

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

**APPLICATION NO. A/K3/580**

<b><u>Applicants</u></b>	Crystal Enterprises Company Limited and Southland Company Limited represented by PlanArch Consultants Limited
<b><u>Site</u></b>	4-4A Mong Kok Road, Mong Kok, Kowloon
<b><u>Site Area</u></b>	1,110.2m <sup>2</sup> (about)
<b><u>Lease</u></b>	Kowloon Inland Lots (KILs) 4180 and 4181RP (a) restricted to industrial or commercial or educational purposes with standard offensive trades clause and no residential building(s) is allowed; and (b) a licence to permit the five offensive trades at the lots was issued
<b><u>Plan</u></b>	Approved Mong Kok Outline Zoning Plan (OZP) No. S/K3/32 (currently in force)  Draft Mong Kok OZP No. S/K3/31 (in force at the time of submission. The zoning and development restrictions for the site remain unchanged on the current OZP)
<b><u>Zoning</u></b>	“Residential (Group E)” (“R(E)”)  [Restricted to a maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic, and a maximum building height (BH) of 100mPD, or the PR/BH of the existing building, whichever is the greater. For a non-domestic building to be erected on the site, the maximum PR shall not exceed 9.0.]
<b><u>Application</u></b>	Proposed Shop and Services, Eating Place and Office

**1. The Proposal**

- 1.1 The applicants seek planning permission to redevelop the existing commercial building, Dynasty Plaza, into a 25-storey commercial development (including three levels of basement) for shop and services, eating place and office uses with a non-domestic PR of not more than 9.0 and a BH of not more than 100mPD at 4-4A Mong Kok Road, Mong Kok, Kowloon (the Site) (**Plan A-1**). According to Schedule I of the Notes of the OZP for “R(E)” zone, ‘shop and services’, ‘eating place’ and ‘office’ uses require planning permission from the Town Planning Board (the Board).

- 1.2 The Site, which was previously zoned “Industrial” (“I”), was the subject of a previous application (No. A/K3/144) for an 8-storey commercial building (including one level of basement) with shops and cinemas which was approved by the Board on 11.12.1987. The existing building was then completed, with the Occupation Permit issued by the Building Authority on 17.1.1991. Subsequently, another application (No. A/K3/202) for restaurant use at B/F, G/F, 1/F and 2/F of the building at the Site was approved by the Board on 26.4.1991. The Site is currently occupied by an 8-storey commercial building (including one level of basement) known as the Dynasty Plaza with restaurants, shop and cinema uses.
- 1.3 According to the current application, the key development parameters and floor uses of the proposed development are as follows:

<b>Development Parameters</b>	
Site Area	1,110.2m <sup>2</sup> (about)
Total Gross Floor Area	Not more than 9,991.8m <sup>2</sup>
■ Shop and Services/Eating Place	Not more than 7,191.8m <sup>2</sup>
■ Office	Not more than 2,800m <sup>2</sup>
Plot Ratio	Not more than 9.0
Site Coverage	
■ Not exceeding 15m	Not more than 100%
■ Over 15m but not exceeding 24m	Not more than 92%
■ Over 24m but not exceeding 55m	Not more than 70%
■ Above 55m	Not more than 62.5%
Building Height (at main roof)	Not more than 100mPD
No. of Storeys	25 (including 3 levels of basement)
<b>Main Floor Uses*</b>	
B1 to B3	Car Park
G/F to 11F	Shop and Services / Eating Place
13/F to 21F	Office
<b>Internal Transport Facilities</b>	
No. of Car Parking Spaces	<b><i>38 55 (including 2 accessible parking spaces)</i></b>
No. of Motorcycle Parking Spaces	<b><i>2 6</i></b>
No. of Loading/Unloading Spaces	7

\* 12/F and R/F are for installation of electrical and mechanical facilities.

