

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/820

- Applicant** : Ace Island Limited represented by Knight Frank Petty Limited
- Site** : 73 – 75 Hung To Road, Kwun Tong, Kowloon
- Site Area** : About 1,858.06m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 635
(b) restricted to industrial purposes excluding offensive trades
- Plan** : Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/24
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) *[Restricted to a maximum plot ratio (PR) of 12.0 and maximum building height (BH) of 130 metres above Principal Datum (mPD)]*
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Office, Shop and Services and Eating Place Uses

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) at 73 – 75 Hung To Road (the Site), which is zoned “OU(B)” on the approved Kwun Tong (South) OZP No. S/K14S/24 (**Plan A-1**). The proposed minor relaxation of PR restriction is to facilitate the redevelopment of the existing 13-storey building^[1] into a 33-storey commercial/office (C/O) development (including four 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-industrial buildings (IBs) of the Notes for the “OU(B)” zone. Minor relaxation of the PR restriction may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance. The proposed BH of 130mPD will not exceed the extant BH restriction (BHR) for the Site on the OZP.
- 1.2 According to the applicant’s submission, various planning and design measures have been incorporated into the Proposed Scheme (**Drawing A-8**), including a 3.8m full-height building setback along Hung To Road as required by the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**), as well as a 2m-wide canopy^[2] with a minimum headroom of 5m along the full frontage of

^[1] The existing building at the Site was initially an industrial building (IB), known as Kian Dai Industrial Building, with Occupation Permit issued in 1980. Under the previous Revitalisation Scheme for IBs, special waiver for wholesale conversion of the building for commercial/office (C/O) use was executed in 2014 and the corresponding building works were completed in 2015. The C/O building was subsequently renamed as KOHO.

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

Hung To Road (**Drawing A-1**). Some G/F recesses and beautification to the façades along the back alleys to the northeast and northwest of the Site are also proposed (**Drawings A-1 and A-15**). One vehicular ingress/egress is proposed at Hung To Road (**Drawing A-1**).

- 1.3 Various greenery proposals are also incorporated in the Proposed Scheme, including edge planting at the podium garden (3/F), sky garden-cum-refuge floor (14/F) (both levels will be opened for use by the occupants and visitors of the building) and main roof level (R/F), as well as a 4.5m-high vertical green wall along the full-length of the 1/F façade facing Hung To Road (**Drawings A-8 to A-15**). Apart from landscaping, other green building design measures are also proposed (see paragraph 2.4 below).
- 1.4 Floor plans, section plan, a summary of the proposed planning and design merits, plans showing the landscape proposal and a photomontage submitted by the applicant are at **Drawings A-1 to A-15**. The major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 1,858.06m ²
Proposed Uses	Office, Shop and Services and Eating Place
PR ^{(#)(^)}	14.4 (+20%)
Gross Floor Area (GFA) ^{(#)(^)}	About 26,756.064m ²
BH (at main roof level)	130mPD
No. of Storeys	33 (including four storeys of basement carpark)
Site Coverage (SC) <ul style="list-style-type: none"> Podium (below 15m) Tower (above 15m) 	Not more than 91% ^(^) Not more than 60%
Greenery Coverage	About 23.57% (about 20.14% at primary zone)
Parking and Loading/unloading (L/UL) Facilities <ul style="list-style-type: none"> Car Parking Spaces Motorcycle Parking Spaces L/UL Bays for Light Goods Vehicles L/UL Bays for Heavy Goods Vehicles 	147 (incl. 2 accessible parking) 15 16 8
Setback <ul style="list-style-type: none"> Hung To Road 	3.8m full-height ^(*)
Anticipated Completion Year	2027

Note:

- (#) On top of the PR/GFA set out above, the applicant has indicated that bonus PR/GFA of about 0.483/897.442m² will be claimed for the setback area subject to approval by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(1) or (2). Any bonus PR/GFA that may be approved by the BA have been incorporated in the building bulk and adopted in the technical assessments.
- (^) Canopy has been excluded from the PR/GFA and SC calculations. If PR/GFA and/or SC arising from the proposed canopy could not be exempted at general building plan (GBP) submission stage, the applicant will absorb those PR/GFA and/or SC in the Proposed Scheme.
- (*) As required for the Site under the adopted ODP.

