

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/807

- Applicant** : Able Luck Development Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 73 – 77 Hoi Yuen Road and 119 – 121 How Ming Street, Kwun Tong, Kowloon
- Site Area** : About 4,645.12m²
- Lease** : (a) Kun Tong Inland Lots (KTILs) 1 S.A, 1 RP, 3 and 15 (the Lot)
(b) KTILs 1 S.A and 1 RP (at 119 – 121 How Ming Street) – restricted to a factory for the manufacture of wearing apparel hats and gloves or embroidery excluding offensive trades
(c) KTIL 3 (at 73 – 75 Hoi Yuen Road) – restricted to industrial or godown or both purposes excluding offensive trades
(d) KTIL 15 (at 77 Hoi Yuen Road) – restricted to industrial excluding offensive trades
- 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
(b) Maximum building height (BH) of 200 meters above Principal Datum (mPD)
[Same zoning and development restrictions for the application site 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 Restriction for Permitted Office, 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%) at 73 – 77 Hoi Yuen Road and 119 – 121 How Ming Street (the Site), which is zoned “OU(B)” on the approved Kwun Tong (South) OZP No. S/K14S/24 currently in force (**Plan A-1**). The proposed minor relaxation of PR restriction is to facilitate an amalgamated redevelopment of existing industrial

buildings (IBs)^[1] at the Site into a 44-storey commercial/office (c/o) development (including 5 levels of basement for shop and service (at B1 only) and carpark) for ‘Office’, ‘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 restriction may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance). The proposed BH of 200mPD will not exceed the BHR for the Site on the OZP.

- 1.2 Portions of the Site are the subject of two previous applications (Nos. A/K14/793 and 794) for minor relaxation of PR restriction from 12 to 14.4 for permitted ‘Non-polluting Industrial Use (Excluding Industrial Undertakings involving the Use/Storage of Dangerous Goods)’, which were approved with conditions by the Metro Planning Committee (the Committee) on 4.12.2020 and 16.4.2021 respectively (see paragraph 5 below for details).
- 1.3 According to the Proposed Scheme, in addition to the 4m and 4.6m full-height building setbacks from the Lot boundary along Hoi Yuen Road and How Ming Street respectively in accordance with the requirements under the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), voluntary aboveground setback of 2.092m plus G/F setback of 1.2m along Hoi Yuen Road, and full-height setback of 0.9m along How Ming Street have been incorporated in the Proposed Scheme. This would result in total setbacks from the Lot boundary of about 7.29m along Hoi Yuen Road and 5.5m along How Ming Street on G/F for public use (**Drawings A-2 and A-12**). Tower setbacks of 5m (from 3/F to 6/F) and 10m (7/F and above) from the adjoining building to its northeast (namely Crocodile Centre) together with tower setback (at 5/F and above, varies in width up to 34m) from How Ming Street are proposed (**Drawings A-11 and A-13**). A canopy^[2] (1.9m-wide) and a building overhang (1.2m-wide) are proposed along full frontage of How Ming Street and Hoi Yuen Road respectively (**Drawings A-2, A-3 and A-12**).
- 1.4 Three connection points with structure supports would be reserved in the Proposal Scheme for future possible connections to (i) the existing footbridge connecting APM Millennium City 5 and Crocodile Centre at 1/F (minimum 2.5m-wide), (ii) Entrepot Centre across back alley at 1/F (minimum 5m-wide) and (iii) Kwun Tong Plaza across Hoi Yuen Road at 2/F (minimum 5m-wide) (**Drawings A-3 and A-4**)^[3]. Barrier-free internal pedestrian corridor(s) connecting these future possible connections and G/F entrances at Hoi Yuen Road/How Ming Street/back alley (**Drawing A-18**) would be opened to public from 7am to 10pm. To uplift the adjoining back alley as identified in the “Back Alley Project @ Kowloon East” by the Energizing Kowloon East Office (EKEO), vertical greening (VG), feature walls and perforated fences with 50% porosity at G/F facing the back alley would also be provided (**Drawings A-2, A-15 and A-16**). Appropriate signage within the

^[1] The Site falls within three lots, comprising three IBs with Occupation Permit (OP) issued in 1978. Among them, the one at 73 – 75 Hoi Yuen Road was recently demolished and the site is currently vacant, and General Building Plan (GBP) for proposed c/o development (with PR 12 plus bonus PR under the Building (Planning) Regulations (B(P)R) at BH of 200mPD was approved by the Building Authority (BA) in December 2021.

