

MPC Paper No. A/K5/796
for Consideration by the
Metro Planning Committee
on 3.8.2018

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

APPLICATION NO. A/K5/796

Applicant : YEUNG Siu Ha represented by Thomas Tsang Surveyors Limited

Site : 269 Lai Chi Kok Road, Kowloon

Site Area : 102.84 m²

Lease : (a) New Kowloon Inland Lot (NKIL) No. 412
(b) Virtually unrestricted except the non-offensive trades clause

Plan : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/37

Zoning : “Residential (Group A)6” (“R(A)6”)

[Restricted to a maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic, and a maximum building height (BH) of 80mPD (100mPD for sites with an area of 400m² or more), or the PR/BH of the existing building, whichever is the greater.

For a non-domestic building to be erected on the site, the maximum PR shall not exceed 9.0.]

Application : Proposed Office Building with Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed 11-storey office building with shop and services on the lowest three floors of the building at 269 Lai Chi Kok Road, Kowloon (the Site) (**Plan A-1**). According to the Notes of the OZP for the “R(A)” zone, ‘Shop and Services’ is always permitted on the lowest three floors of a building, taken to include basements, or in the purpose-designed non-residential portion of an existing building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room. However, ‘Office’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The proposal involves development of an office building at the Site with shop and services uses on G/F to 2/F, and all the above floors (i.e. 3/F to 10/F) for

office uses. The proposed total gross floor area (GFA) is 924.42m², with total PR of 8.98 and BH of 34.5m. There will be no internal transport facilities.

- 1.3 The floor plan and section plan of the proposed office building are at the attached **Drawings A-3** and **A-4**. Key development parameters and floor uses of the proposed office building are as follows:

| Proposed Development Parameters | |
|---|-----------------------|
| Site Area | 102.84 m ² |
| Non-domestic GFA: | |
| • Shop and Services | 294.98m ² |
| • Offices | 629.44m ² |
| Total | 924.42m ² |
| Total PR | 8.98 |
| Site Coverage | |
| • G/F | 100% |
| • 1/F to 2/F | 93% |
| • 3/F to 10/F | 77% |
| No. of Storeys | 11 (no basement) |
| Building Height | 34.5 m (main roof) |
| Parking and Loading/Unloading Provision | Nil |
| Main uses by Floor | |
| G/F – 2/F | Shop and Services |
| 3/F – 10/F | Offices |

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

- (a) Application form with plans and supporting documents received on 5.6.2018; and **(Appendix I)**
- (b) Clarification letter received on 8.6.2018 (FI) **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out at **Appendix I**. They are summarized as follows:

- (a) under the option for residential development at the Site based on site coverage (SC) of 42% of domestic building with BH over 30m but not exceeding 36m, the residual area for residential uses on upper floors of the proposed building shall be 1.96m² after the deduction of the minimum core area of 41.23m² (including two escape staircases and one firemen lift with adequate protected lobby for compliance with the requirements under the Buildings Ordinance (BO)) (**Annex 4** and plan at **Appendix C** of **Appendix I**). However, the residual area for office development on the upper floors of the proposed building shall be 37.45m² after the deduction of the minimum core area (**Drawing A-3**) based on SC of 77% for the same BH. As such, the Site is not

worthy to proceed residential development, and office building is the only viable option for development at the Site;

- (b) drains and surface water can be collected and discharged into the public sewer outside the Site;
- (c) the Site is situated at a convenient and easily accessible location of about 10 minutes-walk to Sham Shui Po MTR Station. There are bus stops on Lai Chi Kok Road nearby;
- (d) although the proposed development cannot offer for appropriate loading and unloading area, such small and exquisite office building would not adversely impact on current traffic at Lai Chi Kok Road;
- (e) Sham Shui Po is a traditional retail and densely populated area. The proposed office building will support the economic growth of Hong Kong and help solving the demand for offices by the small and medium enterprises in the district; and
- (f) the provision of lowest three storeys of shops should definitely provide retail services to the neighbourhood.

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

The applicant is the sole “current land owner” of the application site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

There is no previous application at the Site.

5. Similar Applications

- 5.1 There are 29 similar applications for office development with or without shops/eating places/retail uses at the lower floors within “R(A)” zone in the OZP considered by the Committee since the promulgation of the Town Planning Board Guidelines for Application for Office Development in “R(A)” zone under Section 16 of the Town Planning Ordinance (TPB PG-No.5) in December 1990 (**Plan A-1**). All of them were considered by the Committee before the announcement of 2013 Policy Address which stated that the top priority of the Government was to tackle the housing problem and supply shortage lied at the heart of the prevailing housing problem. 8 of 29 cases were approved with conditions and the remaining 21 cases were rejected by the Committee.
- 5.2 Among the approved cases, 2 applications (Nos. A/K5/149 and A/K5/174) were completed but the remaining 6 applications have not been implemented.

- 5.3 For the 21 rejected cases, the main rejection reasons were summarised as follows:
- (a) the application site is too small for a properly designed commercial/office building;
 - (b) there are no/insufficient provision of on-site parking and/or loading/unloading (L/UL) bays/spaces for the proposed development. The proposed alternative on-street L/UL facilities are not satisfactory;
 - (c) the proposed office development is incompatible with the surroundings and/or not in line with the planning intention of the area; and
 - (d) approval of the application will set an undesirable precedent for similar applications within residential areas.
- 5.4 Application No. A/K5/782 for proposed shop and services, eating place, office and school (cookery-related) at 58 Castle Peak Road (**Plan A-1**) was deferred by the Committee upon applicant's request on 1.6.2018.
- 5.5 Details of the similar applications are summarized at **Appendix II**.

6. Town Planning Board Guidelines

- 6.1 Town Planning Board Guidelines for Application for Office Development in "R(A)" zone under Section 16 of the Town Planning Ordinance (TPB PG-No.5) are relevant to this application. The main planning criteria are summarised as follows:
- (a) the site should be sufficiently large to achieve a properly designed office building;
 - (b) there should be adequate provision of parking and L/UL facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department;
 - (c) the site should be at an easily accessible location, e.g. close to the Mass Transit Railway Station or well served by other public transport facilities;
 - (d) the proposed office development should not cause congestion and disruption to the traffic flow of the locality;
 - (e) the proposed office building should be compatible with the existing and planned land uses of the locality and it should not be located in a predominantly residential area; and
 - (f) the proposed office development should be purposely designed for office/commercial uses so that there is no risk of subsequent illegal conversion to substandard domestic units or other uses.

- 6.2 In general, the Board will give favourable consideration to planning applications for office developments which produce specific environmental and planning gains – for example, if the site is located near to major sources of air and noise pollution such as a major road, and the proposed office development is equipped with central air-conditioning and other noise mitigation measures which make it less susceptible to pollution than a residential development. Other forms of planning gain which the Board would favour in a proposed office development would include public open space and community facilities required in the planning district.

7. The Site and Its Surrounding Areas
(Plans A-1 to A-2 and Photos on Plans A-3 to A-4)

7.1 The Site is:

- (a) currently vacant with temporary structures (**Plan A-4**);
- (b) abuts Lai Chi Kok Road with a service lane at the rear; and
- (c) flanked by residential buildings in its immediate surroundings.

7.2 The surrounding areas have the following characteristics:

- (a) predominantly residential buildings with commercial uses on the lower floors (**Plan A-3**) except one commercial development located on the opposite side of Lai Chi Kok Road (No. 292 Lai Chi Kok Road) (**Plan A-2**); and
- (b) the Site is easily accessible by various modes of public transport in its vicinity, with bus stops on Lai Chi Kok Road and MTR Sham Shui Po Station within walking distance (**Plan A-1**).

8. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) She has no objection to the application.
- (b) The Site covers NKIL No. 412 (“NKIL 412”). NKIL 412 is governed by Government Lease dated 24.4.1923, which is virtually unrestricted except the standard non-offensive trades clause. The lot area under the Government Lease is 1,107ft² (about).
- (c) It is unclear whether the proposed shop and service uses on the lowest 3 floors include catering services such as restaurant and bar. As the subject lease contains an offensive trade clause, any offensive trades such as catering services are prohibited in the lot unless such lease restriction is removed by way of a licence or modification letter. However, there is no guarantee that the licence or modification application, if submitted, will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of licence fee/premium and administrative fee as may be imposed by LandsD.
- (d) Boundary details and detailed design of the development will be scrutinized at later stage and at the building plan submission stage.

Building Matters

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

He has no objection to the application subject to the followings:

- (a) All building works/ change in use are subject to compliance with the BO.
- (b) The applicant is advised to appoint an Authorized Person to submit building plans for the proposed new development to demonstrate compliance with the BO, in particular:
 - (i) adequate means of escape should be provided to the premises in accordance with Building (Planning) Regulations (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - (ii) emergency vehicular access should be provided in accordance with B(P)R 41D and the FS Code;
 - (iii) access and facilities for persons with a disability including accessible toilet should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and

- (iv) natural lighting and ventilation should be provided to the proposed office development in accordance with B(P)R 30 and 31.
- (c) Regarding the proposed layout of the development, his comments are as follows:
 - (i) protected lobby to escape staircase shall be provided in accordance with Clause B10.4 of FS Code;
 - (ii) fireman's lift lobby shall be designed and compliance with Clause D11 of FS Code; and
 - (iii) he has no comment under the BO regarding the "minimum core areas" of the proposed development.
- (d) Detailed comments under the BO can only be provided at the building plan submission / licence application stage.
- (e) Regarding the issue on nuisance (e.g. sunlight, ventilation) on the nearby buildings caused by the proposed development, B(P)R has set out relevant requirements that no building shall reduce the quantity of light and air available to any other buildings below the requirements under B(P)R.

