

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K3/588

<u>Applicants</u>	Prime 18 Development Limited and TKT Development Limited represented by Lanbase Surveyors Limited
<u>Site</u>	100-114 Bedford Road, Kowloon
<u>Site Area</u>	932.925m ² (about)
<u>Lease</u>	Kowloon Inland Lot (KIL) 7772 to 7775 and 7780 to 7782 (a) restricted to industrial purposes with standard offensive trades clause; (b) the rear portion of each of the Lots is subject to a right-of-way for Government and the lessees of neighbouring lots; and (c) except for KIL 7782, a right-of-way over the common staircases and landings in each of the existing buildings on the Lots is reserved for Government and the lessees of the respective adjoining lots.
<u>Plan</u>	Approved Mong Kok Outline Zoning Plan (OZP) No. S/K3/32
<u>Zoning</u>	“Other Specified Uses” annotated “Business” (“OU(B)”) (a) a maximum plot ratio (PR) of 12.0 and a maximum building height (BH) of 110mPD, or the PR/BH of the existing building, whichever is the greater; and (b) minor relaxation of the PR/BH restrictions may be considered by the Town Planning Board (the Board) on application based on the individual merits of development proposal.
<u>Application</u>	Proposed Minor Relaxation of PR Restriction for Permitted Office and Shop and Services Uses

1. The Proposal

- 1.1. The applicants seek planning permission for minor relaxation of PR restriction from 12.0 to 14.4 (i.e. 2.4 or +20%) for a proposed commercial development at 100-114 Bedford Road, Kowloon (the Site) which falls within an area zoned “OU(B)” on the approved Mong Kok OZP No. S/K3/32 (**Plan A-1**). The Site, which is currently vacant, was previously occupied by four industrial buildings (IBs) constructed before 1987 (pre-1987 IB¹). The proposal is for development of a 28-storey commercial development

¹ The Occupation Permits for the subject IBs were issued in 1956.

(including two basement levels and a sky garden) for ‘office’ and ‘shop and services’ uses which are always permitted under Schedule I for open-air development or for building other than industrial or industrial-office building of the Notes for “OU(B)” zone. Minor relaxation of the PR restriction may be considered by the Board under section 16 of the Town Planning Ordinance (the Ordinance).

- 1.2. The Site abuts Bedford Road to its southwest (**Plan A-2**). The proposed development will incorporate a voluntary full-height setback of 3.17m from the south-eastern part of the lot boundary abutting Bedford Road (**Drawing A-3**). The proposed setback will be open for public use at all times to improve the streetscape and pedestrian accessibility. The main entrance and vehicular access will be located on the G/F via Bedford Road.
- 1.3. According to the applicants, the proposed scheme will incorporate a green wall from G/F to 3/F, a sky garden with greenery on 3/F and a flat roof with greenery on R/F (**Drawings A-3 to A-6, A-8 and A-10**). The proposed landscape features would improve the pedestrian comfort and enhance visual permeability of the proposed development. The proposed scheme will achieve a greening ratio of about 25.87% (about 241.39m²) with greening on 3/F (about 116m²) and R/F (about 80m²), as well as vertical greening (about 45.39m²).
- 1.4. Relevant floor/section plans and renderings of the proposed scheme submitted by the applicants are shown at **Drawings A-1 to A-11**. Major development parameters of the proposed scheme are as follows:

Development Parameters	Proposed Scheme
Site Area	About 932.925m ²
Plot Ratio	14.4
Gross Floor Area (Non-domestic)	Not more than 13,434.12m ²
Site Coverage (SC) <ul style="list-style-type: none"> • Not exceeding 15m • Over 15m 	Not more than 92% Not more than 65%
No. of Block	1
No. of Storeys	28 (including two basement levels and a sky garden)
Building Height (at main roof level)	110mPD
Proposed Us	Shop and Services, Office
Greenery	About 241.39m ² (25.87%)
Parking Spaces and Loading/Unloading (L/UL) Bays	
• Private Cars	70 (including 2 accessible parking spaces)
• Motorcycles	4
• L/UL Bays (Light Goods Vehicles)	5
Building Setback	
• Bedford Road	a voluntary full-height setback of 3.17m from the south-eastern part of the lot boundary abutting Bedford Road ²
Anticipated Year of Completion	2024

² According to the applicants, bonus PR under Building (Planning) Regulations 22 will not be claimed.

