

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

**APPLICATION NO. A/KC/460**

- Applicant** : Ever Peak Creation Limited, Point Base Limited and Park International Investment Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : 57-61 Ta Chuen Ping Street, Kwai Chung, New Territories
- Site Area** : About 2,261m<sup>2</sup>
- Lease** : (a) Lot 277 S.E. RP and Extension in D.D. 444 (the Lot)  
(b) Under New Grant No. 3491 as varied by an Extension Letter dated 28.7.1964 and a Modification Letter dated 24.12.1964 restricted to industrial purposes only
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
- (a) Maximum plot ratio (PR) of 9.5 and maximum building height (BH) of 130 metres above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater
- (b) A minimum 3.5m non-building area (NBA) from the Lot boundary abutting Ta Chuen Ping Street shall be provided as stipulated on the OZP
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR restriction stated in the Notes of the OZP may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance (the Ordinance)
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Industrial-Office Development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) for a proposed 29-storey industrial-office (I-O) building at the Site, which is zoned “OU(B)” on the draft Kwai Chung OZP No. S/KC/29 (**Plan A-1**). According to the applicant, the proposed minor relaxation of PR restriction by 20% is in echo of the Chief Executive’s 2018 Policy Address to incentivise redevelopment of pre-1987 industrial buildings (IBs) by allowing the relaxation of the maximum permissible non-domestic PR by up to 20% for sites outside “Residential” zones in main urban areas and new towns (see paragraph 3.1 below for details). The applicant also intends to claim a bonus PR of about 0.248 (i.e. a floor area of about 561m<sup>2</sup>) in accordance with Section 22 of the Building

(Planning) Regulations (B(P)R) for the provision of a minimum 3.5m NBA set-back along the boundary abutting Ta Chuen Ping Street as stipulated/required on the OZP.

- 1.2 The proposal is for redevelopment of the existing vacant pre-1987 8-storey IB into a 29-storey (including one refuge floor and two basement levels) I-O building with a maximum BH of 130mPD for “Non-polluting Industrial Uses (excluding industrial undertakings involving the use/storage of Dangerous Goods”) and “Office (excluding those involving direct provision of customer services or goods)” uses. The proposed uses are Column 1 uses which are always permitted under Schedule II for I-O building of the Notes for “OU(B)” zone. Minor relaxation of the PR restriction may be considered by the Board on application under section 16 of the Ordinance.
- 1.3 The draft Kwai Chung OZP (**Plan A-2**) stipulated that in order to cater for the long-term road widening proposal and improve the air permeability of the business/industrial area on Wo Yi Hop Road, a minimum 3.5m-wide NBA from the lot boundary abutting Ta Chuen Ping Street is imposed. The proposed development has incorporated building setback of 3.5m-wide to 4.9m-wide from the lot boundary abutting Ta Chuen Ping Street (**Drawing A-1** and **Plan A-2**).
- 1.4 Floor plans and diagrammatic section submitted by the applicant are shown at **Drawings A-1** to **A-7**. Major development parameters of the Proposed Development (**Appendix Id**) are summarised as follows:

<b>Major Development Parameters</b>	<b>Proposed Development</b>
Site Area <sup>1</sup>	About 2,261m <sup>2</sup>
Proposed Uses	Basement levels (B1 & B2) Loading/Unloading Bays (L&UL), Carparking / M&E Facilities Ground floor Lobby / I-O uses / L&UL / M&E 1/F M&E floor 2 to 12/F I-O uses 13/F Refuge Floor 14 to 26/F I-O uses
Plot Ratio (PR) <sup>2</sup>	About 11.4
Gross Floor Area (GFA) <sup>2</sup>	About 25,775.4m <sup>2</sup>
Maximum Site Coverage (SC)	Not more than 60%
No. of Storeys	29 (including one refuge floor and two basement levels)
Maximum BH (at main roof level)	Not more than 130mPD

<b>Major Development Parameters</b>	<b>Proposed Development</b>	
Parking Spaces	Private Car	44 (incl. one accessible parking space)
	Motorcycle	5
Loading/Unloading Bays	Light Goods Vehicle (LGV)	13
	Heavy Goods Vehicle (HGV)	7
Anticipated Year of Completion	2023	

Note:

- (1) The site includes the area dedication for a minimum 3.5m setback designated as NBA as required under the OZP.
- (2) On top of the PR and GFA shown above, the applicant intends to claim a bonus PR of about 0.248 (i.e. floor area of about 560.728m<sup>2</sup>) in accordance with the B(P)R for provision of a minimum 3.5m NBA setting back from the lot boundary abutting Ta Chuen Ping Street.

