

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K11/236**

- Applicant** : Yangtzekiang Garment Limited and Lukhop Garments Limited represented by Ron Luen & Company Limited
- Site** : Nos. 20-24 Tai Yau Street, San Po Kong, Kowloon
- Site Area** : About 2,400.49 m<sup>2</sup>
- Lease** : (a) New Kowloon Inland Lot (NKIL) Nos. 4735, 4736, 4737, 4738 and 4739 s.B & RP (the Lots)  
(b) Restricted for industrial purposes excluding offensive trades  
(c) Subject to maximum height of 300 feet above Principal Datum (i.e. 91.44mPD)  
(d) Non-building area (NBA) with 10 feet (about 3m) at the ground level with a headroom of 15 feet (about 4.5m) at the rear of the lots and restricted for parking and loading and unloading purpose
- Plan** : Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)  
(a) Maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 120 meters above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater  
(b) A minimum of 3m-wide NBA from the lot boundary abutting Tai Yau Street shall be provided within this zone  
(c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR/BH restrictions stated in the Notes of the OZP may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance (the Ordinance)
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Non-Polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) at Nos. 20-24 Tai Yau Street (the Site), which is zoned

“OU(B)” on the approved Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/29 (**Plan A-1**). The proposed minor relaxation of PR restriction is to facilitate the redevelopment of two existing 10 and 11-storey industrial buildings (IBs) at No. 20 and No. 22-24, Tai Yau Street respectively constructed before 1987 (pre-1987 IB)<sup>[1]</sup>. The proposal is for a 29-storey (including 3 levels of basement carpark) IB for ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/storage of Dangerous Goods) which is always permitted under Schedule II for IB or Industrial-Office (I-O) buildings for “OU(B)” zone.

1.2 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in-line with the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise redevelopment of pre-1987 IBs by allowing the relaxation of the maximum permissible non-domestic PR by up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 3.1 below for details). The proposed BH of not more than 120mPD complies with the BH restriction for the Site.

1.3 Key features of the Proposed Scheme<sup>[2]</sup> are highlighted below:

- (a) a full height building setback of 3m from the lot boundary abutting Tai Yau Street (**Drawing A-4**) which is in line with the 3m-wide NBA requirement as specified in the Notes of the OZP and is for improvement of the wind environment in the San Po Kong Business Area (SPKBA) and future road widening purposes. Modular Type vertical greening (VG), planter boxes with flowering shrubs/groundcovers and stone paved walkway are proposed within the setback area (**Drawing A-10**). A full height building setback of about 2m along the service lane at the rear of the Site is also proposed for driveway use (**Drawing A-4**). The applicant will undertake the management and maintenance responsibilities;
- (b) a glass canopy cover with clear headroom of 6m along the full length and 2.5m width of the building setback area along Tai Yau Street is proposed to provide weather protection for pedestrian (**Drawings A-4 and A-10**);
- (c) greenery provision of about 881.35m<sup>2</sup> (about 36.7% of the Site)<sup>[3]</sup>, including planter boxes and VG on G/F, landscaped areas with seating benches and planter boxes along the edge of flat roof on 1/F<sup>[4]</sup> and roof floor (R/F) (**Drawings A-10 to A-15**); and
- (d) a building separation of about 24m (from the 1/F level and above) with the adjacent IB, namely Cheong Tai Industrial Building (**Drawings A-5 and A-9**).

1.4 Floor plans, landscape and section plans, photomontages and greenery provision

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<sup>[1]</sup> The Occupation Permits for the subject IBs at No. 20 and Nos. 22-24 were issued in 1980 and 1965 respectively.

<sup>[2]</sup> The applicant included in its proposal the reservation of two openings for any future bridge connections fronting Tai Yau Street/service lane and provision of an internal pedestrian walkway on 1/F, feasibility of which is subject to discussion with Government departments and adjacent landowners.

<sup>[3]</sup> All greenery are proposed to be irrigated by recycled water.

