

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/806

- Applicant** : United Oversea Enterprises, Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 11 Lai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 1,045.159m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 532 (the Lot)
(b) Restricted to industrial or godown purposes or both excluding offensive trades purposes
(c) Maximum height of 170 feet above principal datum
- Plan** : Draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/23
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0
(b) Maximum building height (BH) of 100 meters above Principal Datum (mPD)
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Office Use

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 125.9mPD (i.e. +25.9m or +25.9%) at 11 Lai Yip Street (the Site), which is zoned “OU(B)” on the draft Kwun Tong (South) OZP No. S/K14S/23 (**Plan A-1**). The proposed minor relaxation of PR and BH restrictions is to facilitate the redevelopment of the existing 11-storey building^[1] into a 32-storey development (including 3 levels of basement carpark) for ‘Office’ use (the Proposed Scheme) which is always permitted under Schedule I for non-Industrial Buildings (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 3m full-height building setbacks from the Lot boundary along both Lai Yip Street and Hang Yip Street in

^[1] The building at the Site was completed for industrial use with the occupation permit issued in 1970. Under the previous Revitalisation Scheme for IBs, special waiver for wholesale conversion of the building for office purpose was executed in 2010 and the corresponding building works were completed in 2012.

accordance with the requirements under the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), an additional voluntary G/F setback (1m-wide) along Lai Yip Street has been incorporated in the Proposed Scheme (**Drawings A-1 and A-5**). Further tower setbacks of 1.3m and 5.725m facing Lai Yip Street and Hang Yip Street respectively are proposed (**Drawing A-5**). A canopy^[2] (1.5m-wide) is proposed along full frontage of Lai Yip Street (**Drawings A-2 and A-5**). Vehicular ingress/egress is proposed at Hang Yip Street (**Drawing A-1**).

- 1.3 Various greenery proposals are incorporated in the Proposed Scheme including planters on G/F, vertical greenings (VGs) facing Lai Yip Street at G/F and 1/F and facing Hang Yip Street at G/F respectively, peripheral planter areas in flat roofs at 1/F and communal sky garden cum refuge floor at 14/F (**Drawings A-1, A-2 and A-4**).
- 1.4 Floor and section plans, illustrations and photomontages submitted by the applicant are shown at **Drawings A-1 to A-9**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 1,045.159m ²
Proposed Use	‘Office’ use
PR	14.4 (+20%)
Gross Floor Area (GFA) ^(#)	About 15,050.29m ²
BH (at main roof level)	125.9mPD (+25.9%)
No. of Storeys	32
• Aboveground	29
• Basement Carpark	3
Maximum Site Coverage (SC) ^(#)	
• Podium (below 15m)	Not more than 87%
• Tower	Not more than 60%
Greenery Coverage	About 25% ^(^) (All at primary zone)
Parking and Loading/Unloading (L/UL) Facilities	
• Car Parking Spaces	74 (incl. 2 accessible parking)
• Motorcycle Parking Spaces	8
• L/UL Bays for Light Goods Vehicles	4
• L/UL Bays for Heavy Goods Vehicles	2
Setback	
• Hang Yip Street	3m full-height ^(*)
• Lai Yip Street	3m full-height ^(*) + Voluntary setback of 1m at G/F
Anticipated Year of Completion	2026

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

Note:

- (#) On top of the PR/GFA/SC set out above, the applicant has indicated that bonus PR of about 0.656 (equivalent to a GFA of about 685.624m²) and bonus SC of 1.616% will be claimed for the setback areas 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 BA have been incorporated in the building bulk (including BH) and adopted in the technical assessments.
- (^) Greenery at communal sky garden cum refuge floor at 14/F is excluded in accordance with Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152.
- (*) Full-height building setback required for the Site as per the adopted ODP.

