

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

**APPLICATION NO. A/K11/241**

- Applicant** : Grand Challenge Development Limited represented by Vision Planning Consultants Limited
- Site** : No. 3 Luk Hop Street, San Po Kong, Kowloon
- Site Area** : About 529.54m<sup>2</sup>
- Lease** : New Kowloon Inland Lot (NKIL) No.4446 (“the Lot”)
- (a) Restricted to industrial purposes excluding offensive trades
  - (b) Subject to a maximum building height of 300ft above Principal Datum (i.e. about 91.44mPD)
  - (c) Subject to a non-building area (NBA) clause which restricts the area to the use of parking, loading and unloading with clear headroom up to 15 feet (i.e. about 4.5m).
- 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 1.5m wide NBA from the lot boundary abutting Luk Hop Street shall be provided
- 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%) for a proposed industrial development at 3 Luk Hop Street, San Po Kong (the Site), which is zoned “OU(B)” on the approved Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/29 (**Plans A-1 and A-2**). The Site is currently occupied by an existing 6-storey industrial building (IB) constructed before 1987 (pre-1987 IB) <sup>[1]</sup> (**Plan 3**). The proposal is to redevelop the existing IB

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<sup>[1]</sup> The Occupation Permit for the subject IB was issued on 15.1.1965.

into a 22-storey<sup>[2]</sup> IB (including one basement level) for non-polluting industrial use. According to the Schedule II for industrial or industrial-office (I-O) buildings of the Notes for “OU(B)” zone of the OZP, ‘Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ is a Column 1 use, which is always permitted. Minor relaxation of the PR restriction may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).

1.2 Key features of the Proposed Scheme are highlighted below:

- (a) a 3.42m-wide full height above-ground building setback along Luk Hop Street, which is more than the 1.5m-wide NBA requirement as stipulated in the Notes of the OZP which is for improvement of the wind environment in the San Po Kong Business Area (SPKBA) and future road widening purposes. A stepped terraced building design with tower setbacks<sup>[3]</sup> is proposed. The pedestrian entrance and vehicular access are proposed at Luk Hop Street. Parking and loading/unloading (L/UL) facilities are located at the basement level and G/F (**Drawings A-2 and A-3**).
- (b) a 1.5m-wide weather protection feature for pedestrian in the form of recessed entrance lobby on G/F together with glass canopy along the full frontage of the proposed building on Luk Hop Street (**Drawings A-1 and A-2**).
- (c) greenery proposals including at-grade planter at G/F, vertical greening (VG) at the Luk Hop Street façade from G/F to 2/F, landscape terraces/planters at various levels fronting Luk Hop Street and the northern façade and roof planter with sitting benches for enjoyment of future users at R/F (**Drawings A-1 to A-9**). A total greenery provision of about 114.5m<sup>2</sup> (about 21.62% of the Site) to improve streetscape and amenity of the development is provided. Grey water will be considered to re-use for irrigation activities at the detailed design stage.

1.3 Floor plans, sections plans, greenery calculation, architectural renderings for the Proposed Scheme submitted by the applicant are shown on **Drawings A-1 to A-9**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Proposed Use	Non-Polluting industrial use (excluding industrial undertakings involving the use/storage of dangerous goods)
Site Area	About 529.54m <sup>2</sup> @
Maximum PR	Not more than 14.4*
Gross Floor Area (GFA) (Non-Domestic)	About 7,625m <sup>2</sup>
Maximum BH (at main roof level)	About 85.04mPD
Site Coverage	Not more than
• Below 15m (G/F to 2/F)	92%
• Above 15m (3F to 20/F)	89%&

<sup>[2]</sup> The proposed building height of not more than 120mPD complies with the BH restriction under the OZP.

<sup>[3]</sup> A 3-stepped terraced building design with tower setbacks at 3/F, 9/F and 15/F from the lot boundary abutting Luk Hop Street and another 4-stepped terraced building design with tower setbacks at 3/F, 7/F, 11/F and 15/F from the rear lane is proposed.

No. of Storeys	22 (including 1 basement for carparking)
Parking Spaces • Private Car • Motorcycle	10 (incl. 1 accessible space) <sup>#</sup> 2
Loading/Unloading (L/UL) Bays • Light Goods Vehicle (LGV)	5
Setback from Luk Hop Street • Basement • G/F and above	1.5m 3.42m <sup>^</sup>
Greenery Provision	21.62% /114.5m <sup>2</sup>
Anticipated Completion Year	2024

@ The Site Area includes the proposed setback of 3.42m.

