

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/793

- Applicant** : Able Luck Development Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 77 Hoi Yuen Road, Kwun Tong, Kowloon
- Site Area** : About 1,858.05m²
- Lease** : (a) Kun Tong Inland Lot (KTIL) No. 15 (the Lot)
(b) Restricted to industrial purposes excluding offensive trades
- Plan** : Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/22
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 200 meters above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater
(b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR/BH restrictions stated in the Notes of the OZP may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance (the Ordinance)
- Application** : Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Non-polluting Industrial Use (Excluding Industrial Undertakings Involving the Use/Storage of Dangerous Goods)

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) at 77 Hoi Yuen Road (the Site), which is zoned “OU(B)” on the approved Kwun Tong (South) OZP No. S/K14S/22 (**Plan A-1**). The proposed minor relaxation of PR restriction is to facilitate the redevelopment of the existing 15-storey industrial building (IB) constructed before 1987 (pre-1987 IB)^[1] into a 41-storey IB (including 2 levels of basement carpark) for ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ use (the Proposed Scheme) which is always permitted under Schedule II for IB or Industrial-Office (I-O) buildings for “OU(B)” zone.
- 1.2 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in-line with the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise

^[1] The Occupation Permit (OP) for the subject IB was issued in 1978.

redevelopment of pre-1987 IBs by allowing the relaxation of maximum permissible non-domestic PR by up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 3.1 below for details).

- 1.3 With reference to the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), for the purpose of footpath/carriageway widening and amenity/streetscape enhancement, the Proposed Scheme has incorporated 4m full-height building setback from the Lot boundary abutting Hoi Yuen Road (**Drawings A-1 and A-7**) in accordance with the setback requirements under the said ODP. Additional voluntary setback by 1m at G/F and 4.3m at 1/F and above at façade abutting Hoi Yuen Road is proposed. A canopy for pedestrian weather protection (2.19m-wide) is proposed at full street frontage along Hoi Yuen Road ^[2] (**Drawings A-2, A-7 and A-8**). Greenery provision including vertical greenings (VGs) and plantings at building edges on G/F to 5/F facing Hoi Yuen Road, podium garden on 2/F, and a sky garden on 21/F would be provided (**Drawings A-7 and A-8**). Vehicular ingress/egress is proposed at Hoi Yuen Road.
- 1.4 Floor and section plans, photomontages and street-level perspectives submitted by the applicant are shown at **Drawings A-1 to A-8**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 1858.05m ²
Proposed Use	‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use / storage of dangerous goods)
PR	About 14.4
Gross Floor Area (GFA) ^(#)	About 26,755.92m ²
BH (at main roof level)	200mPD
Maximum Site Coverage (SC) <ul style="list-style-type: none"> • Podium (below 15m) • Tower 	Not more than 94% Not more than 60% ^(#)
No. of Storeys <ul style="list-style-type: none"> • Aboveground • Basement 	41 39 2
Greenery	About 28.7% (at primary zone) ^[1]
Parking and loading/ unloading (L/UL Facilities) <ul style="list-style-type: none"> • Car Parking Spaces • Motorcycle Parking Spaces • L/UL Bay for LGV • L/UL Bay for HGV 	46 (incl. 1 accessible parking) 5 13 8

^[2] Design of canopy is subject to departmental comments at detailed design stage.

Major Development Parameters	Proposed Scheme
Setback • Hoi Yuen Road	4m full-height (*) + voluntary setback of 1m at G/F and 4.3m at 1/F and above

Note:

(#) The applicant has indicated that bonus PR of about 0.328 (equivalent to a GFA of about 610m²) and bonus SC of 0.503% will be claimed for the setback area to be surrendered to the Government subject to approval by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(2). Any bonus PR/GFA/SC that may be approved by the BA have not been reflected in the above.

(^) Landscape planting area above primary zone that would be under cover have not been taken into account.

