

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/467

- Applicant** : Warm Shelter Limited represented by PlanPlus Consultancy
- Site** : 132-134 Tai Lin Pai Road, Kwai Chung, New Territories
- Site Area** : About 569.4m²
- Lease** : (a) Kwai Chung Town Lot No. 155
(b) Held under New Grant No. 4782 dated 9.7.1970 restricted to general industrial and/or godown purposes excluding any offensive trades with no restriction on gross floor area or site coverage or building height
(c) Subject to a waiver letter dated 11.2.2014 permitting eating place and office purposes in the existing building erected on the Lot
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
- (a) Maximum plot ratio (PR) of 9.5 and maximum building height (BH) of 105 metres above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater
- (b) Minor relaxation of the PR/BH restrictions may be considered by the Town Planning Board (the Board) on application based on individual merits of development proposal
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)

1. The Proposal

1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. 1.9 or +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 Site is currently occupied by an existing 8-storey building constructed before 1987 for industrial purposes (pre-1987 IB) ^[1]. The application is for development of a 24-storey Industrial Building (IB) (including two basement levels and one level of sky garden cum refuge floor) for the permitted “Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)”. Minor relaxation of the PR restriction may be considered by the Board under section 16 of the Town Planning Ordinance.

1.2 The Site abuts Tai Lin Pai Road and Ka Hing Road to its east and south respectively. The vehicular access of the existing IB is on Tai Lin Pai Road, which will be relocated to Ka

^[1] The Occupation Permit for the subject building was issued on 15.6.1971.

Hing Road under the current proposal (**Plan A-2** and **Drawing A-3**). The applicant has undertaken to reinstate the existing run-in/out as normal footpath due to the development at his own cost and the construction works will be conducted to the standard and satisfaction of concerned Government department. To realise the planned non-building area (NBA) proposal as set out under the Kwai Chung Outline Development Plan (ODP) to serve the future widening of Tai Lin Pai Road (**Plan A-2**), the proposed development will incorporate a full-height setback along Tai Lin Pai Road to the corner portion of Ka Hing Road for a width between 3.8m to 5.7m (**Drawing A-13**). In order to enhance the overall pedestrian environment and comfort, the proposed development will incorporate a voluntary full-height setback of about 2.01m along Ka Hing Road. Besides, as required under lease to facilitate the parking and loading/unloading of vehicles, there will be a setback of 10 feet (about 3.05m) from the existing scavenging lane for a height of 15 feet (i.e. about 4.57m) above the ground level along Ka Kin Lane at the northern portion of the Site.

- 1.3 According to the applicant, the proposed development will incorporate vertical greening at the building frontage along Ka Hing Road and Tai Lin Pai Road, peripheral greenery at the 2/F flat roof, and a sky garden cum refuge floor with vegetated edge at 10/F (**Drawings A-9** to **A-12**, **A-14** and **A-15**). The proposed development will provide about 165.36m² of greenery area.
- 1.4 Relevant floor/section plans and renderings of the proposed scheme submitted by the applicant are shown at **Drawings A-1** to **A-12**, **A-14** and **A-15**. Major development parameters of the proposed scheme are as follows:

Development Parameters	Proposed Scheme
Site Area	About 569.4m ²
Plot Ratio	Not more than 11.4
Gross Floor Area (Non-domestic)	Not more than 7,034.81m ²
Site Coverage	
• Below 15m	Not more than 73.3%
• Above 15m	Not more than 62.5%
No. of Block	1
No. of Storeys	24 (including 2 basement levels and one level of sky garden cum refuge floor)
Building Height (at main roof level)	Not more than 105mPD
Proposed Uses	Workshops
Greenery	About 165.36m ²
Parking Spaces and Loading/Unloading (L/UL) Bays	
• Private Cars	12 (including 1 for disabled persons)
• Motorcycles	2
• L/UL Bays (Light Goods Vehicles)	6
Building Setbacks	
• Tai Lin Pai Road/ Ka Hing Road	Full-height setback of 3.8m to 5.7m
• Ka Hing Road	Full-height setback of about 2.01m
• Ka Kin Lane	Setback of 10 feet (about 3.05m) for a height of 15 feet (about 4.57m)
Anticipated Year of Completion	2023

Notes:

- (1) The Site includes the area dedicated for NBAs along Tai Lin Pai Road and Ka Hing Road as required under the ODP.
- (2) On top of the PR and GFA set out as above, the applicant intends to claim a bonus PR of about 0.9548 (i.e. GFA of about 543.66m²) under the B(P)R 22(2) for dedication of land/area for used as public passage/the purpose of street widening subject to approval by

the Building Authority (BA) during detailed design stage. According to applicant, the proposed BH will be able to accommodate the bonus PR.

