

**FURTHER CONSIDERATION OF APPLICATION NO. A/KC/476
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Proposed Minor Relaxation of Plot Ratio Restriction for
Permitted Non-polluting Industrial Use (excluding industrial undertakings
involving the use/storage of Dangerous Goods)
in “Other Specified Uses” annotated “Business” (“OU(B)”) zone
94-100 Ta Chuen Ping Street, Kwai Chung**

1. Background

- 1.1 On 21.5.2021, the applicant, Gain Champion Investment Limited represented by KTA Planning Limited, submitted the current application seeking planning permission for minor relaxation of plot ratio (PR) restriction from 9.5 to 11.4 (i.e. +1.9 or +20%) for development of a 23-storey industrial building (including one basement level) for permitted ‘non-polluting industrial use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ at the application site (the Site).
- 1.2 On 27.8.2021, the application was considered by the Metro Planning Committee (the Committee) of the Town Planning Board (the Board). Members generally had no in-principle objection to the application but considered that the applicant should provide sufficient planning and design merits, in both quality and quantity, to justify the proposed minor relaxation of PR being sought. Members noted that the main planning and design merit of the development proposal was to promote a full-height Non-Building Area (NBA) which was a mandatory requirement under the Outline Zoning Plan (OZP) while other merits were obviously lacking. Whilst the proposals for greenery and tree planting were noted, Members generally considered that there was insufficient information on details of the greening proposal, landscape design and benefit to the public realm and pedestrian comfort. There was also concern on the arrangement of uses within the NBA, such as location of the greenery/trees and footpaths and their respective widths. In this connection, the Planning Department (PlanD) was also requested to provide information on the uses within the NBA of other similar planning applications previously approved by the Board for reference to facilitate consideration of the subject application.
- 1.3 After deliberation, the Committee decided to defer a decision on the application, pending further information from the applicant on (i) the greening and landscape design; and (ii) uses within the NBA for further consideration of the Board.
- 1.4 For Members’ reference, the following documents are attached:
 - (a) MPC Paper No. A/KC/476A considered on 27.8.2021 **(Appendix F-I)**
 - (b) Extract of Minutes of the 678th MPC meeting held on 27.8.2021 **(Appendix F-II)**

- (c) Secretary of the Board's letter dated 10.9.2021 informing the applicant of the Committee's decision to defer a decision on the application **(Appendix F-III)**
- (d) Further Information (FI) received on 3.12.2021 providing revised floor plans, illustrations, revised landscape design and greenery calculation in response to the Members' concerns[#] **(Appendix F-IV)**
- (e) FI received on 14.1.2022 providing updated floor plan, part elevation, replacement pages of Tree Survey and Landscape Proposal, updated summary of greenery area provision and responses to departmental comments[#] **(Appendix F-V)**

[[#]Accepted and exempted from the publication and recounting requirements.]

2. Further Information submitted by the Applicant

In response to Members' concerns, the applicant proposed refinements to the Original Scheme and provided clarifications in the FI (**Appendices F-IV to F-V**) which are summarised below:

Constraints in Providing Further Setback/NBA

- (a) the applicant has reserved a 3.5m-wide NBA along its lot boundary fronting Ta Chuen Ping Street for the long-term road widening proposal and to improve air ventilation (**Drawing FA-1**). After accommodating the proposed 3.5m wide NBA, the G/F of the proposed development is barely adequate to accommodate all necessary loading/unloading or parking spaces for goods vehicles, and hence there is no room for further voluntary setback along Ta Chuen Ping Street. The proposed 3.5m wide NBA will be surrendered to the Government when required. There shall be no new underground structures within the NBA of the new development;

