

**APPLICATION FOR AMENDMENT OF PLAN**  
**UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. Y/K22/3**

<b><u>Applicant</u></b>	:	Worldy Limited represented by Kenneth To & Associates Limited
<b><u>Site</u></b>	:	Lucky Building, 3-5 San Ma Tau Street, Ma Tau Kok, Kowloon
<b><u>Site Area</u></b>	:	2,038.09 m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Kowloon Inland Lot No. 6367 s.A (a) for a term of 75 years renewable for 75 years commencing from 5.1.1953 (b) restricted to industrial purposes
<b><u>Plan</u></b>	:	Draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/5 (at the time of submission of application)  Approved Kai Tak OZP No. S/K22/6 (currently in force)
<b><u>Zonings</u></b>	:	(a) “Other Specified Uses” annotated “Tunnel Ventilation Shaft” (“OU(TVS)”) (88.6%) [restricted to a maximum building height (BH) of 45mPD.]  (b) “Government, Institution or Community” (“G/IC”) (11.4%) [restricted to a maximum BH of 15mPD.]  [no change to the subject “OU(TVS)” and “G/IC” zones under approved OZP]
<b><u>Proposed Amendment</u></b>	:	To rezone the application site from “OU(TVS)” and “G/IC” to “Commercial (9)” (“C(9)”)

**1. The Proposal**

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “OU(TVS)” and “G/IC” to “C(9)” on the approved Kai Tak OZP No. S/K22/6 to facilitate the redevelopment of an existing 11-storey industrial building (viz. Lucky Building) into a 23-storey office building (excluding two basement car park floors) with retail and dining facilities. The applicant proposes to adopt the schedule of uses in the “C” zone with amendments to ‘Remark (3)’ reflecting the development restrictions for “C(9)” zone including a maximum plot ratio (PR) of 12.0 and maximum site coverages (SCs) of 62.5% (15m or above) and 94% (below 15m)

(**Appendices 1a and 1d** and **Drawing Z-1**). The proposed BH restriction of 100mPD is to be stipulated on the Plan.

- 1.2 The Master Layout Plan (MLP), floor plans, section plans, Landscape Master Plan (LMP) and photomontages of the indicative scheme for a commercial development submitted by the applicant are shown in **Drawings Z-2 to Z-27**. The development parameters and floor uses of the proposed scheme are summarised as follows:

	<b>Proposed Development Parameters</b>
Site Area	2,038.09 m <sup>2</sup> (about)
- "OU(TVS)"	- 1,806.18 m <sup>2</sup> * (88.6%)
- "G/IC"	- 231.91 m <sup>2</sup> * (11.4%)
PR	12.0
Total Gross Floor Area (GFA)	not more than 24,457.08 m <sup>2</sup>
- Retail/Eating Place	- not more than 5,978.49 m <sup>2</sup> (24.44%)
- Office	- not more than 18,478.59 m <sup>2</sup> (75.56%)
SC	not more than 62.5% (15m or above) not more than 94% (below 15m)
BH (Main Roof)	not more than 100mPD
No. of Storeys	23 storeys (excluding two basement car park floors)
No. of Block	1
Car Parking and Loading/Unloading (L/UL) Spaces	
- Private Car Parking Spaces	118 (on B1/F and B2/F)
- Motorcycle Parking Spaces	11 (on G/F)
- L/UL Spaces for Light Goods Vehicles (LGV)	8 (on G/F)
- L/UL Spaces for Heavy Goods Vehicles (HGV)	4 (on G/F)
- Pick-up/Drop-off Spaces	2 (on B1/F)

\* Based on the Planning Department's data, the portions of the Site zoned "OU(TVS)" and "G/IC" are approximately 1,806.18 m<sup>2</sup> (88.6%) and 231.91 m<sup>2</sup> (11.4%) respectively (instead of 1,643.33 m<sup>2</sup> (80.6%) and 394.76 m<sup>2</sup> (19.4%) respectively as claimed by the applicant).

	<b>Proposed Floor Uses</b>
B1/F to B2/F	Car Parking Spaces
G/F	Retail/Dining Facilities, Entrance Lobby, L/UL Spaces for Goods Vehicles
1/F	Retail/Dining Facilities
2/F	Retail/Dining Facilities, Potential Pedestrian Connection Point to Future Kowloon City Ferry Pier (KCFP) Public Transport Interchange (PTI) Landscape Deck
3/F	Retail/Dining Facilities, Landscape Viewing Deck
4/F to 22/F	Office

- 1.3 The ingress/egress point of the proposed development is located at San Ma Tau Street at south-western corner of the Site (**Drawing Z-4**).