\* The applicant does not intend to surrender the setback area to Government. As such, no claim of bonus PR is proposed at this stage. The applicant has no objection to surrender the setback area in accordance with B(P)R 22(2) upon the request of Government in future.

& The proposed SC would exceed the permitted SC under the First Schedule of the B(P)R. Application for modification of B(P)R 20 may be considered and compliance with the relevant criteria stipulated in PNAP APP-132 (paragraph 9.1.3(d) refers).

<sup>#</sup> 8 spaces provided in double-deck parking spaces.

<sup>^</sup> The proposed development has incorporated a 3.42m full height above-ground building setback from the lot boundary abutting Luk Hop Street which is more than the 1.5m-wide NBA requirement as stipulated on the Notes of the OZP.

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

- (a) Application form received on 6.10.2021 **(Appendix I)**
- (b) Supporting Planning Statement (SPS) enclosing Traffic Impact Assessment (TIA) and Sewerage Impact Assessment (SIA) received on 6.10.2021 **(Appendix Ia)**
- (c) Replacement page of Application Form and Supporting Planning Statement received on 11.10.2021 **(Appendix Ib)**
- (d) 1<sup>st</sup> Further Information (FI) vide letters received on 26.1.2022 and 31.1.2022 enclosing responses to departmental comments (RtoC), revised floor plans, section plan and development schedule, new Architectural Renderings, revised TIA and replacement pages of SIA\* **(Appendix Ic)**
- (e) 2<sup>nd</sup> FI vide letters received on 18.2.2022 and 23.2.2022 enclosing RtoC, replacement pages and updated Appendices of TIA<sup>#</sup> **(Appendix Id)**
- (f) 3<sup>rd</sup> FI vide letters received on 3.3.2022 and 4.3.2022 enclosing RtoC, revised floor plans, section plan, development schedule, Architectural Renderings and updated TIA\* **(Appendix Ie)**
- (g) 4<sup>th</sup> FI vide letter received on 13.4.2022 enclosing RtoC, updated section, floor plans, development schedule and Architectural Renderings<sup>#</sup> **(Appendix If)**

Remarks:

\*accepted but not exempted from publication and recounting requirements

<sup>#</sup> accepted and exempted from publication and recounting requirements

- 1.5 On 26.11.2021, 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 4.3.2022 (**Appendix Ie**), 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 submissions of FI at **Appendices Ia to If**. They are summarised 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 the Chief Executive's 2018 Policy Address (PA 2018) to encourage owners to redevelop pre-1987 IBs to provide more floor area to make better use of the valuable land resources for Hong Kong's changing economic and social needs.

### In line with Planning Intention and Facilitate Transformation of SPKBA

- 2.2 The proposed development for permitted 'Non-polluting Industrial Use' aligns with the planning intention of "OU(B)" zone. It would provide additional non-polluting industrial floor space with up-to-standard fire safety systems under the present-day building standards, which responds to the latest trend of non-polluting industries development and also expedite the transformation of the SPKBA.

### Compliance with Sustainable Building Design Guidelines (SBDG) and

- 2.3 As the site area is less than 1,000m<sup>2</sup>, both building separation and greenery requirements in the SBDG are not applicable while the building setback requirement in SBDG has been complied with. Nevertheless, effort has been made to enhance the greenery provision as detailed in paragraph 1.2 above in that an overall site coverage (SC) of greenery of about 21.62% (exceeds the minimum 20% greenery requirement for site with an area between 1,000m<sup>2</sup> and 20,000m<sup>2</sup>) is proposed.

### Planning and Design Merits of the Proposed Scheme

- 2.4 The proposed scheme provides 3.42m building setback from the lot boundary fronting Luk Hop Street, which is more than the 1.5m-wide NBA requirement as stipulated on the Notes of the OZP. The setback area would relieve the busy street environment and improve pedestrian circulation at Luk Hop Street.
- 2.5 The proposed step-terraced building design would enhance the local visual permeability, which also offers visual interest by breaking the monotony cityscape of the area. The proposed scheme also incorporates VG at façade from G/F to 2/F facing Luk Hop Street and at-grade planter at G/F to improve streetscape. The planters on various floors fronting Luk Hop Street and the northern façade will improve the local visual effect and users' enjoyment of the proposed development.