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

- (a) Application Form received on 5.3.2019 **(Appendix I)**
- (b) Supporting Planning Statement **(Appendix Ia)**
- (c) Letter received on 5.3.2019 providing amended pages of the Application Form and Supporting Planning Statement **(Appendix Ib)**
- (d) Letter dated 12.4.2019 from the applicant requesting for deferment **(Appendix Ic)**
- (e) Further Information (FI) vide letter received on 16.5.2019 responding to departmental comments and other supporting materials and updated technical assessments **(Appendix Id)**
- (f) FI vide letter received on 14.6.2019 responding to departmental comments and other supporting materials **(Appendix Ie)**
- (g) FI vide letter received on 19.6.2019 with replacement pages of the Planning Statement and the Environmental Air Quality Impact Assessment Report **(Appendix If)**
- (h) FI vide letter received on 26.6.2019 with clarification on the proposed PR of the development and planning and design merits of the proposed scheme **(Appendix Ig)**
- (i) FI vide letter received on 2.7.2019 with an updated set of Master Layout Plan and floor plans **(Appendix Ih)**

1.6 At the request of the applicant **(Appendix Ie)**, the Metro Planning Committee (the Committee) agreed on 3.5.2019 to defer making a decision on the application for two months pending the preparation of FI to address the departmental comments. The applicant submitted FI **(Appendices Id to Ih)** on 14.5.2019, 14.6.2019, 19.6.2019, 26.6.2019 and 2.7.2019 and the application is re-scheduled for consideration by the Committee on 5.7.2019.

## 2. Justifications from the Applicant

- 2.1 The justifications put forth by the applicant in support of the application are set out in Section 4 of the Supporting Planning Statement and FI at **Appendices Ia** and **Ig** which are summarised as follows:

### In line with Government Policy to Incentivise Redevelopment of Ageing IBs in a Timely Manner

- (a) The Government has introduced a package of measures to facilitate redevelopment and wholesale conversion of IBs in the CE's Policy Address 2009 and 2018. The proposed redevelopment would help materialise the latest Government's policy by revitalising the ageing IBs. The current proposal can effectively optimise utilisation of the existing industrial stock by making better use of the valuable land resources.

### Proposed Scale of Minor Relaxation is Appropriate and Comparable with the Prevailing Government's Practice/Statutory and Non-statutory Requirements

- (b) The proposed development which involves minor relaxation of PR restrictions is considered reasonable and appropriate in scale taking into account the Government policy. The applicant commits to contribute to increase the floor space for economic activities to satisfy different needs for commercial and industrial uses, with the provision of a total of about 26,340m<sup>2</sup> industrial/office GFA. Apart from the better utilisation of scarce land resources, it also provides flexibility and resilience in terms of the provision of additional floor area to cater for the genuine needs of society. The proposed development will satisfy the statutory and non-statutory requirements. It will also comply with all relevant building and fire regulations applicable to industrial and office buildings as well as the parking and loading/unloading spaces requirements under the Hong Kong Planning Standards and Guidelines (HKPSG).

### Contribute to a Positive Public Realm

- (c) The proposed minor relaxation of PR in support of the permitted I-O development will bring about different gains to the locality. The existing industrial area is of deteriorating condition with poor maintenance, with the existing building on site constructed before 1987 which is not appealing in outlook. The proposal will contribute to improve the visual ambiance of the area with quality designed modern I-O building. The proposed minimum 3.5m NBA in line with the OZP requirements will cater for the Government's long-term road widening proposal (**Drawing A-1**). Moreover, to further enhance the pedestrian environment and allow more permeability and sunlight penetration in the locality, the applicant commits to provide a wider NBA from the lot boundary fronting Ta Chuen Ping Street with a range of '3.5m-wide to 4.9-m wide'. Such full-height set-back can contribute to a better streetscape and improving the overall pedestrian environment in terms of visual amenity and pedestrian safety perspectives.