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)
B3/F-B1/F	Basement carpark	3.5
G/F	Entrance hall, lift lobby, L/UL and E&M	5.95
1/F	E&M	5.55
2/F – 13/F	Office	4
14/F	Communal sky garden cum refuge floor	5.9
15/F – 28/F	Office	4

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

- (a) Application form received on 7.9.2021 (**Appendix I**)
 - (b) Supporting Planning Statement enclosing architectural drawings, Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA) and Sewerage Impact Assessment (SIA) received on 7.9.2021
 - (c) 1st further information (FI) vide letter dated 15.10.2021 enclosing responses to departmental and public comments, TIA (on pedestrians), revised SIA, floor plans and swept path for car parking, replacement pages for Supporting Planning Statement and VIA, and location of fresh air intake point [#]
 - (d) 2nd FI vide letter dated 26.11.2021 enclosing response to departmental and public comments, revised TIA, SIA and architectural drawings, supplementary pages for TIA (on pedestrians), and replacement pages for Supporting Planning Statement and VIA [#]
- (**Appendix Ia**)^[3]

^[3] A consolidated report containing Supporting Planning Statement, finalised technical assessments and consolidated responses to comments (R-to-C) tables was submitted by the applicant on 10.1.2022 (**Appendix Ia**) that supersedes all previous submissions, thus items as listed from (b) to (f) above are not attached in this Paper.

- (e) 3rd FI vide letter dated 31.12.2021 enclosing response to departmental and public comments, revised SIA, TIA (on pedestrians) and architectural drawings, replacement pages for Supporting Planning Statement and TIA, illustrations of natural light penetration and flexible layout arrangement, and justifications of void size and example of void design *
 - (f) 4th FI vide letter dated 7.1.2022 enclosing response to departmental comments *
 - (g) 5th FI vide letter dated 10.1.2022 providing a consolidated report containing Supporting Planning Statement, consolidated R-to-C tables and finalised technical assessments *
- (Appendix Ia)

Remarks:

accepted but not exempted from publication and recounting requirement

** accepted and exempted from publication and recounting requirement*

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 **Appendix Ia**, and summarized as follows:

Response to the Policy Address (PA) 2018 on Revitalisation Scheme for IBs

- 2.1 The proposed minor relaxation of PR restriction by 20% is in line with the PA 2018 to encourage owners to redevelop IBs constructed before 1 March 1987 and provide more floor area to make better use of the valuable land resources for Hong Kong's changing social and economic needs. Although the subject IB was wholesale-converted for office use with upgraded fire service installations, the building itself was constructed before 1987 and falls within non-residential zone in main urban area, which compiles with relevant criteria for relaxing the maximum permissible PR up to 20% set out in the current Revitalisation Scheme for IBs. In addition, as compared to the existing wholesale-converted building, the Proposed Scheme will bring additional benefits as discussed in paragraphs 2.3 and 2.7 below.

In-line with the Planning Intention and Facilitate the Transformation of Kwun Tong Business Area (KTBA)

- 2.2 The Proposed Scheme is in line with the planning intention of the "OU(B)" zone, which is intended primarily for general business uses. The proposed office use is compatible with the surrounding uses. Being situated along Lai Yip Street, a major pedestrian and vehicular corridor within KTBA, the Site enjoys good access to public transportation with walking distance from the Ngau Tau Kok MTR Station, and the Proposed Scheme with various design measures (see paragraphs 2.3 and 2.7 below) would enhance the pedestrian environment along Lai Yip Street and Hang Yip Street. Redevelopment of the Site into modern office building would facilitate ongoing transformation of KTBA and synergise with the surrounding redevelopment projects.

Planning and Design Merits of the Proposed Scheme

- 2.3 Apart from the proposed full-height setbacks (3m-wide each) as required under the ODP that would improve physical connectivity between Ngau Tau Kok MTR Station and the waterfront, additional planning and design merits are proposed including voluntary G/F setback plus a canopy along full frontage of Lai Yip Street for the provision of 2.5m-wide covered pedestrian walkway to enhance pedestrian environment, further tower setbacks at 1/F and above for natural light penetration to the pedestrian level, and the provision of a communal sky garden cum refuge floor at 14/F opened for tenants and visitors of the building to enhance the permeability of the building design (**Drawings A1, A2 and A4 to A6**) are incorporated. Greenery proposals are detailed at paragraph 2.7 below.