<sup>[4]</sup> The landscape area on the flat roof of 1/F serves only the proposed development and will not be opened to public.

submitted by the applicant are shown at **Drawings A-1 to A-15**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 2,400.49 m <sup>2</sup>
Proposed Use	‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/storage of Dangerous Goods)
PR <sup>(#)</sup>	14.4
Gross Floor Area (GFA) <sup>#</sup>	About 34,567 m <sup>2</sup>
BH (at main roof level)	88.75mPD
Site Coverage (SC)	
• (<15m)	83.87%
• (>15m)	58.65%
No. of Storeys	29 (including 3 levels of basement car park)
Greenery	881.35 m <sup>2</sup> (about 36.7%)
Parking Spaces	
• Private Car	60
• Motorcycle	6
Loading/Unloading (L/UL) Bays	
• Light Goods Vehicle (LGV)	18
• Heavy Goods Vehicle (HGV)	9
Setbacks	
• Tai Yau Street	3m full-height <sup>(*)</sup>
• Service Lane	2m full-height <sup>(^)</sup>

Note:

- <sup>(#)</sup> The applicant has indicated that bonus PR of about 0.496 (equivalent to GFA of about 1,189.875m<sup>2</sup>) will be claimed for the setback area to be surrendered to the Government subject to the approval by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(1). Any bonus PR/GFA that may be approved by the BA have not been reflected in the above.
- <sup>(\*)</sup> This is in line with the 3m-wide NBA requirement as stipulated in the Notes of the OZP.
- <sup>(^)</sup> This is a setback proposed by the applicant for driveway at the ground level. The applicant will undertake the management and maintenance responsibilities.

- 1.5 The main uses by floor of the proposed development under the Proposed Scheme (**Drawings A-1 to A-13**) are as follows:

Floor	Main Uses
B1/F to B3/F	Carpark and L/UL
G/F	Entrance Lobby and L/UL
1/F	Workshops, landscaped area on flat roof with seating benches
2/F to 25/F	Workshops
R/F	Landscaped area with seating benches

- 1.6 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 21.10.2019 (Appendix I)
  - (b) Supporting Planning Statement enclosing architectural drawings, landscape plan, Traffic Impact Assessment (TIA) and Sewerage Impact Assessment (SIA) received on 21.10.2019 (Appendix Ia)
  - (c) 1<sup>st</sup> Further information (FI) vide letter received on 13.2.2020 enclosing responses to departmental comments (RtoC) (Appendix Ib)
  - (d) 2<sup>nd</sup> FI vide letter received on 19.5.2020 enclosing RtoC, and revised TIA, SIA and architectural drawings including floor plans, section and 1/F landscape plan<sup>@</sup> (Appendix Ic)
  - (e) 3<sup>rd</sup> FI vide letter received on 3.6.2020 enclosing RtoC, revised roof plan, new roof floor landscape plan and new Air Quality Assessment (AQA) Report<sup>@</sup> (Appendix Id)
  - (f) 4<sup>th</sup> FI vide letter received on 9.10.2020 enclosing RtoC, revised TIA, floor plans, landscape plans and new photomontage<sup>@</sup> (Appendix Ie)
  - (g) 5<sup>th</sup> FI vide letter received on 13.1.2021 enclosing RtoC, revised TIA, 1/F floor plan and 1/F landscape plan and new photomontage<sup>@</sup> (Appendix If)
  - (h) 6<sup>th</sup> FI vide letter received on 9.2.2021 enclosing RtoC, revised 1/F landscape plan and replacement pages of TIA (Appendix Ig)
  - (i) 7<sup>th</sup> FI vide letter received on 5.3.2021 enclosing consolidated planning statement and clarification on greenery calculation (Appendix Ih)
- <sup>@</sup> [accepted but not exempted from publication and recounting requirements]

1.7 On 13.12.2019, 22.7.2020, 21.8.2020 and 4.12.2020, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI in response to the departmental comments. With the FI received on 13.1.2021 (Appendix If), the application is scheduled for consideration by the Committee at this meeting.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in the Supporting Planning Statement and the FIs at **Appendices Ia to Ih**, and summarized as follows:

### Response to the PA 2018 on Revitalisation Scheme for IBs

- 2.1 The proposed minor relaxation of PR restriction of the Site by 20% is in line with PA 2018 which encourages owners to redevelop pre-1987 IBs to enhance the social and economic needs, and making better use of valuable land resources.

### In Line with the Planning Intention and Facilitate Transformation of SPKBA

- 2.2 The proposed development for permitted ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/storage of Dangerous Goods) aligns with the planning intention of the “OU(B)” zone. Approval and implementation of the proposed development will act as a catalyst to expedite the transformation of the SPKBA.

