

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

**APPLICATION NO. A/K5/816**

- Applicant** : Wealth Plan Development Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 121 King Lam Street, Cheung Sha Wan, Kowloon
- Site Area** : About 509.4m<sup>2</sup>
- Lease** : New Kowloon Inland Lot (NKIL) No. 4474 (the Lot)  
(a) Restricted for industrial and/or godown purposes excluding any offensive, noxious, noisome or unhealthy trade, business or manufacture  
(b) No building shall be erected on the Lot except a factory, and/or a godown, ancillary offices and quarters for persons essential to the safety and security of the building
- 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 building height (BH) of 130 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 Restriction for Permitted Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)

**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%) at 121 King Lam Street (the Site), which is zoned “OU(B)” on the approved Cheung Sha Wan OZP No. S/K5/37 (**Plan A-1**). The application is to facilitate the redevelopment of the existing 10-storey industrial building (IB) constructed before 1987 (pre-1987 IB)<sup>[1]</sup> into a 28-storey IB (including

---

<sup>[1]</sup> The Occupation Permit (OP) for the subject IB was issued on 24.11.1970.

two basement levels, a level of podium garden and an E&M floor) for ‘non-polluting industrial use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ (the Proposed Scheme) which is a use always permitted under Schedule II for industrial or industrial-office (I-O) building of the Notes for “OU(B)” zone. Minor relaxation of the PR restriction may be considered by the Board on application under section 16 of the Town Planning Ordinance.

- 1.2 According to the applicant, there is an existing right-of-way<sup>[2]</sup> (ROW) provided at the eastern side of the Site which is a shared vehicular access for the Site and the neighbouring building (i.e. Hang Cheong Factory Building) (**Drawing A-3**). In the Proposed Scheme, the existing vehicular access at the ROW for use of the Site and Hang Cheong Factory Building will be maintained and widened through a voluntary 1.5m full-height building setback at the eastern side of the Site to facilitate manoeuvring of vehicles. Pedestrian access to the proposed development will be via the main entrance at King Lam Street. This arrangement is to separate pedestrian and vehicular accesses to the Site (**Drawing A-3**).
- 1.3 With reference to the building setback requirement of 2m from King Lam Street under the draft Cheung Sha Wan and Sham Shui Po Outline Development Plan (ODP) (Northern Part) No. D/K5A/1B (**Plan A-2**), the Proposed Scheme has incorporated a wider full-height building setback of 2.5m from the lot boundary abutting King Lam Street, which will be repaved, for improving pedestrian circulation (**Drawing A-3**).
- 1.4 The Proposed Scheme also incorporates a podium garden at 3/F for cross ventilation and visual permeability (**Drawings A-6 and A-10**). Greenery will be provided at G/F (about 24.81m<sup>2</sup>), podium garden (about 124.25m<sup>2</sup> not accountable towards greenery coverage) and the roof (about 51.94m<sup>2</sup>) achieving 15.07% greenery coverage (76.75m<sup>2</sup>), of which 4.87% (24.81m<sup>2</sup>) is within the primary zone (**Drawings A-3, A-6, A-9, A-11 and A-12**).
- 1.5 Relevant floor plans, sections and elevations submitted by the applicant are shown at **Drawings A-1 to A-12**. Major development parameters of the Proposed Scheme are as follows:

<b>Development Parameters</b>	<b>Proposed Scheme</b>
Site Area	About 509.4m <sup>2</sup>
PR	Not exceeding 14.4
Total Gross Floor Area (GFA)	7,335.36m <sup>2</sup>
Site Coverage (SC) <sup>(1)</sup>	
<ul style="list-style-type: none"> <li>● G/F to 4/F</li> <li>● 5/F to 9/F</li> <li>● 10/F to above</li> </ul>	<p>Not more than 92%</p> <p>Not more than 78%</p> <p>Not more than 65%</p>

<sup>[2]</sup> According to the applicant, the ROW is located within the neighbouring lot of Hang Cheong Factory Building (NKIL 4466) and granted to the owner of NKIL 4474 (the Site) as ROW under a Deed of Grant. According to Memorial No. 646834, the lot owner of the Site is granted at all times with or without vehicles for all purposes connected with the use and enjoyment of the ROW. The lot owner of the Site also shares the maintenance responsibility of the ROW with the lot owner of NKIL 4466.

