

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K15/129**

- Applicant** : New Grand Limited represented by Arup Hong Kong Limited
- Site** : 18-20 Sze Shan Street, Yau Tong, Kowloon
- Site Area** : 3,872.2m<sup>2</sup> (about)
- Lease** : Yau Tong Inland Lot (YTIL) Nos. 30 and 31  
(a) Restricted to industrial or godown purposes  
(b) Maximum building height (BH) of 100ft (about 30.48m) above Hong Kong Principal Datum
- Plan** : Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/27
- Zoning** : “Residential (Group E)” (“R(E)”) *[Subject to a maximum domestic plot ratio (PR) of 5, a maximum non-domestic PR of 1 and a maximum BH of 120mPD, or the height of the existing building, whichever is greater]*
- Application** : Proposed Minor Relaxation of Plot Ratio Restriction for Flat and Permitted Shop and Services, Eating Place and Social Welfare Facility (Day Care Centre for the Elderly)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed flat use and minor relaxation of domestic and non-domestic PR restrictions for flat and permitted shop and services, eating place and social welfare facility (day care centre for the elderly (DE))<sup>1</sup> at the application site (the Site) (**Plan A-1**). The proposed minor relaxation in domestic PR restriction from 5 to 6 (+1 or +20%) is for the proposed flat use while the proposed minor relaxation in non-domestic PR restriction from 1 to 1.301 (+0.301 or +30.1%) is purely to accommodate the permitted social welfare facility (DE). The proposal is to facilitate the redevelopment of the existing 4-storey industrial building (IB), known as Yau Tong Industrial Building Block 4, into a 28-storey (including two levels of basement) composite development. According to Schedule I (for building other than industrial or industrial-office building) of the Notes of the OZP for the “R(E)” zone, ‘Flat’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board), while ‘Shop and Services’, ‘Eating Place’ and ‘Social Welfare Facility’ are always permitted on the lowest three floors of a building,

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<sup>1</sup> For the proposed social welfare facility, the applicant originally proposed a 100-place child care centre (CCC) at the time of submission of the application. The nature of the social welfare facility was subsequently changed to an 80-place DE upon submission of Further Information (FI) in December 2023.

taken to include basements but excluding floors containing wholly or mainly car parking, loading/unloading (L/UL) bays and/or plant room. Furthermore, minor relaxation of the PR restriction may be considered by the Board on application under section 16 of the Town Planning Ordinance.

- 1.2 The proposed redevelopment consists of two residential blocks (23 storeys) atop a 3-storey podium comprising a residential clubhouse, commercial uses (eating place and shop and services) and social welfare facility (80-place DE), and two basement levels for car parking and L/UL (the Proposed Scheme) (**Drawings A-1 and A-6**). Various design measures have been incorporated into the Proposed Scheme, notably full-height setbacks along the site perimeters for the purpose of footpath widening per the requirements of the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun Outline Development Plan (ODP) No. D/K15C/1B-A (**Plan A-2**), as well as at-grade local open space (LOS) encompassing an additional voluntary non-building area (NBA) along the northwestern boundary of the Site and an entrance plaza facing Shung Yiu Street (**Drawing A-2**). The setback, at-grade LOS/NBA will be opened for public enjoyment at all times, while the entrance plaza will be opened to the public during normal operating hours. The applicant will be responsible for the maintenance and management for all setbacks, LOS/NBA and entrance plaza, while the ODP-required setback areas will be surrendered to the government upon request. The proposed vehicular ingress/egress will be via Shung Yiu Street.
- 1.3 Master layout plan (MLP), extracted floor plans, sections, landscape master plan (LMP), green coverage/LOS/site coverage (SC) calculations, summary of proposed planning and design merits and photomontages submitted by the applicant are at **Drawings A-1 to A-15**. The major development parameters of the Proposed Scheme are summarised as follows:

Development Parameters	Proposed Scheme
Site Area (m <sup>2</sup> )	About 3,872.2
Total PR <sup>[a]</sup>	7.301 (+1.301 or +21.7%)
- Domestic	6 (+1 or +20%)
- Non-domestic	1.301 (+0.301 or +30.1%)
Total Gross Floor Area (GFA) (m <sup>2</sup> ) <sup>[a]</sup>	28,270.9 (+5,037.7 or +21.7%)
- Domestic	23,233.2 (+3,872.2 or +20%)
- Non-domestic	5,037.7 (incl. ~1,166m <sup>2</sup> for DE) (+~1,166 or +30.1%)
SC	
- Podium	Not more than 100%
- Residential Towers	Not more than 41.383% <sup>[b]</sup>
BH (at main roof level)	120mPD
No. of Storeys	28 (incl. two levels of basement carpark/ L/UL)
No. of Flats	676
Design Population (about)	1,690
LOS (m <sup>2</sup> )	About 1,709.8
Site Greenery Provision	About 20.7% (about 14.38% at primary zone)
Parking Spaces	151 for private cars / 4 for light buses / 10 for motorcycles
L/UL Spaces	7 (incl. shared spaces for the DE)
Tentative Completion Year	2030

Notes:

- [a] On top of the PR/GFA set out above, the applicant has indicated that bonus PR of about 0.465 (rounded down, equivalent to a GFA of about 1,803.79m<sup>2</sup>) will be claimed for the 360.758m<sup>2</sup> of ODP-required setback areas. While the bonus PR will be subject to approval by the Building Authority under Building (Planning) Regulations (B(P)R) 22(2), nevertheless, the bonus PR has been incorporated in the building

bulk (including BH) of the Proposed Scheme and adopted in the technical assessments.

[b] Inclusive of bonus SC of 1.383% in pursuant of [a] above.

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

- (a) Application Form received on 30.6.2023 (Appendix I)
- (b) Supporting Planning Statement (SPS) and Supplementary Information received on 30.6.2023 and 10.7.2023 (Appendix Ia)<sup>@</sup>
- (c) FI received on 11.8.2023 \* (Appendix Ib)<sup>@</sup>
- (d) FI received on 7.11.2023 \* (Appendix Ic)<sup>@</sup>
- (e) FI received on 8.12.2023 and 12.12.2023 \* (Appendix Id)<sup>@</sup>
- (f) FI received on 11.1.2024 # (Appendix Ie)<sup>@</sup>
- (g) FI received on 17.1.2024 # (Appendix If)<sup>@</sup>

*Remarks*

\* accepted but not exempted from publication and recounting requirement

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<sup>@</sup> in hardcopy and separately sent to Members. The submission is available for public inspection at the Planning Enquiry Counters of the Planning Department (PlanD) at North Point and Sha Tin

1.5 On 22.9.2023, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

## 2. Justifications from the Applicant

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

*In line with Government Policy to Boost Housing Supply*

- (a) Increasing housing supply has been the utmost policy priority of successive administrations. According to the Chief Executive's 2014 Policy Address, the government considered it feasible to boost housing land supply by generally increasing the maximum domestic PR by 20% for some density zones in the Main Urban Areas and new towns. The proposed minor relaxation of domestic PR by 20% echoes this policy initiative and would facilitate the provision of an additional 112 flats at the Site (as compared with 564 flats under an OZP-conforming scheme). Furthermore, the proposal is in line with recent policy objectives to optimise the development potential of land especially in urban areas.

*In line with Government Policy to Enhance Living Space*

- (b) In response to growing public aspirations, the government recently stipulated a minimum flat size requirement of 26m<sup>2</sup> (about 280ft<sup>2</sup>, in saleable area) for all land sale sites, railway property development projects, Urban Renewal Authority projects, and lease modification and land exchange applications by private developers. The Proposed Scheme thus strives to enhance both the quantity and quality of private residential flats through the proposed minor relaxation of domestic PR restriction. As a result of the increase in domestic PR, some 676 residential units with an average flat size of 37m<sup>2</sup> (ranging from 26m<sup>2</sup> to about 47.8m<sup>2</sup>) could be timely provided by 2030.

*In line with the Planning Intention and Compatible with the Surrounding Area*

- (c) Over the past two decades, Yau Tong Industrial Area (YTIA) has undergone significant transformation from an industrial area to an emerging residential neighbourhood with supporting commercial uses. The proposal to redevelop an obsolete IB for a composite development is fully in line with the planning intention of the “R(E)” zone and would spur the on-going transformation of the area. The proposed residential use is compatible with the existing and emerging land use character of the YTIA.

