

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/794

- Applicant** : Able Luck Development Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 119 – 121 How Ming Street, Kwun Tong, Kowloon
- Site Area** : About 929.02m²
- Lease** : (a) Kun Tong Inland Lot (KTIL) Nos. 1 S. A and RP (the Lot)
(b) Restricted to a factory for the manufacture of wearing apparel hats and gloves or embroidery excluding offensive trades
- Plan** : Draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/23 (currently in force)
Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/22 (at the time of submission)
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 200 meters above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater
(b) 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)
[Same zoning and development restrictions on the approved Kwun Tong (South) OZP No. S/K14S/22 and the draft Kwun Tong (South) OZP No. S/K14S/33]
- Application** : Proposed Minor Relaxation of Plot Ratio 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 119 – 121 How Ming Street (the Site), which is zoned “OU(B)” on the draft Kwun Tong (South) OZP No. S/K14S/23 currently in force (**Plan A-1**). The proposed minor relaxation of PR restriction is to facilitate the redevelopment of the existing 15-storey industrial building (IB) into a 41-storey IB (including 2 levels of basement carpark) for ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/storage of Dangerous Goods)’

use (the Proposed Scheme) which is always permitted under Schedule II for IB or Industrial-Office (I-O) buildings for “OU(B)” zone. The proposed development with a BH of 200mPD will not exceed the BHR for the Site on the OZP.

- 1.2 With reference to the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), for the purpose of footpath/carriageway widening and amenity/streetscape enhancement, the Proposed Scheme has incorporated 4.6m full-height building setback from the Lot boundary abutting How Ming Street (**Drawings A-1 and A-9**) in accordance with the setback requirements under the said ODP. A glass canopy at 1/F for pedestrian weather protection (1.86m-wide) along the full street frontage facing How Ming Street is proposed^[1] (**Drawings A-2 and A-9**). Various greenery proposals are incorporated including vertical greenings (VGs) from G/F to 4/F at sections of the façade facing How Ming Street, podium garden on 1/F (open for public enjoyment from 7:00am to 8:00pm daily), planting areas at building edges facing How Ming Street on 4/F and 5/F, and the refuge floor/sky garden (for tenants and visitors of the building only) on 20/F (**Drawings A-1 to A-6, A-8 to A-10**). Two openings at the podium garden on 1/F are reserved for possible pedestrian connections to Yip Fat Factory Building Block 2 (currently under demolition) and Entrepot Centre to the northeast and northwest across back alley of the Site respectively upon their redevelopment for commercial use (**Drawings A-2 and A-13 and Plan A-3**). In addition, to uplift the adjoining back alley, identified as one of the “Back Alley Project @ Kowloon East”, Feature wall at G/F facing the back alley would also be provided (**Drawings A-9 to A-11**). Overall greenery provision is about 27.6%. Vehicular ingress/egress is proposed at How Ming Street.
- 1.3 Floor and section plans, photomontages, street-level perspectives and pedestrian circulation network submitted by the applicant are shown at **Drawings A-1 to A-14**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 929.02m ²
Proposed Use	‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use / storage of dangerous goods)
PR	About 14.4
Gross Floor Area (GFA) ^(#)	About 13,377m ²
BH (at main roof level)	200mPD
Maximum Site Coverage (SC) <ul style="list-style-type: none"> Podium (below 15m) Tower 	Not more than 85% Not more than 60% ^(#)
No. of Storeys <ul style="list-style-type: none"> Aboveground Basement 	41 39 2
Greenery	About 256m ² (27.6% SC)
Parking and L/UL Facilities <ul style="list-style-type: none"> Car Parking Spaces 	24 (incl. 1 accessible parking)

^[1] Design of canopy is subject to departmental comments at detailed design stage.

Major Development Parameters	Proposed Scheme
• Motorcycle Parking Spaces	3
• L/UL Bay for LGV	7
• L/UL Bay for HGV	4
Setback • How Ming Street	4.6m full-height (*)

Note:

(#) The applicant has indicated that bonus PR of about 0.755 (equivalent to a GFA of about 701m²) and bonus SC of 1.156% will be claimed for the setback area to be surrendered to the Government subject to approval by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(2). Any bonus PR/GFA/SC that may be approved by the BA have not be reflected in the above.