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

^[3] Subject to agreement with the owners of the adjacent buildings and approval by relevant departments.

proposed development would be provided to guide pedestrians to Kwun Tong MTR station via the uplifted back alley with a view to divert pedestrians from Hoi Yuen Road/How Ming Street.

- 1.5 Various greenery proposals are incorporated in the Proposed Scheme including VG at sections of facades facing Hoi Yuen Road and back alley on G/F to 2/F, How Ming Street on 1/F to 2/F and the northeast on 7/F to 8/F (**Drawings A-2 to A-7, A-10, A-12, A-14 to A-17**). In addition, flat roof at 3/F, podium garden at 11/F and sky garden at 25/F (**Drawings A-5, A-7 and A-9**) would be provided and the former two facilities to be opened for public enjoyment from 7am to ~~8~~**10**pm.
- 1.6 A single vehicular ingress/egress is proposed at How Ming Street (**Drawing A-2**). The applicant would also modify the junction of Hoi Yuen Road/ How Ming Street/ Shing Yip Street by shifting the stop line at Hoi Yuen Road southward and to widen the pedestrian crossing at applicant's own cost so as to improve efficiency of pedestrian crossing across Hoi Yuen Road (**Drawing A-19**).
- 1.7 Floor and section plans, greenery calculation, illustrations, pedestrian connection and proposed junction improvement submitted by the applicant are shown at **Drawings A-1 to A-19**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 4,645.12m ²
Proposed Uses	'Office', 'Shop and Services' and 'Eating Place' uses
PR ^(#)	14.4 (+20%)
Gross Floor Area (GFA) ^(#)	About 66,889.725m ²
BH (at main roof level)	200mPD
No. of Storeys	44
• Aboveground	39
• Basement	5
Maximum Site Coverage (SC) ^(#)	
• Podium (below 20m)	Not more than 92%
• Podium (above 20m and below 55m)	Not more than 91%
• Tower (above 55m)	Not more than 65%
Greenery Coverage	About 20% ^(^) (about 10% at primary zone)
Parking and Loading/Unloading (L/UL) Facilities	
• Car Parking Spaces	364 (incl. 5 accessible parking)
• Motorcycle Parking Spaces	37
• L/UL Bays for LGV	34
• L/UL Bays for HGV	17
• L/UL Bay for container vehicle	1
Setbacks ^(*)	
• Hoi Yuen Road	4m full-height
• How Ming Street	4.6m full-height
Voluntary Setbacks	
• Hoi Yuen Road	2.092m aboveground +1.2m G/F
• How Ming Street	0.9m full-height
Anticipated Year of Completion	2025

Note:

- (#) On top of the PR/GFA/SC set out above, the applicant has indicated that bonus PR of about 0.1509 (equivalent to a GFA of about 701.04m²) and flexible SC will be claimed for the setback areas to be surrendered to the Government subject to approval by BA under B(P)R 22(2) and Practice Notes for Authorized Persons (PNAP) APP-132 respectively. Any bonus PR/GFA or flexible SC that may be approved by BA have been incorporated in the building bulk and adopted in the technical assessments.
- (^c) A total of 595m² of VG is proposed in primary zone, but only 278.707m² is included in the above as the maximum VG at primary zone is 30% of the site area as per PNAP APP-152. Covered greenery at sky garden on 25/F is excluded in accordance with PNAP APP-152.
- (*) As required for the Site under the adopted ODP.

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

- (a) Application form received on 14.9.2021 (Appendix I)
 - (b) Supporting Planning Statement enclosing architectural drawings, Traffic Impact Assessment (TIA) and Sewerage Impact Assessment (SIA) received on 14.9.2021
 - (c) 1st further information (FI) vide letter received on 2.11.2021 enclosing responses to departmental and public comments, revised TIA and floor plans, replacement pages for Supporting Planning Statement and SIA, and location of fresh air intake point [#]
 - (d) 2nd FI vide letter received on 15.12.2021 enclosing response to departmental and public comments, revised TIA and architectural drawings and replacement pages SIA [#]
 - (e) 3rd FI vide letter received on 24.12.2021 enclosing response to departmental and public comments, revised photomontages and elevation ^{*}
 - (f) 4th FI vide letter received on 17.1.2022 enclosing response to departmental comments, revised floor plans and TIA ^{*}
 - (g) 5th FI vide letter received on 25.2.2022 enclosing response to departmental comments, revised floor plan and TIA ^{*}
 - (h) 6th FI vide letter received on 12.4.2022 enclosing response to departmental comments and revised architectural drawings ^{*}
 - (i) 7th FI vide letter received on 4.5.2022 enclosing revised response public comments ^{*}
 - (j) 8th FI received on 17.5.2022 providing a consolidated report containing Supporting Planning Statement, consolidated R-to-C tables and finalised technical assessments^[*]
- (Appendix Ia)^[4]

^[4] 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 17.5.2022 (Appendix Ia) that supersedes all previous submissions, thus items as listed from (b) to (i) above are not attached in this Paper.

