

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/465

- Applicant** : Befit Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : 22 Yip Shing Street, Kwai Chung, New Territories
- Site Area** : About 532.1m²
- Lease** : (a) Sub-Section 3 of Section B of Lot No. 693 in D.D. 445
(b) Held under New Grant No. 3554 dated 11.4.1957 restricted to non-offensive industrial uses with no restriction on gross floor area
(c) Subject to a waiver dated 28.3.2018 permitting eating place and shop and services purposes in the existing building
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
- Zoning** : “Industrial” (“I”)
(a) Maximum plot ratio (PR) of 9.5 and maximum building height (BH) of 120 metres above Principal Datum (mPD), or the PR and height 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.
- Application** : Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Industrial Use

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. 1.9 or +20%) on the application site (the Site) which falls within an area zoned “I” on the draft Kwai Chung OZP No. S/KC/29 (**Plan A-1**). The Site is currently occupied by an existing 4-storey building constructed before 1987 for industrial purposes (pre-1987 IB) ^[1]. The application is for development of a 23-storey industrial building (IB) (including two basement levels and one level of podium garden) for permitted industrial use. 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 is located at the end of Yip Shing Street (**Plan A-2**). The proposed development will incorporate a voluntary setback of 1.4m at lower level (G/F to 3/F) along Yip Shing Street (**Drawings A-1 and A-6 to A-8**). A weather proof canopy will be proposed at the building frontage facing Yip Shing Street to enhance pedestrian

^[1] The Occupation Permit for the subject building was issued on 16.7.1964.

comfort. The main entrance and vehicular access will be located on the G/F facing Yip Shing Street (**Drawing A-1**).

- 1.3 According to the applicant, the proposed development will incorporate a communal podium garden on 3/F to enhance the visual and wind permeability (**Drawings A-4 and A-7**). The landscaped areas will be planted with peripheral planters on 2/F and 3/F (about 80m²) while vertical greening is also proposed on the building façade facing Yip Shing Street on 1/F to 3/F (about 160m²) (**Drawings A-7 and A-8**).
- 1.4 Relevant floor/section plans and renderings of the proposed scheme submitted by the applicant are shown at **Drawings A-1 to A-8**. Major development parameters of the proposed scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 532.1 m ²
PR	11.4
Non-domestic Gross Floor Area (GFA)	Not more than 6,065.94m ²
Site Coverage (SC)	
• Below 15m	Not more than 95%
• Above 15m	Not more than 60%
No. of Block	1
No. of Storeys	23 (including two basement levels and one level of podium garden)
BH (at main roof level)	Not more than 120mPD
Proposed Use	Workshops
Greenery	About 240m ²
Parking Spaces	
• Private Cars	7 (including 1 accessible car parking space)
• Motorcycles	1
Loading/Unloading Bays	
• Light Goods Vehicles	8
Building Setback	
• Yip Shing Street	A voluntary setback of 1.4m at G/F to 3/F ^[2]
Anticipated Year of Completion	2024

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

- (a) Application form and supplementary information (**Appendix I**) received on 6.8.2019
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Letter received on 13.9.2019 requesting deferment (**Appendix Ib**)
- (d) Further information (FI) received on 23.10.2019 (**Appendix Ic**) providing responses to departmental comments, revised Traffic Impact Assessment (TIA) and revised Sewerage Impact Assessment (SIA) and architectural drawings[#]
- (e) Letter received on 26.11.2019 requesting deferment (**Appendix Id**)
- (f) FI 2 received on 24.1.2020 providing responses to departmental comments, revised TIA, revised architectural drawings and photomontages[#]

^[2] According to the applicant, he does not intend to dedicate the setback area at lower levels for public passage and apply for bonus PR.