<b>Development Parameters</b>	<b>Proposed Scheme</b>
No. of Storeys	28 (including two levels of basement, one level of podium garden and an E&M floor)
BH (at main roof level)	130mPD
Proposed Uses	Workshops
Greenery Coverage	about 15.07% (76.75m <sup>2</sup> )
Parking Spaces	
<ul style="list-style-type: none"> <li>● Private Car</li> </ul>	10 (including one accessible parking space)
Loading/unloading (L/UL) Bays	
<ul style="list-style-type: none"> <li>● Light Goods Vehicle (LGV)</li> </ul>	8
Building Setbacks <sup>(2)</sup>	
<ul style="list-style-type: none"> <li>● King Lam Street</li> <li>● Eastern boundary</li> </ul>	Full-height setback of 2.5m Full-height setback of 1.5m
Anticipated Year of Completion	2023

Notes:

- (1) According to the applicant, permitted SC under PNAP APP-132 <sup>[3]</sup> (ranging from 92% to 65% according to height from street level) will be adopted and the proposed SC will be subject to approval by the Building Authority at building plan submission stage in accordance with PNAP APP-132.
- (2) According to the applicant, bonus PR under section 22 of the Building (Planning) Regulations (B(P)R) will not be claimed.

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

- |   |                      |
|---|----------------------|
| (a) Application form and supplementary information received on 28.2.2020  | <b>(Appendix I)</b>  |
| (b) Supporting Planning Statement (SPS) enclosing plans and drawings, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), and Visual Impact Assessment (VIA) received on 28.2.2020 | <b>(Appendix Ia)</b> |
| (c) First further information (FI) received on 16.4.2020 providing responses to departmental comments <sup>#</sup>  | <b>(Appendix Ib)</b> |
| (d) FI 2 received on 27.5.2020 providing responses to departmental comments <sup>#</sup>  | <b>(Appendix Ic)</b> |
| (e) FI 3 received on 29.5.2020 providing responses to departmental comments <sup>#</sup>  | <b>(Appendix Id)</b> |
| (f) FI 4 received on 19.6.2020 providing responses to departmental comments <sup>*</sup>  | <b>(Appendix Ie)</b> |
| (g) FI 5 received on 22.6.2020 providing updated drawings <sup>*</sup>  | <b>(Appendix If)</b> |
| (h) FI 6 received on 30.6.2020 providing responses to departmental comments <sup>*</sup>  | <b>(Appendix Ig)</b> |

<sup>[3]</sup> PNAP APP-132 is on SC and Open Space Provision. The Practice Note describes the factors that the Building Authority may take into account in considering applications for flexibility in determining SC and open space provision to facilitate innovative design.

- (i) FI 7 received on 20.7.2020 providing responses to departmental comments\* **(Appendix Ih)**

*Remarks:*

*# accepted but not exempted from publication and recounting requirements*

*\* accepted and exempted from publication and recounting requirements*

- 1.7 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Metro Planning Committee (the Committee) of the Board 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 Ih** and summarised as follows:

### Response to 2018 Policy Address on Redevelopment of Pre-1987 IBs

- 2.1 The application is in line with the policy intention to provide more floor area to meet Hong Kong's changing social and economic needs and makes better use of the valuable land resources. The application complies with the eligible criteria for relaxation of maximum permissible PR for IBs up to 20%.

### Echo with Recommendations of 2014 Area Assessments

- 2.2 It is noted that there is decreasing availability of industrial floor space despite rising demand from general logistics/warehousing industry. The proposed development echoes with the recommendations of the 2014 Area Assessments to increase the supply of non-polluting industrial floor space in serving the actual need in the area.

### Respecting the Planning Intention

- 2.3 The proposed development is in line with the planning intention of the "OU(B)" zone. It would replace the deteriorated IB with non-polluting industrial floor space that meets present-day building standards, enhancing the urban quality of the surrounding area.

### Planning and Design Merits

- 2.4 The proposed BH, which does not exceed the OZP restriction (i.e. 130mPD), will accommodate the additional PR and the proposed podium garden cum mechanical floor. Car parking spaces and L/UL facilities are located in the basement levels.
- 2.5 It is proposed to separate pedestrian and vehicular accesses to the Site. With the voluntary setback of 0.5m in addition to the 2m setback along King Lam Street as required under the ODP, the approval of the application would facilitate realisation of the planned building setback under the ODP to enhance visual permeability and ventilation, and improve pedestrian circulation and safety with the main entrance to

the proposed development designated at King Lam Street. The 1.5m setback along the eastern side of the Site would facilitate manoeuvring of vehicles to the car park entrance of the proposed development and the adjacent site (Hang Cheong Factory Building) while pedestrian access at the 1.5m setback is limited for purposes such as emergency, refuse collection, maintenance, etc. Setback areas will be repaved (**Drawing A-3**).

