

FURTHER CONSIDERATION OF APPLICATION NO. A/H20/195
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

**Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Non-polluting
Industrial Use in “Other Specified Uses” annotated “Business” Zone,
14-16 Lee Chung Street, Chai Wan, Hong Kong**

1. Background

- 1.1 On 12.5.2020, the applicant, Fortune Creation Developments Limited represented by Llewelyn-Davies Hong Kong Limited, submitted the current application seeking planning permission for minor relaxation of plot ratio (PR) restriction from 12 to 14.4 (i.e. +2.4 or +20%) for redevelopment of the existing 11-storey industrial building (IB) constructed before 1987^[1] into a 30-storey IB for ‘Non-polluting Industrial Use’ (the original scheme) at the application site (the Site) (**Plan FA-1**). The Site is zoned “Other Specified Uses” annotated “Business” (“OU(B)”) on the draft Chai Wan Outline Zoning Plan (the OZP) No. S/H20/24.
- 1.2 The application was considered by the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) on 18.9.2020. Members had concerns that:
- (a) part of the proposed setback area was occupied by staircases and the setback area could not cater for pedestrian circulation;
 - (b) the applicant should provide further information on the design of the setback area and greenery measures in enhancing the pedestrian environment; and
 - (c) the proposed building height profile could be stepping down towards Lee Chung Street to offer better visual interests to the pedestrians.
- 1.3 After deliberation, the Committee decided to defer a decision on the application, pending the applicant’s submission of further information and clarification on building design and landscaping treatment especially within the setback area at pedestrian level under the original scheme.
- 1.4 For Members’ reference, the following documents are attached:
- (a) MPC Paper No. A/H20/195A considered on **(Appendix F-I)** 18.9.2020
 - (b) Extract of minutes of the Committee’s meeting **(Appendix F-II)** held on 18.9.2020

¹ The Occupation Permits (OP) for the IB were issued on 31.8.1965 and 5.7.1971 respectively.

- (c) Secretary of the Board's letter dated 9.10.2020 **(Appendix F-III)** informing the applicant of the Committee's decision to defer a decision on the application
- (d) 4th Further Information (FI) submitted by the applicant on 16.10.2020 clarifying the building design and landscaping treatment of the proposed development [**FI-4**][#] **(Appendix F-IV)**
- (e) 5th FI submitted by the applicant on 20.11.2020 with responses to departmental comments and updated plans and illustration [**FI-5**][#] **(Appendix F-V)**

accepted and exempted from the publication and recounting requirements

2. Further Information submitted by the Applicant

- 2.1 In responses to Members' concerns, the applicant submitted FIs on 16.10.2020 and 20.11.2020 with the following details and justifications.

Design of the Setback Area

- 2.2 The applicant voluntarily proposes a building setback with a width of about 1.1m measuring from the site boundary (i.e. about 7.5m measuring from the centreline of Lee Chung Street) up to a level of 15m above the street level in order to enhance the pedestrian environment along Lee Chung Street (**Drawings FA-1 and FA-2**).
- 2.3 The subject section of Lee Chung Street is about 80m in length with a 2.5m wide footpath alongside the Site. The proposed weather canopy together with the setback area would provide enhancement covering a length of 33m (or 41.25% of the entire length of the street). The proposed setback will also increase the width of the existing footpath by 1.1m (up to about 3.6m or a 44 % increase in width) for pedestrian use (**Drawing FA-3**).
- 2.4 In the original scheme, staircases were proposed within the setback area to overcome the level difference between Lee Chung Street (at about 6.6mPD) and the entrance lobby at G/F of the Site (at about 7.05mPD) (**Drawings FA-2 and FA-5**) as Lee Chung Street is gradually sloping with a level difference of about 1.3m across the frontage of the subject IB. In the revised scheme, the setback area will be free of steps or other structure. Instead, the applicant will sacrifice certain portion of the entrance lobby at G/F to accommodate the recessed steps (**Drawings FA-1, FA-2 and FA-4**). The applicant also undertakes that access and facilities for persons with disability would be provided in compliance with relevant regulations and design manual.

