

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K20/129

- Applicant** : Hang Lung Real Estate Agency Limited represented by Kenneth To and Associates Limited
- Premises** : 2/F (Part) of Commercial Podium, The Long Beach, 8 Hoi Fai Road, Kowloon
- Total Floor Area of Premises** : 4,244 m² (about)
- Lease** : Kowloon Inland Lot No. 11152
(a) lease term of 50 years from 7.12.2000;
(b) restricted to non-industrial (excluding hotel, cinema, petrol filling station and godown) purposes;
(c) maximum gross floor area (GFA) permitted under the lease for non-industrial (excluding private residential, hotel, cinema, petrol filling station and godown) purposes is 20,200 m²; and
(d) any building or part of any building erected or to be erected on the lot shall not be used for any purpose other than the following:
(i) the lowest three floors including any basement floor for non-industrial (excluding hotel, cinema, petrol filling station and godown) purposes;
(ii) any basement floor for non-industrial (excluding private residential, hotel, cinema, petrol filling station and godown) purposes; and
(iii) the remaining floors for private residential purposes.
- Plan** : Approved South West Kowloon Outline Zoning Plan (OZP) No. S/K20/30
- Zoning** : “Residential (Group A) 1” (“R(A)1”)
[Restricted to a maximum domestic plot ratio (PR) of 6.5 and non-domestic PR of 1.0, or the PR of the existing building, whichever is the greater.]
- Application** : Temporary Office for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for continuing the use of part of 2/F of The Long Beach (the Premises) for a temporary office for a period of five years. The Long Beach is an existing composite residential/commercial development with eight residential towers on top of a four-level podium structure at Hoi Fai Road (the Site). The location of the Premises is shown in **Plans A-1 and A-2**. The floor plans for the office use submitted by the applicant are shown in **Drawings A-1 and A-2**.
- 1.2 The Premises falls within an area zoned “R(A)1” on the approved South West Kowloon OZP No. S/K20/30. According to the Notes of the OZP, ‘Office’ is a Column 2 use within the “R(A)1” zone which requires planning permission from the Town Planning Board (the Board).
- 1.3 A large portion of the Premises at 2/F of the commercial podium was the subject of a previous application (No. A/K20/118) for a proposed temporary office for a period of five years approved with conditions by the Metro Planning Committee (the Committee) on 5.10.2012.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form and letters received on 24.8.2017 **(Appendix I)**
 - (b) Supporting Planning Statement **(Appendix Ia)**
 - (c) Letter from the applicant of 28.9.2017 requesting for deferment of consideration of the application for two months **(Appendix II)**
 - (d) Letter from the applicant of 23.11.2017 enclosing an updated traffic study report, responses to departmental comments and clarification on background information **(Appendix III)**
[This was accepted but not exempted from publication and recounting requirement.]
 - (e) Letter from the applicant of 22.12.2017 enclosing responses to departmental comments **(Appendix IV)**
 - (f) Letter from the applicant of 4.1.2018 enclosing responses to departmental comments **(Appendix V)**
- 1.5 The planning application was originally scheduled for consideration by the Committee on 13.10.2017. At the request of the applicant on 28.9.2017 (**Appendix II**), the Committee agreed on 13.10.2017 to defer a decision on the application on 13.10.2017 pending submission of further information (FI) from the applicant. With the subsequent FI submissions and the FI received on 23.11.2017 (**Appendix III**), the application is scheduled for consideration at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supporting planning statement in **Appendix Ia**. The major justifications are summarised as follows:

Continue to Meet Planning Intention of the “R(A)” Zone

- (a) The planning intention of “R(A)” zone is primarily for high-density residential development. Commercial uses are always permitted on the lowest three floors of the building.
- (b) A large portion of the Premises at 2/F of the commercial podium was the subject of a previous application (No. A/K20/118) approved with conditions by the Committee on 5.10.2012 for proposed office use. The increase in office GFA for the application is 1,024 m² and the proposal would not exceed the permitted non-domestic GFA allowed under the “R(A)” zone.

