

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K1/269

<u>Applicant</u>	:	Asia Rich Incorporation Limited represented by KTA Planning Limited
<u>Site</u>	:	43-49A Hankow Road, Tsim Sha Tsui, Kowloon
<u>Site Area</u>	:	About 1,074.5m ²
<u>Lease</u>	:	Kowloon Inland Lot (KIL) No. 7306 (a) for a term of 150 years from 24.6.1889 (b) shall not be used for industrial purposes
<u>Plan</u>	:	Approved Tsim Sha Tsui (TST) Outline Zoning Plan (OZP) No. S/K1/28
<u>Zoning</u>	:	“Commercial (6)” (“C(6)”) <ul style="list-style-type: none">- restricted to a maximum plot ratio (PR) of 12.0 and a maximum building height (BH) of 110 metres above the Hong Kong Principal Datum (mPD)- a minimum of 1.5m wide non-building area (NBA) from the lot boundary abutting areas shown as ‘Road’ on the OZP, except Chatham Road South and Nathan Road, shall be provided
<u>Application</u>	:	Proposed Flat with Permitted Office, Shop and Services and Eating Place Uses

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed composite development at the application site (the Site) (**Plan A-1**). The proposed development has a total PR of 12 (comprising a domestic PR of 3.428 and a non-domestic PR of 8.572) and BH of 110mPD (at main roof level), and a NBA of 1.5m from the lot boundary abutting Hankow Road is provided (**Drawing A-1**). The Site falls within an area zoned “C(6)” on the approved TST OZP No. S/K1/28. According to the Notes of the OZP for “C(6)” zone, ‘Flat’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board), whereas ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses are always permitted.
- 1.2 The Site is located on the western side of Hankow Road and is occupied by a 11-storey residential building known as Hankow Apartments with shops and restaurants on G/F, which is currently under demolition (**Plans A-4 to A-5**). The applicant proposes to redevelop the subject building into a 28-storey composite

development with mainly commercial uses, including retail, food and beverages (F&B) and offices uses from G/F to 17/F (**Drawings A-1 to A-5**) as well as about 110 residential flats atop from 19/F to 30/F (**Drawing A-7**). Separate entrances will be provided for the proposed commercial and residential uses respectively (**Drawing A-1**). A common green roof on 3/F for customers/tenants use (**Drawing A-4**), and a clubhouse and a private open space on 18/F (**Drawing A-6**) are proposed. No parking and loading/unloading (L/UL) facilities will be provided for the proposed development.

- 1.3 The proposed setback of 1.5m from the lot boundary abutting Hankow Road is in line with the OZP requirement (**Drawing A-1**). Besides, three voluntary setbacks from the northern (about 2.3m), southern (about 3m) and western (about 3.5m) lot boundaries will be provided (**Drawing A-1**). Further building recesses are provided on 3/F from the south-western corner, and 19/F to 30/F from the eastern and western boundaries (**Drawings A-4 and A-7**). Canopy structures (about 1.5m wide) are proposed along Hankow Road (subject to Buildings Department's (BD) approval on GFA exemption¹) and the area adjacent to the residential lobby (**Drawings A-1 and A-2**). Greenery in the form of vertical green wall and landscape planter will be provided on G/F along a portion of southern lot boundary and a portion of Hankow Road frontage respectively (**Drawings A-1 and A-11**). Landscape plantings and lawn with seating and outdoor fitness facilities will be provided on 3/F and 18/F (**Drawings A-11 and A-12**).
- 1.4 The floor, sectional and landscape plans of the proposed development are shown in **Drawings A-1 to A-13**. The proposed key development parameters and floor uses are as follows:

Site Area (about)	1,074.5m ²
Maximum GFA (about)	Total: 12,894m ² • Domestic: 3,683.4m ² (28.6%) • Non-domestic: 9,210.6m ² (71.4%)
No. of Flats	110 (average unit size: 33.5m ²)
Maximum PR (about)	Total: 12 • Domestic: 3.428 • Non-domestic: 8.572
BH (main roof)	Not more than 110mPD
Site Coverage (SC)	Non-domestic - not more than 75% Domestic - not more than 33.3%
Private Open Space	Not less than 253m ²
Main Floor Uses	
G/F to 7/F* (4/F omitted)	Retail, F&B and office (residential and commercial lobbies on G/F and 1/F respectively, and communal green roof for customers/tenants on 3/F)
8/F to 17/F*	Offices
18/F	Clubhouse and communal open space
19/F to 30/F (24/F omitted)	Residential flats

* The proposed retail, F&B and offices uses within the non-domestic portion (G/F to 17/F) are always permitted within "C(6)" zone and the floor uses may be subject to change.

¹ The proposed canopy over public street may be exempted from the GFA accountability subject to compliance with exemption and design criteria, such as width and height requirements, as set out in the Building (Planning) Regulation and relevant practice notes.

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

- (a) Application Form received on 14.9.2023 (Appendix I)
- (b) Supplementary Planning Statement (SPS) with technical assessments received on 14.9.2023 (Appendix Ia)
- (c) Further Information (FI) received on 4.10.2023 and 10.10.2023[@] (Appendix Ib)
- (d) FI received on 13.11.2023[@] (Appendix Ic)

Remarks: @ accepted but not exempted from publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I to Id**. They can be summarised as follows:

- (a) Residential use atop commercial use are commonly found in the area. The proposed composite development is in line with the PR and BH restrictions and setback requirement under the OZP, and is compatible with its immediate surrounding area in a way that majority of the ground floor frontage will be designated for retail/F&B use. The proposed development helps maintain the mixed-use neighbourhood character and will not jeopardize any opportunity for street level activities hence sustaining the vibrancy along Hankow Road.
- (b) Given the excellent accessibility to public transport, preservation of the existing at-grade retail/pedestrian street character with walkability enhancement measures as well as various site constraints and road safety concerns, no internal transport facilities are provided within the Site. According to the TIA, the existing car parks surrounding the Site could supplement the demand of car parking spaces arising from the proposed development, which is expected to be limited. Meanwhile, the anticipated L/UL activities will be conducted at the two lay-bys outside the Site.
- (c) The proposed development would offer benefits similar to those identified in Town Planning Board Guidelines for Designation of “Other Specified Uses” annotated “Mixed Uses” (“OU(MU)”) Zone and Application for Development within “OU(MU)”) Zone Under Section 16 of the Town Planning Ordinance (TPB PG-No. 42)², through the mixture of retail and residential uses whilst providing proper physical segregation with separate entrances to avoid potential interface problems.
- (d) Both the Policy Addresses (PA) since 2013 and Long Term Housing Strategy (LTHS) have emphasised the need to increase land supply. The proposed development will alleviate the pressing housing needs by providing a total of 110 flats which provides opportunity to contribute to the flat production targets under the PA and the LTHS. Potential needs on community facilities arising from the

² Considerations for assessing planning application in “OU(MU)” zone include that the proposed mixed use development should be compatible with the surrounding land uses; would not adversely affect the character and environment of the neighbourhood; would not overstrain the capacity of existing/planned infrastructure in the area; and would not result in environmental pollution or nuisance.

small residential population of the proposed development will be met by existing provision in the district.

- (e) The Site has good accessibility, is well served by buses and is 150m away from MTR TST Station. The Traffic Impact Assessment (TIA) concluded that the proposed development would not induce adverse traffic impact on the adjacent road networks. The Qualitative Air Quality Impact Assessment (AQIA) and Noise Impact Assessment (NIA) indicated that there will be no unacceptable air and noise impact on the proposed development. The Sewerage Impact Assessment (SIA) revealed that the existing sewerage system would be sufficient to cater for the sewage generated from the proposed development.