- 1.5. In support of the application, the applicants have submitted the following documents:
- (a) Application form, Applicants' letter, Planning (Appendix I) Statement with a Traffic Impact Assessment (TIA) received on 2.4.2020
 - (b) Further information (FI) received on 13.5.2020 (Appendix Ia) providing responses to departmental comments*
 - (c) FI received on 21.5.2020 providing responses to (Appendix Ib) departmental comments*

*Remarks: *accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Part 6 of the Planning Statement (Appendices I, Ia and Ib). They can be summarised as follows:

In Line with Government Policy

- (a) The proposed minor relaxation of PR restriction by 20% is in line with the 2018 Policy Address and should be encouraged for making better use of land resources.

Conforming to Planning Intention and Transformation of the Area

- (b) The proposed commercial development is in line with the planning intention of the "OU(B)" zone which is primarily for general business uses, as well as the gradual transformation of the area from industrial to business use.

Planning and Design Merits of the Proposed Development

Provision of Setback and Landscape Features, and Improve Urban Design

- (c) The Site, which comprises of seven smaller lots previously occupied by four small-scaled industrial buildings, could achieve better urban design through amalgamation of smaller lots. A voluntary full-height setback of 3.17m along Bedford Road will be incorporated into the proposed scheme, and will be opened for public use at all times to improve pedestrian accessibility, comfort and safety (Drawing A-3). Besides, a sky garden on 3/F of the proposed commercial development with landscaped area would enhance air ventilation and visual permeability. (Drawing A-6). Other landscape features, including green wall and a flat roof with greenery (Drawings A-3 to A-6, A-8 and A-10) will also be provided at the proposed commercial development to foster a quality and sustainable built environment.

Compliance with Sustainable Building Design Guidelines (SBDG) and Consideration of Green Building Design

- (d) A proposed greenery ratio of 25.87% would be achieved for the proposed scheme. Although the Site is less than 1,000m² in which the requirement on greenery provision under the SBDG is not applicable, effort has been made by the applicants in building design improvement by introducing greenery provision of no less than 20% of the Site area. Green building design elements, including Building Environmental Assessment

Method Plus (BEAM Plus) and other energy efficiency guidelines including those under the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers, will also be incorporated into the proposed development.

No Adverse Visual, Traffic, Drainage and Sewerage Impacts

- (e) The renderings (**Drawing A-11**) show that the landscape features would improve the visual quality of the area. The TIA demonstrated that the proposed development with the recommended internal transport facilities would not result in adverse traffic impact to the surrounding road network and is acceptable from traffic engineering point of view. Besides, it is anticipated that the proposed development would only have minimal impact to the existing sewerage system and no adverse drainage and sewerage impacts are anticipated. The applicants would also submit a detailed drainage and sewerage assessment at the detailed building design stage, if required.

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 on the Policy Initiatives of Revitalisation of IBs

4.1. 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 1987³, 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 Building (Planning) Regulation (B(P)R)⁴. 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.

4.2. 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 permission is granted.

5. Previous Application

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

³ 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 for approval on or before the same date.

⁴ 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.

6. Similar Applications

Since March 2019, the Committee has considered a total of 22 applications for minor relaxation of PR and/or BH in the Metro Area relating to the Policy, including one on the Mong Kok OZP. Out of the 22 similar applications, 20 applications were approved with conditions and two were rejected. In consideration of these applications, the Committee generally indicated support for the Policy to relax the PR up to 20% as it provides incentives to encourage redevelopment of pre-1987 IBs taking account that relevant technical assessments were submitted to support the technical feasibility and there was no adverse comment from relevant government departments.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2 and Photos on Plan A-3)

7.1. The Site is:

- (a) currently vacant and was previously occupied by four 4 to 5-storey IBs with Occupation Permits issued by the Building Authority in 1956;
- (b) bounded by Bedford Road to its southwest, and other IBs and commercial development to its north, east and west (**Plan A-2**); and
- (c) located at about 500m west of MTR Prince Edward Station and is well served by various modes of public transport including buses and public light buses.

7.2. The surrounding areas have the following characteristics (**Plan A-2**):

- (a) the adjoining site to its northwest is under construction for a hotel development;
- (b) the surrounding buildings along Bedford Road, Maple Street and Tung Chau Street are mainly industrial or industrial-office buildings under active operation; and
- (c) to its further north across Tung Chau Street and the West Kowloon Corridor is the Sycamore Playground and to its further west across Bedford Road is the Kowloon Funeral Parlour.

8. Planning Intention

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 industrial-office buildings.