- 1.4 A footbridge connecting the future landscaped deck above the KCFP PTI (**Drawing Z-7**) is proposed at 2/F of the proposed development. The applicant will be responsible for the design, construction, maintenance and management of the proposed footbridge.
- 1.5 The proposed development will provide 1.5m-wide setback along the south-eastern boundary and 1m to 1.2m-wide setback along the south-western boundary (**Drawings Z-5 and Z-28**) with a view to strengthening and enhancing the connectivity between the Site, KCFP PTI and inner Ma Tau Kok area (**Drawing Z-29**). The applicant will be responsible for the management and maintenance of the setback and no bonus PR will be claimed.
- 1.6 The proposed development is tentatively scheduled for completion in 2024.
- 1.7 In support of the application, the applicant has submitted the following documents:
  - (a) Letter with Application Form received on 30.10.2017 (**Appendix I**)
  - (b) Supporting Planning Statement attached to the Application Form including MLP, landscape proposal, section plans, traffic impact assessment (TIA), environmental assessment (EA), air ventilation assessment (AVA), visual impact assessment (VIA) and sewerage impact assessment (SIA) (**Appendix Ia**)
  - (c) Supplementary Information dated 24.10.2017 clarifying the building height of the proposed development and replacement pages of application form (**Appendix Ib**)
  - (d) Letter dated 21.6.2018 providing responses to departmental comments, LMP, Preliminary Foundation and Structural Design Feasibility Study, supplementary information to TIA, and revised EA, SIA, VIA and section plans [FI(1)]\*\* (**Appendix Ic**)
  - (e) Letter dated 6.9.2018 providing responses to departmental comments, and revised EA, SIA and VIA [FI(2)]\*\* (**Appendix Id**)
  - (f) Letter dated 9.11.2018 providing a new quantitative risk assessment summary report, revised pages of Preliminary Foundation and Structural Design Feasibility Study, revised architectural drawings, revised TIA, SIA and revised pages of supporting planning statement [FI(3)]\*\* (**Appendix Ie**)
  - (g) Letter dated 27.12.2018 providing responses to departmental comments [FI(4)] (**Appendix If**)
  - (h) Letter dated 21.1.2019 providing responses to the comments of the Transport Department (TD) [FI(5)] (**Appendix Ig**)

*[\*\* Not exempted from publication and recounting requirements.]*
- 1.8 The Metro Planning Committee (the Committee) of the Town Planning Board (the Board) agreed on 26.1.2018 and 20.4.2018 to defer the consideration of the application for a total of four months as requested by the applicant. After receiving the FI from the applicant on 9.11.2018, 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 are detailed at **Appendices Ia to Ig**. They are summarised as follows:

- (a) The Site together with the adjoining Kapok Industrial Building are no longer required for the provision of ventilation shaft in support of the Central Kowloon Route (CKR). The intended use of the current “OU(TVS)” zone for the Site is no longer valid.
- (b) No reduction in “G/IC” area will be resulted. The inclusion of a small portion of the G/IC” zone into the Site is merely a discrepancy between the zoning boundary and the lot boundary.
- (c) The proposed development is in line with Government’s policy for maintaining a steady and adequate supply of office floor space for further strengthening Hong Kong’s position as the leading financial and business centre in the world as stated in the Hong Kong 2030+, the Policy Address 2017 and the 2017-2018 Budget. There are examples that industrial buildings have been converted for commercial/business and office uses in the nearby “R(E)” cluster across To Kwa Wan Road on the Ma Tau Kok OZP. The proposed development would complement the existing commercial uses in the area to create a synergy effect.
- (d) In view of the Kai Tak Development (KTD) and the revitalisation proposal for the existing KCFP PTI associated with the CKR, the redevelopment of two existing industrial buildings (viz. the subject Lucky Building at the Site and Kapok Industrial Building) into office use with retail/dining facilities would be a more efficient use of scarce land resources, as well as enhancing safety of the future users as the existing Lucky Building is an industrial building completed in the 1960s and it may not meet the prevailing building regulations and fire safety standards.
- (e) The proposed development, together with the beautification of the Ma Tau Kok waterfront proposals under the CKR project, will contribute to the revitalisation of the Ma Tau Kok area and the East Kowloon area. A Heritage Trail was proposed by the Kowloon City District Urban Renewal Forum (DURF) to connect different heritage attractions including Sung Wong Toi Park, Heritage Park and Lung Tsun Stone Bridge in the area. The proposed routing will pass through the Site along San Ma Tau Street, and the retail/dining facilities provided within the proposed development will enhance the experience of the visitors.
- (f) The proposed commercial development with retail/dining facilities is in-line with recommendations of DURF, which recommended that the PTI together with the two industrial buildings should be comprehensively reviewed to optimise the advantages and potential of the waterfront site.
- (g) The proposed scheme embraces the Harbour Vision Statement and the Harbour Planning Principles contributing to the making of an attractive, vibrant and accessible waterfront area for public enjoyment.
- (h) The scheme will improve connectivity between Kai Tak and inner To Kwa Wan / Ma Tau Kok area by providing setback of 1.5m along the south-eastern site boundary to allow widening of the existing informal pedestrian access; providing