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

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

4. Background

- 4.1 The Site was zoned “Commercial/Residential” (C/R) under OZP No. LK 1/40 gazetted in December 1965. Upon the recommendation of the Kowloon Density Study (KDS), the Site together with the surrounding areas were rezoned to “C” in December 1993 with a PR restriction of 12 to reflect the relatively dominant commercial neighbourhood. Notwithstanding this, the area located in the inner part of TST is still characterised by a mixture of C/R, hotel and office developments, and commercial uses like shops and restaurants are commonly found on ground/lower floors of buildings (**Plan A-3**).
- 4.2 In April 2008, in accordance with the findings of the air ventilation assessment study for the area, the Site and its neighbouring area were rezoned from “C” to “C(6)” with the imposition of a minimum 1.5 wide NBA from the lot boundary abutting public road(s), except Chatham Road South and Nathan Road, and the stipulation of a maximum BH of 110mPD. The zoning and the development restrictions of the Site under the OZP remains unchanged since then.

5. Previous Applications

There is no previous application covering the Site.

6. Similar Applications

There are two similar applications (Nos. A/K1/182 and A/K1/244) for ‘Flat’ use within “C” zone on the TST OZP (**Plan A-1**). Application No. A/K1/182 is for a proposed composite development with residential flats, retail and a Mariners’ Club with a total PR of 8.44 (7.5 for domestic PR and 0.94 for non-domestic PR) at Middle Road. Application No. A/K1/244 involves a proposed composite development with residential flats atop

shop and services/eating place uses with a total PR of 8.149 (4.059 for domestic PR and 4.09 for non-domestic PR) at a site at Kimberley Road. Both applications were approved with conditions by the Metro Planning Committee (the Committee) on 8.11.2002 and 22.5.2015 respectively mainly on the grounds that the proposed development complied with the PR and BH restrictions on the OZP; it was not incompatible with the mixed-use character of the surroundings; and relevant Government departments had no adverse comment.

7. The Site and its Surrounding Areas (Plans A-1 to A-5)

7.1 The location and current condition of the Site are detailed in paragraph 1.2 above.

7.2 The surrounding areas have the following characteristics:

- (a) mixed with hotels, commercial and C/R buildings (**Plan A-3**). Eating places, shops and service uses are mainly accommodated within lower floors of these buildings;
- (b) to the further north across Haiphong Road is Kowloon Park; and
- (c) well served by various modes of public transport including franchised buses and public light buses. MTR TST Station is located in about 150m to the northeast of the Site.

8. Planning Intention

The planning intention of the “C” zone including the “C(6)” sub-zone is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as a territorial business centre and regional or district commercial/shopping centres. The areas under this zoning are major employment nodes.

9. Comments from the Relevant Government Departments

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 West, Lands Department (DLO/KW, LandsD):

- (a) no objection to the application;
- (b) the Site falls within KIL No. 7306 (“the Lot”), which is held under Conditions of Re-grant No. 5877 dated 30.11.1957 for a term of 150 years commencing from 24.6.1889. According to the lease

conditions, the Lot shall not be used for industrial purposes and no factory building shall be erected thereon. There is no restriction on GFA, SC and BH in the lease conditions, but subject to existing rights of way of the surrendered old lots. Based on the architectural drawings submitted by the applicant, the proposed composite development would be erected over the existing rights of way, and would be in breach of the said lease conditions;

- (c) it is noted that no parking spaces will be provided in the proposed composite development. According to the lease conditions, in the event of re-development, adequate space shall be provided within the Lot for the parking of motor vehicles to the satisfaction of the then Director of Public Works. As such, the applicant should seek comment from the Transport Department (TD) regarding the proposed nil parking provision; and
- (d) if the application is approved by the Board, subject to no adverse comment from TD on the proposed nil parking provision, the applicant is required to apply to LandsD for a lease modification and to substantiate with such documents as may be required by and to the satisfaction of LandsD that he has the sole and full right to encroach, extinguish and built-over the said existing rights of way without interfering any other parties' rights, if any, thereon in order to implement the proposal. However, there is no guarantee that the lease modification application will be approved. Such application, if received, will be considered by LandsD acting in the capacity as a landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD.

