

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

**APPLICATION NO. A/K5/840**

- Applicant** : Fung Properties (HKS) Limited represented by Townland Consultants Limited
- Site** : 800 & 828 Cheung Sha Wan Road and 601-603 Tai Nan West Street, Cheung Sha Wan, Kowloon
- Site Area** : About 6,946m<sup>2</sup>
- Lease** : New Kowloon Inland Lot (NKIL) No. 3515 RP
- (a) governed by Conditions of Sale No. 4268 dated 1.4.1948 as varied or modified by Conditions of Exchange No. 4481, two Deed of Variation dated 25.6.1981 and 2.5.1983
- (b) only be used for a factory and no domestic buildings shall be erected thereon except such as the Director of Public Works may consider reasonable for housing staff and workmen employed on the premises
- Plan** : Draft Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/38  
[*currently in force*]
- Approved Cheung Sha Wan OZP No. S/K5/37  
[*at the time of application*]
- Zoning** : “Other Specified Uses” annotated “Business (2)” (“OU(B)2”)
- (a) maximum plot ratio (PR) of 12
- (b) maximum building height (BH) of 130 metres above Principal Datum (mPD)
- (c) minimum setback of 3.5m from the lot boundary abutting Castle Peak Road
- [*No change in zoning and development restrictions for the Site under the two aforesaid OZPs*]
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Non-polluting Industrial Use (Excluding Industrial Undertakings Involving the Use/Storage of Dangerous Goods)

## 1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR from 12 to 14.4 (i.e. +2.4 or +20%) for a proposed industrial development at 800 & 828 Cheung Sha Wan Road and 601-603 Tai Nan West Street, Cheung Sha Wan (the Site), which is zoned “OU(B)2” on the draft Cheung Sha Wan OZP No. S/K5/38 (**Plans A-1 and A-2**).
- 1.2 The Site is the subject of a previous application No. A/K5/841 for minor relaxation of PR and BH restrictions for a proposed commercial development which was approved with conditions by the Metro Planning Committee (the Committee) on 4.3.2022. The application is for redevelopment of two existing pre-1987 industrial buildings <sup>(1)</sup> (pre-1987 IBs), namely the Hong Kong Spinners Industrial Building Phase I & II and Manley Tower, into a 30-storey IB (including 2 levels of basement carpark) for ‘non-polluting industrial use (excluding industrial undertakings involving the use/storage of dangerous goods)’ (the Proposed Scheme), which is a use always permitted under Schedule II for industrial or industrial-office (I-O) building of the Notes for “OU(B)” zone. Minor relaxation of the PR restriction may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).
- 1.3 In addition to the building setbacks of 2m from Cheung Sha Wan Road, 3.5m from Tai Nan West Street and 3.5m from Castle Peak Road as required under the OZP/ the draft Cheung Sha Wan and Sham Shui Po Outline Development Plan (Northern Section) No. D/K5A/1B (ODP), the Proposed Scheme has incorporated further voluntary building setbacks of 2m (total 4m) at G/F from Cheung Sha Wan Road, 1.5m (total 5m) at G/F from Tai Nan West Street and 2.35m (total 5.85m) at G/F from Castle Peak Road (**Drawing A-3 and Plan A-2**). Vehicular and pedestrian accesses will be provided at Castle Peak Road and Cheung Sha Wan Road respectively.
- 1.4 The Proposed Scheme includes tree planting within the setback areas and an at-grade open space of about 153m<sup>2</sup> with shrubs and trees for 24-hour public enjoyment at the western end of the Site abutting Cheung Sha Wan Road (**Drawings A-9, A-12 and A-13**). Vertical green walls are provided on the eastern façade at G/F at Tai Nan West Street (**Drawings A-11 and A-12**). A podium garden at 1/F for the use of workers is proposed (**Drawings A-10 and A-13**). Greening will be provided in the form of trees, landscaped garden and vertical greening (about 81m<sup>2</sup>) in achieving about 25.5% greenery coverage (about 1,771m<sup>2</sup>), all of which are within the pedestrian zone (i.e. below 15m) (**Drawing A-11**). Recycled water will be used for irrigation. Besides, canopies of about 223m in total length and 3m in width for pedestrian weather protection are also proposed along almost the entire building façades facing Cheung Sha Wan Road, Tai Nan West Street and Castle Peak Road (**Drawings A-3, A-4 and A-12**).
- 1.5 The floor plans, section plan and artist impressions are at **Drawings A-1 to A-13**. Major development parameters of the Proposed Scheme are as follows:

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<sup>(1)</sup> The Occupation Permits for the two IBs were issued on 11.10.1965 (Hong Kong Spinners Industrial Building Phase I & II) and 12.2.1972 (Manley Tower).