- (g) Letter received on 4.3.2020 requesting deferment (Appendix If)
- (h) FI 3 received on 20.3.2020 provided responses to Development Bureau* (Appendix Ig)
- (i) FI 4 received on 23.4.2020 providing revised TIA, revised floor plans and photomontages# (Appendix Ih)
- (j) FI 5 received on 5.6.2020 providing clarification on proposed greenery* (Appendix Ii)

Remarks:

accepted but not exempted from publication and recounting requirement

** accepted and exempted from publication and recounting requirement*

- 1.6 At the request of the applicant, the Committee agreed to defer making a decision on the application for two months each on 4.10.2019, 13.12.2019 and 20.3.2020 in order to allow sufficient time for preparation of FI to address departmental comments received. With the FI received on 24.4.2020, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as set out in **Appendices I, Ia, Ic, Ie, Ig** and **Ih** are summarised as follows:

In Line with Government Policy to Incentivise Redevelopment of IBs

- (a) The proposed development will help materialise the latest Government's policy by revitalising the aged IBs to incentivise redevelopment of the IBs and to optimize utilisation of the existing industrial stock. According to the Task Force for Land Supply, the economic land shortage will be up to 135 hectares in 2026 and 256 hectares in 2046. In view of the pressing needs on industrial spaces, the proposed development can provide a timely solution by provision of quality floor space for the society.

Complies with Planning Intention of "I" Zone and Appropriate Scale of Minor Relaxation

- (b) While the proposed development can maximise the development potential of the Site, additional industrial floor space can also be produced so as to materialise the planning intention of "I" zone on the OZP. The proposed minor relaxation of PR by 20% is considered reasonable and appropriate in scale taking account of Government Policy.

In Support of the Recommendations in 2014 Area Assessments

- (c) The decrease in vacancy rate in IBs as revealed in the "Report on 2014 Area Assessments of Industrial Land in the Territory" indicated that there is an increasing market-wide demand for industrial space in Central Kwai Chung. The proposed redevelopment of the existing 4-storey building to 23-storey IB with minor relaxation of PR can significantly increase the industrial floor space available in the market which is in line with the recommendation made in the Area Assessment.

Compatible with the Development Context in the Vicinity

- (d) The Site is located in Central Kwai Chung area which is predominantly occupied by IBs and Industrial/Office (I/O) buildings. The proposed development will be compatible with the industrial character of this extensive industrial area.

No Insurmountable Impacts to the Surroundings from Various Technical Aspects

- (e) The TIA has demonstrated that the proposed development will not induce significant traffic impact onto the adjacent road network, while the SIA has demonstrated that there is sufficient capacity of the existing sewer to cater for the sewage generation from the proposed development and the surrounding catchment areas.

Planning and Design Merits of the Proposed Development

- (f) The proposed scheme is able to accommodate all the additional floor spaces without applying for minor relaxation of BH restriction. To further minimise the building bulk, basement levels are provided to minimise the BH of the proposed development and make it compatible with the existing BH profile.
- (g) A communal podium garden with a clear height of 4.5m is proposed to enhance the visual and wind permeability of the Site, achieving a better urban design at local level. Efforts have been made in the building design including fine-tuning the floor-to-floor height in the typical floors from 4.4m to 4.32m such that the incorporation of communal podium garden would not result in increase in development bulk.
- (h) At the building frontage abutting Yip Shing Street, a building setback of about 1.4m in width on G/F to 3/F is proposed to improve pedestrian environment (**Drawings A-7 and A-8**). To enhance the pedestrian comfort, a weather-proof canopy will be installed at the building frontage facing Yip Shing Street. A new vehicular access will be incorporated to segregate the vehicular and pedestrian access to the proposed development whilst proposed bollard installation and new kerblines will be implemented to enhance the pedestrian safety (**Drawing A-9**).

Compliance with Sustainable Building Design Guidelines (SBDG)/Green Building Design

- (i) To ensure permeability at pedestrian level and mitigate street canyon effect, podium portion of the building up to a level of 15m above the street level has voluntarily setback by 7.5m from the centreline of Yip Shing Street so as to maintain a ventilation corridor as stated in SBDG. The proposed development has incorporated various green building design measures including: (i) vertical solar shading devices on southeastern and northeastern façade; and (ii) Low-E glass curtain wall system. To enhance the energy efficiency of the building, the proposed development will be constructed to have a suitable Overall Thermal Transfer Value and to comply with the Building (Energy Efficiency) Regulation and the Building Energy Code.
- (j) Despite the Site is not applicable to the greenery coverage requirement in SBDG due to the small site area, the proposed development has incorporated additional landscaping areas in the form of peripheral planters and vertical greening on 1/F to 3/F. Furthermore, the vertical green wall is designed to be tilted towards existing pedestrian staircase connecting Tia Lin Pai Street to maximise the visibility of the proposed greening. The proposed greenery will offer visual interest to the viewers along Tai Lin Pai Road and uplift the townscape of the area.

