

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/804

- Applicant** : Land Century (H.K.) Limited and New Ascent Development Limited represented by Fairmile Consultants Limited
- Site** : 334-336 and 338 Kwun Tong Road, Kwun Tong, Kowloon
- Site Area** : About 1,611.854m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) Nos. 542, 543 and 544 (the Lots)
(b) restricted to industrial or godown purposes or both excluding offensive trades
(c) maximum gross floor area (GFA) of 7,525m² for KTIL 542
(d) height restriction of not exceeding 170 feet (i.e. 51.8m) above Principal Datum for KTIL 543 and 544
- Plan** : Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/24 (currently in force)
Draft Kwun Tong (South) OZP No. S/K14S/23 (at the time of submission)
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0, or the PR of the existing building, whichever is the greater
(b) Maximum Building Height (BH) of 100 meters above Principal Datum (mPD), or the height of the existing building, whichever is the greater
[Same zoning and development restrictions on the approved Kwun Tong (South) OZP No. S/K14S/24 and the draft Kwun Tong (South) OZP No. S/K14S/23]
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Office and Shop and Services and Eating Place Uses

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%) as well as relaxation of BH restriction (BHR) from 100mPD to 115mPD (i.e. +15m or +15%) at 334-336 and 338 Kwun Tong Road (the Site), which is zoned “OU(B)” on the approved Kwun Tong (South) OZP No. S/K14S/24 (**Plan A-1**). The proposed minor relaxation of PR and BH restrictions is to facilitate an amalgamated redevelopment of the two existing industrial buildings (IBs)^[1] into a 32-storey commercial/office (c/o) development (including 5 levels of

^[1] The Site falls within three lots comprising two IBs, namely Far East Factory Building and Room Kwun Tong, with Occupation Permits (OPs) issued in 1966 and 1970 respectively.

basement carpark) for ‘Office’ and ‘Shop and Services’ and ‘Eating Place’ uses (the Proposed Scheme) which are always permitted under Schedule I for non- IBs of the Notes for “OU(B)” zone. Minor relaxation of the PR/BH restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).

- 1.2 According to the Proposed Scheme, in addition to the 1.5m full-height building setback along Tai Yip Street in accordance with the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), voluntary G/F setback varies between 0.45m – 1.2m in width along Kwun Tong Road has been incorporated in the Proposed Scheme (**Drawing A-1**). Canopies^[2] of 1.5m in width are proposed along full frontages of Kwun Tong Road and Tai Yip Street. A 2.5m-wide public passageway linking up Tai Yip Street and Kwun Tong Road will be provided on G/F and open to public 24 hours daily and details on lighting and signage will be worked out in detailed design stage (**Drawing A-1**). Tower setback of minimum 7.025m from kerbside of Tai Yip Street is proposed (**Drawing A-3**). One vehicular ingress/egress is proposed at Tai Yip Street.
- 1.3 Various greenery proposals are incorporated in the Proposed Scheme including vertical greenings (VGs) at section of façade facing Kwun Tong Road on G/F, greenery area on G/F facing Tai Yip Street, communal open space on 2/F and landscaped area on R/F (both open for occupants and their visitors of the building from 7:00 to 20:00 (**Drawings A-6 to A-8**). A total greenery coverage of not less than 23.12% (about 18.78% at primary zone) is provided.
- 1.4 Floor plans, section plans, greenery proposal, photomontages and traffic improvement proposal submitted by the applicant are shown at **Drawings A-1 to A-11**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 1,611.854m ²
Proposed Uses	‘Office’, ‘Shop and Services’ and ‘Eating Place’
Maximum PR	14.4 (+20%)
Maximum GFA ^(#)	about 23,210.698m ²
Maximum BH (at main roof level)	115mPD (+15%)
No. of Storeys	32
• Aboveground	27
• Basement Carpark	5
Maximum Site Coverage (SC) ^(#)	
• Podium (below 15m)	about 96.816% ^(^)
• Tower	about 61.137%
Greenery Coverage	about 23.12% ^(l) (about 18.78% at primary zone)
Parking and L/UL Facilities	
• Car Parking Spaces	136 (incl. 2 accessible parking)
• Motorcycle Parking Spaces	16
• L/UL Bays for Light Goods Vehicles	10
• L/UL Bays for Heavy Goods Vehicles	3
Setback	
• Tai Yip Street	1.5m full-height ^(*)
• Kwun Tong Road	Voluntary 0.45m – 1.2m G/F setback
Anticipated Completion Year	2026

^[2] Design of canopy is subject to departmental comments at detailed design stage.