setback 1m to 1.2m along the south-western boundary for widening the pedestrian footpath along San Ma Tau Street; and reserving area at 2/F of the proposed development for the future footbridge/pedestrian connection.

- (i) The scale and bulk of the proposed commercial development with building height of 100mPD is considered appropriate and no adverse visual impact will be resulted. The proposed building height is the same as or lower than the surrounding BH restrictions (i.e. 100mPD or 120mPD) imposed on the Ma Tau Kok OZP. The proposed maximum PR of 12.0 for the proposed “C(9)” zone is similar to that of other “C” zones in Ma Tau Kok, Ngau Tau Kok and Kowloon Bay.
- (j) The Site enjoys good accessibility from different parts of the territory as it is well served by various public transport modes. The KCFP PTI and KCFP are in close proximity to the Site, and there are numerous bus routes running along To Kwa Wan Road.
- (k) The current application is to seek the Board’s agreement on the appropriate land use zoning for the Site. The technical feasibility of having a 3rd level of basement for car park upon redevelopment as suggested by TD will be further explored at a later stage of development taking into account the alignment of CKR underneath the Site.
- (l) The proposed redevelopment will facilitate the phasing out of existing industrial use within a primarily residential neighbourhood intermingled with some industrial buildings within areas zoned “R(E)”<sup>1</sup> on the Ma Tau Kok OZP.
- (m) The proposed commercial use is compatible with the surrounding land uses of the locality which are mainly residential and commercial in nature, and may be even more compatible with the proposed revitalisation proposal at the KCFP PTI and the proposal for KCFP for commercial uses upon completion of the CKR project.
- (n) Technical assessments, including TIA, EA, AVA, VIA, SIA and QRA, have been conducted and the results indicated that the proposed development would not incur significant adverse traffic, environmental, air ventilation, visual, sewerage and town gas safety impacts on the surrounding areas.

### **3. Background**

#### *Zoning History*

- 3.1 The Site (Lucky Building) and the adjoining site (Kapok Industrial Building) were originally zoned “Industrial” (“I”) (subject to a maximum PR of 12.0) on the draft Ma Tau Kok OZP No. S/K10/7 gazetted on 24.12.1993. With the gazette of the draft Kai Tak (South) OZP No. S/K21/1 on 4.9.1998, an area along the waterfront (including the Site) was excised from the Ma Tau Kok OZP and included in the Kai Tak (South) planning scheme area. The Site was then rezoned to “Residential (Group A)” (“R(A)”) (subject to a maximum domestic PR of 6.5 and a total PR of

---

<sup>1</sup> The planning intention of the “R(E)” zone is to phase out existing industrial uses through redevelopment (or conversion) for residential use.

7.5 for partly domestic/non-domestic or wholly non-domestic buildings)<sup>2</sup>. The subject “OU(TVS)” zone (with an area of about 0.12 ha which was smaller than the one currently shown on the OZP) was first designated on the draft Kai Tak (South) OZP No. S/K21/2 on 24.8.2001. The “OU(TVS)” zone was to reserve the area for a tunnel ventilation shaft for the underground section of the CKR. Subsequently, the “OU(TVS)” zone was enlarged to the current size (about 0.25 ha) on the draft Kai Tak OZP No. S/K22/1 gazetted on 24.11.2006. The area and boundary of the “OU(TVS)” zone has remained unchanged since then.