Traffic

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

She cannot offer support to the application as no traffic impact assessment (TIA) including L/UL arrangements has been submitted to demonstrate no adverse traffic impact from the proposal.

Fire Safety

9.1.4 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department.
- (b) Detailed fire safety requirement will be formulated upon receipt of formal submission of general building plans.
- (c) The arrangement of emergency vehicular access shall comply with Section 6, Part D of the *Code of Practice for Fire Safety in Buildings 2011* which is administered by BD.

Environment

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

- (a) Office developments are normally provided with central air conditioning system and the applicant / Authorized Persons should be able to select a proper location for fresh air intake during the detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances / impact.
- (b) If the application is approved, the following approval conditions should be imposed:
 - (i) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
 - (ii) the implementation of the local sewerage upgrading / sewerage connection works identified in the SIA in planning condition (i) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Urban Design and Landscape

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

- (a) Significant visual impact is not anticipated.
- (b) The Site abuts on Lai Chi Kok Road alongside a row of low-rise composite buildings to its immediate northwest and southeast with a BH of about 25mPD to 42mPD (6-12 storeys). Two medium-rise composite buildings with BH of about 50mPD are located within the same street block. He has no particular comments on the proposed 11-storey office building with a BH of 34.5m and a PR of 8.98.

Electrical and Mechanical Services

9.1.7 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under this application should approach the electricity supplier (i.e. CLP Power) for the requisition

of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site.

- (c) The parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

9.1.8 Comments of the District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD):

- (a) She has no comment on the application.
- (b) Considering the proposed site coverage, scale and area (102.84m²), such small office building would not cause huge impact on the traffic. However, the Site falls between high and densely packed buildings, which may cause nuisance (e.g. sunlight, ventilation) to the nearby residents.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (d) Commissioner of Police (C of P); and
- (e) Director of Food and Environmental Hygiene.

10. Public Comments Received During Statutory Publication Period

On 12.6.2018, the application was published for public inspection. During the three-week statutory public inspection period ending on 3.7.2018, one public comment from an individual was received, objecting the application mainly on the ground of the proposed development not being in line with the planning intention of the “R(A)” zone (**Appendix III**).

11. Planning Considerations and Assessments

Planning Intention and Local Character

11.1 The subject application is for a proposed office building with shop and services on lower floors within “R(A)6” zone, which is intended primarily for high-

density residential developments with commercial uses always permitted on the lowest three floors of a building. The Site is located within a predominantly residential neighbourhood with high-density developments, except one commercial development located at the opposite side of Lai Chi Kok Road (**Plans A-2 and A-3**). The proposed office building is considered incompatible with the surrounding developments in land use term, which is predominantly a residential area. The proposed development is also not in line with the planning intention of the “R(A)6” zone, which is intended primarily for high-density residential developments.

Housing Land Supply

- 11.2 The 2013 Policy Address stated that the top priority of the Government was to tackle the housing problem and supply shortage lied at the heart of the prevailing housing problem, and the Government would undertake measures to increase housing land supply. Due to shortage of housing land, the Site should be retained for residential use unless with very strong justifications.
- 11.3 The proposed office development would result in reduction of sites available for residential developments and the supply of housing land in meeting the pressing housing demand over the territory. The applicant does not provide strong justification to demonstrate that the Site is very conducive for office development or the proposed development would meet a specific planning objective.

Town Planning Board Guidelines

- 11.4 The Site has an area of about 102.84m², which is small in terms of area. Although the Site is located at an easily accessible location well-served by public transport, the proposed development does not comply with the relevant assessment criteria specified in TPN PG-No. 5 in that the Site is considered too small for a properly designed office building, the proposed development is considered incompatible with the surrounding which is a predominantly residential area, and C for T does not support the proposed development from traffic perspective (paragraph 11.5 below refers).

Technical Aspects

- 11.5 On the traffic aspect, C for T advises that they cannot support the application as the applicant has not submitted any TIA or sufficient information to demonstrate no adverse traffic impact from the proposed office development. Other departments including DSD, EMSD, EPD, FSD, HyD, WSD and CTP/UD&L of PlanD have no objection to or adverse comment on the application.

Similar Applications and Undesirable Precedent

- 11.6 Among the similar applications for office development with or without shops/eating places/retail uses on lower floors considered by the Committee since 1990, most of them were rejected mainly on the reasons of small site area, no/insufficient provision of internal transport facilities, incompatible with the

surroundings, not being in line with the planning intention of the area and setting an undesirable precedent for similar applications within the residential area.

- 11.7 For the approved applications, all of them were approved on or before 1995 and no approval has been granted since then. No application for office development with or without shop and services uses on the lower floors has been considered by the Committee after 2002. The application No. A/K5/782 for proposed shop and services, eating place, office and school (cookery-related) was deferred on 1.6.2018 by the Committee upon the applicant's request.
- 11.8 As there is no strong justification or planning merit submitted by the applicant to substantiate the case, approval of the subject application would set an undesirable precedent for similar applications for office development in the area, and the cumulative effect of approving such applications would aggravate the shortfall in the supply of the housing land and jeopardise the planning intention of the "R(A)" zone.

Public Comments

- 11.9 Regarding the public comments received, the departmental comments in paragraph 9 and planning assessment in paragraph 11 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the application is not in line with the planning intention of the "R(A)6" zone which is for high-density residential developments. The Site is located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the Site should be developed for its zoned use. The proposed office building with shop and services would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory;
 - (b) the proposed development does not comply with the Town Planning Board Guidelines No. 5 for Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance as the application site is considered too small for a properly designed office building, the proposed development is considered incompatible with the surroundings which is a predominantly residential area and the submission fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
 - (c) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.8.2022, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the submission of a Traffic Impact Assessment including loading/unloading arrangements and implementation of the proposed improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in condition (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

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

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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.

14. Attachments

- Appendix I** Application form with plans and supporting documents received on 5.6.2018
- Appendix Ia** Clarification letter received on 8.6.2018 (FI)

| | |
|-------------------------|--|
| Appendix II | Similar s.16 Applications ‘Office’ use with or without “Shops/Eating Places/Retail” uses within “R(A)” Zone on Cheung Sha Wan OZP since 1990 |
| Appendix III | Public Comment received |
| Appendix IV | Recommended Advisory Clauses |
| Drawing A-1 | Location Plan submitted by the applicant |
| Drawing A-2 | Lot Dimension Plan submitted by the applicant |
| Drawing A-3 | Floor Plans submitted by the applicant |
| Drawing A-4 | Section Plan submitted by the applicant |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 and A-4 | Site Photos |

**PLANNING DEPARTMENT
AUGUST 2018**

Similar s.16 Applications for ‘Office’ use with or without “Shops/Eating Places/Retail” uses on lower floors within “R(A)” Zone on Cheung Sha Wan OZP after promulgation of TPB PG-No. 5 in December 1990

Approved Applications

| <u>Application No.</u> | <u>Zoning on OZP</u> | <u>Proposed Development</u> | <u>Date of Consideration (MPC/TPB)</u> | <u>Approval Condition(s)</u> |
|-------------------------------|-----------------------------|---|---|-------------------------------------|
| A/K5/149# | “R(A)” | Office Development with Commercial Facilities | 14.3.1992 | 1, 2 |
| A/K5/167 | “R(A)” | Proposed Commercial/ Office Use | 21.5.1993 (Renewal on 12.5.1995) | 1, 2, 3 |
| A/K5/173 | “R(A)” | Proposed Commercial/ Office Development | 13.8.1993 | 1, 2 |
| A/K5/174 | “R(A)” | Proposed Commercial/ Office Development | 3.9.1993 | 1, 2 |
| A/K5/179 | “R(A)” | Proposed Commercial/ Office Development | 17.12.1993 | 1, 2 |
| A/K5/188 | “R(A)” | Proposed Commercial/ Office Development | 17.12.1993 | 1, 2, 3 |
| A/K5/271 | “R(A)” | Proposed Commercial/ Office Development with Bank/Fast Food Shop/Retail/ Restaurant on lower floors | 13.1.1995 | 1, 2, 4 |
| A/K5/290 | “R(A)” | Proposed Commercial/ Office Development with Bank/Fast Food Shop/Retail/ Restaurant on lower floors | 23.6.1995 | 1, 2, 5 |

#Minor amendments to approved application No. A/K5/99 for office development with commercial facilities approved by the Town Planning Board on 17.3.1989 before the promulgation of TPB PG-No. 5.

Approval Conditions:

1. Any subsequent material change of use of the building or part or the building should have prior approval of the Town Planning Board.
2. Time clause.
3. The design and provision of the ingress/egress points and/or loading/unloading facilities.
4. The modification of the ramp for private cars to a gradient of a maximum of 1:8.
5. The design of lorry car parking spaces.

