

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/810

- Applicant** : Simking Development Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 5 Lai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 1,026.878m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 535 RP (the Lot)
(b) Restricted to industrial or godown purposes or both excluding offensive trades purposes
(c) Maximum height of 170 feet above principal datum
- Plan** : Draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/23
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 12.0, 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
- 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 125.9mPD (i.e. +25.9m or +25.9%) at 5 Lai Yip Street (the Site), which is zoned “OU(B)” on the draft Kwun Tong (South) OZP No. S/K14S/23 (**Plan A-1**). The proposed minor relaxation of PR and BH restrictions is to facilitate the redevelopment of the existing 12-storey industrial building (IB)^[1] into a 32-storey commercial/office (c/o) development (including 4 levels of basement 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/BH restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).
- 1.2 According to the applicant, the proposed minor relaxation of PR restriction by 20% is in-line with the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise redevelopment of pre-1987 IBs by allowing the relaxation of maximum permissible non-domestic PR by up to 20% for sites located outside “Residential” (“R”) zones (see paragraph 3.1 below for details).

^[1] The Occupation Permit (OP) for the subject IB was issued in 1971.

- 1.3 According to the Proposed Scheme, in addition to the 3m full-height building setback from the Lot boundary along Hang Yip Street 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 voluntary corner setback (about 40m²) from G/F to 1/F at the main entrance facing Wai Yip Street has been incorporated in the Proposed Scheme (**Drawings A-1** and **A-11**). A canopy^[2] (1.5m-wide) is proposed along full frontage of Lai Yip/Wai Yip Streets (**Drawings A-1** and **A-11**). Vehicular ingress/egress is proposed at Hang Yip Street (**Drawing A-1**). To enhance pedestrian connectivity, an opening (3 – 5m wide) on 1/F for public access is reserved (**Drawing A-2**) for possible future connection to the proposed elevated walkway along Wai Yip Street currently under review by the Civil Engineering and Development Department (CEDD)^[3].
- 1.4 Various greenery proposals are incorporated in the Proposed Scheme including vertical greenings (VGs) at sections of façade facing Wai Yip and Lai Yip Streets from G/F to 2/F and peripheral plantings on 3/F, 16/F, 27/F and R/F (**Drawings A-1** to **A-4** and **A-7** to **A-11**). The podium garden will be opened for tenants and visitors of the building during opening hours (12:00 to 22:00), the communal sky garden cum refuge floor on 16/F and roof garden will be always opened to the occupants of the building. A total greenery coverage of about 27.73% is provided.
- 1.5 Floor plans, section plans, greenery calculation, illustration and photomontages submitted by the applicant are shown at **Drawings A-1** to **A-13**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 1,026.878m ²
Proposed Uses	‘Office’, ‘Shop and Services’ ‘Eating Place’
PR	14.4 (+20%)
Gross Floor Area (GFA) ^(#)	About 14,787.043m ²
BH (at main roof level)	125.9mPD (+25.9%)
No. of Storeys	32
• Aboveground	28
• Basement Carpark	4
Maximum Site Coverage (SC) ^(#)	
• Podium (below 15m)	Not more than 89.59%
• Tower	Not more than 62.5%
Greenery Coverage	About 27.73% (about 16.85% at primary zone)
Parking and Loading/Unloading (L/UL) Facilities	
• Car Parking Spaces	77 (incl. 3 accessible parking)
• Motorcycle Parking Spaces	8
• L/UL Bays for Light Goods Vehicles	7
• L/UL Bays for Heavy Goods Vehicles	4

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

^[3] The exact width, opening hours of the reserved opening and barrier-free access arrangement are subject to review in the detailed design stage in liaison with relevant Government Bureaux/ Departments (B/Ds) when the proposal of the planned elevated walkway is further developed.

Major Development Parameters	Proposed Scheme
Setback <ul style="list-style-type: none"> • Hang Yip Street • Voluntary Corner Setback facing Wai Yip Street 	3m full-height (*) about 40m ² (G/F to 1/F)
Anticipated Completion Year	2026

Note:

- (#) On top of the PR/GFA/SC set out above, the applicant has indicated that bonus PR of about 0.52 (equivalent to a GFA of about 534.375m²) and bonus SC of 1.283% 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 setback required for the Site as per the adopted ODP.