*Meeting Local Demand for DE and Commercial Facilities*

- (d) Under the Proposed Scheme, the maximum non-domestic PR of 1 will be fully utilised for retail and eating place uses, which would provide an active G/F frontage to support a vibrant neighbourhood. However, the applicant considers there to be a deficit in DE in the area. In this regard, minor relaxation of non-domestic PR from 1 to 1.301 (+30.1%) is sought to accommodate a 80-place DE with net operational floor area (NOFA) of about 506m<sup>2</sup> (equivalent to GFA of about 1,166m<sup>2</sup> and PR of 0.301). The DE will be constructed by the applicant and be handed over to the Social Welfare Department or other government department(s) in the form of a Government Accommodation upon completion. Even with the proposed minor relaxation in PR, the BH of the Proposed Scheme would still comply with the extant BH restriction (BHR) of 120mPD.

*Planning and Design Merits*

- (e) The existing footpaths around the Site are narrow and not conducive to walkability. To enhance the pedestrian environment and meet the requirements of the ODP, 1.2 to 1.66m full-height setbacks along Shung Yiu Street and 1.46m full-height setback along Sze Shan Street are proposed for the provision of 2.75m-wide footpaths and a 3.5m-wide footpath respectively. The applicant also pledges to implement the following at-grade design measures at the detailed design stage, which would enhance pedestrian circulation and visual/air permeability in the area (**Drawings A-2, A-12 to A-15**):
- (i) at-grade LOS (of about 178m<sup>2</sup>) at the northwestern boundary of the Site, which includes a voluntary NBA of about 4.2m in width (measured from the inner edge of the widened footpath) and 15m in height. The NBA is to respect the 15m-wide wind corridor extending from the “CDA” sites at Tung Yuen Street as specified in the endorsed planning brief (PB) for the YTIA “Comprehensive Development Area” (“CDA”) sites<sup>2</sup> (**Plan A-2**);
  - (ii) at-grade open greenery areas along Shung Yiu Street (total area of about 110m<sup>2</sup>);
  - (iii) G/F entrance plaza at the centre portion of the Site facing Shung Yiu Street (area of about 261m<sup>2</sup>); and
  - (iv) voluntary corner splays and other setback areas along Shung Yiu Street (total area of about 81m<sup>2</sup>).

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<sup>2</sup> The PB for the five “CDA” sites at YTIA was endorsed by the Board in November 2015. The PB stipulated two NBAs of not less than 15m wide in a northeast-southwest direction extending from Shung Wo Path and Yan Yue Wai, which would act as wind corridors to facilitate sea breezes to penetrate into the inland areas. One of the aforesaid NBAs connects Shung Wo Path with the northwestern boundary of the Site at Shung Yiu Street, which is also shown on the ODP.

- (f) Landscape treatment in the form of 162 new trees, planters, open greenery area, 1/F podium garden (opened for use by the future occupants/users and visitors during reasonable opening hours) and green podium roof is proposed (**Drawing A-9**). LOS of not less than 1m<sup>2</sup> per person in accordance with the Hong Kong Planning Standards and Guidelines would be provided (**Drawing A-11**). The Proposed Scheme fully complies with the requirements of the Sustainable Building Design Guidelines, including tower separation of not less than 15m, building setbacks per para. 2(e) above and not less than 20% SC of greenery of which not less than 10% will be provided within the primary zone (**Drawing A-10**).

*No Adverse Impact on the Surrounding Area*

- (g) Various technical assessments have been conducted for the Proposed Scheme, which recommended various noise (e.g. fixed glazing and acoustic balconies/windows) and air quality mitigation measures (e.g. adopting central air conditioning for ventilation of the podium with fresh air intake located at a height of at least 6.5m above ground). With the implementation of the aforesaid measures, the proposal will not impose any adverse traffic, drainage and sewerage impacts on the surrounding area, nor would the Proposed Development be subject to adverse industrial/residential (I/R) interface issues. In particular, the submitted traffic impact assessment (TIA) concluded that the traffic impact induced by the proposed development will be insignificant and could be accommodated by the surrounding road network. Therefore, the proposed minor relaxation of PR restriction meets the requirements of the Explanatory Statement (ES) of the OZP, and is considered acceptable and technically feasible.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is one of the “current land owners” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A or 16 of the Town Planning Ordinance (TPB PG-No. 31A) by publishing newspaper notices and posting site notices. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

