

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/843

- Applicant** : The Incorporated Owners of Luen Hing Factory Building, King Lam Street represented by Aikon Development Consultancy Limited
- Site** : 109 King Lam Street, Cheung Sha Wan, Kowloon
- Site Area** : About 818m²
- Lease** : New Kowloon Inland Lot (NKIL) No. 4757 (the Lot)
- (a) governed by Conditions of Sale No. 8113 dated 29.7.1963
- (b) restricted for industrial and/or godown purposes excluding any offensive trades
- 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” (“OU(B)”)
- (a) maximum plot ratio (PR) of 12
- (b) maximum building height (BH) of 130 metres above Principal Datum (mPD)
- [*No change in zoning and development restrictions for the Site under the two aforesaid OZPs*]
- Application** : Proposed Minor Relaxation of Plot Ratio 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 restriction from 12 to 14.4 (i.e. +2.4 or +20%) for a proposed industrial development at 109 King Lam Street, Cheung Sha Wan (the Site), which falls within an area mainly zoned “OU(B)” (91%) with its southwestern strip zoned “Government, Institution or

Community” (“G/IC”) (9%) on the draft Cheung Sha Wan OZP No. S/K5/38 (**Plans A-1 and A-2**). According to the Notes of the OZP, boundaries between zones may be subject to minor adjustments as detailed planning proceeds. In view of that the minor encroachment onto the “G/IC” zone is arising from the technical discrepancy between the zoning and lot boundaries, the Site can be regarded as wholly zoned “OU(B)”.

- 1.2 The application is for redevelopment of an existing pre-1987 industrial building (pre-1987 IB), namely Luen Hing Factory Building⁽¹⁾ for a 27-storey IB (including one storey 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 under the OZP. 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 provision of the above ground 2m setback from King Lam Street as stipulated under the draft Cheung Sha Wan and Sham Shui Po Outline Development Plan (Northern Section) No. D/K5A/1B (the ODP) (**Plan A-2**), the applicant has also proposed a recessed entrance with planting of shade-tolerant plants, vertical greening by the side of the entrance elevator and a continuous canopy of a minimum width of 2m (**Drawings A-1, A-2 and A-7**). Vehicular and pedestrian accesses will be provided at King Lam Street.
- 1.4 Landscape treatments are mainly provided on the building facades facing King Lam Street and the southwestern site boundary, in the form of vertical green walls on G/F and 1/F, planters and edge planting on G/F to 3/F and roof floor as well as a podium garden on 3/F (**Drawings A-1 to A-3 and A-7**).
- 1.5 An overall greenery coverage of 24.8% (about 202.7m²) is provided, of which about 10.4% (about 84.9m²) is within the pedestrian zone (i.e. below 15m) (**Drawing A-6**). Automatic and manual irrigation for vertical greening and planters respectively are proposed and possible use of recycled water will be explored in detailed design stage.
- 1.6 The floor plans, diagrammatic section plan, greenery calculation and plan and illustration of building façade treatment are at **Drawings A-1 to A-7**. Major development parameters of the Proposed Scheme are as follows:

Major Development Parameters	
Site Area ⁽ⁱ⁾	About 818m ²
PR	Not more than 14.4 (+20%)
Total Gross Floor Area (GFA)	About 11,773m ²
Site Coverage (SC)	
- G/F to 1/F	About 100%
- 2/F to 3/F	Not more than 92%
- 4/F and above	Not more than 60%

⁽¹⁾ The Occupation Permit (OP) for the subject IB was issued on 4.8.1970.

Major Development Parameters	
No. of Storeys	27 (including one storey of basement car park)
Maximum BH (at main roof)	Not more than 130mPD
Proposed Use	Workshops (Non-polluting Industrial Use)
Greenery Coverage	About 24.8% (about 202.7m ²)
Greenery Coverage at pedestrian zone	About 10.4% (about 84.9m ²)
Internal Transport Facilities	
- Private Car Parking Space	20 (including 1 accessible parking space)
- Motorcycle Parking Space	2
- Goods Vehicle Parking Space and Loading/ Unloading (L/UL) Bay	7 (including 6 for Light Goods Vehicle and 1 for Heavy Goods Vehicle)
Building Setback	
- King Lam Street	2m
Anticipated Year of Completion	2024

Notes:

- (i) The site area includes the setback area of 2m from King Lam Street.
- (ii) According to the applicant, bonus PR under Section 22 of the Building (Planning) Regulations (B(P)R) will not be claimed.