- 1.6 The main uses by floor and the floor-to-floor height under the Proposed Scheme (**Drawing A-9**) are summarized as follows:

Floor	Main Uses	Floor Height (m)
B4/F-B1/F	Basement carpark	3.5 (5.5 for B1/F)
G/F	Shop and Services/ Eating Place, L/UL	6.3
1/F – 6/F	Shop and Services/ Eating Place, Main Lobby (on 1/F), Podium Garden (on 3/F)	4.5 (5.5 for 1/F)
7/F	Electric and Mechanical (E&M)	4.5
8/F – 25/F	Office (except 16/F)	4
16/F	Communal Sky Garden cum Refuge Floor	5.9
26/F – 27/F	Shop and Services/ Eating Place	4.5

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

- (a) Application form received on 30.9.2021

Appendix I

- (b) Supporting Planning Statement enclosing architectural drawings, illustrations, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), and Visual Impact Assessment (VIA) received on 30.9.2021

- (c) 1st further information (FI) received on 15.11.2021 enclosing responses to comments (RtoC), revised architectural drawings, and replacement pages for SIA, VIA and TIA^[*]

Appendix Ia^[4]

- (d) 2nd FI received on 22.11.2021 enclosing RtoC, and TIA (on pedestrian assessment)^[#]

- (e) 3rd FI received on 3.1.2022 enclosing RtoC, revised TIA and architectural drawings, and replacement pages for VIA and SIA^[#]

- (f) 4th FI received on 31.1.2022 and 8.2.2022 enclosing RtoC^[*]

^[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 **10.2.2022 (Appendix Ia)** that supersedes all previous submissions, thus items as listed from (b) to (f) above are not attached in this Paper.

- (g) 5th FI via email dated 10.2.2022 providing a consolidated report containing Supporting Planning Statement, consolidated R-to-C tables and finalised technical assessments^[*] } **Appendix Ia^[4]**

Remarks:

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

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

2. Justifications from the Applicant

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

Response to the PA 2018 on Revitalisation Scheme for IBs

- 2.1 The proposed minor relaxation of PR restriction by 20% is in line with the PA 2018 to encourage owners to redevelop IBs constructed before 1.3.1987 to provide more floor area to make better use of the valuable land resources for Hong Kong's changing social and economic needs.

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

- 2.2 The Proposed Scheme with 'Office' 'Shop and Services' and 'Eating Place' uses is in line with the planning intention of the "OU(B)" zone, which is intended primarily for general business uses. The Site is located at an intersection point of a major pedestrian and vehicular corridor in KTBA with high connectivity to public transportation services and is within walking distance from the Ngau Tau Kok MTR Station. Redevelopment of the Site into modern office building would facilitate the phasing out of deteriorated IBs and the ongoing transformation of KTBA with quality c/o floor space and synergise with the surrounding redevelopment projects.

Planning and Design Merits of the Proposed Scheme

- 2.3 The Proposed Scheme incorporated various design measures to enhance the pedestrian environment. Apart from the proposed full-height setback of 3m along Hang Yip Street as required under the ODP, additional planning and design merits are proposed including (i) voluntary corner setback furnished with VGs from G/F to 1/F at the main entrance facing Lai Yip Street (about 40m²) to provide better pedestrian circulation, visual amenity and wind permeability; (ii) a 1.5m-wide canopy along full frontage of Lai Yip/Wai Yip Streets to further enhance pedestrian comfort; (iii) a podium garden on 3/F to enhance visual quality on street level, a communal sky garden cum refuge floor at 16/F and roof garden to enhance the permeability and roof garden to reduce heat gain, and all such facilities would be opened for tenants and visitors of the building to serve as a social gathering place; and (iv) tower setback (3/F and above) of about 14.8m from Wai Yip Street with curved corner of façade would allow better air ventilation (**Drawings A-1 to A-4 and A-7 to A-11**). Greenery proposals are detailed at paragraph 1.3 above.
- 2.4 To allow flexibility for the Government to connect the proposed elevated walkway along Wai Yip Street to the Site as per comments from CEDD, an opening on 1/F for public access for future connection is reserved to enhance overall pedestrian connectivity in KTBA. The applicant is willing to absorb the resultant additional GFA if it could not be exempted in the general building plan (GBP) submission stage.