Prior to 1998, the vast majority of private lots in the YTIA (including the Site) were originally zoned “Industrial” (“I”) on the OZP. In August 1998, following the recommendations of the Central and East Kowloon Development Statement, the “I” zones in YTIA were rezoned into three large “CDA” zones (with one of the “CDA” zones along Sze Shan Street covering the Site) and two “Commercial” zones. During the public exhibition period, a number of objections and further objections were received expressing difficulties over land assembly due to multiple landownership in the area. In November 1999, the Board proposed further amendment to the OZP to meet the objections and further objections, whereby the three “CDA” zones were amalgamated and restructured to form one large “CDA” zone along Tung Yuen Street, while the areas along/around Sze Shan Street (including the Site) and Shung Tak Wai were rezoned to “R(E)” to facilitate early phasing out of industrial uses. The draft OZP was subsequently approved in 2000 and the boundaries of the YTIA “R(E)” zones have hitherto remain unchanged. In May 2008, BHRs were stipulated for the YTIA following a BH review for the area, which generally ascends from 80mPD along the waterfront to 120mPD (including the Site)/140mPD further inland.

## 5. Previous Application

There is no previous application concerning the Site.

## 6. Similar Applications

- 6.1 There is no similar application for proposed minor relaxation of PR restriction in the “R(E)” zones on the OZP.
- 6.2 Since 2000, there have been 21 similar applications for proposed residential with/without commercial uses covering seven sites within the YTIA “R(E)” zones (**Plan A-1**). Amongst the 21 applications, 16 were approved with conditions by the Committee mainly on the considerations that the proposed (re)developments were in line with the planning intention of the “R(E)” zone; and the proposals would not cause any adverse environmental and traffic impacts on the surrounding area. Pursuant to the planning approvals, five residential developments have since been completed, namely Peninsula East, Maya, The Spectacle, Ocean One and Canaryside (**Plan A-3**).
- 6.3 The remaining five applications were rejected by the Committee or the Board on review mainly on the grounds that the applications had failed to demonstrate that the proposed developments would be environmentally acceptable in the light of potential I/R interface problems; and there was insufficient information to justify the excessive BHs of the proposed developments (for three of the applications considered prior to the imposition of BHR for the area). Details of the similar applications are at **Appendix II**.

## 7. The Site and Its Surrounding Areas (Plans A-1 to A-6)

- 7.1 The Site is:
  - (a) occupied by the 4-storey Yau Tong Industrial Building Block 4 (completed in 1979), which is currently vacant; and
  - (b) abuts Sze Shan Street to the northeast and bounded by Shung Yiu Street on the remaining frontages.
- 7.2 The surrounding areas have the following characteristics:
  - (a) YTIA is currently undergoing gradual transformation from an industrial area to a residential neighbourhood. Apart from the five completed residential developments in para. 6.2 above, four of the five YTIA “CDA” zones along the waterfront are covered with valid planning permissions for residential developments, of which one site has been completed and two of the sites are undergoing construction (**Plan A-3**). To the northwest is an existing IB, Gloria Weaving & Knitting Factory, which will undergo conversion into a temporary transitional housing project with funding approved by the government;
  - (b) while the transformation of YTIA continues apace, the Site is surrounded by a mixture of existing IBs (mainly for warehousing/storage uses) and new residential buildings. To the north of the Site across Sze Shan Street are Wah Lee Industrial Building and the residential development of Maya, to the northwest and southeast of

the Site across Shung Yiu Street are Yau Tong Industrial Building Block 2 and Mai Tong Industrial Building respectively, while the “CDA” sites to the south and southwest of the Site are undergoing construction;

- (c) to the further northwest of the YTIA is the Yau Tong Bay “CDA” zone; and
- (d) Yau Tong Station is located about 600m to the north of the Site.

## **8. Planning Intention**

- 8.1 The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of I/R interface problem.
- 8.2 According to the ES of the OZP, developments within the “R(E)” zone are subject to specific control on PRs as stipulated in the Notes in order to restrain traffic growth which will otherwise overload the existing and planned transport network. To provide design/architectural flexibility, minor relaxation of the PR/BH restrictions may be considered by the Board on application. Each application will be considered on its individual merits.