Details of Landscape Proposal within the NBA

- (b) the landscape proposal has been revised in response to Members' concern on the pedestrian comfort and the locations/width of the planters/footpath. Under the revised proposal, a 2.5m wide footpath adjoining the development and a series of 1m wide at-grade planters for shrubs planting is proposed within the 3.5m wide NBA (**Drawing FA-1**). Taking into account the existing 3.5m wide footpath, the aggregated width of the footpath will be about 6m in front of the Site. The revised arrangement within the 3.5m NBA would enhance pedestrian comfort and safety by providing a 2.5m wide footpath at the inner side of Ta Chuen Ping Street. The proposed planters will become green islands on the footpath to further enhance the quality of the walking environment (**Drawings FA-1 and FA-6**);
- (c) trees have been proposed within the NBA under the Original Scheme but now relocated to 2/F podium under the Revised Scheme due to the conflicts between

the tree crown and canopy (**Drawings FA-3, FA-5, FA-7 and FA-10**). The applicant has explored the feasibility for planting trees on G/F for pedestrian's enjoyment and considered that the planting of standard size tree would reduce the width of footpath to 2m by 0.5m, which is not beneficial to pedestrian in terms of circulation accessibility, comfort and safety. Given the above, at-grade planters for shrubs instead of tree planting are proposed within NBA so as to strike a balance between pedestrian circulation and enjoyment of the pedestrian by maximising the greening opportunity within NBA. Besides, according to the tree survey report, there is a total of 7 existing trees of mostly common species and not included in the Register of Old and Valuable Trees. They are proposed to be felled given they are in fair to poor form, fair health condition, poor structural condition, with medium to low amenity value and low anticipated survival rate after transplanting. Besides, the prevailing lease has no tree clause and there is no requirement for compensatory tree planting within the development. All proposed trees within the proposed development are considered as 'new' trees instead of compensatory trees;

- (d) as there is no detailed design and implementation programme of the long-term road widening proposal for the section of Ta Chuen Ping Street in front of the Site, the proposed planters will contribute to at-grade pedestrian comfort and beautifying the cityscape before the relevant Government departments decide on the appropriate landscape arrangement and the detailed long term road widening proposal. These planters are not continuous and diagonal footpaths have been introduced which are strategically designed to enable pedestrians to move freely from covered walkway to Ta Chuen Ping Street. The entire Ta Chuen Ping Street would therefore not be segregated into two parts by the continuous at-grade planting strips. The proposed planters within the NBA will not be countable for the calculation of greening ratio for the proposed development. Hence, it is considered that such greenery proposal within the NBA is an additional design merit. The management and maintenance of the landscape proposal within the NBA on the Site will be the responsibility of the applicant (the lot owner) until the concerned NBA is surrendered to the Government when required;

Newly Proposed Canopy

- (e) a continuous 1.5m wide canopy (over 30m in length) is introduced along almost its entire main facade at Ta Chuen Ping Street as a new design merit of the development (**Drawings FA-1, FA-5 and FA-6**). The proposed canopy could provide sun shading and rain-shelter for the proposed footpath adjoining the development. The canopy will overhang onto the 3.5m NBA. Due to site level difference of the ground level along the street frontage of the Site, the vertical clearance of the canopy ranges from about 3.5m above ground at the eastern portion to about 6m at the western portion (**Drawings FA-5, FA-6 and FA-11**); and

Details of Greening Proposal

- (f) the applicant has made effort on increasing greenery visible to pedestrians. Large pieces of vertical greening were introduced on its main facade on G/F, 1/F and 2/F facing Ta Chuen Ping Street, i.e. a total of 135.05m² as compared with 58.5m² under the Original Scheme (+131%), while the other greenery provisions remain similar in terms of area. Under the Revised Scheme, the overall greening

area will be about 398m² or about 27% of the Site area as compared with about 302m² under the Original Scheme (+32%). However, since the applicant has dedicated to comply with the Sustainable Building Design Guidelines (SBDG) Practice Notes for Authorized Persons (PNAP) APP 152, the greenery calculation of the development is thus subject to the guidelines, which has reduction factor and cap for vertical greening. As a result, the countable greening ratio under SBDG APP 152 will be about 298m² or about 20% of the Site area for the proposed development, and the most visible vertical greening are unaccountable due to the calculation method.

3. Previous and Similar Applications

After the deferment of the subject application by the Committee on 27.8.2021, no application on the Site was received and three applications (i.e. Applications No. A/KC/475, A/KC/480 and A/KC/483) for minor relaxation of PR/BH related to the Policy were approved with conditions by the Committee (**Plan FA-1** and **Appendix F-VI** for the details of the similar applications). In consideration of the applications regarding minor relaxation for PR, 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.

