

MPC Paper No. A/K10/267  
For Consideration by  
the Metro Planning Committee  
on 8.1.2021

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

**APPLICATION NO. A/K10/267**

- Applicant** : Utmost Sound Limited represented by Kenneth To & Associates Limited
- Site** : 21-31 Sheung Heung Road (odd numbers), To Kwa Wan, Kowloon
- Site Area** : About 845.418m<sup>2</sup>
- Lease** : Kowloon Inland Lots (KILs) 7688, 7689, 7690, 6617, 7691 and 7692 (“the Lot”)  
(a) Use of the Lots restricted to industrial excluding offensive trades; and  
(b) Subject to mutual right-of-ways over the portions of the common staircase and landings within KILs 7688 & 7689, KILs 7690 & 6617 and KILs 7691 & 7692 respectively
- 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 120 meters above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater]
- Application** : Proposed Flat, Shop and Services and Eating Place

**1. The Proposal**

- 1.1 The applicant seeks planning permission to redevelop three existing 5-storey industrial buildings (IBs) into a 30-storey residential building (including two levels of basement car park) providing 201 flats, with shops (for ‘shop and services’ and ‘eating place’ uses)(the Scheme) at 21-31 Sheung Heung Road (odd numbers), 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’, ‘Shop and Services’ and ‘Eating

Place' uses require planning permission from the Town Planning Board (the Board).

- 1.2 The applicant proposes landscape gardens at the outdoor platform at 2/F and 3/F, and refuge floor cum sky garden at 16/F to enhance greenery and provide communal open spaces for residents and their visitors (**Drawings A-9 to A-11**). Edge planters with ornamental shrubs and groundcover are proposed along edges of the gardens. A total of 543m<sup>2</sup> of private open space will be provided, meeting the requirement under the Hong Kong Planning Standards and Guidelines (HKPSG) (i.e. 1m<sup>2</sup> per person). A glass canopy for weather protection for pedestrians is proposed along building frontages facing Kowloon City Road, Sheung Heung Road and Ha Heung road (**Drawings A-3 to A-4**).
- 1.3 Vehicular ingress/egress would be provided at Kowloon City Road at the western portion of the Site. A total of 25 car parking spaces, 4 motorcycle parking spaces and 3 loading/unloading (L/UL) bays would be provided at B2/F, B1/F and G/F (**Drawings A-1 to A-3**). Shops for 'shop and services' and 'eating place' uses, would be provided from G/F to 3/F (**Drawings A-4 to A-6**).
- 1.4 Floor and section plans submitted by the applicant are shown at **Drawings A-1 to A-8**. The major development parameters of the Scheme are summarized as follows:

<b>Development Parameters</b>	
Site Area	About 845.418m <sup>2</sup>
Plot Ratio (PR)	9
- Domestic	7.5
- Non-domestic	1.5
Gross Floor Area (GFA)	About 7,608.762m <sup>2</sup>
- Domestic	About 6,340.635m <sup>2</sup>
- Non-domestic	About 1,268.127m <sup>2</sup>
Site Coverage (SC)	
- Above 15m	Not more than 40%
- Below 15m	Not more than 100%
No. of Storeys	30 (including 2 basement and 1 refuge floors)
Building Height (at main roof level)	Not more than 120mPD
No. of Flats	201
Private Open Space (about)	About 543m <sup>2</sup> [a]
Greenery	Not less than 20% of Site Area [b]
Parking Spaces and L/UL Bays	
- Private Car	25 (including 1 no. for persons with disabilities)
- Motor-cycle	4
- L/UL bays	
• Light Goods Vehicle (LGV)	1
• Heavy Goods Vehicle (HGV)	2

Floor Uses	B2/F – B1/F:	Carpark and E&M Facilities
	G/F:	L/UL Area, Residential Lift Lobby and Shop
	1/F:	E&M Facilities Upper part of L/UL area and Shop
	2/F – 3/F:	E&M Facilities, Landscape Garden and Shop
	4/F:	E&M Facilities
	5/F:	Clubhouse
	6/F – 15/F:	Residential Units
	16/F:	Refuge floor cum Sky Garden
	17/F – 27/F:	Residential Units
Tentative Completion Year		2023

Note:

- [a] Provision of private open space of not less than 1m<sup>2</sup> per person in accordance with the HKPSG.
- [b] Provision of greenery is voluntary as no green coverage is required for site area less than 1,000m<sup>2</sup> according to the Sustainable Building Design Guidelines (SBDG).