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

- (a) Application form received on 30.8.2022 (Appendix I)
- (b) Supporting Planning Statement (SPS) enclosing architectural drawings, landscape proposal, Traffic Impact Assessment (TIA) and Sewerage Impact Assessment (SIA) received on 30.8.2022 (Appendix Ia)
- (c) 1st further information (FI) received on 5.12.2022 enclosing responses to comments (R-to-C), revised architectural drawings, landscape proposal, SIA and TIA^[#] (Appendix Ib)
- (d) 2nd FI received on 19.1.2023 and 26.1.2023 enclosing R-to-C, revised architectural drawings, TIA and clarifications^[*] (Appendix Ic)

Remarks:

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

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

- 1.6 On 28.10.2022, the Metro Planning Committee (the Committee) of the Board agreed to defer making 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.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in the SPS and the 1st FI (**Appendices Ia and Ib**), which are summarised as follows:

In line with the Policy on Revitalisation Scheme for IBs, the Energizing Kowloon East (EKE) Initiative and the Planning Intention

- 2.1 Redevelopment of the Site with proposed minor relaxation of PR restriction by 20% is in line with the Chief Executive's 2018 Policy Address (PA 2018) to encourage better use of valuable land resources and to meet the demand for C/O developments in Kwun Tong Business Area (KTBA) as advocated by the EKE Initiative. A number of similar applications have been approved by the Board in the vicinity of the Site. The Proposed Scheme with Office, Shop and Services and Eating Place uses is in line with the planning intention of the "OU(B)" zone and is compatible with the surrounding environment.

Planning and Design Merits of the Proposed Scheme

- 2.2 The Proposed Scheme incorporates various design measures as detailed in paragraphs 1.2 and 1.3 above to enhance the pedestrian environment and visual and air permeability for the surrounding area. The podium garden on 3/F and sky garden on 14/F would serve the passive recreational needs of the future users and visitors. The Proposed Scheme could accommodate the minor relaxation of PR restriction while complying with the BHR of 130mPD.

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

- 2.3 The key building design elements of SBDG^[3] were considered in the Proposed Scheme where appropriate:

^[3] Compliance on relevant requirements under SBDG would be checked by the BA at the GBP submission stage.

- (a) Building Separation – the continuous projected façade length is less than 60m, hence the building separation requirement is not applicable to the Site;
 - (b) Building Setback – the Site is fronting Hung To Road which is more than 15m in width. Nevertheless, a 3.8m full-height setback along Hung To Road is provided in accordance with the ODP. As the setback area is reserved for road widening works in the future, no roadside tree planting is proposed; and
 - (c) SC of Greenery – the overall SC of greenery of about 23.57% (with about 20.14% at the primary zone) exceeds the minimum 20% requirement for sites with an area between 1,000m² and 20,000m².
- 2.4 Moreover, the applicant will consider applying for ‘Gold’ rating under the Building Environmental Assessment Method Plus (BEAM Plus) Certification for the Proposed Scheme at detailed design stage. Low-emissivity glass, materials with low thermal conductivity and irrigation system with recycled rainwater will be considered so as to improve the energy performance and reduce water usage of the Proposed Scheme.

Technical Aspects

- 2.5 The submitted TIA and SIA have demonstrated that the Proposed Scheme will not generate adverse impacts to the surrounding area. Given the nature of the proposal and in view that the proposed BH is in line with the extant BHR, no adverse environmental and visual impacts arising from the Proposed Scheme are envisaged.