- (3) Any bonus PR that may be approved by the BA under B(P)R 22(1) or (2) for the setback areas to be surrendered to the Government have not been reflected in the above.

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 23.10.2019 (Appendix I)
 - (b) Supplementary Planning Statement with a Landscape Proposal, Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA) and Sewerage Impact Statement (SIA) (Appendix Ia)
 - (c) Letter received on 27.11.2019 requesting for deferment (Appendix Ib)
 - (d) Further information (FI) received on 24.1.2020 providing responses to departmental comments, revised TIA, SIA, Landscape Proposal, architectural drawings and photomontages[#] (Appendix Ic)
 - (e) Letter received on 13.3.2020 requesting for deferment (Appendix Id)
 - (f) FI 2 received on 19.5.2020 providing responses to departmental comments and replacement pages of SIA* (Appendix Ie)
 - (g) FI 3 received on 23.6.2020 providing responses to departmental and public comments* (Appendix If)
 - (h) FI 4 received on 3.7.2020 providing supplementary information on proposed greening features* (Appendix Ig)

[#] 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 twice to defer making a decision on the application for two months on 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 19.5.2020, 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, If** and **Ig** are summarised as follows:

In Line with New Government Policy on Redevelopment of IBs

- (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. It echoes with the government's policy direction to revitalise sub-standard industrial buildings in view of the changing social and economic circumstances of Hong Kong and improving fire services requirements.

In Line with Land Use Restructuring and Hong Kong's Re-industrialization

- (b) According to the "Report on 2014 Area Assessments of Industrial Land in the Territory" by Planning Department, the Kwai Chung Industrial Area (KCIA) is recommended to be retained for "OU(B)" zone which can facilitate the transformation of traditional Kwai Chung industrial hub to general business area. The proposed development is intended to transform the existing traditional industrial building into a modern industrial development and hence actualising the land use restructuring. The additional PR sought would help to address the anticipated shortfall of industrial floor space in future, and

echoes with the Government's intention of supporting re-industrialization via maximizing land development potential.

Catalysing the Revitalisation of Southern Fringe of Kwai Chung Business/ Industrial Area

- (c) The Site is situated at the southern fringe of KCIA which is relatively not as well connected as other parts of KCIA. Industrial buildings with uses including ground floor car-repairing workshops and recycling centres are prominent in this area, which also present an unwelcoming walking environment. Redevelopment for modern style building for non-polluting industrial uses will realize the enhancement of walking environment and visual appeal. These measures inject vibrancy to the currently aged industrial setting that can ultimately act as a catalyst in the revitalization of KCIA.

Maximising the Building Setback Opportunities

- (d) The development proposal has adopted boundary setbacks on three sides of the Site. The proposed setback along Tai Lin Pai Road will fulfil the ODP requirements with a view to upgrading the section of Tai Lin Pai Road between Ka Ting Road and Kwai Ting Road. Besides, the proposed setback abutting Ka Hing Road is intended to widen the existing sub-standard footpath, whilst the ground floor setback along Ka Kin Lane is to fulfil lease requirement. The total setback areas (about 206m²) cover about 36% of the Site area which is a substantial portion of the Site. The proposed scheme has been sophisticatedly designed to accommodate and comply with all relevant technical requirements without breaching the BH restriction under OZP, and simultaneously achieving various planning gains particularly the on-street environment improvements.

Public Accessibility

- (e) The Site is well served by various public transport modes including MTR, franchised bus and minibuses. The Kwai Hing MTR Station and an associated public transport interchange as well as Tai Wo Hau MTR Station are about 15-minute walking distance from the Site. A number of bus stops and minibus stops can be found in the proximity.