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

- (a) Application form received on 10.8.2020 **(Appendix I)**
- (b) Letters from the applicant dated 29.6.2020 and 27.7.2020 received on 10.8.2020 enclosing Supporting Planning Statement with architectural drawings, landscape proposal, Traffic Impact Assessment (TIA) and Environmental Assessment (EA), as well as a clarification letter clarifying the areas for ‘Shop’ on G/F to 3/F **(Appendix Ia)**
- (c) Letter from the applicant received on 24.9.2020 providing further information (FI) including responses to departmental comments (RtoC), revised floor plans and updated TIA [1<sup>st</sup> FI] **(Appendix Ib)**  
*(not exempted from publication and recounting requirements)*
- (d) Letter from the applicant received on 11.11.2020 providing FI including responses to departmental and public comments, revised Air Quality Impact Assessment (AQIA), Sewerage Impact Assessment **(Appendix Ic)**

(SIA) and TIA [2<sup>nd</sup> FI]  
(*not exempted from publication and recounting requirements*)

- (e) Letters from the applicant received on 22.12.2020 and 23.12.2020 providing FI including RtoC, revised EA, as well as clarification letter clarifying the proposed uses on B2/F to 5/F [3<sup>rd</sup> FI] (*exempted from publication and recounting requirements*) **(Appendix Id)**

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in section 4 of the Supporting Planning Statement in **Appendix Ia**. They are summarized as follows:

### In-line with planning intention of the “R(E)” zone

- (a) The proposed redevelopment into residential use is in-line with the planning intention of the “R(E)” zone to phase out the non-conforming and obsolete industrial uses.

### In-line with government’s policy for increasing housing land supply

- (b) The proposed redevelopment will contribute to the immediate provision of developable land for 201 units to meet housing land supply.

### Catalysing the phase-out of industrial use

- (c) Together with other industrial buildings, the Site has been rezoned “R(E)” since 1999; nonetheless, the phase-out process in the “R(E)” zone has been slow. The proposal will act as a catalyst to induce similar redevelopments of nearby industrial buildings.

### No Industrial/Residential (“I/R”) interface problem

- (d) The EA demonstrated that the proposed redevelopment will not be subject to any I/R interface problem in terms of noise and air quality aspects. On-site noise measurement and modelling results showed that future occupants would not be adversely affected by the identified industrial noise sources in the vicinity. In addition, there is no odorous smell or any other kind of emission observed at the Site and in the immediate surrounding.

### Appropriate mix of uses to enhance vibrancy

- (e) To Kwa Wan (TKW) area is undergoing urban regeneration with numerous redevelopments for residential uses. The proposed 'Shop and Services' and 'Eating Place' at the Site would offer retail facilities and/or restaurants to the residents and workers within the neighbourhood. This brings diversity in land uses and offers opportunities for on-street pedestrian activities to enhance the robustness and vibrancy of the area.

#### The Site is suitable for residential development

- (f) Mitigation measures are proposed as recommended in the EA (**Appendix Id**). Setbacks of 5m to 20m-wide between the kerbside of East Kowloon Corridor ("EKC"), Kowloon City Road, Sheung Heung Road and Ha Heung Road and the residential tower are proposed as an environmental mitigation measure in accordance with the recommended buffer distance under the HKPSG. For portions of residential flats falling within the air buffer distance, no fresh air intakes or openable window will be designed therein (**Drawing A-7**). Other noise mitigation measures including acoustic windows (baffle type), architectural fins covered with sound absorptive materials, and fixed glazing with maintenance window at strategic locations would be adopted to further mitigate the traffic noise impact.
- (g) The proposed redevelopment scheme is formulated in accordance with the maximum building height as stipulated under the OZP of not more than 120mPD and it will be compatible with the surrounding residential developments and will not change the characteristics of the existing neighbourhood ambience.
- (h) The Site enjoys good accessibility and is well served by a number of franchised buses along Ma Tau Wai Road and To Kwa Wan Road. The development will also be well served by the planned TKW MTR Station which is only located within 210m / 3-minute walking distance from the Site.

#### Compliance with Sustainable Building Design Guidelines

- (i) No building separation at both low and high zone is required under the building separation requirement of PNAP APP-152 – Sustainable Building Design Guidelines ("APP-152 SBDG") and the building setback requirement has been complied with. As the site area is less than 1,000m<sup>2</sup>, there is no greening requirement for the Site; nonetheless, the applicant would still provide greenery on the landscape gardens to achieve not less than 20% of greenery coverage for the enjoyment of future users in the building as well as providing visual relief for the neighbourhood and public.