Remarks:

accepted but not exempted from publication and recounting requirements

** accepted and exempted from publication and recounting requirements*

- 1.9 On 28.1.2022 and 22.4.2022 the Committee agreed to defer making a decision on the application for two months each as requested by the applicant and the Planning Department (PlandD) respectively in order to allow sufficient time for preparation of FI to address departmental comments and for relevant departments to provide comments on the late submission of the 6th FI. As the latest FI can be processed within a shorter time, the application is scheduled for earlier consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in the Supporting Planning Statement and the FIs at **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 1987 (pre-1987) and provide more floor area to make better use of the valuable land resources for Hong Kong's changing social and economic needs.

Contributes to 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 Lots are amalgamated to redevelop into a landmark c/o development at a prominent location at KTBA, that will contribute to the transformation of Kowloon East (KE) into a modern premier CBD by providing Grade A offices, vibrant retail activities to activate the public realm, various pedestrian environment and walkability enhancement and adopting innovative and green building design as set out in paragraphs 2.3 to 2.7 below.

Planning and Design Merits of the Proposed Scheme

- 2.3 Provision of required and voluntary setbacks, canopy, and connection points for future possible connections with adjoining buildings as detailed in paragraphs 1.3 and 1.4 to enhance pedestrian environment and connectivity (**Drawings A-2 to A-4 and A-18**).
- 2.4 The Proposed Scheme allows comprehensive redevelopment instead of three separated redevelopments which would reduce building mass and allow a more permeable design at mid and high zone, centralise vehicle run-in/out at one location at How Ming Street to improve pedestrian environment along Hoi Yuen Road, and provide public passageway through the proposed development serving as an alternative route between How Ming Street and Hoi Yuen Road (**Drawings A-2 and A-13**).

Sustainable Building Design Guidelines (SBDG) and Green Building Design

- 2.5 The key building design elements of SBDG^[5] are considered in the Proposed Scheme where applicable:
- (a) Building Separation – building setbacks as detailed in paragraph 1.3 above and open terraces at podium level were provided to improve ventilation and enhance environmental quality at low and mid zones. Tower setback from the lot boundary abutting the existing buildings to the northeast and south of the Site are provided to improve ventilation at high zone.
 - (b) Building setback – no part of the building fall within 7.5m from the centre line of How Ming Street and Hoi Yuen Road.
 - (c) SC of Greenery – the overall SC of greenery of about 20% (including 10% at primary zone) which meets the minimum 20% requirement for site with an area between 1,000m² and 20,000m².
- 2.6 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, light pollution and glare to the surrounding environment. The Proposed Scheme is designed with have a desirable Overall Thermal Transfer Value and complies with Building (Energy Efficiency) Regulation). The possibility of incorporating rainwater recycling system may be further considered during detailed design stage

Technical Aspects

- 2.7 TIA and SIA as submitted demonstrate that the Proposed Scheme will not generate adverse impacts to the surroundings. The parking provision generally follows the high-end requirements as set out in the Hong Kong Planning Standards and Guidelines (HKPSG). Assessments on pedestrian facilities under TIA revealed that with proposed setbacks and the proposed connection points with barrier free internal pedestrian corridor within the proposed development, and modification to pedestrian crossing across Hoi Yuen Road, the pedestrian environment along Hoi Yuen Road/How Ming Street and the operation performance of the critical escalators at Entrepot Centre and Crocodile Centre would be significantly improved. The vehicular run-in/out is proposed at How Ming Street which would enhance the road traffic conditions along Hoi Yuen Road.

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

^[5] Compliance on relevant requirements under SBDG would be checked by BA in GBP submission stage.

^[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.

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.