- 3.2 In 2016, the Highways Department (HyD) confirmed that the “OU(TVS)” zone was no longer required for the reserved use given that the other proposed tunnel ventilation shaft at Kai Tak was already sufficient to serve the purpose.

*DURF*

- 3.3 Under the “Urban Renewal Plan for Kowloon City (URPKC)” prepared by DURF in 2014, it was considered that the two industrial buildings, i.e. Lucky Building and Kapok Industrial Building, together with the adjoining KCFP PTI would have potential for mixed commercial and residential development.
- 3.4 In connection with the construction of the CKR, the URPKC also proposed to revitalise the KCFP by opening up part of the pier for a viewing deck and transforming the area into a waterfront commercial and dining node.

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

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

**5. Previous Application**

There is no previous rezoning application in respect of the Site.

**6. Similar Application**

There is no similar application for amendment to the OZP within the “OU(TVS)” and “G/IC” zones of the OZP.

**7. The Site and Its Surrounding Areas (Plans Z-1 to Z4)**

7.1 The Site is:

- (a) located at the Ma Tau Kok waterfront area;
- (b) abutting San Ma Tau Street to its southwest;

---

<sup>2</sup> The adjoining site (Kapok Industrial Building) was then similarly excised from the Ma Tau Kok OZP and rezoned “R(A)”.

- (c) currently occupied by a 11-storey industrial building (i.e. Lucky Building) built in 1962, which is under single ownership with some warehouses and offices in operation; and
- (d) according to the applicant, the GFA of the existing Lucky Building is about 20,151m<sup>2</sup> and the site area is about 2,038.09m<sup>2</sup>. The PR of the existing building as claimed by the applicant is about 9.88<sup>3</sup>.

7.2 The surrounding areas have the following characteristics:

- (a) mixed with residential, commercial, industrial, government, institution and community (GIC) and open space uses;
- (b) immediately adjoining the Site to its northwest falling within the same “OU(TVS)” zone is a 12-storey industrial building (i.e. Kapok Industrial Building<sup>3</sup>) built in 1966, which is under multiple ownership with shop and services on G/F and warehouse, workshop and office uses on upper floors;
- (c) to its immediate southeast is an area zoned “G/IC” occupied by the existing open-air KCFP PTI. The PTI will be reprovisioned in-situ with a full enclosure as noise mitigation measure under the Environmental Permit of the CKR project upon completion of the underground section of the CKR. The possibility of topside development thereat is under review by Government;
- (d) to its further southeast is the KCFP zoned “OU” annotated “Pier”. The KCFP is currently in operation while some sections of the adjacent waterfront promenade are currently used as works area for the CKR;
- (e) to its south and southwest is Wyler Gardens which is a medium-rise residential development with existing BH of around 45mPD (15 storeys) and subject to BH restriction of 100mPD under the OZP. To its northeast is Grand Waterfront which is a high-rise residential development with BH of 175.5mPD (59 storeys);
- (f) there is a cluster of “R(E)” zones across To Kwa Wan Road where a number of existing industrial buildings are situated; and
- (g) the area is well served by various modes of public transport including buses, public light buses and taxis.

## 8. **Planning Intention**

While the planning intention of the “OU(TVS)” zone is primarily for tunnel ventilation shaft use, the “G/IC” zone is intended primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

---

<sup>3</sup> The PRs of the existing Lucky Building and Kapok Industrial Building are subject to verification by the land owners as the development intensities of both buildings were determined by volume calculation when the building plans were approved in the 1960s.

## **9. Comments from Relevant Government Bureau/Departments**

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

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) The Site falls within Kowloon Inland Lot No. 6367 s.A (“the Lot”) which is held under Conditions of Sale No. 4842 subject to a lease term of 75 years renewable for 75 years commencing on 5.1.1953.
- (b) The use of the Lot is restricted to industrial purposes. Hence, the proposed development is a contravention of the lease conditions.
- (c) While there is no in-principle objection to the application, the proposed development is not permitted under the industrial user of the Lot.
- (d) Should the planning application be approved, the Lot owner shall be advised that an application to LandsD for a lease modification is necessary. However, there is no guarantee that the lease modification application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among other, the payment of premium and administrative fee as may be imposed by LandsD.
- (e) His other detailed comments are at **Appendix II**.

