

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K10/266

- Applicant** : Tai Chiap Company Limited and Keen Choice Limited represented by Knight Frank Petty Limited
- Site** : 17 Yuk Yat Street, To Kwa Wan, Kowloon
- Site Area** : 1,036m² (about)
- Lease** : Kowloon Inland Lot (KIL) No. 9680 (“the Lot”)
(a) Restricted to industrial and/or godown purposes, excluding offensive trade
(b) No part of the building shall exceed a height of 150 feet above the Hong Kong principal datum (HKPD)
- Plan** : Draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/25
- Zoning** : “Residential (Group E)” (“R(E)”)
[Maximum plot ratio (PR) of 7.5 for a domestic building or 9 for a building that is partly domestic and partly non-domestic, and maximum building height (BH) of 100 meters above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater]
- Application** : Proposed Flat, Eating Place and/or Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to redevelop the existing 12-storey industrial building (IB) into a 31-storey residential development (including two basement carpark floors) providing 208 flats, with eating place and/or shop and services uses (the Scheme) at 17 Yuk Yat Street, To Kwa Wan, Kowloon (the Site) (**Plan A-1**). According to Schedule I for non-IBs of the Notes of the OZP for “R(E)” zone, ‘Flat’, ‘Eating Place’ and ‘Shop and Services’ uses require planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, a 2.4m full-height setback from the Lot boundary abutting Yuk Yat Street would be incorporated that would allow the provision of 5m-wide footpath. A 3m-wide aboveground setback would also be provided at the back lane (**Drawings A-1 and A-5**). The applicant will be responsible for the maintenance and management of the setback areas. To enhance air ventilation, voids of 6m(w) x 4.7m(h) at G/F and 4m(w) x 6m(h) at 1/F to 2/F would be provided at the eastern side of the Site (**Drawings A-1, A-2 and A-4 to A-6**). Vehicular ingress/egress would be provided at Yuk Yat Street. The Site

would be developed to the BH restriction of 100mPD.

- 1.3 Floor, section plans and photomontage submitted by the applicant are shown at **Drawings A-1 to A-6**. The major development parameters of the Scheme are summarized as follows:

Development Parameters	
Site Area	About 1,036m ²
Plot Ratio (PR)	7.5
- Domestic	Not more than 0.676
- Non-domestic	
Gross Floor Area (GFA)	7,770m ²
- Domestic	Not more than 700m ²
- Non-domestic	
Site Coverage (SC)	About 87%
- Podium (below 15m)	About 30%
- Tower (above 15m)	
No. of Storeys	31
- Aboveground	29
	(incl. 2 storeys of retail floors on G/F & 1/F and clubhouse/podium garden on 2/F)
- Basement	2
Building Height (at main roof level)	100mPD
No. of Flats	208
Design Population (about)	582
Private Open Space (about)	Not less than 582m ² ^[a]
Greenery	about 207m ² Not less than 20% of Site Area
Parking Spaces and Loading/Unloading (L/UL) Bays	19 (incl. 1 accessible parking)
- Private Car	4
- Motor-cycle	2
- L/UL bays	
Setback ^[b]	
- Yuk Yat Street (Full-height)	2.4m
- Back lane (Aboveground)	3m
Voids (at eastern side of the Site)	
- G/F ^[c]	6m wide x 4.7m high
- At 1/F and 2/F	4m wide x 6m high
Tentative Completion Year	2026

Note:

[a] Provision of private open space of not less than 1m² per person in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG).

[b] There is no setback requirement for the Site under statutory nor administrative plan.

[c] Not less than 6m-wide perforated fence would be provided at the façade abutting the back lane for air ventilation purpose.

