

Detailed Departmental Comments

1. 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):
 - (a) according to the latest Assignment dated 31.12.2012 registered in the Land Registry by Memorial No. 13012101760032, the sale transaction of the Lot was subject to certain exceptions and reservations of rights unto the adjoining section lots as mentioned in an Assignment dated 22.10.1969 registered in the Land Registry by Memorial No. UB705823, which include (i) the ROW within the Lot (Sec.C) to The Remaining Portion of TWIL 46; (ii) the right to the common use of the Septic Tank partly erected on the Lot (Sec.C) to other portions of TWIL 46; and (iii) the right to the common use of the Transformer Room erected on the Lot (Sec.C) to other portions of TWIL 46. The said exceptions and reservations of rights are not land lease requirement but contractual requirements amongst the land owner of the Lot and other adjoining land owners. It is noted that the applicant is fully aware of the said exceptions and reservations of rights and will address any contractual requirements needed should this planning application be approved. The applicant should be reminded that it is their own private contractual arrangement amongst the concerned land owners and the Government should not be involved; and
 - (b) the figures including the site area in the application document have not been checked and are subject to verification which will be addressed when handling the lease modification application.
2. Comments of the Chief Building Surveyor/NTW, BD:
 - (a) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorised Building Works. An authorized Person should be appointed as the coordinator for proposed building works in accordance with the Buildings Ordinance (BO);
 - (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 should be provided for all buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D;
 - (d) if the proposed PR is based on the assumption that GFA concessions will be granted (i.e. excluding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA calculations), the pre-requisites in Practice Note 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 APP-152 should be complied with;

- (e) even though the site area is less than 1,000m², the building separation and building setback requirements under PNAP APP-152 and pre-requisites in PNAP APP-151 shall be complied with if GFA concession is claimed, unless the exemption criteria have been met;
- (f) interchange of staircases shall be provided in accordance with Clause B8.2 of the FS Code; and
- (g) GFA of the communal sky garden will be exempted only if the criteria under JPN 2 have been met.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Office/Tsuen Wan and Kwai Tsing and the Chief Estate Surveyor/Development Control, Lands Department (LandsD):
 - (i) the proposed uses will constitute uses in breach of the lease conditions including the user restriction of “industrial and/or godown purposes” which should involve manufacturing process and/or transient deposit and storage for delivery purpose as decided by court cases. As indicated in the application form that the applicant is not the “current land owner”, the application for lease modification shall be submitted by the owner of the subject Lot. The lease modification 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, including the user restriction, the payment of full premium and administrative fee, other conditions application to 2018IB revitalisation measure, etc. and there is no guarantee that the lease modification application will be approved by LandsD; and
 - (ii) according to the latest Assignment dated 31.12.2012 registered in the Land Registry by Memorial No. 13012101760032, the sale transaction of the Lot was subject to certain exceptions and reservations of rights unto the adjoining section lots as mentioned in an Assignment dated 22.10.1969 registered in the Land Registry by Memorial No. UB705823, which include (i) the right of way within the Lot (Sec.C) to The Remaining Portion of TWIL 46; (ii) the right to the common use of the Septic Tank partly erected on the Lot (Sec.C) to other portions of TWIL 46; and (iii) the right to the common use of the Transformer Room erected on the Lot (Sec.C) to other portions of TWIL 46. The said exceptions and reservations of rights are not land lease requirement but contractual requirements amongst the land owner of the Lot and other adjoining land owners. It is noted that the applicant is fully aware of the said exceptions and reservations of rights and will address any contractual requirements needed should this planning application be approved. The applicant should be reminded that it is their own private contractual arrangement amongst the concerned land owners and the Government should not be involved.
- (b) to note the comments of the Chief Building Surveyor/NTW, Buildings Department:
 - (i) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorised Building Works. An authorized Person should be appointed as the coordinator for proposed building works in accordance with the Buildings Ordinance (BO);

- (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 should be provided for all buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D;
 - (iv) if the proposed PR is based on the assumption that GFA concessions will be granted (i.e. excluding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA calculations), the pre-requisites in Practice Note 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 APP-152 should be complied with;
 - (v) even though the site area is less than 1,000m², the building separation and building setback requirements under PNAP APP-152 and pre-requisites in PNAP APP-151 shall be complied with if GFA concession is claimed, unless the exemption criteria have been met;
 - (vi) interchange of staircases shall be provided in accordance with Clause B8.2 of the FS Code;
 - (vii) GFA of the communal sky garden will be exempted only if the criteria under JPN 2 have been met; and
 - (viii) detailed comments will be given at the building plan submission stage.
- (c) to note the comment of Director of Environmental Protection on waste management the applicant is advised to minimise the generation of construction and demolition (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.
- (d) to note the comment of Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant is reminded of selecting appropriate tree species and providing sufficient space for tree growth on the G/F, since there is only 1m between the proposed trees and the building.