(*) Full-height building setback required for the Site as per the adopted ODP

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

- (a) Application form received on 1.9.2020 (Appendix I)
- (b) Supporting Planning Statement enclosing conceptual architectural drawings, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) received on 1.9.2020 (Appendix Ia)
- (c) 1st further information (FI) vide letters dated 16.10.2020 enclosing responses to departmental and public comments, revised floor plans, revised TIA and SIA[#] (Appendix Ib)
- (d) 2nd FI vide letters dated 20.11.2020 enclosing responses to departmental comments* (Appendix Ic)
- (e) 3rd FI vide letters received on 8.12.2020 enclosing response to departmental and public comments* (Appendix Id)
- (f) 4th FI vide letter received on 17.2.2021 enclosing revised floor plans and additional design merits* (Appendix Ie)
- (g) 5th FI vide letter received on 17.3.2021 enclosing response to departmental comments and revised floor plans* (Appendix If)
- (h) 6th FI vide letter received on 9.4.2021 clarifying the greenery provisions and the opening hours of podium garden* (Appendix Ig)

Remarks:

[#] accepted but not exempted from publication and recounting requirement

* accepted and exempted from publication and recounting requirement

1.5 On 18.12.2020, 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 to address departmental comments. With the FI received on 17.2.2021 (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 the FIs at **Appendices Ia to Ig**, and summarized as follows:

In-line with the Government Policy on Revitalisation Scheme for IBs

- 2.1 The proposed minor relaxation of PR restriction of the Site by 20% is in line with the 2018 Policy Address (PA 2018) to revitalise the existing IBs constructed before 1987 (pre-1987)^[2] to optimise the valuable industrial land resources so as to meet the changing social and economic needs.

Aligns with the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessment)

- 2.2 The Proposed Scheme is in line with the findings of the 2014 Area Assessment and meets the increasing demand for industrial floor space observed in the “OU(B)” zone in Kwun Tong. Redevelopment to a new IB at the Site would facilitate the transformation of Kwun Tong Business Area (KTBA), by enabling a wide range of non-polluting industrial uses to be accommodated as a response to the genuine demand of such uses.

In-line with the Planning Intention

- 2.3 The Proposed Scheme is in line with the planning intention of the “OU(B)” zone, which 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 use of the proposed development would cater for the need for non-polluting industrial use.

Planning and Design Merits of the Proposed Scheme

- 2.4 The Proposed Scheme, with minor relaxation of PR by 20% under application, will be developed within the BHR of 200mPD for providing additional industrial floor space while achieving planning and design merits without compromising the BH profile. The Proposed Scheme incorporates full-height setback of 4.6m at How Ming Street Road (of about 140m² or 15% of the site area) as required under the ODP, to be surrendered to the Government upon demand, for road widening/streetscape enhancement thus improving the pedestrian environment (**Drawings A-1 and A-9**). Canopy at 1/F is proposed at the full length of façade along How Ming Street for pedestrian weather protection. To echo with the ‘Back Alley Project @ Kowloon East’ under the initiative of Energizing Kowloon East Office (EKEO), feature wall for art creation is proposed along portion of the façade at back alley on G/F (**Drawings 10 and 11**).
- 2.5 Apart from setback along How Ming Street, podium garden would be opened for public enjoyment from 7:00am to 8:00pm daily and the applicant will take up the management and maintenance responsibility. To meet relevant fire safety requirements for enabling the podium garden be safe for public use, the proposed podium garden at 1/F would be separated from the industrial uses located above by buffer floors at 2/F and 3/F for E&M uses, and no industrial uses would be provided within the non-industrial portion from G/F to 3/F (**Drawings A-2 to A-4 and A-9**).

^[2] The Occupation Permit (OP) for the subject IB was issued in 1978.

Furthermore, accesses to the podium garden (including the main entrance at How Ming Street) would be completely separated from those leading to other floors for non-polluting industrial uses (**Drawing A-14**). Future workers to other floors would be provided at entrance at back alley and would not have direct access to the podium garden on 1/F. The buffer floor on 2/F is designed to allow a higher headroom (about 10m) for portion of the podium garden for better ventilation and to add visual interest when viewed from the G/F along How Ming Street (**Drawings A-2, A-3, A-10 and A-11**). As per comments from the Transport Department (TD) for enhancing pedestrian circulation in the area in the long run, two openings on the podium garden are reserved for future possible pedestrian connections to adjoining buildings, namely Yip Fat Factory Building Block 2 (currently under demolition) and Entrepot Centre upon their redevelopment for commercial use, subject to further discussions with landowners of adjacent buildings. The opening hours of the pedestrian connections is from 7:00am to 8:00pm daily subject to further liaison with relevant Government Departments at detailed design and operation stages (**Drawings A-2, A-13 and Plan-A3**).