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

- 2.4 The Proposed Scheme adopts a BH which is compatible with the adjacent redevelopment sites including the approved planning applications (Nos. A/K14/763 and A/K14/774) along Lai Yip Street for minor relaxation of BHR from 100mPD to 125.9mPD (i.e. same as the BH of the Proposed Scheme) (**Plan A-1**), which is lower than the adjacent developments across Lai Yip Street with a BHR of 160mPD, and the stepped BH profile in KTBA could still be maintained.
- 2.5 Optimal balance in building design is adopted to minimise increase in BH with regards to its elongated site configuration, and the provision of required and voluntary setbacks (taking up about 13% and 2% of the site area respectively). The Proposed Scheme has fully utilised the SC (including bonus SC) permissible under B(P)R. Basement floors have been fully utilised for car parking spaces with no room for E&M installations, 1/F is therefore designated for E&M use with peripheral planter areas to provide an aesthetically pleasant design. A typical floor-to-floor height of 4m is proposed, which is considered optimal for modern office requirements.

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

- 2.6 The Proposed Scheme fulfils four out of six relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP, including
- (a) accommodating the minor relaxation of PR restriction by 20% under application as well as the bonus PR that is subject to approval of the BA under the B(P)R in relation to surrendering of land/area for use as public passage/street widening;
 - (b) providing better streetscape/good quality street level public urban space with the proposed setbacks and greenery provision as discussed in paragraphs 2.3 and 2.7;
 - (c) providing separations between buildings to enhance air ventilation and visual permeability with proposed full-height, voluntary and tower setbacks, as well as the open-sided communal sky garden; and
 - (d) accommodating building design to address specific site constraints and design features as discussed in paragraph 2.5 above.

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

- 2.7 The Proposed Scheme has complied with the SBDG including: (i) the proposed building facade length is less than 60m which is below the building separation requirement; (ii) no part of the building is built within 7.5m from the centreline of Lai Yip Street and Hang Yip Street; and (iii) the overall SC of greenery of about 25% (all at primary zone) which exceeds the minimum 20% requirement for site with an area between 1,000m² and 20,000m². With SC of greenery at primary zone of about 25%, street-level greenery including planters on G/F, and VGs at publicly visible façade at G/F and 1/F facing Lai Yip Street and at G/F facing Hang Yip Street (**Drawings A-1 and A-2**) are incorporated for visually amenity and enhancement of walking experience along the two streets.
- 2.8 The applicant intends to apply for the Building Environmental Assessment Method Plus (BEAM plus) Certification for the Proposed Scheme in the detailed design stage. The Proposed Scheme will adopt low-E glass for the curtain wall to reduce heat transmission of the building façade. With relatively small sized offices, split type air conditioning (A/C) system is proposed for environmental friendly purpose, thus a void area of about 92m² (not included in SC calculation) from 1/F to 28/F facing the adjacent building to its southwest is reserved for heat dissipation and for acquisition of natural light, where the flat roof at 1/F with planter areas (of about 50m²) would be opened for future users and visitors of the building for enjoyment (**Drawings A-2 to A-5**). Rainwater recycling system for irrigation will be provided.

Technical Aspects

- 2.9 TIA, VIA and SIA as submitted demonstrate that the Proposed Scheme will not generate adverse impacts to the surroundings. The parking provision generally follows the requirements as set out in the Hong Kong Planning Standards and Guidelines (HKPSG).

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^[4], 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

^[4] 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 General Building Plans (GBP) first submitted to the BA for approval on or before the same date.

under the B(P)R^[5]. 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)”) 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 and to the west of Lai Yip Street (including the Site), 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 “C(1)” and “OU(B)” sites are at **Plan A-4**.