<b>Major Development Parameters</b>	
Site Area <sup>(i)</sup>	About 6,946m <sup>2</sup>
PR	14.4 (+20%)
Total Gross Floor Area (GFA)	About 100,022m <sup>2</sup>
Site Coverage (SC)	
- Podium (below 15m)	About 82%
- Tower (above 15m)	About 59%
No. of Storeys	30 (including 2 levels of basement carpark)
Maximum BH (at main roof)	Not more than 130mPD
Typical Floor Height	4.2m
Proposed Use	Workshops (Non-polluting Industrial Use)
Greenery Coverage (Total)	About 25.5% (about 1,771m <sup>2</sup> ) (all at pedestrian zone)
Internal Transport Facilities	
- Private Car Parking Space	167 (including 3 accessible parking spaces)
- Motorcycle Parking Space	17
- Goods Vehicle Parking Space and Loading/Unloading (L/UL) Bay	75 (including 48 for Light Goods Vehicle (LGV) and 27 for Heavy Goods Vehicle (HGV))
- Container Vehicle L/UL Bay	1
Building Setbacks (including both requested under OZP/ODP and provided voluntarily)	
- Cheung Sha Wan Road	2m and additional 2m at G/F only
- Tai Nan West Street	3.5m and additional 1.5m at G/F only
- Castle Peak Road	3.5m and additional 2.35m at G/F only
Anticipated Year of Completion	2027

Notes:

- (i) The site area includes the setback areas and the proposed at-grade open space.

- 1.6 The main uses by floor of the proposed development and the floor-to-floor heights under the Proposed Scheme (**Drawing A-8**) are summarised below:

<b>Floor</b>	<b>Main Uses</b>	<b>Floor-to-Floor Height (m)</b>
B2, B1/F	Carpark/LGV	3.7 -5
G/F	Workshop, Lobby Loading/Unloading	6.5
1/F	E & M	6.7
2/F	Workshop	4.9
3/F - 26/F	Workshop, Refuge Floor at 14/F	4.2
27/F	Workshop	5.6

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

- (a) Application form received on 16.9.2021

(Appendix I)

- (b) Supplementary Planning Statement and Traffic Impact Assessment (TIA) **(Appendix Ia)**
- (c) Letter dated 6.1.2022 providing responses to departmental comments and Sewerage Impact Assessment (SIA)\* **(Appendix Ib)**
- (d) Letters dated 14.2.2022, 17.2.2022 and 23.2.2022 providing responses to departmental comments # **(Appendices Ic, Id & Ie)**
- (e) Letter dated 25.4.2022 providing responses to departmental comments # **(Appendix If)**
- (f) Letter dated 1.6.2022 and 16.6.2022 providing responses to departmental comments # **(Appendices Ig & Ih)**

*[# Accepted and exempted from the publication and recounting requirements.]*

*[\* Accepted but not exempted from the publication and recounting requirements.]*

- 1.8 On 12.11.2021 and 4.3.2022, the Committee agreed to defer making a decision on the application for two months respectively as requested by the applicant to allow sufficient time for preparation of further information to address departmental comments. The applicant subsequently submitted further information on 25.4.2022, 1.6.2022 and 16.6.2022. The application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and submissions of further information at **Appendices Ia to Ih**. They are summarised as follows:

### **Policy to Encourage Redevelopment of Pre-1987 IBs**

- (a) the application is fully in line with Government's industrial revitalisation strategy announced in 2018 Policy Address to encourage owners to redevelop IBs completed before 1987. The proposed development is to make better use of the valuable land resources and to optimise the provision of industrial floor space. Upon obtaining TPB approval, an Application for Lease Modification will be submitted to the Lands Department for approval in accordance with the Lands Administration Office ("LAO") Practice Note No. 2/2019 issued by the Lands Department;

