

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/809

- Applicant** : Hecny Transportation Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : 1 Tai Yip Street and 111 Wai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 927m²
- Lease** : (a) Kwun Tong Inland Lot Nos. 567, 568 and 657 (the Lots)
(b) Restricted to industrial or godown purposes or both excluding offensive trades purposes
(c) Maximum height of 170 feet above principal datum
- Plan** : Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/24 (currently in force)
Draft Kwun Tong (South) OZP No. S/K14S/23 (at the time of submission)
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0, or the PR of the existing building, whichever is the greater
(b) Maximum building height (BH) of 100 meters above Principal Datum (mPD), or the height of the existing building, whichever is the greater
[Same zoning and development restrictions 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 and BH Restrictions 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%) as well as relaxation of BH restriction (BHR) from 100mPD to 119.5mPD (i.e. +19.5m or +19.5%) at 1 Tai Yip Street and 111 Wai Yip 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 and BH restrictions is to facilitate an amalgamated redevelopment of existing buildings^[1] into a 31-storey development (including 4 levels of basement carpark)

^[1] The Site comprising two buildings, namely Hay Nien Building and Hecny Centre, and both with Occupation Permit (OP) issued in 1980 for industrial uses. Under the previous Revitalisation Scheme for IBs, special waiver for wholesale conversion of Hecny Centre at 111 Wai Yip Street for office purpose for the lifetime of the existing building was executed in 2016 and the corresponding building works were completed in 2018.

for ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses (the Proposed Scheme) which are 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 The eastern portion of the Site at 1 Tai Yip Street is the subject of a previous planning application (No. A/K14/783) (**Plan A-1**), submitted by another applicant who owns the lot concerned for minor relaxation of PR restriction from 12 to 14.4 as well as an increase in BHR from 100mPD to 115.4mPD for proposed ‘Hotel’ use, which was approved with conditions by the Metro Planning Committee (the Committee) on 20.11.2020 (see details at paragraph 5 below).
- 1.3 According to the Proposed Scheme, in addition to the 2.3m, 1.5m and 1.5m full-height building setbacks from the Lot boundary along Wai Yip Street, Tai Yip Street^[2] and the back alley respectively in accordance with the requirements under the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), an additional 3.5m aboveground setback (except a minor portion at the northwestern end) along the back alley have been incorporated in the Proposed Scheme that exceeds the 1.5m G/F only non-building area (NBA) as required for the Site^[3] (**Drawings A-1, A-6 and A-7**). A voluntary corner splay (of about 3.5m²) from G/F to 5/F at the junction of Wai Yip Street and Tai Yip Street is also proposed (**Drawings A-1 and A-6**). In response to the comments from the Committee as raised in considering the previous application, a canopy^[4] (1.5m-wide) along full frontages abutting Wai Yip Street and Tai Yip Street is proposed (**Drawing A-2**). Vehicular ingress/egress is proposed at Wai Yip Street (**Drawing A-1**).
- 1.4 Various greenery proposals are incorporated in the Proposed Scheme including planters on 1/F and 2/F facing Wai Yip Street, vertical greenings (VGs) at portions of façade facing Wai Yip Street from G/F to 3/F and facing Tai Yip Street at G/F, and greenery area at edge of podium garden facing Wai Yip Street on 3/F (**Drawings A-1 to A-4, A-6 to A-10**). The podium garden will be opened for tenants and visitors of the building during operation hours of the Proposed Development. A total greenery coverage of about 30% is provided (**Drawing A-10**).
- 1.5 Floor plans, section plans, greenery calculation, illustrations and photomontages submitted by the applicant are shown at **Drawings A-1 to A-12**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 927m ²
Proposed Uses	‘Office’, ‘Shop and Services’ and ‘Eating Place’
Maximum PR	14.4 (+20%)
Maximum Gross Floor Area (GFA) ^(#)	About 13,348.8m ²
Maximum BH (at main roof level)	119.5mPD (+19.5%)

^[2] With the proposed full-height setbacks, Wai Yip Street and Tai Yip Street would be widened to about 5.9m and 3.8m respectively.

^[3] Same as the requirement under ODP for the G/F NBA, G/F of the proposed 3.5m aboveground setback at back alley would be for loading/unloading use.

