

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing (DLO/TW&KT) and the Chief Estate Surveyor/Development Control (CES/DC), Lands Department (LandsD):
- (i) “industrial use” in planning terms covers a wide range of uses, would constitute uses in breach of the lease conditions. Whereby the user restrictions of “industrial and/or godown purposes” under lease should involve manufacturing process and/or transient deposit and storage for delivery purposes as per court decided cases. Besides, General Condition No. 4(a) of both New Grants stipulated that the grantee shall “*develop the lot by the erection thereon of a building or buildings...*” Hence, the proposal of one building straddling over the Lots would be in contravention of the leases governing the lots;
 - (ii) the proposed setback on G/F and the communal podium garden at 1/F are not a lease requirement nor required by LandsD. The provision of which would be dealt with during the processing of lease modification stage; and
 - (iii) if the planning application is approved, the applicant have to apply for lease modification to effect the proposal. Upon receipt of lease modification application, LandsD will impose such appropriate terms and conditions, including user restriction, payment of full premium and administrative fee. Such application will be considered by LandsD acting in its capacity as the landlord at its own discretion and any approval given will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee that the application will be approved by LandsD. Under the 2018 IB revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of the Board’s approval letter and the proposed redevelopment shall be completed within 5 years from the date of execution of the lease modification letter/conditions of land exchange.
- (b) to note the comments of Director of Environmental Protection (DEP):
- (i) the applicant is advised to minimize the generation of C&D materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.
- (c) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
- (i) the applicant is reminded to provide proper access to all landscape areas for vegetation maintenance and provide sufficient soil provision, drainage layer and etc. at planting areas for sustainable plant growth.

Similar Applications

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
Kwun Tong Business Area							
1.	S/K14S/22 “OU(B)” A/K14/763 BHR: 100mPD	350 Kwun Tong Road, Kwun Tong (1,782m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 125.9mPD (+25.9%)	<u>Approved</u> with conditions on 22.3.2019	4m (Office)	<ul style="list-style-type: none"> ● Full-height setback along Hang Yip Street and Lai Yip Street in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 357m² (about 20% of Site Area) ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may still allow a stepped BH profile in the Area ● Incorporation of refuge floor cum communal sky garden
2.	S/K14S/22 “OU(B)” A/K14/764 <i>(same site as No. A/K14/771)</i> BHR: 100mPD	32 Hung To Road, Kwun Tong (911.2m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 130.2mPD (+30.2%)	<u>Rejected</u> on 22.3.2019 on the following grounds: (I), (II) [see remarks for details]	3.5m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along Hung To Road and the back alley in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 127m² (about 14% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Incorporation of refuge floor cum communal sky garden
3.	S/K14S/22 “OU(B)” A/K14/766 BHR: 100mPD	41 King Yip Street, Kwun Tong (2,042.011m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 126mPD (+26%)	<u>Approved</u> with conditions on 16.8.2019	4.025m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along King Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment. ● Voluntary setback and corner setback (G/F to 1/F) along King Yip Street to provide more ground floor greening and weather protection to the pedestrian ● Curvilinear building design with five layers of edge plantings ● Greening provision of 530 m² (about 26% of Site Area) ● Incorporation of refuge floor cum communal sky garden ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may not be incompatible with the planned stepped BH profile in the Area

