on the OZP. Application No. A/K5/249 was rejected by the Committee on 7.10.1994 for the reasons that the proposed run-in was too close to a road junction and the design of ramp for private cars was unsatisfactory. Subsequently, the same applicant submitted Application No. A/K5/269 for proposed I-O building with a similar proposal as the previous application (No. A/K5/249). Application No. A/K5/269 was approved with conditions by the Committee on 13.1.1995 on the consideration that the application

generally complied with the Board's guidelines on composite I-O buildings in industrial zone. The approved development was not commenced before the expiry of validity period (13.1.1997) and the permission has lapsed.

- 5.2 There is no previous application for minor relaxation of PR or BH restrictions at the Site.

6. Similar Applications

Since March 2019, the Committee has considered a total of ~~4716~~ minor relaxation applications in the Metro Area relating to the Policy, with ~~89~~ applications for relaxation of PR restriction and ~~97~~ applications for relaxation of both PR and BH restrictions. There is no similar application in the Cheung Sha Wan Industrial/Business Area. Out of the ~~4716~~ similar applications, ~~4615~~ applications were approved with conditions and one was rejected (No. A/K14/764) on the grounds that there was insufficient planning and design merits to support the proposed relaxation of BH restriction (see **Appendix II** for details). In consideration of these applications, the Committee generally indicated support for the Policy to relax the PR up to 20% as it provides incentives to encourage redevelopment of pre-1987 IBs taking account that relevant technical assessments were submitted to support the technical feasibility and there was no adverse comment from relevant Government departments. For proposed minor relaxation of BH associated with such applications, the applicants have to demonstrate that the proposed BH will not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, with due regard to the requirements under SBDG and green building design considerations.

7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4 and A-5)

7.1 The Site is:

- (a) occupied by a 13-storey IB (about 45mPD) built in 1979 and currently for office/warehouse uses;
- (b) located at the southern fringe of the CSWIBA edging Lai Chi Kok Road and West Kowloon Corridor;
- (c) bounded by Lai Chi Kok Road to the southeast, Cheung Lai Street to the northeast, Cheung Yee Street to the northwest, and a medium-rise IB named Laford Centre (about 78mPD) to the southwest; and
- (d) at about 50m southwest of the MTR Lai Chi Kok Station (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) along Cheung Yee Street and Cheung Shun Street to the further north of the Site are mainly medium-rise IBs and I-O buildings with some C/O

developments subject to BH restriction of 120mPD. Redeveloped high-rise buildings in the surrounding area include 909 Cheung Sha Wan Road (about 119mPD), Maxim's Centre (about 120mPD) and Saxon Tower (about 134mPD)^[4] (**Plan A-3**); and

- (b) to the south of the Site across Lai Chi Kok Road and West Kowloon Corridor are the residential developments of One West Kowloon (135mPD), Banyan Garden (about 183mPD), Liberte (about 175mPD) and the Pacifica (about 185mPD) falling within the approved South West Kowloon OZP No. S/K20/30 (**Plan A-1**).

8. Planning Intention

- 8.1 The planning intention of the "OU(B)" zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new "business" buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.
- 8.2 As stated in the ES of the OZP, to provide incentive for developments/redevelopments with design merits/planning gains, each application for minor relaxation of BH restriction under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
 - (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air ventilation and visual permeability;
 - (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP; and
 - (f) other factors such as site constraints, the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

^[4] The building was completed in 2004 before BH restrictions were imposed on the Cheung Sha Wan OZP.

- 8.3 The ES of the OZP also stipulates that the setting back of buildings to cater for the future increase in traffic demand in the CSWIBA is required. Since 2002, for street widening and streetscape improvement, building setback requirements of 2 to 5m along Castle Peak Road, Cheung Shun Street, Cheung Yue Street and Cheung Yee Street have been incorporated in ODP (**Plan A-2**).