- 2.6 Landscaping features are incorporated to enhance the pedestrian environment and the permeability of the proposed developments, namely VGs on G/F to 4/F at section of the façade facing How Ming Street, podium garden on 1/F, planting areas at building edges facing How Ming Street on 4/F and 5/F, and the refuge floor/ sky garden on 20/F (**Drawing A-1 to A-6, A-8 and A-10**). Overall greenery provision of about 27.6% would be achieved. The greenery provisions would help mitigate heat island effect and improve microclimate of the surrounding concrete buildings while allowing wind penetration from the north-west direction.

Sustainable Building Design Guidelines (SBDG)

- 2.7 The three key building design elements of SBDG are incorporated in the Proposed Scheme where applicable:
- (a) Building length – not applicable to the Site which is less than 20,000m² with continuous projected façade length less than 60m.
 - (b) Building setback – No part of the building is within 7.5m from the centreline of How Ming Street to maintain a ventilation corridor.
 - (c) SC of greenery – the Site is less than 1,000m², thus this requirement is not applicable. Notwithstanding, an overall greenery provision of about 256m² (about 27.6%) will be provided.

Green Building Design Features

- 2.8 Green building design elements will be incorporated including greenery proposal as discussed in paragraph 2.5 above. The Proposed Scheme will adopt double glazing and low-E glass with low thermal conductivity and high light transmittance and low reflective glass to minimize glare. Overall, the glass used in the curtain wall system would comply with the requirement of the Overall Building (Energy Efficiency) Regulation. Furthermore, the proposed development would follow Building Energy Code (BEC) for promoting energy efficiency. The possibility of installation of rainwater recycling system for the Proposed Scheme will be further considered during detailed design stage.

Technical Aspects

- 2.9 Car parking and L/UL spaces would be provided to meet the ‘high-end’ requirement under the prevailing Hong Kong Planning Standards and Guidelines (HKPSG). The technical assessments submitted including TIA and SIA confirmed that the proposed development will generate no adverse impact to the surrounding environment.

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^[3], 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 B(P)R^[4]. 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.

Pedestrian Environment Improvement Scheme for KTBA

- 3.3 EKEO commissioned the ‘Pedestrian Environment Improvement Scheme for Kwun Tong Business Area – Feasibility Study’ (the Study), completed in 2016, with the objectives to review and assess the pedestrian environment and traffic conditions of KTBA and to formulate feasible improvement schemes and proposals, in order to improve the pedestrian connections and traffic network as well as to strengthen the accessibility from the MTR Stations to KTBA and towards the waterfront. Short-term pedestrian and traffic improvement schemes as recommended in the Study (including the Back Alleys Project) have been implemented to bring early improvements to the pedestrian environment and traffic conditions. As one of the medium to long term improvement measures, and taken into account the pedestrian flow analysis as well as other proposed development in KTBA, series of grade-separated pedestrian links are recommended in the Study (**Plan A-5**). Inter alia, for grade-separated pedestrian links proposed to be linked to private developments, the

^[3] 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 BPs first submitted to the BA for approval on or before the same date.

^[4] 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 building plans (BPs).

Study stated that it would be more appropriate to take forward as private sector initiatives or through land lease as the alignment will best be integrated with existing and proposed private developments to avoid more structures encroaching on the limited public spaces.

- 3.4 To facilitate the early provision of planned pedestrian links, the Government has introduced in 2016 an incentive policy, namely the “Policy of Facilitating Provision of Pedestrian Links by Private Sector”, by way of waiving the land premium payable for lease modification for the provision of such links using Kowloon East as a pilot area. When receiving private-initiated proposals that are outside the planned pedestrian network, the Government would assess the proposals based on the technical assessment and implementation details submitted by the project proponents on a case-by-case basis to ensure that the links can enhance walkability in that particular area and bring benefits to the public at large, and consider such application under the established mechanism of the said policy

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

The applicant is one of the “current land owners” of the Lot and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by taking reasonable steps with notices published in local newspapers and notices posted in prominent positions on or near the Site. 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 in respect of the Site.