3. Background

Policy Initiatives of Revitalisation of IBs

- 3.1 As set out in the PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987^[4], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “Residential” zones in Main Urban Areas and New Towns into industrial/commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the B(P)R^[5].
- 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

^[4] Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their GBP first submitted to the BA for approval on or before the same date.

^[5] Under the Policy, any bonus floor area claimed under B(P)R 22(1) or (2) is not to be counted towards the proposed relaxation of PR restriction by 20% for redevelopment projects. The bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, but can only be considered by the BA upon formal submission of GBP.

years after the planning permission is granted.

4. **Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is the sole current land owner of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

5. **Previous Application**

There is no previous application at the Site.

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

- 6.1 Within KTBA, there are four similar applications (No. A/K14/794, 806, 807 and 809) concerning three sites for minor relaxation of PR restriction (and BHR for applications No. A/K14/806 and 809) that are not related to the Policy (**Appendix II** and **Plan A-1**). All four applications were approved with conditions by the Committee on 16.4.2021, 14.1.2022, 20.5.2022 and 10.6.2022 respectively mainly on the considerations that the proposals were in line with the planning intention of the “OU(B)” zone, there were support from the Secretary for Development (SDEV) and the Head of Energizing Kowloon East Office (Head of EKEO) in that the proposals would optimise site utilisation and in line with the EKE initiative, the proposed uses were not incompatible with the surrounding area, there were planning and design merits that would be conducive to improving the pedestrian environment and the vicinity; and there were no adverse comments from concerned bureaux/departments (B/Ds).
- 6.2 Since March 2019, the Committee has considered a total of 17 similar applications relating to the Policy in KTBA for proposed minor relaxation of PR restriction (as well as minor relaxation of BHR for 13 of them) (**Appendix II** and **Plan A-1**). Among the 17 applications, 16 applications were approved with conditions on similar considerations as those in paragraph 6.1 above. One application (No. A/K14/764) was rejected mainly on the grounds that there were insufficient planning and design merits to support the proposed minor relaxation in BHR sought^[6].
- 6.3 There is one similar application for minor relaxation of PR and BH restrictions in KTBA (No. A/K14/822) currently being processed (**Plan A-1**).

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

7.1 The Site is:

- (a) occupied by a 13-storey building, namely KOHO, built in 1980 which has been wholesale-converted from IB to C/O development in 2015;

^[6] Application No. A/K14/764 included minor relaxation of BHR by 30.2% from 100mPD to 130.2mPD. Another similar application (No. A/K14/771) involving the same application site as application No. A/K14/764, with a smaller increase in BH sought (to 119.7mPD or +19.7%), was subsequently approved with conditions by the Committee.

- (b) abuts Hung To Road to its southwest and surrounded by three IBs, namely Milkyway Building to its immediate southeast, and Wing Hing Industrial Building and Hewlett Centre across alleys to its northeast and north respectively, as well as a wholesale-converted office building (The Rays) across an alley to its northwest (**Plan A-3**); and
 - (c) located about 400m to the southwest of Kwun Tong MTR Station (**Plan A-1**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-1 to A-3**):
- (a) the neighbouring buildings along Hung To Road are mainly IBs or industrial-office buildings generally under active industrial/warehousing and office use;
 - (b) there are isolated C/O buildings along Hung To Road, including EGL Tower and the wholesale-converted Contempo Place (both for office uses), as well as a hotel development known as Dorsett Kwun Tong; and
 - (c) a site at 82 Hung To Road to the southeast of the Site is the subject of a similar application approved for minor relaxation of PR (from 12 to 14.4, +20%) and BH restrictions (from 100mPD to 119.85mPD, +19.9%) for IB redevelopment (No. A/K14/773).