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
4.	S/K14S/22 “OU(B)” A/K14/771 (same site as No. A/K14/764) BHR: 100mPD	32 Hung To Road, Kwun Tong (911.2m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 119.7mPD (+19.7%)	<u>Approved</u> with conditions on 16.8.2019	3.5m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along Hung To Road and the back alley in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 197 m² (about 22% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Incorporation of refuge floor cum communal sky garden ● Tower deposition to allow building separation at tower with adjoining building to facilitate wind penetration to inland area ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may not be incompatible with the planned stepped BH profile in the Area. ● Confined site configuration while the applicant had made effort in the building design to improve the local environment as listed above.
5.	S/K14S/22 “OU(B)” A/K14/774 BHR: 100mPD	7 Lai Yip Street, Kwun Tong (1,026m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 125.9mPD (+25.9%)	<u>Approved</u> with conditions on 13.12.2019	4m (Office)	<ul style="list-style-type: none"> ● Full-height setback along Lai Yip Street and Hang Yip Street in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 222.7m² (about 22% of Site Area) ● Incorporation of refuge floor cum communal sky garden ● Weather protection canopy along the frontage facing Lai Yip Street ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may still allow a stepped BH profile
6.	S/K14S/22 “OU(B)” A/K14/775 BHR: 100mPD	132 Wai Yip Street, Kwun Tong (418.06m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 120mPD (+20%)	<u>Approved</u> with conditions on 3.1.2020	3.9m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along Wai Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 63m² including vertical greenery (about 15% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and could be tolerated

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
7.	S/K14S/22 "OU(B)" A/K14/773 BHR: 100mPD	82 Hung To Road, Kwun Tong (929.03m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 119.85mPD (+19.85%)	<u>Approved</u> with conditions on 17.1.2020	4.1m (Workshop)	<ul style="list-style-type: none"> ● Voluntary full-height setback along Hung To Road for improving pedestrian environment ● Greening provision of 202.3m² including vertical greenery (about 21.8% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Incorporation of refuge floor cum communal sky garden ● Weather protection canopy along the frontage facing Hung To Road ● Compliance with SBDG and incorporation of green building design measures ● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and could be tolerated
8.	S/K14S/22 "OU(B)" A/K14/778 BHR: 100mPD	203 Wai Yip Street, Kwun Tong (935.99m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 17.1.2020	4.04m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along Wai Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment ● Greening provision of 270m² (about 29% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Weather protection canopy along the frontage facing Wai Yip Street ● Compliance with SBDG and incorporation of green building design measures
9.	S/K14S/22 "OU(B)" A/K14/777 BHR: 100mPD	71 How Ming Street, Kwun Tong (1,271.66m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%)	<u>Approved</u> with conditions on 15.5.2020	5m (Office)	<ul style="list-style-type: none"> ● Full-height setback/ground floor NBA^[2] along How Ming Street, Chong Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment ● Incorporation of refuge floor cum communal sky garden ● Weather protection canopy along the frontage facing How Ming Street and Chong Yip Street ● Greening provision of about 20% of Site Area ● Compliance with SBDG
10.	S/K14S/22 "OU(B)" A/K14/782 BHR: 100mPD	4 Tai Yip Street, Kwun Tong (557.414m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 125.9mPD (+25.9%)	<u>Approved</u> with conditions on 15.5.2020	3.875m (Shop and Services (Medical-related))	<ul style="list-style-type: none"> ● Full-height setback along Tai Yip Street and Yan Yip Street in accordance with ODP requirement for improving pedestrian environment ● Pedestrian Accesses on G/F facing both Tai Yip Street and Yan Yip Street to enhance pedestrian connectivity ● Greening provision of not less than 20% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of <1,000m²] ● Incorporation of refuge floor cum communal podium garden ● Compliance with SBDG and incorporation of green building design measures
Kowloon Bay Business Area							
11.	S/K13/29 "OU(B)" A/K13/313	13 Sheung Yuet Road, Kowloon Bay, Kowloon (1,696m ²)	O	<u>PR</u> 12 to 14.4 (+20%)	<u>Rejected</u> on 17.3.2020 on the following	4.2m (Office)	<ul style="list-style-type: none"> ● Proposed setbacks along Sheung Yuet Road and Wang Tai Road in accordance with ODP requirement for air ventilation, footpath widening and amenity purposes ● Ground floor NBA from the lot boundary abutting Wang Chiu Road in accordance with OZP requirement ● Incorporation of refuge floor cum communal sky garden

