

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/822

- Applicant** : Sky Dragon Limited represented by Lanbase Surveyors Limited
- Site** : 25 Tai Yip Street, Kwun Tong, Kowloon
- Site Area** : About 386.94m²
- Lease** : Kwun Tong Inland Lot No. 556 (the Lot)
(a) restricted to industrial and/or godown uses excluding offensive trades
(b) maximum building height (BH) of 170 feet (i.e. 51.8m) above Principal Datum
- 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 BH of 100 metres above Principal Datum (mPD)]*
- 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 BH restriction (BHR) from 100mPD to 119.9mPD (i.e. +19.9m or +19.9%) at 25 Tai Yip Street, Kwun Tong (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 and BH restrictions is to facilitate the redevelopment of the existing 9-storey industrial building (IB)^[1] into a 29-storey (including one level of basement car park) commercial/office (C/O) development 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’s submission, various planning and design measures have been incorporated into the Proposed Scheme (**Drawings A-2 and A-15**), notably

^[1] The existing building at the Site is an IB, known as Ko Leung Industrial Building, with Occupation Permit (OP) issued in 1970.

1.5m-wide full-height setbacks each along Tai Yip Street and the back alley (with a further 1.5m-wide non-building area (NBA) with clear headroom of 5.1m in height on the ground floor (G/F) at the back alley) as per the requirements of the adopted Kwun Tong (Western Part) Outline Development Plan (ODP) No. D/K14A/2 (**Plan A-2**). The applicant also proposed a 1.5m-wide weather proof canopy with a minimum headroom of 5.3m along the length of the Tai Yip Street façade^[2] (**Drawings A-3 and A-15**). One vehicular ingress/egress is proposed at the back alley service lane (**Drawing A-2**).

- 1.3 The Proposed Scheme will provide a total greenery coverage of not less than 20% of the site area (with 10% at the primary zone), including vertical greenings at part of the G/F, 2/F and 3/F façades facing Tai Yip Street, a flat roof garden on 3/F and landscaping at the sky garden-cum-refuge floor on 14/F (**Drawings A-5, A-15 to A-17**). According to the applicant, the 3/F podium garden will be opened for use by the future tenants and visitors from 12:00 p.m. to 7:00 p.m. daily, while the sky garden will be opened for use by future tenants at all times.
- 1.4 Floor plans, sections, a plan showing the planning and design merits, landscape proposals and photomontages submitted by the applicant are at **Drawings A-1 to A-19**. The major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	Proposed Scheme
Site Area	About 386.94m ²
Proposed Uses	‘Office’, ‘Shop and Services’ and ‘Eating Place’
Maximum PR ^{(#)(^)}	14.4 (+20%)
Gross Floor Area (GFA) ^{(#)(^)}	About 5,571.936m ²
Maximum BH (at main roof level)	Not more than 119.9mPD (+19.9%)
No. of Storeys	29 (including one basement floor)
Site Coverage (SC) <ul style="list-style-type: none"> Podium (at or below 15m) Tower (above 15m) 	Not more than 94% Not more than 60%
Greenery Coverage	Not less than 20% (about 10% at primary zone)
Parking and Loading/unloading (L/UL) Facilities <ul style="list-style-type: none"> Car Parking Spaces Motorcycle Parking Space L/UL Bay for Light Goods Vehicle 	10 (incl. 1 accessible parking space) 1 1
Setbacks <ul style="list-style-type: none"> Tai Yip Street Service lane at back alley 	<ul style="list-style-type: none"> 1.5m full-height^(*) 1.5m full-height and 1.5m-wide NBA on G/F with a clear headroom of 5.1m^(*)
Anticipated Completion Year	2026

Note:

- ^(#) On top of the PR/GFA set out above, the applicant has indicated that bonus PR/GFA will be claimed for the setback areas subject to approval by the Building Authority (BA) under Building (Planning) Regulations (B(P)R) 22(1) or (2), though the bonus GFA had not

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

been accounted for in the building bulk and the submitted technical assessments.

- (^c) Canopy has been excluded from the PR/GFA calculations. If PR/GFA arising from the proposed canopy could not be exempted at general building plan (GBP) submission stage, the applicant will absorb those PR/GFA in the Proposed Scheme.
- (*) As required for the Site under the adopted ODP.

1.5 The Proposed Scheme has adopted a typical floor-to-floor height (FTFH) of 3.85m for the main ‘Office’, ‘Shop and Services’ and/or ‘Eating Place’ floors (except for 1/F and the uppermost 27/F, which are at 4.15m and 4.5m respectively). The proposed FTFH for G/F and sky garden-cum-refuge floor on 14/F is 5.95m, while the proposed FTFHs for the electrical and mechanical (E&M) floors on 2/F and 3/F are 4.9m and 5.25m respectively (**Drawings A-13** and **A-14**).