Note:

- (#) On top of the PR/GFA and SC set out above, the applicant has indicated that bonus PR of about 0.42 (equivalent to a GFA of about 676m²) and SC of about 1.137% will be claimed for the setback area subject to approval by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22 (1) or (2). Any bonus PR/GFA and SC that may be approved by BA have been incorporated in the building bulk (including BH) and adopted in the technical assessments.
- (^) Including SC of the canopies.
- (*) Full-height setback required for the Site as per the adopted ODP.
- (!) Relevant reduction factor in calculating the greenery areas under SBDG is applied where appropriate.

1.5 The main uses by floor and the floor-to-floor height under the Proposed Scheme (**Drawings A-1 to A-5**) are summarized as follows:

Floor	Main Uses	Floor Height (m)
B5/F-B1/F	Basement carpark and L/UL	3.5 – 4.9
G/F	Entrance and L/UL	5 (+2m transfer plate)
1/F – 3/F	Retail (Podium Garden on 2/F)	4.325 (4.9 on 1.F)
4/F	Mechanical Floor	4.2
5/F – 26/F	Office	3.9

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

- (a) Application form received on 27.7.2021
- (b) Supporting Planning Statement (SPS) enclosing architectural drawings, landscape proposal, Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), and Visual Impact Assessment (VIA) received on 27.7.2021
- (c) 1st further information (FI) received on 10.11.2021 enclosing responses to comments (RtoC), revised architectural drawings, landscape proposal, SPS, DIA, SIA, VIA and TIA^[#]
- (d) 2nd FI received on 22.2.2022 enclosing RtoC, comparison table, revised architectural drawings, landscape proposal, DIA, SIA, VIA, and TIA^[#]
- (e) 3rd FI received on 28.4.2022 enclosing RtoC, comparison table, revised architectural drawings, landscape proposal, DIA, SIA, and TIA^[#]
- (f) 4th FI received on 2.6.2022 enclosing RtoC, revised architectural drawings, landscape proposal, SIA, and TIA^[*]
- (g) 5th FI received on 13.6.2022 and 14.6.2022 providing a consolidated report containing Supporting Planning Statement, consolidated R-to-C tables and finalised technical assessments^[*]

Appendix I

Appendix Ia^[3]

^[3] A consolidated report containing SPS, finalised technical assessments and consolidated RtoC tables was submitted by the applicant on 13.6.2022 (**Appendix Ia**) that supersedes all previous submissions, thus items as listed from (b) to (f) above are not attached in this paper.

Remarks:

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

[] accepted and exempted from publication and recounting requirement*

- 1.7 On 24.9.2021, 24.12.2021 and 22.4.2022, the Metro Planning Committee (the Committee) agreed to defer making decision on the application for a total of five months as requested by the applicant in order to allow sufficient time for preparation of FI to address departmental comments. With the 3rd FI received on 28.4.2022, 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 consolidated FIs at **Appendix Ia**, and summarized as follows:

In line with the PA 2018 on Revitalisation Scheme for IBs and Planning Intension

- 2.1 Redevelopment of the Site with proposed minor relaxation of PR restriction by 20% is in line with the Chief Executive's 2018 Policy Address (PA 2018) which encourages redevelopment of pre-1987 IBs to provide more floor area and utilise the limited and valuable land resources and to meet the fast growing social and economic needs in Kwun Tong Business Area (KTBA). The Proposed Scheme with 'Office', 'Shop and Services' and 'Eating Place' uses is in line with the planning intention of the "OU(B)" zone.

Planning and Design Merits of the Proposed Scheme

- 2.2 The Proposed Scheme incorporates various design measures (including required setback as per the ODP, voluntary G/F setback with paving, public passageway, canopy and tower setback) and landscape proposals as detailed in paragraphs 1.2 and 1.3 above to enhance pedestrian environment and circulation, air and light penetration, and visual quality for the surrounding area. The width of the G/F voluntary setback has been maximised as most of the area on G/F are designated for supporting columns, L/UL bays etc. To align the 1.5m-wide continuous canopy in straight form along the curved site boundary at Kwun Tong Road, the G/F voluntary setback is varied between 0.45m and 1.2m (**Drawing A-1**). The communal open space on 2/F and landscaped area on R/F would serve the future tenants for passive recreational use.