4. Comments from Relevant Government Departments

- 4.1 Comments on the current application made previously by the relevant Government bureaux/departments are stated in paragraph 9 of **Appendix F-I**. Among them, comments of the Commissioner for Transport and Director of Environmental Protection on the related technical issues and suggested approval conditions remain valid, the latter of which are set out below in paragraphs 6.2 (a) to (d).
- 4.2 For the current submissions of further information (**Appendices F-IV to F-V**), the following government departments have been consulted and their comments are summarised as follows:

Urban Design and Visual

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

Urban Design and Visual Aspects

- (a) she has no objection to the application and her previous comments on the application set out in paragraph 9.1.6 of **Appendix F-I** generally remain valid;
- (b) in addition to the proposed setback requirements, the Revised Scheme has additional landscape treatments in the form of trees, shrubs and vertical green walls have been provided at the building low zone (G/F to 2/F) facing Ta Chuen Ping Street. The Revised Scheme has incorporated planters with shrubs and groundcovers,

and a continuous weather protection canopy within the 3.5m-wide NBA area along Ta Chuen Ping Street. The above measures may promote visual interest and pedestrian comfort; and

Landscape Aspect

- (c) she has no objection to the application from landscape planning perspective.

Environment

4.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) she notes that the applicant proposes to increase greenery provision at the frontage facing Ta Chuen Ping Street, as well as revise the planter arrangement within the NBA and providing a continuous canopy to improve the pedestrian environment. Given that the proposed use of ‘non-polluting industrial use (excluding industrial undertakings involving the use/storage of dangerous goods)’ remains unchanged and there is no increase in total GFA area in the latest proposal, the proposed approval conditions and advisory clauses set out in **Appendix F-I** remain valid.

Buildings Matters

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

- (a) no in-principle objection to the application;
- (b) the applicant intends to surrender the non-building area as a public passage. In case bonus PR and site coverage claimed with reference to the Building (Planning) Regulations 22, it will be considered on the basis of the criteria set out PNAP APP-20 and will be commented at building plan submission stage;
- (c) only canopies projecting not more than 2m over an entrance to a building would be disregarded from the GFA calculation according to PNAP APP-19;
- (d) regarding the greenery erected within non-building area for site coverage of greenery as required under PNAP APP-152 should not be used for any other purposes without prior consent of the Building Authority; and
- (e) his previous comments on the application set out in paragraph 9.1.9 of **Appendix F-I** are still valid.

- 4.3 The following government departments have no objection to/no further comment on the further information and their previous comments on the application set out in **Appendix F-I** remain valid:

- (a) Secretary for Development;
- (b) Chief Architect/Central Management Division 2, Architectural Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Estate Surveyor/Development Control;
- (f) Chief Highway Engineer/New Territories West, Highways Department;
- (g) Commissioner of Police;
- (h) Commissioner for Transport;
- (i) Director of Fire Services;
- (j) District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department;
- (k) District Officer (Kwai Tsing), Home Affairs Department; and
- (l) Project Manager (West), Civil Engineering and Development Department

5. Planning Considerations and Assessments

- 5.1 The application is for minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for a proposed 23-storey IB development (including one basement level) at the Site zoned “OU(B)” for permitted non-polluting industrial use (excluding industrial undertakings involving the use/storage of Dangerous Goods). The proposed development is generally in line with the planning intention of the “OU(B)” zone, which is primarily for general business uses, including non-polluting industrial uses. The proposed BH of 130mPD complies with the BH restriction under the OZP. At the Committee’s meeting on 27.8.2021, Members generally had no in-principle objection to the application but considered that the applicant should provide sufficient planning and design merits to justify the proposed relaxation of PR, and thus requested the applicant to provide further information on the greening and landscape design; and uses within the NBA for further consideration. The applicant submitted further information on 3.12.2021 including modifications to the relevant design as shown in the Revised Scheme accordingly.
- 5.2 Under the Revised Scheme, while keeping the full-height building setbacks of 3.5m-wide along its lot boundary fronting onto Ta Chuen Ping Street for compliance with the NBA requirement under the OZP, the proposed uses and greening within the NBA have been modified, including the provision of a 2.5m-wide footpath and a series of 1m-wide at-grade planters for shrubs, groundcovers, etc. (**Drawings FA-5, FA-6, FA-8 and FA-9**). A 1.5m-wide continuous weather protection canopy will also be provided above the footpath. According to the applicant, the trees which were proposed within the NBA under the Original Scheme has been relocated to 2/F podium under the Revised Scheme due to the technical consideration on the conflicts between the tree crown and canopy (**Drawing FA-10**). CTP/UD&L, PlanD considered that the above measures may promote visual interest and pedestrian comfort.
- 5.3 The total greenery provisions under the Revised Scheme, including planters from G/F to 2/F, edge planters, vertical greening and roof greenery, will be about 398m² or about 27% of the Site area, which is more than that of the Original Scheme of about 302m². According to the applicant, not all these greenery provisions are countable towards the greening ratio under SBDG, and thus the resulting greening ratio will be about 20%, which is almost the same under the Original Scheme (**Drawings FA-1 to FA-5 and FA-11**). CTP/UD&L, PlanD noted that the Revised Scheme has incorporated additional landscape treatments in the form of trees, shrubs, and vertical green walls at the building low zone facing Ta Chuen Ping Street, which can be considered as design merit.