### **Traffic Aspect**

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

- (a) He has no adverse comment on the application.
- (b) In view of the high demand for commercial vehicles and private cars in the area, it is considered that upper bound of Hong Kong Planning Standards and Guidelines (HKPSG) should be adopted for the provision of car parking spaces and L/UL bays.
- (c) While the applicant indicates that the proposed development is insufficient to accommodate the 3rd basement floor of car park owing to the restraint from the CKR alignment and a 5m statutory predrilling requirement, the provision of the 3rd basement car park should be further reviewed in consultation with HyD at the detailed design stage.



### **Environment**

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

- (a) He considers that the proposed commercial building will be provided with central air-conditioning system and does not rely on openable window for ventilation. He also considers that with the implementation of the mitigation measures as recommended in the EA submitted by the applicant, insurmountable environmental impacts associated with the proposed rezoning are not anticipated.
- (b) On the above basis, he has no objection to the application.

### **Fire Safety**

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

- (a) He has no comment on the application.
- (b) Detailed fire safety requirement will be formulated upon receipt of formal submission of general building plans.

### **Electricity and Town Gas Safety**

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

- (a) He has no objection to the application from the town gas safety point of view and no comment from the electricity supply safety aspect.
- (b) As revealed from the assessment results of the QRA submitted by the applicant, the risk levels associated with the Ma Tau Kok gas production plant on the surrounding population including the proposed development during both the construction and operation phases are in compliance with the Risk Guidelines given in the Hong Kong Planning Standards and Guidelines.
- (c) In the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the under cable or overhead line under the subject application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **Building Matters**

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

- (a) He has no objection to the application.
- (b) All building works are subject to compliance with the Buildings Ordinance (BO).
- (c) The applicant should be advised to engage an Authorized Person to submit building plans for the Building Authority's approval.
- (d) The proposed SC of 62.5% will exceed the permissible SC under Schedule 1 to the Building (Planning) Regulation.
- (e) Detailed comments under the BO can only be formulated at the building plan submission stage.
- (f) The setback area as annotated on the layout plan (**Drawing Z-16**) for widening the existing pedestrian walkway is not required under the BO.
- (g) For the light reflection issue of curtain wall, as one of the pre-requisites for granting GFA exemption for curtain wall, the external reflectance of the glass used in the system should not exceed 20%. Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-2 refers.

### **Urban Design, Landscape and Air Ventilation**

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

#### **Urban Design**

- (a) Given the surrounding context and the intended BH profile, the proposed development is not expected to present any major issue on visual impact.

#### **Landscape**

- (b) He has no objection to the application from landscape planning point of view.

#### **Air Ventilation**

- (c) The Site does not fall within any identified air path. There is no specific site circumstances that warrant air ventilation concerns related to the Site and the proposed development.

### **Highways Aspect**

- 9.1.8 Comments of the Chief Engineer 2/Major Works, Major Works Project Management Office, and the Chief Highway Engineer/Kowloon, HyD:

They have no objection to the application from the CKR project and highways maintenance points of view. The CKR project has commenced in December 2017 and is scheduled for completion in 2025.

### **Harbourfront Planning**

- 9.1.9 Comments of the Harbour Office, Development Bureau (DEVB):

- (a) The Site falls within the harbourfront areas under the purview of Harbourfront Commission (HC)'s Task Force on Kai Tak Harbourfront Development (KTTF) and should be considered having regard to the Harbour Planning Principles and Guidelines (HPPGs). The applicant is invited to consult KTTF and the views of KTTF should be taken into account.
- (b) The applicant submitted a paper (No. TFKT/05/2018) to KTTF and attended the 30<sup>th</sup> meeting of KTTF on 29.3.2018 to brief members on the proposed rezoning of the Site (extract of minutes is provided at **Appendix III**). Members considered that in terms of BH and mass, the development parameters set out in the application were generally in line with the HPPGs and they had no strong views towards the proposal. The applicant was also advised to take into account Members' views regarding pedestrian connectivity to the harbourfront.