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

- 2.5 The Proposed Scheme adopts a BH which is compatible with the adjacent redevelopment sites including the approved planning applications (Nos. A/K14/763, 774 and 806) along Lai Yip Street for minor relaxation of BHR from 100mPD to 125.9mPD (i.e. same as the BH of the Proposed Scheme) (**Plan A-1**), which is lower than the adjacent developments across Lai Yip Street subject to a BHR of 160mPD, and the stepped BH profile in KTBA could still be maintained.
- 2.6 Optimal building design is adopted to minimise increase in BH with regards to its site constraint. Set aside the provision of required setback per the ODP (taking up about 10% of the site area), the Site is triangular in shape that would result in many spaces with sharp and irregular corners that are difficult to utilise. As such, lift lobby and transformer rooms that are usually placed on G/F has to be placed on 1/F, and a dedicated floor on 7/F is required solely for E&M facilities which occupy more aboveground floor spaces. The Proposed Scheme has fully utilised the SC permissible under B(P)R. A typical floor-to-floor height of 4m and 4.5m are proposed for 'Office' and 'Shop and Services'/'Eating Place' uses respectively, which are considered optimal for quality c/o development.

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

- 2.7 The Proposed Scheme fulfils four out of six relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) of the OZP, including
- (a) accommodating the minor relaxation of PR restriction by 20% under application as well as the bonus PR that is subject to approval of the BA under the B(P)R in relation to surrendering of land/area for use as public passage/street widening;
 - (b) providing better streetscape/good quality street level public urban space with the proposed setbacks and greenery provision as discussed in paragraphs 2.3 and 2.8;
 - (c) providing separations between buildings to enhance air ventilation and visual permeability with proposed full-height and voluntary setbacks, and the open-sided communal sky garden cum refuge floor; and
 - (d) accommodating building design to address specific site constraints as discussed in paragraph 2.6 above.

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

- 2.8 The Proposed Scheme has complied with the SBDG including: (i) the proposed building facade length is less than 60m which is below the building separation requirement; (ii) no part of the building is built within 7.5m from the centreline of Lai Yip Street and Hang Yip Street; and (iii) the overall SC of greenery of about 27.73% (about 16.85% at primary zone) exceeds the minimum 20% requirement for site with an area between 1,000m² and 20,000m². In particular the greenery at primary zone would enhance the visual amenity at street level.
- 2.9 The applicant intends to apply for the Building Environmental Assessment Method Plus (BEAM plus) Certification for the Proposed Scheme in the detailed design stage. The Proposed Scheme will adopt low-E glass for the curtain wall to reduce heat transmission of the building façade. Irrigation system with recycled water will be provided to reduce water consumption and rainwater recycle system will be considered during detailed design stage.

Technical Aspects

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

3. Background

Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in the PA 2018, to provide more floor area to meeting Hong Kong's changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987^[5], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside "Residential" zones in Main Urban Areas and New Towns into industrial/commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R^[6]. 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

^[5] 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.

^[6] 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.

and heights of existing buildings in the subzones of “C” and “OU(B)” are at **Plan A-4**.

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 Application

There is no previous application at the Site.

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

6.1 Since March 2019, the Metro Planning Committee (the Committee) has considered a total of 16 applications for minor relaxation of PR and/or BH in KTBA, including 14 applications related to the Policy (**Plan A-1**). Among them, 13 applications were approved with conditions and one (No. A/K14/764) was rejected mainly on the consideration that there was insufficient planning and design merits to support the proposed relaxation in BHR^[7]. In consideration of the applications relating to minor relaxation of PR by up to 20%, the Committee generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs taking into account that relevant technical assessments were submitted to support the technical feasibility and there was no adverse comment from relevant Government departments. For proposed minor relaxation of BHR associated with such applications, the applicants have to demonstrate that the proposed BH will not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, and with due regard to the requirements under SBDG and green building design considerations (**Appendix II**).