#### Technically feasible with no insurmountable impacts

- (j) The technical assessments submitted, including TIA, EA and SIA demonstrated that the application would not have adverse traffic, environmental and sewerage impact to the surrounding road network with appropriate mitigation works.

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

The Site comprises six private lots with a total of 12 “current land owners”. The applicant has obtained consents of 8 “current land owners” and 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 to obtain consent of the other land owners in the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Applications**

4.1 Under the current “R(E)” zoning, there is no previous planning application.

4.2 When the Site was zoned “Industrial” prior to the draft Ma Tau Kok OZP No. S/K10/10 which was gazetted on 3.12.1999, the Site was the subject of four premises-based planning applications (Nos. A/K10/34, A/K10/36, A/K10/40 and A/K10/43) (**Plan A-1**) for proposed uses such as showroom, office, retail shop, bank, etc. on the ground floor of IBs, considered by the Committee in 1987. While one application (No. A/K10/36) was approved and one (No. A/K10/34) was partially approved, the planning permissions are no longer valid.

5. **Similar Applications**

5.1 There are seven similar applications involving six sites (Nos. A/K10/178, A/K10/180, A/K10/181, A/K10/186, A/K10/209, A/K10/237 and A/K10/266) for proposed flat, shop and services uses within the “R(E)” zone in the Ma Tau Kok area (**Plan A-1**). All these seven applications 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)” 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)” zone. Details of these applications are at **Appendix II**.

5.2 For the permissions granted, two sites abutting Yuk Yat Street (involving four approved applications) had been redeveloped for approved residential/shop and services uses (including Application Nos. A/K10/209 and A/K10/237) and two permissions granted (A/K10/181 and A/K10/186) had lapsed (**Plan A-1**). Application No. A/K10/266 for proposed flat, eating place and/or shop and services uses was approved with conditions by the Committee on 4.12.2020 with

planning permission valid until 4.12.2024.

**6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4 and A-5)**

6.1 The Site is:

- (a) comprised of six industrial lots, with three existing 5-storey factory buildings completed in 1956;
- (b) abutting Ha Heung Road, Sheung Heung Road, Kowloon City Road and a back alley; and
- (c) well served by a variety of public transport services along Ma Tau Wai Road and To Kwa Wan Road, and is located at about 210m to the northeast of the planned TKW MTR Station (under construction with target commissioning in Q3/2021).

6.2 The surrounding areas have the following characteristics:

- (a) to the immediate north across the back alley is an IB On Lok Factory Building also zoned “R(E)”. According to the applicant’s EA, main uses identified within this IB include glass door/ mirror storage and packaging shop, as well as garages with no polluting industrial uses;
- (b) to the northeast across Ha Heung Road is an area zoned “Open Space” on the OZP, mainly occupied by the TKW Sports Centre and TKW Recreation Ground;
- (c) to the east of the Site along Sheung Heung Road are mainly industrial buildings, such as Ting Sun Plaza and Luen Fat Mansion also within “R(E)” zone. According to the applicant’s EA, garages and car accessories shop are identified within these IBs with no polluting industrial uses;
- (d) to the south across Sheung Heung Road is primarily a residential area zoned “Residential (Group A)” (“R(A)”); and
- (e) to the immediate west is Kowloon City Road and the elevated EKC. To the further west is mainly a residential area zoned “R(A)”

**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, 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 Departments**

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

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):
- (a) The Site involves a total of six lots, namely Kowloon Inland Lot (KILs) Nos. 7688, 7689, 7690, 6617, 7691 and 7692 (“the Lots”).
  - (b) The lease restricts, inter alia, the use of the Lots for industrial excluding offensive trades, subject to mutual right-of-ways over the portions of the common staircase and landings within KILs 7688 & 7689, KILs 7690 & 6617 and KILs 7691 & 7692 respectively. The proposed development comprising residential and shops and/or restaurants will constitute a breach of lease conditions governing the Lots.
  - (c) If the planning application is approved by the Board, all owner(s) of the Lots have to apply to LandsD for a lease modification/land exchange to implement the proposal. However, there is no guarantee that the application will be approved. Such application, if received, will be considered by LandsD acting in the capacity as a landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD.