Enhanced Greening Measures to Improve Pedestrian Environment

- 2.5 On greening measures in the original scheme, the applicant proposed a podium garden with landscape treatments and edge planters along portion of the podium

edge on 3/F of the proposed building. Under the revised scheme, the applicant proposes to enhance pedestrian environment along Lee Chung Street with the provision of greening measures in various forms and at different locations including (**Drawings FA-4 to FA-7**):

- (a) vertical greening at the building façade facing Lee Chung Street to improve the streetscape currently dominated by blank walls of the existing industrial and office buildings in the surrounding;
- (b) extension of the edge planters from the podium garden to interface with the adjacent Shell Industrial Building to form “green fingers” visually linking up the greenery provisions and enhancing the streetscape in a comprehensive manner;
- (c) enlarge the podium roof planters at 3/F to upgrade the views when viewing from the adjacent buildings; and
- (d) increase in greenery provision from about 15.26m² (i.e. edge planter at 3/F) to about 194.5m² (i.e. landscaping in various forms at multiple levels in the building’s low zone).

Design Intention of the Proposed Building Height Profile

- 2.6 The applicant states that the Site is situated in a built-up industrial area with no building separation between the existing building on the Site and the adjacent Minico Building. The proposed building height profile stepping down towards Minico Building with provision of a 9m building separation above 15m (**Drawing FA-7**) is to breakdown the building masses and contribute to more sunlight penetration into this dead-end area of the street. A building height profile stepping down towards Lee Chung Street will result in an increase of façade length and defeat the above design intention and adversely affecting the pedestrian environment.

In line with Government’s Policy to Incentivise Redevelopment of Aging Industrial Building

- 2.7 The application is submitted under the “Revitalisation Scheme for Industrial Buildings” under Policy Address 2018. While the proposed use and building heights are in line with the requirements of the OZP, the application only applies for minor relaxation of PR restriction. The Development Bureau considered that the application is worthy of policy support from the perspective of putting the Site into optimal use to produce maximum possible industrial space and give further impetus to urban renewal. The proposed redevelopment is also technically feasible with no outstanding technical comments. Voluntary design commitments for improving the streetscape and pedestrian environment are provided (**Drawing FA-7**). Favourable consideration of the application by the Board should be warranted.

3. Previous and Similar Application

There is no change to the previous and similar application in the OZP area since the last consideration of the Committee.

4. Comments from Relevant Government Departments

- 4.1 Comments on the original scheme made by the relevant government departments previously are stated in paragraphs 9.1 and 9.2 of the MPC Paper No. A/H20/195A in **Appendix F-I**.
- 4.2 For the current FIs (**Appendices F-IV and F-V**), the following government departments have been consulted and their comments are summarized as follows.

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual

- (a) The applicant submitted a revised scheme with planters and vertical greening at G/F and 3/F and clarifications regarding staircases within the setback area and the intention of the stepped height proposed. Compared with the original scheme, the provision of greening at G/F and 3/F and articulations to the façade would enhance the amenity at pedestrian level. No comment on the applicant's clarifications regarding the setback area and stepped height.

Landscape

- (b) Having reviewed the FI, it is noted that additional landscape treatment such as vertical greening facing Lee Chung Street is suggested in the proposed development and he has no comment on it. His previous view of no objection to the application remains unchanged.

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

No further comment from architectural and visual impact point of view. Based on the 5th FI provided and responses-to-departmental-comments provided, it is noted that the applicant proposes to provide recessed steps within the building footprint to mitigate the level difference between the entrance lobby at G/F and Lee Chung Street for a better pedestrian-friendly environment.

Buildings Matters

- 4.2.3 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD):

- (a) no objection to the application and his previous comments in paragraph 9.1.4 of **Appendix F-I** are still pertinent;

- (b) access and facilities for persons with disability in compliance with Regulation 72 of Building (Planning) Regulations and Design Manual: Barrier Free Access 2008 should be provided;
- (c) the proposed setback and greenery areas should comply with the requirements as stipulated in PNAP APP-152. The applicant's attention is drawn particularly to paragraph 8 of PNAP APP-152 that the setback area should be open without any permanent building structures. The proposed weather canopy if complied with paragraph 8(a) of PNAP APP 152 may be accountable for gross floor area and site coverage calculation;
- (d) any proposed vertical greening may be accountable for site coverage and gross floor area calculation unless exempted;
- (e) fireman's lift(s) should be provided in accordance with regulation 41B of Building (Planning) Regulations. The passage from the fire service access point to the firemen's lift should be well separated from the remainder of the ground storey complying with the Code of Practice for Fire Safety in Buildings 2011; and
- (f) detailed comments on compliance with the Buildings Ordinance will be made at building plan submission stage.