6. Similar Applications on Proposed Minor Relaxation of PR/BH Restrictions under IB Policy in KTBA

- 6.1 Within KTBA, there was no similar application for minor relaxation of PR/BHR that is not relating to the Policy submitted to the Committee for consideration. There are three similar applications (**Appendix IIa**) (Nos. A/KC/465, A/KC/467 and A/H20/195) for minor relaxation of PR in Kwai Chung and Chai Wan respectively not relating to the Policy, which were approved with conditions by the Committee on 12.6.2020, 10.7.2020 and 4.12.2020 respectively having regard to the circumstances pertaining to the sites, support from the Secretary for Development (SDEV) from site optimisation perspective, no objection from Director-General of Trade and Industry (DG of TI) since they were in line with the planning intentions of the respective land use zones for supply of more industrial floor space, no adverse impacts on infrastructure/technical aspects and no objection/adverse comment from concerned departments, and the planning/design merits brought by the proposed developments.
- 6.2 For minor relaxation of PR and/or BH in the KTBA relating to the Policy, since March 2019, the Committee has considered a total of 14 applications (**Appendix IIb** and **Plan A-1**), out of which 13 applications were approved with conditions and one

(No. A/K14/764) was rejected mainly on the consideration that there was insufficient planning and design merits to support the proposed relaxation of BHR associated with the applications ^[5].

- 6.3 There were four similar applications for minor relaxation of PR only (namely Nos. A/K14/777 and 787, A/K14/778, and A/K14/793 subject to BHRs of 160mPD, 100mPD and 200mPD respectively). 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-4 and photos on Plan A-5)

7.1 The Site is:

- (a) occupied by a 15-storey IB (about 50mPD), namely Good Year Industrial Building, built in 1978;
- (b) abutting How Ming Street in its southwest, a wholesale-converted commercial/office (C/O) development (Wong Tse Building) to its southeast, an IB building currently under demolition, namely Yip Fat Factory Building Block 2 to its northeast, and a back alley to its northwest; and
- (c) at about 240m to the southwest of the Kwun Tong MTR Station.

7.2 The surrounding areas have the following characteristics (**Plans A-3 and A-4**):

- (a) buildings along How Ming Street are mixed with IBs or I-O buildings and C/O developments; and
- (b) across the back alley further northwest is the APM Millennium City.

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 The ES of the OZP also stipulates that the setting back of buildings to cater for the future increase in traffic demand may also be required. The setback requirements are stipulated in the ODP (**Plan A-2**) and enforced through lease modification process when appropriate.

^[5] Application No. A/K14/764 applied for relaxation of BH by 30.2% from 100mPD to 130.2mPD was rejected by the Board. Another similar application No. A/K14/771 involving the same application site as A/K14/764, with less extent of increase in BH to 119.7mPD (+19.7%), was subsequently approved with conditions by the Board.

9. **Comments from Relevant Government Departments**

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

Policy Perspective

9.1.1 Comments of the SDEV:

- (a) The special time-limited arrangement to incentivise private owners to redevelop pre-1987 IB by relaxation of the maximum permissible non-domestic PR to be considered on a case-by-case basis does not apply to “special factories”^[6]. The user of the Lot is restricted to a factory for the manufacture of wearing apparel hats and gloves embroidery excluding offensive trades, as specified on the land lease. The applicant did not describe clearly whether the existing premises on the Site are now being used within the user clause on the lease (and if not, whether the prevailing uses are properly covered by special waivers granted by Lands Department (LandsD)). While it may seem that the economic importance of the aforesaid manufacturing activities may have diminished relatively in Hong Kong over the years, given that the Site was uniquely granted for a “special factory” purpose, the special time-limited arrangement mentioned above is not, strictly speaking, directly relevant to the redevelopment of this Lot.
- (b) That said, the application can still be considered by the Board under the established mechanism with reference to any exceptionally strong planning merits which the applicant is trying to demonstrate. In particular, as there is policy direction to encourage Kowloon East into the 2nd Central Business District (CBD) in the territory, there are certain merits in this Proposed Scheme if it help contributes to this cause. In this regard, the relevant B/Ds should assess the application critically in this light, with particular reference to setback, pedestrian environment and urban design elements on the proposal, and assess if the proposal may help mitigate messiness of the nearby roads during peak hours.