### Considering as Minor and Acceptable Relaxation

- 2.6 The relaxation of PR restriction from 12 to 14.4 being sought is considered as minor in nature. The proposed BH (i.e. about 85.04mPD) is far below the BHR of 120mPD as stipulated under the OZP, and the stepped-height profile will help to create a more interesting cityscape in the area.

### Technical Aspects

- 2.7 Technical assessments submitted including TIA and SIA (**Appendices Ia to Ie**) demonstrated that the proposed development would not generate adverse impact on traffic and sewerage aspects to the surroundings.

## **3. Background**

### Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in the 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>[4]</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" 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-by-case basis and the maximum non-domestic PR permissible under the Building (Planning) Regulations (B(P)R)<sup>[5]</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 was three years, with effect from 10.10.2018. As announced in the PA 2021, the implementation period of the scheme will be extended to 31.10.2024. 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 not a "current land owner" of the Premises but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining the consent of the current land owners. Detailed information would be deposited at the meeting for Members' inspection.

## **5. Previous Application**

There is no previous application for minor relaxation of PR restriction at the Site.

## **6. Similar Applications**

Since March 2019, the Committee has considered and approved three similar applications for minor relaxation of PR (Namely No. A/K11/233, A/K11/235 and A/K11 236) within the SPKBA (**Plan A-1**) (**Appendix II**). 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

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<sup>[4]</sup> Eligible pre-1987 IBs refer to those were wholly or partly constructed on or before 1.3.1987, or those constructed with their General Building Plans first submitted to the BA for approval on or before the same date.

<sup>[5]</sup> Under the new 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.

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-3)**

### **7.1 The Site is:**

- (a) located in the northern part of the SPKBA;
- (b) currently occupied by a 6-storey industrial building, namely Tai Yau Building built in 1965;
- (c) bounded by Luk Hop Street to its southwest, a back alley to its northeast, two adjoining IBs, namely Po Shing Industrial Building and Lee Wan Factory Building to its immediate northwest and southeast respectively (**Plan A-2**); and
- (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 about 300m 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 are mixed with industrial, industrial-office (I-O) and commercial/office buildings which fall within “OU(B)” zone;
- (b) to the immediate northeast across the existing back alley is Maxgrand Plaza, which is a new commercial development (about 120mPD) built in 2016; and
- (c) as the traditional industrial uses in San Po Kong Business Area are undergoing transformation to non-polluting business uses, new commercial, office and hotel developments have emerged in the vicinity of the Site.

## **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 1.5m-wide NBA is designated from the lot boundary abutting Luk Hop 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 existing industrial stock and make better use of our valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, relaxation

of the maximum permissible non-domestic PR by up to 20% may be allowed, on a case-by-case basis, under the current revitalisation scheme for redevelopment in respect of pre-1987 IBs located outside “R” zones in Main Urban Areas and New Towns. The implementation period of the said measure is now extended to 31.10.2024, according to the 2021 Policy Address;

- (b) he notes that the applicant considers that the proposed redevelopment is in line with the planning intention of that “OU(B)” zone, and would help facilitate the transformation of the San Po Kong business area. Along this direction, the new building would appear to bring greater benefits in the longer term if it allows flexibly a mix of different uses including commercial ones;
- (c) however, when he looks at the given materials as a whole, the proposed redevelopment with the floor plan supplied leaves a strong impression that the future new building looks like an office building or commercial development. Given the “OU(B)” zoning, and with reference to recent marketing practices for sales transactions of some similar so-called “industrial” redevelopments, he is concerned that the proposed redevelopment may eventually be used by the market inappropriately as offices or residential studios with no relevance to non-polluting industrial activities; and
- (d) according to the Notes to the OZP, minor relaxation of the PR restriction may be considered by the Board, on application by a proponent, based on the individual merits of a redevelopment proposal. Planning applications should not be approved as of right, and each case should be considered on its own merits. Having examined all the materials submitted, he does not object to the Board approving the application; however, the Board is invited to note the following observations in considering whether the purported planning merits are significant enough as to justify an approved relaxation of the PR restriction as stated in the OZP:
  - (i) as stated in the OZP, this “OU(B)” zone is “intended 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. The applicant asserts that the 22-storey new building is intended for accommodating non-polluting industrial activities. If the applicant is not particularly forthcoming in pursuing lease modification with Lands Department (LandsD), this will limit the site potential given the more restricted class of permissible users, i.e. traditional manufacturing industries, under the subject lease. The applicant has advised that it has no intention, at this stage, to initiate the lease modification for other Column 1 uses at this “OU(B)” zone

to unleash the site potential fully;