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

- (a) Application form received on 7.11.2022 **(Appendix I)**
- (b) Supporting Planning Statement (SPS) **(Appendix Ia)**
- (c) 1st further information (FI) received on 11.4.2023^[#] **(Appendix Ib)**
- (d) 2nd FI received on 24.5.2023 and 25.5.2023^[*] **(Appendix Ic)**
- (e) 3rd FI received on 2.6.2023^[*] **(Appendix Id)**

Remarks:

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

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

1.7 On 23.12.2022, 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 IB Revitalisation Policy and Planning Intention

2.1 Redevelopment of the existing dilapidated IB with proposed minor relaxation of PR restriction by 20% is in line with the Chief Executive’s Policy Address (PA) 2018, which seeks to encourage redevelopment of pre-1987 IBs in optimising precious land resources. The proposal is in conformity with the Energizing Kowloon East (EKE) initiative to facilitate the transformation of the Kwun Tong Business Area (KTBA) from a former industrial area into Core Business District 2 (CBD2). The Proposed Scheme with ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses is also in line with the planning intention of the “OU(B)” zone.

Planning and Design Merits of the Proposed Scheme

2.2 The Site is less than 1,000m² in size and hence the requirements under the Sustainable Building Design Guidelines (SBDG) are not applicable. Nevertheless,

the Proposed Scheme has incorporated various design and landscape measures as detailed in paragraphs 1.2 and 1.3 above (**Drawing A-15**). Such measures will enhance the pedestrian environment, uplift the streetscape, promote air and light penetration and improve visual quality for the surrounding area. Given the severe site constraints, the Proposed Scheme has largely fulfilled the relevant criteria for consideration of minor relaxation of BHR in the Explanatory Statement (ES) to the OZP (see paragraph 8.2 below).

- 2.3 The applicant will endeavour to adopt energy efficient building design measures (such as low-emissivity curtain glass wall) and apply for ‘Bronze’ rating under the Building Environmental Assessment Method Plus (BEAM Plus) Certification at detailed design stage.

Compatible with the BH Profile and the Surrounding Area

- 2.4 The small site (about 386.94m² in size) and the setback/NBA requirements under the ODP (taking up a total of 14% of the site area and 21% of the G/F area) are major constraints to achieving a PR of 14.4 (as allowed under the revitalisation of IB policy) within the extant BHR of 100mPD. To address departmental and public concerns, the proposed BH has been reduced from 123.575mPD (under the original submission) to 119.9mPD with reduction in typical FTFH from 4.025m to 3.85m, which is a bare minimum for modern offices and commercial uses (**Drawing A-13**). To create a more vibrant and pleasant walking environment, part of the G/F would be designated for shop and services and/or eating place uses, hence the essential E&Ms for the proposed building would need to be accommodated on the 2/F and 3/F. The refined BH is considered acceptable with reference to other approved similar applications in the vicinity, including application No. A/K14/782, with minor relaxation of BHR from 100mPD to 125.9mPD (**Plan A-1**).

Technical Aspects

- 2.5 The submitted traffic impact assessment (TIA) and visual impact assessment (VIA) have demonstrated that the Proposed Scheme will not generate adverse traffic and visual impacts on the surrounding area. Moreover, no adverse drainage and sewerage impacts are anticipated from the Proposed Scheme. In response to departmental concerns, one basement floor has been introduced to better meet the car parking requirements under the Hong Kong Planning Standards and Guidelines (HKPSG). Additional floor(s) for car parking had been contemplated but was not pursued due to building inefficiency and BHR considerations amidst the site constraints.

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 was announced. To

encourage owners to redevelop IBs constructed before 1987^[3], 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 shall apply^[4].

- 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 Policy 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 strategic vantage points as recommended in the Urban Design Guidelines, taking into account the local area context and the need to maintain visually compatible building masses in the wider setting. To achieve a stepped height profile for visual permeability, reduce the solidness of KTBA and maintain a more intertwined relationship with the Victoria Harbour edge, four BH bands of 100mPD, 130mPD, 160mPD and 200mPD were imposed for the “Commercial (1)” (“C(1)”) / “C(2)” and “OU(B)” / “OU(B)1” zones within the KTBA. 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 BHR bands and heights of existing buildings in the “C” and “OU(B)” zones in the KTBA are at **Plan A-4**.