- 1.4 As shown on the proposed scheme, a corner splay on G/F of the proposed development will be provided to enhance pedestrian circulation along the footpath of Mong Kok Road and Canton Road (**Drawing A-2**), which will generally follow the one currently provided. The applicants will also be responsible for the future management and maintenance of such setback area as the current practice. Various setbacks at different levels will be provided to create a dynamic built form (**Drawings A-6 and A-7**). It will also create a number of terraces facing the open space at Mong Kok Road Playground to soften the building edge when viewed from the east. Not less than 174m<sup>2</sup> private open space will also be provided within the proposed development. The schematic floor plans and rendering of the proposed development are shown at **Drawings A-1 to A-7**.
- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application form, supplementary planning statement with (**Appendix I**) a Traffic Impact Assessment (TIA), Sewerage Impact

Assessment (SIA) and Environmental Assessment (EA)  
and clarification letter received on 19.11.2018

- (b) Supplementary information dated 21.11.2018 clarifying the background of the application **(Appendix Ia)**
- (c) Further information (FI) dated 22.2.2019 providing responses to departmental comments, revised TIA, SIA and EA **(Appendix Ib)**  
*(accepted but not exempted from publication and recounting requirements)*
- (d) FI dated 16.10.2019 providing responses to departmental comments\* **(Appendix Ic)**
- (e) Two FI submissions dated 17.10.2019 and 18.10.2019 providing responses to departmental comments\* **(Appendix Id)**
- (f) FI dated 28.10.2019 providing justifications of the application\* **(Appendix Ie)**
- (g) FI dated 6.11.2019 providing minor clarification on the site coverage\* **(Appendix If)**
- (h) ***FI dated 14.11.2019 providing minor clarification on the proposed number of car parking facilities\**** **(Appendix Ig)**

Remarks: \*FI accepted and exempted from publication and recounting requirement.

- 1.6 At the request of Planning Department (PlanD), the Metro Planning Committee (the Committee) of the Board agreed on 18.1.2019 to defer making a decision on the application as the BH restriction of the Site was the subject of one of the amendment items under the draft Mong Kok OZP No. S/K3/31 and adverse representations were received during the exhibition of the draft Mong Kok OZP, and that the application should be submitted for its consideration after the Chief Executive in Council (CE in C) considered the draft Mong Kok OZP and the representations. Given that the draft Mong Kok OZP was approved by the CE in C on 8.10.2019 and the approved Mong Kok OZP No. S/K3/32 was gazetted on 18.10.2019, the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application as set out in **Appendices I, Ib, Ic and Ie** are summarised as follows:

### **In Line with the Planning Intention**

- (a) The proposed commercial development is in line with the planning intention of the “R(E)” zone for phasing out existing industrial uses through redevelopment or conversion. The proposed development with shop and services, eating place and office uses can serve as a buffer between Mong Kok Road and the rest of the “R(E)” zone to its north so that this area will be more desirable for residential developments which will rely on openable windows for ventilation. In this regard, the proposed development will facilitate the phasing out of industrial uses to the north of the Site.
- (b) As the pace of transformation in the area bounded by Canton Road, Mong Kok Road, Arran Street and Tong Mi Road is very slow, the proposed redevelopment of the Site into a commercial development with shop and services, eating place and office will create a more diverse type of commercial activities in the area which will give

impetus to the transformation in the western part of Mong Kok, i.e. to encourage the phasing out of industrial uses.

#### Suitability of Proposed Commercial Use

- (c) The proposed commercial development, which abuts a heavily trafficked district distributor of Mong Kok Road, is more suitable and compatible with the surrounding area as compared to a residential development in terms of achieving sustainable building design. Since the Site is in close proximity to nearby industrial buildings, the background noise level will be higher. Excessive noise mitigation measures would be required for residential development at the Site to alleviate the excessive road traffic noise impact. As a matter of fact, there is only one site with planning approvals for residential use at the adjacent “R(E)” zones with requirement of extensive noise mitigation measures. Should the Site be developed for residential use, site constraint and stringent noise mitigation requirements to mitigate the industrial/residential interface issues would likely result in a non-human scale, single-aspect residential building. On the contrary, the proposed commercial development will be able to provide a more flexible and interesting built form and serve as a noise screen to other residential buildings in the inner area, and give impetus to urban renewal.

#### Compatible with Surrounding Land Uses

- (d) The Site is located in a mixed industrial and commercial neighbourhood in the Mong Kok area where some industrial buildings in the surrounding area have transformed into industrial-office buildings, commercial towers or hotel uses. The proposed commercial development is a natural extension from the commercial spine of Nathan Road, which will add interest and diversity to the area. In this regard, the proposed uses at the Site are very compatible with the surrounding land uses.