9. Comments from Relevant Government Departments

9.1. The following government bureau/departments (B/Ds) 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):

- (a) it is the 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. In this light, he accepts that the landowner of a site which was occupied by a pre-1987 IB immediately before its present vacancy should be eligible for applying for the relaxation of PR, as long as the relevant planning application is submitted to the Board within three years starting from 10.10.2018; and
- (b) he supports the subject planning application in-principle, as the proposed 'office' and 'shop and services' uses are in line with the "OU(B)" zone, subject to the applicants' compliance with all relevant requirements under the revitalisation scheme.

Land Administration

9.1.2. Comments of the District Lands Officer/Kowloon West (DLO/KW) and the Chief Estate Surveyor/Development Control (CES/DC), Lands Department (LandsD):

- (a) she has no objection to the application;
- (b) the Site is situated at KILs 7772, 7773, 7774, 7775, 7780, 7781 and 7782 (the Lots). KILs 7772 to 7775 are held under Government leases for a term of 75 years commencing from 27.6.1955 and renewable for a further term of 75 years, while KILs 7780 to 7782 are held under Government leases for a term of 75 years commencing from 18.4.1955 and renewable for a further term of 75 years;
- (c) the Lots are restricted to industrial purposes with standard offensive trades clause under their respective Government leases. Save for KIL 7782, a right-of-way over the common staircases and landings in each of the existing buildings on the Lots is reserved for Government and the lessees of the respective adjoining lots. In addition, the rear portion of each of the Lots is also subject to a right-of-way for Government and the lessees of neighbouring lots;
- (d) the proposed commercial building with 'office' and 'shop and services' uses will constitute a breach of the user restriction and affect Government's right-of-way over the common staircases and landings under the leases. Should the application be approved by the Board, the applicants are required to apply to LandsD for a lease modification/land exchange for the proposal. There is no guarantee that the application, if received by LandsD, will be approved and she shall reserve her comments on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit, including, among others,

user restriction, the 5-year time limit for completion of the development, payment of full premium and administrative fee, as may be imposed by LandsD;

- (e) technical assessments such as traffic, landscape, building design and setback arrangement etc., should be considered by the relevant B/Ds; and
- (f) under the policy, the lease modification letter/conditions of land exchange shall be executed within three years from the date of the Board's approval letter.

Traffic

9.1.3. Comments of the Commissioner for Transport (C for T):

- (a) he has no comment on the application and the TIA, including the provision of parking spaces as well as loading/unloading facilities within the proposed development;
- (b) the applicants should be reminded that C for T has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development; and
- (c) should the application be approved, it is recommended to impose an approval condition on the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of C for T or of the Town Planning Board.

Environment

9.1.4. Comments of the Director of Environmental Protection (DEP):

- (a) office developments are normally provided with central air conditioning system and the applicants/Authorized Person should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact;
- (b) should the application be approved, it is recommended to impose the following approval conditions:
 - (i) the submission of a sewerage impact assessment (SIA) for the proposed development to the satisfaction of the DEP or of the Board; and
 - (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA for the proposed

development in condition (i) above to the satisfaction of the Director of Drainage Services or of the Board.

- (c) should the application be approved, the applicants should be advised to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

Urban Design and Landscape

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

Urban Design and Visual Impact

- (a) the Site comprises various smaller lots previously occupied by four 4 to 5 storeys industrial buildings. Amalgamation of these smaller lots would allow greater flexibility in site layout such as more building setback to improve street frontage. The proposed building setback of 74.641m² at the south-eastern portion of the Site along Bedford Road would enhance the pedestrian environment. The proposed sky garden with edge greenery on the lower portion (3/F) of the proposed development would enhance building permeability and break down the mass of the proposed high-rise development;
- (b) to further enhance the pedestrian environment, the applicants may consider to provide weather protection measures along the development edge;

Landscape

- (c) the Site is situated in an area of the city grid mixed urban landscape character dominated by industrial and commercial buildings, and there is no significant landscape resource observed within the Site. The proposed development is not incompatible with the surrounding environment. Thus, there is no objection to the application from landscape planning perspective; and
- (d) the applicants are reminded to allow adequate soil provisions, maintenance access, irrigation system and drainage system for the proposed landscape areas/features.

Building Matters

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

- (a) he has no in-principle objection to the application;
- (b) the proposal should in all aspects comply with the Buildings Ordinance (BO) and its allied regulations;
- (c) detailed comments under the BO will be given at building plan

submission stage; and

- (d) his detailed comments on the application are at **Appendix III**.