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

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

5. Previous Application

The Site is not involved in any previous application.

^[3] 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.

^[4] Under the Policy, any bonus floor area claimed under B(P)R 22(1) or (2) is not to be counted towards the proposed relaxation of PR restriction by 20% for redevelopment projects. The bonus PR permitted under B(P)R 22(2) is permitted as of right under the Notes of the “OU(B)” zone, but can only be considered by the BA upon formal submission of GBP.

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

Since the introduction of the Policy, the Committee has considered a total of 22 similar applications in KTBA, with 15 applications for minor relaxation of both PR and BH restrictions (**Appendix II** and **Plan A-1**). Among the 22 similar applications, 21 of them were approved with conditions and one (application No. A/K14/764) was rejected mainly on the consideration that there were insufficient planning and design merits to support the proposed relaxation in BHR^[5]. In consideration of the applications relating to minor relaxation of PR by up to 20%, the Committee generally indicated support for the Policy, if applicable, 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 visually unacceptable and would not induce adverse visual impacts to the surrounding townscape; and the proposals should provide 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**).

7. **The Site and Its Surrounding Areas**

7.1 The Site is (**Plans A-1 to A-5**):

- (a) occupied by a nine-storey IB built in 1970 and with existing BH of about 35mPD, currently mainly used for warehousing with vehicle repair workshop use on the G/F;
- (b) bounded by Tai Yip Street to its northeast and a back alley to its southwest, and sandwiched by two existing IBs, namely Hung Shing Industrial Building to its northwest and Cheung Hing Industrial Building to its southeast (both with BHs of about 47mPD); and
- (c) located about 300m to the west of Ngau Tau Kok MTR Station.

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) the neighbouring buildings along Tai Yip Street are mainly IBs or industrial-office buildings generally under active industrial/warehousing and office use, while the G/Fs are mainly occupied by vehicle repair workshops;
- (b) there are C/O buildings nearby on Wai Yip Street, including The Quayside, One Bay East and Manulife Place (all with BHs of about 100mPD mainly for office use);
- (c) two sites to the southeast along Tai Yip Street are subject of similar applications (No. A/K14/782 and 804) approved for minor relaxation of PR

^[5] Application No. A/K14/764, which included proposed relaxation of BH by 30.2% from 100mPD to 130.2mPD, was rejected by the Committee on 22.3.2019. Another similar application (No. A/K14/771) involving the same application site as A/K14/764, with a smaller increase in BH sought (to 119.7mPD, i.e. +19.7%), was subsequently approved with conditions by the Committee on 16.8.2019.

(+20%) and BH restrictions from 100mPD to 125.9mPD and 115mPD respectively for C/O use. Another two sites to the southeast along Wai Yip Street are subject of similar applications (No. A/K14/780, 783 and 809^[6]) approved for minor relaxation of PR (+20%) and BH restrictions from 100mPD to 115mPD and 119.5mPD for C/O developments; and

- (d) low to medium-rise residential/composite buildings are found to the further northeast across Kwun Tong 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 to 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 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 to the OZP stipulates that the setting back of buildings to cater for the future increase in traffic demand may also be required. The setback requirements for the purpose of footpath/carriageway widening and amenity/streetscape enhancement are also stipulated in the ODP and enforced through lease modification process when appropriate (**Plan A-2**).

^[6] Part of the site for application No. A/K14/809 was the subject of a similar application No. A/K14/783 for minor relaxation of PR (to 14.4) and BH restrictions (to 115.4mPD) for hotel development, which was approved with conditions by the Committee on 21.11.2020.

9. **Comments from Relevant Government Bureaux/ Departments (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 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 Policy. The implementation period of the said measure is now extended to 13.10.2024, according to PA 2021; and
- (b) subject to compliance with all relevant requirements and no adverse comments in terms of technical feasibility from relevant departments, she 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 echoes with the EKE initiative to transform Kowloon East into a premier CBD.

Land Administration

9.1.2 Comments of the District Lands Officer/Kowloon East and the Chief Estate Surveyor/Development Control, Lands Department:

- (a) the Lot is held under Conditions of Sale No. 8508 dated 27.4.1964. It is restricted to industrial and/or godown use excluding offensive trades and subject to a maximum height restriction of 170 feet (i.e. 51.8m) above Principal Datum and a NBA restriction up to vertical clearance of 15 feet (i.e. 4.57m) from ground level, amongst other conditions. The Proposed Scheme is found in breach of the lease conditions; and
- (b) should the application be approved by the Board, the applicant should note his detailed comments at **Appendix V**.