6.2 Four similar applications for minor relaxation of PR and/or BH restrictions in KTBA (Nos. A/K14/804, 807 to 809) are being processed (**Plan A-1**).

7. The Site and Its Surrounding Areas (Plans A-1 to A-4 and photos on Plan A-5)

7.1 The Site is:

- (a) occupied by a 12-storey building (about 47mPD), namely Chen Yip Industrial Building, built in 1971;

^[7] Application No. A/K14/764 applied for relaxation of BH by 30.2% from 100mPD to 130.2mPD was rejected by the Board. Another similar application No. A/K14/771 involving the same application site as A/K14/764, with less extent of increase in BH to 119.7mPD (+19.7%), was subsequently approved with conditions by the Board.

- (b) a corner site bounded by Hang Yip Street, Wai Yip Street and Lai Yip Street to its northwest, south and east respectively, and a vacant site to its northeast, which is the subject site of application (No. A/K14/774) (with approved BH of 125.9mPD); and
 - (c) at about 150m to the southwest of the Ngau Tau Kok MTR Station.
- 7.2 The surrounding areas have the following characteristics (**Plans A-1, A-3 and A-4**):
- (a) four out of five lots (including the Site) along this section of Lai Yip Street are under different stages of redevelopment for proposed c/o developments, including three with planning permissions for minor relaxation of BHR to 125.9mPD (Nos. A/K14/763, 774 and 806); and
 - (b) seven existing c/o buildings, namely, No.1 Hung To Road (about 121mPD) and Tsui Wah Group Centre (about 26mPD) to the northeast across Lai Yip Street; International Trade Tower (about 100mPD) to the northwest across Hang Yip Street; and No. 133 Wai Yip Street (about 49mPD), NEO, C-Bons International Centre and MG Tower (all with BHs of 100mPD) to the further south along Wai Yip Street and Hoi Bun Road.

8. **Planning Intention**

- 8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings.
- 8.2 As stated in the ES of the OZP, to provide incentive for developments/redevelopments with design merits/planning gains, each application for minor relaxation of BHR under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air ventilation and visual permeability;
 - (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP; and
 - (f) other factors such as the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.
- 8.3 The ES of the OZP also stipulates that the setting back of buildings to cater for the future increase in traffic demand may also be required. The setback requirements are stipulated in the ODP (**Plan A-2**) and enforced through lease modification

process when appropriate.

9. Comments from Relevant B/Ds

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

Policy Perspective

9.1.1 Comments of the Secretary for Development (SDEV):

- (a) it is Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, relaxation of the maximum permissible non-domestic PR by up to 20% may be allowed, on a case-by-case basis, under the current revitalisation scheme for redevelopment in respect of pre-1987 IBs located outside "R" zones in main urban area and new towns. The implementation period of the said measure is now extended to 13.10.2024, according to PA 2021;
- (b) he supports the subject application in principle, as the proposed c/o development is in line with the current policy to encourage redevelopment of aged IBs and the planning intention of the "OU(B)", and would help facilitate the on-going transformation of KTBA, subject to it meeting all relevant requirements. He echoes with the Energizing Kowloon East Office (EKEO) which is generally supportive of the proposed c/o development, as it (if materialised) would align with the Energising Kowloon East (EKE) initiative to transform Kowloon East (KE) into a Central Business District (CBD). In addition, the proposed full-height building setback for footpath/carriageway widening and amenity/streetscape enhancement, if satisfying B/Ds' requirements, may enhance the walkability at this already busy district, while the proposed construction of 4 levels of basement carpark may go some way towards addressing the longstanding traffic congestion and illegal parking issues within the district; and
- (c) he would leave relevant B/Ds to assess the technical feasibility of the Proposed Scheme and the merits in support of the proposed minor relaxation of BHR.