- 2.6 The proposed development is constrained by small site area (509.4m<sup>2</sup>). The proposed 2.5m setback along King Lam Street for enhancing pedestrian circulation and safety and the 1.5m setback along the eastern side of the Site for manoeuvring of vehicles to the Site and the neighbouring building further constrain the building footprint of the proposed development. To accommodate the additional PR and allow greater design flexibility, PNAP APP-132 on SC is adopted for the proposed development. According to PNAP APP-132, the setback areas shall be properly landscaped and/or paved and open, uncovered and without any permanent building structures other than landscaped features and perforated boundary walls. Due to site constraints and to comply with the requirements, there would not be projected canopy along King Lam Street. Landscape features are proposed in the setback area at King Lam Street.
- 2.7 The podium garden would provide space for social interaction for the users of the proposed development, allow cross ventilation and enhance visual permeability (**Drawings A-6 and A-10**). Greenery is introduced at different levels to enhance streetscape and visual quality of the proposed development. The greenery at ground level with vertical greening and planters would improve pedestrian environment, soften edges of the building and enhance streetscape (**Drawings A-3, A-11 and A-12**).

#### Sustainable Building Design Guidelines (SBDG) and Green Building Design

- 2.8 The Proposed Scheme has taken into consideration SBDG on elements of building separation (the continuous projected façade lengths of the proposed development do not exceed 60m), building setback (no further setback is required as the width of King Lam Street between boundary lines is wider than 15m), and SC of greenery (the minimum requirement on greenery coverage is not applicable given the site area is less than 1,000m<sup>2</sup>). As the setback area along King Lam Street is only 2.5m in width, and in order not to affect pedestrian circulation, extensive tree planting on street level is not applicable. Greenery areas are provided at several locations. A greenery coverage of 15.07% (76.75m<sup>2</sup>) would be provided, of which 4.87% (24.81m<sup>2</sup>) is within the primary zone (**Drawings A-3, A-6, A-9, A-11 and A-12**). The car park layout in the basement can accommodate the provision of electric vehicle charging facilities which will be subject to detailed design. The applicant also intends to apply for Building Environmental Assessment Method (BEAM) assessment.

#### No Adverse Impacts

- 2.9 From the findings of TIA, SIA and VIA, the proposed development is anticipated to generate no adverse impacts on the surroundings.

- 2.10 Demolition of the existing building at the Site will comply with all relevant ordinances and guidelines, and demolition plans will be submitted to Buildings Department (BD) in the detailed design stage.

Desirable Precedent in the Cheung Sha Wan Industrial/Business Area (CSWIBA)

- 2.11 The proposed development would be complementary to the need for quality workshop space or industrial floor space and introduce a non-polluting IB with present-day building standards, fostering transformation in the CSWIBA. It is fully compatible with the surrounding environment. The approval of this application would set a desirable precedent for similar applications with no adverse impact anticipated.

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

The applicant is one of the “current land owners” of the Site. In respect of the other “current land owners”, the applicant 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 giving them notifications. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background on the Policy Initiatives of Revitalisation of IBs**

- 4.1 As set out in the 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<sup>[4]</sup>, 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<sup>[5]</sup>. 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.
- 4.2 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.

---

<sup>[4]</sup> 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 the Building Authority for approval on or before the same date.

<sup>[5]</sup> 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.

**5. Previous Application**

There is no previous application in respect of the Site.