8. **Planning Intention**

- 8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings.
- 8.2 The Explanatory Statement 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 B/Ds have been consulted and their views on the application are summarised as follows:

Policy Perspective

9.1.1 Comments of the SDEV:

- (a) as announced in the PA 2018, a set of measures to incentivise redevelopment or wholesale conversion of aged IBs in the territory is being implemented. One of these measures is to incentivise private owners to redevelop pre-1987 IBs by relaxation of the maximum permissible non-domestic PR upon redevelopment on a time-limited and case-by-case basis. The Policy targets pre-1987 IBs, instead of any IBs in the territory, as IBs built before 1987 were constructed according to the then fire safety standards which were lower than those applicable these days (e.g. many did not have automatic sprinkler systems or other modern fire service installations (FSIs)). It is

envisaged that any redevelopment initiated by the private owner in respect of these pre-1987 IBs would help eradicate the fire safety problem once and for all, and at the same time, utilise the existing lot optimally to better meet the city's future economic and industrial needs;

- (b) the Site is the subject 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^[7]. The special waiver concerned was duly executed in April 2014, with the waiver fee fully exempted, to permit the lot and the existing 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 FSIs in compliance with prevailing standards were completed, in accordance with the owner's submission of a Form BA14 to Buildings Department (BD) and the latter's certification of such in March 2015;
- (c) in view of the above background, the existing wholesale-converted building, being a commercial building in reality that is different from other 'pre-1987 IBs', is not very much seen as among the targeted aged IBs under the Policy. Therefore, the Policy as described in paragraph 9.1.1(a) above is not directly applicable to this application; and
- (d) notwithstanding, the proposed commercial redevelopment is in line with the planning intention of the "OU(B)" zone. She echoes with the Head of EKEO who is generally supportive of the proposed commercial redevelopment (see paragraph 9.1.9 below), as the proposal aligns with the EKE initiative to transform Kowloon East into a premier Core Business District (CBD). The extra 20% PR provision will bring about additional commercial GFA, which would go some way towards facilitating the on-going transformation of KTBA. In this regard, subject to no adverse comments in terms of technical feasibility from relevant departments, the proposed relaxation of PR is worthy of support from the perspective of optimising the use of the Site for provision of maximum commercial floor space in the area.

Land Administration

9.1.2 Comments of the District Lands Officer/Kowloon East, Lands Department:

- (a) the Site is located at KTIL No. 635, which is restricted to industrial purposes excluding offensive trades. The Proposed Scheme is found in conflict with the existing lease conditions; and
- (b) should the application be approved by the Board, the applicant should note his comments at **Appendix V**.

^[7] Announced in the 2009-10 Policy Address, the previous Revitalisation Scheme for IBs included a package of measures to facilitate redevelopment and wholesale conversion of IBs, including special arrangement for a lease modification or land exchange for redevelopment of an industrial lot and special waiver for conversion of an entire existing IBs, amongst others.

Traffic Aspect

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

he has no adverse comment from traffic engineering viewpoint and would suggest that the approval conditions under paragraphs 12.2(c) and (d) be stipulated should the application be approved by the Board.

9.1.4 Comments of the Chief Highway Engineer/Kowloon, Highways Department:

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

Environmental Aspect

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

- (a) having reviewed the SPS and the FI (**Appendices Ia and Ib**), insurmountable environmental and sewerage impacts associated with the proposed development are not anticipated. In this regard, he has no objection to the application and would suggest that the approval conditions under paragraphs 12.2(a) and (b) be stipulated should the application be approved by the Board;
- (b) noting that the applicant has confirmed to provide central air-conditioning (A/C) system for the proposed development and that the fresh air intake point of the A/C system will be located to meet the buffer distance requirement for vehicular and chimney emission as stipulated in the Hong Kong Planning Standards and Guidelines, he has no adverse comment from air quality planning perspective; and
- (c) his technical comments on the SIA and advisory comments on the application are detailed at **Appendices III and V** respectively.