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

The Site is the subject of a previous application (No. A/K14/147) submitted by the same applicant for a 25-storey industrial-office (I-O) building with a PR of 12 (with BH of 104.5mPD) within the then “Industrial” (“I”) zone, which was approved with conditions by the Metro Planning Committee (the Committee) on 1.7.1994. GBP to implement this approved scheme was approved in 1995, which however had not been materialised. There is no previous application at the Site after rezoning to “OU(B)” since 2001.

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

- 6.1 Within KTBA, there was one similar application (No. A/K14/794) for minor

^[5] 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.

relaxation of PR restriction for proposed ‘Non-polluting Industrial Use (Excluding Industrial Undertakings Involving the Use/Storage of Dangerous Goods)’ that is not relating to the Policy (**Appendix IIa** and **Plan A-1**), which was approved with conditions by the Committee on 16.4.2021 having regard to the planning and design merits brought by the proposed redevelopment, particularly on enhancement to pedestrian environment and improvement to road conditions in the vicinity; no objection from Director-General of Trade and Industry (DG of TI) from site optimisation perspective for providing more industrial space; no adverse impacts on infrastructure/technical aspects; and no objection/adverse comment from concerned departments.

- 6.2 For minor relaxation of PR and/or BH restrictions 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**) with 10 applications for minor relaxation of both PR and BH restrictions. Among them, 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^[6]. In consideration of the applications relating to minor relaxation of PR by up to 20%, the Committee generally indicated support for the Policy 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.
- 6.3 Five similar applications for minor relaxation of PR and/or BH restrictions in the KTBA (Nos. A/K14/804, A/K14/807 to A/K14/810) are being processed (**Plan A-1**).

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 11-storey building (about 47mPD), namely United Overseas Plaza, built in 1970 which has been wholesale-converted from IB to office building in 2012;
- (b) bounded by Hang Yip Street to its northwest, Lai Yip Street to its southeast, an existing IB namely Tung Lee Industrial Building (about 51mPD) to its southwest, and a commercial/office (C/O) building to its northeast under construction, which is the subject site of application (No. A/K14/763) (with approved BH of 125.9mPD); and

^[6] 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.

- (c) at about 350m to the southwest of the Ngau Tau Kok MTR Station.
- 7.2 The surrounding areas have the following characteristics (**Plans A-1, A-3 and A-4**):
- (a) four out of five lots (including the Site) along this section of Lai Yip Street are under different stages of redevelopment for proposed C/O developments including two with planning permission (Nos. A/K14/763 and A/K14/774) and one with an application (No. A/K14/810) for minor relaxation of PR and BH restrictions being processing (all with approved/proposed BHs of 125.9mPD); and
 - (b) seven existing C/O buildings, namely, No.1 Hung To Road (about 121mPD) and Tsui Wah Group Centre (about 26mPD) to the east across Lai Yip Street; International Trade Tower (about 100mPD) to the northwest across Hang Yip Street; and No. 133 Wai Yip Street (about 49mPD), NEO, C-Bons International Centre and MG Tower (all with BHs of 100mPD) to the further south along Wai Yip Street and Hoi Bun 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. 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) as announced in the PA 2018, a set of measures to incentivise redevelopment or wholesale conversion of aged IBs in the territory have been implemented. One of these measures is to incentivise private owners to re-develop pre-1987 IBs by relaxation of the maximum permissible non-domestic PR upon redevelopment on a time-limited and case-by-case basis. The increase in development intensity upon such incentivised redevelopments does not come as of right, because every application for PR relaxation is to be considered on its own merits by the Board, with reference to a host of urban planning, land use, transport, environmental, sustainability, and other relevant considerations. The Policy targets pre-1987 IBs, instead of any IBs in the territory, as IBs built before 1987 were constructed according to the then fire safety standards which were lower than those applicable these days (e.g. many did not have automatic sprinkler systems or other modern fire service installations). It is envisaged that any redevelopment initiated by the private owner in respect of these pre-1987 IBs would help eradicate the fire safety problem once and for all, and at the same time utilise the existing lots optimally to better meet the city's future economic and industrial needs;
- (b) it is noted that the existing 11-storey building on the Site, with a building age of about 50 years, was originally built for industrial purposes. Under the previous scheme of IB revitalisation implemented by Government between 2010 and 2016, the owner applied to the Lands Department (LandsD) for a special waiver to permit the use of the Lot for specified non-industrial purposes (i.e. office) upon wholesale conversion. The special waiver was duly executed in October 2010, with the waiver fee fully exempted, to permit the Lot and the existing building to be used for 'Office' use, during the lifetime of the existing building, or until the expiry of the lease, or upon the early termination of the waiver. All the building works to enable the existing building for the permitted 'Office' use including those necessary to bring the fire service installations in compliance with prevailing standards were completed, in accordance with the owner's submission of a Form BA14 to the Buildings Department (BD) in April 2012 and the latter's certification of such in May 2012;
- (c) the existing wholesale-converted office building is hardly be taken as a "pre-1987 IB" and not the targeted aged IBs under the Policy to incentivise IB redevelopment. Therefore, the Policy as described in paragraph 9.1.1(a) above is not directly applicable to this application in relation to a wholesale-converted building; and