**6. Similar Applications**

Since March 2019, the Committee has considered a total of 28 applications for minor relaxation of PR and/or BH in the Metro Area relating to the Policy, including one (No. A/K5/813) in the CSWIBA (**Plan A-1**). Out of the 28 similar applications, 26 applications were approved with conditions and two were rejected (Nos. A/K13/313 and A/K14/764) mainly on the grounds that there were insufficient planning and design merits to support the proposed minor relaxation of BH restriction and the applicant failed to demonstrate that it would not create adverse visual impact on the area (details at **Appendix II**). 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.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-2 and photos on Plans A-3 to A-5)**

7.1 The Site is:

- (a) currently occupied by a 10-storey IB (Wing Cheong Factory Building) built in 1970 for factory use;
- (b) bounded by King Lam Street to the south and other IBs, namely Hang Cheong Factory Building to the east which shares the same vehicular access at the ROW to the Site, and Chung Dah Godown Building to the west; and
- (c) at about 400m northeast of the MTR Lai Chi Kok Station (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) the Site is located at the northern fringe of the CSWIBA edging Ching Cheung Road, which is mainly occupied by IBs, I-O and commercial/office developments under active operation or in the process of redevelopment;
- (b) to the further north across Ching Cheung Road are St. Raphael's Catholic Cemetery and Piper's Hill Service Reservoir; and
- (c) to the further east at the end of Wing Ming Street are Nam Wah Catholic Secondary School and Caritas Medical Centre.

## **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 The Explanatory Statement 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 have been incorporated in the ODP (**Plan A-2**).

## **9. Comments from Relevant Government Bureau/Departments**

- 9.1 The following government bureau/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 (SDEV):

- (a) it is Government’s policy to incentivise owners to redevelop old IBs to optimise utilisation of the 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 generally welcomes more of such redevelopment projects seeking relaxation of PR restriction if applicants may demonstrate strong justifications for the proposed use(s)/development and comply with relevant requirements under the revitalisation scheme, and also subject to departments’ assessments of technical feasibility and planning parameters; and
- (b) it is noted that the applicant intends to develop a new IB on the Site for non-polluting industrial uses. He is willing to provide policy support for the application, on the clear understanding that the development proposal, if materialised, would help address the increasing long-run shortfall of industrial floor space in Hong Kong under the current projection, subject to the applicant’s compliance with all the technical requirements as examined by relevant departments.

### **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) no objection to the application;
- (b) the Site falls within NKIL No. 4474 which is held under a Government Lease dated 16 October 1962. The lease conditions restrict the Lot to be used for industrial and/or godown purposes excluding any offensive, noxious, noisome or unhealthy trade, business or manufacture, and no building shall be erected on the Lot except a factory, and/or a godown, ancillary offices and quarters for persons essential to the safety and security of the building. By way of two Waiver Letters both dated 6.11.1986, Flat D on G/F and Flat E on G/F of the existing building erected on the Lot are permitted for canteen purposes for the lifetime of the building;
- (c) “non-polluting industrial use” in planning terms would constitute uses in breach of the lease conditions including the user restriction of “industrial and/or godown purposes” which should involve manufacturing process and/or transient deposit and storage for delivery purposes as decided by court cases. Upon receipt of the lease modification application, LandsD will impose such appropriate terms and conditions, including user restriction, payment of full premium and administrative fee. As indicated in the application form the applicant is only one of “the current land owners”, the applicant is therefore reminded that the lease modification application shall be submitted by all owners of the subject lot. The application will be considered by LandsD acting in its capacity as the landlord at its own discretion and any approval given will be subject to such terms and conditions including as may be imposed by LandsD; and
- (d) 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 three years from the date of the Board’s approval letter and the proposed redevelopment shall be completed within five years from the date of the execution of the lease modification letter/conditions of land exchange.

### **Traffic**

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

- (a) no in-principle objection to the application; and
- (b) should the application be approved, the following condition is recommended:

the design and provision of parking facilities, L/UL spaces and vehicular access for the proposed development to the satisfaction of the C for T or of the Board.

## **Environment**

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

- (a) no in-principle objection to the application;
- (b) detailed comments on the SIA are at **Appendix III**. It is considered that the sewerage impacts of the proposed development would not be insurmountable. Notwithstanding this, should the application be approved, it is recommended to impose the following approval conditions related to sewerage impacts:
  - (i) the submission of an updated SIA for the proposed development to the satisfaction of the DEP or of the Board; and
  - (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated SIA for the proposed development in condition (i) above to the satisfaction of the Director of Drainage Services or of the Board;
- (c) since the redevelopment would involve total demolition of the existing IB, should the application be approved, an approval condition should be imposed for the submission of a land contamination assessment and the implementation of the remediation measures identified therein; and
- (d) the applicant is advised to minimise the generation of construction and demolition (C&D) materials, and reuse and recycle the C&D materials on-site as far as possible, and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.

