

FURTHER CONSIDERATION OF APPLICATION NO. A/KC/444
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

**Proposed Comprehensive Development for ‘Flat’, ‘Eating Place’,
‘Shop and Services’ and ‘Office’ uses; and
Minor Relaxation of Building Height Restriction from 120mPD to 145mPD
Kwai Chung Town Lot (KCTL) No. 432 and Adjoining Government Land,
Nos. 1-7 Cheung Wing Road, Kwai Chung**

1. Background

- 1.1 On 13.2.2017, the applicant, Tung Chun Company Limited represented by Masterplan Limited, submitted the current application seeking permission for proposed comprehensive development for ‘Flat’, ‘Eating Place’, ‘Shop and Services’ and ‘Office’ uses; and minor relaxation of building height restriction (BHR) from 120mPD to 145mPD at the application site (the Site) (**Plan FA-1**). The Site falls within an area mainly zoned “Comprehensive Development Area” (“CDA”) and partly shown as ‘Road’ on the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/28 in force at the time of submission. The zonings and development restrictions for the Site remain unchanged on the current Kwai Chung OZP No. S/KC/29.
- 1.2 At the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) meeting held on 26.1.2018, while relevant departments had no objection to or no adverse comment on the application on visual, landscape, air ventilation, traffic, environmental and infrastructural aspects, the Committee considered that more information from the applicant regarding the opening hours, function and operation of the central landscape space (CLS) within the proposed development, and comparison of the building bulk (including floor area and floor height) between the baseline and proposed schemes would be necessary to facilitate the Committee’s further consideration of the application. After deliberation, the Committee decided to defer a decision on the application, pending submission of further information (FI) from the applicant.
- 1.3 For Members’ reference, the following documents are attached:
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|---|-----------------------|
| (a) MPC Paper No. A/KC/444B | Appendix F-I |
| (b) Extract of minutes of the Committee’s meeting held on 26.1.2018 | Appendix F-II |
| (c) Secretary of the Board’s letter dated 9.2.2018 informing the applicant of the deferment of the Committee’s decision | Appendix F-III |
| (d) Applicant’s letter dated 4.2.2019 providing FI (accepted and published for public comments) | Appendix F-IV |

- (e) Applicant's letter dated 15.3.2019 providing responses to departmental comments and clarifications on the operation/design of the CLS, and elaboration on the comparison of the baseline and the proposed schemes (accepted and exempted from publication and recounting requirements) **Appendix F-V**
- (f) Applicant's letter dated 18.3.2019 providing replacement page of FI dated 15.3.2019 (accepted and exempted from publication and recounting requirements) **Appendix F-VI**
- (g) Applicant's letter dated 19.3.2019 providing replacement page of FI dated 15.3.2019 and 18.3.2019 (accepted and exempted from publication and recounting requirements) **Appendix F-VII**

2. **Further Information submitted by the Applicant**

- 2.1 In response to the Committee's concerns, the applicant has provided FI on the proposed development scheme (**Drawings FA-1 to FA-7**) on the following main aspects:

Central Landscape Space (CLS)

Opening Hours/Operation

- (a) The CLS with a total area of about 4,272m² will be a privately owned open space located on the upper ground floor (UG/F) and second floor (2/F) podium of the proposed development (**Drawings FA-1 to FA-4**). The CLS mainly comprises three parts :
- Part 1 (shown green on **Drawing FA-1**): an area of about 600m² (14%) located at the north-western portion (at UG/F of about 18mPD) opens 24 hours to the public. It will be under the operation, management and maintenance responsibility of the non-domestic GFA owners/occupants;
 - Part 2 (shown red on **Drawing FA-1**): an area of about 200m² (5%) at the western portion (at UG/F of about 18.05mPD) opens at reasonable hours (tentatively between 8am and 8pm Monday to Sunday) to the public to match with the operation of the shopping mall. It will be under the operation, management and maintenance responsibility of the non-domestic GFA owners/occupants; and
 - Part 3 (shown blue on **Drawing FA-1**): the rest of the CLS of about 3,472m² (81%) located at UG/F of about 17.5mPD (about 2,794m²) and 2/F podium of about 28.05mPD (about 678m²) respectively for the active and passive private recreational uses by the residents only. It will be under the operation, management and maintenance responsibility of the domestic GFA owners/occupants.