- (d) notwithstanding the above, the proposed commercial redevelopment is in line with the planning intention of the “OU(B)” zone. Given that new land available for commercial development in KTBA is limited, there is a case to capitalise on each and every commercial redevelopment project to increase commercial GFA as far as possible. The extra 20% PR provision will bring about 2,500m² commercial GFA additionally, hence going some ways towards addressing the shortfall in the territory and facilitate the ongoing transformation of KTBA. It is echoed with the Energizing Kowloon East Office (EKEO) who is generally supportive of the proposed commercial redevelopment (see paragraph 9.1.10 below), as it (if materialised) would align with the Energising Kowloon East (EKE) initiative to transform Kowloon East into a Core Business District (CBD). In this regard, subject to no adverse comments in terms of technical feasibility from relevant departments, the proposed relaxation of PR is worthy of support from the perspective of optimising the use of the Site for provision of maximum office space in a rare opportunity of redevelopment. He would leave it to relevant B/Ds to assess the merits of the proposed relaxation of BHR.

Land Administration

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

- (a) the Site is located at KTEL No. 532 (the Lot) which is restricted to industrial or godown purposes or both excluding offensive trades purposes subject to a maximum height of 170 feet above principal datum. The Lot is further subject to development conditions including but not limited to type of building restrictions, non-building area up to vertical clearance of 15 feet from ground level and no right of vehicular access to and from Lai Yip Street; and
- (b) the proposed commercial redevelopment is found in conflict with the existing lease conditions. If the planning application is approved by the Board, the lot owner has to apply to LandsD for a lease modification/land exchange. However, there is no guarantee that the lease modification/land exchange application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in 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

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

Having review the FIs at **Appendix Ia**, he has no comment on the application. 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 provision of parking facilities, L/UL spaces and vehicular access for the proposed development are suggested (see paragraphs 12.2(d) and 12.2(e) below). His technical comments on the detailed design of the canopy 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) noting that the applicant has confirmed to provide split type A/C system plus a central fresh air supply system and that opening window would not be relied on for ventilation for the proposed development, he has no comment from air quality planning perspective. He also has no comment on the fresh air intake point of the A/C system, noting that it will be located at more than 10m from the local roads like Lai Yip Street and Hang Yip Street, as well as 5m above ground. It meets the recommended buffer distance requirement for vehicular emission as stipulated in HKPSG;
- (b) insurmountable sewerage impacts are not anticipated for minor relaxation of PR and BH restrictions of the proposed development;
- (c) the Site was once occupied by an IB which is a potential land contamination land use. Nevertheless, the land contamination issue would be unlikely insurmountable. Besides, the development proposal would involve the demolition of the existing building and a large amount of construction and demolition materials would be generated. The applicant is advised to minimise the generation of construction waste and maximise the reuse/recycle of the construction and demolition materials; and
- (d) insurmountable environmental impacts associated with the proposed development are not anticipated, hence, he has no objection to the application but approval conditions at paragraph 12.2(a) to 12.2(c) below are suggested should the application be approved by the Board.