9.1.2 Comments of the DG of TI:

- (a) It is noted that SDEV considers that while the Policy is not, strictly speaking, directly relevant to the application, there are certain merits in this proposal in the context of encouraging urban renewal and establishing Kowloon East into the 2nd CBD in the territory.
- (b) According to the 2014 Area Assessments, the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses. As such, he has no objection to the application given that it

^[6] According to the LegCo Paper No. CB(1)323/18-19(03) “Measures to Revitalise Industrial Buildings”, such IBs refer to flatted factory buildings, industrial-office buildings and other buildings built for industrial uses where the leases governing the lots on which the buildings stand specify industrial and/or godown uses, or are unrestricted in terms of uses permitted under lease. They do not include special factories such as those located in industrial estates, storage premises in container terminals and flatted factories built by the Housing Authority, and those buildings on lots supporting specific industries such as cargo handling uses, ship building and repairing, oil storage and refining and production of associated chemical by-product, manufacture of polystyrene plastics, manufacture and storage of chlorine, hydrogen and textile chemicals, etc.

would put the Site into optimal use to provide more industrial space.

Land Administration

9.1.3 Comments of the District Lands Officer/Kowloon East (DLO/KE), LandsD:

- (a) The Site fall within Section A and the Remaining Portion of KTIL No. 1 (“the Lots”) which is restricted to a factory for the manufacture of wearing apparel hats and gloves or embroidery excluding offensive trades.
- (b) The proposed redevelopment of the Lots for “non-polluting industrial” use would cover a much wider range of uses other than as permitted under the user restriction of the Lots. If the application is approved by the Board, the lot owner shall apply to LandsD for a lease modification. However, there is no guarantee that the lease modification application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD.

Traffic Aspect

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

- (a) Having review the TIA, the public comments and the applicant’s responses to the public comments (**Appendices Ia, Ib, Id and If, Appendix III**), he has no adverse comment on the application from traffic engineering perspective. Should the application be approved by the Board, approval conditions on the submission of a revised TIA, and implementation of the mitigation measures, if any, identified in the revised TIA, and the design of parking facilities, L/UL spaces and vehicular access for the proposed development is suggested.
- (b) It is noted that pedestrian connections on 1/F of the Proposed Scheme to Yip Fat Factory Building to the northeast and to Entrepot Centre to the southwest are proposed. The proposed pedestrian connections are supported as they will help divert the pedestrian flow from Kwun Tong MTR Station to How Ming Street via Entrepot Centre. Nevertheless, these proposed provisions are subject to further discussion with adjacent landowners and redevelopment of the adjacent sites to non-industrial uses, and future connections between APM Millennium City and Yip Fact Factory Building. It is expected that the pedestrian connectivity would be enhanced upon the completion of the entire network.

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

He has no adverse comment on the application and his technical comments on the glass canopy are detailed at **Appendix III**.

Environmental Aspect

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

- (a) No objection to the application from environmental perspective. Insurmountable environmental impacts associated with the proposed development are not anticipated with the following considerations.
- (b) Based on the FIs (**Appendix Ib and Id**), the applicant has confirmed that central air conditioning system will be provided for the proposed development and will not rely on opened windows for ventilation. The fresh air intake point of the air conditioning system will also be properly located to meet the buffer distance requirement for vehicular emissions as stipulated in the HKPSG. Also, the applicant has confirmed that there is no chimney in the vicinity of the Site and the proposed development does not have any polluting industrial use.
- (c) Insurmountable sewerage impacts are not anticipated. Notwithstanding this, should the application be approved by the Board, approval conditions on the submission of an updated SIA to cater for any refinement in the flow distribution, flow estimation or connection point, and the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA are suggested.
- (d) The Site is occupied by an existing IB which is a potential land contamination land use. Nevertheless, the land contamination issue would unlikely insurmountable. Should the application be approved by the Board, approval conditions on the submission of a land contamination assessment; and implementation of improvements/remediation measures identified therein are suggested.
- (e) On waste management, the development proposal would involve demolition of the existing building and a large amount of construction and demolition (C&D) materials would be generated. The applicant is advised to minimise the generation of C&D materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.
- (f) Regarding the public comments concerning the possible environmental degradation and the need for Environmental Assessment and Industrial Chimney Study to support the application, it is noted that the proposed development will be equipped with central air-conditioning system and will not rely on opened windows for ventilation. The fixed plants of the proposed development will be designed to comply with the relevant noise criteria in the HKPSG at nearby noise sensitive receivers at design stage. In addition, the proposed development does not have any emission sources and the fresh air intake would comply with the HKPSG recommended buffer distance. The proposed increase in PR from 12 to 14.4 is expected to generate insignificant increase in traffic. In this connection, he advises that the proposed development will not induce significant air quality and noise impacts to the area and the proposed development is environmentally acceptable.