Consistent with the Board's Established Principles

- (f) Additional PR sought in this application adheres to the applicable PR relaxation under the current policy initiative and consistent with other similar approved applications. The proposed PR can be accommodated in the current scheme without additional BH. This effectively presents as a win-win scenario.

Planning and Design Merits of the Proposed Development

- (g) The proposal will benefit public users/future occupants and uplift the pedestrian and traffic environment, which is essential to facilitate land use restructuring of KCIA. It has maximised the setback opportunities with respect to the site-specific characteristics and incorporated comprehensive landscape proposal to create visual relief for pedestrians.
- (h) Provision of building setbacks on three sides will widen existing narrow building gaps, which will enhance both the air and visual permeability, and reduce the overall building mass. The corner setback at Ka Hing Road will also enhance natural ventilation, while the sky garden at 10/F will help break the building bulk, allow cross-ventilation,

enhance visual permeability, and bring about an impressive aesthetic quality to the building frontage and façade.

- (i) The existing visual corridor on Tai Lin Pai Road along the southwest-northeast axis will be enhanced with the building setback. Street-level landscape treatment and the landscape sky garden on 10/F will create visual interest, soften the current monotonous urban fabric, which will enhance the overall visual quality. The proposed development is in full compliance with the BH restriction under the OZP and will blend well with the stepped-up BH profile to ensure a smooth transition from the urban fabric of KCIA to the foothill of Golden Hill.

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

- (j) The applicant has taken into consideration the three key design elements (i.e. building separation, building setback and site coverage of greenery) in the SBDG. No part of the building is within 7.5 from the centerline of Ka Hing Road. Although the overall site area is less than 1,000m² and the site coverage of greenery requirement is not applicable, a total greenery area of about 165.36m² is provided. Green building design has been considered including: (i) future compliance with BEAM Plus requirements for green building certification; (ii) provision of communal sky-garden; (iii) compliance with Overall Thermal Transfer Value (“OTTV”) requirements and with Building Energy Code under the latest Building Energy Efficiency Ordinance; and (iv) glass with external reflectance of less than 20% will be adopted.

Technical Feasibility

- (k) Based on the findings of the VIA, the proposed development will be visually compatible with the surrounding area. According to the TIA, internal transport facilities will be provided to the high-end requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), and all critical junctions will be operated in positive capacities upon operation of the proposed development. According to the SIA, sewerage impact of the proposed development is considered insignificant. Other environmental considerations have been reviewed and there will be no adverse environmental impact.

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^[2], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “Residential” zones in Main Urban Areas and New Towns into industrial/commercial uses. The relaxation of PR is

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

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).^[3] The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.

- 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**

There is no previous application for minor relaxation of PR restriction at the Site.

6. **Similar Applications**

- 6.1 There is a similar application (No. A/KC/465) for minor relaxation of PR in Kwai Chung not relating to the Policy (**Plan A-1**). It was approved with conditions by the Committee on 12.6.2020 having regard to the circumstances pertaining to the site, support from Secretary for Development (SDEV) from site optimisation perspective, no objection from Director-General of Trade and Industry (DG of TI) since it is in line with the planning intention of the land use zone to ensure an adequate supply of industrial floor space, no adverse impacts on infrastructure/technical aspects and the planning/design merits brought by the proposed development.
- 6.2 The Committee has considered a total of 27 applications for minor relaxation of PR and/or BH in the Metro Area relating to the Policy, including 4 applications (No. A/KC/460, A/KC/463, A/KC/464 and A/KC/466) in Kwai Chung district (**Plan A-1**). Out of the 27 similar applications, 25 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.

7. **The Site and Its Surrounding Areas** (Plans A-1, A-2 and A-5 and Photos on **Plan A-3** and **A-4**)

7.1 The Site is:

- (a) occupied by a 8-storey building constructed in 1971 for industrial purposes. The alteration & addition (A&A) works for the wholesale conversion of the existing building by the same applicant for 'eating place' and 'office' uses were completed

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

in 2015. Currently, a café is located on the ground floor with office uses on the upper floors;

- (b) bounded by Ka Kin Lane, Tai Lin Pai Road and Ka Hing Road to the north, east and west respectively; and
- (c) located in between MTR Kwai Hing Station (about 300m to the northwest) and MTR Kwi Fong Station (about 400m to the southwest) (**Plan A-5**). It is well served by various modes of public transport including buses and public light buses on Kwai Chung Road.