## **9. Comments from Relevant Government Bureau/Departments (B/Ds)**

- 9.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) YTIL Nos. 30 and 31 are restricted to industrial or godown purposes or both with a BHR of not exceeding 100ft (i.e. about 30.48m) above Hong Kong Principal Datum; and
- (b) the proposed redevelopment for residential, shop and services, eating place and social welfare facility uses is in conflict with the existing lease conditions. The applicant should note his detailed comments at **Appendix IV**.

### **Traffic Aspect**

- 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) she has no in-principle objection to the application from district traffic engineering viewpoint; and
- (b) should the application be approved by the Board, approval conditions (c) and (d) in para. 12.2 below should be stipulated.

### **Social Welfare Facility**

#### 9.1.3 Comments of the Director of Social Welfare (DSW):

- (a) he supports the proposal in-principle as there is a genuine need for setting up subvented DE to address the needs of frail elderly persons arising from the ageing population, the growing number of households in the district as well as the existing high service demand in the area. The provision of a DE for frail elderly persons living in the district is in line with the policy of “Ageing in Place”;
- (b) DE provides centre-based community care services, such as day time care, rehabilitation exercises and social activities, to frail elderly persons aged 60 or above living in the community and who are assessed and recommended for Community Care Services or Residential Care Services under the Standardised Care Need Assessment Mechanism for Elderly Services, including those suffering from dementia. As at end of November 2023, there were 1,936 waiting cases for day care services in the territory while the average waiting time for Kwun Tong District was four months;
- (c) there is no fixed ratio between GFA and NOFA for DE as the provided NOFA will depend on the efficiency of the future design of the proposed development. He has no comment on the applicant’s proposal to adopt a conversion factor of 2.3 for GFA/NOFA ratio for the proposed DE in the proposed development; and
- (d) should the application be approved by the Board, approval condition (e) in para. 12.2 below should be stipulated.

### **Environmental Aspect**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) he has no objection to the application as the proposed redevelopment would help phase out undesirable I/R interface problems, help improve the existing environment and facilitate gradual infilling of residential developments within the YTIA;
- (b) the applicant has addressed the interim I/R interface issues by proposing various mitigation measures to ensure no adverse noise and air quality impact at the proposed development. Other measures such as the elevated residential towers atop a 3-storey podium and the setting up of a designated hotline by the management office for handling environmental complaints are also noted. Furthermore, no insurmountable sewerage impact arising from the proposed development is anticipated; and
- (c) should the application be approved by the Board, approval conditions (a) and (b) in para. 12.2 below should be stipulated. The applicant should also note his advisory comments at **Appendix IV**.



## **Urban Design, Visual Impact, Air Ventilation and Landscape Planning**

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

- (a) she has no adverse comment on the application from urban design, visual impact, air ventilation and landscape planning perspectives;

### *Urban Design, Visual Impact and Air Ventilation*

- (b) the BH of the proposed development complies with the extant BHR of 120mPD as stipulated on the OZP. The Proposed Scheme would unlikely cause any significant adverse visual impact on the surrounding area;
- (c) the design measures proposed by the applicant under para. 2(e) and 2(f) above may enhance pedestrian connectivity, promote visual interest and pedestrian comfort if implemented. Furthermore, the proposed voluntary NBA at para. 2(e)(i) above and the proposed footpath widening may allow sea breezes to further penetrate into the inland areas if implemented;

### *Landscape Planning*

- (d) the Site is situated in an area of industrial urban landscape character predominated by IBs and vacant land. The proposed development is considered not incompatible with the landscape setting in the area and adverse impact on existing landscape resources are not anticipated. The design and landscape measures proposed in para. 2(e) and 2(f) above would provide amenities to the future residents and passersby; and
- (e) the applicant should note her advisory comments at **Appendix IV**.