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

(a) Application form received on 15.5.2020

(Appendix I)

- (b) Supporting Planning Statement enclosing clarification letter, conceptual architectural drawings, Traffic Impact Assessment (TIA) and Environmental Assessment (EA), (including Sewerage Impact Assessment (SIA) and Land Contamination Report) received on 15.5.2020 **(Appendices Ia)**
- (c) First further information (FI) vide letter received on 29.6.2020 and 30.6.2020 enclosing responses to departmental comments (RtoC), revised scheme design and revised TIA ^[*] **(Appendix Ib)**
- (d) Second FI vide letter received on 31.8.2020 enclosing RtoC, revised design scheme, TIA and EA **(Appendix Ic)**
- (e) Third FI vide letter received on 28.9.2020 enclosing RtoC **(Appendix Id)**
- (f) Fourth FI vide letter received on 8.10.2020 enclosing RtoC and revised EA ^[*] **(Appendix Ie)**

[] Accepted but not exempted from publication and recounting requirements*

- 1.5 On 21.8.2020, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for one month as requested by the applicant in order to allow time for preparation of FIs to respond to departmental comments. With the FI received on 8.10.2020 (**Appendix Ie**), 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 the Planning Statement and FIs in **Appendices Ia to Ie** are summarized as follows:

In-line with planning intention and statutory planning control

- (a) The Site is zoned “R(E)” with the planning intention of phasing out existing industrial uses through redevelopment (or conversion) for residential use. The proposed redevelopment for residential use with commercial uses at a BH of 100mPD and the total PR not more than 9 is in line with the planning intention of the “R(E)” zone and fully complies with the development restrictions under the OZP.

Meeting the housing demand

- (b) The proposed redevelopment providing 208 private residential units by 2026 is in line with Policy Address 2019 for increasing housing supply in the medium-term to address the acute housing demand.

Expediting the transformation of the district

- (c) The proposed redevelopment will help create a more suitable environment for more housing development by phasing out the existing IBs and reducing the industrial/residential (I/R) interface issue. It will expedite the transformation of the area into a residential neighborhood.
- (d) The Site is highly accessible by different types of public transport services. Upon completion of Shatin-Central Link, the accessibility of the area will be further enhanced.

Design merits of the redevelopment proposal

- (e) For wider public passageway and better pedestrian environment, a 2.4m full height setback from Yuk Yat Street and aboveground 3m setback from the back lane are proposed (**Drawings A-1 and A-5**). The eating place and/or shop and services on G/F can create a welcoming frontage and hence bring vibrancy to the street.
- (f) To allow better air and visual permeability and alleviate the screen-wall effect at low level of the development, apart from the setbacks as mentioned above, voids of 6m(w) x 4.7m(h) at G/F and 4m(w) x 6m(h) at 1/F to 2/F at the eastern side of the Site abutting Acro Industrial Building would be provided to allow wind from the seafront infiltrating to Mei Kung Street (**Drawings A-4 to A-6**). The design has taken into consideration the ventilation of prevailing winds in non-summer and summer periods respectively, as indicated in the Air Ventilation Assessment of Ma Tau Kok Area conducted in 2008. Since the Site is small (1,036m²) and in elongated configuration (23m-wide x 45m-long), there is constraint to provide full-height separation with the two adjoining IBs. Compared to the existing IB, the SC of the proposed redevelopment is reduced to about 30% (15m above ground).
- (g) For the building design elements of Sustainable Building Design Guidelines (SBDG), in respect of building separation (the Site is less than 2 hectares with continuous façade length less than 60m), building setback (no part of the building is within 7.5m measured from the centerline of the public road) and SC of greenery (provision of about 20% of Site i.e. about 207m² at 1/F and 2/F), the proposed scheme in general complies with the requirements under SBDG. Private open space of not less than 1m² per person in accordance with the HKPSG would be provided to serve the future residents.

Similar applications approved in Ma Tau Kok

- (h) Six similar applications within the “R(E)” zones in Ma Tau Kok area were previously approved by the Board with two of them redeveloped for residential use (namely Bayview and L. Harbour 18). The proposed redevelopment is of similar nature to the approved cases and is not incompatible in the area.

Technical Assessments

- (i) The EA concludes that with incorporation of mitigation measures (e.g. tower setback by 6.75m from Yuk Yat Street, raised first residential floor to 22mPD (or 17.4m above ground)

(Drawing A-2 and A-5), and provision of acoustic balcony and acoustic windows), no insurmountable environment problems with respect to air quality, noise, waste, sewerage and land contamination are anticipated.

- (j) The TIA demonstrates that the proposed redevelopment will not induce significant traffic impact on the surrounding road network and is considered acceptable from traffic engineering point of view. Upper bound of parking requirements under the HKPSG are adopted for provision of car and motorcycle parking spaces.