Land Administration

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

- (a) the Site is located at KTIL 535 RP (the Lot). The Lot is restricted to industrial or godown purposes or both excluding offensive trades purposes and subject to, amongst other conditions, a maximum height of 170 feet above principal datum.
- (b) the proposed c/o development does not comply with the existing lease conditions. If the planning application is approved by the Board, the owners of the Lot are required to apply a lease modification from

LandsD to implement the proposal. The application for lease modification shall be submitted by all owners of the Lot. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. There is no guarantee that the application will be approved by LandsD. In the event any such application is approved, it would be subject to such terms and conditions including, amongst others, user restriction for non-residential purposes, 5-year time limit for completion of the development, the payment of full premium and administrative fee, other conditions applicable to the Policy etc. as may be imposed by LandsD. LandsD would examine details of the proposed development against the existing lease during GBP submission stage. Under the Policy, lease modification letter shall be executed within 3 years from the date of the Board's approval letter.

Traffic Aspect

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

- (a) having reviewed the TIA and the FIs at **Appendix Ia**, 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(c) and 12.2(d) below are suggested; and
- (b) regarding the proposed connection point(s) to the proposed elevated walkway along Wai Yip Street under CEDD, the TIA as required under approval condition set out in paragraph 12.2(c) should inter alia assess the traffic impact arising from the proposed elevated walkway connection(s) and to determine the barrier-free facilities and spatial requirement of the connection linking to public at-grade footpath; and
- (c) his other advisory comments are at **Appendix V**.

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 area are detailed at **Appendix III**

Environmental Aspect

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

- (a) noting that the applicant has confirmed to provide central ventilation system and the fresh air intake point of the central air conditioning system will be properly located (located at rooftop with more than 120m above ground) to meet the buffer distance requirement for vehicular and chimney emissions as stipulated in the HKPSG, he has no objection from air quality impact perspective;
- (b) based on the SIA and the FIs at **Appendix Ia**, insurmountable sewerage impacts are not anticipated for minor relaxation of PR and BH restrictions of the proposed development;
- (c) the Site is occupied by an existing IB which is a potential land contamination land use. Nevertheless, the land contamination issue would be unlikely insurmountable. Besides, the development

proposal would involve the demolition of the existing building. A large amount of construction and demolition (C&D) materials would be generated. The applicant is advised to minimise the generation of C&D materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste managements for the proposed development; and

- (d) he has no objection to the application and suggested approval condition at paragraph 12.2(b) below should the application be approved by the Board.

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

he has no adverse comment on the SIA and FIs at **Appendix Ia**.

Urban Design, Visual and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) the Site is a corner site at the junction of Wai Yip Street and Lai Yip Street with an intended BH profile in the range generally between 100mPD and 160mPD. Within the same street block to the northeast of the Site, three c/o developments with BHs of 125.9mPD have been approved by the Committee under application Nos. A/K14/763, 774 and 806 respectively. Given the context and as illustrated in the photomontages, accommodation of the proposed development with BH of 125.9mPD would unlikely induce significant adverse effect on the visual character of the surrounding townscape;
- (b) the Proposed Scheme has incorporated a minimum 3m full-height setback along Hang Yip Street as per the ODP requirement. Landscape treatments including VGs and planters at G/F to 3/F, 16/F, 27/F and R/F, a podium garden at 3/F, a communal sky garden cum refuge floor at 16/F and weather protection canopies along Lai Yip Street, and a voluntary corner setback from G/F to 1/F at Wai Yip Street will be provided. Incorporation of the above design measures may contribute to improvement of the streetscape by softening the building edge, providing visual interest and enhancing pedestrian comfort. The proposed floor-to-floor height of 4m for office use is considered reasonable;
- (c) having reviewed the VIA and FIs at **Appendix Ia**, he has no adverse comment on the application from urban design and visual impact perspectives;

Landscape Aspect

- (d) with reference to the aerial photo of 2020, the Site is situated in an area of industrial urban landscape character dominated IBs and commercial buildings. The Site is currently occupied by an IB without any landscape resources. The proposed development is considered not incompatible with the landscape setting in proximity;

- (e) landscape provisions such as VGs from G/F to 2/F at building facades facing Wai Yip Street, Hang Yip Street and Lai Yip Street, podium garden at 3/F, communal sky garden at 16/F, roof gardens on 27/F and main roof are proposed to enhance the landscape quality of the development. Hence, he has no objection to the application from landscape planning perspective; and
- (f) the applicant is reminded that approval of section 16 application under the Ordinance does not imply approval of the SC of greenery requirements under PNAP APP-152 and/or under the lease. The SC of greenery calculation should be submitted separately to BD for approval.