- 5.4 The proposed continuous 1.5m wide canopy (over 30m in length) on its main facade on Ta Chuen Ping Street under the Revised Scheme is a new design merit of the development. The proposed canopy could provide sun shading and rain shelter for the proposed footpath adjoining the development (**Drawings FA-1 and FA-6**). All departments consulted have no objection to/comment on the Revised Scheme.

Uses Within NBA in Other Approved Similar Applications in Kwai Chung Area

- 5.5 As set out in paragraph 1.2, PlanD was requested to provide information on proposals within the NBA of other similar approved planning applications, which would be useful for the Committee's consideration of the subject planning application. A summary table for 11 similar approved applications related to the Policy in the Kwai Chung Area is prepared at **Appendix F-VII** for Members' information. In gist, NBAs are generally proposed in the development schemes to meet the OZP/ODP requirement for fulfilling the designated planning intention and/or on voluntary basis, within which footpath, various forms of greening (including tree, shrubs and planters), landscaping treatments and/or canopy are provided as the design merits for the proposal. Except Application No. A/KC/460, in which only footpath was proposed within the NBA, the remaining 10 cases are provided with footpath and other design merits, including 8 cases with greening/landscape treatment; 7 cases with canopy; and 5 cases with both. When assessing these applications, CTP/UD&L, PlanD is of the general view that the proposed design measures for these individual cases may promote visual interest and improve pedestrian comfort.

6. Planning Department's Views

- 6.1 Based on the assessments made in paragraph 5 above, the Planning Department maintains its previous view of having no objection to the application.
- 6.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 28.1.2026, 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 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 an updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment in (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

- (d) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix F-VIII**.

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

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

7. Decision Sought

- 7.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 7.2 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.
- 7.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

8. Attachments

Appendix F-I	MPC Paper No. A/KC/476A considered on 27.8.2021
Appendix F-II	Extract of minutes of the 678 th MPC meeting held on 27.8.2021
Appendix F-III	Secretary of the Board's letter dated 10.9.2021 informing the applicant of the Committee's decision to defer a decision on the application
Appendix F-IV	Letter received on 3.12.2021 providing revised floor plan, elevations, illustrations and revised landscape design in response to the Members' concerns
Appendix F-V	Letter received on 14.1.2022 providing technical clarifications
Appendix F-VI	Similar Applications for minor relaxation of PR in Kwai Chung since the Committee meeting on 27.8.2021
Appendix F-VII	Summary Table on Proposals within the NBA of other Similar Approved Applications in Kwai Chung
Appendix F-VIII	Advisory Clauses
Drawings FA-1 to FA-4	Comparison of G/F to 2/F and Roof Floor Plan between the Original Scheme and the Revised Scheme
Drawing FA-5	Design Merits
Drawing FA-6	Artist Impression
Drawing FA-7	Typical Green Wall Details
Drawing FA-8	Landscape Section along Ta Chuen Ping Street

Drawing FA-9	Landscape Plan- Ground Floor
Drawing FA-10	Landscape Plan- Second Floor
Drawing FA-11	Comparison of Artist Impression between the Original Scheme and the Revised Scheme
Plan FA-1	Location Plan
Plan FA-2	Site Plan
Plans FA-3 to FA-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**