Traffic Aspect

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

he has no adverse comment on the application from traffic engineering point of view and suggests the approval conditions at paragraphs 12.2(d) and (e) be stipulated should the application be approved by the Board. His detailed comments are at **Appendix V**.

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

- (a) he has no objection to the application; and

- (b) his technical comments on the arrangement of the surrendering of the setback areas and the detailed design of the canopy, and his advisory comments are detailed at **Appendices III and V** respectively.

Environmental Aspect

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

- (a) he has no objection to the application and would suggest that the approval conditions under paragraphs 12.2(a) to (c) be stipulated should the application be approved by the Board. The applicant should also be advised of his detailed comments at **Appendix V**; and
- (b) the Site is currently occupied by an existing IB which is a potential land contamination land use, but the associated land contamination issue would unlikely be insurmountable. Furthermore, noting that the applicant has confirmed to provide individual split type air-conditioning system for the proposed development and that the fresh air intake points would meet the buffer distance requirement for vehicular and chimney emissions as stipulated in the HKPSG, he has no adverse comment from air quality planning perspective.

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) given the site context and as demonstrated in the submitted photomontages (**Drawings A-18 and A-19**), the Proposed Scheme would unlikely generate significant adverse impacts on the visual character of the surrounding townscape. Furthermore, incorporation of the design measures as detailed in paragraphs 1.2 and 1.3 above may improve the streetscape by softening the building edges, promote visual interest and improve pedestrian comfort; and

Landscape Aspect

- (c) the Proposed Scheme is not incompatible with the surrounding industrial urban landscape character. Having reviewed the landscape provisions as detailed in paragraph 1.3 above (**Drawings A-15 to A-17**), the Proposed Scheme would unlikely cause significant adverse landscape impact to the existing landscape resources.

Building Matters

9.1.7 Comments of the Chief Building Surveyor/Kowloon, Buildings Department:

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

EKE Initiative and Pedestrian Walkability

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

- (a) the Proposed Scheme aligns with the EKE initiative to transform Kowloon East into a premier CBD and is therefore generally supported;
- (b) on the aspect of enhancing the pedestrian environment and walkability as advocated by her Office, the Proposed Scheme has proposed a weather proof canopy along the entire length of the Tai Yip Street façade and has met the ODP's setback and NBA requirements; and
- (c) her advisory comments on the application are at **Appendix V**.

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) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD);
- (d) Director of Fire Services;
- (e) Commissioner of Police; and
- (f) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During the Statutory Publication Periods

The application and the 1st FI were published for public inspection on 15.11.2022 and 18.4.2023 respectively. During the statutory public inspection periods, a total of three public comments were received. Among them, the chairperson of the Kwun Tong Centre Area Committee of the Kwun Tong District Council supports the application without stating any grounds (**Appendix IVa**). The remaining two comments submitted by an individual object to the application mainly on the grounds that there are insufficient planning and design merits to justify the minor relaxation in PR and BH restrictions sought, and expressed concerns on the maintenance of the proposed green walls and considered it necessary to provide a canopy (**Appendices IVb** and **IVc**).

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 119.9mPD (+19.9%) for a proposed 29-storey C/O development for permitted 'Office', 'Shop and Services' and 'Eating Place' uses at the Site zoned "OU(B)". The proposed C/O development is generally in line with the planning intention of the "OU(B)" zone, which is primarily for general business uses, and is compatible with the surrounding uses within KTBA.

Policy Aspect

- 11.2 The Site is occupied by an existing nine-storey IB with the OP issued in 1970, and hence is eligible under the Policy for relaxation of non-domestic PR by up to 20% as specified on the OZP. SDEV supports the application in principle, as the proposed C/O development is in line with the Policy, which seeks to encourage redevelopment of aged IBs, and would help facilitate the on-going transformation of KTBA. Head of EKEO, DEVB generally supports the application as the proposed redevelopment to commercial uses would align with the EKE initiative to transform Kowloon East into a premier CBD.

Technical Aspect

- 11.3 The applicant has submitted technical assessments confirming the feasibility of the Proposed Scheme with 20% increase in PR. The submitted TIA has 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.

Minor Relaxation of BHR

- 11.4 The minor relaxation of BHR (+19.9%) sought is generally proportional to the proposed minor relaxation of PR restriction (+20%). Of the 17 similar applications for minor relaxation of PR under the Policy within the KTBA, the current Site (about 386.94m² in size) is hitherto the smallest site amongst the similar applications (**Appendix II**). According to the applicant, the severe site constraint and the ODP requirements necessitate the need for minor relaxation of BHR in order to accommodate the PR of 14.4 as allowed under the Policy. With the provision of the required setbacks and NBA per the ODP requirements (taking up about 14% of the site area and 21% of the G/F area), and taking into account the need for car parking and essential E&Ms, the applicant claims that the redevelopment could not be achieved under the extant BHR. To address departmental and public concerns, the proposed BH has been minimised and the typical FTFH of the commercial floors (3.85m) is considered reasonable^[7]. CA/ASC, ArchSD has no comment on the application from visual and architectural perspectives.