#### Design Merits of the Proposed Development

- (e) Building setback and greenery are incorporated at different levels in the proposed scheme. Moreover, the existing corner splay on the ground floor along the footpath of Mong Kok Road and Canton Road managed by the current owners and dedicated for public use will be maintained upon redevelopment. This could enhance pedestrian circulation along the footpath of Mong Kok Road and Canton Road. The proposed development will comply with the Sustainable Building Design Guidelines (SBDG) with regard to building separation, building setback and site coverage of greenery. In addition, energy efficiency and waste management practice will also be adopted. Moreover, not less than 174m<sup>2</sup> private open space will also be provided within the proposed development.

#### No Adverse Environmental, Traffic and Sewerage Impacts

- (f) As shown in the EA, the air quality, noise, water quality, and waste impacts associated with the proposed commercial development are considered acceptable. Moreover, as demonstrated in the TIA, the traffic generated by the proposed development can be absorbed by the nearby road network and the traffic impact caused by the proposed development will be insignificant and no road network improvements will be required. Minimum requirement for provision of

loading/unloading bay and high-end requirement for provision of car parking spaces as stipulated under the Hong Kong Planning Standards and Guidelines (HKPSG) have also been adopted. No adverse sewerage impact is envisaged and no upgrading works on the existing sewerage network will be required.

#### Previous Approval of Similar Applications

- (g) There are similar applications within the “R(E)” zone on the Mong Kok OZP for redeveloping the whole site or conversion of existing buildings into commercial uses previously approved by the Board. Approval of similar applications is not unprecedented.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

- 4.1 The “I” zones in the Mong Kong area were rezoned to “R(E)” (where the Site was located) and “Other Specified Uses” annotated “Business” (“OU(B)”) on the draft Mong Kok OZP No. S/K3/16, which was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance) on 16.2.2001. During the plan exhibition period, no objection was received in relation to the Site.
- 4.2 On 17.9.2010, the draft Mong Kok OZP No. S/K3/28, incorporating mainly amendments to impose new BH restrictions for various development zones (including the subject “R(E)” zone with a BH restriction of 80mPD or 100mPD for sites with an area of 400m<sup>2</sup> or more), was exhibited for public inspection under section 7 of the Ordinance. During the plan exhibition period, a total of 10 representations and one comment were received. Upon consideration of the representations and comments on 29.4.2011, the Board decided not to uphold the representations<sup>1</sup>.
- 4.3 On 13.7.2018, the draft Mong Kok OZP No. S/K3/31, incorporating mainly amendments to the BH restrictions for various development zones (including relaxation of BH restriction for the subject “R(E)” zone to 100mPD)<sup>2</sup> and rezoning of the Sai Yee Street site, among others<sup>3</sup>, was exhibited for public inspection under section 7 of the Ordinance. Upon completion of the statutory planning procedures,

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<sup>1</sup> However, approval of the draft Mong Kok OZP was put on hold because of two judicial reviews (JRs). The two JRs were subsequently disposed of in 2018 and 2019 respectively.

<sup>2</sup> Arising from the Court Order granted under the relevant JR.

<sup>3</sup> During the plan exhibition period, a total of 283 representations and 17 comments were received. Amongst the representations, four of them oppose to the amendments relating to the “R(E)” zone where the Site is located. After giving consideration to the representations and comments on 15.3.2019, the Board decided to agree on the relaxation of BH restrictions for the various development zones including the subject “R(E)” zone but partially meet some representations in relation to the Sai Yee Street site. Subsequently, the proposed amendment to the Sai Yee Street site was published and 20 supportive further representations were received. Upon consideration of the further representations on 24.5.2019, the Board decided to amend the draft OZP by the proposed amendment to the Sai Yee Street site.

the CE in C approved the draft Mong Kok OZP on 8.10.2019. The approved Mong Kok OZP No. S/K3/32 was gazetted on 18.10.2019.

## 5. Previous Applications

The Site, which was previously zoned “I”, was the subject of two previous planning applications. Application No. A/K3/144 for an 8-storey commercial building (including one level of basement) with shops and cinemas at the then “I” zone covering the Site was approved with condition on transport requirements by the Board on 11.12.1987. Application No. A/K3/202 for restaurant use at B/F, G/F, 1/F and 2/F of the building at the Site was approved by the Board on 26.4.1991.