Compatible with the BH Profile of the Surrounding Area with Minimised Increase in BH

- 2.3 To address the departmental comments and to minimise any visual impact, efforts have been made to lower the proposed increase in BH from 125.9mPD (under original submission) to 115mPD in the Proposed Scheme by reduction in floor-to-floor height for typical office floors from 4.375m to 3.9m, maximised efficiency of each floors, and deletion of non-essential refuge floor to lower the overall BH. The proposed BH under application (115mPD) and the floor-to-floor height as proposed respect the current local context and minimise the visual impact, and are considered minor and acceptable with reference to other approved similar applications in vicinity, namely Nos. A/K14/780 and 783 with minor relaxation of BHR from 100mPD to 115mPD and 115.4mPD respectively (**Plan A-1** and **Drawings A-9** and **A-10**).

Fulfilling Criteria for Minor Relaxation of BHR in Accordance with the OZP

2.4 The Proposed Scheme fulfils the following relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP:

- (a) amalgamating smaller sites for achieving better urban design by combining two sites into one, resulting more efficient building design, less vehicular ingress/egress and provision of continued canopies and more coherent landscape design;
- (b) providing better streetscape and good quality street level public urban space with the proposed setbacks, public passageway and canopies, and greenery provision as discussed in paragraphs 1.2 and 1.3 above;
- (c) innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, including the provision of tower setback along Tai Yip Street for better air and light penetration to this narrow street and provision of pedestrian passageway through the Site between Tai Yip Street and Kwun Tong Road; and
- (d) accommodating building design to address specific site constraints in achieving the permissible PR as discussed in paragraph 2.3 above.

Compliance with SBDG and Green Building Design

2.5 The key building design elements of SBDG^[4] are considered in the Proposed Scheme where appropriate:

- (a) Building Separation – continuous projected façade length of less than 60m^[5], building separation requirement is not applicable to the Site;
- (b) Building setback – no part of the building is built within 7.5m from the centreline of Tai Yip Street and Kwun Tong Road; and
- (c) SC of greenery – the overall SC of greenery of about 23.12% exceeds the minimum 20% requirement for site with an area between 1,000m² and 20,000m².

2.6 The applicant will consider applying for the Building Environmental Assessment Method Plus (BEAM plus) Certification for the Proposed Scheme at detailed design stage.

Technical Aspects

2.7 TIA, VIA and SIA as submitted demonstrate that the Proposed Scheme will not generate adverse impacts to the surroundings. The parking and L/UL facilities would be provided by adopting middle-to-upper range of the requirement for office use and upper range for retail use in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). The applicant also committed to improve the pedestrian crossing and waiting area at the junction of Kwun Tong Road/ Lai Yip Street at its own cost for improving the pedestrian environment therein (**Drawing A-11**).

^[4] Compliance on relevant requirements under SBDG would be checked by BA in General Building Plan (GBP) submission stage.

^[5] According to the applicant, the continuous projected facade length (Lp) of the Proposal Scheme is about 56.3m along Kwun Tong Road and about 54.4m along Tai Yip Street, which are both under 60m, and 83.25m (i.e. 5 times mean width of street canyon (U) at Tai Yip Street, which is 16.65m).

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^[6], 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^[7]. 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 October 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.

Imposition of BHRs for KTBA

- 3.3 The BHRs for KTBA were incorporated on the draft Kwun Tong (South) OZP No. S/K14S/11 on 25.2.2005 to preserve the views to the Kowloon Ridgelines from the vantage points recommended in the Urban Design Guidelines Study, taking into account the local area context and the need to maintain visually compatible building masses in the wider setting. Four height bands of 100mPD, 130mPD, 160mPD and 200mPD are imposed for the "Commercial (1)" ("C(1)")/"C(2)" and "OU(B)"/"OU(B)1" zones covering the commercial, business and industrial developments in KTBA that help achieve a stepped height profile for visual permeability, reduce the solidness of KTBA and maintain a more intertwined relationship with the Victoria Harbour edge. For the sites closer to the harbourfront, i.e. those to the south of Hung To Road (including the Site) and to the west of Lai Yip Street, a BHR of 100mPD is adopted, while higher BHRs from 130mPD to 200mPD are allowed for sites on the inland part of KTBA. The various BHR bands and heights of existing buildings in the subzones of "C" and "OU(B)" are at **Plan A-4**.

