

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

**APPLICATION NO. A/KC/463**

- Applicant** : Fame Smart Investment Limited represented by Kenneth To & Associates Limited
- Site** : Kwai Chung Town Lot (KCTL) 49 and Ext. RP, 45-51 Kwok Shui Road, Kwai Chung, New Territories
- Site Area** : About 1,324.3m<sup>2</sup> (Gross Site Area)<sup>[1]</sup>  
About 1,181.727m<sup>2</sup> (Net Site Area)
- Lease** : KCTL No. 49 & Ext. RP held under New Grant No. 4475 as varied by an Extension Letter dated 31.12.1984 (**Plans A-1 and A-2**):
- (a) Parent Lot (KCTL No. 49, about 1,181.727m<sup>2</sup>): restricted to general industrial and/or godown purposes excluding offensive trade with no restriction on gross floor area (GFA) or site coverage (SC); and
  - (b) Extension Area (Ext. RP, about 142.6m<sup>2</sup>): restricted for landscaping purpose and providing vehicular access and shall not be taken into account for the purposes of calculating plot ratio (PR) or SC in respect of any redevelopment of the Lot
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
- (a) Restricted to a maximum PR of 9.5 and a maximum building height (BH) of 105 metres above Principal Datum (mPD), or the PR/BH of the existing building, whichever is the greater; and
  - (b) Minor relaxation of the PR/BH restrictions may be considered by the Town Planning Board (the Board) on application based on the individual merits of development proposal.

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<sup>[1]</sup> The Site comprises parent lot KCTL No.49 (about 1,181.727m<sup>2</sup>) and Ext. RP (about 142.6m<sup>2</sup>). The extension area was granted after the building plans for the existing Topy Tower were approved in 1974. Under the lease, no structure other than boundary walls and fences is permitted to be erected within the extension area except with prior approval of the Director of Lands, and the extension area shall not be PR/site coverage accountable. Hence, only the area of KCTL 49, i.e. about 1,181.727m<sup>2</sup> should be accountable for PR/GFA calculation.

**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 9.5 to 11.4 (i.e. +20%) on the application site (the Site) which falls within an area zoned “OU(B)” on the draft Kwai Chung OZP No. S/KC/29 (**Plan A-1**). The application is for redevelopment of an existing 12-storey industrial building (IB), Topy Tower, constructed before 1987 (pre-1987 IB)<sup>[2]</sup> into a 20-storey IB (including one basement level) for permitted ‘non-polluting industrial use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’. According to the Notes of the OZP for “OU(B)” zone, under Schedule II for industrial or industrial-office (I-O) buildings, the proposed use is a Column 1 use which is always permitted. Minor relaxation of the PR restriction may be considered by the Board under section 16 of the Town Planning Ordinance (the Ordinance).
- 1.2 The Site abuts Kwok Shui Road and Cheung Wing Road to its north and east respectively (**Plan A-2**). The existing IB is currently used for office/logistics/warehouse uses. The proposed redevelopment will incorporate a voluntary full-height setback of 2m from the northern boundary of the Site abutting Kwok Shui Road. The setback area will be used for the proposed pedestrian footpath and landscaped area. The main entrance and vehicular access will be located on the G/F via a cul-de-sac branching off Kwok Shui Road (**Drawing A-2**).
- 1.3 According to the applicant, the proposed scheme will incorporate landscaped areas at the northern setback area and the extension area (**Plan A-2** and **Drawing A-7**). These areas will be planted with shrub and climbing plants while landscaping treatments will be provided at various floors (viz. G/F, 1/F, 3/F and R/F) of the proposed development (**Drawings A-8 to A-17**). The proposed scheme will achieve a greening ratio of about 28.37% (about 335m<sup>2</sup>) (**Drawing A-7**).
- 1.4 Relevant floor/section plans and renderings of the proposed scheme submitted by the applicant are shown at **Drawings A-1 to A-6** and **A-18 to A-19**. Major development parameters of the proposed scheme are as follows:

<b>Major Development Parameters</b>	<b>Proposed Scheme</b>
Gross Site Area	About 1,324.3 m <sup>2</sup>
Net Site Area	About 1,181.727m <sup>2</sup>
Plot Ratio (PR)	11.4
Gross Floor Area (GFA) (Non-domestic)	Not more than 13,471.7m <sup>2</sup>
Site Coverage (SC) <ul style="list-style-type: none"><li>● G/F - 2/F</li><li>● 3/F and above</li></ul>	Not more than 91% Not more than 62.5%
No. of Block	1
No. of Storeys	20 (including one basement level)

<sup>[2]</sup> The Occupation Permit for the subject IB was issued on 10.4.1974.