- (ii) indeed, the preliminary development scheme shown on the application, if materialised, looks similar to some commercial buildings built at other “OU(B)” zones in recent years. He has seen similar industrial “redevelopments” being constructed, and some even being sold to the market problematically as *de facto* residential studios, with no particular relevance to non-polluting industrial activities in reality. If the subject application is approved by the Board on this occasion, Building Department (BD), LandsD, Planning Department (PlanD) and other relevant departments must exercise caution in assessing and approving relevant building plan and other development-related applications at the downstream to ensure that relevant requirements are being met and lease restrictions complied with;
- (iii) therefore, if the application is approved, it will be for the applicant to devise a detail design for the redevelopment scheme to ensure that the new IB will only be able to accommodate the purported “non-polluting industrial uses” in accordance with the requirements under the OZP, current land lease and building regulations. Lease modification is desirable if the applicant decides to fully utilise the site potential for a wider list of general business uses to reflect the planning intention of the area; and
- (iv) if the Board considers the proposal having limited planning merits and decides to turn it down, the applicant is free to revise the redevelopment scheme so that it will not be in excess of a maximum total PR of 12 as permitted under the OZP.

### **Lands Administration**

9.1.2 Comments of the District Lands Officer/Kowloon East (DLO/KE), Chief Estate Surveyor/Development Control (CES/DC) and Chief Estate Surveyor/Acquisition (CES/A), LandsD:

- (a) the Site falls within new Kowloon Inland Lot No.4446 (“the Lot”) which is restricted to industrial purposes excluding offensive trades subject to a maximum building height of 300ft (i.e. about 91.44m) above principle datum. The lot is further subject to a NBA clause which restricts the area to the use of parking, loading and unloading with clear headroom up to 15 feet;
- (b) the applicant, as claimed will be the owner of the lot under application, should be fully aware of the user restriction for “industrial purposes” under lease which has a different interpretation under the Board’s definition under Column I uses permitted under the planning regime. The user restriction for “industrial purposes” of the existing lease conditions should involve manufacturing process and must take place within the lot concerned. Should the planning application be approved by the Board and depending on the final design of the building and its actual use, the lot owner may need to apply to the LandsD for a lease modification to give effect to the



proposal;

(c) other detailed comments are at **Appendix III**.

### **Building Matters**

9.1.3 Comments of the Chief Building Surveyor/Kowloon (CBS/K), BD:

- (a) no objection in-principle to the application;
- (b) for building proposal to be submitted to BD for approval under Buildings Ordinance (BO), requirements regarding the measures to deter misuse of industrial buildings for residential use as stipulated in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-159 should be followed;
- (c) all building works are subject to compliance with the BO. Detailed comments under the BO on individual sites for private developments such as permissible PR, SC, means of escape, emergency vehicular access, private streets, and/or access roads, barrier free access and facilities, compliance with the SBDG, etc. will be formulated at the building plan submission stage;
- (d) the proposed SC would exceed the permitted SC under the First Schedule of the B(P)R. Application for modification of B(P)R 20 may be considered subject to favorable comments for the relevant government departments and compliance with the relevant criteria stipulated in PNAP APP-132;
- (e) high headroom on G/F should be justified at building plan submission stage;
- (f) GFA concession for car parking spaces may be considered subject to compliance with the relevant criteria under PNAP APP-2; and
- (g) area underneath canopy within lot boundary should be SC and GFA accountable. However, canopy projecting not more than 2m over an entrance to a building may be disregarded from SC/GFA in accordance with PNAP APP-19

### **Traffic Aspect**

9.1.4 Comments of the Commissioner for Transport (C for T):

- (a) he has no further comment to the application from traffic engineering viewpoint;
- (b) the 1.5m non-building area fronting Luk Hop Street is in line with the requirement as stipulated in OZP for future road widening. Currently, there is no implementation programme of the road widening works;
- (c) due to site constraint, the location of pedestrian access is located close to the vehicular access. The applicant is reminded to provide safety measures between the vehicular access and pedestrian access during the detailed design; and
- (d) should the application be approved, it is recommended to impose the approval conditions at paragraph 12.2(a) below.

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

he has no comment on the proposed minor relaxation of PR restriction in highways maintenance point of view subject to comment from Transport Department (TD) on the proposal in traffic point of view. CHE/K, HyD's technical comments are at **Appendix III**.