### Fulfilling the Sustainable Building Design (SBDG) Guidelines and Green Building Design

- 2.3 The key building design elements of SBDG are incorporated in the proposed scheme where applicable:
- (i) Building length – not applicable to the Site which is less than 2,000m<sup>2</sup> with continuous projected façade length of less than 60m.
  - (ii) Building Setback – No part of the building is within 7.5m from the centreline of Tai Yau Street to maintain a ventilation corridor.
  - (iii) Site coverage (SC) of greenery - the Site is between 1,000m<sup>2</sup> and 20,000m<sup>2</sup>, the proposed scheme will achieve a greenery area of about 36.7% of the Site, and of which about 18.5% within the primary zone, which exceeds the SBDG requirement<sup>[5]</sup> (**Drawing A-13**).

### Technical Impact

- 2.4 Car parking provision complies with the provision requirements stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). Various technical assessments (i.e. TIA, SIA and AQA) have demonstrated that the Proposed Scheme would not generate any adverse impact on traffic, sewerage and air quality aspects.

## **3. Background**

### Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987<sup>[6]</sup>, there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “Residential” (“R”) zones in Main Urban Areas and New Towns into industrial/commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-

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<sup>[5]</sup> According to the PNAP APP-152m for site between 1,000m<sup>2</sup> and 20,000m<sup>2</sup>, greenery areas of not less than 20% of the total site area will be required, of which 10% should be primary zone.

<sup>[6]</sup> Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans (BPs) first submitted to the BA for approval on or before the same date.

by-case basis and the maximum non-domestic PR permissible under the B(P)R<sup>[7]</sup>. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.

- 3.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

#### **4. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

#### **5. Previous Applications**

The Site is the subject of two previous planning applications (Nos. A/K11/160 and 208) for proposed hotel use. Both applications were approved with conditions by the Metro Planning Committee (the Committee) of the Board on 30.7.2004 and 6.7.2012 respectively and the planning permissions have lapsed.

#### **6. Similar Applications**

Since March 2019, the Committee has considered and approved two similar applications for minor relaxation of PR (namely No. A/K11/233 and 235) within the SPKBA (**Plan A-1**). In consideration of these applications, the Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs and noted that relevant technical assessments were submitted to support the technical feasibility of their proposals and there was no adverse comment from relevant government departments.

#### **7. The Site and Its Surrounding Areas (Plans A-1 to A-2 and photos on Plans A-3 to A-4)**

7.1 The Site is:

- (a) located in the north-western part of the SPKBA;
- (b) currently occupied by two industrial buildings (i.e. No. 20 Tai Yau Street and Nos. 22-24 Tai Yau Street) constructed in 1980 and 1965 with building heights of 10 storeys (about 41mPD) and 11 storeys (about 50mPD) respectively;
- (c) bounded by Tai Yau Street to its southeast, a service lane to its northwest, and adjoining IBs namely Cheong Tai Industrial Building to its northeast and 天

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<sup>[7]</sup> Under the Policy, any bonus floor area claimed under B(P)R 22(1) or (2) is not to be counted towards the proposed relaxation of PR restriction by 20% for redevelopment projects. The bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, but can only be considered by the BA upon formal submission of BPs.

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- (d) well served by various public transport services including franchised buses and minibuses as well as mass transit railway (MTR). The MTR Diamond Hill Station is located at about 360m to the northeast of the Site (**Plan A-1**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-1 to A-2**):
- (a) the neighbouring buildings along Tai Yau Street are mixed with commercial/office (C/O), IB or industrial-office buildings;
  - (b) surrounding new C/O buildings include Win Plaza (about 110mPD) to its immediate northwest across the service lane, Winning Centre to its southeast at the Tai Yau Street/Pat Tat Street junction; and
  - (c) to its further west across Sheung Hei Street are Choi Hung Road Playground and Choi Hung Road Sport Centre.

## **8. Planning Intention**

- 8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings.
- 8.2 According to the Notes of the “OU(B)” zone, a minimum of 3m-wide NBA is designated from the lot boundary abutting Tai Yau Street (including the Site). The Explanatory Statement of the OZP stipulated that the setting back of buildings is required to cater for future road widening and the improvement of wind environment within SPKBA.

## **9. Comments from Relevant Government Departments**

- 9.1 The following Government bureaux/departments have been consulted and their views on the application are summarized as follows:

### **Policy Perspective**

#### **9.1.1 Comments of the Secretary for Development (SDEV):**

- (a) It is Government’s policy to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses.
- (b) It is noted that the applicants intend to development a new IB on the Site for non-polluting industrial uses. In this light, he gives policy support to the current application in principle from policy angle on the clear understanding that the development proposal would help address the increasing long-run shortfall of industrial floor space in Hong Kong under the current projection, subject to its compliance with relevant requirements under the Policy and departmental assessment on

technical feasibility and planning considerations.