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

the Proposed Scheme consists of one tower with PR of 14.4 and BH of 125.9mPD, which is about 25.9% higher than adjacent “OU(B)” developments with BHR of 100mPD permitted in the OZP. With justifications by the applicant for the proposed BH, he has no comment on the application.

Fire Safety

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

- (a) no objection in-principle to the application subject to water supplies and fire service installations being provided to the satisfaction of his department (see paragraph 12.2(d) below). Detailed fire safety requirements will be formulated upon receipt of formal submission of GBP; and
- (b) the emergency vehicular access (EVA) provision 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). Also, the EVA provision of the nearby buildings shall not be affected by the proposed work.

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 Buildings Ordinance (BO). Detailed comments under the BO on individual sites for private developments such as permissible PR, SC, means of escape, EVA, private street and/or access roads, open space, barrier free access and facilities, compliance with the SBDG, etc. will be formulated at the GBP submission stage;
- (c) applications for bonus PR and/or SC in return for 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;

- (d) the Proposed Scheme involving projection in, over and upon existing street may contravene section 31(1) of the BO. Application for exemption/ modification in this respect would be considered in GBP submission stage subject to favourable comments from relevant government departments. Attention should be drawn to B(P)R 10; and
- (e) the storey heights of B1/F, G/F and 1/F are required to be justified at GBP submission stage.

Pedestrian Accessibility and Walkability

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

- (a) the proposed redevelopment for commercial 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 his Office, the adopted ODP stipulates that 3m wide full-height setback along Hang Yip Street should be provided and the Proposed Scheme has met the above-mentioned setback requirements; and
- (c) it is noted that the applicant is willing to reserve an opening at 1/F with width of about 3m to 5m to connect with the planned elevated walkway currently under by CEDD (including the GFA resulting from the reservation of opening). The applicant is advised to liaise with relevant government departments including CEDD, HyD and Transport Department, on the design of the connection point(s) that connect(s) to the planned elevated walkway along Wai Yip Street and ensure that flexibility for the provision of 24-hour barrier-free public access linking such connection point(s) with the ground level of Wai Yip Street/Lai Yip Street via the development would be maintained, and also seek their comments on the requirements for such connection point(s) and 24-hour barrier-free public access, including but not limited to the location, level, width and headroom.

9.1.12 Comments of the Project Manager (East) (PM(E)), CEDD:

- (a) one of the prime objectives of the proposed elevated walkway at Wai Yip Street is to enhance the overall pedestrian connectivity in the area, through allowing provisions for future connection with adjacent developments along Wai Yip Street. The Site is located at the major junction of Wai Yip Street and Lai Yip Street. It is noted that relevant provisions for allowing the pedestrian connection(s) with the proposed elevated walkway and providing 24-hours barrier free pedestrian access to and from between Lai Yip Street and the proposed elevated walkway via the Proposed Scheme has been incorporated; and
- (b) technical details of such provision could be further discussed upon the commencement of the Investigation, Design and Construction (IDC) Consultancy Agreement for the proposed elevated walkway,

tentatively scheduled for the 1st half of 2022. Should the application be approved by the Board, an approval condition on the design and the provision of such opening at paragraph 12(a) below is suggested.