^[4] Design of canopy is subject to departmental comments at detailed design stage and approval in building plan submission stage.

Major Development Parameters	Proposed Scheme
No. of Storeys	31
• Aboveground	27
• Basement Carpark	4
Maximum Site Coverage (SC) ^(#)	
• Podium (below 15m)	About 80%
• Tower	About 65%
Greenery Coverage	About 30% (about 18.8% at primary zone)
Parking and L/UL Facilities	
• Car Parking Spaces	60 (incl. 2 accessible parking)
• Motorcycle Parking Spaces	6
• L/UL Bays for Light Goods Vehicles	5
• L/UL Bays for Heavy Goods Vehicles	1
Setbacks	
• Wai Yip Street	2.3m full-height ^(*)
• Tai Yip Street	1.5m full-height ^(*)
• Back alley	1.5m full-height ^(*) + 3.5m aboveground ^(^)
• Voluntary Corner Spray at the junction of Wai Yip Street and Tai Yip Street	About 3.5m ² (G/F to 5/F)
Anticipated Year of Completion	2026

Note:

^(#) On top of the PR/GFA/SC set out above, the applicant has indicated that bonus PR of about 1.02 (equivalent to a GFA of about 942.14m²) and bonus SC of 2.5% 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.

^(*) Full-height building setbacks required for the Site as per the adopted ODP.

^(^) 1.5m NBA (from G/F with clear headroom of 5.1m) as required under the adopted ODP for the Site.

1.6 The main uses by floor and the floor-to-floor height under the Proposed Scheme (**Drawings A-1 to A-6**) are summarized as follows:

Floor ^[#]	Main Uses	Floor Height (m)
B1/F - B4/F	Basement carpark	3.8 to 5
G/F	Lift lobby, L/UL and E&M	5
1/F-3/F	Shop & Services and/or Eating Place, E&M, Podium Garden (on 3/F)	5 (4.5 for 3/F)
5/F	E&M	3.5
6/F – 30/F	Office	4.1

Note: ^[#] 4/F, 13/F, 14/F, and 24/F are omitted. Transfer plate with floor height of 2.1m is proposed between 5/F and 6/F.

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

(a) Application form received on 27.9.2021

(Appendix I)

- (b) Supporting Planning Statement enclosing architectural drawings, illustrations, Traffic Impact Assessment (TIA), Visual Impact Assessment (VIA) and Sewerage Impact Assessment (SIA) received on 27.9.2021
 - (c) 1st and 2nd further information (FIs) received on 17.1.2022 and 19.1.2022 enclosing responses to departmental and public comments, revised TIA, revised SIA, floor plans, sections and visual illustrations, and replacement pages of the Planning Statement and VIA ^[#]
 - (d) 3rd FI received on 21.4.2022 enclosing responses to departmental comments, revised TIA, SIA, floor plans and visual illustrations ^[*]
 - (e) 4th FI received on 19.5.2022 enclosing responses to departmental comments, revised SIA and visual illustrations ^[*]
 - (f) 5th FI with replacement pages vide letters dated 27.5.2022 and 30.5.2022 providing a consolidated report containing Supporting Planning Statement, consolidated R-to-C tables and finalised technical assessments^[*]
- (Appendix Ia)^[5]

Remarks:

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

^[*] *accepted and exempted from publication requirement*

- 1.8 On 26.11.2021 and 4.3.2022, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI to address departmental comments. With the 3rd FI received on 21.4.2022, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in the Supporting Planning Statement and the FIs at **Appendix Ia**, and summarized as follows:

Align with Government's Policy to Revitalise IBs

- 2.1 The Site with existing buildings constructed before 1987 that fall within non-residential zone in main urban area and therefore satisfies relevant criteria for application of redevelopment with 20% increase in PR under the Government's Policy in relation to revitalisation of IBs (see paragraph 3.1 below for details). The proposed development within minor relaxation of PR and BH restrictions would help materialising the Government's policy to revitalise the aged IBs by relaxing their development potential and contribute to addressing the needs on economic floor

^[5] A consolidated report with replacement pages containing Supporting Planning Statement, finalised technical assessments and consolidated responses to comments (R-to-C) tables were submitted by the applicant on 27.5.2022 and 30.5.2022 (**Appendix Ia**) that supersedes all previous submissions, thus items as listed from (b) to (e) above are not attached in this Paper.

space in a timely manner. Furthermore, the various planning and design merits as incorporated in the Proposed Scheme (see details in paragraphs 2.3, 2.7 and 2.8 below) demonstrate the applicant's intention to deliver quality redevelopment and improve neighbouring environment.