### **Land Administration**

#### 9.1.2 Comments of the District Lands Officer/Kowloon East and the Chief Estate Surveyor/Development Control, Lands Department (LandsD):

- (a) The Site falls within NKIL Nos. 4735, 4736, 4737, 4738 and 4739 s.B & RP. The lease conditions of the Lots contain, inter alia, the following restrictions:
  - (i) The Lots are restricted to industrial purposes excluding offensive trades subject to a maximum height of 300 feet above Principal Datum (i.e. 91.44mPD); and
  - (ii) Non-building area (NBA) with 10 feet (about 3m) at the ground level with a headroom of 15 feet (about 4.5m) at the rear of the lots and restricted for parking and loading and unloading purpose under lease.
- (b) The proposed redevelopment for a building with 2.041m setback area for driveway use at the service lane as shown on G/F plan is found in conflict with the existing lease conditions. The proposed “non-polluting industrial” use in planning terms<sup>[8]</sup> would constitute uses in breach of the lease conditions including the user restriction of “industrial purposes” which should involve manufacturing process and/or transient deposit and storage for delivery purpose as decided by court cases. The applicants, being the owners of the Lots under application, should be fully aware of the user restriction of the “industrial” use under lease which has a different interpretation under the Board’s definition on Column 1 uses permitted under the planning regime. The applicants should be advised that the Board’s approval under the planning regime shall not be treated as approval under land lease.
- (c) Should the planning application be approved by the Board and depending on the final design of the building and its actual use, the applicant is required to apply to LandsD for a lease modification to give effect to the proposal. However, there is no guarantee that the lease modification would be approved and if the application is eventually approved by LandsD in the capacity as landlord at his discretion, it will be subject to such terms and conditions, including payment of any premium and administrative fee, considered appropriate by LandsD.
- (d) Under the Policy, the lease modification letter shall be executed within 3 years from the date of the Board’s approval letter. DLO/KE’s, CES/DC’s and CES/Acquisition’s detailed comments are at **Appendix III.**

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<sup>[8]</sup> Covers a wide range of uses, e.g. research and development, quality control, information technology support, training for the process of enhanced productivity/delivery of goods, computer-aided design service, editing of newspaper/books/magazines, after-sale services of products, fashion design and printing etc.



### **Traffic Aspect**

#### 9.1.3 Comments of the Commissioner for Transport (C for T):

Having reviewed the TIA at **Appendices Ia, Ic, Ie to Ig** and the applicant's responses to comments, he has no objection to the application from traffic engineering perspective. Should the application be approved by the Board, he suggests that approval condition should be imposed for the design and provision of parking facilities, L/UL spaces and vehicular access for the proposed development to the satisfaction of the C for T or of the Board. Detailed comments are at **Appendix III**.

#### 9.1.4 Comments of the Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD):

The proposed 3m-wide NBA from the lot boundary abutting Tai Yau Street ties in with the proposed traffic improvement works in San Po Kong by the Transport Department (TD) since 2001 requiring setbacks from public roads for future road widening which is in line with the requirements stipulated in the OZP. HyD would take up the maintenance responsibility provided that the surrendered area meet the requirements of Transport Planning and Design Manual and highway standards, and that TD agrees to take up the management responsibility. Detailed comments are at **Appendix III**.

### **Environmental Aspect**

#### 9.1.5 Comments of the Director of Environment Protection (DEP):

- (a) The AQA Report (**Appendix Id**) submitted by the applicant has confirmed that the proposed IB (i) will only contain non-polluting industrial activities, (ii) will be equipped with central air-conditioning and will not rely on opened windows for ventilation, and (iii) the fresh air-intake will be properly located at the roof floor, away from nearby roads, facing Choi Hung Road Playground to the west and to meet buffer distance requirements under Chapter 9 of the HKPSG. Considering the above, adverse air quality impact arising from the development is not envisaged.
- (b) The proposed minor relaxation of PR of the development is not anticipated to lead to insurmountable sewerage impact. The applicant is required to submit a revised SIA to demonstrate the necessity and effectiveness of sewerage mitigation measures, and implement the sewerage works proposed in the SIA. The applicant should address the potential land contamination issues arising from the development. The applicant is required to submit land contamination assessments in accordance with the prevailing guidelines and implement the remediation measures identified therein prior to development of the Site. Should the Board considers the application can be approved, he suggests to include the following in the approval conditions:
  - (i) the submission of a revised Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Board;

- (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition above to the satisfaction of the Director of Drainage Services or of the Board; and
- (iii) 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 Board.