Function

- (b) The CLS is intended for both passive and active recreational uses, and to provide visual openness to the dense neighbourhood. It is a hierarchy landscape design including a pleasant and leisure public passageway and private open spaces with active and passive characteristic surrounding by a green buffer to differentiate the public accessible space and the private open spaces. The CLS is proposed to have water feature, sculpture, seating benches, children's play area and planted with trees and shrubs, to provide a greenery buffer between the communal and residential areas (**Drawing FA-2**).
- (c) The CLS is designed with a number of wide openings to improve the pedestrian connections (**Drawing FA-3**). With the wide openings created as shortcuts passing through the CLS with a pleasant greenery design, it is an enhancement as compared to the existing context by encouraging the public to escape from the heavy traffic along Cheung Wing Road and provide a comfort zone with shading spaces.

Open Space Provision

- (d) All open spaces proposed in the development scheme are private ones, though part of it (i.e. Parts 1 and 2 as mentioned in (a) above) will allow public accessibility. It is not the applicant's intention to treat the portion of CLS with public accessibility as "Public Open Space in Private Development" (POSPD). The proposed open space of 4,272m² can meet the standard of provision for local open space for the proposed development under the "Hong Kong Planning Standards and Guidelines" (i.e. 1m² per person) with a design population of about 4,008 persons. The terraces within the proposed office building, which would serve the office workers only, is not counted in open space calculation¹.

Merits of the Overall Landscape Design

- (e) As presented in the Landscape Master Plan submission (**Drawing FA-4** and **Appendix A** of the FI at **Appendix F-IV**), the overall landscape design of the proposed development will provide the following key benefits:
- offering a functional and greenery buffer between communal and residential landscape areas, while allowing the public to access the public passageway at the CLS without disturbing the residents;
 - stepped building form of the commercial building with edged plantings acts as softening of building will enhance the appearance of the proposed development as a whole to those viewing it from outside;
 - providing a minimum greening ratio of 20% for the development, mainly at UG/F and 2/F podium. New trees/shrub plantings and greening features (such as vertical greening) will be concentrated in the CLS, which creates an obvious contrast to the surrounding environment by providing a central comfort zone; and

¹ Under the previous consideration by the Committee on 26.1.2018, the private open space of 728m² in the podium west ring terrace was included in the open space calculation.

- providing an attractive environment for residents with active and passive recreational opportunities. The overall landscape treatment will complement the development as well as the surrounding area, providing plentiful greenery and creating a coherent visual setting for the development in this urban location.

Public Connection/Circulation

- (f) The CLS is located at UG/F of the proposed development, which is in fact at street level. It will provide public connection/circulation through the Site and connects to the surrounding areas at similar levels.

Public access through Part 1 (shown green on **Drawing FA-1**)

24 hours public access is available to Part 1. It is a pedestrian plaza, essentially a node and focal point of the UG/F open space as welcoming space for the visitors to the Site.

Public access through Part 2 (shown red on **Drawing FA-1**)

Public will have access to Part 2 immediately adjacent to the retail podium. The opening hours will match with that of the shopping mall, which are tentatively between 8am and 8pm Monday to Sunday, subject to operational and management considerations at later stage. Part 2 is the centre of the pedestrian network at the Site, connecting to the surrounding roads (**Drawing FA-3**):

- i. Cheung Wing Road/new Road 27E to the northwest via Part 1 pedestrian plaza;
 - ii. Cheung Wing Road to the west via a more than 15 metres wide covered walkway;
 - iii. Cheung Wing Road/Kwok Shui Road to the southwest through the retail podium;
 - iv. Kwok Shui Road to the south via a covered walkway along a driveway;
 - v. Kwok Shui Road/Tai Yuen Street to the southeast through the retail podium; and
 - vi. Tai Yuen Street to the east via a covered walkway along driveway.
- (g) In summary, there will be at least one open air or covered walkway on each side of the Site. They facilitate pedestrian criss-crossing the CLS, providing traversing shortcuts and better amenity with landscaping and weather protection, compared with the footpaths alongside heavy trafficked roads.