^[6] 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 GBP first submitted to the BA for approval on or before the same date.

^[7] 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 GBP.

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 Application**

There is no previous application at the Site.

6. **Similar Applications on Proposed Minor Relaxation of PR/BH Restrictions**

6.1 Since March 2019, the Committee has considered a total of 20 similar applications in KTBA, with 14 applications for minor relaxation of both PR and BH restrictions (**Appendix II** and **Plan A-1**). Among all similar applications, 19 of them 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 in BHR^[8]. In consideration of the applications relating to minor relaxation of PR by up to 20%, the Committee generally indicated support for the Policy, if applicable, as it provides incentives to encourage redevelopment of pre-1987 IBs taking into account that relevant technical assessments were submitted to support the technical feasibility and there was no adverse comment from relevant Government departments. For proposed minor relaxation of BHR associated with such applications, the applicants have to demonstrate that the proposed BH will not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, and with due regard to the requirements under SBDG and green building design considerations (**Appendix II**).

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 two IBs, namely Far East Factory Building and Room Kwun Tong, built in 1966 and 1970 respectively and with respective existing BHs of about 45mPD and 47mPD;
- (b) bounded by Tai Yip Street to its southwest, Kwun Tong Road to its northeast, and IBs namely Johnson Industrial Mansion (47mPD) to its southeast and Hong Kong Commercial Daily (34mPD) to its northwest; and
- (c) at about 100m to the southwest of the Ngau Tau Kok MTR Station, across Kwun Tong Road.

7.2 The surrounding areas have the following characteristics (**Plans A-1, A-3 and A-4**):

- (a) the neighbouring buildings along Tai Yip Street are mainly IBs or I-O buildings, and an existing c/o building, namely International Trade Tower (with BH of

^[8] 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.

100mPD) is to its further southeast;

- (b) two sites to the southeast along Tai Yip Street are subject of similar applications approved for minor relaxation of PR (+20%) and BH restrictions from 100mPD to 125.9mPD for commercial (medical-related only) and to 119.5mPD for c/o development, i.e. Application Nos. A/K14/782 and 809^[9] respectively. Another site to the further southwest along Wai Yip Street is approved for minor relaxation of PR (+20%) and BH restrictions from 100mPD to 115mPD for c/o development (Application No. A/K14/780); and
- (c) residential buildings (with existing BHs in a range between 25mPD and 88mPD, and not subject to any BHR) are found to its further northeast across Kwun Tong Road.

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 As stated in the ES of the OZP, to provide incentive for developments/redevelopments with design merits/planning gains, each application for minor relaxation of BHR under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
 - (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air ventilation and visual permeability;
 - (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP; and
 - (f) other factors such as the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.
- 8.3 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.

^[9] Part of the site for Application No. A/K14/809 was the subject of a similar application No. A/K14/783 for minor relaxation of PR to 14.4 (+20%) and BH to 115.4mPD (+15.4%) for hotel development, which was approved by the Committee of the Board with conditions on 21.11.2020.

9. Comments from Relevant Government Bureaux/ Departments (B/Ds)

9.1 The following B/Ds 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 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 "Residential" zones in main urban area and new towns. The implementation period of the said measure is now extended to 13.10.2024, according to PA 2021;
- (b) he supports the subject application in principle, as the proposed c/o development with suitable amalgamation of sites is in line with the current policy to encourage redevelopment of aged IBs and the planning intention of the "OU(B)", subject to its compliance with all relevant requirements under the revitalisation scheme; and
- (c) he would leave relevant B/Ds to assess the technical feasibility of the Proposed Scheme for consideration by the Board and the merits regarding the proposed minor relaxation of BHR from urban planning and development perspectives.

Land Administration

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

- (a) the Site is located at KTIL 542, 543 and 544 (the Lots), which are all restricted to industrial or godown purposes or both excluding offensive trades. KTIL 542 is restricted to a maximum GFA of 7,525m²; and KTIL 543 and 544 are restricted to a maximum BH of 170 feet (i.e. 51.8m) above Principal Datum; and
- (b) the Proposed Scheme does not comply with the existing lease conditions. If the Board approves the planning application, the owners of the Lots are required to apply a lease modification/ land exchange from LandsD to implement the proposal. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. When processing the lease modification/ land exchange application, LandsD will impose such appropriate terms and conditions including user restriction for non-residential purposes, the 5-year time limit for completion of the development, payment of full premium and administrative fee, other conditions applicable to the Policy etc.. There is no guarantee that the application will be approved by LandsD. Under the Policy, the modification letter/conditions of exchange shall be executed within 3 years from the date of the Board's approval letter.