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

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

5. Previous Applications

- 5.1 The Site in part is the subject of two previous applications (Nos. A/K14/793 and 794) submitted by the same applicant for minor relaxation of PR for permitted ‘Non-polluting Industrial Use (Excluding Industrial Undertakings Involving the Use/Storage of Dangerous Goods)’ which were approved with conditions by the Committee on 4.12.2020 and 16.4.2021 respectively. Details of the applications are summarized in **Appendix II** and the locations are shown on **Plan A-1**.
- 5.2 Development Bureau (DEVB) gave policy support to application no. A/K14/793 (at 77 Hoi Yuen Road) under the Policy. While application no. A/K14/794 (at 119-121 How Ming Street) was not related to the Policy, Director-General of Trade and Industry had no objection to this application from site optimisation perspective for providing more industrial space. In considering these applications, due consideration had been given to the planning and design merits, particularly on enhancement to pedestrian environment and improvement to road conditions in the vicinity; no adverse impacts on infrastructure/technical aspects; and no objection/adverse comment from concerned departments.

^[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.

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

- 6.1 There was another similar application (No. A/K14/806) not relating to the Policy for minor relaxation of PR and BH restrictions for permitted ‘Office’ use (**Appendix II** and **Plan A-1**) that DEVB considered the application worthy of support from site utilisation perspective. This application was approved with conditions by the Committee on 14.1.2022 having regards to the considerations as set out in paragraph 5.2 above.
- 6.2 For minor relaxation of PR and/or BH restrictions in the KTBA relating to the Policy, the Committee has considered a total of 16 similar applications (**Appendix II** and **Plan A-1**) since March 2019. Among them, 15 applications were approved with conditions. One application (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^[8].

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-4 and photos on Plans A-6 and 7)

7.1 The Site is:

- (a) occupied by two 15-storey IBs (both about 50mPD), namely Yip Fat Factory Building Block 1 at 77 Hoi Yuen Road and Good Year Industrial Building at 117 – 121 How Min Street, both built in 1978;
- (b) portion of the Site at 73 – 75 Hoi Yuen Road was once occupied by a IB which was recently demolished;
- (c) bounded by Hoi Yuen Road, How Min Street and a back alley to its southeast, southwest and northwest respectively;
- (d) sandwiched between two c/o developments along Hoi Yuen Road, namely Wong Tse Building to its south and Crocodile Centre (at 79 Hoi Yuen Road) to its north with existing BHs of 50mPD and 112mPD respectively; and
- (e) at about 100m to the southwest of the Kwun Tong MTR Station.

7.2 The surrounding areas have the following characteristics:

- (a) buildings along Hoi Yuen Road and How Ming Street are mixed with IBs (namely Entrepot Centre at 117 How Ming Street), industrial-office (I-O) buildings or c/o developments; and
- (b) commercial and c/o developments are found to the further southeast across Hoi Yuen Road, namely Kwun Tong Plaza (at 68 Hoi Yuen Road), Legend Tower and Prosperity Place, and across back alley to the northwest is the APM Millennium City 5.

^[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 Committee.

8. Planning Intention

- 8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings.
- 8.2 The ES of the OZP also stipulates that the setting back of buildings to cater for the future increase in traffic demand may also be required. The setback requirements are stipulated in the ODP (**Plan A-2**) and enforced through lease modification process when appropriate.

9. Comments from Relevant Government Departments

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

Policy Perspective

9.1.1 Comments of the SDEV:

- (a) the special time-limited arrangement under the Policy to incentivise private owners to redevelop pre-1987 IBs by relaxation of the maximum permissible non-domestic PR on a case-by-case basis does not apply to “special factories” purpose. Part of the Site (at 119 – 121 How Ming Street) is restricted to a factory for the manufacture of wearing apparel hats and gloves embroidery as specified on the land use, the said time-limited arrangement is not, strictly speaking, directly relevant to any of its redevelopment proposal; and
- (b) as far as the current application is concerned, the proposed joint development, amalgamating three sites, for developing a 44-storey new c/o development up to a PR of 14.4 (i.e. +20%) may supply a total GFA of about 67,000m². The Site is at a prime location at Kwun Tong, and the proposed improvement to pedestrian environment (if satisfying departments’ requirement) may enhance the walkability at this extremely busy district. The proposed construction of 4 storeys of basement carpark to provide over 300 parking spaces in different types may hopefully help improve the traffic conditions and address the illegal parking problem. As commercial land available for new development is tightly 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 being sought may bring about an additional commercial GFA of over 11,000m², hence going some way towards addressing the long-run shortfall of office floor space in the territory and facilitate the on-going transformation of KTBA. He echoes with the EKEO who is generally supportive of the proposed c/o development, as it (if materialised) would align with the Energising Kowloon East (EKE) initiative to transform KE into a CBD. On the whole, subject to no adverse comments in terms of technical feasibility from relevant departments, this application is worthy of support from the perspectives of optimising the use of these three sites for provision of maximum office space in a rare opportunity of amalgamated

redevelopment, and of giving a further boost to the urban renewal in Kwun Tong.