(*) Full-height building setback required for the Site as per the adopted ODP

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

- (a) Application form received on 18.8.2020 **(Appendix I)**
- (b) Supporting Planning Statement enclosing conceptual architectural drawings, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) received on 18.8.2020. **(Appendix Ia)**
- (c) First further information (FI) vide letters received on 5.10.2020 enclosing responses to departmental comments, revised floor plans, revised TIA and SIA. **(Appendix Ib)**
[Accepted but not exempted from publication and recounting requirements]
- (d) Second FI vide letters received on 16.10.2020 enclosing responses to departmental comments and public comments. **(Appendix Ic)**
- (e) Third FI vide letter received on 25.11.2020 and emails received on 27.11.2020 enclosing response to departmental comments, additional planning and design merit, revised floor plans and sections, and replacement pages for TIA and SIA. **(Appendix Id)**
- (f) Fourth FI vide letters received on 30.11.2020 clarifying the dimension of the void at 2/F to 5/F. **(Appendix Ie)**

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in the Supporting Planning Statement and the FIs at **Appendices Ia to Id**, and summarized as follows:

In-line with the Government Policy on Revitalisation Scheme for IBs

2.1 The proposed minor relaxation of PR restriction of the Site by 20% echoes with the PA 2018 to revitalise the existing pre-1987 IBs to provide more floor area to meet

the social and economic needs and making better use of the valuable land resources.

Aligns with the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessment)

- 2.2 The Proposed Scheme is in line with the findings of the 2014 Area Assessment and meets the increasing demand observed in the “OU(B)” zone in Kwun Tong. Redevelopment to a new IB at the Site would facilitate the transformation of KTBA, which is characterised by a mix of industrial and business uses as a result of rapid transformation from traditional industrial uses. The Proposed Scheme will further enable a wide range of non-polluting industrial uses to be accommodated as a response to the genuine demand of such uses.

In-line with the Planning Intention

- 2.3 The Proposed Scheme is in line with the planning intention of the “OU(B)” zone, which is intended primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. The use of the proposed development would cater for the need for non-polluting industrial use.

Planning and Design Merits of the Proposed Scheme

- 2.4 The Proposed Scheme will be developed within the BH restriction (BHR) of 200mPD; thus would provide additional industrial floor space while achieving planning and design merits without compromising the BH profile. The Proposed Scheme incorporates full-height setbacks of 4m at Hoi Yuen Road as required under the ODP, with additional voluntary aboveground setback to further contribute to the public realm and enhance pedestrian environment (**Drawing A-6**). Overall, an area of about 121.92m² (about 6.5% of the Site) will be surrendered to the Government. A canopy is proposed at the façade along Hoi Yuen Road for pedestrian weather protection, the design of the canopy will be subject to departmental comments at the detailed design stage.
- 2.5 Landscaping features at low levels of the Proposed Scheme are incorporated to enhance the pedestrian environment and the permeability of the proposed developments, namely VGs and periphery plantings on G/F to 5/F facing Hoi Yuen Road, podium garden on 2/F with an overall SC of greenery of about 28.7% at primary zone (**Drawings A-7 and A-8**). To echo with the ‘Back Alley Project @ Kowloon East’, VGs and feature walls are proposed on G/F facing the back alley (**Drawings A-7 and A-8**). The design of the podium garden with a large void (about 5m to 10m-wide) that extends upward from 2/F to 5/F will break down the building façade and provide a visual relief at pedestrian level among the continuous building frontage along Hoi Yuen Road. The podium garden also helps mitigate head island effect and improve microclimate of the surrounding concrete buildings while allowing wind penetration from Shing Yip Street. Both the podium garden (2/F) and sky garden (21/F) would be opened for tenants and visitors at reasonable hours.

Sustainable Building Design Guidelines (SBDG)

- 2.6 The key building design elements of SBDG are incorporated in the Proposed Scheme where applicable:

- (a) Building length – not applicable to the Site which is less than 2,000m² with continuous projected façade length less than 60m.
- (b) Building setback – No part of the building is within 7.5m from the centreline of Hoi Yuen Road to maintain a ventilation corridor.
- (a) SC of greenery – The Site is between 1,000m² and 2,000m², The Proposed Scheme will achieve a greenery area of about 28.7% of the Site, and are all within the primary zone, which exceeds the SBDG requirement^[3].