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

- (a) the Site is located in midst of the industrial/business area in the Kwai Chung Road Area, which is mainly occupied by IBs and wholesale-converted developments under active operation;
- (b) to the north, south and east are mainly IBs within the same industrial/business cluster;
- (c) to the east across Tai Lin Pai Road is an industrial cluster mainly for industrial, logistics and storage uses; and
- (d) to the further south is the Ka Ting Road Cooked Food Market and further west is a hotel (Hotel Ease Access Tsuen Wan) which was wholesale converted from a previous IB.

8. Planning Intention

8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or industrial-office buildings.

8.2 As stated in the Explanatory Statement (ES) of the ODP, road widening proposals to alleviate traffic problems have been proposed along major roads in this part of KCIA. Efforts would be made to negotiate with developers to surrender area proposed for road widening upon redevelopment (**Plan A-2**).

9. Comments from Relevant Government Bureau/Departments

9.1 The following government bureau/departments have been consulted and their views on the application are summarised as follows:

Policy Perspective

9.1.1 Comments of SDEV:

- (a) the existing eight-storey building was built in 1971 for industrial purposes. Under the previous scheme of IB revitalisation pursued by Government

between 2010 and 2016, the owner applied to Lands Department (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 February 2014 to permit the lot and the existing building to be used as “Eating Place” and “Office”, 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, alteration and addition works including those necessary to bring the fire service installations 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 November 2015 to indicate the completion of such works. BD certified the completion of the wholesale conversion in August 2017;

- (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 now with a cafe on G/F, non-government organisations’ offices on 1/F to 3/F, and some other offices on 4/F to 7/F. Given its current non-industrial uses in this wholesale-converted building, it 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 fire service installations amongst other things through redevelopment as described above 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 the “OU(B)” zone. 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 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 our 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 DG of TI:

according to the 2014 Area Assessments of Industrial Land in the Territory, the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses. As such, we have no objection to the application given that it would put the site into optimal use to produce more industrial space to support industrial development.

Land Administration

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

- (a) the Site falls within KCTL 155 and is held under New Grant No. 4782 dated 9.7.1970. The Lot is restricted to general industrial and/or godown purposes excluding offensive trade and there is no restriction on GFA or site coverage or building height under lease. 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 10,000ft² or part thereof of gross floor area or not less than one vehicle for each 5,000ft² or part thereof of the site area, whichever is the greater rate. The Lot is subject to a waiver letter dated 11.2.2014 permitting eating place and office purposes in the existing building erected on the Lot;
- (b) ‘Non-polluting industrial use’ in planning terms may 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 the LandsD for a lease modification. The proposal will only be considered upon 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 the 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 LandsD shall deem fit to do so, including, among others, payment of premium and administrative fee;
- (c) the proposed run in/out shown on the ground floor plan does not tally with vehicular access points permissible under lease. The lot owner shall need to apply to LandsD for a lease modification; and
- (d) other detailed comments are at **Appendix III**.

Traffic

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

- (a) the applicant has demonstrated that the redevelopment proposal would accommodate the high end provision of parking and loading/unloading facilities within the redevelopment. Due to the very limited site area, the applicant would provide loading/unloading facilities for light goods vehicles within the building. In addition, the applicant has proposed traffic

measures including the erection of new bollards/railings (Figure 2.1 of **Appendix Ic**) at his own cost to enhance the pedestrian safety due to illegal parking on footpath in vicinity.

- (b) based on the above, she has no in-principle objection to the application from traffic engineering perspective; and
- (c) 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 Board.

9.1.5 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD);

he has no adverse comment from highway maintenance point of view on the application subject to no comment from TD on the proposed run-in/out, associated road marking and street furniture modification from their traffic perspective. The reinstatement of existing run-in/out as normal footpath together with these new works due to the development would be constructed by the applicant according to HyD standard and up to HyD's satisfaction.

