

FURTHER CONSIDERATION OF APPLICATION NO. A/K15/132
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

**Proposed Flat and Permitted Shop and Services and Eating Place with
Minor Relaxation of Plot Ratio and Building Height Restrictions in
“Residential (Group E)” Zone,
4 Tung Yuen Street, Yau Tong, Kowloon**

1. Background

- 1.1 On 9.1.2025, the applicants submitted an application seeking planning permission for redevelopment of an existing industrial building (IB) into a composite development with proposed flat use and permitted shop and services and eating place uses with minor relaxation of domestic plot ratio (PR) restriction from 5 to 6 (+1 or +20%), resulting in composite development at a total PR of 6.9, and building height restriction (BHR) from 80mPD to 100mPD (+20m or +25%) at the application site (the Site) (the Proposed Scheme) zoned “Residential (Group E)” (“R(E)”) on the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/27 (at the time of submission)^[1] (**Plan FA-1**). The Site is currently occupied by the 7-storey Wah Tung Godown (completed in 1978) (**Plans FA-2 to 7**) which is currently used as warehouses.
- 1.2 On 15.8.2025, the application was considered by the Metro Planning Committee (the Committee) of the Town Planning Board (the Board). As shown on the building layout, the Proposed Scheme (**Drawing FA-1**) consists of one L-shape residential block over podium. The residential tower running alongside Tung Yuen Street has 25 storeys whereas the residential tower projecting to the harbourfront has 19 storeys. Various design measures including a full-height setback of 5m from Tung Yuen Street road kerb, a 15m-wide public waterfront promenade (PWP), a 4.3m-wide waterfront promenade at the Yau Tong Sewage Pumping Station (YTSPS) and at-grade 5m-wide covered pedestrian passageway) have been incorporated. Whilst Members generally appreciated the applicants’ efforts in providing a PWP within the Site and the adjoining YTSPS as planning gains (**Plan A-2 of Appendix F-I**), some Members had concern on the building layout and building mass of the Proposed Scheme, and in particular, the absence of separation/ setback from the adjoining concrete batching plant (CBP). After deliberation, the Committee decided to defer a decision on the application for two months, pending the submission of further information (FI) from the applicants for further consideration by the Committee, including:
- (a) review of the building layout to provide setback from the southern boundary of the Site to minimise the wall effect;
 - (b) review of the building design to reduce the building mass; and

^[1] There is no change in restrictions on building height and PR of the “R(E)” zone under the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/28 currently in force.

- (c) demonstration of compliance of the Proposed Scheme with the Sustainable Building Design Guidelines (SBDG).

1.3 The following documents are attached for Members' reference:

- (a) MPC Paper No. A/K15/132B (Appendix F-I)
- (b) Extract of minutes of the 771st meeting of the Committee held on 15.8.2025 (Appendix F-II)
- (c) Secretary of the Board's letter dated 5.9.2025 informing the applicants of the Committee's decision (Appendix F-III)
- (d) FI received on 2.10.2025 (Appendix F-IV)
(accepted and exempted from publication and recounting requirements)

2. FI Submitted by the Applicants

The FI received (**Appendix F-IV**) in response to the Committee's concerns is summarized as follows:

Building Layout and Building Design

2.1 The available footprint area of the Site is limited after incorporating the Outline Development Plan (ODP)-required setback area of 39.586m²^[2] and the 15m-wide PWP of 608m² which will occupy about one-fourth of the Site area (**Drawing FA-1**). This poses challenges to adjust the layout to accommodate proposed domestic and non-domestic PRs of 6 and 0.9 under the proposed BHR of 80mPD and 100mPD. In consideration of the above constraints, the applicants have explored the following adjustment of the layout to provide the setback from the CBP but found them infeasible/unacceptable:

- (a) As shown on **Drawing FA-3**, by mirroring the tower from neighbouring the CBP to the YTSPS, the south-facing flats (i.e. facing CBP) would be exposed directly to noise sources of the CBP which is impossible to mitigate. It is infeasible to place windows of habitable rooms and kitchens to be north facing (i.e. facing YTSPS) due to non-compliance with the prescribed window requirements under Building (Planning) Regulations (B(P)R). The layout with single-aspect building design along the CBP is considered optimal and serves as noise barrier to mitigate the potential noise impacts arising from the CBP.
- (b) By cantilevering the tower over the waterfront promenade would give rise to the uncertainty that the covered area is GFA countable, posing constraintss to achieve the proposed non-domestic PR (**Drawing FA-4**).
- (c) Reducing the available frontage along Tung Yuen Street and the southern boundary of the Site may provide the setback from the CBP. However, when the number of flats per typical floor is kept, the adjustment would result in deep and narrow flats. Such flats are