Rejected Applications

| <u>Application No.</u> | <u>Zoning on OZP</u> | <u>Proposed Development</u> | <u>Date of Consideration (MPC/TPB)</u> | <u>Main Reason(s) for Rejection</u> |
|-------------------------------|-----------------------------|--|--|--|
| A/K5/143 | “R(A)” | Proposed Office Development | 6.9.1991 | 1, 2 |
| A/K5/145 | “R(A)” | Proposed Commercial/Office Building | 4.10.1991 | 3, 4 |
| A/K5/146 | “R(A)” | Commercial/Office Building | 10.1.1992 (Rejected upon Review on 29.5.1992 (Appeal Dismissed on 15.1.1993) | 1, 3 |
| A/K5/147 | “R(A)” | Proposed Commercial/Office Building | 10.1.1992 | 3, 5 |
| A/K5/155 | “R(A)” | Proposed Commercial/Office Building | 4.12.1992 (Rejected upon Review on 14.5.1993) | 6, 7, 8 |
| A/K5/161 | “R(A)” | Proposed Commercial/Office Building | 19.3.2003 (Rejected upon Review on 16.7.1993) | 8, 19 |
| A/K5/178 | “R(A)” | Proposed Commercial/Office Development | 15.10.1993 | 8, 19 |
| A/K5/182 | “R(A)” | Commercial/Office Building | 15.10.1993 (Rejected upon Review on.25.3.1994 | 9, 10 |
| A/K5/183 | “R(A)” | Proposed Commercial/Office Development | 19.11.1993 | 3, 8, 9 |
| A/K5/189 | “R(A)” | Proposed Retail/Office Development | 7.1.1994 | 8, 9, 19 |
| A/K5/190 | “R(A)” | Retail/Office Development | 7.1.1994 (Rejected upon Review on 15.3.1994) | 8, 9, 19 |
| A/K5/198 | “R(A)” | Retail/Office Development | 4.2.1994 (Rejected upon Review on 8.7.1994) | 9, 11 |
| A/K5/199 | “R(A)” | Proposed Retail/Office Development | 4.2.1994 | 9 |
| A/K5/200 | “R(A)” | Proposed Commercial/Office Building | 4.2.1994 | 2, 7, 9, 19 |

| | | | | |
|----------|--------|------------------------------------|--|----------------------------------|
| A/K5/241 | “R(A)” | Proposed Retail/Office Development | 19.8.1994 | 8, 12, 19 |
| A/K5/243 | “R(A)” | Proposed Office Development | 16.9.1994 | 2, 12, 13, 20 |
| A/K5/263 | “R(A)” | Proposed Office Development | 2.12.1994 | 2, 12, 13 |
| A/K5/273 | “R(A)” | Retail/Office Development | 17.2.1995 | 2, 12, 13, 14, 15 |
| A/K5/298 | “R(A)” | Retail/Office Development | 6.10.1995 | 2, 7, 12, 13, 14, 15, 16, 17, 18 |
| A/K5/300 | “R(A)” | Proposed Retail/Office Development | 3.11.1995 (Rejected upon Review on 3.15.1996) | 3, 8, 12, 13, 15, 16, 18 |
| A/K5/507 | “R(A)” | Proposed Office Use | 17.2.2002 (Rejected upon Review on 1.11.2002) | 13, 19 |

Main Reasons for Rejection:

1. The site is considered too small for a properly designed/efficient commercial/office building.
2. This proposed development is incompatible with the surrounding which is mainly residential in character/nature/use in the locality.
3. There are no/insufficient/unsatisfactory/unacceptable parking and/or loading/unloading bays/facilities for the proposed development.
4. There are insufficient waiting spaces on the ground floor to cater for vehicles queuing for the car lift.
5. The dimensions of the loading/unloading bay are substandard as compared to the standard dimensions under the HKPSG.
6. The on-site loading/unloading bay proposed is not acceptable as there is no manoeuvring space for vehicle to turn within the site. This will result in the vehicle having to back into or back out of the site.
7. The vehicle ingress/egress point/vehicular exit/access is too close to the busy road junction/not acceptable from traffic point of view/unsatisfactory.
8. The proposed alternative on-street loading/unloading facilities/arrangement/activities are not acceptable/satisfactory/demonstrated.
9. The plot ratio of the proposed development is excessive/exceeds/contravenes the plot ratio restriction for non-domestic development within the "Residential (Group A)" zone as stipulated in the OZP.
10. The proposed turntable and loading/unloading area are substandard.
11. There are insufficient information to demonstrate the feasibility of including the required on-site loading/unloading facilities.
12. The proposed development is not in line with the planning intention for the area which is mainly for residential purposes/development.
13. Approval of this application will set an undesirable precedent for other small scale office/commercial development within residential areas, the cumulative effect of which will have an adverse/undesirable traffic impact on the rail and/or local and/or regional road networks.

14. There is a general presumption against office development in “Residential (Group A)” zones away from commercial spine, except under very special circumstances.
15. There is no strong/insufficient planning justification to depart from the intention recommended in the Kowloon Density Study/planning intention.
16. The propose development does not comply with the Town Planning Board Guidelines for Application for Office Development in “Residential (Group A)” Zone.
17. The proposed development, which will generate more traffic than residential development, will have an adverse traffic impact on the local road network. No traffic impact assessment has been provided in the submission to demonstrate that the existing and planned traffic network will not be overloaded by the extra traffic generated by the proposed development.
18. The nil/lack of provisions of parking and/or loading/unloading spaces within the proposed development will aggravate the existing shortage/problem of car parking and/or loading/unloading in the area.
19. The application site is too small for an efficient/properly designed commercial/office building to incorporate sufficient/proper/standard/satisfactory on-site car parking and/or loading/unloading facilities.
20. The application site, located at a distance from the commercial corridor, is not suitable for commercial/office development.

Recommended Advisory Clauses

- (a) To note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that:
- (i) it is unclear whether the proposed shop and service uses on the lowest 3 floors include catering services such as restaurant and bar. As the subject lease contains an offensive trade clause, any offensive trades such as catering services are prohibited in the lot unless such lease restriction is removed by way of a licence or modification letter. However, there is no guarantee that the licence or modification application, if submitted, will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of licence fee/premium and administrative fee as may be imposed by LandsD; and
 - (ii) boundary details and detailed design of the development will be scrutinized at later stage and at the building plan submission stage.
- (b) To note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that:
- (i) all building works/ change in use are subject to compliance with the Buildings Ordinance (BO);
 - (ii) the applicant is advised to appoint an Authorized Person to submit building plans for the proposed new development to demonstrate compliance with the BO, in particular:
 - adequate means of escape should be provided to the premises in accordance with Building (Planning) Regulations (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - emergency vehicular access should be provided in accordance with B(P)R 41D and the FS Code;
 - access and facilities for persons with a disability including accessible toilet should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
 - natural lighting and ventilation should be provided to the proposed office development in accordance with B(P)R 30 and 31;
 - (iii) regarding the proposed layout of the development, protected lobby to escape staircase shall be provided in accordance with Clause B10.4 of FS Code, and fireman's lift lobby shall be designed and compliance with Clause D11 of FS Code; and
 - (iv) detailed comments under the BO can only be provided at the building plan submission / licence application stage.

- (c) To note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans, and the arrangement of emergency vehicular access shall comply with Section 6, Part D of the *Code of Practice for Fire Safety in Buildings 2011* which is administered by BD.
- (d) To note the comments of the Director of Electrical and Mechanical Services that
 - (i) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under this application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site; and
 - (ii) the parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.



Scale 1:1000

Location Plan

New Kowloon Inland Lot No.412
269 Lai Chi Kok Road,
Kowloon.



THOMAS TSANG SURVEYORS LIMITED

曾家襄測量師有限公司

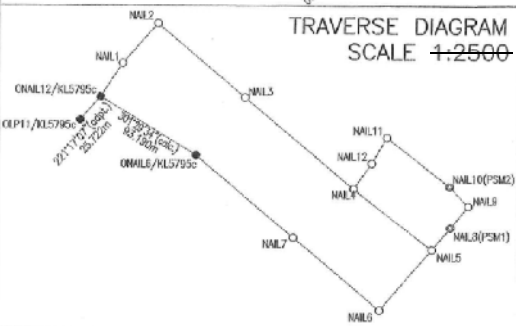
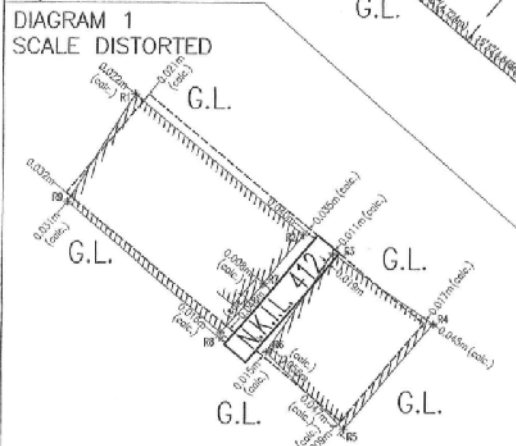
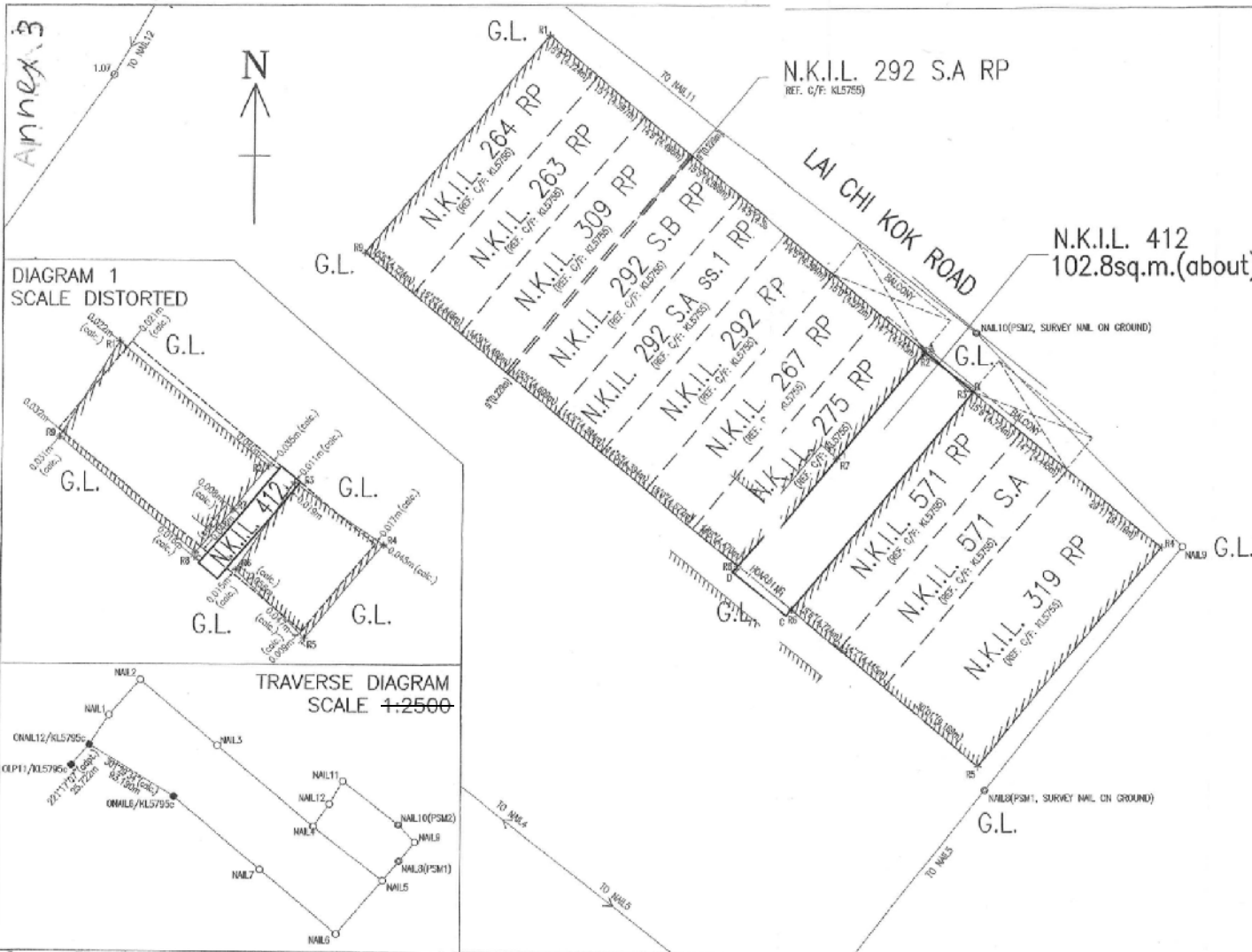
TEL:27911138 FAX:27914092