9. Comments from Relevant Government Departments

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

Policy Perspective

- 9.1.1 Comments of the Secretary for Development, Development Bureau (SDEV, DEVB):

- (a) it is Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of existing industrial stock and make better use of valuable land resources, while addressing more effectively the issue of fire safety and non-compliant uses. In this light, he supports this application in principle from the policy angle as the proposed development is in line with the present "OU(B)" zoning, subject to its compliance with all relevant requirements under the revitalisation scheme (see details in paragraph 3.1 above); and
- (b) he would welcome the materialisation of this redevelopment, given the planning merits in terms of filling the territory's demand for office space and accelerating urban transformation of Lai Chi Kok, the various advantages of the Site including excellent connectivity to transport infrastructure, as well as the overall utility the new building may bring to the increasing population of the district.

Land Administration

- 9.1.2 Comments of the District Lands Officer/Kowloon West (DLO/KW) and the Chief Estate Surveyor/Development Control (CES/DC), Lands Department (LandsD):

- (a) the application site falls within New Kowloon Inland Lot No. 5568 (the Lot) which is governed by the Conditions of Sale No. 10617 dated 29.3.1974 as varied or modified by a Modification Letter dated 22.12.1981. The lease conditions restrict the Lot for industrial or godown purposes or both excluding offensive trades, and no building or buildings shall be erected on the Lot except a factory or factories or a godown or godowns or both, ancillary offices and such canteen and other welfare facilities for workmen employed on the Lot. There is also a BH restriction of 150 feet above Hong Kong Principal Datum. By way of a No-objection Letter dated 17.11.1989, the eleventh floor of the existing building erected on the Lot is permitted

for the purpose of an office or offices for the lifetime of the building;
and

- (b) the proposed development does not comply with the existing lease conditions. If the Board approves the subject application, the owner of the subject lot is required to apply for a lease modification/land exchange from LandsD to implement the proposal. When processing the lease modification application, LandsD will impose such appropriate terms and conditions including user restriction, the 5-year time limit for completion of the development, payment of full premium and administrative fee. There is no guarantee that the application will be approved by LandsD. Under the 2018 IB revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the Board's approval letter.

Traffic

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

- (a) no in-principle objection to the application;
- (b) the applicant shall review the proposed loading/unloading provision to achieve a level closer to high-end of HKPSG in deriving the detailed layout plans; and
- (c) should the application be approved, the following condition is recommended to be included in the permission :

“the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the C for T or of the TPB”.

Environment

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

- (a) no in-principle objection to the application; and
- (b) regarding the public comments on the construction noise, general construction noise within restricted hours (i.e. time between 1900 and 0700 hours and any time on a general holiday, including Sundays) is subject to the control under the Noise Control Ordinance (NCO). If percussive piling works are needed, the future developer needs to strictly comply with the “Technical Memorandum on Noise from Percussive Piling” under NCO. There are also other guidelines including ProPECC Note No. 2/93 issued by the department and those issued by the Buildings Department (BD) which cover good practices and noise mitigation measures to minimise the construction noise impact. The future developer is advised to follow the relevant

guidelines in the construction stage. Besides, the future developer is also reminded to strictly comply with all requirements under the relevant pollution control ordinances including NCO.

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

- (a) no comment on the application; and
- (b) should the application be approved, the following condition is recommended to be included in the permission :

“implementation of the local sewerage connection works identified in the accepted SIA to the satisfaction of Director of Drainage Services or of the TPB”.

Urban Design, Visual and Air Ventilation

9.1.6 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

it is noted that the proposed development consists of one tower block with a height of 125.7mPD which may not be incompatible with adjacent developments with BH restriction of 120mPD. It appears that the sky garden with greenery will improve air and visual permeability while the 3.5m setbacks including recessed terrace with greenery on 3/F will enhance street environment. The proposed floor-to-floor heights are considered to be reasonably provided.

