

**Detailed Departmental Comments**

1. Comments of the Chief Building Surveyor/NTW, Buildings Department:
  - (a) The applicant is reminded that under Buildings Ordinance (BO), no person shall commence or carry out any buildings works without having first obtained approval and consent from the Building Authority before commence of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation.
  - (b) Any proposed building works should comply with the prevailing requirements under the BO and allied regulations and Code of Practices.
  - (c) Emergency vehicular access shall be provided for all buildings to be erected on the Site in accordance with the requirements under Building (Planning) Regulations (B(P)R) 41D.
  - (d) If the proposed plot ratio is based on the assumption that gross floor area (GFA) concessions will be granted (i.e. excluding the green/amenity features and non-mandatory/non-essential plant rooms and services from GFA calculations), the pre-requisites in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 (e.g. BEAM Plus Certification) and Sustainable Building Design Guidelines set out in PNAP-152 should be complied with.
  - (e) Detailed comments will be given in the building plan submission stage.

**Recommended Advisory Clauses**

- (a) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession of the proposed commercial/office development will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements and GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required.
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing and the Chief Estate Surveyor/Development Control, Lands Department (LandsD):
  - (i) The proposed development contravenes the existing lease conditions. If planning approval is given to the application, the owner of the subject lot will need to apply to the LandsD for a lease modification for implementation of the proposed development.
  - (ii) The proposal will only be considered upon LandsD's receipt of formal application from the lot owner.
  - (iii) There is no guarantee that the application, if received by LandsD, will be approved and her office reserves their comment 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 to do so, including, among others, charging of premium and administrative fee.
  - (iv) Under the 2018 industrial building 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.
- (c) to note the comments of the Chief Building Surveyor/NTW, Buildings Department:
  - (i) The applicant is reminded that under Buildings Ordinance (BO), no person shall commence or carry out any buildings works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation.
  - (ii) Any proposed building works should comply with the prevailing requirements under the BO and allied regulations and Code of Practices.
  - (iii) Emergency vehicular access shall be provided for all buildings to be erected on the Site in accordance with the requirements under Building (Planning) Regulations (B(P)R) 41D.
  - (iv) If the proposed plot ratio is based on the assumption that gross floor area (GFA) concessions will be granted (i.e. excluding the green/amenity features and non-mandatory/non-essential plant rooms and services from GFA calculations), the

pre-requisites in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 (e.g. BEAM Plus Certification) and Sustainable Building Design Guidelines set out in PNAP-152 should be complied with.

- (v) Detailed comments will be given in the building plan submission stage.
- (d) to note the comments of the Director of Environment Protection to minimise the generation of construction and demolition materials, and reuse and recycle the construction and demolition 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.

Similar Applications

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses <sup>[1]</sup>	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
1.	S/K14S/22 “OU(B)” A/K14/763	350 Kwun Tong Road, Kwun Tong (1,782m <sup>2</sup> )	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"> <li>● Full-height setback along Hang Yip Street and Lai Yip Street in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 357m<sup>2</sup> (about 20% of Site Area)</li> <li>● 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</li> <li>● Incorporation of refuge floor cum communal sky garden</li> </ul>
2.	S/K14S/22 “OU(B)” A/K14/764  <i>(same site as No. A/K14/771)</i>	32 Hung To Road, Kwun Tong (911.2m <sup>2</sup> )	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"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Hung To Road and the back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 127m<sup>2</sup> (about 14% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Incorporation of refuge floor cum communal sky garden</li> </ul>
3.	S/K11/29 “OU(B)” A/K11/233	1 Tsat Po Street, San Po Kong (1,386m <sup>2</sup> )	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"> <li>● Full-height setback in accordance with OZP along Tsat Po Street and Sam Chuk Street for improving pedestrian environment.</li> <li>● Greening provision of 278 m<sup>2</sup> (about 20% of Site Area)</li> </ul>
4.	S/K9/26 “OU(B)” A/K9/274	13 Hok Yuen Street, Hung Hom (3,698.8m <sup>2</sup> )	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"> <li>● Proposed corner setback at Hok Yuen Street and 4.5m setbacks from adjacent buildings at east and west for improving the pedestrian environment</li> <li>● A 26.8m-wide building gap between the two office towers</li> <li>● Greening provision of 740 m<sup>2</sup> (including a landscaped garden on 1/F) (about 20% of Site Area)</li> </ul>