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
Yau Tsim Mong Area							
1.	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 ● Provision of vertical greening features on the podium façade along Tung Chau Street ● Compliance with SBDG and incorporation of green building design measures
2.	S/K3/32 “OU(B)” A/K3/588 BHR: 110mPD	100-114 Bedford Road, Kowloon (932.925m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 29.5.2020	3.73m (Office)	<ul style="list-style-type: none"> ● Voluntary Full-height setback from the south-eastern part of the lot boundary abutting Bedford Road ● Greening ratio of about 25.87% (about 241.39m²) with greening on 3/F (about 116m²) and R/F (about 80m²) as well as green wall on lower floors (about 45.39m²) ● Incorporation of a sky garden on 3/F ● Compliance with SBDG and incorporation of green building design measures
Cheung Sha Wan							
3.	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

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/K5/37 “OU(B)” A/K5/816 BHR: 130mPD	121 King Lam Street, Cheung Sha Wan (509.4m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 21.8.2020	4.5m (Workshop)	<ul style="list-style-type: none"> ● Voluntary full-height setback along King Lam Street in addition to setback in accordance with ODP requirement for improving pedestrian circulation ● Voluntary full-height setback along eastern boundary to facilitate manoeuvring of vehicles ● Incorporation of podium garden for cross ventilation and visual permeability ● Greenery provision at G/F, 3/F and roof, with greenery coverage of 76.75m² (about 15.07% of Site Area) ● Compliance with SBDG
5.	S/K5/37 “OU(B)” A/K5/820 BHR: 130mPD	1016-1018 Tai Nan West Street (1,347m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	<u>Deferred</u> on 18.9.2020	4.7m (Workshop)	<ul style="list-style-type: none"> ● Full-height setbacks along Wing Hong Street, Tai Nan West Street and King Lam Street in accordance with ODP requirement for street widening and streetscape improvement ● Weather protection canopy along Wing Hong Street, Tai Nan West Street and King Lam Street ● Corner splays ● Incorporation of communal garden and recessed platform with greenery ● Greenery coverage of about 20% of Site Area with an additional vertical greening ● Compliance with SBDG and incorporation of green building design measures
Kwai Chung							
6.	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
7.	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

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
8.	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 Area: 1,324.3m ² Net Site Area ^[2] : 1,181.727m ²)	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
9.	S/KC/29 “OU(B)” A/KC/466 BHR: 130mPD	2-16 Lam Tin Street (1,858m ²)	Information Technology and Telecommu-nications Industries	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> 130mPD to 146.5mPD (+12.7%)	<u>Approved</u> with conditions on 29.5.2020	5.5m (data centre)	<ul style="list-style-type: none"> ● Full-height NBAs along Lam Tin Street and Chun Pin Street in accordance with OZP requirement to cater for the long-term road widening proposal and enhance the air permeability of the area ● Incorporation of landscape area at B1/F, G/F, 1/F, 3/F and R/F and vertical greening at the low zone of the building along the western and eastern façades ● Greening ratio of about 22.69% (421.501m²) ● Compliance with SBDG and incorporation of green building design measures
Tsuen Wan							
10.	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

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
11.	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
12.	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
13.	S/TW/33 “Industrial” A/TW/514 BHR: 100mPD	Tsuen Wan Town Lot 85 and Lot 486 in D.D. 443, Fui Yiu Kok Street, Tsuen Wan (593 m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 29.5.2020	3.5m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback along Fui Yiu Kok Street ● Upgrading works at G/F setback area and adjoining public footpath ● Provision of a continuous glass canopy structure facing Fui Yiu Kok Street above the pavement ● Incorporation of a communal podium garden at 1/F ● Total greenery provision of about 119.378m² (not less than 20% of site area) ● Compliance with SBDG and incorporation of green building design measures
14.	S/TW/33 “Industrial” A/TW/516 BHR: 100mPD	24-32 Fui Yiu Kok Street, Tsuen Wan (973.6 m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	<u>Approved</u> with conditions on 12.6.2020	4.08m (Workshop)	<ul style="list-style-type: none"> ● Full-height setback along Fui Yiu Kok Street ● Incorporation of landscape area at the flat roof at 1/F ● Total greenery provision of about 201.8m² (about 20.7% of site area) ● 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] 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 Toppo 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.