**Environmental Aspect**

9.1.6 Comments of the Director of Environment Protection (DEP):

- (a) no objection to the application;
- (b) new/modernised industrial buildings are normally provided with central air conditioning system. The applicant/Authorised Persons should properly locate the fresh-air intakes during detailed design stage to provide good/acceptable air quality for the future occupants/users of the buildings;
- (c) based on the SIA and FIs at **Appendices Ia to Ic**, insurmountable sewerage impact is not anticipated for the minor relaxation of PR restriction of the proposed development;
- (d) the Site is occupied by an existing IB which is a potential land contamination land use. Nevertheless, the land contamination issue would unlikely be insurmountable. Since the proposed development would involve demolition of the existing building and would likely generate a large amount of construction and demolition (C&D) materials, the applicant is advised to minimise construction waste; and
- (e) should the application be approved, it is recommended to impose the approval conditions at paragraph 12.2(b) to (d) below.

9.1.7 Comments of the Chief Engineer/Mainland South (CE/MS), Drainage Services Department (DSD):

he has no adverse comment on the application from drainage maintenance point of view. CE/MS, DSD's technical comments are at **Appendix III**.

**Urban Design, Visual and Landscape Aspects**

9.1.8 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 530m<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 ranging from 36mPD to 123mPD. The application is for minor relaxation of PR restriction to 14.4 for proposed non-polluting IB. The BH of the proposed development will be at 85.04mPD 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) in corporation of design measures as detailed in paragraph 1.2 may help promote visual interest and pedestrian comfort;

*Landscape Aspect*

- (c) at-grade planters at G/F and vertical greening on the façades from G/F to 2/F facing Luk Hop Street are proposed. At the same time, edge planters at 3/F, 9/F & 15/F fronting Luk Hop Street; landscape terraces with edge planters at 3/F, 7/F, 11/F & 15/F at northern facade and roof garden at main roof are also proposed to enhance the landscape quality of the development. Hence, she has no objection to the application from landscape planning perspective; and
- (d) the Applicant is reminded that approval of the section 16 application under the Ordinance does not imply approval of the site coverage of greenery requirements under PNAP APP-152 and/or under the lease. The site coverage of greenery calculation should be submitted separately to BD for approval.

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

The propose developments consists of one tower with PR of 14.4 (including 20% increase of PR) and BH of 85.04mPD. Since the adjacent “OU(B)” areas with BHR of 120mPD are permitted in the OZP, he has no comment on the application from architectural and visual impact point of view.

**Pedestrian Accessibility and Walkability**

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

- (a) the application is for minor relaxation of the PR restriction from 12 to 14.4 for ‘Non-Polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’ with a view to obtaining additional 20% of PR under the new revitalization scheme for IBs announced in the PA 2018. The proposed BH of 85.04mPD is below the statutory BHR of 120mPD stipulated under the approved Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/29. He understands that the acceptability of the development proposal would be duly assessed by the responsible bureaux/ departments from the policy and technical perspectives. In particular, the cumulative impacts to the traffic and infrastructure in the SPKBA arising from the current proposal and other approved/committed developments should be duly assessed by the relevant departments; and
- (b) as regards the proposed building setback of 3.42m along Luk Hop Street, which is more than 1.5m NBA from the lot boundary as stipulated on the OZP, he generally supports such provisions from the perspectives of enhancing pedestrian environment and walkability.

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 to Ie**) were published for public inspection on 19.10.2021, 8.2.2022 and 11.3.2022 respectively. Within the statutory public inspection periods, a total of four comments were received and two from the same individual (**Appendices IVc and IVd**). One comment is in support of the application for the reasons that the proposal is good for revitalization of the surrounding areas (**Appendix IVb**).
- 10.2 Three comments on issues relating to the implication on building structural safety of the adjoining building at 5 Luk Hop Street upon the redevelopment of the application site; and the planning/design merits, details of greening measures and the provision of weather protection measures of the development (**Appendices IVa, IVc to IVd**).

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

- 11.1 The application is for minor relaxation of PR restriction from 12.0 to 14.4 (i.e. +2.4 or +20%) for a proposed redevelopment at the Site zoned “OU(B)” into a 22-storey (including one level of basement carpark) 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 85.04mPD complies with the BHR of 120mPD under the OZP.