Major Development Parameters	Proposed Scheme
Building Height (at main roof level)	Not more than 105mPD
Proposed Uses	Workshops (for non-polluting industrial use)
Parking Spaces	
• Private Cars	24 (including 1 for disabled person)
• Motorcycles	3
Loading/Unloading Bays	
• Light Goods Vehicles	7
• Medium/Heavy Goods Vehicles	4
Building Setbacks	
• Kwok Shui Road	Full-height setback of 2m from the lot boundary <sup>[3]</sup>
Greenery	About 335m <sup>2</sup> (about 28.37%)
Anticipated Year of Completion	2024

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

- (a) Application form, received on 18.6.2019 (Appendix I)
- (b) Supplementary Planning Statement with a Traffic Impact Assessment (TIA) and Sewerage Impact Statement (SIA) (Appendix Ia)
- (c) Letter received on 29.7.2019 requesting for deferment (Appendix Ib)
- (d) Further information (FI) received on 3.9.2019 providing responses to departmental comments, Environmental Assessment (EA) and revised TIA, SIA and architectural drawings<sup>#</sup> (Appendix Ic)
- (e) FI 2 received on 17.10.2019 providing responses to departmental comments, Landscape Master Plan (LMP), revised TIA, SIA and architectural drawings<sup>#</sup> (Appendix Id)
- (f) FI 3 received on 21.11.2019 providing responses to departmental comments, revised LMP, TIA and architectural drawings\* (Appendix Ie)
- (g) Letter received on 5.12.2019 requesting for deferment (Appendix If)
- (h) FI 4 received on 30.12.2019 providing responses to comments, revised LMP, EA, SIA, TIA and architectural drawings and 3D renderings<sup>#</sup> (Appendix Ig)
- (i) FI 5 received on 8.1.2020 providing replacement page of TIA\* (Appendix Ih)
- (j) FI 6 received on 18.2.2020 providing a plan showing the net site area and extension area\* (Appendix Ii)

Remarks:

<sup>#</sup> accepted but not exempted from publication and recounting requirement

\* accepted and exempted from publication and recounting requirement

<sup>[3]</sup> According to the applicant, bonus PR under Building (Planning) Regulations 22 will not be claimed.

- 1.6 At the request of the applicant, the Committee agreed twice to defer making a decision on the application for two months on 16.8.2019 and 13.12.2019 in order to allow sufficient time for preparation of FI to address departmental comments received. With the FI received on 30.12.2019 and 8.1.2020, the application was scheduled for consideration by the Committee on 21.2.2020. In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 21.2.2020 for consideration of the application has been rescheduled, and the Committee has agreed to adjourn consideration of the application. The application is now 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 as set out in **Appendices I, Ia, Ic to Ie and Ig** are summarised as follows:

### In Line with Government Policy

- (a) The proposed minor relaxation of PR restriction by 20% is in line with the 2018 Policy Address to incentivise redevelopment of IBs constructed before 1987 without modern fire service installations. Given that the existing IB at the Site was built before 1987 and is now under single ownership, the applicant applies for relaxation of PR for redevelopment under this policy initiative to support non-polluting industrial operations in North Kwai Chung.

### Conforming with the Planning Intention and PR Relaxation is Acceptable

- (b) The proposed minor relaxation of PR restriction can facilitate the provision of additional non-polluting floor space which will continue to meet the planning intention of “OU(B) zone. The redevelopment will help strengthen the transformation of the business area in North Kwai Chung into a new non-polluting business area. The scheme can also optimize the utilization of scarce land resources and the relaxation sought for is minor and acceptable, which can be achieved by conforming with the maximum BH of not more than 105mPD as stipulated under the OZP.

### Upgrading the Business Area in North Kwai Chung

- (c) According to the “Report on 2014 Area Assessments of Industrial Land in the Territory” by Planning Department, majority of the floor space in the North Kwai Chung business area (Castle Peak Road/Wo Yi Hop Road) has been used for warehouse/storage (56.4%), followed by other uses such as office (18.5%) and manufacturing/workshop (6.6%) uses. Redevelopment of the industrial building can improve the urban environment and help upgrade the stock of non-polluting industrial floor space.