### **In-line with Planning Intention**

- (b) the proposed redevelopment is in line with the planning intention of the "OU(B)" zone. The proposed redevelopment will integrate with the land uses in the immediate neighbourhood which is currently a mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses. Furthermore, the proposed redevelopment complies with the

BH restriction imposed on the Site under the OZP, and as such will not induce any significant adverse effects on the visual character or the surrounding townscape ;

Catalyst for the Cheung Sha Wan Industrial/Business Area (CSWIBA)

- (c) the Site is located at the core of the CSWIBA, at the major intersections of Cheung Sha Wan Road, Tai Nan West Street and Castle Peak Road, and adjacent to Mass Transit Railway (MTR) Lai Chi Kok Station. The proposed redevelopment will provide modern industrial floor space and more efficient use of available lands of high accessibility to expedite the transformation of the CSWIBA;
- (d) the proposed redevelopment can greatly improve the physical appearance, public amenity, pedestrian circulation and streetscape compared to the existing condition;

Planning and Design Merits

- (e) in order to enhance air ventilation, improve streetscape for pedestrians and facilitate pedestrian circulation, the Proposed Scheme will provide setbacks on all three road frontages in line with the ODP/OZP plus an additional 2m setback at G/F from Cheung Sha Wan Road, 1.5m from Tai Nan West Street and 2.35m from Castle Peak Road to provide additional space for pedestrians while enabling a weather protected route through recessed building design. A generous pedestrian zone will be created to facilitate pedestrian circulation and allow for a more spacious street-level environment;
- (f) the Proposed Scheme incorporates tree planting within the setback areas along three street frontages, vertical greening on the eastern façade of G/F, an at-grade open space with trees and shrubs for public enjoyment and a landscaped podium garden at 1/F for improvements on visual amenity, air ventilation, streetscape and pedestrian walking environment. Manual irrigation will be provided for the roadside trees at G/F, while automatic drip irrigation pipe utilizing recycled water will be provided for the remaining planting areas at various levels. The applicant will be responsible for the construction, future management and maintenance of the at-grade open space. The management office will employ maintenance staff to take care of all landscape areas within the Site;
- (g) 3m wide canopy along the three street frontages of about 223m in length for pedestrian weather-protection will also be provided to further enhance pedestrian comfort along the widened footpath;

Sustainable Building Design Guidelines (SBDG)

- (h) the Proposed Scheme will comply with SBDG and adopt green building design features on elements of building separation, building setback and SC of greenery (about 25.5% greenery coverage will be provided);

No Relaxation of BH Sought

- (i) the proposed development is formulated in accordance with the maximum BH stipulated under the OZP. This will ensure that the scale of the Proposed Scheme will be fully compatible with the BH profile of the CSWIBA;

No Adverse Technical Impacts

- (j) according to the TIA and SIA, the proposed development will not result in adverse impacts on the surroundings. The applicant has proposed road improvement and traffic improvement works at his own cost which will be handed over to relevant government departments for future management and maintenance subject to further liaison with government; and

No Commitment on Implementation of Preferred Office Scheme

- (k) despite planning approval having been obtained for the commercial scheme at the Site under application No. A/K5/841, there has been no agreement from the joint owners to proceed with implementation of the approved scheme. The applicant is only one of seven owners of the Site and cannot make any unilateral decisions. The landowners have expressed concerns towards the significant uncertainties in the local office market including demand for office space, given the current economic climate and the new work-from-home norm. The applicant considers that the non-polluting industrial scheme can be potentially the more desirable option in terms of financial viability. The applicant can only fully compare the costs and benefits of the two schemes after assessment of land premiums which may only take place after planning approvals are obtained for both schemes. Each application for PR relaxation is to be considered on its own merits and the decision to approve A/K5/841 should not pre-empt Government or the Board's consideration of the current application.