Justifications on the Eligibility of Application for Minor Relaxation

- (k) The Site meets the criteria under prevailing policy initiatives and in line with the prevailing policy intent of the revitalisation of IBs measures. The applicant has acted promptly when the Government announced the previous industrial revitalisation policy by paying due effort to upgrade the fire service installations (FSIs) of the existing building so as to address the potential fire safety risk of the Site at that time. It is in fact an act of taking due social responsibility to safeguard the life and property, which should be considered favourably by the Government. By according priority to pre-1987 IBs without modern FSIs under the policy initiatives does not mean to exclude pre-1987 IBs equipped with modern FSIs from consideration under prevailing policy. The proposal can meet the intention for optimizing utilisation of the existing industrial stock which is not optimally utilised and for making better use of the valuable land resources.

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^[3], 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)^[4]. 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.

^[3] 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.

^[4] 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**

The Site was the subject of a previous application (No. A/KC/409) for wholesale conversion of the existing building for ‘Shop and Services’ and ‘Eating Place’ uses by the same applicant, which was approved by the Committee with conditions on 4.4.2014. It was approved on the considerations that the proposed development was considered to be in line with the policy measures of the Government to encourage wholesale conversion in “I” zone; the proposed development was not incompatible with the surrounding industrial uses intermixed with business, office and retail developments; the proposed commercial uses through wholesale conversion was in compliance with Town Planning Board Guidelines No. 25D; and the proposed development would not cause any significant adverse traffic, environmental, sewerage, fire safety, visual and landscaping impacts on the surrounding area. The wholesale conversion was completed in 2019.

6. **Similar Applications**

6.1 Since March 2019, the Committee has considered a total of 26 applications for minor relaxation of PR and/or BH in the Metro Area relating to the Policy, including four applications (No. A/KC/460, A/KC/463, A/KC/464 and A/KC/466) in Kwai Chung (**Plan A-1**). Out of the 26 similar applications, 24 applications were approved with conditions and two were rejected (No. A/K14/764 and A/K13/313) mainly on the grounds that there was insufficient planning and design merits to support the proposed minor relaxation of BH restriction and the applicant failed to demonstrate that it will not create adverse visual impact on the area (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 There is no similar application for minor relaxation of PR within “I” zone on the Kwai Chung OZP not relating to the Policy.

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

7.1 The Site:

- (a) is occupied by a 4-storey building constructed in 1964 for industrial purposes. The alteration & addition (A&A) works for the wholesale conversion of the existing building for ‘Eating Place’ and ‘Shop and Services’ uses were completed in November 2019;
- (b) abuts the road end of Yip Shing Street;
- (c) is accessible from Tai Lin Pai Road via a staircase; and
- (d) is located at about 300m southeast of MTR Kwai Hing Station. It is well served by various modes of public transport including buses and public light buses on Kwai Chung Road (**Plans A-1 and A-4**).

7.2 The surrounding area has the following characteristics (**Plans A-1 to A-3b**):

- (a) the Site is located in Central Kwai Chung Area which is predominantly industrial in nature with existing industrial developments under active operation;
- (b) to the north is an existing IB, namely Yip Shing Industrial Building and an I/O building, namely the Star, which is a wholesale conversion development from an IB;
- (c) to the east and south are mainly clusters of IBs for industrial, logistics and storage uses; and
- (d) to the west is the Tai Lin Pai Road substation and to the further west across Tai Lin Pai Road is Kowloon Commerce Centre and a cluster of business area with IBs and I/O buildings.

8. Planning Intention

The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.