File Ref : TT/KL/RB/282/17

Survey Sheet No.11-NW-14A & C

參考編號
 REFERENCE No.
A/K5/796

繪圖
 DRAWING
A-1



Survey District : KOWLOON
 Date of Survey: SEPTEMBER 2017
 Scale 1:200 Field Bk: 4980
 Survey Sheet : 11-NW-14C

PLAN OF N.K.I.L. 412
 AT LAI CHI KOK ROAD, KOWLOON

NOTES :

SUBJECT LOT COORDINATES & DIMENSIONS:
 Boundary Point Bearing Distance Northing Easting
 SUBJECT LOT NO. - N.K.I.L. 412

| | | | | |
|---|------------|--------|------------|---------|
| A | | | 820975.519 | 834650. |
| B | 129°46'00" | 4.699 | 820972.513 | 834663. |
| C | 219°56'26" | 21.946 | 820855.896 | 834649. |
| D | 308°45'58" | 4.673 | 820858.884 | 834645. |
| A | 39°54'26" | 21.946 | 820875.519 | 834659. |

AREA = 102.8 sq.m. (about)

TRaverse

| Station | Bearing | Distance | Northing | Easting |
|----------------|------------|----------|------------|---------|
| ONAL12/KLS795c | | | 821050.886 | 834574 |
| NAIL1 | 34°08'10" | 33.189 | 821078.357 | 834582. |
| NAIL2 | 41°26'38" | 43.745 | 821111.064 | 834421. |
| NAIL3 | 129°53'19" | 94.048 | 821050.750 | 834493 |
| NAIL4 | 130°09'10" | 118.008 | 820874.858 | 834584 |
| NAIL5 | 127°45'50" | 82.802 | 820924.012 | 834549 |
| NAIL6 | 226°58'12" | 86.210 | 820874.023 | 834605 |
| NAIL7 | 302°59'14" | 93.170 | 820833.882 | 834534 |
| ONAL5/KLS795c | 310°07'43" | 105.991 | 821002.204 | 834453 |

RADIATION

| Surveyed Point | Bearing | Distance | Northing | East |
|--------------------|------------|----------|------------|--------|
| FROM NAIL10 (PSM2) | | | 820976.923 | 834663 |
| -R1 | 304°29'53" | 38.795 | 820968.897 | 834651 |
| -R2 | 250°12'16" | 4.149 | 820975.516 | 834659 |
| -R3 | 182°22'32" | 4.414 | 820972.517 | 834662 |
| -R4 | 139°18'34" | 21.265 | 820960.798 | 834677 |
| -R7 | 228°18'43" | 14.096 | 820967.546 | 834682 |

FROM NAIL8 (PSM1)

| | | | | |
|-----|------------|--------|------------|---------|
| -R5 | 344°03'28" | 1.818 | 820944.395 | 834660. |
| -R6 | 312°47'38" | 19.850 | 820956.136 | 834644. |
| -R9 | 312°03'58" | 24.597 | 820959.128 | 834644. |

FROM NAIL12

| | | | | |
|-----|------------|--------|------------|---------|
| -R8 | 125°14'58" | 23.203 | 820982.538 | 834611. |
|-----|------------|--------|------------|---------|

I, WENG YIU CHIO (SSEPL), an Authorized Land Surveyor registered under the Land Survey Ordinance (Cap.473), hereby certify that this survey record plan has been prepared from land bore surveys that were carried out by me or under my supervision in conformity with the Code of Practice upon the Land Survey Authority under the above Ordinance, and this plan correctly represents that survey completed on the twenty-sixth day of September, 2017.

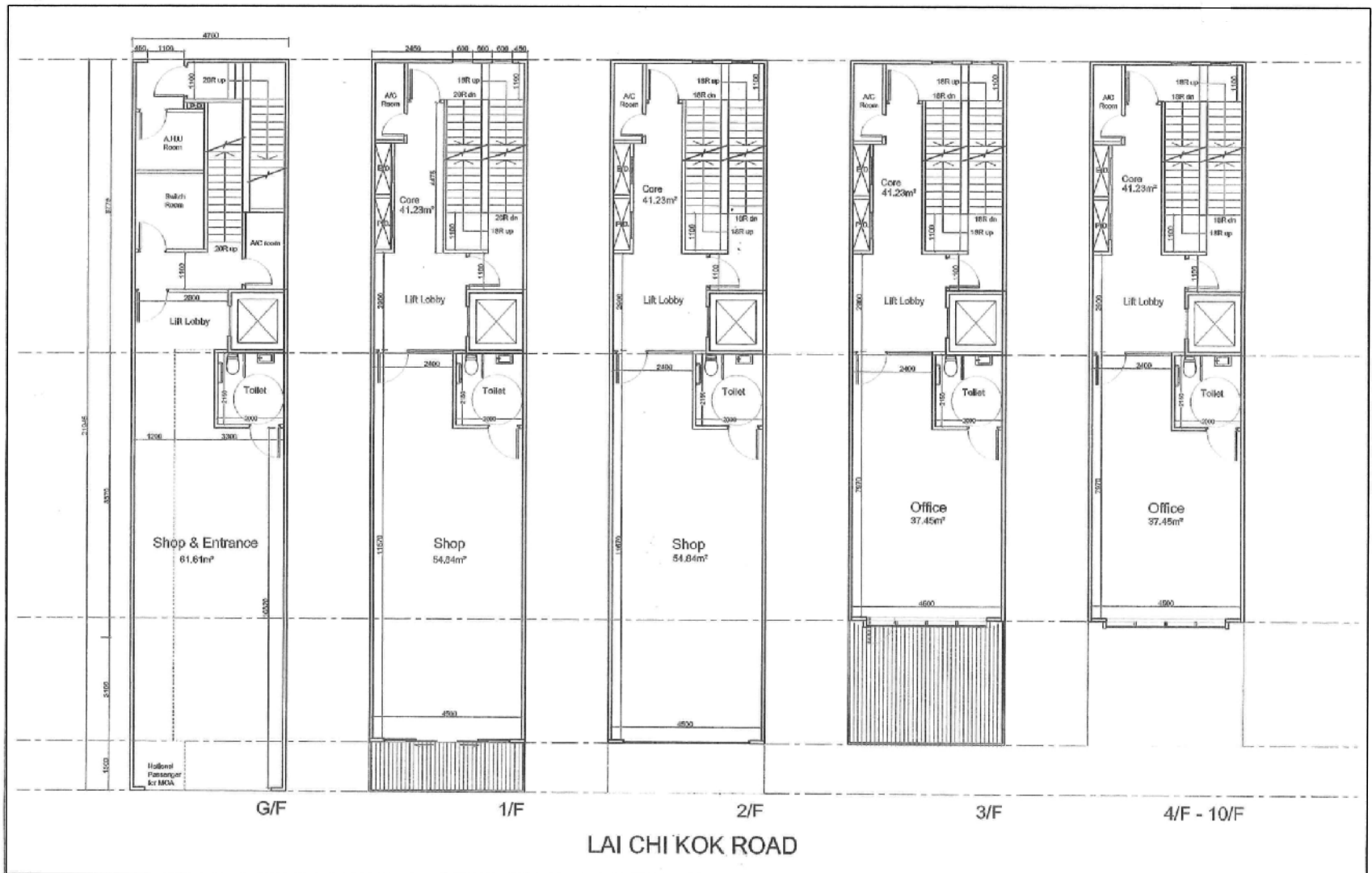
Dated this sixth day of October 2017.
 [Signature]
 Authorized Land Surveyor