Traffic Aspect

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

- (a) having reviewed the revised TIA and the RtoC in **Appendix Ia**, and noting that the applicant would carry out works to improve the pedestrian crossing and waiting area at the junction of Kwun Tong Road/ Lai Yip Street, he has no adverse comment on the application from traffic engineering point of view and suggests approval conditions at paragraph 12.2(d) and 12.2(e) below should the application be approved by the Board; and
- (b) His technical comments are detailed at **Appendix III**.

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

he has no objection to the application and his technical comments on the arrangement of the surrendering of the setback areas and the detailed design of the canopy are detailed at **Appendix III**.

Environmental Aspect

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

- (a) having reviewed the supporting planning statement and the FI (**Appendix Ia**), he has no further comment on the revised sewerage impact assessment and has no objection to the application; and
- (b) the Site is occupied by existing IBs which is a potential land contamination land use. Nevertheless, the land contamination issue would unlikely be insurmountable. Approval condition on the submission of land contamination assessment at paragraph 12.2(c) below is suggested should the application be approved by the Board. Besides, the development proposal would involve the 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.

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

he has no in-principle objection to the application and suggests to impose approval conditions at paragraphs 12.2(a) and 12.2(b) below should the application be approved by the Board.

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) It is noted the BH of the proposed development has been decreased from 125.9mPD under the original submission to 115mPD with proposed floor-to-floor height for the office floors reduced from

4.375m to 3.9m. Given the context and as illustrated in the photomontages of the revised VIA (**Drawing A-9** and **A-10**), it is unlikely that accommodation of the proposed development would induce significant adverse effects on the visual character of the surrounding townscape;

- (b) incorporation of the design measures as detailed in paragraph 1.2 above may contribute to improvement of the streetscape by softening the building edge, providing visual interest, pedestrian comfort and connectivity;
- (c) having reviewed the VIA and FIs at **Appendix Ia**, he has no adverse comment on the application from urban design and visual impact perspectives;

Landscape Aspect

- (d) 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 IBs and commercial buildings. No existing tree is observed within the application boundary;
- (e) having reviewed the landscape provisions as detailed paragraph 1.3 above (**Drawings A-6 to A-8**), adverse landscape impact caused by the proposed minor relaxation is not anticipated. Hence, he has no objection to the application from landscape planning perspective; and
- (f) the applicant is advised that the approval of planning application under the Ordinance does not imply approval of the SC of greenery requirements under APP PNAP-152 and/or under the lease. The SC of greenery calculation should be submitted separately to the Buildings Department (BD) for approval.

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

it is noted that the proposed development consists of a tower with BH revised from 125.9mPD (under original submission) to 115mPD to address his comments, with the floor-to-floor height of office floors decreased from 4.375m to 3.9m. As such, he has no adverse comment on the application 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 (see paragraph 12.2(f) below). Detailed fire safety requirements will be formulated upon receipt of formal submission of GBP; and
- (b) emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

Building Matters

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

- (a) no objection in-principle to the application;
- (b) all building works are subject to compliance with the Buildings Ordinance (BO). Detailed comments under the BO on individual sites for private developments such as permissible PR, SC, means of escape, EVA, private street and/or access roads, open space, barrier free access and facilities, compliance with the SBDG, etc. will be formulated at the GBP submission stage;
- (c) applications for bonus PR and/or SC in return for dedication and surrender of land under B(P)R 22(1) and 22(2) respectively will be dealt with individually according to the special circumstances of each case subject to that the dedication and surrender are considered essential and acceptable to relevant government departments and the relevant criteria under PNAP APP-20 and APP-108 are complied with; and
- (d) his other technical comments are at **Appendix III**.

Pedestrian Accessibility and Walkability

9.1.11 Comments of the Head of KEEO, Development Bureau (DevB):

- (a) the proposed commercial redevelopment aligns with the Energizing Kowloon East (EKE) initiative to transform Kowloon East (KE) into a premier core business district (CBD) and is therefore generally supported. On the proposed intensification, the acceptability would be duly assessed by the relevant B/Ds from their respective technical perspectives, in particular, the cumulative impacts to the traffic and infrastructure in KTBA arising from the current proposal and other approved/committed developments; and
- (b) on the aspect of enhancing the pedestrian environment and walkability as advocated by his Office, 1.5m wide full-height setback along Tai Yip Street has been incorporated as per the ODP which would enhance the pedestrian environment at the locality.