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 an approval condition at paragraph 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) the Site is located at Lai Yip Street with an intended BH profile in the range between 100mPD and 160mPD. To the northeast and southwest of the Site, two C/O buildings within the same street block with BH of 125.9mPD have been approved by the Committee under

applications Nos. A/K14/763 and A/K14/774 respectively. Given the context and as illustrated in the photomontages of VIA, it is unlikely that accommodation of the proposed development would induce significant adverse effects on the visual character of the surrounding townscape;

- (b) the proposed development has incorporated two 3m full-height setbacks along Lai Yip Street and Hang Yip Street as per the ODP requirements as well as an additional voluntary 1m setback at G/F along Lai Yip Street. Landscape treatments including VGs and planters at G/F, 1/F and 14/F, a communal sky garden cum refuge floor at 14/F and a weather protection canopy along the pedestrian entrance at Lai Yip Street will be provided. Technically speaking, incorporation of the above design measures, apart from the sky garden, does not necessarily require additional BH. Nonetheless, they may contribute to improvement of the streetscape by softening the building edge and providing visual interest;
- (c) given the surrounding context, the proposed development seems to be well-positioned to provide some active commercial uses on G/F and the building low zone. In the current proposal, the first three floors of the proposed development are for L/UL area and office, which may fit the intended functionality of the proposed development but will not contribute much to the public realm/pedestrian environment. Given that there is a wide range of permissible uses within the “OU(B)” zone that would help activate the street frontage, the applicant may consider future change of building uses on the lower floors;

Landscape Aspect

- (d) with reference to the aerial photo of 2020, the Site is located in an area of urban landscape character dominated by medium and high-rise industrial and commercial buildings. No existing tree is observed within the application boundary;
- (e) planters for shrubs on G/F, VGs from G/F to 1/F, green roofs at 1/F, and communal sky garden with peripheral planting at 14/F are proposed to enhance the landscape quality of the development. He has no objection to the application from landscape planning perspective; and
- (f) the applicant is reminded that approval of section 16 application under the Ordinance does not imply approval of the SC of greenery requirements under PNAP APP-152 and/or under the lease. The SC of greenery calculation should be submitted separately to BD for approval.

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 with PR of 14.4 and BH of 125.9mPD, which is about 26% higher than adjacent “OU(B)” developments with BHR of 100mPD permitted in the OZP. With justifications by the applicant for the proposed BH, he has no comment on the application.

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 water supplies and fire service installations 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;
- (b) the emergency vehicular access (EVA) provision shall comply with the standard as stipulated in the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administered by BD. Also, the EVA provision of the nearby buildings shall not be affected by the proposed work; and
- (c) his technical comments on work feasibility are detailed at **Appendix III**

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 the compliance with the Building 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/or 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/or surrender are considered essential and acceptable to relevant government departments and the relevant criteria under PNAP APP-20 and APP-108 are complied with;
- (d) all covered landscaped areas should be accountable for GFA under B(P)R 23(3)(a); and
- (e) the design and arrangement of the refuge floor cum sky garden should comply with requirements under PNAP APP-122 and Joint Practice Notes No. 1.

Pedestrian Accessibility and Walkability

9.1.11 Comments of the Head of EKEO, Development Bureau:

- (a) the application is for minor relaxation of PR and BH restrictions from 12 to 14.4 and 100mPD to 125.9mPD respectively for permitted office use with a view to obtaining additional 20% of PR. The proposed redevelopment to commercial uses aligns with the EKE initiative to transform Kowloon East into a premier CBD and is therefore generally supported. On the proposed intensification, he understands that 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, the adopted ODP stipulates that 3m wide full-height setback along Lai Yip Street and Hang Yip Street should be provided and the current proposed scheme has met the above-mentioned setback requirements. He also supports the proposed voluntary G/F setback of 1m along Lai Yip Street.