Act as a Catalyst to Upgrade the Industrial Area in Ta Chuen Ping Street

- (d) Along Ta Chuen Ping Street are mostly IBs with degrading condition which is not visual appealing. While similar applications for redevelopment of the existing industrial buildings to non-traditional industrial uses are found in the Kwun Tong area, no similar applications has been submitted/approved in the vicinity of the Site upon the reactivation of IB revitalisation as announced in the Policy Address 2018. Approving the subject application would serve as a catalyst to materialise the policy directive of the Policy Address 2018, thereby encouraging owners of the old IBs to transform to non-traditional industrial use.

No Insurmountable Impacts to the Surroundings from Technical Aspects

- (e) TIA has been conducted which demonstrates that the proposed redevelopment will not induce any significant adverse traffic impact on junctions in the vicinity. The proposed parking and servicing facilities provision fully complies with the HKPSG requirements. A minimum 3.5m set-back is also proposed at the subject development along the boundary fronting Ta Chuen Ping Street to cater for the Government's long-term road widening proposal (**Drawing A-1**).
- (f) As the proposed I-O building will not rely on openable windows for ventilation, adverse road traffic noise and air quality are not anticipated. Moreover, Sewerage impact assessment (SIA) has been conducted to demonstrate that the capacity of the existing sewerage network is sufficient to cope with the sewage flow generated from the permitted I-O development with proposed additional floor area. The proposed development will also be within the BH restriction under the OZP. Hence, the proposed minor relaxation of development intensity is considered compatible with the visual context of the area, which is characterised by medium to high rise I-O buildings.

Timely Implementation of the Proposal

- (g) Given that the applicant possesses all the private lots within the Site, the applicant can implement the proposed development in due course so as to ensure timely completion upon approval of the application.

Optimal Scheme Design with respect to the Maximum Permissible Building Height under the OZP

- (h) The applicant has paid extra effort in the scheme formulation process so as to efficiently accommodate the proposed additional floor area with careful consideration to the height profile under the extant OZP. According to the B(P)R, with a permissible site coverage of not more than 60%, the proposed scheme has optimised the efficiency of all floor areas within the proposed building, leading to a building bulk that will be able to accommodate the proposed floor area (with the proposed 20% increase of GFA) without any increase of the maximum building height of not more than 130mPD as permissible under the subject OZP. The proposed increase of PR is

considered well justified in view of (i) the prevailing policy to allow relaxation of maximum permissible non-domestic PR under Policy Address 2018, (ii) its optimal scheme design with efficient use of floor plate, and (iii) the compatible building height in its surrounding area.

#### Considerate Tower Disposition

- (i) The proposed scheme has already carefully positioned the tower disposition with a view to optimising the distance away from the adjacent buildings. Comparing with the existing box-like building structure on site, the tower disposition above the flat roof level can contribute to improve the permeability by bringing improvements to townscape and amenity of the locality.

#### Contribute to High-End Parking Spaces

- (j) With the incentive of minor relaxation of the PR by 20%, the Applicant commits to redevelop the existing dilapidated industrial building and provide sufficient car parking spaces and loading/unloading bays by meeting the ‘high-end’ provision in accordance with the HKPSG after redevelopment. This will help addressing on-street illegal parking or loading/unloading activities in the locality.

### **3. Background**

#### Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in Policy Address 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987<sup>[1]</sup>, there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “Residential” zones in Main Urban Areas and New Towns into industrial/commercial uses. The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R<sup>[2]</sup>. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.
- 3.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning

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<sup>[1]</sup> Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans first submitted to the Building Authority (BA) for approval on or before the same date.

<sup>[2]</sup> Under the new policy, any bonus floor area claimed under section 22(1) or (2) of the B(P)R is not to be counted towards the proposed increase of non-domestic PR by 20% for redevelopment projects.

permission is granted.

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

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

#### 5. **Previous Application**

5.1 The Site is the subject of a previous application (No. A/KC/371) for the proposed wholesale conversion of the existing 8-storey IB into a hotel. It was approved with conditions by the Committee on 10.2.2012 on the considerations that hotel development could serve as a catalyst in speeding up the redevelopment of the industrial area which was in line with the planning intention of the “OU(B)” zone, the proposed development is compatible with the surrounding land uses and that the proposed development would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. The permission has lapsed since the development was not commenced before the expiry of validity period.