Green Building Design Features

2.7 Green building design elements will be incorporated, including green roof and podium garden on 2/F. The Proposed Scheme will adopt double glazing and low-E glass with low thermal conductivity and high light transmittance and low reflective glass to minimize glare. Overall, the glass used in the curtain wall system would comply with the requirement of the Overall Building (Energy Efficiency) Regulation. Furthermore, the proposed development would follow Building Energy Code for promoting energy efficiency.

Technical Aspects

2.8 Car parking and L/UL spaces would be provided to meet the ‘high-end’ requirement under the prevailing Hong Kong Planning Standards and Guidelines (HKPSG). The technical assessments submitted including TIA and SIA confirmed that the proposed development will generate no adverse impact to the surrounding environment.

3. Background

Policy Initiatives of Revitalisation of IBs

3.1 As set out in PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987^[4], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “R” zones in Main Urban Areas and New Towns into industrial/commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R⁵. The Board may

^[3] According to the PNAP APP-152, for site between 1,000m² and 2,000m², greenery areas of not less than 20% of the total site area will be required, of which 10% should be at primary zone. Landscape planting area above primary zone that would be under cover have not been taken into account.

^[4] Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their BPs first submitted to the BA for approval on or before the same date.

^[5] Under the Policy, any bonus floor area claimed under B(P)R 22(1) or (2) is not to be counted towards the proposed relaxation of PR restriction by 20% for redevelopment projects. The bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, but can only be considered by the BA upon formal submission of building plans (BPs).

approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.

- 3.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

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

The applicant is one of the “current land owner” of the Lot 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 notices published in local newspapers and notices posted in prominent positions on or near the Site. Detailed information would be deposited at the meeting for Members’ inspection.

5. Previous Application

There is no previous application in respect of the Site.

6. Similar Applications on Proposed Minor Relaxation of PR/BH Restrictions under IB Policy in KTBA

- 6.1 Since March 2019, the Committee has considered a total of 12 applications for minor relaxation of PR and/or BH in the KTBA relating to the Policy (**Plan A-1**), out of which 11 applications were approved with conditions and one (No. A/K14/764) was rejected mainly on the consideration that there was insufficient planning and design merits to support the proposed relaxation of BHR associated with the application^[6].
- 6.2 There were two similar applications for minor relaxation of PR only (namely Nos. A/K14/777 and A/K14/778 subject to BHRs of 160mPD and 100mPD^[7] respectively). In consideration of these two applications, the Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs and noted that relevant technical assessments were submitted to support the technical feasibility of their proposals and there was no adverse comment from relevant government departments. Another similar application in the vicinity

^[6] Application No. A/K14/764 applied for relaxation of BH by 30.2% from 100mPD to 130.2mPD was rejected by the Board. Another similar application No. A/K14/771 involving the same application site as A/K14/764, with less extent of increase in BH to 119.7mPD (+19.7%), was subsequently approved with conditions by the Board.

^[7] Application No. A/K14/778 involved minor relaxation in PR restriction from 12 to 14.4 with proposed BH within the statutory restriction of 100mPD. Under the approved scheme of A/K14/778, tower SC of 78% and 65% (subject to approval by the BA for flexibility in determining SC for full-height setback under PNAP APP-132) was adopted which was higher than that permissible under First Schedule of B(P)R of 60%; as such development with a PR of 14.4 would be accommodated within BHR of 100mPD.

of the Site within the BH band of 200mPD (No. A/K14/794) is being processed.

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

7.1 The Site is:

- (a) occupied by a 15-storey IB (about 50mPD), namely Yip Fat Factory Building Block 1, built in 1978;
- (b) bounded by Hoi Yuen Road to its southeast, an existing IB (Yip Fat Factory Building Block 2^[8]) to its southwest, an existing commercial/office (C/O) building (Crocodile Centre) to its northeast, and a back alley to its northwest; and
- (c) at about 100m to the southwest of the MTR Kwun Tong Station.