^[2] A full-height setback of about 1m along the site boundary fronting Tung Yuen Street (hatched red area in **Drawing FA-1**) is incorporated in the Proposed Scheme as per the requirement of the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun ODP No. D/K15C/1B-A to effectuate a 3.5m-wide footpath

considered sub-standard as the natural lighting and ventilation as well as furniture placement are compromised. If the number of flats is reduced, the proposed domestic PRs could not be achieved under the proposed BHR.

- 2.2 In view of the above, the applicants propose to revise the building layout to provide a further setback of residential towers of minimum of 1.2m from the southern site boundary adjacent to the CBP (**Drawings FA-1 to 2**). The resultant setback from the CBP is considered to be optimal. The adjusted layout will provide minimum frontage dimensions for bedroom and living room to ensure reasonable furniture layout and uphold acceptable living standards for future residents.

Compliance with the SBDG (Drawing FA-5)

- 2.3 *Building Separation* - According to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152 for SBDG promulgated by BD, sites that are less than 20,000m² and proposed with building or group of buildings having a continuous projected façade length (Lp) of 60m or above should comply with the building separation requirements. Since the Site is less than 20,000m² in area with Lp of less than 60m, the requirement on building separation is not required. Notwithstanding, the applicants propose a further setback of the residential towers of minimum of 1.2m from the southern site boundary adjacent to the CBP.
- 2.4 *Building Setback* - According to SBDG, buildings fronting a street less than 15m wide should be set back to comply with building setback requirements. Since Tung Yuen Street is wider than 15m, building setback is not required. Nevertheless, the applicants propose a full-height setback of 5m-wide from Tung Yuen Street road kerb, including the 3.5m-wide footpath under ODP's requirement and a further full-height setback of 1.5m-wide abutting the building façade of the proposed development along Tung Yuen Street (**Drawing FA-1**).
- 2.5 *Site Coverage of Greenery* - According to SBDG, sites with areas of 1,000m² or more and less than 20,000m² should be provided with the minimum site coverage of greenery of 20% of the site area (i.e. not less than 484m²). The Proposed Scheme provides the required amount of greenery (485m²).

Microclimate Considerations (Drawing FA-6)

- 2.6 Under the existing condition at the Site, the Wah Tung Godown occupies about 90% of site coverage up to 30.5mPD, creating a building bulk that completely blocks air ventilation from the waterfront and along Tung Yuen Street. The Proposed Scheme has incorporated various measures to enhance air ventilation at pedestrian level, increase urban greenery and improve the microclimate within the area, including reduced site coverage from existing Wah Tung Godown, street level setback, voluntary waterfront promenade and public passageway, landscaped open spaces and stepped building height design and improved wind performance when comparing to existing condition. According to Air Ventilation Assessment, it is concluded that the proposed development would not induce significant adverse impact to the nearby environment. Further design measures, including provision of urban windows and widened covered public passageway have been explored but is limited by site constraints.

3. Comments from Relevant Bureaux/Departments (B/Ds)

- 3.1 Comments on the current application made previously by the relevant B/Ds are stated in **Appendix F-I**.
- 3.2 For the current submission of FI (**Appendix F-IV**), the following government departments have been consulted and their comments are summarised as follows:

Building Design Aspect

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

- (a) the Proposed Scheme is considered generally complied with SBDG based on the submissions. The applicants should submit detailed justifications in the building plans submission stage for his detailed checking under the Buildings Ordinance (BO);
- (b) application for exemption of acoustic fins from GFA and SC calculations will be favourably considered provided that criteria set out in Appendix A of Joint Practice Notes No.1 are fulfilled. Similarly, the applicants should submit detailed justifications in the building plans submission stage for his consideration in the building plans submission stage; and
- (c) his previous comments made on the application (**Appendix F-I**) remain valid.