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

The applicant is one of the four “current land owners” of KIL No. 9680. The applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by taking reasonable steps with request sent out to obtain consent of the other land owner(s) in the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application**

There is no previous application in respect of the Site.

5. **Similar Application**

5.1 There are six similar applications involving four sites (Nos. A/K10/178, A/K10/180, A/K10/181, A/K10/186, A/K10/209 and A/K10/237) for proposed flat, shop and services uses within the “R(E)” zone in the Ma Tau Kok area (**Plans A-1 and A-2**). Besides, there are four similar applications (Nos. A/K10/160, A/K10/166, A/K10/167 and A/K10/172) covering the same site abutting Yuk Yat Street/Chi Kiang Street when that site was zoned as “Industrial (Group 1)” (“I(1)”) [¹] in 1997 which was then rezoned to “R(E)” in 1999. Nine of these ten application (except No. A/K10/160) were approved with conditions by the Committee mainly on the grounds that the proposed uses would help to phase out existing industrial uses and provide an opportunity for redevelopment of obsolete IBs which is in line with the planning intention of “R(E)”/“I(1)” zone, the proposed development would not create adverse environmental impact, the traffic noise impact could be mitigated by appropriate measures; and the Committee had approved similar applications in “R(E)”/“I(1)” zone. For application no. A/K10/160, it was rejected on the ground that the submitted environmental impact assessment had not satisfactorily addressed the potential air quality problem from the adjoining IB and the proposed mitigation measures were inadequate but three applications were subsequently approved for residential development at the site. The details of these applications are at **Appendix II**.

¹ Within “I(1)” zone, there was provision for applying for residential use under s.16 of the Town Planning Ordinance. A review on zoning mechanism for phasing out of obsolete industrial uses was conducted in 1998 which recommended that the “I(1)” zone along Yuk Yat Street (including the Site), amongst other, should be rezoned from “I(1)” to “R(E)” to clearly reflect the intention of phasing out the industrial use by redevelopment to residential use.

5.2 For the permissions granted, three sites abutting Yuk Yat Street (involving six approved applications) had been redeveloped for approved residential/shop and services uses (Application Nos. A/K10/172, A/K10/209 and A/K10/237) and the remaining four permissions granted (A/K10/178, A/K10/180, A/K10/181 and A/K10/186) had lapsed (**Plan A-2**).

6. The Site and Its Surrounding Areas (Plans A-1, A-2 and A-4 and site photos on Plans A-5 and A-6)

6.1 The Site is:

- (a) occupied by a 12-storey IB, namely Tai Chiap Factory Building, completed in 1974; and
- (b) abutting Yuk Yat Street at the southern part of the Ma Tau Kok area near the waterfront of To Kwa Wan.

6.2 The surrounding areas have the following characteristics:

- (a) along Yuk Yat Street are IBs within the “R(E)” zone. The Site is sandwiched by two IBs (namely Acro Industrial Building and Shun Wai Industrial Building) to its northeast and southwest respectively. According to the applicant’s EA, there are no polluting industrial uses identified within the two adjoining IBs;
- (b) three redeveloped residential buildings, namely Sunrise Villa, Bayview and L. Harbour 18 completed between 2001 and 2015 that are subjects of approved planning applications are located to its further southwest (**Plans A-2 and A-6**);
- (c) clusters of private residential buildings zoned “Residential (Group A)” are located across the back lane to the northwest of the Site (**Plan A-4**);
- (d) to its east across Yuk Yat Street is a waterfront area with low rise Government, institution/community uses (including Oblate Primary School and S.K.H. Holy Carpenter Primary School and Yuk Yat Street Substation) and public open spaces (namely Hoi Sham Park, King Wan Street Playground and Yuk Yat Street/ Kwei Chau Street sitting out area) (**Plan A-4**); and
- (e) well served by variety of public transport services along To Kwa Wan Road and Mau Tau Wai Road, and the Kowloon City Ferry is located further northeast (Figure 3.3 of TIA at **Appendix Ib**).