## 6. Similar Applications

There is no similar application for proposed commercial development (including shop and services, eating place and office) in “R(E)” zone of the Mong Kok OZP. However, there were six similar applications covering four sites for wholesale conversion for commercial use within the “R(E)” zone in Mong Kok since 2008. Three of the similar applications were covered by one single site (Nos. A/K3/533, A/K3/559 and A/K3/566), while the remaining three similar applications were covered by three sites (Nos. A/K3/558, A/K3/564 and A/K3/567). All of them were approved with conditions by the Committee mainly on the grounds including land use compatibility and that the proposed uses would help to phase out existing industrial uses. The locations and details of these applications are at **Plan A-1** and **Appendix II** respectively.

## 7. The Site and Its Surrounding Areas (Plans A-1, A-2 and A-5 and Photos on Plans A-3 and A-4)

### 7.1 The Site:

- (a) is located at the junction of Mong Kok Road and Canton Road;
- (b) is currently occupied by an 8-storey commercial building (including one level of basement) known as the Dynasty Plaza which was completed in 1991. Based on site inspection in October 2019, the current uses within the Dynasty Plaza are summarised as follows:

<b>Floor</b>	<b>Current Uses</b>
B/F	Restaurant
G/F	Restaurant, shop and entrance to the cinema (Dynasty Theatre)
1/F	Restaurant, foyer of the cinema and cinema’s office
2/F	Restaurant and cinema’s office
3/F	Cinema
4/F	Ancillary facilities of the cinema including projection room and store room
5/F	Cinema
6/F	Ancillary facilities of the cinema including projection room and store room

- (c) is well served by various transport facilities including mini-buses, buses and taxis. The MTR Mong Kok Station is about 250m to the southeast and the MTR Prince Edward Station is about 400m to the northeast.

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-5**):

- (a) the area is bounded by Canton Road, Mong Kok Road, Tong Mi Road and Bute Street, where the Site is situated, is partly zoned “OU(B)”, partly zoned “R(E)” and partly zoned “OU(Petro Filling Station)”, and is predominantly occupied by industrial developments with G/F for retail shop/workshop uses;
- (b) to the immediate north of the Site is an industrial building Fuk On Factory Building with retail shop use at G/F;
- (c) to the immediate west is a commercial building Win Century Centre and a petro filling station;
- (d) across Mong Kok Road to the south is a residential building Yuet Yuen Building and a petrol filling station at Cheung Wong Road; and
- (e) across Canton Road to the east is the Mong Kok Road Playground, comprising an electricity sub-station and a sitting-out area.

## **8. Planning Intention**

- 8.1 The planning intention of the “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.
- 8.2 This zoning is intended to encourage the phasing out of industrial uses. It provides an opportunity for redevelopment of existing obsolete industrial buildings. Residential development may be permitted with or without conditions on application to the Board. The developers will be required to submit adequate information to demonstrate that the new residential development will be sustainable in environmental and traffic terms, and suitable mitigation measures, if required, will be implemented to address the potential industrial/residential interface problems.

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

- 9.1 The following government bureau/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 West, Lands Department (DLO/KW, LandsD):

- (a) No objection to the application.
- (b) The Site is situated on private lots KIL 4180 and 4181RP (collectively refers to the Lots), which are held under Government leases for a term of 75 years commencing from 16.10.1939 and 27.9.1939 respectively and renewable for a further term of 75 years. Besides, the Government Leases governing the Lots restrict the Lots for industrial or commercial or educational purposes with standard offensive trades clause and no residential building(s) is allowed. A licence to permit the five offensive trades at the Lots was issued. There are no gross floor area (GFA), site coverage (SC) and BH restrictions under lease.
- (c) The proposed commercial development with office over shop and services and eating place with basement car park does not conflict with the Government Leases concerned.