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) the existing four-storey building was built in 1964 for industrial purposes. Under the previous scheme of IB revitalisation pursued by Government between 2010 and 2016, the owner applied to LandsD for a special waiver to permit the use of the lot for specified non-industrial purposes upon wholesale conversion. The special waiver was duly executed in March 2018 to permit the lot and the existing building to be used as ‘Eating Place’ and ‘Shop and Services’, and without any industrial uses therein, during the lifetime of the existing building, or until the expiry of the lease, or upon the early termination of the waiver. The waiver fee was fully exempted to incentivise the hitherto wholesale conversion. As such, A&A works including those necessary to bring the FSIs compliant with present-day standards were timely pursued for the wholesale conversion of the existing building, until when the owner submitted a Form BA14 to Buildings Department (BD) in August 2019 to indicate the completion of such works. BD certified the completion of the wholesale conversion in November 2019;
- (b) in view of above background, we do not very much see this wholesale-converted building on the lot among the targeted aged IBs under our

present policy to incentivise IB redevelopment. As we have observed on Site, the wholesale-converted building is readily available for the prescribed non-industrial uses covered by the special waiver, and should not be taken as a "pre-1987 IB" under the policy. We therefore do not think that the policy to incentivise pre-1987 IBs to upgrade their FSIs amongst other things through redevelopment as per the initiative announced in the 2018 Policy Address is applicable to the subject building;

- (c) notwithstanding the above, the proposed redevelopment with a PR increase is in line with the planning intention of "I" zone, which is to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space. Given that industrial land available for new development is tightly limited while demand for industrial floor space remains strong, there is a case to capitalise on each and every industrial redevelopment project to provide as much as industrial space as possible. The extra 20% PR provision will bring about 1,000m² of industrial GFA additionally, hence going some way to help address the long-run shortfall of industrial floor space in the territory. We also welcome the proposed redevelopment that includes certain proposed planning and design merits (including voluntary setback, design features at the street level, traffic improvements, landscape improvements, green building design and other sustainable building features, etc.) as these can provide better streetscape and bring about amenity of the locality. We further note that relevant government departments have not raised any adverse comment in relation to infrastructural capacity, traffic and parking arrangement, or other technical constraints. As such, from the perspective of putting the Site into optimal use to produce the maximum possible industrial space to support industrial development, we consider that the proposal of redeveloping the wholesale-converted building at a PR of 11.4 (i.e. 20% more than the PR permissible on the OZP) is worthy of our support; and
- (d) other detailed comments are at **Appendix III**.

9.1.2. Comments of the Director-General of Trade and Industry (DG of TI):

according to the 2014 Area Assessments of Industrial Land in the Territory, the overall vacancy rate in the Central Kwai Chung area is about 4.6% which is much lower than the 8.0% identified in the 2009 Area Assessments, showing a trend of decreasing vacancy rate of the industrial buildings in the area. As such, we have no objection to the application since it is in line with the planning intention of the "I" zone which is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space.

Land Administration

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

- (a) the Site falls within Sub-Section 3 of Section B of Lot No. 693 in D.D. 445, which is held under New Grant No. 3554 dated 11.4.1957. The Lot is restricted to non-offensive industrial uses with no restriction on GFA.

It is subject to a waiver letter dated 28.3.2018 permitting eating place and shop and services purposes in the existing building erected on the Lot;

- (b) 'Industrial use' in planning terms may constitute uses in breach of the lease conditions. If the planning approval is intended for such "modern industrial uses" which are not permitted under the existing lease conditions, the lot owner shall need to apply to the LandsD for a lease modification for the proposed development. She advised that the proposal will only be considered upon the receipt of formal application from the lot owner. There is no guarantee that the application, if received by LandsD, will be approved and she reserves her comment on such. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, payment of premium and administrative fee; and
- (c) 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 revised TIA at **Appendices Ih** that the proposed development would not cause adverse traffic impact to the adjacent road network;
- (b) the applicant has also proposed traffic measures including bollards with proper run-in/out to enhance pedestrian safety, the "KEEP CLEAR" road marking in front of the proposed run-in/out (**Drawing A-9**), and deployment of management staff to well manage the vehicular access of the building so as to alleviate the illegal parking in vicinity;
- (c) based on the above, she has no in-principle objection to the application from traffic engineering perspective; and
- (d) should the application be approved, it is recommended to impose an approval condition on the design and provision of traffic measures adjacent to the Site and the internal transport facilities, including parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of C for T or of the Town Planning Board.