### **Drainage Aspect**

#### **9.1.6 Comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD):**

He has no objection to the application. He provided comments on the submitted SIA and such comments shall be subject to the views and agreement of Environmental Protection Department (EPD), as the planning authority of sewerage infrastructure. Detailed comments are at **Appendix III**.

### **Urban Design, Visual and Landscape Aspects**

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

##### *Urban Design and Visual Aspects*

- (a) The Site of about 2,400m<sup>2</sup> is located within the SPKBA, and falls within the “OU(B)” zone prescribed with a maximum PR of 12 and BH of 120mPD. The immediate surrounding is mainly characterized by existing mid-rise IBs. The application is for minor relaxation of PR restriction to 14.4 for the proposed non-polluting IB development. The BH of the proposed development will be at 88.75mPD that is below the permissible maximum BH. Given the site context, accommodation of the proposed development involving an increase in PR will unlikely have any adverse effects on the intended scale and visual character of the area.
- (b) The 3m-wide NBA from the lot boundary abutting Tai Yau Street will be landscaped. To enhance walking environment along the building frontage, a canopy along Tai Yau Street will be provided. Landscaped areas will also be provided at 1/F and on the roof of the building. These measures may promote visual interest and pedestrian comfort.

##### *Landscape Aspect*

- (c) The Site is located in an area of urban landscape character dominated by medium to high-rise industrial and commercial buildings. No existing tree is observed within the application boundary. Adverse landscape impact caused by the proposed minor relaxation is not anticipated. As such, he has no objection to the application from landscape planning perspective.

- (d) The applicant is reminded to provide sufficient soil provision and appropriate drainage layer at all the planting areas for sustainable plant growth.

9.1.8 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) The proposed development consists of one tower block with a height of 88.75mPD which complies with the BH restriction in the OZP and may not be incompatible with adjacent developments with BHR of 120mPD. In this regard, he has no comment from visual impact point of view.
- (b) He notes that greenery issue has been satisfactorily addressed. The applicant is reminded to comply with the greenery requirement under PNAP APP-152 during their detailed design stage.

**Pedestrian Accessibility and Walkability**

9.1.9 Comments of the Head of Energizing Kowloon East Office (Head of EKEO), DEVB:

- (a) The applicant has proposed to setback the building for 3m from the lot boundary along Tai Yau Street to comply with the NBA requirement stipulated in the OZP. From the perspective of enhancing walkability, the proposed setback would contribute to a more spacious pedestrian environment along Tai Yau Street.
- (b) The façade treatment on GF as shown in the photomontage images (**Drawings A-13** and **A-14**) including shade-tolerant VG and planter boxes under the glass canopy is considered feasible.

**Building Matters**

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

- (a) An Authorized Person should be appointed to submit building plans to the BD for approval and demonstration of full compliance with the Buildings Ordinance (BO).
- (b) The granting of bonus PR for land surrender for street widening is subject to compliance with the conditions set out in PNAP APP-20 and to the agreement/comments from the concerned departments.
- (c) Detailed comments under the BO can only be provided at the building submission stage.

9.2 The following Government departments have no objection to/no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Commissioner of Police;
- (c) Director of Fire Services; and
- (d) District Officer (Wong Tai Sin), Home Affairs Department.

## **10. Public Comments Received During Statutory Publication Periods**

- 10.1 The application and FIs (**Appendices Ia, Ic to Ie**) were published for public inspection on between October 2019 and October 2020. Within the statutory public inspection periods, a total of ten comments were received. Four individuals are in support of the application for reasons that the proposal is good for revitalization of San Po Kong, facilitating road widening and providing green space (**Appendix IVa to IVc**).
- 10.2 Six from members of the public including 4 from the same individual (**Appendices IVd to IVf**) objected to the proposed development on the grounds that the proposed development would worsen the existing congested traffic condition in the vicinity; the implementation programs of road widening are unclear; there is a lack of greening provision to provide community benefit; management of landscaping on R/F is questionable; and approving the application without strong justification and planning merits would set an undesirable precedent.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) for a proposed redevelopment at the Site zoned “OU(B)” into a 29-storey (including 3 levels of basement car parks) IB development. The proposed development is for ‘Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ which is always permitted under Schedule II of the Notes for IB or I-O buildings in the “OU(B)” zone. The proposed use is in line with the planning intention of the “OU(B)” zone and the transformation taking place in SPKBA. The proposed BH of 88.75mPD complies with the BHR of 120mPD under the OZP.