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) The Site is a single frontage lot facing How Ming Street within the KTBA. The BH of the proposed development at 200mPD is in compliance with the BHR stipulated for the Site. Given the context, accommodation of the proposed development would unlikely cause any significant adverse visual impact to the surroundings.
- (b) The proposed development has incorporated a minimum 4.6m full height setback along How Ming Street as per the ODP requirement. Landscape treatments including VG and planting areas from G/F to 5/F and 20/F, a podium garden at 1/F and a refuge floor/sky garden at 20/F and canopy along How Ming Street will be provided. The above measures may promote visual interest and pedestrian comfort.

Landscape Aspect

- (c) With reference to the aerial photo of 2019, 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 Site. VG is proposed on the façade from G/F to 4/F facing How Ming Street, and landscape treatments (including peripheral planting areas, green roof, podium garden and sky garden etc.) are proposed on G/F to 5/F and on 20/F. Adverse landscape impact caused by the proposed minor relaxation is not anticipated. He has no objection to the application from landscape perspective.

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

The proposed development consists of one tower block with a height of 200mPD which complies with the BHR permitted in the OZP and may not be incompatible with adjacent developments with BHR of 200mPD. He has no comment from architectural and visual impact point of view.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) No objection in-principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (b) The openings reserved on 1/F podium for future possible connections are considered acceptable subject to the adjacent buildings are non-industrial use.

Building Matters

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

- (a) No objection in-principle to the application.
- (b) All building works are subject to the compliance with the Buildings Ordinance (BO).
- (c) Regarding the proposed setback areas to be surrendered, whether bonus PR and SC could be granted for the surrender under B(P)R 22(2) could only be considered in the BP submission stage. Bonus PR and SC for the development will only be allowed if such surrender is considered essential and acceptable to relevant departments. PNAP APP-20 is relevant.
- (d) Regarding the proposed footbridges connecting to the adjoining buildings, subject to the compliance with the requirements stipulated in PNAP APP-38 and favourable comments from relevant government departments, exemption under section 31(1) of BO to permit the footbridge to project over street/lane may be considered at building plan submission stage.
- (e) Detail comments under the BO will be given at the BP submission stage. His other technical comments are detailed at **Appendix III**

Pedestrian Accessibility and Walkability

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

- (a) On improvements to the pedestrian environment, the applicant states that the proposed development would provide a 4.6m full-height building setback along How Ming Street which complies with requirement stipulated under the ODP (**Plan A-2**). The applicant has also proposed landscape treatment including vertical greening as design merits.
- (b) From pedestrian environment improvement aspect, the proposed two elevated possible connections between the Site and the adjoining Entrepot Centre and Yip Fat Factory Building Block 2 are not among the grade-separated pedestrian links proposed under the Study (**Plan A-5**). It is however noted that the proposed pedestrian connections together with the escalators within the Site may help alleviate the congested pedestrian environment by providing an additional route between How Ming Street and Kwun Tong MTR Station through the APM shopping mall and Entrepot Centre/Yip Fat Factory Building Block 2 (**Drawing A-13**). Nevertheless whether it could divert the pedestrian flow and enhance safety, comfort and convenience of the pedestrians would need to be assessed by a pedestrian environment improvement study.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Commissioner of Police; and
- (d) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 The application and the first FI (**Appendix Ib**) were published for public inspection on 8.9.2020 and 23.10.2020. Within the two statutory public inspection periods, a total of 29 public comments are received, with 7 supporting and 22 objecting comments, and are summarised below.
- 10.2 For the 7 supporting comments, two are from the same member of the Kwun Tong Centre Area Committee (KTCAC) of the Kwun Tong District Council (KTDC) (**Appendices IV(1)** and **(2)**), two from Incorporated Owners' Cooperation of the subject IB (**Appendices IV(3)** and **(4)**) and two from the Incorporated Owner's Cooperation of the Yip Fat Factory Building Phase 1 and 2 (**Appendices IV(5)** and **IV(6)**) and one from an individual (**Appendix IV(7)**). The supporting comments are that the proposed redevelopment is in line with the government's initiatives to develop Kowloon East with diversified uses and to improve the environment; and the safety issues in old buildings could be resolved by redevelopment.
- 10.3 Among the 22 objecting comments, two are from one of the owners of the subject IB (**Appendices IV(8)** and **IV(9)**), one from another member of KTCAC of KTDC (**Appendix IV(10)**) and the remaining are from other individuals (**Appendices IV(11)** to **IV(29)**). The other lot owner objects the application mainly on the grounds that the applicant has failed to comply with or satisfy the requirements set out under TPB PG-No.31A in obtaining the consent of or notifying the other current land owners; approval of the application would affect the on-going legal proceedings under the Land (Compulsory Sale for Redevelopment) Ordinance in respect of the Site; there is higher demand for non-industrial uses (commercial/office) than industrial uses in the KTBA and the former is more suitable for the Site in the core of the KTBA and will generate higher rental income; the planning merits including setback and greenery provision are considered piecemeal; no technical assessments such as Air Ventilation Assessment (AVA), Visual Impact Assessment (VIA) or EA have been submitted by the applicant to demonstrate the proposed development would not cause adverse air ventilation, visual and environment impacts to the surrounding area; redevelopment would worsen the existing serious traffic congestion along How Ming Street and without measures to improve existing illegal on-street parking and L/UL and jaywalking issues.
- 10.4 The other objecting comments are mainly on the grounds that the demand for new IBs in Kwun Tong area are low; insufficient planning and design merits to support the redevelopment proposal with increase in PR; the traffic in Kwun Tong would be worsened with the increase in floor space induced by the Proposed Scheme; the existing illegal parking and on-street L/UL activities along How Ming Street could not be addressed by the redevelopment; no EA or VIA were submitted by the applicant; the concerns on the effectiveness and sustainability of the proposed greenery; and minor relaxation of PR up to 20% would affect the integrity of such restriction as imposed on the OZP, thus assessments on cumulative impacts should be conducted.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by 20%) for a proposed 41-storey (including 2 levels of basement carpark) development for permitted ‘Non-polluting Industrial’ use (excluding industrial undertakings involving the use/ storage of Dangerous Goods)’ at the Site zoned “OU(B)”. The proposed development is generally in line with the planning intention of the “OU(B)” zone, which is primarily for general business uses, including non-polluting industrial uses. The proposed BH of 200mPD complies with the BHR under the OZP.