9.1.4 Comments from the Chief Highway Engineer/NT West, Highways Department(CHE/NTW, HyD):

it is noted that the section of Yip Shing Street fronting the Site, which is Government land, is not currently maintained by his Region and he has no comment from highway maintenance viewpoint.

Environment

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

- (a) she has no objection to the application from environmental perspective;
- (b) 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 in condition (i) above to the satisfaction of the Director of Drainage Services or of the Board; and
 - (iii) the submission of land contamination assessments 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 DEP or of the Town Planning Board; and
- (c) 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.

Urban Design and Visual

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

Urban Design and Visual Impact

- (a) the Site has an area of about 530m², elongated in shape with a narrow street frontage. It is situated at the end of Yip Shing Street and forms part of a large cluster of IBs/sites zoned "I" between Tai Lin Pai Road and Castle Peak Road-Kwai Chung. The BHs of the surrounding existing buildings range from about 53mPD to 120mPD, with the exception of the nearby low-rise Tai Lin Pai Road Substation of about 20mPD. The proposed minor relaxation of PR does not involve additional BH beyond what is prescribed in the OZP. Given the context, it is unlikely that the proposed development will induce any significant effect on the visual character of the surrounding townscape;
- (b) the proposed development has incorporated a building setback of about 1.4m from G/F to 3/F and a weather protection canopy along Yip Shing Street, a communal podium garden at 3/F and landscape treatments at 1/F, 2/F and 3/F in the form of peripheral planters and vertical greening. Although technically speaking, the incorporation of the above design measures does not necessarily require additional PR, it represents the applicant's effort in promoting visual interest and improving the

pedestrian environment;

Landscape

- (a) given that the proposed development is located at a dead end street, the proposed landscape treatments on 1/F to 3/F would have minimal effect on enhancing the quality of the public realm. Hence, landscape condition is not necessary should the application be approved by the Board; and
- (b) other detailed comments are at **Appendix III**.

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

it is noted that the proposed development consists of one tower block with a height of 120mPD which complies with the BH restriction under the OZP and may not be incompatible with adjacent developments with BH restriction ranging from 105mPD to 150mPD. In this regard, he has no comment from visual impact point of view.

Building Matters

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

- (a) he has no in-principle objection to the application;
- (b) detailed comments will be given during the building plan submission stage; and
- (c) 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 Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner for Police; and
- (e) District Officer (Kwai Tsing), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection periods, a total of three public comments submitted by an individual were received (**Appendix IV**). The individual raises concerns on the sustainability and practicality of the proposed green features, public accessibility of the communal podium garden, and that approval of the application without strong justifications and planning merits will set an undesirable precedent.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) for a proposed 23-storey IB development (including two basement levels and one level of podium garden) for permitted industrial use at the Site, which falls within an area zoned “I” on the OZP. The proposed development is generally in line with the planning intention of the “I” zone, which is primarily for general industrial uses. The proposed BH of not more than 120mPD complies with the BH restriction under the “I” zone.

Policy Aspect

- 11.2 The existing 4-storey building was built in 1964 for industrial purposes. The Site was the subject of a previous application (No. A/KC/409) approved with conditions on 4.4.2014 for wholesale conversion of the existing building for ‘Shop and Services’ and ‘Eating Place’ uses by the same applicant. It was approved mainly on the grounds that it was in line with the wholesale conversion policy in “I” zone and the proposed development was not incompatible with the surrounding industrial uses, and there were no significant adverse infrastructural and visual impacts. Upon obtaining the planning permission, the building was wholesale-converted for ‘Shop and Services’ and ‘Eating Place’ uses with FSIs upgraded to present-day standards under the previous scheme of IB revitalisation pursued by Government between 2010 and 2016. The wholesale conversion was completed in 2019. In view of the above, SDEV has advised that the present IB revitalisation policy, which is to incentivise pre-1987 IBs to upgrade their FSIs amongst other things through redevelopment, is not applicable to the existing building. Notwithstanding that, taking into account no adverse impacts on infrastructure/technical aspects and the planning/design merits brought by the proposed development as mentioned in paragraphs 11.4 to 11.6 below, SDEV is in support of the proposal of redeveloping the existing building at a PR of 11.4 (i.e. 20% more than the PR permissible on the OZP) from the perspective of putting the Site into optimal use to produce the maximum possible industrial space to support industrial development.
- 11.3 According to the 2014 Area Assessments of Industrial Land in the Territory, the overall vacancy rate in the Central Kwai Chung area is about 4.6% which is much lower than the 8% identified in the 2009 Area Assessments, showing a trend of decreasing vacancy rate of the industrial buildings in the area. It is thus recommended in the 2014 Area Assessment to retain sufficient industrial floorspace to meet the need for the wide range of economic activities from traditional industrial uses to other industrial-related services/office uses such as research and development/testing centre and Information Technology and Telecommunications Industries. In this regard, notwithstanding that the IB revitalisation policy is not applicable to the subject IB, SDEV is in support of the proposed development from site optimisation perspective and DG of TI has no objection to the application as it is in line with the planning intention of the “I” zone for general industrial uses to ensure an adequate supply of industrial floor space.