### **Building Matters**

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

- (a) No objection in principle to the application.
- (b) The proposed dedication of corner splay at the junction of Mong Kok Road and Canton Road is noted. Whether bonus PR and SC could be granted from dedication for public passage under Building (Planning) Regulation (B(P)R) 22(2) at the junction of Mong Kok Road and Canton Road of the Site could only be considered in the building plan submission stage. However, bonus PR and SC for the development will only be allowed if such dedication/surrender is considered to be essential by the Government.
- (c) The proposed non-domestic SC with various setbacks at different levels above 15m will exceed the permissible limit under the First Schedule of the B(P)R. The application for SC concessions will be considered upon formal submission of building plans subject to the proposal being in compliance with the criteria under Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-132. In this connection, the required setback area under PNAP APP-132 should be open and uncovered.
- (d) PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment and PNAP APP-152 on SBDG are applicable to the development on the Site.
- (e) Under PNAP APP-2, 100% GFA concession may be granted for underground public and private carpark while only 50% GFA concession may be granted for aboveground private carpark.



- (f) Adequate means of escape, emergency vehicular access and fire resisting construction should be provided in accordance with B(P)Rs 41(1), 41A, 41B and 41D, Building (Construction) Regulation 90 and the Code of Practice for Fire Safety in Buildings 2011.
- (g) Natural lighting and ventilation should be provided to the offices in accordance with B(P)Rs 30 and 31.
- (h) Detailed comments under the Buildings Ordinance will be given at the building plan submission stage.

### **Traffic**

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

- (a) He has no comment on the revised TIA including the provision of car parking spaces and loading/unloading facilities.
- (b) He considers that the proposed corner splay is essential from traffic engineering perspective.
- (c) Should the application be approved, it is recommended to impose an approval condition on the design and provision of parking facilities and loading/unloading spaces for the proposed development.

### **Environment**

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

- (a) The Site is subject to excessive road traffic noise impact from Mong Kok Road, Tong Mi Road and West Kowloon Corridor to the west of the Site. Also, there are a number of existing industrial buildings found in the "OU(B)" zone to the west. The Site might be subject to potential air quality and fixed plant noise impacts and industrial/residential interface issue, and extensive environmental mitigation measures might be required if the Site is proposed for residential use.
- (b) On air quality, the EA has demonstrated that the buffer distance requirement for both vehicular emission and industrial emission as set out in Table 3.1, Chapter 9 of the HKPSG can be fulfilled. Hence, adverse air quality impact arising from the proposed development is not anticipated.
- (c) On noise, he noted that the proposed commercial development will be provided with central air conditioning system and will not rely on opened windows for ventilation. Hence, adverse noise impact arising from the proposed development is not anticipated. Besides, the proposed commercial building can serve as a noise screening structure for possible future residential buildings in the area to the north of the Site within the same "R(E)" zone.

- (d) On sewerage, insurmountable sewerage impact arising from the proposed development is not anticipated.
- (e) Based on the above, he has no objection to the application from environmental planning perspective.

### **Fire Safety**

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

- (a) No objection in principle to the application subject to fire service installations and water supplies for fire fighting being provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (b) The applicants are advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department.

### **Urban Design and Visual**

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

##### *Urban Design and Visual Impact*

- (a) Noting that the proposed corner splay at the junction of Canton Road and Mong Kok Road dedicated for public use to enhance pedestrian circulation will be similar in extent to the existing corner splay at the Site, she has no further comment on the application.

##### *Landscape*

- (b) It is noted that not less than 174m<sup>2</sup> private open space will be provided within the proposed development. She has no further comment on the application from landscape perspective.

### **Heritage Conservation**

#### 9.1.8 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (ES (A&M), AMO, DEVB)

She has no comment on the application as the Dynasty Theatre is not a graded or proposed graded historic building or a new item pending heritage/grading assessment.

## **Others**

### 9.1.9 Comments of the Secretary for Commerce and Economic Development (SCED):

The Government supports development of local film industry. In respect of cinema provision, it is essentially market-driven. Statistics showed that in the past three years, the number of cinemas, screens and cinema seats have grown from 48, 210 and 36,500 respectively in 2016 to 57 (+18.8%), 257 (+22.4%) and 41,100 (+12.6%) respectively. As for the Yau Tsim Mong district, as at 2.10.2019, the numbers of cinemas and screens are 11 and 61 respectively. The Government will continue to collaborate with the local film industry on measures to encourage audience development especially for young audience through the Film Development Fund. He is of the view that the proposed redevelopment at the Site is a commercial decision but would encourage the project proponent to take into account public opinions and market demand and supply for cinemas.