7.2 The surrounding areas have the following characteristics (Plans A-3 and A-4):

- (a) buildings along Hoi Yuen Road are mixed with IBs or industrial-office (I-O) buildings and C/O developments;
- (b) commercial and C/O developments can be found to the further southeast across Hoi Yuen Road, namely Kwun Tong Plaza, Legend Tower and Prosperity Place, and across back alley to the northwest is the APM Millennium City; and
- (c) two wholesale converted c/o developments, namely Wong Tze Building and Po Shau Centre are found to the further west.

8. Planning Intention

8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses (including clinic) are always permitted in new “business” buildings.

8.2 The ES of the OZP also stipulates that the setting back of buildings to cater for the future increase in traffic demand may also be required. The setback requirements are stipulated in the ODP (Plan A-2) and enforced through lease modification process when appropriate.

9. Comments from Relevant Government Departments

9.1 The following Government bureaux/departments (B/Ds) have been consulted and their views on the application are summarized as follows:

Policy Perspective

^[8] Yip Fat Factory Building Block 2 fall with KTIL No. 3 with an OP issued by the BA in 1978. According to the approved GBP, Yip Fat Factory Building Block 2 has its own vehicular access and parking and L/UL areas that are separated from the Site.

9.1.1 Comments of the Development Bureau (DEVB):

It is Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. He notes that the applicant intends to develop a new IB on the Site for non-polluting industrial uses. He is willing to provide policy support to the current application, on the clear understanding that the development proposal (if materialised) would help address the increasing long-run shortfall of industrial floor space in Hong Kong under the current projection, and subject to the applicant's compliance with all the technical requirements as examined by relevant departments.

9.1.2 Comments of the Director-General of Trade and Industry (DG of TI):

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

Land Administration

9.1.3 Comments of the District Lands Officer/Kowloon East and the Chief Estate Surveyor/Development Control, Lands Department (LandsD):

- (a) The premises fall within KTIL No. 15 which is restricted to industrial purposes excluding offensive trades.
- (b) The proposed redevelopment of the Lot for "non-polluting industrial" use in planning terms may include uses not permitted under the user restriction of the Lot. If the planning application is approved by the Board and in which the proposed use and/or any development parameters as approved by the Board contravene the lease conditions of the Lot, the lot owners have to apply jointly to LandsD for a lease modification. However, there is no guarantee that the lease modification application will be approved. Such application, if received by the 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 premium and administrative fee as may be imposed by the LandsD.
- (c) Under the Policy, the lease modification letter shall be executed within 3 years from the date of the Board's approval letter.

Traffic Aspect

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

Having review the FIs at **Appendix Ib** and **Id**, he has no adverse comment on the application. Should the application be approved by the Board, approval conditions on the submission of a revised TIA including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified

in the revised TIA, and the design of parking facilities, L/UL spaces and vehicular access for the proposed development is suggested.

Environmental Aspect

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

- (a) No objection to the application from environmental perspective. Insurmountable environmental impacts associated with the proposed development are not anticipated.
- (b) Based on the FIs (**Appendix Ib** and **Id**), the applicant has confirmed that central air conditioning system will be provided for the proposed development and will not rely on opened windows for ventilation. The fresh air intake point of the air conditioning system will also be properly located to meet the buffer distance requirement for vehicular emissions as stipulated in the HKPSG. Also, the applicant has confirmed that there is no chimney in the vicinity of the proposed development and the proposed development does not have any polluting industrial use.
- (c) Insurmountable sewerage impacts are not anticipated. Notwithstanding this, should the application be approved by the Board, approval conditions on the submission of a SIA to cater for any refinement in the flow distribution, flow estimation or connection point, and implementation of the local sewerage upgrading/sewerage connection works identified in the SIA are suggested.
- (d) The Site is occupied by an existing industrial building which is a potential land contamination land use. Nevertheless, the land contamination issue would unlikely insurmountable. Should the application be approved by the Board, approval condition on submission of land contamination assessment and implementation of the remediation measures identified therein prior to development of the Site are suggested.
- (e) On waste management, the development proposal would involve demolition of the existing building built in 1960s and a large amount of construction and demolition (C&D) materials would be generated. The applicant is advised to properly implement measures for waste management of C&D materials and asbestos control.