Suitability of the Proposed Use at the Subject Premises

- (c) The commercial podium of The Long Beach was the subject of various planning applications for ‘Office’ use since 2002 and it has always been considered compatible with other uses including kindergarten and ‘Shop and Services’ (including Showroom) within the commercial podium. It was stated in the MPC Paper No. A/K20/118 for the previously approved planning application that “the proposed temporary office use was considered not incompatible with other uses within the commercial podium of The Long Beach, and was considered not in conflict with the planning intention of the “R(A)” zone”.
- (d) The proximity to Olympic Station with the existing footbridge system provides a convenient pedestrian access to the Premises. Other public transport facilities also provide good access for future users.

Adequate Retail Facilities in the Olympian City Cluster

- (e) There are a number of retail/commercial service nodes in the vicinity of the Premises. The shopping centre of Olympian City Two (with retail floor area of about 48,600 m²) is a district shopping centre serving the residents living in the area as well as the population in the district.
- (f) The Premises is well linked up with the Olympian City developments by a network of pedestrian footbridges, with a walking distance of about 10 to 15 minutes to Olympian City One and Two. The residents of The Long Beach are well-served by the nearby existing retail facilities and commercial services provided at the Olympian City cluster (with a total retail floor area of about 84,355 m²).

No Adverse Traffic Impact

- (g) According to the results of the Traffic Study Report, the traffic demand and trip generation will be lower after the proposed conversion of ‘Shop and Services’ to ‘Office’ use and no traffic impact will be induced as a result. The existing car

park at the commercial podium will still have sufficient capacity to serve the anticipated demand.

3. Compliance with the Owner's "Consent/Notification" Requirement

The applicant is not a "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification' under Sections 12A and 16 of the Town Planning Ordinance (TPB PG – No. 31A) by sending notification to the land owner. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

4.1 The Town Planning Board Guidelines for Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance (TPB PG-No.5) are relevant to this application. The relevant assessment criteria are summarised as follows:

- (a) the site should be sufficiently large to achieve a properly designed office building;
- (b) there should be adequate provision of parking and loading/unloading facilities within the site in accordance with Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department;
- (c) the site should be at easily accessible location, e.g. close to the Mass Transit Railway Station or well served by other public transport facilities;
- (d) the proposed office development should not cause congestion and disruption to the traffic flow of the locality;
- (e) the proposed office building should be compatible with the existing and planned land uses of the locality and it should not be located in a predominantly residential area; and
- (f) the proposed office development should be purposely designed for office/commercial uses so that there is no risk of subsequent illegal conversion to substandard domestic units or other uses.

4.2 In general, the Board will give favourable consideration to planning applications for office developments which produce specific environmental and planning gains – for example, if the site is located near to major source of air and noise pollution such as a major road, and the proposed office development is equipped with central air-conditioning and other noise mitigation measures which make it less susceptible to pollution than a residential development. Other forms of planning gain which the Board would favour in a proposed office development would include public open space and community facilities required in the planning district.

5. **Background**

- 5.1 The first draft West Kowloon Reclamation Outline Zoning Plan No. S/K20/1 was gazetted on 4.12.1992. For private residential development within “R(A)1” zone, a maximum domestic PR of 6.5 was stipulated in accordance with the density guidelines in the Metroplan Selected Strategy and maximum non-domestic PR was restricted to 1.0 to allow for local retail and services. Commercial (including office) uses are stringently controlled and confined within “Commercial” or “Comprehensive Development Area” zones. ‘Office’ use was not included as permitted use on the lowest three floors and requires planning permission within “R(A)” zone due to traffic constraints. However, conventional practice of allowing as-of-right lower three floors of “R(A)” buildings for commercial uses such as shops and services was retained.
- 5.2 On 17.9.2001, the owner of the Site represented by Masterplan Limited submitted a request to add “Office” use under Column 2 of the Notes for the “R(A)” zone of the OZP. On 15.3.2002, the Board agreed in principle to the rezoning request and to allow planning application for office use on all residential sites on the South West Kowloon OZP.
- 5.3 On 28.6.2002, the draft South West Kowloon OZP No. S/K20/12, incorporating the amendment to add ‘Office’ use to Column 2 of the Notes for the “R(A)” zone, was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the plan exhibition period, one objection, which was not related to the amendment item of the OZP, was received. On 6.9.2002, the Board considered the objection and agreed that it was invalid.