5.2 There is no previous application for the minor relaxation of PR at the Site.

#### 6. **Similar Application (Plan A-1)**

~~There is no similar application for minor relaxation of PR in Kwai Chung area.~~  
**There is a similar application (No. A/KC/463) for proposed minor relaxation of PR restriction for permitted non-polluting industrial development at 45-51 Kwok Shui Road within the “OU(B)” zone, which is scheduled for consideration by the Committee on 16.8.2019.**

#### 7. **The Site and Its Surrounding Areas (Plans A-1 to A-2 and photos on Plans A-3 and A-4)**

7.1 The Site is:

- (a) occupied by a vacant 8-storey IB, namely the Central Industrial Building, which was built in 1970 and previously for warehouse use (**Plans A-3 and A-4**); and
- (b) accessible to vehicles via Ta Chuen Ping Street.

7.2 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) the Site is located in the midst of a larger industrial area bounded by Lei Muk Road to the north, Chun Pin Street to the east and Ta Chuen Ping Street to the south. Some of the buildings in the area are being used for industrial-related office, firms, hotels and warehouses, with ground floors scattered with commercial uses such as canteens, property agencies, metalware shops etc.;

- (b) to the north across a row of IBs is Lei Muk Road, and further are the vacant buildings of the Salvation Army Kwai Chung and other clusters of IBs (**Plan A-2**);
- (c) to the east are clusters of IBs and a hotel (Hotel Ease Tsuen Wan which was redeveloped by the wholesale conversion of an IB (**Plan A-2**));
- (d) to the south across Ta Chuen Ping Street is a cluster of IBs, and further is the Apex Horizon All-suite Hotel and service apartments of the Apex. To the further south-west is a cluster of residential buildings (**Plan A-1**); and
- (e) to the immediate west is an IB, Vigor Industrial Building; and further is Castle Peak Road - Kwai Chung.

## **8. Planning Intention**

- 8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.
- 8.2 As stated in the Explanatory Statement of the OZP, in order to cater for the long-term road widening proposal and to improve air ventilation of the “OU(B)” zone bounded by Castle Peak Road and Wo Yi Hop Road, a minimum 3.5m-wide NBA from the lot boundary abutting Ta Chuen Ping Street shall be provided (**Plan A-2**).

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

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

### **Policy Perspective**

- 9.1.1 Comments of the Secretary for Development (SDEV), Development Bureau (SDEV, DEVB):

It is Government’s policy to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, he gives policy support to this application for relaxation of PR if it satisfies all relevant conditions or criteria (see details in paragraph 3.1 above).

### **Land Administration**

- 9.1.2 Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing (DLO/TW&KT) and the Chief Estate Surveyor/Development Control, LandsD:



- (a) the Site falls within Lot 277 S.E. RP and Extension in D.D. 444 which is held under New Grant No. 3491 as varied by an Extension Letter dated 28.7.1964 and a Modification Letter dated 24.12.1964. It is restricted to industrial purposes only;
- (b) the proposed I-O development contravenes the existing lease conditions. Should the planning application be approved, the lot owners shall need to apply to his office for a lease modification for the proposed development. However, there is no guarantee that the lease modification would be approved and if the application is eventually approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms and conditions, including, inter alia, payment of full premium and administrative fee as may be imposed by LandsD;
- (c) the Occupation Permit (OP) for the subject building was issued on 4.11.1970; and
- (d) among the conditions under the 2018 IB revitalisation measure for redevelopment, the lease modification letter shall be executed no later than three years from the date of the Board's approval letter and the proposed redevelopment shall be completed within five years from the date of execution of the lease modification letter.

### **Building Matters**

#### 9.1.3 Comments of the Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD):

- (a) he has no objection in principle to the application.
- (b) under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works on leased land unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
- (c) Authorized Person (AP) must be appointed to coordinate all new building works in accordance with BO;
- (d) for Unauthorized Building Works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
- (e) permitted non-domestic PR and Site Coverage under the BO should be assessed in accordance with B(P)R 20, 21 and 22;
- (f) the sustainable building design requirements (building separation, building set back and site coverage of greenery) in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and APP-152 would be applicable to the building plan submission if GFA concessions for

non-mandatory areas/greenery features are to be applied; and

- (g) detailed comments will be given during the building plan submission stage.