Environmental Aspect

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

- (a) the revised building layout (i.e. a further setback of 1.2m for tower away from the southern site boundary adjacent to the CBP) will not affect the findings and conclusions of the environmental assessment including air quality and noise. He maintains that he has no objection to the application as the proposed development would have no insurmountable environmental impact; and
- (b) approval conditions in terms of air quality, noise, land contamination and sewerage should be imposed to require the applicant to submit (i) revised Environmental Assessment to include an updated Air Quality Impact Assessment to address the potential air quality impacts (including odour) prior to the commencement of the construction works for the proposed development and updated Noise Impact Assessment to address the potential noise impacts in the detailed design stage; (ii) revised land contamination assessment prior to the commencement of the construction works for the proposed development; and (iii) revised sewerage impact assessment in the detailed design stage and implement the mitigation measures identified in these submissions.

Urban Design, Visual Impact, Air Ventilation and Landscape Provision

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

- (a) she has no comment on the current FI submission from urban design, visual impact, air ventilation and landscape provision perspectives;

Urban Design, Visual Impact and Air Ventilation

- (b) her previous comments made on the application (**Appendix F-I**) remain valid. The applicants propose various design measures such as setback/passageway, waterfront promenade/landscape open space and stepped building height design may enhance pedestrian connectivity, promote visual interest and pedestrian comfort in the area; and
- (c) given the Site is relatively small in scale and the frontage to the sea is only about 40m, the proposed development will unlikely induce significant adverse air ventilation impact to the surrounding pedestrian environment;

Landscape Provision

- (d) she has no comment on the application from the landscape planning perspective and her previous comments made on the application (**Appendix F-I**) remain valid.

3.3 The following B/Ds have no comment on/no objection to the FI, and their previous comments on the application, as set out in **Appendix F-I**, remain valid:

- (a) District Lands Officer/Kowloon East, Lands Department;
- (b) Commissioner for Transport (C for T);
- (c) Comments of the Commissioner for Harbourfront, Development Bureau;
- (d) Chief Engineer/Electrical and Mechanical Branch, Drainage Services Department (DSD); and
- (e) Director of Leisure and Cultural Services.

3.4 The following B/Ds maintain their previous views of having no comment on/no objection to the FI and the application, and their advisory comment, if any, are at **Appendix IV of Appendix F-I**:

- (a) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Chief Highway Engineer/Lighting Division, Highways Department;
- (d) Chief Engineer/Mainland South, DSD;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Chief Engineer/Port Works, Civil Engineering and Development Department (CEDD);
- (g) Director of Fire Services (D of FS);
- (h) Project Manager (East), CEDD;

- (i) Head of Geotechnical Engineering Office, CEDD;
- (j) Director of Electrical and Mechanical Services;
- (k) District Officer (Kwun Tong), Home Affairs Department;
- (l) Commissioner of Police; and
- (m) Director of Marine.

4. Planning Considerations and Assessments

- 4.1 The application is for redeveloping the Site for a composite development with proposed flat use and permitted shop and services and eating place uses. The applicants also seek minor relaxation of domestic PR restriction from 5 to 6 (+1 or +20%) resulting in a development at a total PR of 6.9 and BHR from 80mPD to 100mPD (+20m or +25%).
- 4.2 PlanD raised no objection to the application previously considering the proposal is in line with the planning intention of the “R(E)” zone and compatible with the existing residential and planned land uses in the surrounding area. The applicants have conducted technical assessments on aspects such as environmental, visual, air ventilation, traffic, etc. to demonstrate the feasibility of the composite development with relaxed PR and BH, and relevant government bureau/departments have no objection to or no adverse comment on the application. The building height profile of the Proposed Scheme will not be incompatible with BHRs stipulated at YTIA in achieving stepped BHs at YTIA (**Plan FA-7**). The various planning and design measures which are not required under the OZP/ODP, including a proposed 15m-wide PWP within the Site, a 5m-wide covered pedestrian passageway within the Site linking the proposed waterfront promenade and Tung Yuen Street, further setback within the Site for a widened footpath at Tung Yuen Street, and a proposed 4.3m-wide waterfront promenade on the adjoining YSPS site are all relevant planning and design merits to support the application.