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

10.1 The application and FIs were published for public inspection on 14.9.2021, 26.10.2021 and 3.12.2021 respectively. Within the three statutory public inspection periods, a total of 7 public comments were received. Among them, three public comments 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)**).

10.2 For the 4 objecting comments, one was from the owner of International Trade Tower (**Appendix IV(4)**) and the remaining are from other individuals (**Appendices IV(5) to (7)**). Being located to the northwest of the Site across Hang Yip Street, the owner of International Trade Tower (**Plan A-3**) objected the application mainly on the grounds that the amount of natural sunlight received would be blocked, which would affect its rental value and wellbeing of the office users; the proposed development would set an undesirable precedent for similar applications, which would lead to cumulative adverse visual and air ventilation impacts; lack of planning and design merits for justifying the relaxation of BHR; and adverse traffic impacts would be induced by increase in working population due to relaxation of PR restriction. The other individuals objected the application mainly on the grounds that the proposed development would induce adverse impacts on air ventilation, sunlight penetration, glare and traffic aspects; minor relaxation of PR and BH restrictions would affect the integrity of the restrictions as imposed on the OZP, thus assessments on cumulative impacts should be conducted; the proposed minor relaxation in BHR would jeopardize the planned stepped BH profile with regard to the approved applications (Nos. A/K14/763 and A/K14/774); the provision of open space in KTBA is inadequate to serve influx of workers; and there are concerns on the insufficient provision of greenery and the effectiveness and sustainability of such provision.

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 125.9mPD (+25.9%) for a proposed 32-storey (including 3 levels of basement carpark) development for permitted 'Office' use 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 existing 11-storey building was built in 1970 for industrial purposes. The building was wholesale-converted for office use by the same applicant with fire service installations upgraded to prevailing standards under the previous scheme of IB revitalisation. The wholesale conversion was completed in 2012. In the view of the above, SDEV advises that the existing wholesale-converted office building is not targeted aged IBs under the Policy to incentivise IB redevelopment, thus the Policy is not directly applicable to this application. Noting that EKEO generally supports the application as the Proposed Scheme aligns with the EKE initiative to transform Kowloon East into a CBD, SDEV advises that the proposed relaxation of PR restriction is worthy of support from the perspective of optimising the use of the Site for provision of maximum office space in a rare opportunity of redevelopment.

Minor Relaxation of PR Restriction

- 11.3 The applicant has submitted technical assessments confirming the feasibility of the Proposed Scheme. TIA as submitted reveals that the Proposed Scheme has no adverse traffic impacts on the surrounding road network and is feasible 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 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 (+25.9%) 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/area for use as public passage/street widening. With the small site area (about 1,045m²) and upon provision of the required and voluntary setbacks that occupying about 13% and 2% of the site area respectively, the permissible SC under B(P)R has already been utilized to accommodate the addition PR with optimal increase in BH. Thus, there would be no scope for further reduction in BH by adopting a larger footprint. The proposed floor-to-floor height of 4m for typical office floors is the same with the other two approved applications (Nos. A/K14/763 and A/K14/774) for IB redevelopment along Lai Yip Street (**Plan A-1**). As elaborated in paragraphs 11.6 to 11.8 below, the applicant indicates that the Proposed Scheme generally meets the criteria for considering application for minor relaxation of BHR as mentioned in paragraphs 8.2(c) and 8.2(d) above (i.e. provide better streetscape and building separations to enhance visual permeability).
- 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. The minor relaxation of BHR (+25.9%) sought is generally proportional to the proposed minor relaxation of PR restriction with reasonable floor-to-floor height adopted. The Site is located at the

fringe of the 100mPD BH band, which interfaces with the BH band of 160mPD on the other side of Lai Yip Street. There are two similar applications (Nos. A/K14/763 and A/K14/774) with approved BH of 125.9mPD (i.e the same as the current application) along the same street block. As a whole, the intended BH profile, which descends from 160mPD to 100mPD for sites to the east and west of Lai Yip Street respectively with transition of proposed BH of 125.9mPD in between, could generally be maintained. 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. Having reviewed the justifications for the proposed increase in BH by the applicant, CA/CMD2, ArchSD has no comment on the application.