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

- (a) Application form received on 3.11.2021 **(Appendix I)**
- (b) Planning Statement, Traffic Impact Assessment (TIA) and Sewerage Impact Assessment (SIA) **(Appendix Ia)**
- (c) Letter dated 23.2.2022 providing responses to departmental comments [#] **(Appendix Ib)**
- (d) Letter dated 28.3.2022 providing responses to departmental comments [#] **(Appendix Ic)**
- (e) Letter dated 4.4.2022 providing responses to departmental comments [#] **(Appendix Id)**
- (f) Letter dated 13.4.2022 providing responses to departmental comments [#] **(Appendix Ie)**
- (g) Letter dated 19.4.2022 enclosing updated drawings [#] **(Appendix If)**

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

1.8 Upon request from the applicant, the Metro Planning Committee (the Committee) of the Board on 24.12.2021 agreed to defer making a decision on the application for two months in order to allow sufficient time for the applicant to prepare further

information to address departmental comments. The applicant subsequently submitted further information on 23.2.2022 (**Appendix Ib**). The application is now 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 Planning Statement and submissions of further information at **Appendices I to If**. They are summarised as follows:

In line with Government's Policy to Encourage Redevelopment of pre-1987 IBs

- (a) the application is in line with the policy initiative to provide more floor area to make better use of the valuable land resources. The subject building was completed in 1970. The application complies with the eligible criteria for relaxation of maximum permissible PR for IBs up to 20%;

In line with Planning Intention

- (b) the proposed redevelopment for non-polluting industrial use is in line with the planning intention of the "OU(B)" zone. It could facilitate optimisation of the utilisation of the existing industrial stock and make better use of valuable land resources to provide valuable non-polluting industrial floor space to serve the Cheung Sha Wan Industrial/Business Area (CSWIBA);

Planning and Design Merits

- (c) to improve streetscape and pedestrian environment along its frontage on King Lam Street, a building setback of 2m from the lot boundary facing King Lam Street as stipulated under the ODP and a continuous canopy of a minimum width of 2m are provided. The abovementioned setback area and canopy will be managed and maintained by the applicant;
- (d) a landscaped sky garden is proposed on 3/F of the proposed development to facilitate cross ventilation and strengthen the visual permeability of the area. Additionally, various landscape and greenery features including recessed entrance with planting of shade-tolerant plants, vertical greening and planters are proposed to provide a more pleasant streetscape, pedestrian environment and enhance the overall visual quality of the building. Automatic and manual irrigation are proposed for irrigation of the vertical greening and edge planters respectively. The applicant will actively explore the feasibility of using recycled water for irrigation at the detailed design stage;

Green Building Design

- (e) whilst the requirement on greenery coverage under Sustainable Building Design Guideline (SBDG) is not applicable to the proposed development due to the small size of the Site, green building design features will be considered including compliance with BEAM Plus requirements for green building; compliance with

Building Energy Code under the latest Building Energy Efficiency Ordinance; and Low-E Glass will be adopted;

Relaxation Sought is Minor

- (f) the relaxation of PR being sought adheres to the applicable PR relaxation under the latest policy initiative, and is consistent with other similar approved applications. The proposed development is formulated in accordance with the maximum BH stipulated under the OZP. With a conforming BH, the proposed development will not be incompatible with the surrounding environment; and

No Adverse Impacts

- (g) according to the TIA and SIA, the proposed development will not result in adverse impacts on the surroundings.

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

The applicant is not the “current land owner” but 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 Ordinance (TPB PG-No. 31A) by published notices in local newspapers and posting site notice at the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background on the 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⁽²⁾, 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 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)⁽³⁾. 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,

⁽²⁾ 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.

⁽³⁾ 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.

the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

5. Previous Application

There is no previous application for minor relaxation of PR at the Site.

6. Similar Applications

Since March 2019, the Committee has considered a total of 11 applications involving minor relaxation of PR/BH in Cheung Sha Wan (**Plan A-1**). Amongst the 11 similar applications, 8 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. 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 and A-2 and site photo on Plan A-3)

7.1 The Site is:

- (a) currently occupied by a 10-storey IB (45mPD) built in 1970 named Luen Hing Factory Building which is used for warehouse, workshop and recycle-collection centre;
- (b) bounded by King Lam Street to the south, King's Tower to the east, Government Data Centre under construction to the west and Ching Cheung Road to the north; and
- (c) at about 250m north of the 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 the CSWIBA which is mainly occupied by IBs, I-O and commercial/office developments under active operation or in the process of redevelopment;

- (b) to the south across King Lam Street and to the east is a cluster of IBs, I-O and commercial/office developments; and
- (c) to the west are the Government Data Centre under construction and the Christian Alliance International School.

8. Planning Intention

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.