### **District Officer's Comments**

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

He has no comment on the application and notes that the Planning Department has notified the interested Kowloon City District Council (KCDC) members, the To Kwa Wan Area Committee as well as the Owners' Committee/Mutual Aid Committees/Management Committees of buildings near the Site about the planning application and that the notified parties have been invited to contact the Planning Department about any enquiries or comments. The Board should take into account all the comments gathered in the consultation exercise in the decision making process. Should the application be eventually approved, the applicant should take appropriate measures to address the concerns of relevant stakeholders.

- 9.2 The following government bureau/departments have no objection to or no adverse comment on the application:

- (a) Head of Energizing Kowloon East Office, DEVB;
- (b) Project Manager (East), Civil Engineering and Development Department;

- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Commissioner of Police;
- (f) Director of Leisure and Cultural Services; and
- (g) Director of Social Welfare.

## **10. Public Comments Received During Statutory Publication Period**

10.1 The application and the subsequent FIs were published on 10.11.2017, 6.7.2018, 14.9.2018 and 16.11.2018 respectively for public inspection. During the relevant statutory periods for submission of comments, a total of 26 public comments were received from two KCDC members, the Owners' Committee of Grand Waterfront, the Kowloon City District Service Centre of the Hong Kong Federation of Trade Unions and individuals. Out of the public comments, there are 24 objecting to the application and two providing comments. A full set of public comments received is provided at **Appendix III** for Members' reference.

10.2 Major views of the public comments are summarised below:

### Opposing Comments

- (a) the proposed redevelopment will bring additional pedestrian flow, intensify the traffic problem (i.e. traffic congestion, insufficient parking spaces and illegal parking), generate air and noise pollution, add pressure on public utility, create glare and light pollution at night time, block the views of and natural lighting to the nearby residential developments and pose risk to privacy;
- (b) in view of the shortage of GIC facilities in Kowloon City district, the "G/IC" zone should be retained to serve the needs of the local residents<sup>4</sup>;
- (c) the site should be used for multi-storey carpark and social welfare facilities;
- (d) the proposed redevelopment will induce nuisance to the local residents during construction;
- (e) there is no urgent need for additional dining and shopping facilities in the area;
- (f) the retail facilities upon redevelopment will only serve the tourists but not the local residents;

### Other Comments

- (g) wondered if the Board has considered the increase in traffic flow, blockage of views, potential demand for commercial development and existing commercial developments in the Kai Tak area; and

---

<sup>4</sup> Only about 231.91 m<sup>2</sup> or 11.4% of the Site (within its lot boundary) falls within the "G/IC" zone.

- (h) the applicant should consider incorporating some community facilities such as parks or open space in the development and reduce the proposed 100% SC to enhance air ventilation.

## **11. Planning Consideration and Assessments**

- 11.1 The Site is zoned “OU(TVS)” (about 1,806.18m<sup>2</sup> or 88.6% of the site area) and “G/IC” (about 231.91m<sup>2</sup> or 11.4% of the site area) on the OZP. The applicant proposes to rezone the Site from “OU(TVS)” and “G/IC” to “C(9)” subject to a maximum PR of 12.0, maximum SCs of 62.5% (15m or above) and 94% (below 15m), and a maximum BH of 100mPD.

### **Land Use**

- 11.2 In 2016, HyD confirmed that the “OU(TVS)” zone was no longer required for the reserved use given that the other proposed tunnel ventilation shaft at Kai Tak was already sufficient to serve the purpose. As such, it is no longer necessary to retain the current “OU(TVS)” zoning for the Site. If the application is agreed by the Board, the Planning Department will take the opportunity to also review the zoning of the adjoining site which falls within the remaining part of the “OU(TVS)” zone. As regards the portion of the Site falling within the “G/IC” zone, it may be treated as rectification of discrepancies between lot boundary and zoning boundary.
- 11.3 Under the URPKC prepared by DURF in 2014, it was considered that Lucky Building and Kapok Industrial Building, together with the adjoining KCFP PTI would have potential for a mixed residential and commercial development. The proposed rezoning of the Site for commercial use is generally in line with URPKS’s proposal. The rezoning application for a proposed commercial development at the Site will not be in conflict with the CKR project under construction and possible topside development at the adjacent PTI site that is under review by Government. The footbridge connection to the future landscaped deck at the PTI site at 2/F of the proposed development will be subject to detailed design. The intention for the provision of such a proposed footbridge connection for enhancing connectivity to the waterfront could also be stated in the Explanatory Statement of the OZP.
- 11.4 The Site is located in an urban area pre-dominantly occupied by a mix of residential, commercial and industrial developments. The proposed rezoning to “C” to facilitate a commercial development is considered not incompatible with the adjacent residential uses, i.e. Wyler Gardens and Grand Waterfront, as the proposed retail and dining facilities on the Site can serve the needs of the neighbourhood. The proposal can act as a catalyst to phase out the existing industrial buildings and to alleviate the current industrial/residential interface problem in the area.