5. Planning Considerations and Assessments

- 5.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) for the redevelopment of the existing IB at the Site into a 30-storey IB for 'non-polluting industrial use'. At the Committee's meeting on 18.9.2020, Members were concerned about the design and landscape treatment of the proposal and decided to seek information and clarification from the applicant on the building design and landscaping treatment especially within the setback area at pedestrian level. The applicant submitted FIs on 16.10.2020 and 20.11.2020 in responses to Members' concerns and departmental comments.

Design of Setback Area

- 5.2 On the design of the staircases located within the setback area in the original scheme, as mentioned in paragraphs 2.2 to 2.4 above, the applicant clarifies that the steps to be provided for pedestrian are to overcome the level difference between Lee Chung Street and the entrance lobby at G/F level as well as to meet the requirement under building regulations (**Drawings FA-1, FA-2 and FA-5**). In the revised scheme, the steps are relocated within the entrance lobby at G/F so that the setback area will be free of any steps or structures. Access and facilities for persons with disability would be provided in accordance with relevant regulations and design manual. All departments consulted including CA/CMD2, ArchSD and CBS/HKE&H, BD have no objection to/no comment on the revised setback arrangement.

Landscape and Greenery

- 5.3 On the revised landscape treatment, as mentioned in paragraph 2.5 above, the applicant has proposed further enhanced greening measures such as vertical greening on building façade, extension of the edge planters, and enlargement of the podium roof planters. There will be an increase in greenery provision from about 15m² to about 195m² at multiple levels (**Drawings FA-4 to FA-7**). CTP/UD&L, PlanD considers that the additional provision of greening/landscape treatment at G/F and 3/F and articulations to the façade would enhance amenity at the pedestrian level, as compared with the original scheme.

Building Height Profile

- 5.4 On the proposed building height profile, the applicant explains that the proposed building height profile stepping down towards Minico Building with provision of a 9m building separation above 15m (**Drawing FA-7**) is to breakdown the building masses and contribute to more sunlight penetration into the dead-end area of Lee Chung Street. On the other hand, a building height profile stepping down towards Lee Chung Street will result in an increase of façade length and defeat such design intention by adversely affecting the pedestrian environment. All concerned departments have no comment on the proposed stepped height profile.

6. Planning Department's Views

- 6.1 Based on the assessments made in paragraph 5 above, PlanD maintains its previous view of having no objection to the application.
- 6.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.12.2024, 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 suggested for Members' reference:

Approval conditions

- (a) the design and provision of vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a land contamination assessment and remedial plan and implementation of the agreed remedial actions prior to commencement of construction for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment 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 F-VI**.

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

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

7. Decision Sought

- 7.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 7.2 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.
- 7.3 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.

8. Attachments

Appendix F-I	MPC Paper No. A/H20/195A considered on 18.9.2020
Appendix F-II	Extract of minutes of the Committee's meeting on 18.9.2020
Appendix F-III	Secretary of the Board's letter dated 9.10.2020 informing the applicant of the Committee's decision to defer a decision on the application
Appendix F-IV	4 th FI received on 16.10.2020
Appendix F-V	5 th FI received on 20.11.2020
Appendix F-VI	Recommended advisory clauses
Drawing FA-1	Updated indicative G/F plan
Drawing FA-2	Illustrative diagram of design considerations on ground floor
Drawing FA-3	Proposed set-back areas along Lee Chung Street
Drawing FA-4	Visual illustration of indicative landscaping treatment
Drawing FA-5	Elevated view of indicative landscaping treatment
Drawing FA-6	Indicative landscape design for the podium garden on 3/F
Drawing FA-7	Overview of design merits and planning gains (updated)
Plan FA-1	Location plan
Plan FA-2	Site plan
Plan FA-3	Building heights in Chai Wan "OU(B)" Area
Plans FA-4 and FA-5	Site photos

**PLANNING DEPARTMENT
DECEMBER 2020**