Planning and Design Merits

- 11.6 Full-height building setbacks of 3m along both Lai Yip Street and Hang Yip Street with an additional voluntary 1m setback at G/F plus a weather protection canopy along Lai Yip Street are in line with intention of footpath/carriageway widening and/or amenity/streetscape enhancement (**Drawings A-1, A-5 and A-6**). The setback proposals would enhance the pedestrian environment and walkability as advocated by EKEO who supports the voluntary G/F setback along Lai Yip Street. With the proposed pedestrian cum cyclist bridge across Kwun Tong Typhoon Shelter under review by the Civil Engineering Development and Department and various proposed pedestrian environment measures along Lai Yip Street under detailed design by HyD, the strategic location of Lai Yip Street as a key pedestrian corridor connecting the MTR Ngau Tau Kok Station, the waterfront and further to the Kai Tak Area would be further reinforced, thus pedestrian flows along this side of Lai Yip Street is anticipated to be increased. As such, redevelopment at the Site with aforementioned pedestrian environment improvement measures would generally integrate with the above Government's improvement proposals for a better pedestrian network in the area.
- 11.7 The Proposed Scheme would adopt landscape treatments including VGs and planters at G/F, 1/F and 14/F, which would achieve an overall SC of greenery provision of about 25% (all at primary zone) (**Drawings A-1, A-2 and A-4**). CTP/UD&L, PlanD advises that these design features may contribute to improvement of the streetscape by softening the building edge and providing visual interest.
- 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 and building energy efficiency such as adoption of low E-glass and irrigation of recycled water, have been taken into account.

Similar Applications

- 11.9 So far, all the similar applications in KTBA mentioned in paragraph 6 above are pursuant to the Policy, except one application (No. A/K14/794) for the minor relaxation of PR not relating to the Policy which was approved by the Committee with conditions on 16.4.2021 having regard to the planning and design merits brought by the proposed redevelopment, particularly on enhancement to pedestrian environment and improvement to road conditions in the vicinity; no objection from DG of TI from site optimisation perspective for providing more industrial space; no adverse impacts on infrastructure/technical aspects; and no objection/adverse comment from concerned departments. The approval of this application is

consistent with the previous decision of the Committee on the above similar application not relating to the Policy. Consideration on the current application is similar to the abovementioned application (No. A/K14/794).

Public Comments

- 11.10 There are 7 public comments received, amongst them, the 3 supportive comments are noted. Regarding the objecting comments on traffic, visual and provision of greenery aspects, the assessments above are relevant. As for the concerns on the potential adverse air ventilation, CTP/UD&L, PlanD has no adverse comment on the application from air ventilation perspective. The Proposed Scheme complies with the building setback requirement under SBDG to mitigate street canyon effect on the public roads. With respect to planning and design merits of the Proposed Scheme, details are discussed in paragraphs 11.6 to 11.8 above. 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. Under Proposed Scheme, the proposed green roof at 1/F and the communal sky garden at 14/F would serve the future workers therein for enjoyment. Regarding the view on conducting comprehensive assessments on cumulative impacts of similar applications under the Policy, applications for minor relaxation of PR and BH restrictions are subject to the applicants' demonstration of technical feasibility, taking into account the approved similar applications, and concerned departments have no objection to/no adverse comment on the application.

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 14.1.2026, 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 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 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 building height 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 7.9.2021
Appendix Ia	FI vide letter dated 10.1.2022 providing a consolidated report containing Supporting Planning Statement, consolidated R-to-C tables and finalised technical assessments
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(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
Drawing A-6	Illustration showing the planning and design merits submitted by the applicant
Drawings A-7 to A-9	Photomontages 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	Site photos

**PLANNING DEPARTMENT
JANUARY 2022**