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

- (a) located at the southern fringe of the CSWIBA, the Site with an area of about 1,318.3m² abuts Lai Chi Kok Road to the south, Cheung Lai Street to the east and Cheung Yee Street to the north. The intended BH profile for the “OU(B)” zone to the south of Cheung Sha Wan Road where the Site falls within is 120mPD. Given the planning context, it is unlikely that there would be significant effects on the visual character of the townscape resulting from the minor relaxation of BH and PR for the proposed development as demonstrated by the supporting VIA;
- (b) apart from the 3.5m building setbacks for full height from the lot boundary along Lai Chi Kok Road and Cheung Lai Street as required under the ODP, under the Proposed Scheme, an 1m voluntary building setback from the boundary at G/F and 1/F along Cheung Yee Street is proposed. An additional 50m² vertical greening is proposed resulting in a total of 129m² vertical greening at part of the building façade on G/F and 1/F along Lai Chi Kok Road and Cheung Yee Road. Road side planters/greenery areas along these two street

are also provided. As regards the provision of weather protection measures for pedestrians along the building facades, the applicant has indicated that the 1m setback at G/F and 1/F will provide some shading to the pedestrians at street level along Cheung Yee Street. The proposed setbacks and greenery would help to enhance the pedestrian environment and visual amenity along the building frontage; and

- (c) the voluntary setback of 1m at G/F and 1/F of the proposed building at Cheung Yee Street could marginally help improving the local air ventilation.

Landscape

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

- (c) no objection to the application from landscape planning perspective;
- (b) the Site is situated in an area of industrial urban landscape character, dominated by commercial and industrial buildings. With reference to the Supporting Planning Statement, the Site is currently occupied by an IB, without any existing vegetation within its boundary. It is noted that different landscape provisions are proposed at various levels. Adverse landscape impact caused by the proposed development is not anticipated; and
- (c) if proprietary vertical greening system is proposed, the applicant is reminded to take into consideration of the long-term commitment to provide proper maintenance for healthy and sustainable plant growth.

Building Matters

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

- (a) no in-principle objection to the application;
- (b) the bonus PR under B(P)R 22(2) for surrender of the building setback area should be subject to compliance with PNAP APP-20 and agreements from the concerned Government departments;
- (c) compliance with the SBDG under PNAP APP-152 is required if GFA concession for non-mandatory plant rooms/services and green/amenities features under the BO is claimed; and
- (d) detailed comments under the BO will be given at building plan submission stage.

- 9.2 The following Government departments have no objection to or no comment on the application:
- (a) Director of Fire Services;
 - (b) Project Manager (South), Civil Engineering and Development Department (PM(S), CEDD);
 - (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
 - (d) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
 - (e) District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD); and
 - (f) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Periods

- 10.1 During the statutory public inspection periods, a total of 76 public comments were received (**Appendix III**), including 42 supporting comments from a property management company and individuals, and 34 objecting comments including from a District Councillor, the Banyan Garden Concern Group and individuals.
- 10.2 The supporting comments are mainly of the views that the proposed development would relieve demand for grade A offices, provide more retail space, release land resources for more value-added uses, create local employment, add vibrancy and create synergy with the surrounding developments, provide more car parking spaces, improve the walking environment and enhance the walking experience with the proposed greenery and setbacks and proposed retail shops, and catalyse for transformation of the industrial area.
- 10.3 The objecting comments are summarised as follows:
- (a) revitalisation of IB could be through in-situ wholesale conversion such as D2 Place. The proposed BH is the double of the existing building (about 60m) and will cause adverse visual impact;
 - (b) the applicant has not submitted AVA report for the proposed development. Besides, the AVA-EE Report prepared by PlanD recommended that the BH for buildings along Cheung Yee Street should be 60m in height. The redevelopment at the Site would cause adverse air ventilation impact;
 - (c) the proposed redevelopment would cause adverse traffic impact and would generate more pedestrian traffic. The ingress/egress of the proposed building at Cheung Yee Street may cause traffic congestion. More car parking spaces should be provided;
 - (d) the applicant should provide covered pedestrian walkway to enhance pedestrian experience and tree planting should be provided. An underground exit to MTR Lai Chi Kok Station should be provided within the Site;
 - (e) the proposed commercial development would cause adverse glare and light impacts and the proposed sky garden would generate noise to the surrounding

resident developments particularly if there are large scale activities to be held in the sky garden. The flat roof at 3/F and the sky garden do not benefit the public; and

- (f) there is no impact assessment on noise and air pollution, sewerage, pedestrian traffic and visual. The proposed development would cause air pollution, and there would be noise pollution during construction at the Site. Approving the application would set undesirable precedent for similar cases.