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

The applicant is one of the current land owners. In respect of the other current land owner(s), the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Board Guidelines (TPB PG-No. 31A) by posting site notice and giving notification. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background on the Policy Initiatives of Revitalisation of IBs**

Policy Initiatives of Revitalisation of IBs

- 4.1 As set out in the 2018 Policy Address, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To

encourage owners to redevelop pre-1987 IBs<sup>(2)</sup>, 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 Building (Planning) Regulations (B(P)R)<sup>(3)</sup>. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.

- 4.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. As announced in the 2021 Policy Address, the implementation period of the scheme will be extended to October 2024. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

## **5. Previous Application**

One previous application for minor relaxation of PR from 12 to 14.4 (i.e. +2.4 or +20%) and BH from 130mPD to 152mPD (i.e. +22m or +16.9%) at the Site for a proposed commercial development (Application No. A/K5/841) was submitted by the same applicant which was approved with conditions by the Committee on 4.3.2022. The proposed commercial scheme comprises two commercial towers with shop and services, eating place, institutional use, place of recreation, sports or culture, and training centre on the lower floors and a small 1-storey (about 12mPD) stand-alone retail block.

## **6. Similar Applications**

Since March 2019, the Committee has considered a total of 12 applications involving minor relaxation of PR/BH in Cheung Sha Wan (**Plan A-1**). Amongst the 12 similar applications, 9 of them involving minor relaxation of PR only were all approved with conditions by the Committee. In consideration of these applications, the Committee generally indicated support for the Policy to relax PR up to 20% as it provided incentives to encourage redevelopment of pre-1987 IBs taking account that relevant technical assessments were submitted to support the technical feasibility and there was no adverse comment from relevant Government departments. There are three applications (Nos. A/K5/813, 836 and 841) involving minor relaxation of both PR and BH restrictions in Cheung Sha Wan which were considered by the Board on 6.3.2020, 18.2.2022 and 4.3.2022 respectively (**Appendix II**). Application Nos. A/K5/813 and A/K5/841 were approved on consideration that the applications had no adverse comments from policy and technical aspects; generally meet the criteria for considering application for minor relaxation of BH restriction as stated in the ES of OZP; and were able to provide sufficient planning and design merits. Application No.

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<sup>(2)</sup> 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 building plans first submitted to the Building Authority for approval on or before the same date.

<sup>(3)</sup> Under the new policy, any bonus floor area claimed under section 22(1) or (2) of the B(P)R is not to be counted towards the proposed increase of non-domestic PR by 20% for redevelopment projects.

A/K5/836 was rejected on grounds that the applicant had not provided strong justification for the proposed minor relaxation of PR on top of the 20% increase already approved under the previous application, which was also beyond the limit under the Policy.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-2 and photos on Plans A-3 and A-4)**

**7.1 The Site is:**

- (a) currently occupied by two IBs (both of about 46 mPD) built in 1965 and 1972, which are mainly used for workshop and ancillary office uses;
- (b) bounded by Cheung Sha Wan Road to the south, Tai Nan West Street to the east, Castle Peak Road to the north, and LiFung Tower (subject to Application No. A/K5/842 for minor relaxation of PR restriction for permitted ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses approved by the Committee on 28.1.2022) and Hong Kong Industrial Centre to the west; and
- (c) directly fronting MTR Lai Chi Kok Station and well-served by public transport.

**7.2 The surrounding areas have the following characteristics:**

- (a) the Site is located at the northern portion of CSWIBA which is mainly occupied by IBs, I-O and commercial/office developments under active operation or in the process of redevelopment; and
- (b) to the south across Cheung Sha Wan Road are a cluster of IBs, I-O and commercial/office developments.

**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. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.
- 8.2 The ES of OZP also stipulates that the setting back of buildings to cater for the future increase in traffic demand in CSWIBA is required. Since 2002, for pavement widening and streetscape improvement, building setback requirements have been incorporated in ODP (**Plan A-2**).