### **Technical Feasibility**

- 11.5 A section of the CKR will be in form of a drill-and-blast tunnel running underneath the Site. The applicant has submitted a preliminary foundation and structural design feasibility study report to assess the loadings and pressures to be imposed on the CKR. CE2/MW, MWPM of HyD has no objection to the

application from the CKR project point of view.

- 11.6 C for T suggested the applicant to explore the provision of a 3rd basement floor in the proposed development for accommodating more parking spaces. The applicant indicated that taking into account the CKR alignment and a statutory predrilling requirement of allowing a 5m-buffer from the CKR tunnel, the provision of the 3rd basement carpark is difficult but could be further reviewed in consultation with HyD at the detailed design stage.
- 11.7 The applicant has also submitted technical assessments including EA, SIA, TIA, VIA, AVA, and QRA to demonstrate that the proposal is not anticipated to create adverse impacts on environmental, sewerage, traffic, visual, air ventilation and town gas safety aspects. Relevant departments consulted, including DLO/KE of LandsD, C for T, DEP, CE/MS of DSD, CTP/UD&L of PlanD and DEMS, have no objection to or no adverse comment on the application.

### BH

- 11.8 The proposed commercial development with a maximum BH of 100mPD (23 storeys) is considered not incompatible with the BHs of the existing developments in the surrounding area (**Plan Z-1**). Wyler Gardens has an existing BH of around 45mPD (15 storeys) but subject to a BH restriction of 100mPD while Grand Waterfront has a BH of 175.5mPD (59 storeys). To the north of Grand Waterfront is an area zoned “Comprehensive Development Area” (“CDA”) with BH restrictions of 110mPD and 65mPD. Across To Kwa Wan Road are areas zoned “R(A)” and “R(E)” with BH restrictions ranging from 100mPD to 120mPD. Given the planned BH profile in the area and that the Site is not immediately fronting the waterfront, the proposed BH of 100mPD for the Site is considered acceptable. CTP/UD&L of PlanD has no adverse comment on the proposed BH.

### PR

- 11.9 As present, the maximum PR adopted for “C” zones in the Kai Tak planning area is 9.5 or the PR of the existing building, whichever is the greater, which is imposed on the “C(2)” sub-zone on the existing industrial buildings in the Kowloon Bay waterfront area of Kai Tak<sup>5</sup>. The areas around the Site are zoned “R(E)” and “R(A)” on the Ma Tau Kok OZP (**Plan Z-1**) and subject to maximum non-domestic PR of 9.0. Taking into consideration the planning context of Kai Tak and the immediate neighbourhood of Ma Tau Kok, the

---

<sup>5</sup> The sites covering the existing industrial buildings of Kowloon Godown, Kerry DG Warehouse (Kowloon Bay) and Pacific Trade Centre and an existing commercial building (Octa Tower) at Kai Hing Road are zoned “C(2)” (subject to a maximum PR of 9.5 or the PR of the existing building, whichever is the greater) on the Kai Tak OZP. These sites were originally zoned “I” (subject to PR of 12.0) on the draft Ngau Tau Kok & Kowloon Bay OZP No. S/K13/10 gazetted on 13.3.1993. With the gazette of the draft Kai Tak (South) OZP No. S/K21/1 on 4.9.1998, the waterfront area of Kowloon Bay (including these sites) was excised from the Ngau Tau Kok & Kowloon Bay OZP and included in the Kai Tak (South) planning scheme area. These sites remained to be zoned as “I” (subject to PR of 12.0) on OZP No. S/K21/1, but were rezoned to “CDA(2)” (subject to a maximum total PR of 6.5 (i.e. domestic PR of 5.5 and non-domestic PR of 1.0) and “OU(Business)” (subject to PR of 12.0) on the draft Kai Tak (South) OZP No. S/K21/2 on 24.8.2001. Subsequently, the sites were rezoned to “C(2)” (subject to a maximum PR of 9.5 or the PR of the existing building, whichever is the greater) on the draft Kai Tak OZP No. S/K22/1 gazetted on 24.11.2006 as an extension of the Kowloon Bay Business Area. The zoning and development restrictions for the sites have remained unchanged since then.