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

- 2.2 The 2014 Area Assessments revealed that KTBA has been undergoing active transformation and land use restructuring from traditional industrial uses to non-polluting industrial and business uses by way of redevelopment; thus the Proposed Scheme with 'Office', 'Shop and Services' and 'Eating Place' uses is in line with the on-going transformation of KTBA and aligns with planning intention of the "OU(B)" zone, which is intended primarily for general business uses. Proposed redevelopment for commercial/office (C/O) building at the Site also echoes the Energizing Kowloon East (EKE) Initiative.

Planning and Design Merits of the Proposed Scheme

- 2.3 The Proposed Scheme incorporated various design measures to enhance the pedestrian environment including the setback/corner spray proposals and provision of continuous canopy as detailed in paragraph 1.3 above. Besides, the section of back alley concerned would be decorated with lighting and artistic painting for better pedestrian environment and for maximizing sunlight penetration (**Drawing A-8**). The podium garden on 3/F with edge planting facing Wai Yip Street is proposed to enhance visual permeability, allow cross-ventilation while maximising greening opportunity (**Drawings A4, A-6 to A-9**). Greenery proposals are detailed at paragraph 1.4 above.

Optimal Increase in BH and No Adverse Visual Impacts

- 2.4 The Site is elongated in shape and the effective site has been reduced to 80% (after provisioning of the required and voluntary setback areas) that impose constraints for the Site to have an effective floor plate design. The Proposed Scheme has fully utilised the SC permissible under B(P)R. Basement floors have been fully utilised for car parking spaces with no room for E&M installations, 5/F is therefore designated for E&M use. The provision of transfer plate in the Proposed Scheme increases structural flexibility for the car park driveway and parking floor. The proposed increase in BH by about 20% is considered not disproportional by comparing against the magnitude of increase in PR by 20% under application.
- 2.5 On visual impact aspect, efforts have been made in the building design (e.g. full height setbacks and podium garden) to minimise the visual bulk and enhance visual permeability. As demonstrated in the photomontages (**Drawings A-11 and A-12**) under VIA as submitted, the Proposed Scheme would be visually blend in well with the surrounding new developments and compatible with the stepped BH profile in the area.
- 2.6 As compared with the previous approved application for hotel use (A/K14/783) with an approved BH of 115.4mPD, a higher BH of 119.5mPD is under application as typical floor-to-floor height of office is generally higher than for hotel (3.15m under A/K14/783). With reference to the other approved planning applications for minor relaxation of PR (+20%) and BH (with range between +15% to +25.9%) restrictions in KTBA, the proposed scale of minor relaxation is considered appropriate and comparable. Besides, all design merits as adopted in these similar application (e.g.

provision of various landscape treatments, podium garden, voluntary setback etc.) have been incorporated in the Proposed Scheme. In general, the Proposed Scheme complies relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP.

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

- 2.7 As the site area is less than 1,000m², the three requirements under the SBDG are not applicable to the Site; yet effort has been made for improving the Proposed Scheme. For instance, voluntary aboveground setback as incorporated would increase the separation with the adjacent building across the back alley and the SC of greenery of about 30% as proposed exceeds the minimum 20% requirement for site with an area between 1,000m² and 20,000m² under SBDG.
- 2.8 The applicant will explore to achieve ‘Provisional Gold’ rating under the Building Environmental Assessment Method Plus (BEAM plus) New Buildings in the detailed design stage. The Proposed Scheme will adopt low-E glass and material with low thermal conductivity for the building façade, subject to detailed design. Sun-shading devices will also be installed at appropriate locations as architectural features to improve the OTTV performance. Adoption of recycled water for irrigation purposes will be designed at detailed design stage subject to technical feasibility and E&M coordination.