Comparison of Baseline and Proposed Schemes

(h) The applicant has submitted a comparison between baseline and proposed schemes (**Drawings FA-5 to FA-7**), a summary of which is set out as follows:

	Baseline Scheme (a)	Proposed Scheme (b)	Difference (b) – (a)
Site Area	15,143m ²	15,143m ²	0m ²
PR			
-Domestic	4.82	4.82	0
-Non-domestic	1.54	1.54	0
-Total	6.36	6.36	0
GFA			
-Domestic	73,056	73,056	0
-Non-domestic	23,248	23,248	0
-Total	96,304	96,304	0
Floor-to-Floor Height (m)			
-Residential	3.15	3.15	0
-Office	4.5 (mainly)	4.5 (mainly)	0
BH (mPD)			
-T1 to T4 (residential)	120	145	+25
-T5 and T6 (residential)	120	NA	NA
-Office	120	32.55 to 73.05	-46.95 to -87.45 (in stepped BH profile)
No. of Storeys			
-Domestic	26	34 to 35 (above podium)	+8 to +9
-Non-domestic	22	2 to 3 (retail podium) + 12 (office above podium)	-10 to -20 floors (in stepped BH profile)
Number of Blocks			
-Domestic	6	4	-2
-Office	1	1	0
Site Coverage			
- Domestic	20.42%	15.62%	- 4.8%
- Non-domestic	25.74%	5.94% to 11.95% (office) 29.88% (retail) (in stepped BH profile)	-19.8 to +4.14% (in stepped BH profile)
CLS Area	3,537m ²	4,272m ² (including 3,594m ² on UG/F and 678m ² on 2/F podium for residents)	+735m ²

- (i) The applicant indicated that, except for the number of blocks, both baseline and proposed schemes have adopted similar design and the same development parameters in terms of PR mix, GFA and floor-to-floor height. The main difference is that the baseline scheme has adopted a uniform BH of 120mPD for all buildings, while under the proposed scheme, the BH of the residential buildings is 145mPD and the office building can adopt a stepped and varying BH profile. Hence, the proposed scheme under a minor relaxation of BH has a more interesting built form.
- (j) The applicant indicated that according to the findings of the Visual Impact Assessment previously conducted, the proposed scheme is in tune with the urban and visual context of the Site and that the predicted impacts are not significant. In addition, the proposed scheme would offer better visual openness and higher permeability to the neighbourhood as shown in **Drawings FA-5 to FA-7**.
- (k) The applicant further indicated that with a minor relaxation of BH, the proposed development scheme can be built to achieve a better building design offering visual openness, particularly at pedestrian and lower levels, which would be beneficial to the dense neighbourhood of the Site. This is a major public benefit that the proposed redevelopment would bring to the community.

Planning Gain of the Proposed Scheme

- (l) The current proposal at 145mPD introduces the following features:
 - i. Residential buildings: the increased height by 25 metres or 8 floors reduces the number of blocks by 2 and the site coverage by 4.8%;
 - ii. Office building: reduced height by 10 floors together with newly introduced progressive setbacks as the building height increase, creating a significantly stepped roof line, with site coverage reducing progressively from 11.95% at the lowest levels to about 5.94% at the top four levels; and
 - iii. The reduced number of residential buildings and the significantly stepped architectural design of the office building will contribute to the openness at the Site.

3. Comments from Relevant Government Departments

- 3.1 The following Government departments have been consulted on the FI submitted by the applicant, and their comments are summarised as follows:

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual Aspect

- (a) With no noticeable change to the spatial arrangement of the four residential towers (T1 to T4) and the office block, our previous comments on the subject application as reflected in the MPC Paper No. A/KC/444B (**Appendix F-I**) are largely applicable. The applicant's clarification on the portion of the private open space to be made publicly accessible is noted.

Landscape Aspect

- (b) Comparing to the previous Landscape Master Plan (LMP) attached to the previous scheme considered by the Committee on 26.1.2018, there is no major change in terms of landscape design in the current LMP, though the applicant has clarified that the landscape space at the centre of the CLS is intended to be used by residents only. Hence, the previous comments on the LMP as reflected in the MPC Paper No. A/KC/444B (**Appendix F-I**) are still valid.
- (c) Should the application be approved by the Board, the following approval condition is recommended to be included in the planning permission:

Submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board

- (d) Other detailed comments are at **Appendix F-VIII**.

Land Administration

3.1.2 Comments of the District Lands Officer, Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW& KT, LandsD):

- (a) The applicant proposed to have the CLS to be partly open for 24 hours (as coloured green on **Drawing FA-1**) and partly open for restricted hours to match with the operation of the shopping mall (as coloured red on **Drawing FA-1**). The applicant also proposed to accommodate retail and commercial activities space within the red portion. Whilst the applicant has stated in the FI that "the CLS will be a privately owned space located on the UG/F of the development", such open space within private development if the public are entitled to access, use and enjoy would fall within the definition of "Public Open Space in Private Development ("POSPD")" as contained in the "Public Open Space in Private Developments Design and Management Guidelines" from land administration point of view. Hence, the Development Bureau's paper submitted to the Legislative Council Panel on Development in January 2010 ("the Paper"), the Refined Arrangements in Annex B of the Paper and the Report No. 63 of the Director of Audit on "Provision of Public

Open Space in Private Developments” published on 20.11.2014 (“the Report”) and the said Guidelines are relevant².