9.1.6 Comments of the Chief Engineer/Mainland South, Drainage Services:

He has no adverse comment on the application and his technical comments on the SIA are detailed at **Appendix III**.

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) The Site is a single frontage lot facing Hoi Yuen Road within the KTBA.

While the floor-to-floor height of 4.965m for non-polluting industrial workshop floors is on the high side, the BH of the proposed development at 200mPD is in compliance with the BHR stipulated for the Site. Given the context, accommodation of the proposed development would unlikely cause any significant adverse visual impact to the surroundings.

- (b) The proposed development has incorporated 4m full height setback as per the ODP requirement and further aboveground setback (1m at G/F and 4.3m at 1/F and above) along Hoi Yuen Road, weather protection canopy, and landscape treatments including VGs and plantings from G/F to 5/F, a podium garden at 2/F and a sky garden at 21/F. These design measures may help improve the pedestrian environment and promote visual interest.
- (c) Given the surrounding context, the proposed development seems to be well-positioned to provide some active commercial uses on G/F and the low zone. In the Proposed Scheme, the first two floors of the proposed development are for light industrial workshop and L/UL area, which may fit the intended functionality of the proposed development but will not contribute much to the public realm/ pedestrian environment. Given that there is a wide range of permissible uses within the “OU(B)” zone that would help activate the street frontage, the applicant may consider future change of uses on the lower floors.

Landscape Aspect

- (d) With reference to the aerial photo of 2019, the Site is located in an area of urban landscape character dominated by medium to high-rise industrial and commercial buildings. No existing tree is observed within the Site. Several sections of VGs are proposed on the façade from G/F to 5/F facing Hoi Yuen Road, and landscape treatments (including peripheral plantings, podium garden and sky garden etc.) are proposed from G/F to 5/F and on 21/F. Adverse landscape impact caused by the proposed minor relaxation is not anticipated. As such, he has no objection to the application from landscape perspective.
- (e) His other technical comments on the landscape proposal are detailed at **Appendix III**.

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

The proposed development consists of one tower block with a height of 200mPD which complies with the BHR permitted in the OZP and may not be incompatible with adjacent developments with BHR of 200mPD. He has no comment from architectural and visual impact point of view.

Pedestrian Accessibility and Walkability

9.1.9 Comments of the Head of Energizing Kowloon East Office (Head of EKEO), DEVB:

On improvements to the pedestrian environment, the applicant states that the proposed development would provide a 4m full-height building setback along Hoi Yuen Road which complies with requirement stipulated under the ODP (**Plan A-2**). Voluntary 1m setback at pedestrian level along Hoi Yuen Road is proposed to form a total setback area with width of 5m. It is also noted that the landscape treatments including VGs and edge plantings are incorporated as design merits benefiting the public.

Building Matters

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

- (a) No objection in-principle to the application.
- (b) The proposed surrender of setback area at G/F in return for bonus PR and bonus SC are subject to the acceptance of the BA and relevant government departments in building plan submission stage.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Director of Fire Services
- (d) Commissioner of Police; and
- (e) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

10.1 The application and the first FI (**Appendix Ib**) were published for public inspection on 25.8.2020 and 13.10.2020. Within the two statutory public inspection periods, a total of nine public comments are received, with 5 supporting and 4 objecting comments, and are summarised below.

10.2 For the five supporting comments, two are from a member of the Kwun Tong Centre Area Committee (KTCA) of the Kwun Tong District Council (KTDC) (**Appendices IV(a)** and **(b)**), two from the Incorporated Owners' Cooperation of the Good Year Industrial Building to the further southwest of the Site (**Appendices IV(c)** and **(d)**) and one from an individual (**Appendix IV(e)**). The supporting comments are on the grounds that the proposed redevelopment is in line with the government's initiatives to develop Kowloon East with diversified uses and to improve the environment; and the safety issues in old buildings could be resolved by redevelopment.