Land Administration

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

- (a) the Site falls within three lots, namely KTILs 1 S. A, 1 RP which is restricted for the purposes of a factory for the manufacture of wearing apparel hats and gloves or embroidery; KTIL 3 which is restricted for the purposes of industrial or godown or both; and KTIL 15 which is restricted for the purpose of industrial, all excluding offensive trades;
- (b) the proposed ‘office’, ‘shop and services’ and ‘eating place’ uses are in contravention to the lease conditions of the Lot. If the planning application is approved by the Board, the applicant shall apply to LandsD for a lease modification to implement the proposal. Upon receipt of the lease modification application, it will be considered by LandsD acting in the capacity as the landlord but there is no guarantee that the lease modification application will be approved. In the event the lease modification application is approved, it will be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD at its sole discretion; and
- (c) should construction of and footbridge works as shown on the 1/F and 2/F plans (**Drawings A-3** and **A-4**) would require gazettal procedures under Roads (Works, Use and Compensation) Ordinance (Cap. 370), there is no guarantee that the necessary approval for such works will be so given.

Traffic Aspect

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

- (a) having reviewed the TIA (**Appendix Ia**), public comments (**Appendices IV(1) to IV(53)**), and the applicant’s responses to public comments, he has no adverse comment on the application from traffic engineering viewpoint. Should the application be approved by the Board, approval conditions as set out in paragraphs 12.2(d) to 12.2(f) below are suggested;
- (b) the proposed pedestrian links are supported as they align with EKEO’s view on provision of pedestrian links to enhance connectivity and walkability in KTBA. The applicant is advised to maintain a close liaison with the lot owners of Entrepot Centre (117 Hoi Ming Street), Crocodile Centre (79 Hoi Yuen Road) and Kwun Tong Plaza (68 Hoi Yuen Road) with a view to connecting the elevated passageways as soon as possible;
- (c) the applicant is advised that the proposed traffic improvement works at Hoi Yuen Road (**Drawing A-19**) should be completed at the soonest time after termination of the existing vehicular access via 77 Hoi Yuen Road (i.e. the northeastern part of the Site); and

(d) his other technical comments are 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 at **Appendix III**.

Pedestrian Accessibility and Walkability

9.1.5 Comments of the Head of EKEO, DEVB:

- (a) the proposed redevelopment to c/o uses aligns with the EKE initiative to transform KE 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;
- (b) on the aspect of enhancing the pedestrian environment and walkability as advocated by this Office, the Proposed Scheme has met the full height setback requirements under the ODP. He also supports the proposed voluntary setbacks as detailed in paragraph 1.3. From pedestrian connectivity point of view, the proposed improvement to the pedestrian crossing at Hoi Yuen Road as requested by C for T and the alternative entrance at G/F facing the back alley are generally supported;
- (c) as regard to the proposed connection points with structure supports as detailed in paragraph 1.4 above, the proposed connections are not among the grade-separated pedestrian links proposed under the ‘Pedestrian Environment Improvement Scheme for KTBA – Feasibility Study’ (the Study) commissioned by his Office. However, the proposed footbridge connections may help alleviate the congested pedestrian environment by providing additional routes between How Ming Street/ Hoi Yuen Road ground level and MTR Kwun Tong Station through the APM Millennium City 5 and is welcomed from enhancement of walkability perspective. The applicant is advised to provide 24-hour barrier-free public passageway(s) connecting the footbridges and G/F, should the footbridges be materialized in the future;
- (d) it is noted that VGs are proposed facing the back alley between Entrepot Centre and the Site. As there may be insufficient sunlight to sustain the VG, the applicant should consider to adopt other landscape treatment to enhance the streetscape; and
- (e) as one of the traffic relief measures similar to the related HKeMobility mobile application managed by the Transport Department, the applicant should consider sharing the real-time parking vacancy information with “My Kowloon East” mobile application managed by his office.