7. Planning Intention

7.1 The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of I/R interface problem.

7.2 According to the Explanatory Statement (ES) of the OZP, in drawing up the development scheme for “R(E)” zone along Yuk Yat Street, due consideration should be given to provide

adequate space between the proposed development and the surrounding developments to enhance the air and visual permeability.

- 7.3 The ES also stipulates that upon redevelopment of the industrial sites with potential land contamination risk, the developer will be required to prepare contamination assessment report to examine any possible ground contamination and if land contamination is confirmed, to propose remedial measures to deal with it.

8. Comments from Relevant Government Bureau/Departments

- 8.1 The following Government bureau/departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) The Site falls within KIL No. 9680, which is held under Conditions of Sale No. 9656 for a term of 75 years renewable for 75 years commencing from 23.3.1970. The lease restricts, inter alia, the use of the Lot to industrial and/or godown purposes (excluding offensive trade) and no part of any structure on the Lot shall exceed a height of 150ft above HKPD.
- (b) The proposed development is not permitted under the existing lease conditions. If the planning application is approved by the Board, the lot owner shall apply to LandsD for a lease modification/land exchange to implement the proposal. However, there is no guarantee that such application will be approved. Such application, if received, will be considered by LandsD acting in the capacity as the landlord at its sole discretion and would be subject to such terms and conditions, including, among others, the payment of premium and administrative fee as may be considered appropriate by LandsD.

Traffic Aspect

- 8.1.2 Comments of the Commissioner for Transport (C for T):

The submitted TIA included assessments of junction capacity, pedestrian assessment, and proposals for vehicular access, car parking and L/UL. Having reviewed the revised TIA and RtoC (**Appendices Ic and Id**), he has no adverse comment on the application and the TIA from the traffic engineering viewpoint.

- 8.1.3 Comments of the Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD):

A 3m-wide setback at the back lane has been incorporated in the revised Scheme (**Drawing A-1**), this will avoid blocking the back lane permanently; as such he has no further comment on the application from highways maintenance point of view.

Urban Design, Landscape and Air Ventilation

- 8.1.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning

Department (CTP/UD&L, PlanD):

Urban Design and Visual Aspects

- (a) The proposed development with PR not exceeding 7.5/9 and BH of 100mPD has not exceeded the PR and BH restrictions stipulated for the Site. It is unlikely that the proposed development will induce any significant visual impact.
- (b) A 2.4m-wide full height and 3m-wide aboveground setbacks from the Lot boundary along Yuk Yat Street and the back lane respectively, have been provided. Given the small site area and elongated configuration of the site, further setback from the eastern and western boundary is considered infeasible. To enhance air and visual permeability in response to the ES of the OZP (see paragraph 7.2 above), the applicant has made effort to provide a 4m-wide and 6m-high voids at 1/F to 2/F (**Drawing A-6**). Further, a perforated screen of not less than 6m-wide (**Drawing A-4**) facing the ingress/egress of the carpark will be provided at G/F to facilitate air flow.

Landscape Aspect

- (c) The Site is located in an area of non-landscape sensitive zone of urban landscape character dominated by medium to high-rise IBs/residential developments. No existing tree is observed within the application boundary. Adverse landscape impact caused by the proposed redevelopment is not anticipated.

Environmental Aspect

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

- (a) Having reviewed EA at **Appendix Ie**, he considers that adverse environmental impact arising from the proposed development is not anticipated with mitigation measures as proposed by the applicant. Hence, he has no objection to the application. Should the Board approve the application, approval conditions relating to the Noise Impact Assessment and Land Contamination Assessment are suggested.
- (b) The applicant is advised to minimise the generation of construction and demolition (C&D) materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development. The Applicant should observe the relevant requirements under the Air Pollution Control Ordinance and Waste Disposal Ordinance for asbestos control prior to demolition of the existing buildings.

Drainage Aspect

8.1.6 Comments of the Chief Engineer/ Mainland South, Drainage Services Department (CE/MS, DSD):

He has no objection to the application subject to the imposition of the approval conditions in relation to the SIA.

Gas Safety

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

- (a) He has no comment on the application from regulatory service perspective, however, the applicant is advised to note:
 - (i) There is an intermediate pressure underground town gas transmission pipeline running along Yuk Yat Street in close vicinity of the Site. The future developer/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited (the Towngas Ltd.) in respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development.
 - (ii) The future developer/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's Code of Practice on "Avoidance of Damage to Gas Pipes" (2nd Edition).
- (b) For the public comment submitted by Towngas in respect of Quantitative Risk Assessment (QRA), he advises that QRA is not required in support of the subject planning application.