Other Technical Aspects

- 2.9 As demonstrated in the TIA as submitted, the proposed development will not result in adverse traffic impact to the surrounding road network, and therefore is acceptable from traffic engineering grounds. The elongated site configuration and the need to provide full-height setback at three sides of this corner site impose constraints in providing parking and L/UL facilities that meet the requirements under the Hong Kong Planning Standards and Guidelines; yet 4-level basement carpark have been provided which demonstrate the applicant’s effort made in meeting relevant parking demand.

3. Background

Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in the PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987^[6], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “Residential” zones in Main Urban Areas and New Towns into industrial/commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible

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

under the B(P)R^[7]. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.

- 3.2 The time limit for owners to submit applications was three years, with effect from 10.10.2018. As announced in the PA 2021, the implementation period of the scheme will be extended to October 2024. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

Imposition of BHRs for KTBA

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

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

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

5. Previous Application

- 5.1 The eastern portion of the Site at 1 Tai Yip Street is the subject of a previous application (No. A/K14/783) (**Plan A-1**) submitted by another applicant who own the lot concerned for proposed minor relaxation of PR and BH restrictions for proposed 33-storey hotel development with a PR of 14.4 and BH of 115.4mPD, which was approved with conditions by the Committee on 20.11.2020. Details of this application are summarised in **Appendix II**.

^[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.

- 5.2 The Secretary for Development (SDEV) gave policy support to this previous application under the Policy. In considering this application, 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 bureaux/departments (B/Ds).

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

- 6.1 Within KTBA, there were three similar applications (Nos. A/K14/794, 806 and 807) for minor relaxation of PR restriction and/or BHR not relating to the Policy (**Appendix II** and **Plan A-1**), which were approved with conditions by the Committee on 16.4.2021, 14.1.2022 and 20.5.2022 having regard to the considerations set out in paragraph 5.2 above.
- 6.2 Since March 2019, the Committee has considered a total of 16 applications relating to the Policy (including the previous application as discussed in paragraph 5 above), with 12 applications for minor relaxation of both PR and BH restrictions in KTBA. (**Appendix II** and **Plan A-1**). Among them, 15 applications were approved with conditions and one application (No. A/K14/764) was rejected mainly on the consideration that insufficient planning and design merits to support the proposed relaxation in BHR^[8].
- 6.3 A similar application for minor relaxation of PR and BH restrictions in KTBA (No. A/K14/804) is 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 two buildings, namely Hecny Centre (about 47mPD) at 111 Wai Yip Street and Hay Nien Building (about 47mPD) at 1 Tai Yip Street, built in 1980. Of which, wholesale-conversion of Hecny Centre from IB to office building was completed in 2018;
 - (b) a corner site abutting Wai Yip Street, Tai Yip Street, and a back alley, and a C/O building to its northwest under construction, which is the subject site of an similar application (No. A/K14/780) (with approved BH of 115mPD); and
 - (c) at about 200m to the southwest of the Ngau Tau Kok MTR Station across Kwun Tong Road.
- 7.2 The surrounding areas have the following characteristics (**Plans A-1 to A-4**):
- (a) the neighbouring building along Wai Yip Street are mixed with C/O buildings (namely One Bay East and NEO across Wai Yip Street, all with BHs of 100mPD), IBs or I-O buildings. A C/O building, namely International Trade Tower (100 mPD), is to its southeast across Yan Yip Street;

^[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.

- (b) the Hoi Bun Road Park is located opposite to the Site on the other side of Wai Yip Street;
- (c) five sites to the further east abutting Tai Yip Street and Lai Yip Street are under different stages of redevelopment for proposed C/O and/or non-polluting industrial developments (Nos. A/K14/763, 774, 782, 806, and 810) for minor relaxation of PR restriction and BHR from 100mPD to 125.9mPD.