Environmental Aspect

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

- (a) he has no objection to the application;
- (b) the applicant has confirmed central air-conditioning (A/C) system will be provided for the proposed development and will not rely on opened window for ventilation, and has also demonstrated with drawing that the fresh air intake point of the A/C system will be suitably located to meet the buffer distance requirement for vehicular and chimney emissions as stipulated in HKPSG;
- (c) the Site was occupied by existing IBs which are potential land contamination land use. Nevertheless, the land contamination issue would be unlikely insurmountable. An approval condition on the submission of land contamination assessments is suggested if the Board decides to approve the application;
- (d) based on the submitted SIA (**Appendix Ia**), he considers that insurmountable sewerage impacts are not anticipated for the minor relaxation of PR of the proposed development. Notwithstanding this, the approval condition on submission of SIA and implementation of any necessary sewerage works are suggested if the Board decides to approved the application;
- (e) the development proposal would involve the demolition of the existing building. A large amount of construction and demolition materials would be generated. The applicant is advised to minimise the generation of construction and demolition (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; and
- (f) regarding the public comments concerning the possible environmental degradation such as air and noise pollution and the need for Environmental Assessment to support the application, he advises that the proposed development is not considered as a major source of air and noise pollution emissions and hence will unlikely cause air and noise pollution to the surrounding environment. In addition, through proper design of the proposed c/o development such as adequate setback distance from abutting roads, proper location/positioning of fresh air intake for central air-conditioning system, the use of non-openable window and noise insulation, the proposed development will unlikely be subject to adverse air quality and noise impacts.

9.1.7 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

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

Urban Design and Visual Aspects

- (a) the proposed BH at 200mPD is in compliance with the BHR stipulated for the Site. Given the context, the Proposed Scheme would unlikely cause any significant adverse impact to the surroundings;
- (b) it is noted that the Proposed Scheme incorporated setbacks, canopy and greenery proposal and proposed openings for potential footbridge connections with the adjoining buildings as detailed in paragraphs 1.3 and 1.4 above, and have adopted a terraced form on the retail and eating place floors (on 3/F, 5/F, 7/F and 9/F). These measures may contribute to improvement of the streetscape by softening the building edge, promoting visual interest, pedestrian comfort and connectivity; and
- (c) having reviewed the Proposed Scheme and applicant's responses to public comment, he has no adverse comment on the application from urban design and visual impact perspective.

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. Various greenery proposals as detailed in paragraph 1.5 are incorporated. Adverse landscape impact caused by the proposed minor relaxation in PR restriction is not anticipated. He has no objection to the application from landscape planning perspective; and
- (e) his other technical comments are at **Appendix III**.

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 for firefighting and fire service installations being provided to the satisfaction of his department. Detailed fire safety requirements will be formulated upon receipt of formal submission of GBP; and
- (b) the emergency vehicular access (EVA) in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administered by Buildings Department (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 the compliance with the Building Ordinance (BO). Detailed comments under the BO such as permissible PR, SC, means of escape, EVA, access road, barrier free access and facilities, compliance with the SBDG, etc. will be formulated at the GBP submission stage;
- (c) regarding the proposed setback area at Hoi Yuen Road for application for flexibility in determining SC, the applicant's attention should be drawn to paragraph 3(f) of PNAP APP-132 that the setback area should exclude any area dedicated or surrendered for public passage under regulation 22 of the B(P)R;
- (d) applications for bonus PR in return for surrender of land under B(P)R 22(2) will be dealt with individually according to the special circumstances of each case subject to that the surrender is considered essential and acceptable to relevant government departments and the relevant criteria under PNAP APP-20 are complied with;
- (e) elevated pedestrian connections projecting over street/ lane would contravene section 31(1) of the BO. However, application for exemption from section 31(1) of the BO may be considered at GBP submission stage subject to favourable comments from relevant government departments and compliance with relevant criteria under the PNAP APP-38; and
- (f) his other technical comments are at **Appendix III**.

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

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Commissioner of Police; and
- (d) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 The application and FIs were published for public inspection on 21.9.2021, 9.11.2021 and 24.12.2021 respectively. Within the three statutory public inspection periods, a total of 53 public comments were received with 6 supporting, 43 objecting, and 4 providing views.
- 10.2 The 6 supporting comments, including one from an individual, three from the Incorporated Owners of one of the IBs at the Site namely Good Year Industrial Building, and three from the same member of the Kwun Tong Centre Area Committee of the Kwun Tong District Council (**Appendices IV(1) to (6)**), considered that the proposed development was in line with the policy intention to develop KE into CBD 2 and suggested that public vehicle parking (PVP) should be provided to alleviate the shortage in the area.
- 10.3 Among the 43 objecting comments, four were from the representatives of one of the owners of Good Year Industrial Building within the Site (**Appendix IV(7) to (10)**), 10 were from representatives of owners/building managers of the buildings in the

vicinity, namely APM Millennium City 5, Entrepot Centre and Crocodile Centre (**Appendix IV(11) to (20)**), and the remaining were from other individuals (**Appendix IV(21) to (49)**).