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

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

10. Public Comments Received During Statutory Publication Period

The application and FIs were published for public inspection on 8.10.2021, 26.11.2021 and 7.1.2021 respectively. Within the three statutory public inspection periods, a total of five public comments were received. Among them, three public comments from the same member of the Kwun Tong Centre Area Committee of the Kwun Tong District Council supported the application without giving any reason (**Appendices IV(1) to (3)**). Two public comments (**Appendices IV(4) and (5)**) from the same individual objected the application mainly on the grounds that the proposed development would add to existing traffic congestion; minor relaxation of PR and BH restrictions would affect the integrity of the restrictions as imposed on the OZP; assessments on cumulative impacts on ventilation, noise pollution, natural light penetration and traffic aspects should be conducted; the provision of open space in KTBA is inadequate to serve influx of workers; and had doubt on the planning and design merits in terms of additional setback, provision of greenery as claimed. There was question that the FIs as submitted were not provided for public inspection.

11. Planning Considerations and Assessments

11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (+ 20%) and BHR from 100mPD to 125.9mPD (+25.9%) for a proposed 32-storey (including 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 existing IB with the OP issued in 1971 can be regarded as an eligible pre-1987 IB under the Policy. SDEV supports the application in principle, as the proposed c/o development is in line with the current policy to encourage redevelopment of aged IBs, and would help facilitate the on-going transformation of KTBA, subject to it meeting all relevant requirements. Head of EKEO advises that the proposed redevelopment to commercial uses aligns with the EKE initiative to transform KE into a premier CBD and is therefore generally supported.

Minor Relaxation of PR Restriction

11.3 The applicant has submitted technical assessments confirming the feasibility of the Proposed Scheme. TIA as submitted 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 consulted including the Fire Services Department, the Environmental Protection Department and DSD have no in-principle objection to/ no adverse comments on the application, subject to incorporation of appropriate approval conditions in paragraph 12.2 below.

Minor Relaxation of BHR

- 11.4 According to the applicant, the increase in BH (+25.9%) is proposed for accommodating the minor relaxation of 20% in PR restriction being sought and the bonus PR subject to approval of the BA under B(P)R in relation to surrender of land for use as public passage/street widening. Aside from the provision of required full-height setback (taking up about 10% of the site area), the Site is triangular in shape which would limit the effective use of floor space. The permissible SC under B(P)R has already been fully utilized to accommodate the addition PR under application. Thus, the applicant indicates that there would be no scope for further reduction in BH by adopting a larger footprint. 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(c) to (e) above (i.e. providing better streetscape and building separations to enhance visual permeability and accommodating building design to address specific site constraints).
- 11.5 In terms of BH profile for the KTBA, sites closer to the harbourfront, i.e. to the south of Hung To Road and to the west of Lai Yip Street (including the Site), are subject to BHR of 100mPD which follows a stepped BH profile descending from inland to the harbourfront. The BHR of 100mPD can reasonably accommodate the maximum PR of 12 as stipulated in the OZP. The minor relaxation of BHR (+25.9%) sought is generally proportional to the proposed minor relaxation of PR restriction and CTP/UD&L, PlanD considers that the proposed floor-to-floor height of 4m for typical 'Office' floor is reasonable^[8]. The Site is located at the fringe of the 100mPD BH band, which interfaces with the BH band of 160mPD on the other side of Lai Yip Street. There are three similar applications (Nos. A/K14/763, 774 and 806) with approved BH of 125.9mPD (i.e. the same as the current application) along the same street block (**Plan 1-A**). As a whole, the intended BH profile, which descends from 160mPD to 100mPD for sites to the east and west of Lai Yip Street respectively with transition of proposed BH of 125.9mPD in between, could generally be maintained. Given the context and as illustrated in the photomontages of the submitted VIA, CTP/UD&L, PlanD advises that it is unlikely that accommodation of the proposed development would induce significant adverse effects on the visual character of the surrounding townscape. Having reviewed the justifications for the proposed increase in BH by the applicant, CA/CMD2, ArchSD has no comment on the application.

Planning and Design Merits

- 11.6 Full-height building setback of 3m along Hang Yip Street as required under ODP, an additional voluntary corner setback at main entrance facing Wai Yip Street on G/F and 1/F plus 1.5m-wide weather protection canopy along full frontage of Lai Yip/Wai Yip Streets is in line with the intention of footpath/carriageway widening for the setback as required in the ODP and could enhance the amenity/streetscape (**Drawings A-1 and A-11**). The setback proposal would enhance the pedestrian environment and walkability as advocated by EKEO.