### **Urban Design and Landscape**

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

##### Urban Design and Visual

- (a) As the proposed development would not exceed the maximum BH of 120mPD, accommodation of the proposed development would unlikely cause any significant visual impact to the surroundings.
- (b) According to the applicant's submission (**Appendix Ia**), it is noted that landscape garden at 2/F and 3/F and a sky garden at 16/F will be provided. Communal open spaces will also be provided at such locations. Shops and/or restaurants to be provided along Sheung Heung Road and Ha Heung Road will enhance street vibrancy and liveliness of the neighbourhood.
- (c) Noted that the applicant has proposed canopy along building frontages facing Kowloon City Road, Sheung Heung Road and Ha Heung Road (**Appendix Ib**), in response to his advisory comments to provide weather protection measures for pedestrians along the façade of the building. He has no further comments from urban design and visual perspectives.

##### Landscape

- (d) The Site is located in an area of non-landscape sensitive zoning of urban landscape character dominated by medium to high-rise residential buildings. No existing tree is observed within the application boundary. Adverse landscape impact caused by the proposed development is not anticipated. Hence, he has no objection to the application from landscape planning perspective.
- (e) Regarding the public comments on the design and accessibility of the landscape garden, he has no adverse comments on the applicant's proposed private open space / landscape treatment for the development.

### **Environment**

#### 8.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) Having reviewed the applicant's responses and the revised EA at **Appendix Id**, 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.

### **Traffic**

#### 8.1.4 Comments of the Commissioner for Transport (C for T):

The TIA included assessments of junction capacity, car lift analysis, and proposals for internal transport facilities and vehicular access. Having reviewed the revised TIA and RtoC (**Appendix Ib** and **Ic**), he has no adverse comments on the application from traffic engineering viewpoint subject to implementation of the proposed “KEEP CLEAR” road marking at the proposed vehicular access at Kowloon City Road by the applicant.

### **Fire Safety**

#### 8.1.5 Comments of the Director of Fire Services (D of FS):

- (a) No in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of the D of FS.
- (b) Emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department.
- (c) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

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

- (a) No in-principle objection to the application.

- (b) All proposed building works should comply with the Buildings Ordinance (BO).
- (c) It is noted that the Scheme is subject to further refinement when details are firmed up. His detail comments on the development potential of the proposal under the BO can only be formulated at the plan approval stage under the building regime.

### **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 the following:
  - (i) There are three intermediate pressure underground gas transmission pipelines running along Sheung Heung Road in the close vicinity of the Site. The future developer/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited 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" (2<sup>nd</sup> 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.

### **Drainage**

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

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

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

- (a) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);

- (b) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD);
- (c) Commissioner of Police (C of P); and
- (d) District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD).

## **9. Public Comments Received During Statutory Publication Periods**

The application, the first FI and the second FI (**Appendices Ib** and **Ic**) were published for public inspection between 18.8.2020 and 8.12.2020. Within the three statutory public inspection periods, a total of seven comments submitted by the Towngas Ltd. (**Appendix III(a)**), a Kowloon City District Council member (**Appendix III(b)**) and other individuals (**Appendix III(c)**) were received. The Towngas Ltd. raised concerns that the proposed development will be in close vicinity to an existing 500mm Intermediate Pressure B Natural gas and 600mm Intermediate Pressure B Towngas pipeline. As such, 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. A Kowloon City District Council member commented on the design and accessibility of the landscape gardens. Other individuals commented on the application mainly on poor ventilation of the flats, traffic impacts, poor air quality on streets, problematic design of the private open space, more time needed for affected existing businesses to relocate, redevelopment in a wider area of TKW should be carried out, flooding problem in the area and noise impact on the nearby schools<sup>1</sup>.

## **10. Planning Considerations and Assessments**

### The Proposal

- 10.1 The application is for proposed redevelopment at the Site into a 30-storey development (including 2 levels of basement carpark) with 'Flat', 'Shop and Services' and 'Eating Place' uses, which require planning permission in the "R(E)" zone. The Site, providing 201 flats, would be developed with a domestic/total PR not exceeding 7.5/9 and a BH of 120mPD.

### 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 for residential use. The proposed development would be developed to domestic/total PR not exceeding 7.5/9 and a maximum BH of 120mPD, which do not exceed the statutory restrictions under the OZP.

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<sup>1</sup> A comment submitted by member of the general public suggested changing the metered goods vehicle parking spaces in Sheung Heung Road to private car parking spaces, which is not directly relevant to the application.