- 10.4 The other lot owner of Good Year Industrial Building objected the application mainly on the grounds that the applicant failed to comply with or satisfy the requirements set out under TPB PG-No.31A in obtaining the consent of or notifying the other current land owners; wholesale conversion for c/o development instead of redevelopment as currently proposed is considered structurally/technically feasible and more appropriate to do so from valuation perspective; redevelopment proposal should comprise Wong Tze Building^[9] (**Plan A-3**) for providing sufficient setback to enhance the congested pedestrian environment at the junction of Hoi Yuen Road/How Ming Street; the planning merits were considered piecemeal and insufficient for improving the congested pedestrian environment, doubted the maintenance and implementation of greening proposals; no technical assessments was submitted by the applicant to demonstrate the proposed development would not cause adverse air ventilation, visual and environmental impacts to the surrounding area; and redevelopment with insufficient ancillary parking and nil PVP would worsen the existing serious traffic congestion in the vicinity.
- 10.5 The owners/building managers of the buildings in the vicinity and other individual objected the application mainly had concerns on the proposed elevated pedestrian connections to Kwun Tong MTR Station via Entrepot Centre, Crocodile Centre and APM Millennium City 5 (**Plan A-3**) from pedestrian congestion, lease, building safety and management perspectives. There were comments from other individuals on potential adverse impacts on air, noise and water pollution aspects; concerns on the effectiveness and sustainability of the proposed greenery; and considered that assessments on cumulative impacts of minor relaxation of PR up to 20% should be conducted.
- 10.6 4 public comments (**Appendix IV(50) to (53)**) providing views on the Proposed Scheme that the podium area was excessive, more ancillary parking, PVP and L/UL spaces, and an alternative routes for pedestrians should be provided.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (by +20%) for a proposed 44-storey c/o development (including 5 basement levels) 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. The proposed BH of 200mPD does not exceed the BHR for the Site under the OZP.

Policy Aspect

- 11.2 Part of the Site (at 119-121 How Ming Street) is an IB built in 1978 with lease restricted for ‘special factories’, thus DEVB considers that the Policy is not directly relevant to any of its redevelopment proposal. Notwithstanding that, he advises that this application is worthy of support from the perspectives of optimising the use of three sites for provision of maximum office space in a rare opportunity of amalgamated redevelopment with due regard to other merits associated with the

^[9] Wong Tse Building has been wholesale converted for c/o development since 2014.

Proposed Scheme e.g. improvement measures that would enhance the walkability; provision of over 300 parking spaces that may help improving the traffic conditions and addressing the illegal parking problem, and redevelopment to facilitate the on-going transformation of KTBA. Head of EKEO comments that the proposed redevelopment to c/o uses aligns with the EKE initiative to transform KE into a premier CBD and is therefore generally supported.

Technical Aspects

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

Planning and Design Merits

- 11.4 The Site abuts Hoi Yuen Road which is a key pedestrian corridor connecting Kwun Tong MTR station (**Plan A-3**). Full-height setbacks of 4m and 4.6m from the Lot boundary abutting Hoi Yuen Road and How Ming Street as per ODP and voluntary setbacks as detailed in paragraph 1.3 for provision of setbacks at pedestrian level with total width of about 7.29m and 5.5m along Hoi Yuen Road and How Ming Street respectively has been incorporated which would help alleviating the existing busy pedestrian corridors. The back alley concerned is identified as part of EKEO's 'Back Alley Project @ Kowloon East', VGs and feature walls are incorporated at the façade facing back alley to enhance its attractiveness and could generally serve as an alternative route to the Kwun Tong MTR Station (**Drawing A-18**).
- 11.5 Taken into account the forecast pedestrian flow in the vicinity and in response to the comment from C for T, the applicant has proposed three connection points within the Site with structure supports for future possible pedestrian connections to adjoining buildings (**Drawings A-2 and A-3**). Head of EKEO and C for T generally support the proposed possible grade-separated links which may help alleviating the congested pedestrian environment by providing additional routes between How Ming Street/Hoi Yuen Road and MTR Kwun Tong Station and enhancing connectivity and walkability in KTBA. While the materialisation of these possible pedestrian connections is a long term measure subject to agreement with the owners of the adjacent buildings, technical assessments to ascertain its feasibility and approval by relevant departments, incentives have been provided to individual landowners for implementation of the private-initiated pedestrian links under the "Policy of Facilitating Provision of Pedestrian Links by Private Sector"^[10], which could be

^[10] For enhancing pedestrian connectivity and walkability, the Government introduced the "Policy of Facilitating Provision of Pedestrian Links by Private Sector" in 2016 to incentivise private sector by inter alia, waiving the land premium payable for lease modification for provision of planned pedestrian links recommended under the Study. When receiving private-initiated proposals that are outside those recommended under Study (including the possible pedestrian connections under the Proposed Scheme), the Government would assess the proposals based on the technical assessment and implementation details submitted by the project proponents on a case-by-case basis, and consider such application under the established mechanism of the said policy.

processed in the lease modification exercise.