FOR OFFICE USE

 CDD No. CDD 1/1 1057 / 1090 / 17

| | |
|-----------------------------------|----------------------|
| 參考編號 REFERENCE No. A/K5/796 | 繪圖 DRAWING A-2 |
|-----------------------------------|----------------------|

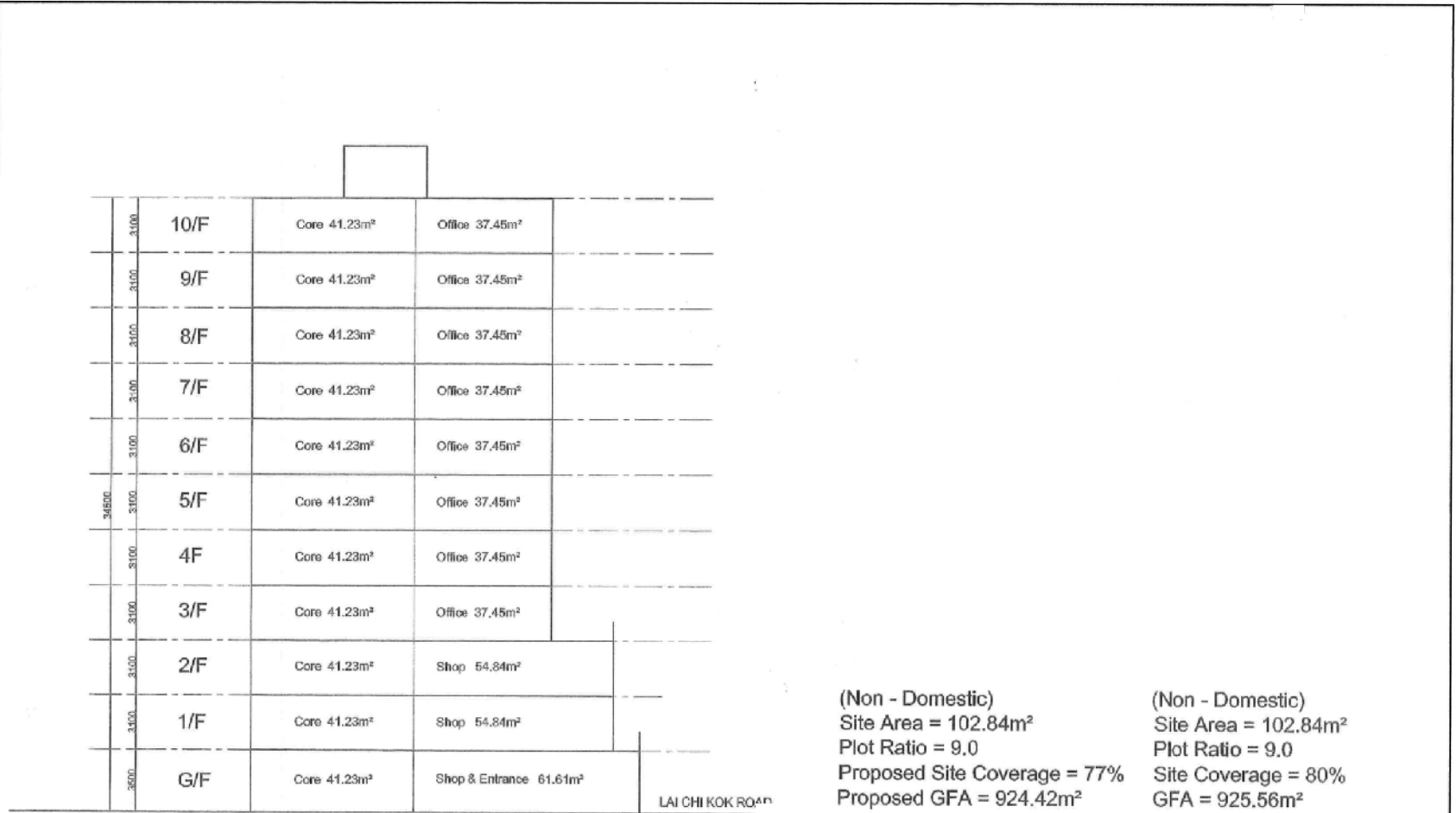
(來源：附錄 I)
 (Source : Appendix I)



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|---|--|---|-------------------------------|-------------------------------------|---|----------|------------|------|-------|---------|----------|---------|-----------|--|--|---------|--------------|--|--|-------|--|
| DESIGN ACT Architecture & Interior Design | DESIGN ACT LIMITED 3/F, 10 Glenelg Street, Central, Hong Kong Email: info@designact.com.hk Telephone: 2319 1900 Fax: 2319 6395 | 項目名稱: Redevelopment of Office Building (Non - Domestic) | 項目地址: 269 Lai Chi Kok Road | 圖紙名稱: Proposed Floor Layout Plan | <table border="1"> <tr> <td>00 新設計圖紙</td> <td>16/12/2017</td> <td>設計員:</td> <td>項目編號:</td> </tr> <tr> <td>01 設計圖紙</td> <td>3/2/2018</td> <td>編圖員: AV</td> <td>比例: 1:100</td> </tr> <tr> <td></td> <td></td> <td>審核員: DW</td> <td>日期: 2/2/2018</td> </tr> <tr> <td></td> <td></td> <td>圖紙編號:</td> <td></td> </tr> </table> | 00 新設計圖紙 | 16/12/2017 | 設計員: | 項目編號: | 01 設計圖紙 | 3/2/2018 | 編圖員: AV | 比例: 1:100 | | | 審核員: DW | 日期: 2/2/2018 | | | 圖紙編號: | |
| | | 00 新設計圖紙 | 16/12/2017 | 設計員: | 項目編號: | | | | | | | | | | | | | | | | |
| 01 設計圖紙 | 3/2/2018 | 編圖員: AV | 比例: 1:100 | | | | | | | | | | | | | | | | | | |
| | | 審核員: DW | 日期: 2/2/2018 | | | | | | | | | | | | | | | | | | |
| | | 圖紙編號: | | | | | | | | | | | | | | | | | | | |
| LAI CHI KOK ROAD | | | | | | | | | | | | | | | | | | | | | |

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| 參考編號 REFERENCE No. A/K5/796 | 繪圖 DRAWING A-3 |
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(來源: 附錄 I)
 (Source: Appendix I)



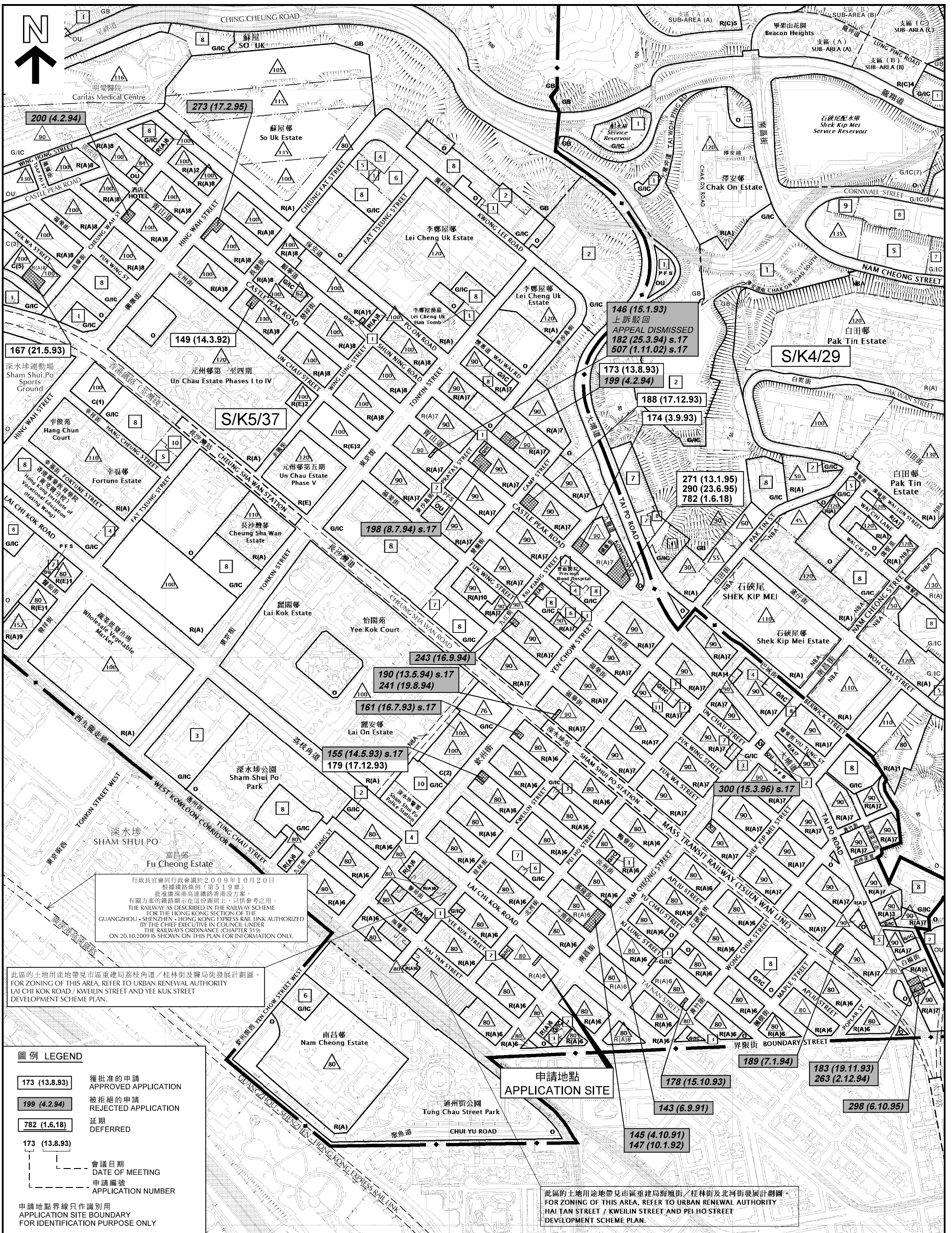
(Non - Domestic)
 Site Area = 102.84m²
 Plot Ratio = 9.0
 Proposed Site Coverage = 77%
 Proposed GFA = 924.42m²