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
	BHR: 120mPD			<u>BH</u> 120mPD to 141.25mPD (+17.7%)	grounds: (III), (IV) [see remarks for details]		<ul style="list-style-type: none"> ● Greenery coverage of 438m² (about 26% of Site Area) excluding 146m² of greenery area at refuge floor at 16/F ● Compliance with SBDG
San Po Kong Business Area							
12.	S/K11/29 “OU(B)” A/K11/233 BHR: 120mPD	1 Tsat Po Street, San Po Kong (1,386m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 12.4.2019	3.325m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback in accordance with OZP along Tsat Po Street and Sam Chuk Street for improving pedestrian environment. ● Greening provision of 278 m² (about 20% of Site Area)
13.	S/K11/29 “OU(B)” A/K11/235 BHR: 120mPD	No. 21 Luk Hop Street, San Po Kong, Kowloon (776.1m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 13.12.2019	3.603m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback wider than OZP requirement to achieve a total of 3.4m-wide setback from the lot boundary abutting Luk Hop Street featured with landscape planters ● Greening provision of 278 m² (about 35.8% of Site Area) by inclusion of planters, vertical green wall and green roof ● Incorporation of green building design measures
Hung Hom							
14.	S/K9/26 “OU(B)” A/K9/274 BHR: 120mPD	13 Hok Yuen Street, Hung Hom (3,698.8m ²)	C/O	<u>PR</u> 12 to 12.782 (+6.52%) <u>BH</u> Nil	<u>Approved</u> with conditions on 17.5.2019	N/A	<ul style="list-style-type: none"> ● Proposed corner setback at Hok Yuen Street and 4.5m setbacks from adjacent buildings at east and west for improving the pedestrian environment ● A 26.8m-wide building gap between the two office towers ● Greening provision of 740 m² (including a landscaped garden on 1/F) (about 20% of Site Area)
Yau Tsim Mong Area							
15.	S/K3/31 “OU(B)” A/K3/582 BHR: 110mPD	107-111 (Odd Numbers Only) Tung Chau Street, Tai Kok Tsui, Kowloon (386.5m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 17.3.2020	4.025m (Workshop)	<ul style="list-style-type: none"> ● Setback above 15m measured from the mean street level along Maple Street in accordance with OZP requirement ● Full-height setback along Tung Chau Street ● Greening ratio of about 33.4% (about 129m²) with greening on G/F (about 11m²) and 3/F (about 48m²) as well as vertical greening (about 70m²) ● Incorporation of landscaped area at the setback on G/F ● Incorporation of a sky garden with edge planters on 3/F

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
							<ul style="list-style-type: none"> ● Provision of vertical greening features on the podium façade along Tung Chau Street ● Compliance with SBDG and incorporation of green building design measures
Cheung Sha Wan							
16.	S/K5/37 "OU(B)" A/K5/813 BHR: 120mPD	822 Lai Chi Kok Road, Cheung Sha Wan (1318.3m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 120mPD to 125.7mPD (+4.75%)	<u>Approved</u> with conditions on 6.3.2020	4.375m (Office)	<ul style="list-style-type: none"> ● Full-height setbacks along Lai Chi Kok Road and Cheung Lai Street in accordance with ODP requirement for street widening and streetscape improvement ● Voluntary setback at G/F and 1/F along Cheung Yee Street to provide shading and to enhance pedestrian connectivity and comfort ● Incorporation of refuge floor cum communal sky garden ● Incorporation of flat roofs/recessed terraces with greenery ● Greenery coverage of 263.891m² (about 20% of Site Area) with an additional 50m² vertical greening ● Compliance with SBDG and incorporation of green building design measures
Kwai Chung							
17.	S/KC/29 "OU(B)" A/KC/460 BHR: 130mPD	57 – 61 Ta Chuen Ping Street, Kwai Chung (2,261m ²)	I-O	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 5.7.2019	N/A	<ul style="list-style-type: none"> ● Full-height setback along Ta Chuen Ping Street wider than OZP requirement for long-term road widening and improving air ventilation
18.	S/KC/29 "OU(B)" A/KC/464 BHR: 105mPD	20-24 Kwai Wing Road, Kwai Chung (1,579m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 29.11.2019	4.2m (Workshop)	<ul style="list-style-type: none"> ● Voluntary full-height setbacks at the northern portion of site and along Castle Peak Road - Kwai Chung for improving pedestrian environment, air ventilation and visual permeability ● Greening provision of 316m² (about 20% of Site Area) ● Provision of communal escalator with universal accessible lift and staircase open to the public for improving pedestrian connectivity, accessibility and comfort ● Compliance with SBDG and incorporation of green building design measures
19.	S/KC/29 "OU(B)" A/KC/463 BHR: 105mPD	Kwai Chung Town Lot (KCTL) 49 and Ext. RP, 45-51 Kwok Shui Road, Kwai Chung, New Territories (Gross Site	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 17.3.2020	4.20m (Workshop)	<ul style="list-style-type: none"> ● 2m Voluntary full-height setback along Kwok Shui Road for proposed pedestrian footpath and landscaped area ● Weather protection canopy along the northern and western facades ● Greening ratio of about 28.37% (335m²) ● Incorporation of landscaped area at G/F, 1/F, 3/F and the rooftop ● Compliance with SBDG and incorporation of green building design measures