- 11.6 The Proposed Scheme has incorporated various landscape treatments at sections of the façade facing Hoi Yuen Road, How Ming Street and the back alley with overall greenery coverage of 20% (with 10% at primary zone) as detailed in paragraph 1.5 above (**Drawings A-2 to A-7, A-10 and A-16**). CTP/UD&L, PlanD considers that these measures may contribute to improvement of the streetscape by softening the building edge, promoting visual interest and pedestrian comfort.
- 11.7 The Proposed Scheme would amalgamate three lots into one development with one vehicle run-in/out proposed at How Ming Street. Such arrangement would generally reduce the building bulk and minimise pedestrian/traffic conflict at the vehicular accesses along Hoi Yuen Road compared to the scenario of having different redevelopment proposals.
- 11.8 While the proposed floor-to-floor height of 4.95m for typical office floor appears to be on the high side as compared with other new c/o redevelopments and approved similar applications in KTBA (between about 3.5m to 4.08m), and with no particular operational/functional justification. The development would be within the BHR of 200mPD. Both CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment from visual impact point of view. While a relatively high SC (of not more than 92%) is proposed for the podium level up to 55m (i.e. 8/F) which is subject to approval by BA under B(P)R, permeable design features allowing G/F and tower setbacks as detailed in paragraph 1.3 above has been adopted in the Proposed Scheme (**Drawings A-12 and A-13**).
- 11.9 On the building sustainable aspect, compliance with relevant requirements under SBDG would be checked by BA in GBP submission stage, and low E-glass would be adopted for building energy efficiency as claimed by the applicant. The applicant will consider incorporation of rainwater recycling system in detailed design stage.

Previous and Similar Applications

- 11.10 Portions of the Site are subject of two previous applications (Nos. A/K14/793 and 794) for minor relaxation in PR restriction approved with conditions by the Committee. Within KTBA, the Committee had previously approved 16 similar applications for minor relaxation in PR and/or BH restriction under/not relating to the Policy on grounds mentioned in paragraphs 5 and 6 above that are applicable to the subject application. Approval of the application is in line with the previous decision of the Committee on other similar applications.

Public Comments

- 11.11 There are 53 public comments received, amongst them, the 6 supportive comments are noted. Regarding the objecting comments from one of the owners of the Lot, the applicant has complied with the requirements as set out in the TPB PG-No. 31A by publishing newspaper notices and posting site notices. For the comments of other owner(s) of the Lot on whether the Site should be redeveloped or wholesale-converted is commercial decision of the applicant. Regarding comments on traffic, air ventilation, visual and environmental impacts, landscape provision, design merits, and technical feasibility and management of the possible pedestrian connections, relevant departments after reviewing the public comments and the applicant's responses have no adverse comment on the application, and their comments at paragraph 9 and the assessments above are relevant. Regarding the view on conducting comprehensive assessments on cumulative impacts of similar

applications, these applications are assessed on individual merits and concerned departments have no adverse comments on the Proposed Scheme.

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 20.5.2026, 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 with updated pedestrian and vehicular traffic survey, 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;
- (f) the design and provision of connection points for future elevated passage connections to 117 How Ming Street, 79 Hoi Yuen Road and 68 Hoi Yuen Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (g) 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 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 14.9.2021
Appendix Ia	Consolidated Report received on 17.5.2022
Appendix II	Similar applications
Appendix III	Other technical comments from Government bureau/departments
Appendices IV(1) to IV(53)	Public comments received during the statutory publication periods
Appendix V	Recommended advisory clauses
Drawings A-1 to A-9	Floor plans submitted by the applicant
Drawing A-10	Greenery Calculation submitted by the applicant
Drawings A-11 and A-12	Diagrammatic sections submitted by the applicant
Drawings A-13 to A-17	Illustrations submitted by the applicant
Drawing A-18	Pedestrian connection plan submitted by the applicant
Drawing A-19	Proposed Hoi Yuen Road/ How Ming Street/ Shing Yip Street junction improvement 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
Plans A-5 and A-6	Site photos