10.3 Among the four objecting comments, one from another member of the KTCA of KTDC (**Appendix IV(f)**), one from an individual (**Appendix IV(g)**) and two from one of the owners of the subject IB (**Appendices IV(h)** and **(i)**). The objecting comments from the member of the KTCA of KTDC and the individual are mainly on the grounds that the proposed minor relaxation of PR restriction would induce adverse impacts on air ventilation, sunlight penetration, glare and traffic aspects; the general inadequacy in provision of open space in KTBA; the lack of road side tree planting nor shading along public road; the concerns on the effectiveness and

sustainability of the proposed greenery; and minor relaxation of PR up to 20% would affect the integrity of such restriction as imposed on the OZP, thus assessments on cumulative impacts should be conducted.

- 10.4 The other lot owner objected the application mainly on the grounds that the applicant has failed to comply with or satisfy the requirements set out under TPB PG-No.31A in obtaining the consent of or notifying the other current land owners; approval of the application would affect the on-going legal proceedings with the Applicant in respect of the Site; there is no demand for new industrial uses in the KTBA; and that wholesale conversion for C/O development, rather than redevelopment to industrial use, would be more appropriate from valuation, waste reduction, heritage, energy efficiency perspective. The proposed redevelopment would induce adverse infrastructural, environmental and traffic impacts, which were underestimated in the submitted SIA and TIA. The typical floor-to-floor height is unusually high compared with other new IBs in the territories and no Visual Impact Assessment (VIA) or Air Ventilation Assessment (AVA) have been submitted by the applicant to demonstrate the proposed development would not cause adverse visual and air ventilation impacts to the surrounding area.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) for a proposed 41-storey (including 2 levels of basement car parks) development for permitted 'Non-polluting Industrial' use (excluding industrial undertakings involving the use/ storage of Dangerous Goods) at the Site zoned "OU(B)". The proposed development is generally in line with the planning intention of the "OU(B)" zone, which is primarily for general business uses, including non-polluting industrial uses. The proposed BH of 200mPD complies with the BHR under the OZP.

Policy Aspect

- 11.2 The Site is occupied by an IB with the OP issued in 1978 which can be regarded as an eligible pre-1987 IB under government's policy on revitalising IBs. Noting that the applicant intends to develop a new IB on the Site for non-polluting industrial uses, DEVB is willing to provide policy support to the application, on clear understanding that the development proposal (if materialised) would help address the increasing long-run shortfall of industrial floor space in Hong Kong under the current projection, and subject to the applicant's compliance with all the technical requirements as examined by relevant departments.
- 11.3 According to the 2014 Area Assessment, the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses. In this regard, DG of TI has no objection to the application given that it would put the Site into optimal use to provide more industrial space.

Technical Aspect

- 11.4 The proposed minor relaxation of PR restriction generally follows the Policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the Proposed Scheme. The submitted TIA (**Appendices Ia to Id**) reveals that the increase in traffic arising from the minor relaxation of PR would be minimal and has no adverse impact on the

surrounding road network and pedestrian walking conditions. The applicant has also proposed to provide car parking spaces and L/UL bays as per the high-end requirements under the prevailing HKPSG. C for T has no in-principle objection and recommends approval conditions in paragraph 12.2 below. The other relevant Government departments including FSD, EPD and DSD have no adverse comments on the application, subject to incorporation of appropriate approval conditions on land contamination and sewerage aspects in paragraph 12.2 below.