^[7] The FTFH of the typical commercial floors adopted in other similar applications for minor relaxation in BHR in the KTBA ranged from 3.5m to 4.1m (**Appendix II**).

- 11.5 In terms of impact on the BH profile for the KTBA (**Plan A-4**), the proposed BH of 119.9mPD would not undermine the intended BH profile, nor would the strategic views towards the Kowloon ridgelines be compromised as illustrated in the photomontages submitted by the applicant (**Drawing A-18**). 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 a BHR of 100mPD. Although subject to the more stringent BHR of 100mPD, the Site is not amongst the street blocks closest to the harbourfront, which are on the southern side of Wai Yip Street. Within the subject 100mPD height band to the west of Lai Yip Street, the Committee has approved nine similar applications with BHs ranging from 115mPD to 125.9mPD (applications No. A/K14/763, 774, 780, 782, 783, 804, 806, 809 and 810) (**Plan A-1**). CTP/UD&L, PlanD considers that the Proposed Scheme would not result in significant adverse visual impacts on the surrounding townscape.

Planning and Design Merits

- 11.6 The full-height setbacks and NBA requirements stipulated in the ODP are primarily for footpath/carriageway widening and amenity/streetscape enhancement purpose. The Proposed Scheme fully complies with the ODP requirements, which would help uplift the walking environment and cope with the future traffic demand in the area. Furthermore, the provision of a 1.5m-wide weather proof canopy along the length of the Tai Yip Street frontage could improve pedestrian comfort especially during times of inclement weather (**Drawings A-3 and A-15**). Head of EKEO, DEVB opines that these measures would generally enhance the pedestrian environment and walkability as advocated by her Office.
- 11.7 The Proposed Scheme will adopt various landscape measures as detailed in paragraph 1.3. In particular, the proposal has taken cognisance of the landscaping requirement of the SBDG by setting out to achieve an overall SC of greenery provision of not less than 20% (about 10% at primary zone) (**Drawings A-15 to A-17**), even though such requirement is not applicable to the Site with an area of less than 1,000m². CTP/UD&L, PlanD considers these design measures may contribute to streetscape improvement by softening the building edge and promoting visual interest. The applicant has also pledged to incorporate energy efficient building design measures (such as low-emissivity curtain glass wall) and endeavour to achieve 'Bronze' rating under BEAM Plus at the detailed design stage. Overall, the Proposed Scheme generally meets the relevant criteria for considering applications for minor relaxation of BHR as mentioned in paragraph 8.2 above (such as the surrender of land for improvement of streetscape and accommodating building design to address specific site constraints, etc.).

Similar Applications

- 11.8 Since March 2019, the Committee has approved 21 similar applications for minor relaxation of PR restriction from 12 to 14.4 (+20%) within the KTBA, including 14 cases with corresponding minor relaxation of BHR (ranging from +15% to +26%). Overall, approval of the current application is generally in line with the Committee's previous decisions.

Public Comments

- 11.9 There are three public comments received during the statutory publication periods, amongst them, the one supportive comment is noted. Regarding the two objecting comments concerning the planning and design merits, landscaping and green building design measures of the Proposed Scheme, the assessments above are relevant.

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 9.6.2027, 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 land contamination assessment and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) in relation to (b) above, the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission of a revised traffic impact assessment with a traffic management plan 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
- (e) 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.

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 7.11.2022
Appendix Ia	SPS
Appendix Ib	1 st FI received on 11.4.2023
Appendix Ic	2 nd FI received on 24.5.2023 and 25.5.2023
Appendix Id	3 rd FI received on 2.6.2023
Appendix II	Similar applications
Appendix III	Other technical comments from government departments
Appendices IVa to IVc	Public comments
Appendix V	Recommended advisory clauses
Drawings A-1 to A-14	Floor plans (extract) and sections
Drawing A-15	Summary of proposed planning and design merits
Drawings A-16 to A-17	Landscape proposals
Drawings A-18 to A-19	Photomontages
Plans A-1 and A-2	Location plans on OZP and ODP
Plan A-3	Site plan
Plan A-4	BHs in the vicinity of the Site and KTBA
Plan A-5	Site photo