Traffic

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

- (a) in consideration of the site constraints and the given justifications, he has no comment on the nil internal transport provision from traffic engineering viewpoint provided that all L/UL activities of the subject development will be carried out during the off-peak hour (i.e. between 8am and 4pm). The applicant should submit undertaking letter to TD to confirm the L/UL arrangement for the proposed development; and
- (b) the following approval condition should be imposed should the Board decides to approve the application:

the submission of L/UL arrangement for the proposed development to the satisfaction of C for T or of the Board.

9.1.3 Comments of the Commissioner of Police:

- (a) no comment on the application; and
- (b) if temporary traffic arrangement drawings of subsequent works are ready for assessment, the drawings should be provided to the Road Management Office (Traffic Kowloon West) of the Hong Kong Police Force.

Environment

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

- (a) no in-principle objection to the application and no insurmountable environmental impact associated with the proposed development anticipated;
- (b) to ensure the outstanding technical comments on the SIA report would be properly addressed, the following approval conditions should be imposed if the Board decides to approve the application:
 - (i) the submission of a revised SIA to the satisfaction of DEP or of the Board; and
 - (ii) the implementation of the local sewerage upgrading, improvement and connection works identified in the revised SIA to the satisfaction of the Director of Drainage Services or of the Board; and
- (c) other detailed comments are set out at **Appendix II**.

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

- (a) no adverse comment on the SIA; and
- (b) the applicant is reminded to carry out manhole survey at detailed design stage to confirm the actual invert level and pipe capacity.

Urban Design and Landscape

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

Urban Design and Visual

- (a) given the site context, it is unlikely that the proposed development will induce any significant adverse impact on the visual character of the surrounding townscape;

Landscape

- (b) the Site is situated in an area of organic mixed urban landscape characters predominated by medium-rise commercial and residential developments. The Site was previously occupied by a composite building with retails and residential use. The proposed development is considered not incompatible with the landscape setting in proximity;
- (c) with reference to the SPS, landscape provisions (as stated in paragraph 1.3 above) are proposed to enhance the landscape quality of the development. Hence, she has no objection to the application from landscape planning perspective;
- (d) other detailed comments are set out at **Appendix II**.

Building Matters

9.1.7 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K), BD:

- (a) no objection to the application;
- (b) all building works are subject to compliance with the Buildings Ordinance and its allied regulations; and
- (c) other detailed comments are set out at **Appendix II**.

Fire Safety

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

- (a) no comment on the application; and
- (b) the applicant is reminded that emergency vehicular access provision in the captioned development shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by BD.

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

- (a) Chief Highway Engineer/Kowloon, Highways Department (HyD);
- (b) Chief Engineer/Construction Division, Water Supplies Department;
- (c) Director of Food and Environmental Hygiene; and
- (d) District Officer (Yau Tsim Mong), Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

During the statutory public inspection period, one public comment was received from an individual who supports the provision of residential units in TST area and expresses concern on the unit size and limited demand for commercial development (**Appendix III**).

11. Planning Considerations and Assessments

- 11.1 The applicant seek planning permission for a proposed composite development at the Site comprising mainly retail, restaurant and office uses with residential use atop with a total PR of 12 (i.e. non-domestic PR of 8.572 and domestic PR of 3.428) and BH of 110mPD (**Drawings A-1 to A-10**). While the proposed commercial uses from G/F to 17/F are always permitted in the “C(6)” zone, the ‘Flat’ use, which is a Column 2 use, on the upper floors from 19/F to 30/F requires planning permission from the Board. Separated entrances and accesses will be provided for the commercial and residential uses of the proposed development (**Drawings A-1 and A-2**). The proposed PR and BH do not exceed the respective restrictions under the “C(6)” zone, i.e. maximum PR of 12 and BH of 110mPD.

Planning Intention and Land Use Compatibility

- 11.2 The Site falls within “C(6)” zone on the OZP, which is intended for commercial developments, such as shop, services, place of entertainment and eating place. Whilst the proposed office, shop and services and eating place uses are always permitted in “C(6)” zone, the proposed ‘Flat’ use is not fully in line with the planning intention of “C(6)” zone. However, the Site is located in the inner area of TST with a mixture of C/R, hotel and office developments, which is largely inherited from the former “C/R” zoning covering the area as mentioned in paragraph 4.1 above. From land use perspective, the proposed composite development with mainly commercial uses (about 71.4% of total GFA) and residential flats atop (about 28.6% of total GFA) is considered not incompatible with the surroundings (**Plan A-3**). There were also two similar applications in the vicinity previously approved by the Committee as mentioned in paragraph 6 above. Having regarded the development intensity permitted for the zone and the local planning context, the proposed composite development is considered not unacceptable from the district planning perspectives.