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):

- (a) she has no adverse comment on the application from urban design, visual impact and landscape planning perspectives, and her advisory comments are at **Appendix V**;

Urban Design and Visual Aspects

- (b) since the proposed BH does not exceed the BHR as stipulated on the OZP, the proposed development would unlikely cause any significant adverse visual impact to the surrounding area;
- (c) incorporation of the design measures as detailed in paragraphs 1.2 and 1.3 above may contribute to the improvement of streetscape by softening the building edges and promoting visual interest and pedestrian comfort;

Landscape Aspect

- (d) the Site is located in an industrial urban area of commercial and industrial buildings. The Proposed Scheme is considered not incompatible with the landscape character of the surrounding environment; and
- (e) with reference to the SPS, there are no existing trees within the Site. Greenery proposals as detailed in paragraph 1.3 above are proposed to enhance the landscape quality of the Proposed Scheme. Significant adverse landscape impact to the existing landscape resources arising from the Proposed Scheme is not anticipated.

9.1.7 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department:

it is noted that the proposed development mainly consists of one tower with BH of 130mPD. Since the adjacent “OU(B)” area with BHR of 130mPD are permitted in the OZP, he has no adverse comment on the application from architectural and visual impact point of view.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/Kowloon, BD:

- (a) no objection in-principle to the application; and
- (b) his technical comments on the Proposed Scheme and general comments on the application are at **Appendices III and V** respectively.

EKE Initiative and Pedestrian Environment

9.1.9 Comments of the Head of EKEO, Development Bureau (Head of EKEO, DEVB):

- (a) while the existing building was wholesale-converted for C/O uses in 2015, the Proposed Scheme continues to align with the EKE initiative to transform Kowloon East into a premier CBD and is therefore generally supported; and
- (b) on the aspect of enhancing the pedestrian environment and walkability as advocated by her Office, the adopted ODP stipulates that 3.8m wide full-height setback along Hung To Road should be provided and the Proposed Scheme has met the ODP setback requirements. It is also noted that the applicant has proposed a 2m-wide full-length weather proof canopy along Hung To Road and façade enhancement along the back alleys to enhance the pedestrian environment.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Director of Fire Services;
- (d) Commissioner of Police; and
- (e) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During the Statutory Publication Periods

- 10.1 The application and the 1st FI were published for public inspection on 6.9.2022 and 13.12.2022 respectively. During the statutory public inspection periods, a total of five public comments were received. Among them, a member of the Kwun Tong Centre Area Committee of the Kwun Tong District Council supports the application without stating any grounds (**Appendix IV(a)**). An individual opines that the Proposed Scheme would facilitate the transformation of KTBA and bring improvements to the local environment (**Appendix IV(b)**).
- 10.2 One individual objects to the application on the grounds that the Proposed Scheme will generate adverse air ventilation impact on residents along Ngau Tau Kok Road and Kung Lok Road (**Plan A-1**) (**Appendix IV(c)**).
- 10.3 An individual suggests that the floor height of the sky garden-cum-refuge floor should be increased to improve air ventilation (**Appendices IV(d)**). Another individual opines that there are insufficient merits and planning gains to justify the relaxation in PR sought and that the proposed greenery is inadequate, while raising concerns on potential light pollution and the high provision of car parking spaces (**Appendix IV(e)**).

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (+20%) for a proposed 33-storey (including four 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. The proposed BH of 130mPD does not exceed the BHR for the Site under the OZP.

Policy Aspect

- 11.2 The existing 13-storey building was built in 1980 for industrial purposes. In 2015, the building was wholesale-converted for C/O use with FSIs upgraded to prevailing standards under the previous revitalisation scheme. In view of the above, SDEV considers that the existing wholesale-converted C/O building is not the targeted aged IBs under the Policy to incentivise IB redevelopment, thus the Policy is not directly applicable to this application. Noting that the Head of EKEO, DEVB generally supports the application as the Proposed Scheme aligns with the EKE initiative to transform Kowloon East into a premier CBD, SDEV considers the proposed minor relaxation of PR restriction to be worthy of support from the perspective of optimising the use of the Site for provision of maximum commercial floor space in the area.