## **9. Comments from Relevant Government Bureau/Departments**

9.1 The following Government bureau/departments 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 the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, relaxation of the maximum permissible non-domestic PR by up to 20% may be allowed, on a case-by-case basis, under the current revitalisation scheme for redevelopment of pre-1987 IBs located outside "Residential" zones in Main Urban Areas and New Towns. Any increase in development intensity does not come as of right, as each and every application for PR relaxation is to be considered on its own merits by the Board, with reference to a host of urban planning, land use, transport, environmental, sustainability, and other relevant considerations;
- (b) Development Bureau (DEVB) acknowledges that lot owners may change their plans from time to time to fit in their own agendas and are fully entitled to do so. Nevertheless, given the applicant's earlier confirmation in January 2022 that office development was the preferred option of the two different proposed redevelopment schemes for the site submitted to the Board simultaneously, it appears uncertain that the proposed non-polluting industrial development in question, if approved, would be timely, or actually implemented to redevelop the site. Should the current application in question be approved, the applicant should be reminded that a lease modification should preferably be sought (in order to accommodate the purported "non-polluting industrial uses" in accordance with prevailing requirements under the OZP, current land lease and building regulations) to fully utilise the site potential for a wider list of general business use to reflect the planning intention of the area;
- (c) DEVB has concerns that multiple applications for the same sites at the same time might be counter-intuitive to the objective of expediting implementation of development plans. Caution should be exercised in approving the current application that was submitted simultaneously with another which was approved only recently; and
- (d) DEVB does not object to the Board approving the application but suggested the Board to weigh considerations of all relevant matters, including the above, and be satisfied that the purported planning merits are significant enough to justify an approved relaxation of the plot ratio restriction as stated in the relevant OZP.

### **Land Administration**

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

- (a) no objection to the application;
- (b) the Site falls within NKIL No. 3515 RP (the Lot) which is governed by Conditions of Sale No. 4268 dated 1.4.1948 as varied or modified by Conditions of Exchange No. 4481 and two Deeds of Variation dated 25.6.1981 and 2.5.1983. The Lot shall only be used for a factory and no domestic buildings shall be erected thereon except such as the Director of Public Works may consider reasonable for housing staff and workmen employed on the premises;
- (c) non-polluting industrial use covering a wide range of uses in planning terms will constitute uses in breach of the lease conditions including the user restriction for “a factory” which should involve manufacturing process and must take place within the lot. The applicant should be fully aware of the user restriction for “a factory” under lease which has a different interpretation under the Board’s definition for Column 1 uses permitted under the planning regime. If the proposed non-polluting industrial use is in breach of the lease conditions or designed for uses in breach of the lease, the lot owner should apply to LandsD for a lease modification prior to its redevelopment; and
- (d) if the lot owner applies for a lease modification for its redevelopment, LandsD will upon receipt of the lease modification application act in the capacity as landlord, consider the application at his sole discretion. In the event that an application is approved, it will be subject to such terms and conditions as the Government shall see fit, including amongst others, user restriction for non-residential purposes, the 5-year time limit for completion of the development, payment of full premium and administrative fee, other conditions applicable to 2018 IB revitalisation measure etc. There is no guarantee that the application will be approved by LandsD. LandsD would examine details of the proposed development against the existing lease during the building plan submission stage. There is no guarantee that the schematic design presented in the subject application will be acceptable under lease if it is so reflected in the future building plan submission. Under the 2018 IB revitalisation measure for redevelopment, the modification letter shall be executed within 3 years from the date of the Board’s approval letter. The application for lease modification shall be submitted by all owners of the subject lot. The site area stated in Supporting Planning Statement has not been checked and the lot owner should demonstrate if it is consistent with the registered lot area when the

lease modification application is submitted.

### **Traffic**

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

- (a) no in-principle objection to the application;
- (b) should the application be approved, the following conditions are recommended:
  - (i) the submission of an updated traffic impact assessment report and implementation of traffic mitigation measures identified therein for the proposed development to the satisfaction of C for T or of the Board; and
  - (ii) the design and provision of vehicular access, vehicle parking spaces, loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of C for T or of the Board; and
- (c) the applicant's attention should be drawn that C for T has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development.

### **Environment**

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

- (a) no in-principle objection to the application;
- (b) should the application be approved, it is recommended to impose the following approval condition:

the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of DEP or of the Board; and
- (c) should the application be approved, it is recommended to impose the following advisory clause:

the applicant is advised to minimise the generation of construction and demolition (C&D) materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.