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

- (a) no in-principle objection to the application; and
- (b) detailed comments on the SIA are at **Appendix III**.

## **Urban Design and Visual**

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

#### *Urban Design and Visual Aspects*

- (a) located at the northern fringe of the CSWIBA, the Site with an area of about 509.4m<sup>2</sup> is sandwiched between King Lam Street to the south and Ching Cheung Road to the north and amidst a cluster of IBs within the same “OU(B)” zone with BHs ranging from 33mPD

to 140mPD. The proposed minor relaxation of PR does not involve additional BH beyond what is permitted under the OZP. Given the planning context, and as demonstrated in the supporting VIA, the resulting development would unlikely induce any significant visual impact to the surrounding; and

- (b) according to the applicant's proposal, building setback of 2.5m is provided along King Lam Street and setback of 1.5m along the ROW (shared with the adjacent factory building) is provided along the eastern side to facilitate the access of vehicles into the Site. A podium garden with a minimum of 5m clear height is proposed on 3/F. Greenery treatments including planters and vertical greening are proposed on G/F, podium and the roof, achieving a greenery provision of 76.75m<sup>2</sup> (i.e. greenery coverage of 15.07%). The above design measures represent the applicant's efforts in improving the building design of the Proposed Scheme in a relatively small site.

#### *Landscape Aspect*

- (c) no objection to the application from landscape planning perspective; and
- (d) the Site is situated in an area of industrial urban landscape character, dominated by industrial and commercial buildings. No significant landscape resource is observed within the Site. The proposed use is not incompatible with the surrounding environment.

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

- (a) it is noted that the proposed development consists of one tower block with a height of 130mPD which complies with the BH restriction permitted under the OZP and may not be incompatible with adjacent developments with BH restriction of 130mPD; and
- (b) it appears that the podium garden with good cross ventilation and visual permeability will enhance street environment to some extent.

#### **Buildings Matters**

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

- (a) no in-principle objection to the application;
- (b) under the First Schedule of the B(P)R, the maximum PR for non-domestic building with height over 61m at a Class A site is 15. Detailed comments under the Buildings Ordinance (BO) will be given at building plan submission stage;

- (c) regarding no provision of canopy of the proposed development as stated in **Appendix Ie**, the setback area provided under PNAP APP-132 should be properly landscaped and/or paved and open, uncovered and without any permanent building structures other than the landscaped features and perforated boundary walls; and
- (d) to ensure public safety, the control of demolition works is governed by the BO, the Building (Administration) Regulations and the Building (Demolition Works) Regulations, which impose requirements for application for approval of demolition plans, consent to commence the demolition works and site safety supervision, etc. In this regard, PNAP APP-21 sets out the procedures to be followed by relevant building professionals and contractors in meeting the aforesaid requirements.

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

- (a) Director of Fire Services (D of FS);
- (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**

During the statutory public inspection periods, three public comments were received from an individual and the representative of Tai Cheong and Hang Cheong Factory Buildings Owners' Corporations expressing concerns on issues related to traffic impact, provision of tree planting, greenery and shading features in the setback area, electric vehicle charging facilities, and potential impacts on the surrounding buildings during demolition of the subject building (**Appendix IV**).

## **11. Planning Considerations and Assessments**

11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (+20%) for a proposed 28-storey IB development (including two basement levels, a level of podium garden and an E&M floor) at the Site zoned "OU(B)" for permitted non-polluting industrial use (excluding industrial undertakings involving the use/storage of Dangerous Goods). The proposed development is generally in line with the planning intention of the "OU(B)" zone, which is primarily for general business uses, including non-polluting industrial uses. The proposed BH of 130mPD complies with the BH restriction under the OZP.

### Policy Aspect

- 11.2 The existing IB with the OP issued in 1970 can be regarded as an eligible pre-1987 IB under the Government's new policy on revitalising IBs. SDEV is willing to provide policy support for the 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.

### Technical Aspect

- 11.3 The proposed minor relaxation of PR restriction 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 development. The TIA submitted indicates that the proposed development would not cause adverse traffic impact to the surrounding areas. C for T has no objection to the application subject to the incorporation of an approval condition on traffic aspect as set out in paragraph 12.2(a) below. DEP's concerns on sewerage impact and land contamination can be addressed by imposing approval conditions in paragraphs 12.2 (b) to (d) below. Other relevant government departments including DSD, BD, FSD and HyD have no objection to/no adverse comments on the application.