(Non - Domestic)
 Site Area = 102.84m²
 Plot Ratio = 9.0
 Site Coverage = 80%
 GFA = 925.56m²

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|-------------------------------|---------------------------|---|-------|-------|------------|------|-------|----|-------|----------|---------|------|--|--|--|---------|--------------|--|--|--|-------|--|
| DESIGN ACT Architecture & Interior Design | DESIGN ACT LIMITED 2/F, 10 Stanley Street, Central, Hong Kong Email: info@designact.com.hk Telephone: 2919 1900 Fax: 2919 1905 | 項目名稱: Redevelopment of Office Building (Non - Domestic) | 項目地址: 269 Lai Chi Kok Road | 圖紙名稱: Proposed Section | <table border="1"> <tr> <td>00</td> <td>圖紙日期:</td> <td>18/12/2017</td> <td>設計者:</td> <td>項目編號:</td> </tr> <tr> <td>01</td> <td>設計編號:</td> <td>2/2/2018</td> <td>審核者: AV</td> <td>1/2#</td> </tr> <tr> <td></td> <td></td> <td></td> <td>審核者: BW</td> <td>日期: 2/2/2018</td> </tr> <tr> <td></td> <td></td> <td></td> <td>圖紙編號:</td> <td></td> </tr> </table> | 00 | 圖紙日期: | 18/12/2017 | 設計者: | 項目編號: | 01 | 設計編號: | 2/2/2018 | 審核者: AV | 1/2# | | | | 審核者: BW | 日期: 2/2/2018 | | | | 圖紙編號: | |
| | | 00 | 圖紙日期: | 18/12/2017 | 設計者: | 項目編號: | | | | | | | | | | | | | | | | | | | |
| 01 | 設計編號: | 2/2/2018 | 審核者: AV | 1/2# | | | | | | | | | | | | | | | | | | | | | |
| | | | 審核者: BW | 日期: 2/2/2018 | | | | | | | | | | | | | | | | | | | | | |
| | | | 圖紙編號: | | | | | | | | | | | | | | | | | | | | | | |
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|--|-----------------------------|
| 參考編號 REFERENCE No. A/K5/796 | 繪圖 DRAWING A-4 |
|--|-----------------------------|

(來源：附錄 I)
 (Source : Appendix I)



行政長官會同行政會議於2009年10月20日根據鐵路條例(第519章)批准廣深港高速鐵路香港段方案。有關方案的鐵路顯示在這個圖則上，只供參考之用。THE RAILWAY AS DESCRIBED IN THE RAILWAY SCHEME FOR THE HONG KONG SECTION OF THE GUANGZHOU - SHENZHEN - HONG KONG EXPRESS RAIL LINK AUTHORIZED BY THE CHIEF EXECUTIVE IN COUNCIL UNDER THE RAILWAYS ORDINANCE (CHAPTER 519) ON 20.10.2009 IS SHOWN ON THIS PLAN FOR INFORMATION ONLY.

此區的土地用途地帶見市區重建局荔枝角道/桂林街及醫局街發展計劃圖。FOR ZONING OF THIS AREA, REFER TO URBAN RENEWAL AUTHORITY LAI CHI KOK ROAD / KWELIN STREET AND YEE KUK STREET DEVELOPMENT SCHEME PLAN.

此區的土地用途地帶見市區重建局海濱街/桂林街及北河街發展計劃圖。FOR ZONING OF THIS AREA, REFER TO URBAN RENEWAL AUTHORITY HAI TAN STREET / KWELIN STREET AND PEI HO STREET DEVELOPMENT SCHEME PLAN.

圖例 LEGEND

- 173 (13.8.93) 獲批准的申請 APPROVED APPLICATION
- 199 (4.2.94) 被拒絕的申請 REJECTED APPLICATION
- 782 (1.6.18) 延期 DEFERRED
- 173 (13.8.93) 會議日期 DATE OF MEETING
- 173 (13.8.93) 申請編號 APPLICATION NUMBER

申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2018年7月25日擬備，所根據的資料為於2015年7月21日核准的分區計劃大綱圖編號S/K4/29和於2016年12月6日核准的分區計劃大綱圖編號S/K5/37
EXTRACT PLAN PREPARED ON 25.7.2018 BASED ON OUTLINE ZONING PLANS No. S/K4/29 APPROVED ON 21.7.2015 AND S/K5/37 APPROVED ON 6.12.2016

位置圖 LOCATION PLAN
擬議辦公室大廈連商店及服務行業
九龍荔枝角道269號
PROPOSED OFFICE BUILDING WITH SHOP AND SERVICES
269 LAI CHI KOK ROAD, KOWLOON

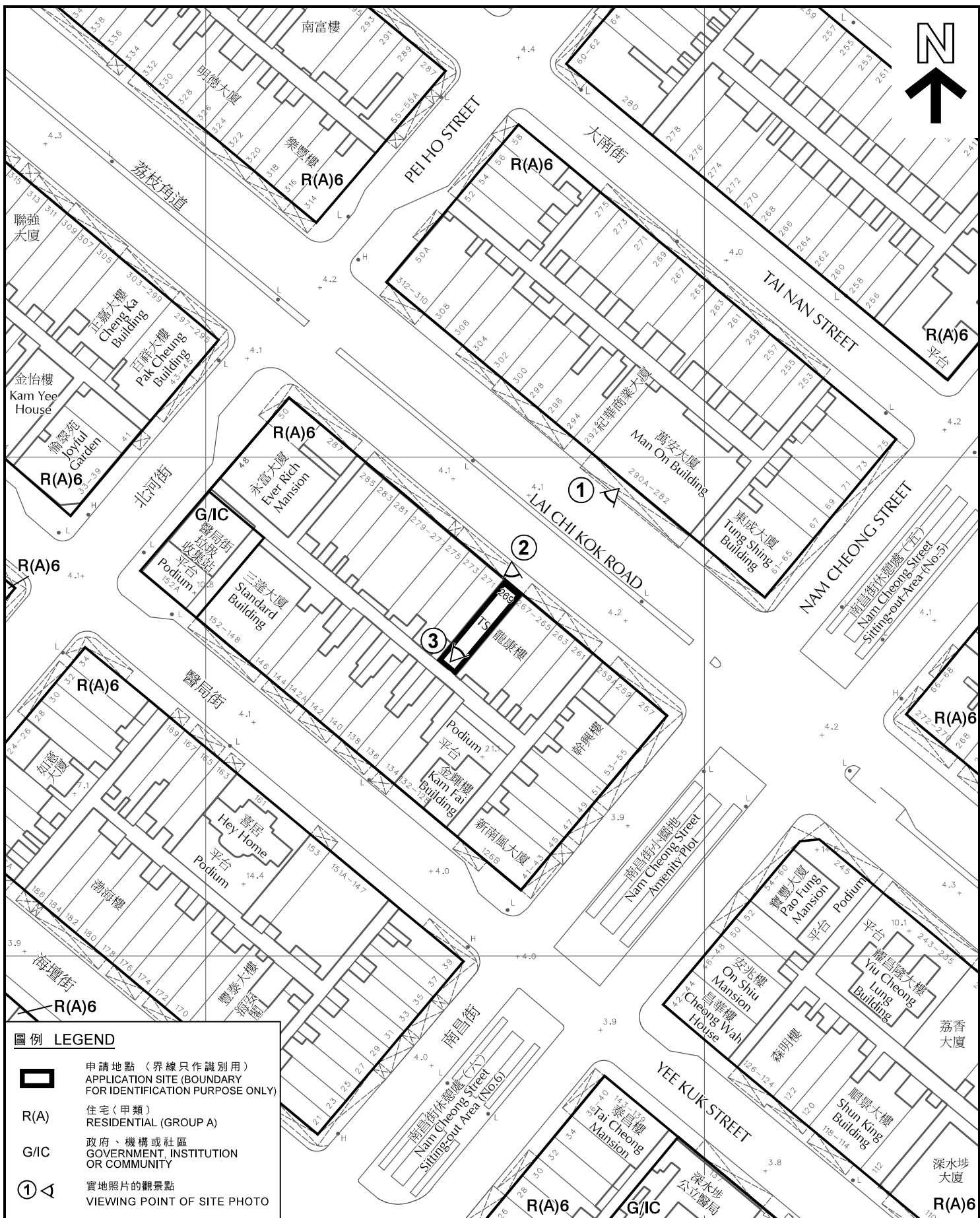
SCALE 1:6 000 比例尺

米 METRES 100 0 100 200 300 400 500 METRES

規劃署 PLANNING DEPARTMENT

參考編號 REFERENCE No. A/K5/796

圖 PLAN A-1



圖例 LEGEND

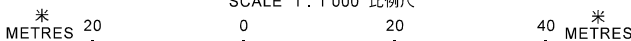
- 申請地點 (界線只作識別用)
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- R(A)** 住宅 (甲類)
RESIDENTIAL (GROUP A)
- G/IC** 政府、機構或社區
GOVERNMENT, INSTITUTION OR COMMUNITY
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