### Land Use Compatibility

- 10.3 The larger areas in the vicinity of the Site are predominantly residential. To the south of the Site across Sheung Heung Road and west across Kowloon City Road are largely residential developments with commercial/retail uses on the lower floor(s). For lots along Sheung Heung Road, there are residential developments with 'shop and services' uses and IBs in "R(E)" zone (**Plan A-3**). 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 within smaller cluster of IBs. The potential I/R interface issues between the proposed development and nearby industrial uses have been assessed by the applicant in the EA. Result of the EA indicated that polluting industrial uses are not identified in the surrounding IBs, the proposed development is not subject to I/R interface in terms of fixed noise and air quality aspects. It is also demonstrated in the EA that with the recommended mitigation measures including building setback, acoustic windows, architectural fin, etc., as well as sewer upgrading works, no insurmountable environmental problems with respect to traffic noise and sewerage are anticipated. DEP has no objection to the application from environmental planning perspective but suggests imposition of relevant approval conditions on noise impact, land contamination and sewerage aspects in paragraph 11.2 below.

### Urban Design/ Visual and Landscape Aspects

- 10.5 The Site would be redeveloped with a BH within the statutory restriction of 120mPD, as such, CTP/UD&L, PlanD advises that it is unlikely that the proposed redevelopment will induce any significant visual impact. The Scheme has proposed various measures to improve visual quality and street vibrancy, including tower setback, landscaping at 2/F, 3/F and 16/F, as well as shops and/or restaurants at ground and lower levels. To enhance pedestrian walking experience, glass canopy along the building edges is proposed to provide weather protection for pedestrians. CTP/UD&L, PlanD has no objection to the application from urban design and visual perspectives.
- 10.6 The proposed development would provide landscape/sky gardens at 2/F, 3/F and 16/F achieving a total greening ratio of not less 20% of the site area, despite there is no greening requirement for the Site with an area less than 1,000m<sup>2</sup> under SBDG. Moreover, about 543m<sup>2</sup> of private open space would be provided in accordance with the requirement under HKPSG (i.e. not less than 1m<sup>2</sup> per person) catering for the active and passive recreational needs of the residents. CTP/UD&L has no objection to the application from landscape planning perspective.

### Other Technical Aspects

- 10.7 On traffic aspect, the TIA submitted by the applicant demonstrated that the proposed development would not result in adverse traffic impact to the surrounding road network. The proposed provision of parking and loading/unloading facilities is in accordance with the high-end requirement under the prevailing HKPSG. C for T considered the application acceptable from traffic engineering point of view.
- 10.8 Other relevant Government departments including BD, FSD, EMSD, HyD, WSD and DSD have no adverse comment on/no objection to the application, subject to incorporation of relevant approval conditions as stated in paragraph 11.2 below.

### Similar Applications

- 10.9 The Committee had previously approved seven similar applications for residential development within “R(E)” zone in Ma Tau Kok (**Plan A-1** 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

- 10.10 Regarding the public comments on environmental, traffic, design of private landscape area and drainage aspects, the assessment above is relevant. As for the impact on existing business operators, the applicant has responded that the redevelopment would take about one to two year to complete the procedure of compulsory sale under the Land (Compulsory Sale for Redevelopment) Ordinance, and there would be sufficient time for the operators to relocate to other suitable places (**Appendix Ib**). As for the concern of Towngas Ltd. relating to 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 8.1.2025, 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 Land Contamination Assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of Director of Environmental Protection or of the Town Planning Board;
- (b) the submission of an updated 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;
- (c) the implementation of the local sewerage upgrading works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) 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.

#### Advisory Clauses

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

- 11.3 There is no strong planning reason to recommend objection 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**

<b>Appendix I</b>	Application form received on 10.8.2020
<b>Appendix Ia</b>	Supporting planning statement and clarification letter received on 10.8.2020
<b>Appendix Ib</b>	FI received on 24.9.2020
<b>Appendix Ic</b>	FI received on 11.11.2020
<b>Appendix Id</b>	FI received on 22.12.2020 and 23.12.2020
<b>Appendix II</b>	Similar applications within “Residential (Group E)” zone in Ma Tau Kok OZP
<b>Appendices III(a) to (c)</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-7</b>	Floor Plans
<b>Drawings A-8</b>	Section Plan
<b>Drawings A-9 to A-11</b>	Landscape Master Plans
<b>Plan A-1</b>	Location Plan
<b>Plans A-2 to A-3</b>	Site Plans
<b>Plans A-4 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2021**