### Accessibility of the Site

- (d) Although being isolated by carriageways, the Site is well served by various public transport modes including MTR, franchised bus and minibuses. The MTR Kwai Hing Station and an associated public transport interchange as well as MTR Tai Wo Hau

Station are about 800m (about 15-minute walking distance) from the Site. A number of bus stops and minibus stops are located along Castle Peak Road - Kwai Chung, Kwai Chung Road and Cheung Wing Road in the proximity.

#### Planning and Design Merits of the Proposed Development

- (e) The proposed development has included various major planning and design merits : (i) complying with the Sustainable Building Design Guideline ('SBDG'); (ii) adopting green building designs; (iii) providing landscaping treatments at various floors (viz. G/F, 1/F, 3/F and R/F) at all sides of the proposed redevelopment (**Drawing A-7**); (iv) creating a graffiti wall at southern side of G/F (**Drawings A-2** and **A-14**); and (v) offering a canopy as weather protection measure along the northern and western boundary of the Site (**Drawing A-3**).
- (f) The greenery requirement of SBDG is fulfilled as more than 20% of greenery is proposed, where more than 10% of greenery at pedestrian zone. Various landscape treatments, including planting area, ground floor façade climbing plants and first floor edge planting features, podium and roof gardens, have been proposed to enhance the streetscape of the area and improve the visual amenity of the proposed development (**Drawings A-8 to 17**).
- (g) A full-height setback of 2m from the northern lot boundary abutting Kwok Shui Road has been incorporated into the proposed development (**Drawing A-2**). Hence, the proposed development will fulfil better environmental performance and comfort requirements for its users while minimising impact on the surrounding environment.
- (h) The proposed development has taken into account the SBDG requirements in terms of building setbacks. Since the Site area is less than 20,000m<sup>2</sup> and the proposed redevelopment does not have a continuous projected façade length of 60m or above, no building separation requirement is required under the SBDG. More green building measures including BEAM Plus will be considered at the detailed building design stage.
- (i) The proposed curtain wall system consists of Low-E glass which would ensure visible light transmittance while reducing light pollution and glare to the surrounding areas. The rainwater collected from the main roof would be used for irrigation of plantings in the proposed building. The building services installations in the proposed development would be designed, installed and maintained to a design standard in accordance with the Building Energy Code (BEC) in order to promote an energy efficient building.

#### No Adverse Environmental, Sewerage and Traffic Impacts

- (j) The EA has demonstrated that the redevelopment will not be subject to adverse vehicular emission impact nor unacceptable industrial emission impact. By adoption of mechanical ventilation system with no reliance on opened windows for ventilation, the redevelopment will not be subject to adverse noise impact. The SIA has demonstrated that there is still substantial spare capacity in the sewerage system for the proposed development. The revised TIA has demonstrated that the proposed development will not result in any significant adverse traffic impact on the local road network. The applicant has proposed traffic measure by installing traffic bollards adjacent to the building to deter illegal parking on footpath (**Drawing A-21**).

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

The applicant is the sole “current land owner”. 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 Policy Address 2018, 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 Building (Planning) Regulation (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.

### 5. Previous Application

The Site was the subject of a previous application (Application No. A/KC/430) for wholesale conversion of the existing Topy Tower for hotel use by the same applicant which was approved by the Committee with conditions on 9.10.2015 (**Plan A-1**). It was approved on the considerations that hotel development could serve as a catalyst in speeding up the redevelopment of the industrial area which was in line with the planning intention of the “OU(B)” zone; the proposed development was compatible with the surrounding land uses and that the proposed development would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. The permission has lapsed since the development was not commenced before the expiry of the validity period.

### 6. Similar Applications

6.1 Since March 2019, the Committee has considered a total of 17 applications for minor relaxation of PR and/or BH in the Metro Area relating to the Policy, including two applications (No. A/KC/460 and A/KC/464) in Kwai Chung (**Plan A-1**). Out of the 17 similar applications, 16 applications were approved with conditions and one was

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<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 (BA) 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.

rejected (No. A/K14/764) mainly on the ground that there was insufficient planning and design merits to support the proposed minor 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.