Planning and Design Merits

- 11.5 The Site abuts Hoi Yuen Road which is a key pedestrian corridor connecting to the Kwun Tong MTR station. Various measures are proposed to enhance the pedestrian environment along Hoi Yuen Road, namely, provision of full-height building setback of 4m from the lot boundary as required under the ODP and additional voluntary 1m G/F setback (i.e. a total setback of 5m at pedestrian level) for wider footpath with weather protection canopy at the façade along Hoi Yuen Road. The back alley concerned is identified as part of EKEO's 'Back Alley Project @ Kowloon East', VGs and feature walls are incorporated at the façade facing back alley to enhance its attractiveness. To improve the permeability of the building, the podium garden at 2/F will be integrated with the large void extending from 2/F to 5/F. Apart from the podium garden, other greening features including VGs and plantings from G/F to 5/F are proposed, which will achieve a SC of greenery of about 28.7% at primary zone. CTP/UD&L, PlanD advises that these design measures may help improve the pedestrian environment and promote visual interest. The podium garden at 2/F and the sky garden at 21/F would be opened to the tenants and future workers therein at reasonable hours.
- 11.6 While the proposed floor-to-floor height of 4.965m appears to be on the high side as compared with other new IB redevelopments and approved similar applications in KTBA (about 4.04m to 4.1m), and with no particular operational/ functional justification. The applicant indicates that a SC of 60% has been adopted which is the maximum permissible under the B(P)R. Nevertheless, the development would be within the statutory BHR of 200mPD. Both CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment from visual impact point of view.
- 11.7 On the sustainability building design aspect, key building design elements of SBDG on building separation and building setback are not applicable to the Site. SC of greenery of 28.7% have been incorporated in the Proposed Scheme, which is above the minimum requirement.

Public Comments

- 11.8 Nine public comments were received, amongst them, the 5 supportive comments are noted. Regarding the objecting comments from one of the owners of the Lot, the applicant has complied with the requirements as set out in the TPB PG-No. 31A by publishing newspaper notices and posting site notices. The legal dispute between the applicant and other owner(s) of the Lot are not relevant for consideration of the current planning application, and whether the Site should be redeveloped or wholesale-converted for other uses are commercial decision on the applicant. Regarding the public comments on traffic, sewerage, drainage, visual impact and landscape provision, the assessments above are relevant. The existing IB is neither a Graded building nor an item pending grading by the Antiquities Advisory Board, no adverse impact on heritage/conversation aspect is anticipated. As for the

projected demand for industrial uses, DEVB and DG of TI commented that the current application would provide more industrial space and help address the increasing long-term shortfall of industrial floor space in Hong Kong under the current projection. For the concern on the local open space provision, there is an overall surplus in planned local open space in the planning area, which should be sufficient to cater for the demand of workers in KTBA as well. Regarding the view on conducting comprehensive assessments on cumulative impacts of similar applications under the Policy, application for minor relaxation of PR in relation to the Policy is subject to the applicants' demonstration of technical feasibility, taking into account the approved similar applications, and would be considered by the Board based on its individual merits.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 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 Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the local sewerage upgrading/ sewerage connection identified in the revised Sewerage Impact Assessment in condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of land contamination assessment 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;
- (d) the submission of a revised Traffic Impact Assessment and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (e) the design of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory clauses

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

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

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 18.8.2020
Appendix Ia	Supporting planning statement received on 18.8.2020
Appendix Ib	First FI vide letters received on 5.10.2020
Appendix Ic	Second FI vide letters received on 16.10.2020
Appendix Id	Third FI vide letter received on 25.11.2020 and email received on 27.11.2020
Appendix Ie	Fourth FI vide letters received on 30.11.2020
Appendix II	Similar applications
Appendix III	Other technical comments from Government departments
Appendices IV(a) to IV(i)	Public comments received during the statutory publication periods
Appendix V	Recommended advisory clauses
Drawings A-1 to A-6	Proposed floor plans and diagrammatic section submitted by the applicant
Drawing A-7	Proposed diagrammatic section showing the planning merits submitted by the applicant
Drawing A-8	Photomontages submitted by the applicant
Plans A-1 and A-2	Location plans on Outline Zoning Plan and Outline Development Plan
Plan A-3	Site plan
Plan A-4	Height of existing buildings in KTBA
Plans A-5 and A-6	Site photos

**PLANNING DEPARTMENT
DECEMBER 2020**