proposed PR of 12.0 for the Site is on the high side. In view of the above, if the Board agrees to rezone the Site to “C”, it is recommended that maximum PR should be 9.5 or the PR of the existing building, whichever is the greater. The recommended PR of 9.5 is referenced to the maximum PR of “C” zone under the Kai Tak OZP and allowing the PR of the existing building is in line with general planning control under the OZP.

## SC

- 11.10 The applicant proposes a two-tier maximum SCs of 62.5% (15m or above) and 94% (below 15m) for the Site. The imposition of SC restrictions for development sites in Kai Tak is mainly for enhancing air ventilation and discouraging podium development. There is maximum SC control of 65% or SC of the existing building, whichever is the greater, for the above-mentioned “C(2)” sub-zone at the Kowloon Bay waterfront. If the Board agrees to rezone the Site to “C”, it is recommended that the same SC restriction be stipulated.

## Public Comments

- 11.11 A total of 26 public comments were received with 24 objecting to the application and two providing comments. As regards the concerns on additional pedestrian flow, intensification of traffic problem, air and noise pollution and air ventilation, the applicant had submitted a TIA including both vehicular and pedestrian flow estimation, an EA and an AVA. C for T, DEP and CTP/UD&L of PlanD have no comment on the revised TIA, revised EA and AVA. As regards the other public comments, departmental comments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.10 above are relevant.

## **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 in-principle objection to the application and recommends the Committee to partially agree to the application by rezoning the Site to an appropriate sub-zone of “C” with a maximum PR of 9.5, a maximum SC of 65% and a maximum BH of 100mPD, or the PR/SC/BH of the existing building, whichever is the greater.
- 12.2 Should the Committee decide to agree or partially agree to the application, PlanD would work out the zoning boundaries and the development parameters and restrictions to be set out in the Notes for Committee’s agreement prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the approved Kai Tak OZP for amendment by the Chief Executive in Council. The Committee is invited to note that PlanD will review the zoning of the remaining part of the “OU(TVS)” zone.
- 12.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members’ consideration:
- the development intensity of the proposed “C(9)” zoning is considered excessive and not compatible with the surrounding areas.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Committee decide not to agree or partially agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Letter with Application Form received on 30.10.2017 from the applicant
<b>Appendix Ia</b>	Supporting Planning Statement attached to Application Form
<b>Appendix Ib</b>	Supplementary Information dated 24.10.2017
<b>Appendix Ic</b>	Letter dated 21.6.2018 from the applicant [FI(1)]
<b>Appendix Id</b>	Letter dated 6.9.2018 from the applicant [FI(2)]
<b>Appendix Ie</b>	Letter dated 9.11.2018 from the applicant [FI(3)]
<b>Appendix If</b>	Letter dated 27.12.2018 from the applicant [FI(4)]
<b>Appendix Ig</b>	Letter dated 21.1.2019 from the applicant [FI(5)]
<b>Appendix II</b>	Detailed Departmental Comments
<b>Appendix III</b>	Extract of Minutes of the 30 <sup>th</sup> Meeting of KTTF held on 29.3.2018
<b>Appendix IV</b>	Public Comments
<b>Drawing Z-1</b>	Proposed Amendments to the Notes of the “Commercial” Zone
<b>Drawing Z-2</b>	Master Layout Plan
<b>Drawings Z-3 to Z-12</b>	Floor Plans
<b>Drawings Z-13 to Z-14</b>	Section Plans
<b>Drawings Z-15 to Z-21</b>	Landscape Master Plan
<b>Drawings Z-22 to Z-27</b>	Photomontages
<b>Drawing Z-28</b>	Proposed Setback at Ground Level
<b>Drawing Z-29</b>	Proposed Enhancement in Connectivity of the Area
<b>Plan Z-1</b>	Location Plan
<b>Plan Z-2</b>	Site Plan
<b>Plan Z-3</b>	Aerial Photo
<b>Plan Z-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2019**