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
		Area: 1,324.3m ² Net Site Area ^[3] : 1,181.727 m ²)					
Tsuen Wan							
20.	S/TW/33 “Industrial” A/TW/505 BHR: 100mPD	14-18 Ma Kok Street, Tsuen Wan (1,858.1m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 1.11.2019	3.5m (Workshop)	<ul style="list-style-type: none"> ● Voluntary full-height setback along Ma Kok Street for improving pedestrian environment ● Greening at G/F (with 0.6m setback) along Tsuen Yip Street ● Greening provision of 389 m² (about 20% of Site Area) ● Compliance with SBDG and incorporation of green building design measures
21.	S/TW/33 “Industrial” A/TW/509 BHR: 100mPD	8-14 Sha Tsui Road, Tsuen Wan (4,645.16m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 13.12.2019	4.95m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback along Sha Tsui Road, Pun Shan Street and back alley ● Building setback above 1/F ● Landscape and seating provided in setback area along Sha Tsui Road and Pun Shan Street ● Substantial vertical greenery in front facade and total greenery coverage of not less than 20% ● Compliance with SBDG and incorporation of green building design measures
22.	S/TW/33 “OU(B)” A/TW/508 BHR: 100mPD	18-20 Pun Shan Street, Tsuen Wan (2,322.557m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 17.1.2020	3.85m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback along Pun Shan Street in accordance with ODP requirement for improving pedestrian environment ● Setback from G/F to 3/F along the service lane at the west of the application site ● Landscape area provided at 1/F, 2/F and roof floor ● Greenery provided at entrance foyer and run-in/out, and total greenery coverage of not less than 20% ● Compliance with SBDG and incorporation of green building design measures

Notes

[1] Proposed Uses: Industrial (I), Commercial/ Office (C/O), Office (O) and Industrial-Office (I-O)

[2] For back alleys, in addition to a 1.5m full-height setback, a 1.5m non-building area (NBA) from ground level with clear headroom of 5.1 are required, which basement structures as well as cantilevered structures projecting above the minimum 5.1m headroom are allowed.

[3] The Site comprises parent lot KCTL No.49 (about 1,181.727m²) and Ext. RP (about 142.6m²). The extension area was granted after the building plans for the existing Topy Tower were approved in 1974. Under the lease, no structure other than boundary walls and fences is permitted to be erected within the extension area except with prior approval of the Director of Lands, and the extension area shall not be PR/site coverage accountable. Hence, only the area of KCTL 49, i.e. about 1,181.727m² should be accountable for PR/GFA calculation.

Rejection Reasons

- (I) The applicant failed to demonstrate that there were sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.
- (II) The approval of the application would set an undesirable precedent for similar applications for minor relaxation of building height restriction in the area, the cumulative effects of approving similar applications would have adverse visual impact on the area.
- (III) The applicant failed to demonstrate that the proposed minor relaxation of BH restriction will not create adverse visual impact on the area.
- (IV) The applicant had not provided strong justifications for the proposed minor relaxation of BH restriction.