Policy Aspect

- 11.2 The existing 15-storey IB at the Site was built in 1978 with lease restricted for the manufacture of wearing apparel hats and gloves embroidery excluding offensive trades purpose. SDEV considers that as the Site was uniquely granted for a “special factory” purpose, the special time-limited arrangement to incentivise redevelopment of the pre-1987 IB under the Policy is not directly relevant to this Lot. Notwithstanding that, SDEV advises that there are certain merits in this Proposed Scheme if it help contributes to the transformation of Kowloon East into the 2nd CBD, subject to assessments of relevant departments in respect to the design merits for improving the pedestrian environment and mitigating the road conditions in the vicinity to the Site for consideration by the Board.
- 11.3 According to the 2014 Area Assessments, the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses. DG of TI has no objection to the application given that it would put the Site into optimal use to provide more industrial space.

Technical Aspects

- 11.4 The applicant has submitted technical assessments confirming the feasibility of the Proposed Scheme. The submitted TIA demonstrated that the proposed development would not cause adverse traffic impact to the adjacent road network. The applicant has also proposed to provide car parking spaces and L/UL bays as per the high-end requirements under the prevailing HKPSG. C for T has no in-principle objection to the application subject to the incorporation of approval conditions as set out in paragraph 12.2 below. The other relevant Government departments including FSD, EPD and DSD have no adverse comments on the application, subject to incorporation of appropriate approval conditions on land contamination, sewerage and fire safety aspects in paragraph 12.2 below.

Planning and Design Merits

- 11.5 A full-height building setback of 4.6m from the Lot boundary abutting How Ming Street (about 15% of the site area) would be provided as required under the ODP that aligns with intention of footpath/carriageway widening and/or amenity/streetscape enhancement. Canopy is also proposed along How Ming Street. The proposed development has incorporated landscape treatments including VGs from G/F to 4/F at sections of the façade facing How Ming Street, podium garden on 1/F that would be opened to the public, planting areas at building edges on 4/F and 5/F and refuge floor/sky garden on 20/F to improve the permeability of the building (**Drawings A-1 to A-6, A-9 and A-10**). CTP/UD&L, PlanD considers that these measures may promote visual interest and pedestrian comfort.