### 9.2 The following government departments have no comments on or no objection to the application:

- (a) Director of Food and Environmental Hygiene;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Architects/Central Management Division 2, Architectural Services Department;
- (f) Commissioner for Police; and
- (g) District Officer (Yau Tsim Mong).

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

10.1 The application was published for public inspection on 27.11.2018 and 1.3.2019. During the first three weeks of the statutory public inspection period, which ended on 18.12.2018 and 22.3.2019 respectively, 20 public comments submitted by individuals were received. A full set of the public comments received is at **Appendix III** for Members' reference. Amongst the 20 public comments, 11 support the application, eight express objecting views or general comments on the application, and one submits no specific comment.

10.2 Major supportive views can be summarised as follows:

- (a) the existing Dynasty Plaza is old and obsolete and redevelopment for commercial uses will enhance the atmosphere of the area and attract more commercial uses; and
- (b) the proposed commercial development will improve the streetscape of the surrounding area.

10.3 Major objecting views or general comments can be summarised as follows:

- (a) Cultural significance of the Dynasty Cinema – the Dynasty Cinema is one of the oldest cinemas and represents classic and traditional movie-watching experience which should be retained. Also, it is a valuable and significant icon of the Hong Kong pop culture and history and the architecture of the building at the Site is rare and irreplaceable;
- (b) Land use compatibility – the Site is located close to industrial area and is not suitable for commercial use;
- (c) Demand for commercial uses – there are numbers of existing commercial developments in the Mong Kok area which could satisfy the needs of the local community and visitors, and considered that the proposed commercial development is not necessary;
- (d) Impact on open space – the possible loss of open space if the Site is redeveloped to commercial use instead of residential use and suggests that approval conditions should be imposed for proposed landscaped areas to be opened to the public; and
- (e) Impact on air quality – rebuilding to a high-rise commercial complex at the Site will further deteriorate the air quality in the already seriously polluted the Mong Kok area.

## **11. Planning Considerations and Assessments**

### Planning Intention

11.1 The application is for redevelopment of the existing commercial building into a 25-storey commercial development with shop and services, eating place and office uses. While the planning intention of the “R(E)” zone is to phase out existing industrial uses through redevelopment (or conversion) for residential use, the proposed commercial redevelopment at the Site can serve as a buffer along Mong Kok Road that would also facilitate the residential development within the “R(E)” zone and thus the phasing out of existing industrial uses in the vicinity, which could be considered generally in line with the planning intention.

### Suitability of the Proposed Commercial Development

11.2 The Site, located at the junction of Mong Kok Road and Canton Road, is currently occupied by an 8-storey commercial building with restaurants, shop and cinema uses. The Site is also situated in an area dominated by industrial buildings with retail shops and/or workshop uses on G/F. Taking into account the site constraints, the applicants have provided justifications that the proposed commercial development, which abuts a heavily trafficked district distributor of Mong Kok Road, is more suitable and compatible with the surrounding area as compared to a residential development in terms of achieving sustainable building design. The proposed commercial development will also be able to provide a more flexible and interesting built form and serve as a noise screen to other residential buildings in the inner area. In this

regard, DEP confirms that the Site is subject to excessive road traffic noise impact from Mong Kok Road. Given the existing industrial buildings in the area, DEP indicates that the Site might also be subject to potential air quality and fixed plant noise impacts and extensive environmental mitigation measures might be required if the Site is proposed for residential use. Thus, DEP considers that the proposed commercial development can serve as a noise screening structure for possible future residential buildings in the area to the north of the Site within the same “R(E)” zone. In view of the above, both DEP and CTP/UD&L, PlanD have no objection to the proposed commercial development. From land use planning point of view, the proposed uses are not incompatible with the surrounding commercial uses to its immediate west, i.e. the Win Century Centre, and those across Mong Kok Road to its southwest (**Plans A-1 and A-4**).