Fire Safety

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

He has no specific comment on the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction. EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plan (BP).

Harbourfront Planning

8.1.9 Comments of the Harbour Office, Development Bureau:

The Site falls within the harbourfront area under the purview of Harbourfront Commission's Task Force on Kai Tak Harbourfront Development (KTTF). The gist and relevant information of the application have been circulated to Members of KTTF on 9.6.2020. It is noted that no comment on the application was made by Members of the KTTF. The application should be considered having regard to the Harbour Planning Principles and Guidelines.

Building Matters

8.1.10 Comments of the Chief Building Surveyor/Kowloon, BD (CBS/K, BD):

- (a) He has no in-principle objection to the application.
- (b) All building works should comply with the Buildings Ordinance (BO).
- (c) He has no in-principle objection under the BO to include the concerned

setback area in site area for purpose of plot ratio and site coverage calculations.

- (d) His detail comments on the redevelopment proposal under the BO can only be formulated at the BP approval stage under the building regime.

District Officer's Comments

- 8.1.11 Comments of the District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD):

DO(KC), HAD has no comment on the application and noted that PlanD has notified the interested Kowloon City District Council members, the To Kwa Wan Area Committee as well as the Owners Committee/Mutual Aid Committees/Management Committees of buildings and institutions near the Site about the planning application, and that notified parties have been invited to make comments on the application.

- 8.2 The following Government departments have no comment on/no objection to the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD); and
 (b) Commissioner of Police.

9. Public Comments Received During Statutory Publication Period

The application, the first FI and the fourth FI (**Appendix Ib and Ie**) were published for public inspection between 22.5.2020 and 6.11.2020. Within the three statutory public inspection periods, a total of five comments submitted by the Towngas Ltd. (**Appendix III(a)**) and other individuals (**Appendices III(b) to III(e)**) were received. The Towngas Ltd. raises concerns that the proposed development will be in close vicinity to an existing 600mm Intermediate Pressure B towngas pipeline (**Plan A-3**), and the applicant should conduct a QRA to evaluate the potential risk and determine the necessary mitigation measures if required, and to consult them during design and construction stage for providing protective measures, as appropriate. Other individuals suggest that building separations at the eastern and/or western sides of the Site should be incorporated to facilitate air penetration to inland area to avoid adverse impact on air ventilation/natural light penetration aspects, more setbacks should be provided for wider pedestrian passageway and more private open space with more variety of facilities should be provided.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed redevelopment at the Site into a 31-storey development (including 2 levels of basement car parks) with 'Flat', 'Eating Place' and/or 'Shop and Services' uses, which require planning permission under Schedule I of the Notes for non-IBs in the "R(E)" zone. The Site, providing 208 flats, would be developed with a domestic/total PR not exceeding 7.5/9 and a BH of 100mPD. Setbacks of 2.4m full-height from Yuk Yat Street and 3m aboveground setback from the back lane as well as voids on G/F to 2/F are incorporated in the Scheme.

Planning Intention and Development Intensity

- 10.2 The proposed development generally complies with the planning intention of the “R(E)” zone for phasing out of existing industrial uses through redevelopment (or conversion) for residential use. The proposed development would be developed to domestic/total PR not exceeding 7.5/9 and a maximum BH of 100mPD, which do not exceed the statutory restrictions under the OZP.

Land Use Compatibility

- 10.3 The larger areas in vicinity of the Site are predominantly residential (**Plan A-4**). For lots along Yuk Yau Street, there are a number of IBs and three residential developments with shop and services uses (that were subject of previous approved planning applications) (**Plans A-2 and A-6**). The proposed residential development is considered not incompatible with the surrounding context and would facilitate the gradual transformation of the area for residential use in the long run.