### **Traffic**

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

He has no in-principle objection to the application for minor relaxation of PR for permitted I-O redevelopment. According to the TIA at **Appendix Ia**, it is noted that the proposed redevelopment would not cause significant traffic impact to the nearby road network. In addition, the provision of the car parking spaces and loading/unloading facilities meet the high-end requirements of HKPSG (**Appendix Id**).

#### 9.1.5 Comments of the Commissioner of Police:

He has no objection to the application. During the redevelopment stage, sufficient measures should be in place to ensure the noise level is within acceptable level and no illegal parking or obstruction is caused to the busy Ta Chuen Ping Street

### **Fire Safety**

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

He has no objection in principle to the application subject to fire services installations and water supplies for firefighting being provided to the satisfaction of his department. Arrangement on emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings which is administered by BD. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

### **Environmental Aspect**

#### 9.1.7 Comments of the Director of Environment Protection (DEP):

- (a) she has no objection to the application from the environmental planning perspective;
- (b) the applicant is advised to strictly comply with the relevant pollution control legislation to avoid or minimise any impact to the environment during construction of the development. The applicant may refer to the Recommended Pollution Control Clauses (RPCC), which are generally good engineering practice to minimise inconvenience and environmental nuisance to nearby sensitive receivers during construction. A full set of the RPCC is available at the EPD website ([https://www.epd.gov.hk/epd/english/environmentinhk/eia\\_planning/guide\\_ref/rpc.html](https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html));

- (c) as the proposed I-O building would not rely on openable windows for ventilation, adverse road traffic noise impact is not anticipated;
- (d) as sufficient buffer distance between nearby road and the Site will be provided as per HKPSG requirements, and that no industrial chimneys are found within 200m of the site, adverse air quality impact is not anticipated;
- (e) the SIA (Appendix B of **Appendix Ib**) concludes that adverse sewerage impacts are not anticipated. The applicant undertakes to update the SIA should the proposed use deviate from the calculation assumption adopted in the SIA; and
- (f) the ground floor of the existing building at the Site was a carpark and there are no basement floors. She noted that the applicant undertakes to conduct a land contamination assessment in accordance with the prevailing guidelines prior to development of the Site. In addition, the applicant is reminded to comply with the legislative requirements and prevailing guidelines on proper management of waste generated from the construction and operation of the development.

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

The SIA should be conducted to the satisfaction of Environmental Protection Department, i.e. the planning authority of sewerage infrastructure. The applicant indicates that the location and details of existing terminal manholes are not available in the General Building Records and will be confirmed at later stage. However, existing manhole cover and the associated connection pipes should be able to be located by topography survey or trial pits. Although the applicant explains that topographical survey and trail pits will only be available to proceed upon approval of the subject planning application at the subsequent detailed design stage (i.e. upon demolition of the existing building on the vacant site), it is suggested to impose relevant approval condition for the submission of an updated SIA should the calculation assumption (including pipe material and the location of terminal manhole) deviate from that adopted in the submitted SIA.

**Urban Design and Visual Aspects**

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

- (a) the subject site is surrounded by existing IBs to the east, north and west with BH ranging from about 65mPD to 150mPD. The proposed development with BH of about 130mPD has not exceeded the restriction stipulated for the Site. As such, it is unlikely that the proposed development will induce any significant visual impact to the

surroundings; and

- (b) the applicant may consider at detailed design stage adjusting the tower disposition slightly towards the north to provide upper level setback for the lot frontage abutting Ta Chuen Ping Street.

### **Landscape Aspect**

#### 9.1.10 Comments of CTP/UD&L, PlanD:

In view of the application does not involve any landscape issue and there is no existing landscape resource within the site, no significant landscape impact is envisaged. Given that the entire Site is proposed to be used for the building structure and no space is available for meaningful landscaping, it is considered not necessary to impose any landscape condition should the application be approved.

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

#### 9.1.11 Comments of the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD):

his office has posted the subject application on notice boards of his office and the Shek Lei Community Hall respectively from 12.3.2019 to 2.4.2019 , and has not received any comments on the application.

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

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police.

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

The application and the FI were published for public inspection on 12.3.2019 and 31.5.2019 respectively. Within the statutory public inspection period, no comment was received.

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

11.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%). According to the applicant, the proposed minor relaxation is in line with the government's policy on revitalising ageing IBs. The proposal is to redevelop the existing eight-storey IB into a 29-storey industrial-office building with a BH of 130mPD for the permitted non-polluting industrial uses as well as office uses. The proposed redevelopment is in line with

the planning intention of the “OU(B)” zone which is primarily for general business uses and the BH complies with BHR of 130mPD under OZP.