Environment

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

- (a) based on the information provided by the applicant, insurmountable environmental impacts associated with the proposed development is not anticipated. She has no objection to the application based on the following considerations:
 - (i) in view of the location and proposed nature of “non-polluting industrial use”, adverse noise impact arising from the proposed development is not anticipated. As the proposed development will be equipped with air conditioning and not rely on opened window for ventilation, the proposed development is unlikely be subject to adverse noise impact;
 - (ii) adequate buffer distance from nearby roads will be provided for the fresh air intake as per the requirements of the HKPSG;
 - (iii) the applicant has committed that land contamination assessment and remediation (if required) will be completed in accordance with the prevailing guidelines prior to development of the site;
 - (iv) the SIA concluded that adverse sewerage impacts are not anticipated;
- (b) as the proposed development would involve demolition of the existing structures and excavation works, the applicant is advised to minimise the generation of 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;

- (c) notwithstanding the above, should the application be approved, it is recommended to impose the following approval conditions:
 - (i) the submission of an updated Sewerage Impact Assessment (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 Board.

Urban Design and Visual

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

Urban Design and Visual Impact

- (a) the Site is a corner site at junction of Tai Lin Pai Road and Ka Hing Road forming part of a larger area zoned “OU(B)” between Kwai Chung Road Tai Lin Pai Road. The area is predominantly industrial in nature. The BHs of the surrounding existing buildings which include Hotel Ease Access at the western end of the street block range from about 43mPD to 156mPD. The proposed minor relaxation of PR does not require relaxation of BHR stipulated under the OZP. As such, it is unlikely that the proposed development will induce any adverse effects on the visual character of the surrounding townscape as illustrated in the submitted VIA;
- (b) according to the proposal, in addition to the required setback at ground floor according to the lease, the development will incorporate full-height setbacks of about 2m to 5.7m along Ka Hing Road and Tai Lin Pai Road, vertical greening at the building frontage along Ka Hing Road and Tai Lin Pai Road, peripheral greenery at the 2/F flat roof, and a communal sky garden with vegetated edge at the 10/F. Although technically speaking, incorporation of these design measures do not necessarily require additional PR, they represent the applicant’s effort in promoting visual interest and improving the pedestrian environment for a relatively small lot;
- (c) the first two floors of the proposed development are for M&E, loading and unloading area, lobby and workshops, which may fit the intended functionality of the proposed development but will not contribute much to the public realm/pedestrian environment. Given that there is a wide range of permissible uses within the “OU(B)” zone that would help activate the street frontage, the applicant may consider designing the building in a way that allow for flexibility to accommodate future change of building uses

on the lower floors. The applicant may wish to explore possibility of a building design that would provide some weather protection along development edges. It is worthwhile for the applicant to consider to provide plantings within the setback area along Tai Lin Pai Road in the interim prior to the actual implementation of the road widening;

Landscape

- (a) the Site is not located at visually sensitive location and significant adverse landscape impact created by the proposed development is not envisaged, she has no objection to the application from landscape planning perspective;
- (b) with reference to the landscape proposal, a small planter at street level and a vertical green wall on the building facade of 1/F are proposed along Ka Hing Road. However, as Ka Hing Road is only a local distributor and mainly used for loading/unloading activities, the proposed landscape treatments would have minimal effect in enhancing the public realm. Hence, landscape condition is not necessary should the application be approved by the Board; and
- (c) other detailed comments are at **Appendix III**.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, BD:

- (a) no comment on the proposed relaxation of PR to 11.4 under Buildings Ordinance.
- (b) detailed comments will be given during the building plan submission stage; and
- (c) other detailed comments on building aspect are set out in **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 Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD)
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Commissioner of 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, three public comments submitted by an individual and the Incorporated Owners (IO) of Mai Sik Industrial Building were received (**Appendix IV**). The individual raises concerns on the sustainability and practicality of the proposed green features, public accessibility of the sky garden, whether there are community benefits and the green measures is sustainable and permanent, and that approval of the

application without strong justifications and planning merits will set an undesirable precedent. The IO raised objection on grounds of traffic congestion, obstruction of views and loss of sunlight by the installation of solar panels on the building rooftop.