Urban Design and Landscape Aspects

- 11.3 According to the applicant, the proposed scheme will incorporate a 1.5m setback from the site boundary along Hankow Road in accordance with the OZP requirement (**Drawing A-1**). Besides, three voluntary setbacks from the northern (about 2.3m), southern (about 3m) and western lot boundaries (about 3.5m) will be provided (**Drawing A-1**). Further building recesses are provide on 3/F from the south-western corner, and 19/F to 30/F from the eastern and western boundaries (**Drawings A-4 and A-7**). Canopy structures (about 1.5m wide) are proposed along Hankow Road (subject to BD’s approval on GFA exemption) and the area adjacent to the residential lobby (**Drawings A-1 and A-2**). Landscape provisions such as vertical greening and planter on G/F, podium roof greening on

3/F, landscape plantings and lawn with seating and outdoor fitness facilities on 18/F are proposed to enhance the landscape quality of the development (**Drawings A-11 to A-12**). In this regard, CTP/UD&L of PlanD considers that the proposed development is unlikely to induce any significant adverse effects on the visual character of the surrounding townscape and is not incompatible with the landscape setting in proximity.

Technical Aspects

- 11.4 The Site is situated in the inner-street in the TST area. Separate entrances for the domestic and non-domestic parts of the building are provided to prevent nuisance to the future residents (**Drawing A-1**). The AQIA and NIA submitted have demonstrated that insurmountable environmental impact associated with the proposed development is not anticipated. In this regard, DEP has no objection to the application from the environmental aspect subject to the incorporation of the approval conditions as set out in paragraphs 12.2(a) to (b) below.
- 11.5 The TIA submitted demonstrated that the proposed development will not cause adverse traffic impact to the surrounding areas. As such, C for T has no adverse comment on the application subject to the incorporation of the approval condition as set out in paragraph 12.2(c) below. Other relevant government departments consulted including DSD, FSD, HyD, and WSD have no adverse comments on or no objection to the application.

Similar Applications

- 11.6 There are two similar applications (Nos. A/K1/182 and A/K1/244) for composite development with 'Flat' use within commercial zones on the TST OZP. Both applications were approved with conditions by the Committee mainly on the grounds of land use compatibility, compliance with PR and BH restrictions of the OZP and no technical concern. The approval of the subject application is consistent with the previous decisions of the Committee on similar applications.

Public Comment

- 11.7 Regarding the public comment, the planning assessments above and the departmental comments in paragraph 9 are relevant. In respect of the flat size of the proposed development, the proposed average flat size of about 33.5m² is not unreasonable as compared with recent developments in the Yau Tsim Mong areas.

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 12.1.2028, 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 Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the local sewerage upgrading, improvement and connection works identified in the revised Sewerage Impact Assessment in planning condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the submission of loading/unloading arrangement to the satisfaction of the Commissioner for Transport 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' reference:

the proposed development is not in line with the planning intention of the "C(6)" zone, which is intended primarily for commercial development. There is no strong planning justification in the submission for a departure from such planning intention.

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 applicants.

14. Attachments

Appendix I
Appendix Ia

Application Form received on 14.9.2023
Supplementary Planning Statement with Technical Assessments

Appendix Ib
Appendix Ic
Appendix II

Further Information received on 4.10.2023 and 10.10.2023
Further Information received on 13.11.2023
Detailed Departmental Comments

Appendix III	Public Comment
Appendix IV	Recommended Advisory Clauses
Drawings A-1 to A-9	Floor Plans
Drawing A-10	Section Plan
Drawings A-11 and A-12	Landscape Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Existing Uses in the Surrounding Areas
Plans A-4 and A-5	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**