Building Layout and Building Design

- 4.3 The Site is subject to constraints as set out by the applicants. The ODP-required setback and the proposed design measures (i.e. additional setback to widen footpath of Tung Yuen Street and the proposed 15m-wide waterfront promenade) will in aggregate take up more than one-fourth of the Site area. Furthermore, as the Site is situated between YTSPS and the CBP, the applicants have to address all the potential industrial/residential interface issues and comply with the SBDG and B(P)R while designing the building layout and disposition. These limit the available footprint and manoeuvring spaces to adjust the building layout and design capable of accommodating the proposed GFA under the proposed BHR. The applicants have explored various design options to come up with a revised building layout with proposed setback by cantilevering the acoustic fins over the waterfront promenade area (**Drawings FA-1 to 2**) that is technically feasible. As a result, the residential tower setback is increased to a minimum of 1.2m from the southern site boundary adjacent to the CBP. The concerned departments, including CBS/K, BD and DEP have no adverse comment on the proposed setback from CBP, subject to imposition of approval condition in relation to revised environmental assessment in paragraph 5(a) below.
- 4.4 On microclimate, by comparing the existing condition at the Site and the Proposed Scheme in the air ventilation assessment, the air ventilation at pedestrian level will be enhanced and the microclimate within the area will be improved. CTP/UD&L, PlanD maintains her previous views and considers that the proposed measures such as setback/passageway,

waterfront promenade/landscape open space and stepped building height design may enhance pedestrian connectivity, promote visual interest and pedestrian comfort in the area.

Demonstration of Compliance of the Proposed Scheme with the SBDG

- 4.5 With the objectives to achieve better air ventilation, enhance the environment quality of living space, provide more greenery particularly at pedestrian level and mitigate the heat island effect, the key building design elements under SBDG are building separation, building setback and site coverage of greenery. According to SBDG, the Site, having an area of 2,419m² and the Lp of less than 40m, falls outside the criteria that are subject to building separation requirements. Notwithstanding, the applicants propose a residential tower setback (a minimum of 1.2m) from the southern site boundary adjacent to the CBP to address Members' concerns. Besides, since Tung Yuen Street (the Street fronting the Site) is wider than 15m, the Site is not subject to the requirement on building setback. To improve air ventilation and enhance pedestrian walking environment, the applicants propose a full-height setback of 5m-wide from Tung Yuen Street road kerb. The Site provides the requisite greenery space as per SBDG (minimum site coverage of greenery of 20% of the Site area). As advised by CBS/K, BD, the Proposed Scheme is considered generally complied with SBDG.

5 Planning Department's Views

- 5.1 Based on the assessments made in paragraph 4 above, the PlanD maintains its previous view of having no objection to the application.
- 5.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 7.11.2029, 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 submission of a revised environmental assessment to address the potential air quality and noise impacts, and the implementation of the environmental mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the submission of a revised land contamination assessment and the implementation of the remediation measures identified therein prior to the commencement of the construction works for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the revised sewerage impact assessment under approval condition (c) to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (e) the submission of a revised traffic impact assessment and implementation of traffic mitigation measures identified therein for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the design and provision of vehicular access, vehicle parking spaces, loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) the design and provision of the waterfront promenade at the Application Site, as proposed by the applicants, to the satisfaction of the Commissioner for Harbourfront and the Director of Leisure and Cultural Services or of the Town Planning Board; and
- (h) the design and provision of the waterfront promenade at the setback area of the Yau Tong Sewage Pumping Station, as proposed by the applicants, to the satisfaction of the Commissioner for Harbourfront or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV of Appendix F-I**.

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

There are no strong justifications for the proposed minor relaxation of plot ratio and building height restrictions.

6 Decision Sought

- 6.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 6.2 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.
- 6.3 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.

7 Attachments

Appendix F-I	MPC Paper No. A/K15/132B
Appendix F-II	Extracted minutes of the 771 st meeting of the Committee held on 15.8.2025
Appendix F-III	Secretary of the Board's letter dated 5.9.2025 informing the applicant of the Committee's decision to defer a decision on the application
Appendix F-IV	FI submitted on 2.10.2025

Drawing FA-1	Comparison of Building Layouts of the Proposed Scheme
Drawing FA-2	Section
Drawing FA-3	Study Scheme of Mirror Tower Arrangement
Drawing FA-4	Implication of Tower Portion Extension encroaching on Waterfront Promenade
Drawing FA-5	Compliance with SBDG
Drawing FA-6	Measures for Improving Air Ventilation
Plan FA-1	Location Plan on OZP
Plan FA-2	Site Plan
Plan FA-3	Aerial Photo
Plans FA-4 to A-6	Site Photos
Plan FA-7	Building Height Profile in the Vicinity of the Site

PLANNING DEPARTMENT
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