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 B/Ds

- 9.1 The following Government 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) it is noted that 1 Tai Yip Street is related to a previous application (Application No. A/K14/783) for minor relaxation of PR restriction to 14.4 for developing a new building for proposed 'Hotel' use, which was approved with conditions by the Committee on 20.11.2020;
- (b) it is also noted that 111 Wai Yip Street is the subject site of an approved application for special waiver for wholesale conversion of an IB under the previous revitalisation scheme implemented by Government between 2010 and 2016. The special waiver concerned was duly executed in December 2016, with the waiver fee fully exempted, to permit the lot and the 12-storey building originally built for industrial purposes to be used for specified non-industrial uses, 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 uses 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 BD and the latter's certification of such in November 2018. In view of such background, the wholesale converted building is not the targeted aged IBs under Government's present policy to incentivise IB redevelopment. The current measure to allow relaxation of the maximum permissible non-domestic PR by up to 20% for redevelopment on a case-by-case basis 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 (for example, many did not have automatic sprinkler systems or other modern fire service installations). Given that the existing building at 111 Wai Yip Street is now a commercial building in practice, the Policy as described in paragraph 3.1 above is not directly applicable to this application in relation to a wholesale-converted building; and
- (c) the proposed joint development, amalgamating two sites, for developing a 31-storey new C/O building (including 3 levels of basement carpark) up to a PR of 14.4 (+20%) may supply a total GFA of about 13,000m². 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 as proposed by this application will bring about 2,000m² of commercial GFA additionally, hence going some way towards addressing the shortfall in the territory and providing more solution space for facilitating the on-going transformation of KTBA. He echoes the Energizing Kowloon East Office (EKEO) which is generally supportive of the proposed commercial redevelopment, as it (if materialised) would align with the EKE initiative to transform Kowloon East into a CBD. At the recent report of "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030", the Government should "provide a good mix of spaces for various industries to grow including office spaces in CBDs

and other office nodes...”. In this regard, subject to no adverse comments in terms of technical feasibility from relevant departments (particularly from the Transport Department (TD) regarding the TIA, and from EKEO regarding the pedestrian environment and walkability), the proposed relaxation of PR is worthy of support from the perspective of optimising the use of the sites for provision of maximum office space in a rare opportunity of amalgamated redevelopment. He would leave it to relevant B/Ds to access the merits of the proposed relaxation of BHR.

Land Administration

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

- (a) the Site is located at KTIL Nos. 657, 567 and 568 (the Lots) 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; and
- (b) the proposed C/O 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 reviewed the TIA and the FIs, 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(b) to 12.2(c) below are suggested.

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) he has no in-principle objection to the application from environmental planning perspective;
- (b) noting that the applicant has confirmed that the proposed development

will be equipped with central air-conditioning system and not rely on opened window for ventilation, he has no comment on the location of fresh air intake which will be above 5th floor and more than 20m above ground;

- (c) the Site is occupied by existing IBs which are a potential land contamination land use, nevertheless, the land contamination issue would be unlikely insurmountable. He recommends to impose approval condition as set out in paragraph 12.2(a) below, if the Board decides to approve the application;
- (d) based on the submitted SIA, he consider that insurmountable sewerage impacts are not anticipated for the minor relaxation or PR and BH restrictions; and
- (e) the development proposal would involve the demolition of the existing buildings and a large amount of construction and demolition (C&D) materials would be generated. The applicant is advised to minimise the generation of C&D materials on site as far as practicable; and observe and comply with the legislative requirement and prevailing guidelines on proper waste management for the proposed development.

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) the Site, of about 927m², is a corner site located at the junction of Tai Yip Street and Wai Yip Street within the northwestern portion of KTBA with an intended BH profile between 100mPD and 160mPD. Given the context and as illustrated in the photomontages (**Drawings A-11 and A-12**), accommodation of the proposed development with a BH of 119.5mPD would unlikely induce significant adverse effects on the visual character of the surrounding townscape. The floor-to-floor height of 4.1m for office use as proposed is not unreasonable; and
- (b) as detailed in paragraphs 1.3 and 1.4 above, incorporation of the various design measures may contribute to improvement of the streetscape by softening the building edge, promoting visual interest and enhancing pedestrian comfort;
- (c) he has no adverse comment on the application from urban design and visual impact perspectives;

Landscape Aspect

- (d) with reference to the aerial photo of 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) various greenery proposals as detailed in paragraph 1.4 are incorporated. Adverse landscape impact caused by the proposed

minor relaxation in PR and BH restrictions is not anticipated. 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.