9.2 The following B/Ds have no comment/no objection to the application, and their advisory comments, if any, are at **Appendix IV**:

- (a) Principal Assistant Secretary (Harbour), Development Bureau;
- (b) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (f) Director of Fire Services (D of FS);
- (g) Chief Building Surveyor/Kowloon, Buildings Department;
- (h) Project Manager (East), Civil Engineering and Development Department (CEDD);
- (i) Head of Geotechnical Engineering Office, CEDD (H of GEO, CEDD);
- (j) Director of Leisure and Cultural Services;
- (k) Director of Electrical and Mechanical Services;
- (l) District Officer (Kwun Tong), Home Affairs Department; and
- (m) Commissioner of Police.

## **10. Public Comments Received During the Statutory Publication Periods**

- 10.1 The application and FIs were published for public inspection. During the statutory publication periods, a total of 85 public comments were received, including 47 supporting comments, 34 adverse/objecting comments and 4 comments providing views on the proposed development. A full set of public comments will be deposited at the meeting for Members' inspection.

### *Supporting Comments (47 Comments)*

- 10.2 47 individuals support the application mainly on the consideration that the proposed development with minor relaxation of PR would increase housing supply and optimise the utilisation of the Site; the proposal would help phase out an existing industrial use to spur the transformation of YTIA; the proposed development would bring socioeconomic benefits and raise the standard of living through the provision of much-needed commercial uses and a CCC (though the nature of the proposed social welfare facility was subsequently changed to a DE following submission of FI under **Appendix Id**); and the proposal would reduce the coming/going of goods vehicles in the area and uplift the environment with wider pavements and at-grade LOS, etc. Samples of the comments are extracted at **Appendices III-1 to III-7**.

### *Adverse/Objecting Comments (34 Comments)*

- 10.3 34 individuals provided adverse comments/objected the application mainly on the grounds that there is an oversupply of housing units in the area/the territory; the bulky proposal would create 'wall effect'/'street canyon effect'/overshadowing effect and would obstruct the private views of Maya (**Plan A-3**); the proposal would induce adverse traffic, environmental (for construction stage), visual, air ventilation and structural stability impacts and affect the tranquility of the surrounding area; the proposed high-end car parking provision would strain the surrounding road network; the new residents would put pressure on local facilities; the proposed greening and open spaces were inadequate; approval of the application would set an undesirable precedent; and there is a risk that the proposed CCC (to be owned by the applicant) would be converted to commercial uses in the future due to low birth rates, etc. Samples of the comments are extracted at **Appendices III-8 to III-15**.

### *Comments Providing Views (4 Comments)*

- 10.4 Four individuals express similar concerns as para. 10.3 above and further suggest that the proposed BH should be restricted to the existing entitlement of the lots. Some individuals also question the adequacy of the measures to reduce environmental pollution during the construction stages of the development (**Appendices III-16 to III-19**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed minor relaxation of domestic PR from 5 to 6 (+1 or +20%) and maximum non-domestic PR from 1 to 1.301 (+0.301 or +30.1%) for redeveloping the existing 4-storey IB into a 28-storey composite development, consisting of two blocks of flat, and a podium with commercial (shop and services, eating place) and social welfare facility (DE) uses at the Site. Despite the minor relaxation in PR sought, the BH of the Proposed Scheme would still comply with the extant BHR of 120mPD on the OZP.

### *Planning Intention and Land Use Compatibility*

- 11.2 The proposed redevelopment is in line with the planning intention of the “R(E)” zone, which is primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential uses. The Site is located in YTIA, which is undergoing transformation from an industrial area into an emerging residential neighbourhood. The proposed flats with complementary commercial and social welfare uses at its podium is considered compatible with the existing and planned land uses in the surrounding area.

### *I/R Interface and Environmental Considerations*

- 11.3 The requirement to submit planning application for residential uses within the “R(E)” zone is primarily to ensure that the future residents would not be subject to adverse I/R interface problems posed by extant industrial uses during the interim period, as it may not be possible to phase out all industrial uses in one go. Although the surrounding area is intermixed with residential developments and existing IBs, the latter is predominately used as warehouses/storages. The submitted environmental assessment has concluded that the Proposed Scheme would not be subject to insurmountable environmental problems with suitable mitigation measures in place, which would address the potential noise and air quality impacts. DEP has no objection to the application and his technical concerns can be addressed by way of approval conditions and advisory clauses. On other technical aspects, concerned departments, including D of FS, CE/MS, DSD and H of GEO, CEDD, have no objection/no adverse comment on the application.