- 6.2 Two similar applications, i.e. Application No. A/K3/582 in Tai Kok Tsui for minor relaxation of PR restriction and Application No. A/K13/313 in Kowloon Bay for minor relaxation of PR and BH restrictions are scheduled for consideration at the same meeting.

## **7. The Site and Its Surrounding Areas (Plans A-1, A-2 and A-4 and Photos on Plan A-3)**

### 7.1 The Site is:

- (a) located in an industrial/business area bounded by existing roads (i.e. Kwok Shui Road, Cheung Wing Road and Castle Peak Road – Kwai Chung) on all sides;
- (b) occupied by a 12-storey industrial building built in 1974 and currently used for office/logistics/warehouse uses;
- (c) accessible via a cul-de-sac branching off Kwok Shui Road; and
- (d) located at about 800m east of MTR Tai Wo Hau Station and about 600m north of the MTR Kwai Hing Station (**Plan A-4**). It is well served by various modes of public transport including buses and public light buses.

### 7.2 The surrounding area has the following characteristics (**Plans A-1 and A-2**):

- (a) to the north and north-west across Kwok Shui Road is a cluster of business area in Tsuen Wan District;
- (b) to the north-east and east across Cheung Wing Road are the Tung Chun Soy and Canning Company and the ex-Kwai Chung Salvation Army Girls' Home respectively;
- (c) to the immediate south and southwest are the Kwai Chung Castle Peak Road Sitting-out Area and an office building, namely AOffice 46 respectively;
- (d) to the further south is a cluster of business area with IBs along Kwai Chung Road; and
- (e) to the south-west is a cluster of residential developments along Castle Peak Road - Kwai Chung while to the further west is another cluster of business area.

## **8. Planning Intention**

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.

## **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 the 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 issues of fire safety and non-compliant uses. In this light, he generally welcomes more of such redevelopment projects applying for relaxation of PR restriction if they satisfy all relevant conditions or criteria (see details in paragraph 4.1 above);
- (b) it is noted that the applicant considers that the redevelopment project would meet the planning intention of that “OU(B)” zone. In this context, the redevelopment project would appear to bring greater benefits in the longer term if it allows flexibly a mix of different uses including both non-polluting industrial and commercial ones. There are some industrial-office building developments in the surrounding area with good connectivity to transport infrastructure; and
- (c) the proposed development (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. He is willing to provide policy support to the current application.

### **Land Administration**

9.1.2 Comments of the District Lands Officer/ Tsuen Wan & Kwai Tsing (DLO/TW&KT) and the Chief Estate Surveyor/Development Control (CES/DC), Lands Department (LandsD):

- (a) no objection to the application;
- (b) the Site is located within KCTL 49 and Ext. RP and is governed by New Grant No. 4475 as varied by an Extension Letter dated 31.12.1984. The parent lot is restricted to general industrial and/or godown purposes excluding offensive trade and there is no restriction on GFA or site



coverage. The extension area (about 142.6m<sup>2</sup>, at the western part of the lot) is restricted for landscaping purpose and providing an access road for motor vehicles, and shall not be taken into account for the purposes of calculating PR or site coverage in respect of any redevelopment of the parent lot. Spaces for parking, loading and unloading of motor vehicles shall be provided within the Lot at the rate of not less than 1 vehicle for each 10,000 ft<sup>2</sup> or part thereof of floor area or not less than one vehicle for each 5,000 ft<sup>2</sup> or part thereof of the site area;

- (c) 'Non-polluting industrial use' in planning terms would constitute uses in breach of the lease conditions. If the proposed industrial development is intended to be used for "non-polluting industrial uses" that are in breach of the lease conditions, the lot owner shall need to apply to LandsD for a lease modification for the proposed development. Upon receipt of the lease modification application to implement the proposed redevelopment (if approved by the Board), LandsD will impose such appropriate terms and conditions including, user restriction, payment of full premium and administration fee. 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 and the proposed redevelopment shall be completed within 5 years from the date of the execution of the lease modification letter/conditions of land exchange. Such 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. There is no guarantee that the application will be approved by LandsD; and
- (d) other detailed comments are at **Appendix III**.