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

the Proposed Scheme consists of one tower with PR of 14.4 and BH of 119.5mPD. Since applications with BH of 115/125.9mPD in the adjacent “OU(B)” areas in the OZP are approved, he has no comment from architectural and visual point of view on the application.

Fire Safety

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

Building Matters

9.1.9 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;

and

- (d) for the canopy projecting over the setback area to be surrendered, comment from TD, HyD and LandsD should be sought in detailed design stage.

Pedestrian Accessibility and Walkability

9.1.10 Comments of the Head of EKEO, Development Bureau:

- (a) 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, 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 his Office, the current proposed scheme has met the setback requirements under the adopted ODP; and
- (c) L/UL area is proposed along the 1.5m NBA at the back alley. The applicant is advised to modify the internal design of G/F to minimize the encroachment onto the 1.5 m NBA area as far as possible in detailed design stage.

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

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

10. Public Comments Received During Statutory Publication Period

The application and FIs were published for public inspection on 5.10.2021 and 28.1.2022 respectively. Within the two statutory public inspection periods, a total of 4 public comments were received. Among them, two 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 (2)**). Two public comments (**Appendices IV(3) to (4)**) from the same individual objected the application mainly on the grounds that the proposed development lacks planning and design merits for justifying the relaxation of BHR; larger corner splay should be provided to facilitate pedestrian passage, minor relaxation of PR and BH restrictions would affect the integrity of the restrictions as imposed on the OZP, which would induce adverse impacts on air ventilation and sunlight penetration; and have questions on the greenery proposal with only planters be proposed.

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 119.5mPD (+19.5%) for a proposed 31-storey (including 4

levels of basement carpark) development for permitted ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses at the Site zoned “OU(B)”. The proposed development is generally in line with the planning intention of the “OU(B)” zone, which is primarily for general business uses, and is not incompatible with the surrounding uses within KTBA.

Policy Aspect

- 11.2 The two existing buildings were built in 1980 for industrial purposes, with one (at 111 Wai Yip Street) was wholesale-converted in 2018 for office use with fire service installations upgraded to prevailing standards under the previous scheme of IB revitalisation. 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. That notwithstanding, SDEV considers that the proposed relaxation of PR restriction under application 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 amalgamated redevelopment, subject to no adverse comments from relevant departments on technical feasibility aspect. Head of EKEO comments that the proposed redevelopment to c/o uses aligns with the EKE initiative to transform Kowloon East into a premier CBD and is therefore generally supported.

Minor Relaxation of PR Restriction

- 11.3 The applicant has submitted technical assessments confirming the feasibility of the Proposed Scheme. TIA as submitted, taken into account all committed/planned developments including the approved and on-going similar applications, reveals that the Proposed Scheme has no adverse traffic impacts on the surrounding road network and is 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 (+19.5%) is proposed for accommodating the minor relaxation of 20% in PR restriction being sought and the bonus PR subject to approval of the BA under B(P)R in relation to surrender of land for use as public passage/street widening. With the elongated site configuration, and the provision of the required full-height setbacks at three sides of the Site as well as the voluntary aboveground setback at back alley (taking up a total of about 34.9% of the site area), the permissible SC under B(P)R has already been utilized to accommodate the addition PR with optimal increase in BH as claimed by the applicant. As elaborated in paragraphs 11.6 to 11.8 below, the Proposed Scheme generally meets the criteria for considering application for minor relaxation of BHR as mentioned in paragraphs 8.2(a), (c) and (d) above (i.e. amalgamating smaller sites for achieving better urban design and local improvement, and providing 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 (+19.5%) sought is generally proportional to the proposed minor relaxation of PR restriction and CTP/UD&L, PlanD considers that the proposed floor-to-floor height of 4.1m^[9] for typical 'Office' floor is not unreasonable. The Site falls within BH band of maximum 100mPD with direct frontage to the waterfront but not abutting any street block with higher BH band. Yet, there are six similar applications (Nos. A/K14/763, 774, 780, 782, 806, and 810) with approved BHs of 115mPD and 125.9mPD for sites to the northwest and the southeast of the Site respectively (**Plan A-1**). As a whole, the intended BH profile descending from 160mPD to 100mPD for sites to the east and west of Lai Yip Street respectively, with transition of sites with approved BH of 125mPD to the east of Tai Yip Street, approved BH of 115mPD for the adjoining site to the west and the proposed BH of 119.5mPD at the Site in between, would not be severely undermined. Given the context and as illustrated in the photomontages (**Drawings A-11 and A-12**) of the submitted VIA, CTP/UD&L, PlanD advises that accommodation of the proposed development with a BH of 119.5mPD would unlikely induce significant adverse effects on the visual character of the surrounding townscape. CA/CMD2, ArchSD also has no comment on the application from architectural and visual point of view.