### Planning and Design Merits

- 11.4 In the Proposed Scheme, the pedestrian access will be via the main entrance at King Lam Street and the vehicular access will be maintained at the ROW to separate pedestrian and vehicular accesses to the Site (**Drawing A-3**). Apart from the provision of 2m building setback from King Lam Street in accordance with the ODP's requirements, an additional 0.5m voluntary setback from King Lam Street will be provided, resulting a 2.5m-wide full-height building setback from King Lam Street for improving pedestrian circulation. In addition, the Proposed Scheme will incorporate a voluntary 1.5m-wide full height building setback from the eastern boundary of the Site along the existing ROW to facilitate manoeuvring of vehicles to the proposed development and the neighbouring factory building (**Drawing A-3**). A podium garden at 3/F and greenery provision at G/F, 3/F and the roof are proposed, achieving a greenery provision of 76.75m<sup>2</sup> (i.e. greenery coverage of 15.07%) (**Drawings A-3, A-6, A-9 to A-12**). CTP/UD&L, PlanD considers that these design measures represent the applicant's efforts in improving the building design of the Proposed Scheme in a relatively small site. CA/CMD2, ArchSD considers that the podium garden with good cross ventilation and visual permeability will enhance street environment to some extent.
- 11.5 On the sustainability building design aspect, the applicant indicates that the relevant SBDG requirements in terms of building separation, building setback and SC of greenery have been taken into account. Although the Site is less than 1,000m<sup>2</sup> such that the minimum requirement on greenery coverage under SBDG is not applicable, the applicant has demonstrated effort in building design improvement by introducing a greenery coverage of 15.07% (76.75m<sup>2</sup>), of which 4.87% (24.81m<sup>2</sup>) is within the primary zone. The applicant also intends to apply for BEAM assessment. Detailed measures on green building design could be considered at the detailed building design stage upon building plan submission.

### Public Comments

- 11.6 Regarding the concerns on traffic impact and the potential impacts during demolition as raised in the public comments, the planning assessments above and the departmental comments in paragraph 9 above are relevant. Regarding the concern on provision of tree planting, greenery and shading features in the setback area, the applicant has indicated that as the setback area along King Lam Street is only 2.5m in width, and in order not to affect pedestrian circulation, extensive tree planting on street level is not applicable and greenery will be provided at G/F, 3/F and the roof to improve pedestrian environment, soften edges of the building and enhance streetscape. Due to site constraints and in order to meet PNAP APP-132 requirements, no projected canopy is proposed. For the comments on electric vehicle charging facilities and impacts on surrounding buildings during demolition of the existing building at the Site, the applicant has indicated that the car park layout can accommodate the provision of such facilities which will be subject to detailed design, and demolition of the existing building will comply with all relevant ordinances and guidelines, and demolition plans will be submitted to BD.

## **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, it is suggested that the permission shall be valid until 21.8.2024, 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;
- (b) the submission of an updated sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated sewerage impact assessment for the proposed development in condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission of a land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

### Advisory clauses

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

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

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio 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**

<b>Appendix I</b>	Application form and supplementary information received on 28.2.2020
<b>Appendix Ia</b>	Supporting Planning Statement received on 28.2.2020
<b>Appendix Ib</b>	First FI received on 16.4.2020
<b>Appendix Ic</b>	FI 2 received on 27.5.2020
<b>Appendix Id</b>	FI 3 received on 29.5.2020
<b>Appendix Ie</b>	FI 4 received on 19.6.2020
<b>Appendix If</b>	FI 5 received on 22.6.2020
<b>Appendix Ig</b>	FI 6 received on 30.6.2020
<b>Appendix Ih</b>	FI 7 received on 20.7.2020
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Detailed comments from government departments
<b>Appendix IV</b>	Public comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawings A-1 to A-9</b>	Floor plans submitted by the applicant
<b>Drawing A-10</b>	Diagrammatic section submitted by the applicant
<b>Drawing A-11</b>	Front elevation and part section submitted by the applicant
<b>Drawing A-12</b>	Typical vertical greening section and elevation submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plans A-3 to A-5</b>	Site photos

**PLANNING DEPARTMENT  
AUGUST 2020**