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses <sup>[1]</sup>	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning & Design Merits
5.	S/K14S/22 “OU(B)” A/K14/766	41 King Yip Street, Kwun Tong (2,042m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 126mPD (+26%)	<b>Approved</b> with conditions on 16.8.2019	4.025m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along King Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment.</li> <li>● 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</li> <li>● Curvilinear building design with five layers of edge plantings</li> <li>● Greening provision of 530 m<sup>2</sup> (about 26% of Site Area)</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● 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</li> </ul>
6.	S/K14S/22 “OU(B)” A/K14/771  (same site as No. A/K14/764)	32 Hung To Road, Kwun Tong (911.2m <sup>2</sup> )	C/O	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 119.7mPD (+19.7%)	<b>Approved</b> with conditions on 16.8.2019	3.5m (Office)	<ul style="list-style-type: none"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Hung To Road and the back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 197 m<sup>2</sup> (about 22% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Tower disposition to allow building separation at tower with adjoining building to facilitate wind penetration to inland area</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● 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.</li> <li>● Confined site configuration while the applicant had made effort in the building design to improve the local environment as listed above.</li> </ul>
7.	S/K14S/22 “OU(B)” A/K14/773	82 Hung To Road, Kwun Tong (929.03m <sup>2</sup> )	I	<u>PR</u> 12 to 14.4 (+20%)  <u>BH</u> 100mPD to 119.85mPD (+19.85%)	<b>Deferred</b> by the MPC on 18.10.2019 and the applicant was requested to provide further information on the planning and design merits	4.1m (Workshop)	<ul style="list-style-type: none"> <li>● Building setback from above 1F</li> <li>● Glass canopy for providing weather protection to the pedestrian</li> <li>● Greening provision of 203 m<sup>2</sup> (about 22% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> </ul>

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8.	S/KC/29 “OU(B)” A/KC/460	57 – 61 Ta Chuen Ping Street, Kwai Chung (2,261m <sup>2</sup> )	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"> <li>● Full-height setback along Ta Chuen Ping Street wider than OZP requirement for long-term road widening and improving air ventilation</li> </ul>
9.	S/TW/33 “Industrial” A/TW/505	14-18 Ma Kok Street, Tsuen Wan (1,858.1m <sup>2</sup> )	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"> <li>● Voluntary full-height setback along Ma Kok Street for improving pedestrian environment</li> <li>● Greening at G/F (with 0.6m setback) along Tsuen Yip Street</li> <li>● Greening provision of 389 m<sup>2</sup> (about 20% of Site Area)</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> </ul>
10.	S/KC/29 “OU(B)” A/KC/464	20-24 Kwai Wing Road, Kwai Chung (1,579m <sup>2</sup> )	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"> <li>● 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</li> <li>● Greening provision of 316m<sup>2</sup> (about 20% of Site Area)</li> <li>● Provision of communal escalator with universal accessible lift and staircase open to the public for improving pedestrian connectivity, accessibility and comfort</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> </ul>
11.	S/K14S/22 “OU(B)” A/K14/774	7 Lai Yip Street, Kwun Tong (1,026m <sup>2</sup> )	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"> <li>● Full-height setback along Lai Yip Street and Hang Yip Street in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 222.7m<sup>2</sup> (about 22% of Site Area)</li> <li>● Incorporation of refuge floor cum communal sky garden</li> <li>● Weather protection canopy along the frontage facing Lai Yip Street</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and may still allow a stepped BH profile</li> </ul>
12.	S/TW/33 “Industrial” A/TW/509	8-14 Sha Tsui Road, Tsuen Wan (4,645.16m <sup>2</sup> )	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"> <li>● Full-height setback along Sha Tsui Road, Pun Shan Street and back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Building setback above 1/F</li> <li>● Landscape and seating provided in setback area along Sha Tsui Road and Pun Shan Street</li> <li>● Substantial vertical greenery in front facade and total greenery coverage of not less than 20%</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> </ul>

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13.	S/K11/29 “OU(B)” A/K11/235	No. 21 Luk Hop Street, San Po Kong, Kowloon (776.1m <sup>2</sup> )	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"> <li>● 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</li> <li>● Greening provision of 278 m<sup>2</sup> (about 35.8% of Site Area) by inclusion of planters, vertical green wall and green roof</li> <li>● Incorporation of green building design measures</li> </ul>
14.	S/K14S/22 “OU(B)” A/K14/775	132 Wai Yip Street, Kwun Tong (418.06m <sup>2</sup> )	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"> <li>● Full-height setback/ground floor NBA<sup>[2]</sup> along Wai Yip Street and the back alley in accordance with ODP requirement for improving pedestrian environment</li> <li>● Greening provision of 63m<sup>2</sup> including vertical greenery (about 15% of Site Area) [Note: greenery requirement under SBDG is not applicable to this site of &lt;1,000m<sup>2</sup>]</li> <li>● Compliance with SBDG and incorporation of green building design measures</li> <li>● Proposed minor relaxation of BH generally in proportion to the 20% increase in PR under application; and could be tolerated</li> </ul>

#### Notes

[1] Proposed Uses: Industrial (I), Commercial/ Office (C/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.

#### 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