Technical Aspects

- 11.4 The applicant has submitted technical assessments to confirm the feasibility of the proposed development. The revised TIA submitted has demonstrated that the proposed development would not cause adverse traffic impact to the adjacent road network. C for T has no in-principle objection to the application subject to the

incorporation of approval conditions set out in paragraphs 12.2(a) and (b) below. DEP has no objection to the application from environmental perspective subject to the imposition of approval conditions set out in paragraphs 12.2(c) to (e) below so as to address her concerns on sewerage and land contamination aspects. Other relevant government departments consulted including FSD and DSD have no objection to/no adverse comment on the application.

Planning and Design Merits

- 11.5 The proposed development has incorporated a voluntary building setback of about 1.4m at G/F to 3/F and a weather protection canopy along Yip Shing Street, a communal podium garden at 3/F and landscape treatments at 1/F, 2/F and 3/F in the form of peripheral planters and vertical greening (**Drawings A-7 and A-8**). CTP/UD&L, PlanD considers that these design measures represent the applicant's efforts in promoting visual interest and improving the pedestrian environment.
- 11.6 On the sustainability building design aspect, although the Site is less than 1,000m² in which the requirement on greenery provision under the SBDG is not applicable, the applicant has shown efforts in building design improvement by introducing greenery provision of about 240m². The applicant has also proposed green building design measures such as vertical solar shading devices, Low-E glass and enhancement of building energy efficiency. Detailed proposed measures on green building design can be considered at the detailed building design stage upon building plans submission.

Similar Applications

- 11.7 So far, all the similar applications mentioned in paragraph 6 above are pursuant to the IB revitalisation policy. While there is no other similar application for minor relaxation of PR within "T" zone on the Kwai Chung OZP not related to the Policy, given the circumstances pertaining to the Site, support from SDEV from site optimisation perspective, no adverse impacts on infrastructure/technical aspects and the planning/design merits brought by the proposed development, the proposed minor relaxation of PR may be considered acceptable.

Public Comments

- 11.8 Regarding the concerns raised in the public comments, 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 12.6.2024, 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, 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 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 (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the submission of land contamination assessments 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 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 justifications for 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

- Appendix I** Application form and supplementary information received on 6.8.2019
- Appendix Ia** Supplementary Planning Statement

Appendix Ib	Letter received on 13.9.2019 requesting for deferment
Appendix Ic	FI 1 received on 23.10.2019
Appendix Id	Letter received on 26.11.2019 requesting for deferment
Appendix Ie	FI 2 received on 24.1.2020
Appendix If	Letter received on 4.3.2020 requesting for deferment
Appendix Ig	FI 3 received on 20.3.2020
Appendix Ih	FI 4 received on 23.4.2020
Appendix Ii	FI 5 received on 5.6.2020
Appendix II	Similar Applications
Appendix III	Detailed Comments of Government Departments
Appendix IV	Public Comments
Appendix V	Advisory Clauses
Drawings A-1 to A-5	Floor Plans
Drawing A-6	Section Plan
Drawings A-7 and A-8	Photomontages from Tai Lin Pai Road and Yip Shing Street
Drawing A-9	Proposed Traffic Measures
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Site Photos
Plan A-4	Pedestrian Access Network in Kwai Chung

**PLANNING DEPARTMENT
JUNE 2020**