- (b) The proposed development is primarily a residential development which will likely fall into multiple ownership. In considering whether to accept/require the provision of open space within a private development which the public is entitled to access, use and enjoy, apart from the critical appraisal of the overall planning and urban design context, the information on the implementation, operation, management and maintenance of such open space should be submitted for the Committee’s consideration. It is undesirable to accept/require the provision of open space for public access, use and enjoyment which will result in individual flat owners being made responsible for the management and maintenance of such open space.
- (c) Figure 3 of the FI (i.e. **Drawing FA-3**) indicates the pedestrian connections and alignments/routing of “Public Accessibility Pedestrian Connection”. The applicant should note that the routing being covered and within building blocks are GFA countable.
- (d) The relevant guidelines on public open space in private development would be followed upon receipt of application for lease modification or land exchange for the proposed development.

3.2 The following departments have no comments on the FI/advise that their previous comments on the application as mentioned in paragraph 10 of MPC Paper No. A/KC/444B at **Appendix F-I** are still valid:

- (a) Chief Building Surveyor/New Territories West, Buildings Department;
- (b) Commissioner for Transport;
- (c) Director of Fire Services;
- (d) Director of Environmental Protection;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Chief Engineer/Mainland South, Drainage Services Department;
- (g) Commissioner of Police;
- (h) District Officer (Kwai Tsing), Home Affairs Department;
- (i) Project Manager (West), CEDD; and
- (j) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD).

4. Public Comments Received During Statutory Publication Periods

4.1 On 17.2.2017, the application was published for public comment. The five FIs subsequently submitted by the applicant were also published for public comment on 17.3.2017, 12.9.2017, 27.10.2017 and 8.12.2017 respectively. During the statutory public comment periods, a total of 942 comments were received. Among them, 928 supported the application, eight objected to the application and six

² The Paper and the Report can be downloaded at <http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0126cb1-930-3-e.pdf> and http://www.aud.gov.hk/eng/pubpr_arpt/rpt_63.htm.

mainly provided comments on the application. Details are summarised in paragraph 11 of the MPC Paper No. A/KC/444B (**Appendix F-I**).

- 4.2 Subsequent to the deferment by the Committee on 26.1.2018, the FI was published for public inspection on 15.2.2019. During the first three weeks of public inspection period, two public comments were received (**Appendix F-IX**). A Kwai Tsing District Council member indicates no comment on the application. The Owners' Corporation of Milo's Industrial Building raises objection to the application mainly on the grounds that the proposed minor relaxation of BH would cause adverse visual and traffic impacts. Additional traffic generated from the proposed development may have adverse traffic impact on Tai Yuen Street and pose threats to pedestrians and road users.

5. **Planning Considerations and Assessment**

- 5.1 The application was deferred by the Committee on 26.1.2018 pending further information to be submitted by the applicant. As compared with the previous scheme considered by the Committee, all the development parameters of the proposed development under the current scheme remain unchanged, though the applicant has clarified that the terraces (about 728m²) within the proposed office building should not be counted in open space calculation as it would serve the office workers only (the provision of private open space has been adjusted from 5,000m² to 4,272m² accordingly as mentioned in paragraph 2.1(d) above). In response to the concerns of Members expressed at the previous meeting regarding the opening hours, function and operation of the CLS as mentioned in paragraph 1.2 above, the applicant has provided FI (**Appendices F-IV to F-VII**) on these aspects by elaborating on the design and user demarcation of the private open space, with corresponding refinements to the LMP. The current design of the CLS has a clear demarcation in respect of the private open space intended for the residents only and the portions with public accessibility at 24 hours and reasonable hours to match with the commercial operation (**Drawing FA-1**). With the clearly defined usage of the private open space, the potential conflict between the residents and the visitors/general public and the possible nuisance generated by the outsiders may be minimised.
- 5.2 While the CLS is intended to be a private open space with parts of it open for public access for 24 hours or at reasonable hours to match with the operation hours of the commercial development, it can provide visual openness and an amenity space in the densely developed neighbourhood. The CLS will also help enhance pedestrian circulation in the area with the provision of openings in form of pedestrian plaza and various public passageways at street level connecting to the roads on four sides of the Site (**Drawing FA-3**).
- 5.3 According to the applicant, an OZP-compliant indicative scheme with a BH of 120mPD may result in building blocks creating a relatively monotonous and continuous façade. Based on the FI comparing the building bulk between the baseline and the proposed schemes (**Drawings FA-5 to 7**), it is demonstrated that by relaxing the BHR to 145mPD, it would provide design flexibility and development opportunity to reduce the number of building blocks from seven to five blocks. The proposal can allow smaller building footprints, thus creating a more visually open