- 11.6 To enhance the pedestrian environment while meeting relevant fire safety requirements, the applicant put efforts in modifying the building design to provide a podium garden on 1/F for the public use via the entrance from How Ming Street. (**Drawing A-14**). According to the applicant, the proposed podium garden would generally serve as a visual relief in the midst of IB clusters for better air ventilation and could provide public gathering place to the workers in the area.
- 11.7 Taken into account the forecast pedestrian flow in the vicinity and the comment from TD, the applicant has proposed pedestrian connections to adjoining buildings to supplement the planned pedestrian network recommend under the Study (**Drawing A-13** and **Plan A-5**). Head of EKEO and C for T advised that the proposed pedestrian connections may help alleviate the congested pedestrian environment by providing an additional route between How Ming Street and Kwun Tong MTR Station, subject to further detailed study on the degree of improvement associated with this proposal. While the materialisation of proposed pedestrian connections is a long term measure subject to the redevelopment of the adjacent buildings, incentives have been provided to individual landowners for implementation of the private-initiated pedestrian links under the “Policy of Facilitating Provision of Pedestrian Links by Private Sector” (see paragraph 3.4 above), which could be processed in the lease modification exercises.
- 11.8 On the sustainability building design aspect, although the Site is less than 1,000m² in which the requirement on greenery provision under the SBDG is not applicable, the applicant has shown efforts in building design improvement by introducing overall greenery provision of about 27.6%. The applicant has also proposed green building design measures such as double glazing and low-E glass, and compliance with B(EE)R and BEC to promote building energy efficiency. Detailed proposed measures on green building design can be considered at the detailed building design stage upon building plans submission.
- 11.9 Taking into account the planning and design merits detailed above, the Proposed Scheme would generally contribute to the transformation of Kowloon East into the 2nd CBD in terms of enhancing the pedestrian environment and pedestrian connectivity and providing voluntary public space (podium garden at 1/F) within the Site. There would be no adverse impacts on infrastructure/technical aspects and no objection/adverse comment from concerned departments.

Public Comments

- 11.10 There are 29 public comments received, amongst them, the 7 supportive comments are noted. Regarding the objecting comments from one of the owners of the Lot, the applicant has complied with the requirements as set out in the TPB PG-No. 31A by publishing newspaper notices and posting site notices. The legal dispute between the applicant and other owner(s) of the Lot are not relevant for consideration of the current planning application. Regarding whether the Site should be developed for other uses as raised in the public comment, the proposed use is always permitted under the Notes for the “OU(B)” of the OZP. Regarding other public comments on traffic, air ventilation, visual and environmental impact, landscape provision and demand for industrial floor space, relevant departments, after reviewing the public comments and the applicant’s responses, have no adverse comment on the application and the assessments above are relevant. Regarding the view on conducting comprehensive assessments on cumulative impacts of similar applications, application for minor relaxation of PR is subject to the applicants’ demonstration of technical feasibility, taking into account the approved similar

applications, and would be considered by the Board based on its individual merits.

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 the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.4.2025, 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 an updated Sewerage Impact Assessment 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 updated Sewerage Impact Assessment 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 assessment 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 Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a revised traffic impact assessment, and the implementation of the mitigation measures, if any, identified in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design 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; and
- (f) the design and provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

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

- 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 justifications for 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

Appendix I	Application form received on 1.9.2020
Appendix Ia	Supporting planning statement received on 1.9.2020
Appendix Ib	1 st FI vide letters received on 16.10.2020
Appendix Ic	2 nd FI vide letters received on 20.11.2020
Appendix Id	3 rd FI vide letter received on 8.12.2020
Appendix Ie	4 th FI vide letter received on 17.2.2021
Appendix If	5 th FI vide letter received on 17.3.2021
Appendix Ig	6 th FI vide letter receive on 9.4.2021
Appendix IIa	Similar applications not related to the Policy
Appendix IIb	Similar applications related to the Policy
Appendix III	Other technical comments from Government departments
Appendices IV(1) to IV(29)	Public comments received during the statutory publication periods
Appendix V	Recommended advisory clauses
Drawings A-1 to A-8	Proposed floor plans and diagrammatic section submitted by the applicant
Drawings A-9 to A-10	Proposed diagrammatic section showing the planning merits submitted by the applicant
Drawings A-11 and A-12	Photomontages submitted by the applicant
Drawings A-13 and A-14	Pedestrian connection and access plans submitted by the applicant
Plans A-1 and A-2	Location plans on Outline Zoning Plan and Outline Development Plan
Plan A-3	Site plan
Plan A-4	Height of existing buildings in KTBA
Plan A-5	Planned Pedestrian Links in Kwun Tong Business Area under the Study
Plan A-6	Site photos