### Policy Aspect

- 11.2 The OPs for the subject IBs were issued in 1965 and 1980 respectively and the Site can be regarded as eligible pre-1987 IBs under Government’s policy on revitalising IBs, with the objective to optimise utilisation of the existing industrial stock and make better use of the valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. DEVB gives policy support to the current application, subject to its compliance with relevant requirements under the Policy and departmental assessments on the technical feasibility and planning considerations.

### Minor Relaxation of PR

- 11.3 The proposed minor relaxation of PR generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed scheme. The TIA submitted (**Appendices Ia to Ih**) supports that the proposed redevelopment would have no adverse traffic impacts on the surrounding road network. C for T has no in-principle objection to the application, and recommends approval condition in paragraph 12.2 (d) below. The other relevant Government departments including EPD, DSD, HyD and FSD have no adverse comments on the application, subject to

incorporation of appropriate approval conditions on sewerage and land contamination aspects in paragraphs 12.2 (a) to (c) below.

#### Planning and Design Merits

- 11.4 The proposed scheme incorporates a 3m-wide full height building setback from Tai Yau Street, that complies with the requirement to provide a 3m-wide NBA under the OZP and is for improvement of the wind environment in SPKBA and future road widening purposes. VG, planter boxes with flowering shrubs/ground covers are provided in this setback area and a glass canopy with clear headroom of 6m along the full length of the building frontage with width of 2.5m within the setback area is proposed to provide weather protection for pedestrian on Tai Yau Street. A 2m full height building setback is also proposed at rear service lane for driveway use. Greenery provision of 881.35m<sup>2</sup> (about 36.7% of the Site) including planter boxes, VG on G/F, landscaped areas with seating benches and planter boxes on 1/F and R/F are proposed to improve the streetscape and pedestrian amenity. The BH of 88.75mPD is below the BHR of 120mPD. CA/CMD2, ArchSD and CTP/UD&L, PlanD has no adverse comment from architectural, and urban design and landscape perspectives respectively. CTP/UD&L, PlanD considers that the proposed measures may promote visual interest and pedestrian comfort along Tai Yau Street. Head of EKEO has no adverse comment and advises that the proposed setback would enhance the walkability in the area.
- 11.5 On the sustainability building design aspect, taking into account the building separation requirements under SBDG, the proposed tower block is designed to have a projected façade length of less than 60m. This will allow a 24m-wide building separation between the proposed building block (i.e. from 1/F and above) and adjacent IB to its northeast. The proposed scheme will achieve a greenery area of about 36.7% of the Site, and of which about 18.5% within the primary zone, which exceeds the SBDG requirement

#### Public Comments

- 11.6 Regarding the public concerns on traffic, environmental, air ventilation, greening, visual aspects and the merits of the proposed relaxation, the planning assessments above and departmental comments in paragraph 9 above are relevant.

### **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 12.3.2025, 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 sewerage impact assessment for the proposed

development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment for the proposed development in condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) 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; and
- (d) the design and provision of vehicular access, vehicle parking and L/UL facilities and manoeuvring spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

12.3 There is no strong reason to recommend rejection of the application.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 13.2 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.
- 13.3 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.

### **14. Attachments**

<b>Appendix I</b>	Application form received on 21.10.2019
<b>Appendix Ia</b>	Supporting Planning Statement received on 21.10.2019
<b>Appendix Ib</b>	Further information vide letter received on 13.2.2020
<b>Appendix Ic</b>	Further information vide letter received on 19.5.2020
<b>Appendix Id</b>	Further information vide letter received on 3.6.2020
<b>Appendix Ie</b>	Further information vide letter received on 9.10.2020
<b>Appendix If</b>	Further information vide letter received on 13.1.2021
<b>Appendix Ig</b>	Further information vide letter received on 9.2.2021
<b>Appendix Ih</b>	Further information vide letter received on 5.3.2021
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Other technical comments from Government department

<b>Appendices IVa to IVf</b>	Public comments received during the statutory publication periods
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawings A-1 to A-15</b>	Proposed floor plans, section, landscape plans, photomontages and greenery provision submitted by the applicant
<b>Plans A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plans A-3 and A-4</b>	Site photos

**PLANNING DEPARTMENT  
MARCH 2021**