### *Development Intensity and Planning Gain*

- 11.4 According to the ES of the OZP, developments within the “R(E)” zone are subject to specific control on PRs in order to restrain traffic growth which would otherwise overload the existing and planned transport network. The proposed minor relaxation of domestic PR from 5 to 6 (i.e. +20%) and non-domestic PR from 1 to 1.301 (i.e. +30.1%) would facilitate the provision of an additional 112 flats (as compared with 564 flats under an OZP-conforming scheme) and an 80-place DE respectively. In spite of the proposed minor relaxation of PRs, the submitted TIA has concluded that the traffic impact induced by the proposed development will be insignificant and C for T has no in-principle objection to the application. Moreover, DSW has provided in-principle support for the proposed subvented DE which would meet the genuine need of frail elderly persons arising from the ageing population, the growing number of households in Kwun Tong district and the high service demand in the area. The applicant’s intention to hand the DE back to the government in the form of a Government Accommodation upon completion would obviate concerned department’s need to secure its own premises/sites and could be considered a planning gain of the Proposed Scheme.

### *Design Merits*

- 11.5 The Proposed Scheme has incorporated full-height setbacks along the site perimeters to meet the requirements of the ODP. Moreover, the Proposed Scheme has incorporated a number of at-grade LOS, open greenery and landscaped areas. CTP/UD&L, PlanD considers such measures to be conducive to promoting walkability, visual/landscape amenity and air ventilation in the area.

### *Similar Applications*

- 11.6 While there is no similar application for minor relaxation of PR restriction within the “R(E)” zones on the OZP, the Committee has previously approved 16 similar applications for residential (flat) uses with/without commercial uses within the “R(E)” zones in YTIA on the grounds that the proposals were in line with the planning intention and there being no adverse comments from concerned departments. Such considerations are generally relevant to the current application.

### *Public Comments*

- 11.7 The 47 supporting comments are noted. As for the 34 adverse/objecting comments, the considerations and assessments in paragraphs 11.2 to 11.6 above are relevant. Regarding the concerns that the floor space of the proposed CCC might be converted to other commercial uses in the future, the applicant has subsequently changed the proposed social welfare facility to a DE which would be handed over to the government as Government Accommodation upon completion, to which DSW has provided in-principle support.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11, and having taken into account the public comments as 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 26.1.2028, 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 environmental assessment to address the potential air quality and noise impacts and industrial/residential interface environmental problems, and the implementation of the environmental mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the submission of a revised land contamination assessment and the implementation of the remediation measures identified therein prior to the commencement of the construction works for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of a revised traffic impact assessment and implementation of traffic mitigation measures identified therein for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and provision of vehicular access, vehicle parking spaces, loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and

- (e) the provision of a day care centre for the elderly, as proposed by the applicant, to the satisfaction of the Director of Social Welfare or of the Town Planning Board.

#### Advisory Clauses

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

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

there are no strong justifications for the proposed minor relaxation of plot ratio restriction sought.

### **13 Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or 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**

<b>Appendix I</b>	Application Form
<b>Appendix Ia</b>	SPS and Supplementary Information
<b>Appendix Ib</b>	FI received on 11.8.2023
<b>Appendix Ic</b>	FI received on 7.11.2023
<b>Appendix Id</b>	FI received on 8.12.2023 and 12.12.2023
<b>Appendix Ie</b>	FI received on 11.1.2024
<b>Appendix If</b>	FI received on 17.1.2024
<b>Appendix II</b>	Similar Applications
<b>Appendices III-1 to III-19</b>	Public Comments (extracted)
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	MLP
<b>Drawings A-2 to A-5</b>	Floor Plans
<b>Drawings A-6 to A-8</b>	Sections
<b>Drawings A-9 and A-10</b>	LMP and Green Coverage Calculations
<b>Drawing A-11</b>	LOS and SC Calculations
<b>Drawings A-12 and A-13</b>	Planning and Design Merits
<b>Drawings A-14 and A-15</b>	Photomontages
<b>Plans A-1 and A-2</b>	Location Plans on OZP and ODP
<b>Plan A-3</b>	Site Plan
<b>Plan A-4</b>	Aerial Photo
<b>Plans A-5 and A-6</b>	Site Photos