Environmental Considerations

- 10.4 It may not be possible to phase out all IBs within the “R(E)” zone in one go and there is a possibility that residential buildings might be redeveloped in the midst of IBs; thus it is vital to ensure through the planning application mechanism that effective mitigation measures would be implemented to resolve any possible I/R interface and environmental impacts in the vicinity. The EA submitted by the applicant indicates that there are no polluting industrial uses identified within the IBs in the vicinity and it demonstrates that with the proposed mitigation measures including setback from Yuk Yat Street and raised residential floor as detailed in paragraph 2(i) above, no insurmountable environment problems with respect to air quality, noise, waste, sewerage and land contamination are anticipated. DEP has no objection to the application from environmental planning perspective but suggests imposition of relevant approval conditions in paragraph 11.2 below should the Board approve the application.

Urban Design and Air Ventilation Aspects

- 10.5 The Site would be redeveloped with a BH within the statutory restriction of 100mPD, as such, CTP/UD&L, PlanD advises that it is unlikely that the proposed redevelopment will induce any significant visual impact. The applicant has proposed various measures for improving air ventilation and visual permeability including setbacks at Yuk Yat Street and back lane, and void at G/F to 2/F as detailed in paragraphs and 2(e) and (f) above. Given the small site area and elongated site configuration, further setback along the eastern and western boundaries are considered infeasible, CTP/UD&L, PlanD has no adverse comments on the proposed design scheme .

Other Technical Aspects

- 10.6 The TIA as submitted reveals that the proposed redevelopment will not induce significant traffic impact on the surrounding road network and is considered acceptable from traffic engineering point of view. The proposed development would provide parking spaces according to the upper bound requirement under the HKPSG. C for T has no adverse comment on the application from traffic engineering perspective.
- 10.7 Private open space would be provided in accordance with the requirement under HKPSG

(i.e. not less than 1m² per person). SC of greenery of about 20% of the site area generally complies with the requirement under SBDG. CTP/UD&L has no adverse comment on landscape planning perspective. The other relevant Government departments including FSD, EMSD, BD and WSD, and DSD have no adverse comment on/no objection to the application, subject to incorporation of approval condition on sewerage aspect in paragraph 11.2 below.

Similar applications

- 10.8 The Committee had previously approved four similar applications for residential development within “R(E)” zone in Ma Tau Kok (**Plan A-2** and **Appendix II**) on grounds mentioned in paragraph 5 above that are applicable to the subject application. Approval of the application is in line with the previous decision of the Committee on other similar applications in “R(E)” zone.

Public Comments

- 10.9 Regarding the public comments on air ventilation and private open space, the assessments above are relevant. Setbacks from Yuk Yat Street and the back lane, and voids from G/F to 2/F would be incorporated in the Scheme and the relevant government departments has no adverse comment. As for the concern of Towngas Ltd. about the existing towngas pipeline, DEMS advises that QRA is not required in support of the planning application and he has no adverse comment on the application in this regard.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments as mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 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 submission of a revised Noise Impact Assessment and the implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (b) 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 application site to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of revised Sewerage Impact Assessment to the satisfaction of Director of Environmental Protection or of the Town Planning Board;

- (d) the implementation of the local sewerage upgrading works identified in the revised Sewerage Impact Assessment under (c) to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the design and 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.

Advisory Clauses

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

11.4 There is no strong planning reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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

13. Attachments

Appendix I	Application form received on 15.5.2020
Appendix Ia	Supplementary planning statement received on 15.5.2020
Appendix Ib	First FI vide letters received on 29.6.2020 and 30.6.2020
Appendix Ic	Second FI vide letter received on 31.8.2020
Appendix Id	Third FI vide letter received on 28.9.2020
Appendix Ie	Fourth FI vide letter received on 8.10.2020
Appendix II	Similar applications within “Residential (Group E)” zone in Ma Tau Kok OZP
Appendices III(a) to (e)	Public comments received during the statutory publication periods
Appendices IV	Recommended Advisory Clauses
Drawings A-1 –A-3	Floor plans
Drawing A-4	Compliance with SBDG
Drawing A-5	Section plan
Drawing A-6	Perspective
Plan A-1	Location Plan on Outline Zoning Plan
Plan A-2	Location Plan with Similar applications
Plan A-3	Site Plan
Plan A-4	Land Use Pattern
Plans A-5 and A-6	Site Photos

PLANNING DEPARTMENT
December 2020