

Appendix II of RNTPC
Paper No. A/TM/539B

Previous s.16 Application Covering Part of the Application Site

Approved Application

<u>No</u>	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/TM/482	“I” on approved Tuen Mun OZP No. S/TM/33	Proposed Eating Place/Shop and Services (Wholesale Conversion of an Existing Building Only)	5.2.2016	1 to 4

Approval Conditions

- 1 The submission and implementation of fire services installations and water supplies for firefighting.
- 2 The design and provision of parking facilities and loading/unloading spaces for the proposed development.
- 3 The submission and implementation of the sewerage improvement proposal at the applicant's costs.
- 4 The submission and implementation of landscape proposal.

**Similar Applications for Minor Relaxation of Plot Ratio/Building Height Restrictions in Hong Kong
relating to the Policy Initiatives of Revitalisation of Industrial Buildings
since March 2019**

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning and Design Merits
1.	S/K14S/22 “OU(B)” A/K14/763	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%)	Approved 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 applied; 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 (same site as No. A/K14/771)	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%)	Rejected 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/K11/29 “OU(B)” A/K11/233	1 Tsat Po Street, San Po Kong (1,346.1m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	Approved 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

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning and Design Merits
							20% of Site Area).
4.	S/K9/26 “OU(B)” A/K9/274	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	Approved 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 740m² (including a landscaped garden on 1/F) (about 20% of Site Area).
5.	S/K14S/22 “OU(B)” A/K14/766	41 King Yip Street, Kwun Tong (2,042m ²)	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 126mPD (+26%)	Approved with Condition 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 530m² (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

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning and Design Merits
							planned stepped BH profile in the Area.
6.	S/K14S/22 “OU(B)” A/K14/771 (same site as No. A/K14/764)	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%)	Approved with Condition 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 197m² (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 applied; 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.
7.	S/K14S/22 “OU(B)” A/K14/773	82 Hung To Road, Kwun Tong (929.03m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to	Deferred by the MPC on 18.10.2019 and the applicant was	4.1m (Workshop)	<ul style="list-style-type: none"> ● Building setback from above 1/F. ● Glass canopy for providing weather protection to the pedestrian. ● Greening provision of 203m² (about 22% of Site Area) [Note: greenery

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning and Design Merits
				119.85mPD (+19.85%)	requested to provide further information on the planning and design merits.		<p>requirement under SBDG is not applicable to this site of <1,000m²].</p> <ul style="list-style-type: none"> ● Incorporation of refuge floor cum communal sky garden. ● Compliance with SBDG and incorporation of green building design measures.
8.	S/KC/29 “OU(B)” A/KC/460	57 – 61 Ta Chuen Ping Street, Kwai Chung (2,261m ²)	I-O	<u>PR</u> 9.5 to 11.648 (+20%) <u>BH</u> Nil	Approved 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.
9.	S/TW/33 “T” A/TW/505	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	Approved 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 389m² (about 20% of Site Area). ● Compliance with SBDG and incorporation of green building design measures.
10.	S/KC/29 “OU(B)” A/KC/464	20-24 Kwai Wing Road, Kwai Chung (1,579 m ²)	I	<u>PR</u> 9.5 to 11.4 (+20%) <u>BH</u> Nil	Approved 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

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning and Design Merits
							<p>pedestrian connectivity, accessibility and comfort.</p> <ul style="list-style-type: none"> ● Compliance with SBDG and incorporation of green building design measures.
11.	S/K14S/22 “OU(B)” A/K14/774	7 Lai Yip Street, Kwun Tong, Kowloon	C/O	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> 100mPD to 125.9mPD	Approved 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
12.	S/TW/33 “OU(B)” A/TW/509	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	Approved 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

No.	OZP Zoning Application No.	Address (Site Area)	Proposed Uses ^[1]	Proposed Minor Relaxation	Date of Consideration	Typical Floor Height (Uses)	Major Planning and Design Merits
13.	S/K11/29 “OU(B)” A/K11/235	21 Luk Hop Street, San Po Kong, Kowloon (776.1m ²)	I	<u>PR</u> 12 to 14.4 (+20%) <u>BH</u> Nil	Approved 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 278m² (about 35.8% of Site Area) by inclusion of planters, vertical green wall and green roof ● Incorporation of green building design measures
14.	S/K14S/22 “OU(B)” A/K14/775	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	Approved 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

Notes

[1] Proposed permitted uses include 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 5.1m 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.

Advisory Clauses

- (a) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession of the proposed commercial development will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) directly 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 Secretary for Development, Development Bureau (SDEV) that regarding the specified time period for execution of the lease modification if approved, the applicant shall refer to the paper Development Bureau issued to Legislative Council Panel on Development on “Measures to Revitalise Industrial Buildings” and Lands Department’s Practice Note No. 2/2019 on “Lease Modification (or a Land Exchange) for Redevelopment of an Industrial Lot (Special time-limited arrangement for application for relaxation of development intensity)”;
- (c) to note the comments of the District Lands Officer/Tuen Mun (DLO/TM, LandsD) and the Chief Estate Surveyor/ Development Control, Lands Department (LandsD) that ‘industrial use’ including the subsumed uses, such as ‘non-polluting industrial use’ in planning terms may constitute uses in breach of the lease conditions, the applicant is required to apply to his Office for a lease modification to effect the proposal. The proposal would only be considered upon receipt of the formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his 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 to do so, including charging of premium and administrative fee and other conditions as may be imposed by LandsD. 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 Town Planning Board’s approval letter;
- (d) to note the comments of the Chief Highway Engineer/ New Territories West, Highways Department that:
 - (i) If the proposed run-in/out is agreed by Transport Department (TD), the applicant should provide the run-in/out in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match the existing adjacent pavement;
 - (ii) if any road improvement works are required, they should be designed and constructed to the satisfaction of TD and his department by the applicant at his own cost; and

- (iii) the traffic mitigation measures in the Traffic Impact Assessment of the applicant's submission, if considered appropriate by TD, should be implemented by the applicant at his own cost;
- (e) to note the comments of the Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that on the proposed roof-top structures, the applicant should adhere to the Joint Practice Note No. 5 in counting the number of storeys;
- (f) to note the comments of the Chief Architect/ Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) that for the façade area facing west, solar control devices should be considered to reduce solar heat gain and avoid glare affecting adjacent buildings as far as practicable;
- (g) to note the comments of the Director of Leisure and Cultural Services (DLCS) that:
 - (i) if any trees under the maintenance of Leisure and Cultural Services Department (LCSD) will be affected, separate submission of Tree Preservation and Removal Proposal is required for LCSD's consideration and expert advice in accordance with Development Bureau Technical Circular (Works) No. 7/2012 (DEVB TCW No. 7/2015); and
 - (ii) if newly planted trees /trees at unallocated and unleased government land within 10m from kerb of newly formed public road proposed will be handed over to LCSD for future maintenance, agreement from LCSD should be sought in advance and sufficient amount of recurrent cost must be provided;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that detailed comments under the BO will be provided at the building plan submission stage; and
- (i) to note the comments of the Director of Fire Services (D of FS) that
 - (i) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
 - (ii) the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by the BD.