本摘要圖於2018年7月18日擬備，所根據的資料為測量圖編號11-NW-14A及C
EXTRACT PLAN PREPARED ON 18.7.2018 BASED ON SURVEY SHEETS No. 11-NW-14A & C

平面圖 SITE PLAN

擬議辦公室大廈連商店及服務行業
九龍荔枝角道269號
PROPOSED OFFICE BUILDING WITH SHOP AND SERVICES
269 LAI CHI KOK ROAD, KOWLOON

SCALE 1:1 000 比例尺

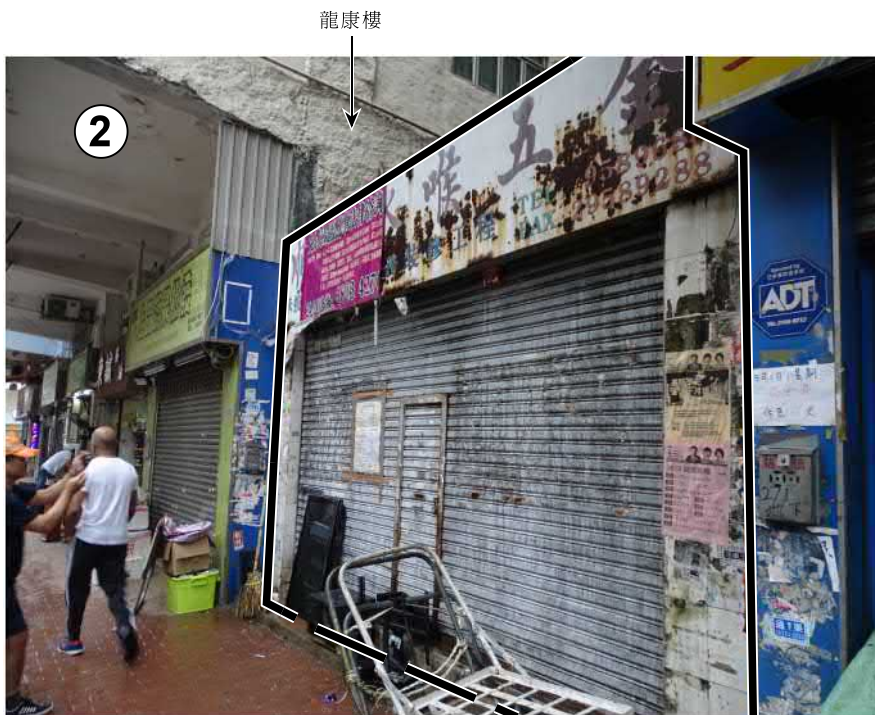


規劃署
PLANNING DEPARTMENT



參考編號
REFERENCE No.
A/K5/796

圖 PLAN
A-2



申請地點 (界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本圖於2018年6月27日擬備，
所根據的資料為攝於2018年6月12日的
實地照片
PLAN PREPARED ON 27.6.2018
BASED ON SITE PHOTOS TAKEN ON
12.6.2018

實地照片 SITE PHOTOS
擬議辦公室大廈連商店及服務行業
九龍荔枝角道269號
PROPOSED OFFICE BUILDING
WITH SHOP AND SERVICES
269 LAI CHI KOK ROAD, KOWLOON

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.

A/K5/796

圖 PLAN

A-3



申請地點 (界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本圖於2018年6月27日擬備，
所根據的資料為攝於2018年6月12日的
實地照片
PLAN PREPARED ON 27.6.2018
BASED ON SITE PHOTO TAKEN ON
12.6.2018

實地照片 SITE PHOTO
擬議辦公室大廈連商店及服務行業
九龍荔枝角道269號
PROPOSED OFFICE BUILDING
WITH SHOP AND SERVICES
269 LAI CHI KOK ROAD, KOWLOON

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/K5/796

圖 PLAN
A-4

TOWN PLANNING BOARD

**Extracted Minutes of 609th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 3.8.2018**

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Sunny L.K. Ho

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Alex T.H. Lai

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Peter P.C. Wong

Agenda Item 1

~~Confirmation of the Draft Minutes of the 608th MPC Meeting held on 20.7.2018~~

~~{Open Meeting}~~

- ~~1. The draft minutes of the 608th MPC meeting held on 20.7.2018 were confirmed without amendments.~~

Agenda Item 2

Matters Arising

~~{Open Meeting}~~

- ~~2. The Secretary reported that there were no matters arising.~~

[Ms Katy C.W. Fung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

| | |
|----------|--|
| A/K5/796 | Proposed Office Building with Shop and Services in "Residential (Group A) 6" Zone, 269 Lai Chi Kok Road, Kowloon (MPC Paper No. A/K5/796) |
|----------|--|

Presentation and Question Sessions

3. With the aid of a PowerPoint presentation, Ms Katy C.W. Fung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed office building with shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) advised that they could not support the application as no traffic impact assessment had been submitted to demonstrate that the proposed development would not have adverse traffic impact. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application. The major objection ground was set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group A)6” zone. The proposed office development was incompatible with the surrounding developments in land use term, and would result in reduction of sites available for residential developments. It did not comply with the Town Planning Guidelines No 5 in that the Site was considered too small for a properly designed office building, the proposed development was incompatible with the surrounding residential area, and C for T did not support the proposed development. Most of the similar applications were rejected by the Committee mainly on grounds of small site area, no/insufficient provision of internal transport facilities, incompatibility with the surroundings, being not in line with the planning intention of the area and setting an undesirable precedent for similar applications within the residential area.

4. A Member asked why the applicant claimed that office building was the only viable option and whether there was opportunity to combine with other adjacent sites for development. Ms Katy C.W. Fung, STP/TWK, replied that the applicant had put forth the

justifications that according to the Building (Planning) Regulations, non-residential development of the site would allow a greater usable floor space than residential development and it was not feasible to develop the small site for residential use which would involve a large core area for escape staircases and fireman lift, etc. The buildings adjoining the application site were over 50 years old and they were under multiple ownership. The possibility of enlarging the application site was subject to redevelopment programme of the adjoining buildings.

5. In response to the enquiries from the Chairman and a Member, Ms Katy C.W. Fung, STP/TWK, said that there were 29 similar applications for office development within "Residential (Group A)" zone on the same Outline Zoning Plan, of which 21 were rejected by the Committee. A similar application with site area of about 93 m² was rejected by the Committee. Regarding residential development on small site, she recalled general building plan for a case in Shanghai Street, Tsim Sha Tsui, involving a slightly larger site area than the application site with the design of a smaller core area was approved by the Building Authority.

Deliberation Session

6. A Member did not support the application and considered that the Site should be retained for the intended residential use. Another Member pointed out that development on small sites was not efficient, however it was noted that small size private lots were not uncommon in old urban area.

7. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the application is not in line with the planning intention of the “Residential (Group A)6” zone which is for high-density residential developments. The Site is located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the Site should be developed for its zoned use. The proposed office building with shop and services would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over

the territory;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 5 for Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance as the Site is considered too small for a properly designed office building, the proposed development is considered incompatible with the surroundings which is a predominantly residential area and the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.”

[The Chairman thanked Ms Katy C.W. Fung, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 4

Section 16 Application

~~[Open Meeting]~~

~~A/TY/136 Temporary Concrete Batching Plant for a Period of 5 Years in
“Industrial” Zone, Tsing Yi Town Lot 108 RP (Part), Tsing Yi, New
Territories
(MPC Paper No. A/TY/136B)~~

~~8. The Secretary reported that the application was submitted by Hongkong United Dockyards Limited (HUD) which was a joint venture of CK Hutchison Holdings Limited (CKH) and Swire Properties Limited (Swire). AECOM Asia Company Limited (AECOM) was one of the consultants of the applicant. The following Members had declared interests on the item:-~~

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

By Registered Post & Fax (2791 4092)

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/K5/796

17 August 2018

Thomas Tsang Surveyors Ltd.
G/F, 70 Po Tung Road
Sai Kung, New Territories
(Attn: Vincent Yip)

Dear Sir/Madam,

**Proposed Office Building with Shop and Services in
“Residential (Group A) 6” Zone, 269 Lai Chi Kok Road, Kowloon**

I refer to my letter to you dated 15.6.2018.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the application is not in line with the planning intention of the “Residential (Group A)6” zone which is for high-density residential developments. The Site is located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the Site should be developed for its zoned use. The proposed office building with shop and services would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory;
- (b) the proposed development does not comply with the TPB Guidelines No. 5 for Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance as the Site is considered too small for a properly designed office building, the proposed development is considered incompatible with the surroundings which is a predominantly residential area and you fail to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 3.8.2018 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 7.9.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Katy Fung of Tsuen Wan and West Kowloon District Planning Office at 2417 6655.

Yours faithfully,



(Felix MA)

for Secretary, Town Planning Board

b.c.c.