6. **Previous Applications**

- 6.1 The Premises is the subject of three previous applications (Nos. A/K20/62, A/K20/68 and A/K20/118) (**Plan A-1**). Application No. A/K20/62 for converting Level 1 and Level 2 of the commercial podium of The Long Beach into office use was approved with conditions by the Committee on 13.12.2002 on the consideration that the proposed office use within the commercial podium is not incompatible with the residential and retail uses at the subject development; the proposed office use would not cause any adverse traffic impact to the surrounding road network and no environmental impact on the subject development; and relevant departments had no objection to the application.
- 6.2 Application No. A/K20/68 was submitted for minor amendment to the scheme approved under Application No. A/K20/62 to adjust the office GFA from 13,840 m² to not more than 13,840 m². The application was approved with condition by the District Planning Officer/Tsuen Wan and West Kowloon under the Board’s delegated authority on 22.8.2003 on the grounds that the change is minor in nature. Since the approved scheme was not implemented by the applicant within the validity of the approval period, the planning permission had ceased to have effect on 22.8.2007.
- 6.3 Application No. A/K20/118 for converting part of the UG/F (about 1,504 m²) and 2/F (about 3,002 m²) of the commercial podium into temporary office use for five years submitted by the current applicant was approved with conditions by the

Committee on 5.10.2012 on the consideration that the proposed office use within the commercial podium is not incompatible with the residential and retail uses at the subject development; the proposed office use would not cause any adverse traffic impact to the surrounding road network and would have no environmental impact on the subject development; and relevant departments had no objection to the application. Since approval condition (a) on the submission and implementation of fire service installations had not been complied with, the approval was revoked on 29.9.2017. Details of these applications are summarised at **Appendix VI**.

7. Similar Applications

- 7.1 There are two similar applications (Nos. A/K20/103 and A/K20/127) in the same OZP (**Plan A-2**). The application (No. A/K20/103) seeking planning permission for converting part of Level 1 of the commercial podium of The Long Beach with a GFA of 5,380 m² into office use was approved with conditions by the Committee on 9.5.2008 on the grounds that the proposed office use was considered not incompatible with the existing/planned education and retail uses within the commercial podium, and that the assessment submitted had demonstrated no adverse traffic and environmental impacts on the surrounding areas.
- 7.2 Another application (No. A/K20/127) seeking planning permission for 'Office', 'Flat', 'Social Welfare Facilities', 'Shop and Services' and 'Eating Place' on a site at 875-877, Lai Chi Kok Road was approved with conditions by the Committee on 22.9.2017 on the grounds that the proposed office use was considered not incompatible with the surrounding land uses which are predominantly residential in nature with commercial uses such as shops and restaurants at lower floors within the commercial podium; the proposed development did not exceed the non-domestic PR restriction and would have insignificant impact on the housing land supply; due to wide range of commercial facilities in the nearby residential developments, the proposed office would not compromise the provision of retail space in the area; and relevant departments had no objection to the application. Details of these applications are summarised at **Appendix VI**.

8. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4 to A-6)

- 8.1 The Premises:
- (a) is located at 2/F (part) of the commercial podium at The Long Beach; and
 - (b) is currently occupied by a telecommunication company without planning permission (i.e. PCCW) (**Plan A-5**).
- 8.2 The subject development:
- (a) is an existing composite residential/commercial development, The Long Beach (eight residential towers above a four-level podium with 1,829

residential flats) situated at the waterfront of Tai Kok Tsui, which was completed in September 2004 (**Plans A-2 and A-3**);

- (b) has a commercial podium, which currently has the following uses as indicated by floors:

Podium Level	Current Uses
LG/F	Retail/Office Carpark, Loading/Unloading Bays, Residents' Carpark
UG/F	Two kindergartens, Residents' Carpark
1/F (Level 1)	Office for a Telecommunication company ¹ , Residents' Carpark
2/F (Level 2)	A supermarket, Office for a Telecommunication company ("the Premises"), Residents' Carpark

- (c) is about 400m away from Olympic Station of MTR Tung Chung Line.

8.3 The surrounding areas have the following characteristics:

- (a) mainly residential/commercial in nature;
- (b) surrounded by several existing residential developments, including Hampton Place to its north, Island Harbourview to its east, Imperial Cullinan and One SilverSea to its south (**Plans A-1 and A-3**); and
- (c) an existing commercial development consisting of a shopping centre (Olympian City One) and an office tower (Bank of China Centre) at the "Commercial(2)" zone is located to its further east (**Plans A-1 and A-3**).

9. **Planning Intention**

According to the OZP, the area zoned "R(A)1" is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. However, 'Office' use is a Column 2 use which requires planning permission from the Board.

10. **Comments from Relevant Government Departments**

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

Land Administration

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

¹ The office use approved under Application No. A/K20/103.

- (a) he has no objection to the application; and
- (b) the office use under application is not in conflict with the lease conditions governing the Lot.

Building Matters

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

- (a) he has no in-principle objection to the application; and
- (b) submission of building (alterations and additions) plans by an Authorized Person of the applicant is required to demonstrate compliance with the Buildings Ordinance on prescribed windows, fire resisting construction, provision for means of escape and GFA calculation related to possible surplus commercial carparking spaces under Building (Planning) Regulations.

Traffic

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

He has no objection to the application after consideration of the Traffic Study Report and responses submitted by the applicant (**Appendices I-a, III, IV and V**).

Fire Safety

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

He has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Environment

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

The site has been the subject of a planning application (No. A/K20/118) for the temporary 'office' use which was approved by the Town Planning Board on 5.10.2012 with approval conditions not related to environmental aspect. The Premises is currently used as the same office. Adverse environmental impact is not anticipated in relation to the temporary 'office' use. As such, he has no objection to the planning application from the environmental perspective.

10.2 The following government departments have no comment on the application:

- (a) District Officer (Yau Tsim Mong), Home Affairs Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department; and
- (d) Chief Highway Engineer/Kowloon, Highways Department.

11. Public Comments Received During Statutory Publication Periods

11.1 The application was published on 1.9.2017 to 22.9.2017 and 8.12.2017 to 29.12.2017 respectively. During the first public inspection period, which ended on 22.9.2017, a public comment was received. The commenter (**Appendix VII-1**), who is the member of the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing, expressed concerns that the proposed development might affect the public use of the waterfront and the subject premises should be used as retail to support the residential development. Another public comment was received out of time.

11.2 During the second public inspection period, which ended on 29.12.2017, five public comments were received (**Appendices VII-2 to VII-6**). The commenters are members of public who raised concerns or objected to the application that the proposed office would block the indoor public passageway connecting the commercial podium to the footbridge leading to the MTR station; and there were insufficient retail floor space to serve the residents in the nearby residential area.

12. Planning Considerations and Assessments

Planning Intention

12.1 The Site is located within a “R(A)1” zone, which is intended primarily for high-density residential developments with certain commercial uses such as shops and services, and eating places are always permitted on the lowest three floors of the building. ‘Office’ is a Column 2 use within the “R(A)1” zone, which may be permitted on application to the Board.