^[8] The floor-to-floor height for typical office floor adopted in other approved similar applications for minor relaxation in BHR is in the range between 3.5m to 4.08m (**Appendix II**).

- 11.7 As per comment from relevant B/D, an opening on 1/F for public access is reserved to allow flexibility for the Government to connect the proposed elevated walkway along Wai Yip Street, currently under review by CEDD, to the Site. CEDD advises that technical details of such provision could be further discussed upon the commencement of IDC for the proposed elevated walkway thus, an approval condition on the design and provision of this opening is suggested. Coupled with other ongoing pedestrian environment improvement projects in the area, the strategic location of Lai Yip Street as a key pedestrian corridor connecting the MTR Ngau Tau Kok Station, the waterfront and further to the Kai Tak Area would be reinforced. As such, redevelopment at the Site with aforementioned pedestrian environment improvement measures would generally integrate with the above Government's improvement proposals and further enhance overall pedestrian connectivity in KTBA.
- 11.8 The Proposed Scheme would adopt various landscape treatments as detailed in paragraph 1.3 that would achieve an overall SC of greenery provision of about 27.73% (about 16.85% at primary zone) (**Drawings A-1 to A-4 and A-7 to 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.
- 11.9 On the sustainable and green building design aspect, the applicant indicates that the relevant SBDG requirements in terms of building separation, building setback, SC of greenery and building energy efficiency such as adoption of low E-glass and irrigation with recycled water, have been taken into account.

Public Comments

- 11.10 There are five public comments received, amongst them, the three supportive comments are noted. Regarding the objecting comments on traffic, planning and design merits of the Proposed Scheme and provision of greenery aspects, the assessments above are relevant. As for the concerns on the potential adverse air ventilation, CTP/UD&L, PlanD has no adverse comment on the Proposed Scheme from air ventilation perspective. On natural light penetration aspect, the Proposed Scheme complies with the building setback requirement under SBDG to mitigate street canyon effect on the public roads. For the concern on the local open space provision, there is an overall surplus in planned local open space in the planning area, which should be sufficient to cater for the demand of workers in KTBA as well. Under Proposed Scheme, the proposed podium garden, communal sky garden cum refuge floor and roof garden on 3/F, 16/F and R/F respectively would serve the future workers therein for enjoyment. Regarding the view on conducting comprehensive assessments on cumulative impacts of similar applications under the Policy, applications for minor relaxation of PR and BH restrictions are subject to the applicants' demonstration of technical feasibility, taking into account the approved similar applications, and concerned departments have no objection to/no adverse comment on the application. The processing of the FIs has duly followed TPB PG-No. 32A on Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission and Review made under the Ordinance.

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 18.2.2026, 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 design and the provision of connection point(s) and structural supports within the application site for future connection to the planned elevated walkway along Wai Yip Street to the satisfaction of the Director of Civil Engineering and Development and Commissioner for Transport or of the Town Planning Board;
- (b) 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;
- (c) the submission of a revised Traffic Impact Assessment, and the implementation of the mitigation measures, if any, identified in the revised Traffic Impact Assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (e) the design and provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

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

13. Decision Sought

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

14. Attachments

Appendix I	Application form received on 30.9.2021
Appendix Ia	FI vide email dated 10.2.2022 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(5)	Public comments received during the statutory publication periods
Appendix V	Recommended advisory clauses
Drawings A-1 to A-8	Proposed floor plans submitted by the applicant
Drawing A-9	Proposed section submitted by the applicant
Drawing A-10	Greenery calculation
Drawing A-11	Illustration showing the planning and design merits submitted by the applicant
Drawings A-12 and A-13	Photomontages submitted by the applicant
Plans A-1 and A-2	Location plans on OZP and ODP
Plan A-3	Site plan
Plan A-4	Height of existing buildings in KTBA
Plan A-5	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2022**