### **Traffic**

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

- (a) the applicant has demonstrated in the TIA and FI at **Appendices Ia** and **Ig** respectively that the redevelopment proposal would accommodate the high-end provision of parking and loading/unloading facilities within the development. Parking and heavy loading/unloading activities on non-building area of the Site and illegal parking on public road nearby (on the kerbside of the cul-de-sac branching off Kwok Shui Road) were observed upon site inspection. Necessary measures should be provided to ensure the pedestrian safety. It is noted that the applicant has proposed traffic measure by imposing traffic bollards adjacent to the building to deter illegal parking on footpath (**Drawing A-21**);
- (b) the applicant has committed that he would approach LandsD for aligning the vehicular access point after obtaining planning approval from the Board;
- (c) based on the above, he has no comment on the application for minor relaxation of PR for permitted industrial redevelopment from traffic engineering perspective; and

- (d) should the application be approved, it is recommended to impose approval conditions on the design and provision of traffic measures adjacent to the Site and the internal transport facilities, including parking facilities, loading/unloading spaces and a car lift system, for the proposed development.

### **Environment**

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

- (a) the proposed use of the subject application is for “non-polluting industrial use” and the applicant confirmed that there will be no industrial chimneys at the proposed development, hence she has no comment from the air quality perspective;
- (b) the proposed development will adopt mechanical ventilation system, i.e. there is no reliance on opened windows for ventilation, hence she has no comment from noise perspective;
- (c) it is noted that the applicant will carry out a land contamination assessment according to the prevailing guidelines and legislative requirements prior to redevelopment of the site;
- (d) as demolition of the existing industrial building and excavation works are required, the applicant is advised to minimise the generation of Construction and Demolition (C&D) materials; 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;
- (e) the revised SIA has confirmed that no unacceptable adverse impact on the public sewerage system is anticipated;
- (f) based on the above, she has no objection to the application from environmental perspective; and
- (g) notwithstanding the above, should the application be approved, it is recommended to impose the following approval conditions:
  - (i) the submission of an updated SIA for the proposed development to the satisfaction of the DEP or of the Board;
  - (ii) the implementation of the local sewerage upgrading/sewerage connections works identified in the updated SIA for the proposed development to the satisfaction of the Director of Drainage Services or of the Board; and
  - (iii) 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 DEP or of the Board.

**Urban Design, Visual and Landscape**

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

*Urban Design and Visual Impact*

- (a) the proposed minor relaxation of PR does not involve additional BH beyond what is permitted in the OZP. It is unlikely that the proposed development will induce significant adverse effects on the visual character of the surrounding townscape; and
- (b) the proposed development scheme has incorporated building setback at the G/F along the northern facade of the proposed development, landscaping at the G/F, 1/F, 3/F and the rooftop, a weather protection canopy along the northern and western facade, and a graffiti wall along the southern facade. These design measures would promote visual interest and help improve pedestrian comfort. Although technically speaking, incorporation of these design measures do not necessarily require additional PR, they still represent the applicant's efforts in building design improvement.

*Landscape*

Noting that landscape area with sitting facilities and vertical greening are proposed at ground level to improve the street environment, the submission and implementation of a landscape proposal is therefore recommended should the application be approved.

**Building Matters**

9.1.6 Comments of the Chief Building Surveyor//New Territories West, Buildings Department (CBS/NTW, BD):

- (a) no in-principle objection to the application;
- (b) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively. The issue of site abuttal should be checked for site classification purpose under Buildings Ordinance (BO); and
- (c) detailed comments will be given during the building plan submission stage.
- (d) other detailed comments are at **Appendix III**.

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) Chief Highway Engineer/NT West, Highways Department(CHE/NTW, HyD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Commissioner for Police; and
- (f) District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD).

## **10. Public Comments Received During Statutory Publication Period**

During the statutory public inspection periods, a total of five public comments were received, including four submitted by the same individual and one from a Kwai Tsing District Council (K&TDC) member (**Appendix IV**). The individual raises concerns on the sustainability of the green features and artificial grass turf, public accessibility, and that approving the application without strong justifications and planning merits will set an undesirable precedent. The K&TDC member has no comment.

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

### Planning Intention

- 11.1 The application is for minor relaxation of PR restriction from 9.5 to 11.4 (by 20%) for the proposed redevelopment at the Site, which falls within an area zoned “OU(B)”, into a 20-storey IB development (including one basement level) 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 not more than 105mPD complies with the BH restriction under the OZP.