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; and
- (c) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

The application and FIs were published for public inspection on 3.8.2021, 19.11.2021 and 8.3.2022 respectively. Within the three statutory public inspection periods, a total of 7 public comments were received. Among them, three from the same member of the Kwun Tong Centre Area Committee of the Kwun Tong District Council supported the application without giving any reason (**Appendices IV(1) to (3)**). Four public comments

(**Appendices IV(4) to (7)**) objected the application mainly on the grounds that the Proposed Scheme does not provide sufficient planning benefits; minor relaxation of PR and BH restrictions would affect the integrity of the restrictions as imposed on the OZP; assessments on cumulative impacts on ventilation, noise pollution, natural light penetration and traffic aspects should be conducted; the provision of open space in KTBA is inadequate to serve influx of workers; questions the benefit of greenery provisions brought to the community; redevelopment at the Site together with three other redevelopment proposals along Tai Yip Street and Wai Yip Street would have adverse impacts on the traffic conditions in the locality and the infrastructural and building safety of old adjoining IBs; and concerns about traffic condition and pedestrian safety along Tai Yip Street during the redevelopment stage.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (+ 20%) and BHR from 100mPD to 115mPD (+15%) for a proposed 32-storey (including 5 levels of basement carpark) development for permitted ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses 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, and is not incompatible with the surrounding uses within KTBA.

Policy Aspect

- 11.2 The Site is occupied by two existing IBs with the OPs issued in 1966 and 1970 which can be regarded as an eligible pre-1987 IBs under the Policy. SDEV supports the application in principle, as the proposed c/o development with suitable amalgamation of sites is in line with the current policy to encourage redevelopment of aged IBs, subject to its compliance with all relevant requirements under the Policy. Head of EKEO advises that the proposed redevelopment to commercial uses aligns with the EKE initiative to transform KE into a premier CBD and is therefore generally supported.

Minor Relaxation of PR Restriction

- 11.3 The applicant has submitted technical assessments confirming the feasibility of the Proposed Scheme. TIA as submitted, taken into account all committed/planned developments including the approved and on-going similar applications, reveals that the Proposed Scheme has no adverse traffic impacts on the surrounding road network and is acceptable from the traffic engineering point of view. C for T has no comment on the application subject to the incorporation of approval conditions as set out in paragraph 12.2 below. The other relevant Government departments consulted including the Fire Services Department, the Environmental Protection Department and DSD have no in-principle objection to/ no adverse comments on the application, subject to incorporation of appropriate approval conditions in paragraph 12.2 below.

Minor Relaxation of BHR

- 11.4 According to the applicant, the increase in BH (+15%) is proposed for accommodating the minor relaxation of 20% in PR restriction being sought and the bonus PR subject to approval of the BA under B(P)R in relation to surrender of land for use as public passage/street widening. Upon provision of the required setbacks (taking up about 5% of the site area), the permissible SC under B(P)R has already been optimized to accommodate the addition PR with optimal increase in BH as claimed by the applicant. As elaborated in paragraphs 11.6 to 11.8 below, the

Proposed Scheme generally meets the criteria for considering application for minor relaxation of BHR as mentioned in paragraphs 8.2 (a), (c) and (d) above (i.e. amalgamating smaller sites for achieving better urban design and local area improvements, and providing better streetscape and building separations).

- 11.5 In terms of BH profile for the KTBA, sites closer to the harbourfront, i.e. to the south of Hung To Road and to the west of Lai Yip Street (including the Site), are subject to BHR of 100mPD which follows a stepped BH profile descending from inland to the harbourfront. The BHR of 100mPD can reasonably accommodate the maximum PR of 12 as stipulated in the OZP. To address departmental comments, the applicant has reduced the minor relaxation of BH applied for from 125.9mPD as originally submitted to 115mPD, and CTP/UD&L, PlanD and CA/CMD2, ArchSD had no adverse comment on the application from urban design, visual and architectural points of view. The minor relaxation of BHR (+15%) sought is lower than the proposed minor relaxation of PR restriction (+20%). The proposed floor-to-floor heights of typical office floors of 3.9m is not unreasonable^[10]. The Site is at the fringe of KTBA and amid the street blocks subject to BHR of 100mPD. Residential sites to its north across Kwun Tong Road are not subject to any BHR. While the Site is relatively away from development clusters with BHR of 160mPD, there are eight similar applications with approved BHs of 125.9mPD (Nos. A/K14/763, 774, 782, 806 and 810), 119.5mPD (No. A/K14/809) and 115/115.4mPD (Nos. A/K14/780 and 783) in between (**Plan A-1**). As a whole, the intended BH profile which descends from 160mPD to 100mPD for sites to the west of Lai Yip Street, with transition of approved BH of 125.9mPD for sites along Lai Yip Street and the approved/proposed BHs of 115mPD for sites to the west of Tai Yip Street (including the Site), would not be severely undermined. Given the context and as illustrated in the photomontages of the submitted VIA, CTP/UD&L, PlanD advises that it is unlikely that accommodation of the proposed development would induce significant adverse effects on the visual character of the surrounding townscape.