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 issue of fire safety and non-compliant uses. To this end, relaxation of the maximum permissible non-domestic PR by up to 20% may be permitted, 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. The implementation period of the said measure is now extended to 31.10.2024, according to the 2021 Policy Address;
- (b) according to the Notes to the relevant OZP, minor relaxation of the PR restriction may be considered by the Board, on application by a proponent, based on the individual merits of a redevelopment proposal. Planning applications should not be approved as of right, and each case should be considered on its own merits. Having examined all the materials submitted, he does not object to the Board approving the subject application. The Board is invited to note the following observations in considering whether the purported planning merits are significant enough as to justify an approved relaxation of the PR restriction as stated in the relevant OZP:

- (i) as stated in the OZP, this “OU(B)” zone is “intended 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. The applicant asserts that the new building is intended for accommodating non-polluting industrial activities. If the applicant is not particularly forthcoming in pursuing lease modification with the Lands Department (LandsD), this will limit the site potential given the more restricted class of permissible users, i.e. industrial and/or godown purposes, as permitted under the subject lease. The applicant has advised that it has no intention, at this stage, to initiate the lease modification for other Column 1 uses at this “OU(B)” zone to unleash the site potential fully;
- (ii) indeed, the preliminary development scheme shown on the application, if materialised, looks similar to some commercial buildings built at other “OU(B)” zones in recent years. He has seen similar industrial “redevelopments” being constructed, and some even being sold to the market problematically as de facto residential studios, with no particular relevance to non-polluting industrial activities in reality. If the subject application is approved by the Board on this occasion, the Buildings Department (BD), LandsD, Planning Department (PlanD) and other relevant departments must exercise caution in assessing and approving relevant building plans and other development-related applications at the downstream to ensure that relevant requirements are being met and lease restrictions complied with;
- (iii) therefore, if the application is approved, it will be for the applicant to devise a detail design for the redevelopment scheme to ensure that the new IB will only be able to accommodate the purported “non-polluting industrial uses” in accordance with the requirements under OZP, current land leases and building regulations. Lease modification is desirable if the applicant decides to fully utilise the site potential for a wider list of general business uses to reflect the planning intention of the area; and
- (iv) if the Board considers the proposal having limited planning merits and decides to turn it down, the applicant is free to revise the redevelopment scheme so that it will not be in excess of the PR as permitted under the 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), LandsD:

- (a) no objection to the application;

- (b) the Site falls within NKIL No. 4757 (the Lot) which is governed by Conditions of Sale No. 8113 dated 29.7.1963 restricting the Lot to be used for industrial and/or godown purposes excluding any offensive trades;
- (c) “non-polluting industrial use” in planning terms covering a wide range of uses will constitute uses in breach of the lease conditions including the user restriction for “industrial and/or godown purposes” which should involve manufacturing and must take place within the lot concerned, whereas godown use must involve storage of goods and/or transient deposit and storage for delivery purposes. The applicant should be fully aware of the user restriction of the “industrial and/or godown purposes” under lease which has a different interpretation under the Board’s definition under Column 1 uses permitted under the planning regime. If the proposed ‘non-polluting industrial use’ is not permitted under the lease, the lot owner should apply to LandsD for a lease modification prior to its redevelopment; and
- (d) if the proposed development is in breach of the lease, all the lot owners should jointly apply to LandsD for a lease modification prior to its redevelopment. Upon receipt of the lease modification application, LandsD will act in the capacity as landlord, consider the application at its sole discretion. There is no guarantee that the application will be approved by LandsD. 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. Under the IB revitalisation measure for redevelopment, the modification letter shall be executed within 3 years from the date of the Board’s approval letter. 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.

Traffic

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

- (a) no in-principle objection to the application from district traffic engineering point of view;
- (b) should the application be approved, the following conditions are recommended:

- (i) the submission of an updated TIA report and implementation of traffic mitigation measures identified therein for the proposed development to the satisfaction of C for T or of the Board;
- (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 objection to the application from environmental planning perspective;
- (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 SIA 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 and Visual

- (a) the Site with an area of about 818m² is elongated in shape with a narrow street frontage. 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 setback, podium garden furnished with edge greenery at 3/F, continuous weather protection canopy along King Lam Street and landscape treatments in the form of vertical greening and planters at G/F to 3/F may promote visual interest and pedestrian comfort;

Landscape

- (c) no objection to the application from landscape planning point of view;
- (d) according to the aerial photo of 2021, the site is situated in an area of industrial urban landscape character, dominated by industrial buildings. The site is currently occupied by an existing industrial building without any landscape resources. The proposed development is considered not incompatible with the landscape setting in proximity;
- (e) landscape provisions as stated in paragraph 1.4 above are proposed to enhance the landscape quality of the development; and
- (f) 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 BD for approval.