Planning and Design Merits

- 11.6 Full-height building setbacks of 2.3m, 1.5m and 1.5m along Wai Yip Street, Tai Yip Street and the back alley respectively as required under ODP together with an additional voluntary 3.5m aboveground setback along the back alley are in line with intention of footpath/carriageway widening and/or amenity/streetscape enhancement (**Drawings A-1, A-6 to A-7**). The setback proposals would enhance the pedestrian environment and walkability as advocated by EKEO. A 1.5m-wide weather protection canopy along full frontage of Wai Yip/Tai Yip Streets (**Drawing A-2**) has been incorporated to address the advisory comment from the Committee on previous application for improving the environmental comfort at pedestrian level. The Proposed Scheme would amalgamate three lots into one thus only one vehicle run-in/out is required and such arrangement would generally minimise the pedestrian/traffic conflict at the vehicular accesses along Wai Yip Street under the scenario of having individual redevelopments.
- 11.7 The Proposed Scheme would adopt various landscape treatments as detailed in paragraph 1.4 that would achieve an overall SC of greenery provision of about 30% (about 18.8% at primary zone) (**Drawing A-10**). CTP/UD&L, PlanD advises that these design features may contribute to improvement of the streetscape by softening the building edge, providing visual interest and enhancing pedestrian comfort. He has no objection to the application from landscape planning perspective.
- 11.8 On the sustainable and green building design aspect, the applicant has considered the three key building design elements of SBDG in the Proposed Scheme even though such requirements are not applicable to the Site with area less than 1,000m². The applicant has demonstrated efforts in building design improvement by introducing greenery provision with SC of greenery of 30% as outlined in paragraph 1.4 above and the proposed additional 3.5m aboveground setback at the back alley for larger building separation with the building on the other side would help further

^[9] The floor-to-floor height for typical office floor adopted in other similar approved application for minor relaxation in BHR is in the range between 3.5m to 4.08m (**Appendix II**). This compared to a proposed floor-to-floor height of 3.15m as adopted in the previous approved application for 'Hotel' use under A/K14/783.

minimising the canyon effect at the back alley. Building energy efficiency such as adoption of low E-glass, sun-shading devices, have been taken into account and the applicant will explore to achieve 'Provisional Gold' rating under BEAM plus New Buildings in the detailed design stage.

Public Comments

- 11.9 There are 4 public comments received, amongst them, the two supportive comments are noted. Regarding the objecting comments on planning and design merits of the Proposed Scheme and provision of greenery aspects, the assessments above are relevant. For comments on air ventilation and sunlight penetration aspects, relevant departments have no adverse comment on the application. Regarding the view on the impact on the integrity of the restrictions as imposed on the OZP, all similar 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 10.6.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission of 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;
- (b) 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;
- (c) the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (d) the design and provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following

reason for rejection is suggested for Members' reference:

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 27.9.2021
Appendix Ia	FI vide letters dated 27.5.2022 and 30.5.2022 providing a consolidated report containing Supporting Planning Statement, consolidated R-to-C tables and finalised technical assessments
Appendix II	Similar applications
Appendix III	Other technical comments from Government departments
Appendices IV(1) to IV(4)	Public comments received during the statutory publication periods
Appendix V	Recommended advisory clauses
Drawings A-1 to A-5	Proposed floor plans submitted by the applicant
Drawings A-6 and A-7	Plans/Sections with Illustration showing the planning and design merits submitted by the applicant
Drawings A-8 and A-9	Artist's impressions submitted by the applicant
Drawing A-10	Greenery calculation submitted by the applicant
Drawings A-11 and A-12	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
JUNE 2022**