Others

9.1.7. Comments of the Director of Electrical and Mechanical Services (DEMS):

he has no comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable under the subject planning application should approach the electricity supplier (i.e. the China Light and Power) for the requisition of cable plans to find out whether there is any underground cable within and/or in the vicinity of the Site. The applicants should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the abovementioned regulation when carrying out works in the vicinity of the electricity supply lines.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD)
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Chief Architect/Central Management Division 2, Architectural Services Department;
- (e) Project Manager (South), Civil Engineering and Development Department;
- (f) Commissioner for Police;
- (g) Director of Fire Services; and
- (h) District Officer (Yau Tsim Mong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, two public comments were received, including one from a Yau Tsim Mong District Council (YTM DC) Member, and other from an individual (**Appendix IV**). The YTM DC Member considered that the proposed parking facilities may not be sufficient to meet the demand for car parking spaces in the area. The other individual indicated concerns on issues related to air ventilation, accessibility to the sky garden, and streetscape improvement.

11. Planning Considerations and Assessments

11.1. The application is for minor relaxation of PR restriction from 12.0 to 14.4 (by 20%) for a proposed 28-storey commercial development (including two basement levels and a sky garden) for permitted 'office' and 'shop and services' uses at the Site, which falls within an area zoned "OU(B)". The proposed uses are generally in line with the planning intention of the "OU(B)" zone, which is primarily for general business uses. The proposed BH of 110mPD complies with the BH restriction under the OZP.

Policy Aspect

- 11.2. The Site is currently vacant and was previously occupied by IBs with OPs issued in 1956, which can be regarded as eligible pre-1987 IBs under Government's new policy on revitalising IBs. SDEV is willing to provide policy support to the application, with the initiative to incentivise redevelopment of old IBs to optimise utilisation of the existing industrial building stock and make better use of the valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses.

Technical Aspects

- 11.3. The proposed minor relaxation of PR from 12.0 to 14.4 (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. The TIA submitted demonstrates that the proposed commercial development will not cause adverse traffic impact to the surrounding areas. C for T has no objection to the application subject to the incorporation of an approval condition as set out in paragraph 12.2 (a) below. DEP's concern on sewerage aspect can be addressed by imposition of approval conditions in paragraphs 12.2 (b) and (c) below. Other relevant government departments consulted including FSD, DSD and CHE/K, HyD have no objection to/no adverse comment on the application.

Planning and Design Merits

- 11.4. The proposed scheme has incorporated a voluntary full-height setback of 3.17m from the south-eastern part of the lot boundary abutting Bedford Road to enhance streetscape and pedestrian connectivity (**Drawings A-3 and A-9**). Besides, a green wall from G/F to 3/F, a sky garden with greenery on 3/F and a flat roof with greenery on R/F of the proposed development will also be provided (**Drawings A-3 to A-6, A-8 and A-10**). In this regard, a greening ratio of about 25.87% will be achieved. CTP/UD&L, PlanD considers that amalgamation of the smaller lots at the Site would allow greater flexibility in site layout such as more building setback to improve street frontage. The proposed landscape features would break down the mass of the proposed high-rise commercial development and enhance building permeability as well as the pedestrian environment.
- 11.5. On the sustainability building design aspect, although the Site is less than 1,000m² in which the requirement on greenery provision under the SBDG is not applicable, the applicants have shown effort in building design improvement by introducing greenery provision of no less than 20% of the site area. Regarding the green building design, the applicants indicate that other relevant building design requirement/guidelines, including BEAM Plus certification, will be followed. Detailed proposed measures on green building design could be considered at the detailed building design stage upon building plan submission.

Public Comment

- 11.6. Regarding the concerns raised in the public comments, the planning assessments above and the departmental comments in paragraph 9 above are relevant.

12. Planning Department's Views

- 12.1. Based on the assessments made in paragraph 11 above, and having taken into account the public comments mentioned in paragraph 10 above, 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 29.5.2024, 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, 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) the submission of a Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works as identified in the Sewerage Impact Assessment for the proposed development in condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

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

the applicants fail to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio restriction.

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

Appendix I	Application form, planning statement and clarification letter received on 2.4.2020
Appendix Ia	Further information received on 13.5.2020
Appendix Ib	Further information received on 21.5.2020
Appendix II	Similar Applications
Appendix III	Detailed comments from Government departments
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 and A-2	Basement Plans
Drawing A-3	G/F Plan
Drawings A-4 and A-5	1/F to 2/F Floor Plans
Drawing A-6	3/F Floor Plan
Drawing A-7	Typical Floor Plan
Drawing A-8	R/F Plan
Drawing A-9	Section Plan
Drawing A-10	Section Plan of the Proposed Green Wall
Drawing A-11	Renderings of the Proposed Development
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
MAY 2020**