- 11.2 The existing vacant IB with an OP issued on 4.11.1970 can be regarded as an eligible pre-1987 IB under government’s new policy on revitalising IBs. DEVB gives policy support to the current application for the minor relaxation of PR by 20% with the initiative to incentivise redevelopment of old IBs to optimise utilisation of the existing industrial stock and make better use of the valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses.
- 11.3 The proposed minor relaxation of PR from 9.5 to 11.4 (i.e. +20%) generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed development. To support the application, the TIA submitted (**Appendix Ib**) demonstrates that the proposed development will not cause adverse traffic impact to the surrounding areas. In this regard, C for T has no in-principle objection to the application. DEP and CE/MS, DSD’s concerns on submission on sewerage impact assessments and land contamination can be addressed by the imposition of suitable approval conditions as set out in paragraphs 12.2(c) and (d) below. Other relevant Government departments including FSD have no adverse comments on the application, subject to incorporation of appropriate approval condition on fire safety aspect in paragraph 12.2(b) below.
- 11.4 As required under the OZP, a minimum 3.5m-wide NBA from the lot boundary abutting Ta Chuen Ping Street is required. Such NBA along the site boundary is to cater for the long-term road widening proposal and improve the air permeability of the local area. According to the applicant, the proposed redevelopment has incorporated a NBA wider than the OZP requirement ranging from a width from 3.5m to 4.9m abutting Ta Chuen Ping Street. The applicant also indicates that the proposal has accommodated the proposed additional floor area having regard to the building height profile of the OZP in that minor relaxation of BH restriction is not required to facilitate the redevelopment. In light of the above, it is considered that the proposal allows for redevelopment which is in keeping with the planning intention, character and context of the surrounding developments.
- 11.5 The applicant has provided information on the proposed claim of a bonus PR of 0.248 for the redevelopment under the B(P)R to meet the NBA requirement stipulated on the OZP. Although the bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, the claim of bonus PR can only be considered upon formal submission of BPs<sup>[3]</sup>, and hence subject to the approval of Building Authority and agreement of concerned government departments. Given the above, the claim of bonus PR should be dealt with at the building plan submission stage and should not be taken as approved under the subject application.
- 11.6 No public comment was received during the public consultation period.

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<sup>[3]</sup> Granting of bonus PR/GFA for the setback areas to be surrendered to the Government is in general subject to compliance with the conditions set out under PNAP APP-20 and/or PNAP APP-108 and to the agreement/consents from the concerned departments including but not limited to TD, HyD and LandsD.

## 12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 5.7.2023, 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 suggested for Members' reference:

### Approval conditions

- (a) provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
- (b) provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) submission of a revised sewerage impact assessment and implementation of the sewage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) submission of a land contamination assessment and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

### Advisory clauses

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

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

- (a) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio restriction; and
- (b) the approval of the application would set an undesirable precedent for similar applications for minor relaxation of plot ratio restriction in the area, the cumulative effects of approving similar applications would have adverse impact on the area.

## 13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.

13.2 Should the Committee decide to approve the application, Members are invited to

consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form received on 5.3.2019
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	Letter received on 5.3.2019 providing amended pages of the Application Form and Supporting Planning Statement
<b>Appendix Ic</b>	Letter dated 12.4.2019 from the applicant requesting for deferment
<b>Appendix Id</b>	Further Information vide letter received on 16.5.2019 responding to departmental comments and other supporting materials and updated technical assessments
<b>Appendix Ie</b>	Further Information vide letter received on 14.6.2019 responding to departmental comments and other supporting materials
<b>Appendix If</b>	Further Information vide letter received on 19.6.2019 with replacement pages of the Planning Statement and the Environmental Air Quality Impact Assessment Report
<b>Appendix Ig</b>	Further Information vide letter received on 26.6.2019 with clarification on the proposed PR of the development and planning and design merits of the proposed scheme
<b>Appendix Ih</b>	Further Information vide letter received on 2.7.2019 with an updated set of MLP/floor plans
<b>Appendix II</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-7</b>	MLP, floor plans and diagrammatic section submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plans A-3 to A-4</b>	Site photos