and permeable development, and with more interesting building design and built form. CTP/UD&L, PlanD considers that with no noticeable change to the spatial arrangement of the four residential towers and office block, the previous comments on the application from visual perspective are largely applicable. Given there is no major change in terms of landscape design under the current LMP, the previous landscape comments on the application are still valid. Other relevant departments have maintained their previous views of no adverse comment/no objection to the application.

- 5.4 Regarding the concern of DLO/TW & KT on the management/maintenance responsibilities of the CLS (paragraph 3.1.2 above), it has been clarified by the applicant that only the owners/occupants of the non-domestic portion rather than the future residents of the proposed development will be responsible for the management and maintenance of the parts of private open space with public accessibility. This is a land administration matter which can be addressed at the lease modification or land exchange stage.
- 5.5 Regarding the concerns on visual impact raised by the public comment, the planning assessments in paragraph 5.3 above and paragraphs 12.6 to 12.7 of **Appendix F-I** as well as departmental comments in paragraph 3.1.1 above and in paragraph 10.1.6(a) and (b) of **Appendix F-I** are relevant. Regarding the concerns on traffic impact raised by the public comment, the planning assessments in paragraph 12.10 of **Appendix F-I** and departmental comments in paragraph 3.2(c) above and in paragraph 10.1.2 of **Appendix F-I** are relevant.

6. Planning Department's Views

- 6.1 Based on the assessments made in paragraph 5 above and having taken into account the public comments mentioned in paragraph 4, the Planning Department maintains its previous view of no objection to the application.
- 6.2 Should the Committee decide to approve the application and Master Layout Plan under section 16 and section 4A(2) of the Town Planning Ordinance, it is suggested that the permission shall be valid until 22.3.2023, 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 submission and implementation of a revised Master Layout Plan to take into account of the approval conditions (b) to (e) and (g) to (h) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the proposed development (in terms of mPD) should not exceed the height of the buildings as proposed by the applicant;

- (c) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the design and provision of vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of Road 27E, road widening of Tai Yuen Street, widening of the footpath around the Site (including Cheung Wing Road, Kwok Shui Road and Tai Yuen Street), as proposed by the applicant at his own cost, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the design and implementation of the road improvement works, as proposed by the applicant at his own cost, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) the *submission and* implementation of the noise mitigation measures identified in the *accepted* Environmental Assessment (*EA*) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (h) the design and provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix F-X**.

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

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

7. Decision Sought

- 7.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permission.
- 7.2 Should the Committee decide to approve the applications, 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.
- 7.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for the rejection should be given to the applicants.

Attachments

Appendix F-I	MPC Paper No. A/KC/444B
Appendix F-II	Extract of minutes of the Committee's meeting held on 26.1.2018
Appendix F-III	Secretary of the Board's letters dated 9.2.2018
Appendix F-IV	Applicant's letter dated 4.2.2019 providing FI
Appendix F-V	Applicant's letter dated 15.3.2019 providing FI
Appendix F-VI	Applicant's letter dated 18.3.2019 providing FI
Appendix F-VII	Applicant's letter dated 19.3.2019 providing FI
Appendix F-VIII	Detailed Comments of the Chief Town Planner/Urban Design and Landscape Section, Planning Department
Appendix F-IX	Public Comments
Appendix F-X	Suggested Advisory Clauses
Drawing FA-1	Demarcation of the Central Landscape Space for Different Users
Drawing FA-2	Landscape Proposal for the Central Landscape Space
Drawing FA-3	Pedestrian Connections
Drawing FA-4	Landscape Master Plan
Drawings FA-5 to 7	Comparison of the Baseline Scheme and the Proposed Scheme
Plan FA-1	Site Plan
Plan FA-2	Aerial Photo
Plans FA-3 to 5	Site Photos

**PLANNING DEPARTMENT
MARCH 2019**