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

- (a) no in-principle objection to the application; and
- (b) should the application be approved, it is recommended to impose the following approval condition:

the implementation of the local sewerage upgrading/sewerage connection works as identified in the accepted Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Drainage Services or of the Board.

**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*

- (a) the Site forms part of a street block zoned “OU(B)2” in the CSWIBA with an intended BH of 130mPD. The proposed minor relaxation of PR does not involve additional BH beyond that is permitted in the OZP. Given the context, it is unlikely that the proposed development will induce any significant adverse effects on the visual character of the surrounding townscape;
- (b) the proposed development has incorporated setbacks as per OZP and ODP requirements, and further voluntary setbacks along Castle Peak Road, Tai Nan West Street and Cheung Sha Wan Road respectively as mentioned in paragraph 1.3. Rows of trees and weather protection in form of building overhang are provided within the setback areas. The western portion of the Site has adopted a low-rise design, consisting of a small at-grade landscaped open space (open to public) and a 1-storey workshop furnished with green roof. Landscape treatments in the forms of trees, shrubs, vertical greening and greenery are provided at G/F and 1/F. The above design measures may promote visual interest and enhance the pedestrian environment;

*Landscape*

- (c) no objection to the application from landscape planning point of view;
- (d) according to the aerial photo of 2020, the site is situated in an area of industrial urban landscape character, dominated by industrial buildings. The Site is currently occupied by two existing IBs without any landscape resources. The proposed development is

considered not incompatible with the landscape setting in the proximity;

- (e) the applicant is reminded that approval of the planning application under the Ordinance does not imply approval of the site coverage of greenery requirements under PNAP APP-152 and/or under the lease. The site coverage of greenery calculation should be submitted separately to the Building Authority for approval; and
- (f) in view that tree planting and open space at G/F to enhance quality of public realm at street level are proposed, should the application be approved, it is recommended to impose the following approval condition:

the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board.

### **Buildings 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 BO. Detailed comments under BO on individual sites for private developments such as permissible PR, SC, means of escape, emergency vehicular access, private street, and/or access roads, barrier free access and facilities, compliance with SBDG, etc. will be formulated at the building plan submission stage;
- (c) areas on G/F underneath canopy should be accountable for GFA calculation under B(P)R 23(3)(a) unless exempted; and
- (d) the applicant's attention is drawn to PNAP APP-159 regarding measures to deter misuse of industrial buildings for residential use.

### **Local Views**

#### 9.1.8 Comments of the District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD):

members of the Planning Development and Transport Affairs Committee (PTAC) of the Sham Shui Po District Council (SSPDC) raised general concern on the BH of new developments in Cheung Sha Wan which may lead to negative impacts on the townscape and air ventilation.

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

- (a) Director of Fire Services (D of FS);
- (b) Project Manager (South), Civil Engineering and Development Department (PM(S), CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (e) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (f) Chief Engineer/Railway Development Division 2-2, Railway Development Office (CE/RD2-2, RDO); and
- (g) Commissioner of Police (C of P).

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

During the statutory public inspection periods, a total of four public comments from individuals were received, amongst them, one indicated support, one suggested alternative vehicular access arrangement, one requested for more public parking spaces and one indicated support for the proposed industrial development but expressed concerns on road safety and local traffic, as well as casted doubt on the actual function of the at-grade open space (**Appendix III**).

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

- 11.1 The application is for minor relaxation of PR from 12 to 14.4 (i.e. +2.4 or +20%) for a proposed industrial development comprising a 30-storey IB (including 2 levels of basement carpark) with a 1-storey workshop at the western portion of the Site. The proposed development is generally in line with the planning intention of the “OU(B)” zone, which is primarily for general business uses, including non-polluting industrial uses. The proposed BH of not more than 130mPD complies with the BH restriction under the OZP.