Buildings Matters

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

- (a) no in-principle 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 streets, and/or access roads, barrier free access and facilities, compliance with SBDG, etc. will be formulated at the building plan submission stage;
- (c) it appears that the SC at 2/F to 3/F (over 15m above mean street level) of the development would exceed the permissible limits under the First Schedule of B(P)R. The applicant should ensure that the SC should not exceed the permissible limits under B(P)R; and
- (d) the applicant's attention is drawn to PNAP APP-159 regarding measures to deter misuse of industrial buildings for residential use.

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) Commissioner of Police (C of P); and
- (g) District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD).

10. Public Comments Received During Statutory Publication Period

10.1 During the statutory public inspection period, 23 public comments from individuals were received (**Appendix III**). There are 20 supporting comments, two without stating any particular views and one expressed concerns on the cumulative impacts of similar applications, loss of community space, greening designs not benefiting the public, the precedent effects of approving the applications without strong justifications and planning merits, and landscape maintenance.

10.2 Major grounds of support are summarised as follows:

- (a) the development is compatible with the surrounding environment and will not generate adverse visual, traffic and environmental impacts;
- (b) similar applications were approved in the area;
- (c) the development can provide a good working environment and enhance pedestrian environment;

- (d) the Site is well-served by public transport; and
- (e) the development could provide industrial floor area and create job opportunity.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 12 to 14.4 (+20%) for a proposed 27-storey IB development (including one storey of basement car park) at the Site zoned “OU(B)” for permitted non-polluting industrial use (excluding industrial undertakings involving the use/storage of Dangerous Goods). 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 an IB with the OP issued in 1970 which can be regarded as an eligible pre-1987 IB under the Government’s new policy on revitalising IBs. Having examined the related submission, the Development Bureau (DEVB) does not object to the Board approving the application based on the individual merits of the redevelopment proposal. Regarding DEVB’s concern on the possible use of the proposed building other than non-polluting industrial purpose, there is prevailing development control mechanism at the building plan submission stage to ensure that the relevant requirements are met. CBS/K, BD also draws to the applicant’s attention, the requirements regarding the measures to deter misuse of IBs for residential use as stipulated in PNAP APP-159.

Technical Aspects

- 11.3 The proposed minor relaxation of PR restriction 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 12.2(b) below. CE/MS of DSD has no objection to the application from drainage point of view subject to the incorporation of approval condition in paragraph 12.2(c) below and DEP has no objection to the application from environmental point of view subject to the incorporation of approval condition in paragraph 12.2(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, the provision of building setback of 2m from King Lam Street is in line with the ODP's requirement for the purpose of street widening and streetscape improvement. In addition, a recessed entrance design and continuous canopy of a minimum width of 2m are proposed along the building façade to improve streetscape and pedestrian environment. Furthermore, the Proposed Scheme includes various greenery/landscape provisions achieving about 24.8% greenery coverage (202.7m²), of which about 10.4% (84.9m²) is within the pedestrian zone. Automatic and manual irrigation is proposed and the use of recycled water will be explored in detailed design stage. CTP/UD&L, PlanD considers that the proposed building setback and landscape treatments would promote the pedestrian comfort and visual interest. CA/CMD2, ArchSD has no comment on the application from visual impact point of view.
- 11.5 On the green building design aspect, the applicant indicates that the relevant requirements in terms of BEAM Plus for green building and building energy efficiency, such as use of Low-E Glass have been taken into account.

Public Comments

- 11.6 Regarding the public comments received, 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 22.4.2026, 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; and

- (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.

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

Appendix I	Application form received on 3.11.2021
Appendix Ia	Supporting Planning Statement, Traffic Impact Assessment and Sewerage Impact Assessment
Appendix Ib	Letter dated 23.2.2022 providing responses to departmental comments
Appendix Ic	Letter dated 28.3.2022 providing responses to departmental comments
Appendix Id	Letter dated 4.4.2022 providing responses to departmental comments
Appendix Ie	Letter dated 13.4.2022 providing responses to departmental comments
Appendix If	Letter dated 19.4.2022 enclosing updated drawings
Appendix II	Similar Applications
Appendix III	Public Comments
Appendix IV	Advisory Clauses
Drawings A-1 to A-4	Floor Plans

Drawing A-5	Diagrammatic Section Plan
Drawing A-6	Greenery Calculation and Plan
Drawing A-7	Illustration of building façade treatment
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photo

PLANNING DEPARTMENT
APRIL 2022