Land Use Compatibility

12.2 While the planning intention for the “R(A)” zone is primarily for high-density development, commercial uses such as eating place, shops and services are always permitted in the purpose-designed non-residential portion of an existing building in the zone. The temporary office use could be considered not incompatible with other uses within the commercial podium of The Long Beach.

Provision of Retail Space

12.3 There is already a wide range of commercial facilities in the surroundings including shops, services and restaurants provided within the commercial podia of nearby residential developments including Olympic City One, Olympic City Two, Olympic City Three and Hoi Fu Shopping Centre which would be able to adequately serve the local community needs. The application will not result in

any change to the overall non-domestic GFA of the Site, which will remain to be within the permissible non-domestic PR of 1.0 on the OZP. Taking into account the subject application and the approved Application No. A/K20/103 (under which an office of 5,380 m² was approved), the aggregate non-domestic GFA for office use in the commercial podium of The Long Beach (i.e. on 1/F and 2/F) amounts to about 9,624 m², which is less than 50% of the total maximum non-domestic GFA of 20,200 m² as allowed for the Site. Given that the Premises is situated at the waterfront, the planned retail use would serve the residents and members of public visiting the waterfront.

Technical Aspects

- 12.4 Based on the assessment submitted by the applicant, the temporary office use would not cause any adverse traffic and environmental impact on its surrounding areas. All relevant government departments including C for T have no objection to/no comment on the proposed temporary office use.

Conformity with Town Planning Board Guidelines

- 12.5 The Site is easily accessible to the MTR Station and other public transport services. The traffic study report submitted by the applicant has also demonstrated that there should be adequate provision of parking and loading and unloading facilities and the proposed development would not generate adverse traffic impact on the adjacent road network. C for T also has no objection to the office use under application. Whilst the vicinity is predominant residential development on top of commercial podia, the office use could be considered not incompatible with other uses within the commercial podium. In sum, the office development within the residential development under the current application could be deemed to be largely in line with the planning criteria as laid down in TPB PG-No. 5 for 'Application for Office Development in Residential (Group A) Zone under section 16 of the Town Planning Ordinance' under paragraph 4 above.

Public Comments

- 12.6 Regarding the concerns raised by the commenters, the departmental comments in paragraph 10 above and the planning assessments in paragraphs 12.1 to 12.5 above are relevant. While the temporary office use would occupy some floor space on Level 2 of the commercial podium, there are various routes for the local residents and the public to gain access to the footbridge leading to the MTR station through any floor of the commercial podium by using escalator or lift on Level 2. Besides, since the commercial podium is separated from the residential blocks of The Long Beach, the local residents as well as the public could gain direct access to the waterfront without getting through the commercial podium.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application on a temporary basis for a period of five years.

- 13.2 Should the Committee decide to approve the application, it is suggested the permission shall be valid on a temporary basis for a period of five years until 12.1.2023. The following conditions of approval are suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 12.7.2018; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clause

The recommended advisory clause is attached at **Appendix VIII**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) approval of the application would compromise the availability of retail/service facilities for residents within the development and in the adjoining areas in future; and
- (b) approval of the application would set an undesirable precedent for similar applications in the area, and the cumulative effect of approving similar applications would result in reduction of retail/service facilities for residents.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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 period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form and Letters received on 24.8.2017
Appendix I-a	Supporting Planning Statement
Appendix II	Applicant's Letter dated 28.9.2017
Appendix III	Applicant's Letter dated 23.11.2017

Appendix IV	Applicant's Letter dated 22.12.2017
Appendix V	Applicant's Letter dated 4.1.2018
Appendix VI	Previous and Similar Applications
Appendix VII-1 to 6	Public Comments
Appendix VIII	Recommended Advisory Clause
Drawings A-1 and A-2	Floor Plans
Plan A-1	Location Plan
Plan A-2	Similar Applications
Plan A-3	Site Plan
Plans A-4 to A-6	Site Photos

**PLANNING DEPARTMENT
JANUARY 2018**