### **Policy Aspect**

- 11.2 The existing IB with the OP issued on 15.1.1965 can be regarded as an eligible pre-1987 IB 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. The Development Bureau (DEVB) notes that the applicant considers that the proposed redevelopment is in line with the planning intention of that “OU(B)” zone, and would help facilitate the transformation of the San Po Kong business area. Having examined the related submission, DEVB does not object to the Board approving the application based on the individual merits of the redevelopment proposal. Regarding DEVB’s concern on the possible use of the proposed building other than non-polluting industrial purpose, there is prevailing development control mechanism at the building plan submission stage to ensure that the relevant requirements are met. CBS/K, BD also indicates that for any building proposal submitted for BD’s consideration, requirements regarding the measures to deter misuse of industrial buildings for residential use as stipulated in the PNAP APP-159 should be followed.

### Minor Relaxation of PR Restriction

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. In support of the application, the applicant has submitted various technical assessments, including TIA and SIA, to demonstrate that the proposed redevelopment would not cause adverse traffic and sewerage impacts to the surrounding areas. C for T has no comment to the application, and recommends approval condition as set out in paragraph 12.2(a) below. DEP also has no objection to the application subject to incorporation of appropriate approval conditions on sewerage and land contamination aspects set out in paragraph 12.2(b) to (d) below. Other relevant Government departments consulted including DSD, HyD and FSD have no in-principle objection to/adverse comments on the application.

### Planning and Design Merits

11.4 In accordance with paragraph 8.6.6 of the Explanatory Statement of the OZP, a minimum of 1.5m-wide NBA from the lot boundary abutting Luk Hop Street should be provided for improvement of the wind environment in SPKBA and future road widening purposes. In addition to the 1.5m NBA requirement, the applicant proposed to further recess the building from the street frontage to achieve a full building setback of 3.42m from the lot boundary along Luk Hop Street featured with landscape planters (**Drawings A-1 and A-2**). A 1.5m-wide weather protection feature for pedestrian is proposed in the form of recessed entrance lobby on G/F together with glass canopy along the full frontage of the building on Luk Hop Street. The total setback of 3.42m together with the landscape treatment as illustrated in architectural renderings (**Drawings A-10 to A-12**) could enhance the pedestrian environment along Luk Hop Street and improve the wind environment within SPKBA. Although incorporation of the above design measures do not necessarily require additional PR, they still represent the applicant's efforts in enhancing the building design for a relatively small site of about 530m<sup>2</sup>. CA/CMD2, ArchSD and CTP/UD&L, PlanD has no adverse comment on the application from architectural, urban design and landscape planning point of view respectively. CTP/UD&L, PlanD considers that the incorporation of these design measures may help promote visual interest and pedestrian comfort as well as enhance the landscape quality of the development. Head of EKEO generally supports such provisions from the perspectives of enhancing pedestrian environment and walkability

11.5 On the sustainability building design aspect, as the site is less than 1,000m<sup>2</sup>, both building separation and greenery requirements in the SBDG are not applicable while the building setback requirement in SBDG has been complied with. Nevertheless, effort has been made to enhance the greenery provision in that an overall SC of greenery of about 21.62% (which exceeds the minimum 20% greenery requirement for site with an area between 1,000m<sup>2</sup> and 20,000m<sup>2</sup>) is provided (**Drawings A-1 to A-9**).

### Public Comments

11.6 There are four public comments received. The supportive comment is noted. As regards the comments on building structural safety, planning/ design merits and details of greening measures and the provision of weather protection measures, the planning assessments above and departmental comments in paragraph 9 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 22.4.2026, 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 condition 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 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;
- (c) the submission of a Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment for the proposed development in planning condition (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### **Advisory clauses**

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

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

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

## **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 6.10.2021
<b>Appendix Ia</b>	Supporting Planning Statement with Traffic Impact Assessment and Sewerage Impact Assessment received on 6.10.2021
<b>Appendix Ib</b>	Replacement page of Application Form and Supporting Planning Statement received on 11.10.2021
<b>Appendix Ic</b>	FI vide letters received on 26.1.2022 and 31.1.2022
<b>Appendix Id</b>	FI vide letters received on 18.2.2022 and 23.2.2022
<b>Appendix Ie</b>	FI vide letters received on 3.3.2022 and 4.3.2022
<b>Appendix If</b>	FI vide letter received on 13.4.2022
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Other technical comments from Government departments
<b>Appendix IVa to IVd</b>	Public comments received during the statutory publication periods
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawings A-1 to A-12</b>	Proposed floor plans, schematic section and architectural renderings submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2022**