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 24-storey IB development (including two basement levels and a sky garden cum refuge floor) for permitted non-polluting industrial use at the Site, which falls within an area zoned “OU(B)” on the OZP. The proposed development is generally in line with the planning intention of the “OU(B)” zone, which is for general business uses including information technology and telecommunications industries, non-polluting industrial, office and other commercial uses. The proposed BH of not more than 105mPD complies with the BH restriction under the OZP.
- 11.2 As set out in the ODP for the “OU(B)” zone along Tai Lin Pai Road, a minimum setback width between 3.8m to 5.7m respectively from the lot boundary along Tai Lin Pai Road and the corner of Ka Hing Road should be provided. The full-height setback along Tai Lin Pai Road to the corner portion of Ka Hing Road as proposed by the applicant has met the planning intention for the purpose of long-term road widening for Tai Lin Pai Road (**Plan A-2** and **Drawing A-13**).

Policy Aspect

- 11.3 The existing 8-storey building was built in 1971 for industrial purposes. The building was wholesale-converted for “Eating Place” and ‘Office’ uses by the same applicant with fire service installations 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 2015. In view of the above, SDEV has advised that the present IB revitalisation policy, which is to incentivise pre-1987 IBs to upgrade their fire service installations 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 11.7 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.
- 11.4 According to the 2014 Area Assessments of Industrial Land in the Territory, the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses. In this regard, notwithstanding that the present IB revitalisation policy is not applicable to the subject IB, SDEV is in support of the proposed development from site optimization perspective and DG of TI has no objection to the application given that it would put the site into optimal use to produce more industrial space to support industrial development.

Technical Aspects

- 11.5 The applicant has submitted technical assessments to confirm the feasibility of the proposed development. The 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

- 11.6 Apart from the proposed building setback along Tai Lin Pai Road as mentioned in paragraph 11.2 above, a voluntary full-height setback of about 2.01m along Ka Hing Road is also proposed to improve the pedestrian environment (**Drawing A-3**). The provision of setback along Ka Kin Lane by fulfilling the lease requirement will also facilitate the parking and loading/unloading of vehicles. In addition to the setback proposals, greening/landscaping treatments are also proposed, including greening at the building frontage along Ka Hing Road and Tai Lin Pai Road, peripheral greenery at the 2/F flat roof, and a sky garden with vegetated edge at the 10/F (**Drawings A-9 to 12**). CTP/UD&L, PlanD considers that these design measures represent the applicant's efforts in promoting visual interest and improving the pedestrian environment.
- 11.7 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 165.36m². The applicant has also proposed green building design measures, including the compliance with BEAM Plus requirements and the adoption of glass with external reflectance of less than 20%, etc. Detailed proposed measures on green building design could be considered at the detailed building design stage upon building plans submission.

Similar Applications

- 11.8 So far, all the similar applications mentioned in paragraph 6 above are pursuant to the present IB revitalisation policy, except one (No. A/KC/465) for the minor relaxation of PR on the Kwai Chung OZP not relating to the Policy which was approved by the Committee with conditions on 12.6.2020. Taking into account the circumstances pertaining to the Site, support from SDEV from site optimization perspective, no objection from DG of TI given that it would put the Site into optimal use to produce more industrial space to support industrial development, no adverse impacts on infrastructure/technical aspects and the planning/design merits brought by the proposed development, the proposed minor relaxation of PR for the subject application may be considered acceptable. The approval of the application is consistent with the previous decision of the Committee on the above similar application not relating to the Policy.

Public Comments

- 11.9 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 10.7.2024, 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 at his own cost 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 for the proposed development 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 received on 23.10.2019
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Letter received on 27.11.2019 requesting for deferment
Appendix Ic	FI 1 received on 24.1.2020
Appendix Id	Letter received on 13.3.2020 requesting for deferment
Appendix Ie	FI 2 received on 19.5.2020
Appendix If	FI 3 received on 23.6.2020
Appendix Ig	FI 4 received on 3.7.2020
Appendix II	Similar Applications
Appendix III	Detailed Comments of Government Departments
Appendix IV	Public Comments
Appendix V	Advisory Clauses
Drawings A-1 to A-2	Basement Plans
Drawing A-3	G/F Plan
Drawings A-4 to A-5	1/F to 2/F Plan
Drawing A-6	Typical Floor Plan
Drawing A-7	10/F (Sky Garden) Plan
Drawing A-8	Development Parameters
Drawings A-9 to A-12	Landscape Master Plans
Drawing A-13	Proposed Building Setback and Surrender Areas
Drawings A-14 to A-15	Renderings of Ground Floor Treatments
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos
Plan A-5	Pedestrian Access Network in Kwai Chung