### **Policy Aspect**

- 11.2 The Site is occupied by two IBs with OPs issued in 1965 and 1972 which can be regarded as eligible pre-1987 IBs under the Government’s new policy on revitalising IBs. The applicant is committed to seek lease modification to accommodate the non-polluting industrial uses in accordance with prevailing requirements under the OZP, current land lease and building regulations, to fully utilise the site potential. Although DEVB has concerns on applicants submitting multiple applications for the same site at the same time in a general sense which could be counter-intuitive to the policy objective of expediting implementation of development plans, DEVB does not object to the Board approving the application based on the individual merits of the redevelopment proposal. While the Site is the subject of a previous application approved by the Committee recently, each application should be assessed based on its individual merits and approval of the previous application (No. A/K5/841) for the office development should not pre-empt the Board’s consideration of the current application.

### Minor Relaxation of PR

- 11.3 The proposed minor relaxation of PR restriction from 12 to 14.4 (i.e. +2.4 or +20%) generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed development. The TIA submitted indicates that the proposed development would not cause adverse traffic impact to the surrounding areas. C for T has no objection to the application subject to the incorporation of approval conditions on traffic aspect as set out in paragraphs 12.2(a) and (b) below. Regarding the environmental aspects, approval conditions to mitigate possible land contamination and drainage impacts are recommended as advised by DEP and CE/MS of DSD as set out in paragraphs 12.2 (c) and (d) below. Other concerned Government departments consulted, including CBS/K of BD, CHE/K of HyD and D of FS, have no objection to/no adverse comments on the application.

### Planning and Design Merits

- 11.4 In the Proposed Scheme, in addition to the OZP/ODP requirements for the purpose of air ventilation, street widening and streetscape improvement, the applicant also proposed further setbacks on G/F up to 4m from Cheung Sha Wan Road, 5m from Tai Nan West Street and 5.85m from Castle Peak Road to further enhance the pedestrian environment. Besides, as detailed in paragraph 1.4 above, greenery in various forms including tree planting, podium garden/green roof, as well as an at-grade open space have been proposed, achieving about 25.5% greenery coverage (about 1,771m<sup>2</sup>), all within the pedestrian zone. Besides, a 3m wide canopy for weather-protection is proposed along almost the entire building façades along the three street frontages. CTP/UD&L, PlanD considers that the proposed building setback, canopy and landscape treatments would promote the pedestrian comfort and visual interest. Approval condition to monitor the implementation of the landscape proposal is recommended by CTP/UD&L, PlanD as set out in paragraph 12.2 (e) below. CA/CMD2, ArchSD has no comment on the application from visual impact point of view.
- 11.5 The applicant indicates that the relevant SBDG requirements in terms of building setbacks, SC of greenery and building energy efficiency, such as provision of green roof and irrigation with recycled water, have been taken into account.

### Public Comments

- 11.6 Regarding the general concerns raised by PTAC Members of SSPDC and public comments received as mentioned in paragraphs 9.1.8 and 10 above respectively, the planning assessments above and departmental comments in paragraph 9 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 above, 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 24.6.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission of an updated traffic impact assessment report 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;
- (b) 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;
- (c) the implementation of the local sewerage upgrading/sewerage connection works as identified in the accepted Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning 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 applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio restriction.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or 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 received on 16.9.2021
<b>Appendix Ia</b>	Supplementary Planning Statement, Visual Impact Assessment and Traffic Impact Assessment
<b>Appendix Ib</b>	Letter dated 6.1.2022 providing responses to departmental comments and Sewerage Impact Assessment
<b>Appendix Ic</b>	Letter dated 14.2.2022 providing responses to departmental comments
<b>Appendix Id</b>	Letter dated 17.2.2022 providing responses to departmental comments
<b>Appendix Ie</b>	Letter dated 23.2.2022 providing responses to departmental comments
<b>Appendix If</b>	Letter dated 25.4.2022 providing responses to departmental comments
<b>Appendix Ig</b>	Letter dated 1.6.2022 providing responses to departmental comments
<b>Appendix Ih</b>	Letter dated 16.6.2022 providing responses to departmental comments
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawings A-1 to A-7</b>	Floor Plans
<b>Drawing A-8</b>	Diagrammatic Section Plan
<b>Drawings A-9 and A-10</b>	Landscape Plans
<b>Drawing A-11</b>	Common Greenery Calculation
<b>Drawings A-12 and A-13</b>	Artist Impressions
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 and A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**