C of Police

CBS/K, BD

CE/MS, DSD

D of FS

DLO/KW, LandsD

DEP

CTP/UD&L

Attn: Mr. K. K. SIN

SSO/TPB

SSO/NTHQ

AC for T/U, TD

CE/C, WSD

CHE/K, HyD

DFEH

DEMS

CTP/UD&L

Attn: Mr. Elton CHUNG

DPO/TWK

PSO/TA

Similar s.16 Applications for ‘Office’ Use within “R(A)” Zone on Cheung Sha Wan OZP after promulgation of TPB PG-No. 5 in December 1990

Approved Applications

| <u>Application No.</u> | <u>Zoning on OZP</u> | <u>Proposed Development</u> | <u>Date of Consideration (MPC/TPB)</u> | <u>Approval Condition(s)</u> |
|-------------------------------|-----------------------------|---|---|-------------------------------------|
| A/K5/149# | “R(A)” | Office Development with Commercial Facilities | 14.3.1992 | 1, 2 |
| A/K5/167 | “R(A)” | Proposed Commercial/ Office Use | 21.5.1993 (Renewal on 12.5.1995) | 1, 2, 3 |
| A/K5/173 | “R(A)” | Proposed Commercial/ Office Development | 13.8.1993 | 1, 2 |
| A/K5/174 | “R(A)” | Proposed Commercial/ Office Development | 3.9.1993 | 1, 2 |
| A/K5/179 | “R(A)” | Proposed Commercial/ Office Development | 17.12.1993 | 1, 2 |
| A/K5/188 | “R(A)” | Proposed Commercial/ Office Development | 17.12.1993 | 1, 2, 3 |
| A/K5/271 | “R(A)” | Proposed Commercial/Office Development with Bank/Fast Food Shop/Retail/Restaurant on lower floors | 13.1.1995 | 1,2,4 |
| A/K5/290 | “R(A)” | Proposed Commercial/Office Development with Bank/Fast Food Shop/Retail/Restaurant on lower floors | 23.6.1995 | 1,2,5 |
| A/K5/782 | “R(A)7” | Proposed Shop and Services, Eating Place, Office and School (Cookery-related) | 21.9.2018 | 2, 6, 7, 8, 9, 10 |

Minor amendments to approved application No. A/K5/99 for office development with commercial facilities approved by the Town Planning Board (TPB) on 17.3.1989 before the promulgation of TPB PG-No. 5.

Approval Conditions:

1. Any subsequent material change of use of the building or part or the building should have prior approval of the TPB.
2. Time clause.
3. The design and provision of the ingress/egress points and/or loading/unloading facilities.
4. The modification of the ramp for private cars to a gradient of a maximum of 1:8.
5. The design of lorry car parking spaces.

6. The preservation and incorporation of the key character defining elements as identified by the Antiquities Advisory Board, including the clock tower, the “Garden” and “bakery chef” logos etc. in the design of the new building.
7. The submission of a revised Traffic Impact Assessment and implementation of the recommendations identified therein.
8. The design and provision of ingress/egress, parking facilities (including but not limited to car ramps, car lifts, double-deck parking system, queuing spaces, etc.), loading/unloading spaces and lay-bys for the proposed development.
9. The implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment.
10. The provision of fire service installations and water supplies for firefighting.

Rejected Applications

| <u>Application No.</u> | <u>Zoning on OZP</u> | <u>Proposed Development</u> | <u>Date of Consideration (MPC/TPB)</u> | <u>Main Reason(s) for Rejection</u> |
|-------------------------------|-----------------------------|--|--|--|
| A/K5/143 | “R(A)” | Proposed Office Development | 6.9.1991 | 1, 2 |
| A/K5/145 | “R(A)” | Proposed Commercial/Office Building | 4.10.1991 | 3, 4 |
| A/K5/146 | “R(A)” | Commercial/Office Building | 10.1.1992 (Rejected upon Review on 29.5.1992 (Appeal Dismissed on 15.1.1993) | 1, 3 |
| A/K5/147 | “R(A)” | Proposed Commercial/Office Building | 10.1.1992 | 3, 5 |
| A/K5/155 | “R(A)” | Proposed Commercial/Office Building | 4.12.1992 (Rejected upon Review on 14.5.1993) | 6, 7, 8 |
| A/K5/161 | “R(A)” | Proposed Commercial/Office Building | 19.3.2003 (Rejected upon Review on 16.7.1993) | 8, 19 |
| A/K5/178 | “R(A)” | Proposed Commercial/Office Development | 15.10.1993 | 8, 19 |
| A/K5/182 | “R(A)” | Commercial/Office Building | 15.10.1993 (Rejected upon Review on 25.3.1994) | 9, 10 |
| A/K5/183 | “R(A)” | Proposed Commercial/Office Development | 19.11.1993 | 3, 8, 9 |
| A/K5/189 | “R(A)” | Proposed Retail/Office Development | 7.1.1994 | 8, 9, 19 |
| A/K5/190 | “R(A)” | Retail/Office Development | 7.1.1994 (Rejected upon Review on 13.5.1994) | 8, 9, 19 |
| A/K5/198 | “R(A)” | Retail/Office Development | 4.2.1994 (Rejected upon Review on 8.7.1994) | 9, 11 |
| A/K5/199 | “R(A)” | Proposed Retail/Office Development | 4.2.1994 | 9 |
| A/K5/200 | “R(A)” | Proposed Commercial/Office Building | 4.2.1994 | 2, 7, 9, 19 |

| | | | | |
|----------|--------|------------------------------------|--|----------------------------------|
| A/K5/241 | “R(A)” | Proposed Retail/Office Development | 19.8.1994 | 8, 12, 19 |
| A/K5/243 | “R(A)” | Proposed Office Development | 16.9.1994 | 2, 12, 13, 20 |
| A/K5/263 | “R(A)” | Proposed Office Development | 2.12.1994 | 2, 12, 13 |
| A/K5/273 | “R(A)” | Retail/Office Development | 17.2.1995 | 2, 12, 13, 14, 15 |
| A/K5/298 | “R(A)” | Retail/Office Development | 6.10.1995 | 2, 7, 12, 13, 14, 15, 16, 17, 18 |
| A/K5/300 | “R(A)” | Proposed Retail/Office Development | 3.11.1995 (Rejected upon Review on 15.3.1996) | 3, 8, 12, 13, 15, 16, 18 |
| A/K5/507 | “R(A)” | Proposed Office Use | 12.7.2002 (Rejected upon Review on 1.11.2002) | 13, 19 |

Main Reasons for Rejection:

1. The site is considered too small for a properly designed/efficient commercial/office building.
2. This proposed development is incompatible with the surrounding which is mainly residential in character/nature/use in the locality.
3. There are no/insufficient/unsatisfactory/unacceptable parking and/or loading/unloading bays/facilities for the proposed development.
4. There are insufficient waiting spaces on the ground floor to cater for vehicles queuing for the car lift.
5. The dimensions of the loading/unloading bay are substandard as compared to the standard dimensions under the HKPSG.
6. The on-site loading/unloading bay proposed is not acceptable as there is no manoeuvring space for vehicle to turn within the site. This will result in the vehicle having to back into or back out of the site.
7. The vehicle ingress/egress point/vehicular exit/access is too close to the busy road junction/not acceptable from traffic point of view/unsatisfactory.
8. The proposed alternative on-street loading/unloading facilities/arrangement/activities are not acceptable/satisfactory/demonstrated.
9. The plot ratio of the proposed development is excessive/exceeds/contravenes the plot ratio restriction for non-domestic development within the "Residential (Group A)" zone as stipulated in the OZP.
10. The proposed turntable and loading/unloading area are substandard.
11. There are insufficient information to demonstrate the feasibility of including the required on-site loading/unloading facilities.
12. The proposed development is not in line with the planning intention for the area which is mainly for residential purposes/development.
13. Approval of this application will set an undesirable precedent for other small scale office/commercial development within residential areas, the cumulative effect of which will have an adverse/undesirable traffic impact on the rail and/or local and/or regional road networks.

14. There is a general presumption against office development in “Residential (Group A)” zones away from commercial spine, except under very special circumstances.
15. There is no strong/insufficient planning justification to depart from the intention recommended in the Kowloon Density Study/planning intention.
16. The propose development does not comply with the Town Planning Board Guidelines for Application for Office Development in “Residential (Group A)” Zone.
17. The proposed development, which will generate more traffic than residential development, will have an adverse traffic impact on the local road network. No traffic impact assessment has been provided in the submission to demonstrate that the existing and planned traffic network will not be overloaded by the extra traffic generated by the proposed development.
18. The nil/lack of provisions of parking and/or loading/unloading spaces within the proposed development will aggravate the existing shortage/problem of car parking and/or loading/unloading in the area.
19. The application site is too small for an efficient/properly designed commercial/office building to incorporate sufficient/proper/standard/satisfactory on-site car parking and/or loading/unloading facilities.
20. The application site, located at a distance from the commercial corridor, is not suitable for commercial/office development.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that:
- (i) it is unclear whether the proposed shop and service uses on the lowest 3 floors include catering services such as restaurant and bar. As the subject lease contains an offensive trade clause, any offensive trades such as catering services are prohibited in the lot unless such lease restriction is removed by way of a licence or modification letter. However, there is no guarantee that the licence or modification application, if submitted, will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of licence fee/premium and administrative fee as may be imposed by LandsD; and
 - (ii) boundary details and detailed design of the development will be scrutinized at later stage and at the building plan submission stage.
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that:
- (i) all building works/ change in use are subject to compliance with the Buildings Ordinance (BO);
 - (ii) the applicant is advised to appoint an Authorized Person to submit building plans for the proposed new development to demonstrate compliance with the BO, in particular:
 - adequate means of escape should be provided to the premises in accordance with Building (Planning) Regulations (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - emergency vehicular access should be provided in accordance with B(P)R 41D and the FS Code;
 - access and facilities for persons with a disability including accessible toilet should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
 - natural lighting and ventilation should be provided to the proposed office development in accordance with B(P)R 30 and 31.
 - (iii) regarding the proposed layout of the development, protected lobby to escape staircase shall be provided in accordance with Clause B10.4 of FS Code, and fireman's lift lobby shall be designed and compliance with Clause D11 of FS Code; and
 - (iv) detailed comments under the BO can only be provided at the building plan submission / licence application stage.

- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans, and the arrangement of emergency vehicular access shall comply with Section 6, Part D of the *Code of Practice for Fire Safety in Buildings 2011* which is administered by the BD.

- (d) to note the comments of the Director of Electrical and Mechanical Services that:
 - (i) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under this application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site; and

 - (ii) the parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.