Technical Aspect

- 11.3 The applicant has submitted technical assessments confirming the feasibility of the Proposed Scheme. The submitted TIA demonstrated that the Proposed Scheme would not cause adverse traffic impact to the surrounding road network. C for T has no adverse comment on the application (including the proposed car parking provision) subject to the incorporation of approval conditions as set out in paragraph

12.2 below. Other relevant Government departments, including DEP and CE/MS, 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.

Planning and Design Merits

- 11.4 The proposed full-height building setback of 3.8m along Hung To Road is in line with the intention of footpath/carriageway lane widening as required in the ODP and would enhance the pedestrian environment and walkability in the area. The provision of a 2m-wide canopy along the full frontage of Hung To Road could improve pedestrian comfort especially during times of inclement weather (**Drawing A-1**). To further enhance the back alleys to the northeast and northwest of the Site, some G/F recesses and façade enhancements are proposed (**Drawing A-15**). The Head of EKEO, DEVB considers that these measures would enhance the pedestrian environment and walkability as advocated by her Office.
- 11.5 The Proposed Scheme has incorporated various landscape measures as detailed in paragraph 1.3 above, which would achieve an overall SC of greenery provision of about 23.57% (about 20.14% at primary zone) (**Drawing A-14**). The applicant indicates that relevant SBDG have been taken into account in proposing the aforesaid setback and greenery provision. CTP/UD&L, PlanD advises that incorporation of these design measures may contribute to streetscape improvement by softening the building edge and promoting visual interest and pedestrian comfort. Moreover, the applicant pledges to consider a number of green building design measures (as detailed in paragraph 2.4 above) at the detailed design stage.

Public Comments

- 11.6 There are five public comments received during the statutory publication periods. Regarding the objecting comment on the air ventilation impact on the residents along Ngau Tau Kok Road and Kung Lok Road, it should be noted that the concerned roads are located some 600-900m north of the Site (**Plan A-1**) and CTP/UD&L, PlanD has no adverse comment on the Proposed Scheme. Regarding the suggestion to further increase the floor height of the sky garden-cum-refuge floor, the height of the subject floor (5.5m) (**Drawing A-7**) is higher than that required by Joint Practice Note No. 2 (i.e. not less than 4.5m) and the proposed building would not exceed the extant BHR. Regarding concerns on the proposed car parking provision and the planning and design merits of the Proposed Scheme, the assessments in paragraphs 11.1 to 11.5 above are relevant. As for the concerns on potential light pollution, the applicant will be advised to observe the Guidelines on Industry Best Practices for External Lighting Installations and take appropriate measures to minimise any potential impacts on the surrounding area.

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 3.2.2027, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval

and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the local sewerage upgrading/sewerage connection works identified in the revised Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of a revised Traffic Impact Assessment, with a traffic management plan with effective measures proposed to avoid any traffic obstruction on public roads especially traffic queue from car park, and implementation of the traffic improvement measures, if any, identified therein, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (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.

Advisory clauses

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

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

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

13. Decision Sought

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

14. Attachments

Appendix I	Application form received on 30.8.2022
Appendix Ia	SPS received on 30.8.2022
Appendix Ib	1 st FI received on 5.12.2022
Appendix Ic	2 nd FI received on 19.1.2023 and 26.1.2023
Appendix II	Similar applications
Appendix III	Other technical comments from Government departments
Appendices IV(a) to IV(e)	Public comments
Appendix V	Recommended advisory clauses

Drawings A-1 to A-7	Floor plans (extract) and section plan
Drawing A-8	Summary of proposed planning and design merits
Drawings A-9 to 14	Greenery proposal
Drawing A-15	Photomontage
Plans A-1 and A-2	Location plans on OZP and ODP
Plan A-3	Site plan
Plan A-4	Site photo

**PLANNING DEPARTMENT
FEBRUARY 2023**