11. Planning Considerations and Assessments

Planning Intention

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (+20%) and BH restriction from 120mPD to 125.7mPD (+4.75%) for proposed redevelopment at the Site zoned “OU(B)” into a 31-storey (including four basement levels) C/O development. The proposed development comprises ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses which are always permitted under Schedule I of the Notes for non-IBs in the “OU” zone. The proposed redevelopment is generally in line with the planning intention of the “OU(B)” zone and the transformation taking place in the CSWIBA from industrial to business/commercial uses.

Policy Aspect

- 11.2 The existing IB with an OP issued in 1979 can be regarded as an eligible pre-1987 IB under the Government’s policy on revitalising IBs. DEVB gives policy support to the current application to optimise utilisation of the existing industrial stock and make better use of the valuable land resources, while addressing more effectively the issue of fire safety and non-compliant uses. Besides, the materialisation of the redevelopment could help filling the territory’s demand for office space and accelerating the transformation of the CSWIBA.

Technical Aspect

Minor Relaxation of PR

- 11.3 The proposed minor relaxation of PR from 12 to 14.4 (+2.4 or +20%) generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the Proposed Scheme. To support the application, the applicant has submitted a TIA which indicates that the proposed development would not cause adverse traffic impact to the surrounding areas. C for T has no in-principle objection to the application but suggests an approval condition on the design and provision of parking facilities, L/UL spaces and vehicular access for the proposed development, be imposed as set out in paragraph 12.2 (a) below. Other relevant Government departments including FSD, EPD and DSD have no adverse comments on the application, subject to incorporation of appropriate approval condition on sewerage aspect as set out in paragraph 12.2 (b) below.

- 11.4 On top of the proposed minor relaxation of PR from 12 to 14.4, the applicant has provided information on the proposed claim of a bonus PR of 0.983 for the 3.5m full-height building setback areas as required under the ODP. The claim of bonus PR should be dealt with at the building plan submission stage subject to the approval of BA and agreement of the concerned departments, and should not be taken as approved under the subject application.

Minor Relaxation of BH

- 11.5 According to the applicant, the minor relaxation of BH restriction from 120mPD to 125.7mPD (+5.7m or +4.75%) is proposed to accommodate the sky garden cum refuge floor with a floor-to-floor height of 5.7m for enhancing building permeability, facilitating natural ventilation, and providing social gathering places for visitors and tenants of the proposed development. The proposed BH will also accommodate the proposed PR increase. The applicant also indicates that the proposed BH has been reduced as far as possible by reducing the floor-to-floor height of typical office floors to 4.375m (**Drawing A-17**) as compared to 4.5m in the original scheme in **Appendix Ia** and by designating four levels car parks in the basement to minimise BH increase. According to the applicant, the proposed setbacks and greenery provision would provide better streetscape, enhanced visual permeability and natural ventilation would in turns improve the townscape and amenity of the locality. Besides, the proposed SCs are fully utilised to meet the relevant requirements under B(P)R. Given the above, it is considered that the Proposed Scheme generally meets the criteria for considering application for minor relaxation of BH restriction as mentioned in paragraphs 8.2(b), (c), (d), (e) and (f) above.
- 11.6 The Site is located at the southern fringe of the CSWIBA. The intended BH profile for the "OU(B)" zone to the south of Cheung Sha Wan Road where the Site falls within is 120mPD. Given the planning context and as demonstrated in the supporting VIA, CTP/UD&L, PlanD advises that it is unlikely that there would be significant effects on the visual character of the townscape resulting from the proposed development. CA/CMD2, ArchSD considers that the proposed development may not be incompatible with adjacent developments, and the proposed floor-to-floor heights are reasonably provided.
- 11.7 On the aspect of air ventilation, CTP/UD&L, PlanD has no adverse comment on the application from air ventilation perspective, and comments that the voluntary setback of 1m at G/F and 1/F of the proposed building at Cheung Yee Street could marginally help improving the local air ventilation. In the review of imposing BH restrictions on the OZP including the CSWIBA in 2010, AVA-EE was carried out and the report recommended if developments along Cheung Yee Street cannot be capped at 60mPD, the width (building face to building face) of Cheung Yee Street should be widened to 17m to facilitate air ventilation of the CSWIBA. In this connection, building setback requirement of 5m along Cheung Yee Street (at the opposite side of Cheung Yee Street that the Site is located) has been incorporated in the OZP (**Plan A-2**).