Planning and Design Merits

- 11.6 Full-height building setback of 1.5m along Tai Yip Street is in line with the intention of footpath/carriageway lane widening for the setback as required in the ODP, coupled with the proposed 2.5m-wide public passageway would enhance the pedestrian environment and walkability. The provision of 1.5m-wide canopies along full frontages of both Tai Yip Street and Kwun Tong Road could improve the environmental comfort at pedestrian level for all-weather protection (**Drawing A-1**).
- 11.7 The Proposed Scheme would adopt various landscape treatments as detailed in paragraph 1.3 that would achieve an overall SC of greenery provision of about 23.12% (about 18.78% at primary zone) (**Drawings A-6 to A-8**). CTP/UD&L, PlanD advises that incorporation of these design measures may contribute to improvement of the streetscape by softening the building edge, provide visual interest, pedestrian comfort and connectivity. He has no objection to the application from landscape planning perspective.
- 11.8 On the sustainable and green building design aspect, the applicant indicates that the relevant SBDG requirements in terms of building separation, building setback, SC of greenery have been taken into account. Compliance with SBDG requirements would be vetted by BD in the GBP submission stage.

^[10] The floor-to-floor height for typical office floor adopted in other similar approved application for minor relaxation in BHR is in the range between 3.5m to 4.1m (**Appendix II**).

Public Comments

- 11.9 There are 7 public comments received, amongst them, the 3 supportive comments are noted. Regarding the objecting comments on traffic, visual impact, planning and design merits of the Proposed Scheme and greenery provision aspects, the assessments above are relevant. On concerns about potential infrastructural and building safety impacts to adjoining buildings and on air ventilation aspect, relevant departments have no adverse comments in this regard. For the concern on the local open space provision, there is an overall surplus in planned local open space in the planning area, which should be sufficient to cater for the demand of workers in KTBA as well. The proposed podium open space and roof garden would serve the future workers therein for enjoyment. Regarding the cumulative impacts of similar applications under the Policy, these applications are assessed on individual merits and concerned departments have no adverse comment on the application. As for pedestrian traffic safety during redevelopment stage, the developer would be required to obtain approvals from relevant government departments under established practice in order to ensure safety of the pedestrian during construction.

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 24.6.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission of a revised Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the implementation of the local drainage upgrading/drainage connection works identified in the revised Drainage 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 the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a revised Traffic Impact Assessment with updated pedestrian and vehicular traffic survey, and the implementation of the mitigation measures, if any, identified therein, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) 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; 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 planning and design merits to justify the proposed minor relaxation of plot ratio and building height restrictions.

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 27.7.2021
Appendix Ia	FI vide letter and email received on 13.6.2022 and 14.6.2022 providing a consolidated report containing Supporting Planning Statement, consolidated R-to-C tables and finalised technical assessments
Appendix II	Similar applications
Appendix III	Other technical comments from Government departments
Appendices IV(1) to IV(7)	Public comments received during the statutory publication periods
Appendix V	Recommended advisory clauses
Drawings A-1 to A-4	Proposed floor plans submitted by the applicant
Drawing A-5	Proposed section submitted by the applicant
Drawings A-6 to A-8	Landscape proposal submitted by the applicant
Drawings A-9 and A-10	Photomontages submitted by the applicant
Drawing A-11	Traffic improvement proposal submitted by the applicant
Plans A-1 and A-2	Location plans on OZP and ODP
Plan A-3	Site plan
Plan A-4	Height of existing buildings in the vicinity of the Site and KTBA
Plan A-5	Site photos