- 11.3 There may be concerns on whether the proposal is in line with the Government’s initiative to increase the housing land supply in recent years. Considering that the Site is currently occupied by an 8-storey commercial building with restaurants, shop and cinema uses covered by previous planning approvals (see paragraph 11.8 below), the proposed commercial development would not have significant impact on the housing land supply. Instead, the proposed commercial development with eating place, shop and services and office uses at the Site would also act as a catalyst to facilitate the transformation of the area by phasing out the existing industrial uses.
- 11.4 Moreover, the Site warrants special consideration. It is revealed from the lease that the Site is restricted for industrial or commercial or educational purposes but residential building is not allowed. The Site was the subject of two planning applications for the cinema use and restaurant use respectively approved in 1987 and 1991. Since then, the Site has been developed for the approved commercial uses for about 30 years. In other words, the Site has all long been developed for non-domestic use.
- 11.5 According to the proposal, building setback and greenery are incorporated at different levels of the proposed development. Besides, a corner splay at G/F of the proposed development will be provided to enhance pedestrian circulation along the footpath of Mong Kok Road and Canton Road (**Drawing A-2**), which will generally follow the one currently provided. C for T confirms that the proposed corner splay is essential from traffic engineering perspective. Such corner splay will also be managed and maintained by the applicants as the current practice. Moreover, not less than 174m<sup>2</sup> private open space will be provided within the proposed development. In view of the above, CTP/UD&L, PlanD has no comment on the application from urban design and landscape perspectives.
- 11.6 Taking into account the special circumstances and history of the Site as mentioned in paragraphs 11.2 to 11.5 above, the approval of the application will not set an undesirable precedent.

#### Technical Aspects

- 11.7 The proposed commercial development is not expected to generate significant adverse traffic, environmental and sewerage impacts on the surrounding area. In particular, C for T considers that the proposed provision of car parking and loading/uploading facilities at the proposed development is acceptable. Other

relevant departments consulted including DEP and CE/MS, DSD have no objection to or no adverse comments on the application.

#### Previous and Similar Applications

11.8 The Site, which was previously zoned “P”, was the subject of two previous applications for commercial uses, including restaurants, cinemas and shop (Application Nos. A/K3/144 and A/K3/202) which was approved by the Board in 1987 and 1991. The existing building was completed in 1991. The Site has been used for commercial uses since then.

11.9 Since 2008, a total of six applications covering four sites involving wholesale conversion for commercial use within the “R(E)” zone in the Mong Kok area have been approved by the Committee. The approval of the subject application is not inconsistent with the previous decisions of the Committee.

#### Public Comments

11.10 Regarding the concerns raised by the commenters, the planning assessments in paragraphs 11.1 to 11.9 above, and the departmental comments in paragraph 9 above are relevant. While a few commenters consider that the Dynasty Theatre at the Site is one of the oldest cinemas and represents classic and traditional movie-watching experience which should be retained, ES (A&M), AMO, DEVB advises that the Dynasty Theatre is not a graded or proposed graded historic building or a new item pending heritage/grading assessment. Both SCED and ES (A&M), AMO, DEVB have no objection to the application.

### **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 15.11.2023, 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 also suggested for Members’ reference:

#### Approval Conditions

- (a) the design and provision of parking facilities and loading/unloading spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

12.3 Alternatively, should the Committee decide to reject the application, the following rejection reasons are suggested for Members’ reference:

- (a) the proposed commercial development is not in line with the planning intention of “R(E)” zone which is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) given the current shortfall in housing supply, the Site should be developed for its zoned use. The proposed commercial development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or 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 applicants.

**14. Attachments**

<b>Appendix I</b>	Application form, supplementary planning statement and clarification letter received on 19.11.2018
<b>Appendix Ia</b>	Supplementary information dated 21.11.2018
<b>Appendix Ib</b>	Further information dated 22.2.2019
<b>Appendix Ic</b>	Further information dated 16.10.2019
<b>Appendix Id</b>	Two further information submissions dated 17.10.2019 and 18.10.2019
<b>Appendix Ie</b>	Further information dated 28.10.2019
<b>Appendix If</b>	Further information dated 6.11.2019
<b>Appendix Ig</b>	<b><i>Further information dated 14.11.2019</i></b>
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	B1 to B3 Plan
<b>Drawing A-2</b>	G/F Plan
<b>Drawing A-3</b>	1/F to 5/F Plan
<b>Drawing A-4</b>	6/F to 11/F Plan
<b>Drawing A-5</b>	12/F to TR/F Plan

<b>Drawing A-6</b>	Section Plan
<b>Drawing A-7</b>	Rendering of the Proposed Development
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 and A-4</b>	Site Photos
<b>Plan A-5</b>	Existing Land Uses in the Surrounding Areas

**PLANNING DEPARTMENT  
NOVEMBER 2019**