### Policy Aspect

- 11.2 The existing IB at the Site with an OP issued on 10.4.1974 can be regarded as an eligible pre-1987 IB under Government’s new policy on revitalising IBs. SDEV is willing to provide policy support to the application, with the initiative to incentivise redevelopment of old IBs to optimise utilisation of the existing industrial building stock and make better use of the valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses.

### Technical Aspects

- 11.3 The proposed minor relaxation of PR 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 revised TIA submitted has demonstrated that the proposed development will not cause significant adverse traffic impact to the surrounding areas. C for T has no objection to the application subject to the incorporation of approval conditions as set out in paragraphs 12.2(a) and (b) below. DEP’s concern on sewerage and land contamination aspects can be addressed by imposition of approval conditions in paragraphs 12.2(c), (d) and (e) below. Other relevant government departments consulted including FSD and DSD have no objection to/no adverse comment on the application.

### Planning and Design Merits

- 11.4 A voluntary full-height setback of 2m from the northern boundary of the Site abutting Kwok Shui Road will be provided by the applicant for the proposed footpath and landscaped area (**Drawings A-7 and A-9**). The proposed development will incorporate landscaped areas on G/F at the northern setback area and on KCTL No. 49RP Ext.; and greenery areas on various floors (**Drawing A-7**). Climbing plants will be provided on the G/F level. A greening ratio of about 28.37% has been proposed. CTP/UD&L, PlanD considers that the design measures including the proposed greenery and building setback represent the applicant's efforts in improving the building design. The landscaped area with sitting facilities and vertical greening would also improve the street environment (**Drawings A-8 to A-17**).
- 11.5 On the sustainability building design, the applicant indicates that the proposed development has taken into account the relevant SBDG requirements in terms of building setbacks and greenery. Besides, the applicant has demonstrated effort in building design improvement by introducing greenery provisions as outlined in paragraph 11.4 above. Detailed proposed measures on green building design can be considered at the detailed building design stage upon building plan submission.

### Public Comments

- 11.6 Regarding the public concerns on the lack of justifications and planning merits for the proposed development, the planning assessments above and the departmental comments in paragraph 9 above are relevant.

## **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, 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 17.3.2024, 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 also suggested for Members' reference:

### Approval Conditions

- (a) the design and provision of parking facilities and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and implementation of traffic measures as proposed by the applicant prior to occupation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) 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;

- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment in condition (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) 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; and
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning 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 received on 18.6.2019
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Letter received on 29.7.2019 requesting for deferment
<b>Appendix Ic</b>	FI received on 3.9.2019
<b>Appendix Id</b>	FI 2 received on 17.10.2019
<b>Appendix Ie</b>	FI 3 received on 21.11.2019
<b>Appendix If</b>	Letter received on 5.12.2019 requesting for deferment
<b>Appendix Ig</b>	FI 4 received on 30.12.2019
<b>Appendix Ih</b>	FI 5 received on 8.1.2020
<b>Appendix Ii</b>	FI 6 received on 18.2.2020
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Detailed Comments of Government Departments

<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Basement 1/F Plan
<b>Drawing A-2</b>	G/F Plan
<b>Drawing A-3</b>	1/F to 2/F Plan
<b>Drawing A-4</b>	3/F to 18/F Plan
<b>Drawing A-5</b>	Roof Plan
<b>Drawing A-6</b>	Section Plan
<b>Drawing A-7</b>	SBDG Calculation
<b>Drawing A-8</b>	Landscape Master Plan (LMP) – All Levels
<b>Drawing A-9</b>	LMP – G/F
<b>Drawing A-10</b>	LMP – 1/F
<b>Drawing A-11</b>	LMP – 3/F
<b>Drawing A-12</b>	LMP – Roof/F
<b>Drawings A-13 to A-17</b>	Landscape Perspectives and Sections
<b>Drawings A-18 to A-19</b>	3D Renderings of the Proposed Development
<b>Drawing A-20</b>	Net Site Area Plan
<b>Drawing A-21</b>	Proposed Traffic Measure
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Site Photo
<b>Plan A-4</b>	Pedestrian Access Network in Kwai Chung

**PLANNING DEPARTMENT  
MARCH 2020**