Planning and Design Merits

- 11.8 In accordance with the ODP requirements, the Proposed Scheme has incorporated 3.5m full-height building setbacks along Lai Chi Kok Road and Cheung Lai Street for the purpose of street widening and streetscape improvement. An additional 1m building setback at G/F and 1/F (with headroom of about 10.4m) along Cheung Yee Street (**Drawing A-5**) is proposed to provide shading at street level and to enhance pedestrian connectivity and comfort. The Proposed Scheme also incorporates flat roofs/recessed terraces with greenery at 3/F and 6/F (**Drawings A-8** and **A-11**) to provide visual relief and reduce solar heat gain. Vertical green walls and roadside planters are incorporated in the Proposed Scheme which will achieve a 20% greenery coverage (about 263.891m²) with an additional 50m² of vertical greening. CTP/UD&L, PlanD considers that the proposed setbacks and greenery would help to enhance the pedestrian environment and visual amenity along the building frontage.
- 11.9 On the sustainability building design aspect, the applicant indicates that the proposed development has taken into consideration of the relevant SBDG requirements in terms of building separation, building setback and SC of greenery. The proposed detailed measures on green building design could be considered at the detailed building design stage upon building plan submission.

Public Comments

- 11.10 Regarding the public comments on adverse traffic, environmental, visual and air ventilation impacts, the assessments above and departmental comments in paragraph 9 are relevant.
- 11.11 On concerns relating to glare and light pollution, the applicant proposes green building design measures to reduce light pollution and glare to surrounding areas. For the covered walkway suggestion, the applicant proposes the 1m building setback at G/F and 1/F along Cheung Yee Street to provide shading at street level and to enhance pedestrian connectivity and comfort. The provision of covered walkway in the setback areas to be surrendered to the Government is subject to the concerned departments to be considered at the detailed design and lease modification stages. With regard to the comment on the provision of a new underground exit with the Site to MTR Lai Chi Kok Station, the applicant responds that this might have implication on reducing the number of car parking space in the Site. As for the concern on undesirable precedent, any such applications for relaxation of PR and BH restrictions have to be supported by relevant technical assessments and will be considered on their individual merits.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 6.3.2024, 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 suggested for Members' reference :

Approval conditions

- (a) the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) the implementation of the local sewerage connection works identified in the accepted sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection is suggested for Members' reference:

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form and supplementary information received on 22.11.2019
Appendix Ia	Supporting Planning Statement received on 22.11.2019
Appendix Ib	FI received on 17.1.2020 and 22.1.2020
Appendix Ic	FI 2 received on 24.2.2020
Appendix II	Similar applications
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawings A-1 to A-16	Floor plans submitted by the applicant
Drawings A-17	Diagrammatic section submitted by the applicant
Drawings A-18 and A-19	Elevations submitted by the applicant
Drawings A-20 to A-22	Photomontages submitted by the applicant
Plans A-1	Location plan
Plan A-2	Site plan
Plan A-3	Building heights in Cheung Sha Wan Industrial/Business Area
Plans A-4 and A-5	Site photos

**PLANNING DEPARTMENT
MARCH 2020**