

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

**APPLICATION NO. A/K5/867**

- Applicant** : Hong Kong Housing Authority (HKHA)
- Site** : 373 Lai Chi Kok Road, Sham Shui Po
- Site Area** : About 1,750m<sup>2</sup>
- Land Status** : Government Land
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/39
- Zoning** : “Residential (Group A)6” (“R(A)6”)  
(a) maximum domestic/total plot ratio (PR) of 7.5/9  
(b) maximum building height (BH) of 80 metres above Principal Datum (mPD), or 100mPD for sites with an area of 400m<sup>2</sup> or more
- Application** : Proposed Minor Relaxation of BH Restriction for Permitted Public Housing Development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of BH restriction from 100mPD to 105mPD (i.e. +5m or +5%) for permitted public housing development at the application site (the Site), which falls within an area zoned “R(A)6” on the approved Cheung Sha Wan OZP No. S/K5/39 (**Plan A-1**). According to the Notes for “R(A)” zone of the OZP, ‘Flat’, ‘Social Welfare Facility’ and ‘Government Use (not elsewhere specified)’ are Column 1 uses, which are always permitted. Minor relaxation of BH restriction may be considered by the Town Planning Board (the Board) based on the individual merits of a development proposal.
- 1.2 The Site<sup>1</sup> of about 1,750m<sup>2</sup> is currently vacant (**Plan A-2**). According to the applicant’s tentative programme, the proposed housing development is targeted for completion in 2028/29.
- 1.3 The proposed development with domestic/non-domestic PR of 7.5/1.5 consists of one public housing block of 25 domestic storeys over a 6-storey podium. The

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<sup>1</sup> The Site was previously occupied by the former Yen Chow Street Temporary Hawker Bazaar managed by the Food and Environmental Hygiene Department (FEHD) and was handed over to HKHA for proposed public housing development.

podium mainly accommodates social welfare facilities, government use, parking facilities, landscape area as well as communal play area (**Drawings A-1 to A-4**). Subject to detailed design, the proposed development will provide about 250 flats.

- 1.4 Since the Site is subject to vehicular emission from surrounding roads, accommodation with natural ventilation has to be located 20m above ground to comply with the Air Quality Objectives under the Air Pollution Control Ordinance, as setback of the podium from the roads is not feasible due to the small size and elongated shape of the Site. As such, the social welfare facilities (including After School Care Programme for Pre-primary Children (ASCP(PC)) and District Elderly Community Centre (DECC) Sub-base) are proposed to be placed at 4/F (about 20m above ground / 24mPD) to promote natural ventilation, on top of which are the landscape area (including communal play area) at 5/F and 25 domestic storeys. Facilities on G/F to 3/F are mainly carpark, government office and E&M facilities. Taking into account the higher podium design due to environmental constraints, as well as taking into account Sustainable Building Design Guidelines (SBDG) and Modular Integrated Construction (MiC) method, the proposed development would be about 105mPD, which exceeds the BH restriction by 5m (or + 5%).
- 1.5 To address the issues of fixed and traffic noise and meet the requirements of SBDG and prescribed window, residential tower setbacks of about 4.3m, 5.6m and 32m from the southeastern, northeastern and northwestern boundaries of the Site respectively (**Drawing A-2**). A minimum 20% of overall greenery coverage of the Site, amenity planting and landscape treatments, in form of trees, planting areas, vertical greening and landscape areas at G/F, 2/F and/or 5/F, have been proposed in the building design. A total of not less than 700m<sup>2</sup> of local open space (LOS) will be provided (including a communal play area at 5/F (**Drawing A-3**)) in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). A total of 22 existing trees (including 7 trees within the Site and 15 trees along the Site's periphery) are in unavoidable conflict with the development and proposed to be felled<sup>2</sup> (**Drawing A-5**). While there is no rare or protected tree species or Old and Valuable Trees (OVT), four Trees of Particular Interest (TPI) are identified given their trunk diameter exceeding 1m. They are however in poor form and health, and infeasible to be transplanted. A total of 7 new heavy standard size trees will be planted within the Site (**Drawing A-6**). For the 15 trees along the Site's periphery, various offsite compensatory planting options (including nearby footpath and public park) have been explored but found technically infeasible by the applicant (see paragraph 2(e) for details). Adoption of appropriate colour scheme/façade treatment are proposed to alleviate potential visual impacts.
- 1.6 The master layout plan, section plan, landscape plan and photomontages of the proposed indicative scheme submitted by the applicant are at **Drawings A-1 to A-10**. Major development parameters of the proposed indicative scheme are summarised below:

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<sup>2</sup> None of the trees could be retained or transplanted on the grounds that these trees are in conflict with the proposed engineering, architectural and landscape design works; have poor health; will have irrecoverable form after transplanting; low chance of survival upon transplanting; and are grown under poor conditions which have limited the formation of proper root ball necessary for transplanting.

<b>Development Parameters</b>	<b>Proposed Indicative Scheme<sup>[1]</sup></b>
Site Area	About 1,750m <sup>2</sup>
Gross Floor Area <sup>[2]</sup> - Domestic - Non-domestic	Not more than 13,125m <sup>2</sup> Not more than 2,625m <sup>2</sup> (including social welfare facilities and government use)
PR - Domestic - Non-domestic	Not more than 7.5 Not more than 1.5
BH (main roof level) <sup>[2]</sup>	Not more than 105mPD
No. of Block	1 composite block
No. of Storeys	25 domestic storeys over a 6-storey podium <sup>[3]</sup>
Floor-to-floor Height	Domestic: 2.75m Non-domestic: 4.3m - 6m
Site Coverage	Podium (<= 15m): about 86% Podium (>15m): about 52% Domestic floor: about 31%
Flat Production	250 flats
Design Population	About 700
Green Coverage	At least 20% of Gross Site Area (target 30% as far as feasible)
Proposed Social Welfare Facilities <sup>[1]</sup> - 42-place ASCP(PC)  - Office base of Social Work Service for Pre-primary Institutions (SWSPPI) - DECC Sub-base	About 800m <sup>2</sup> 1 (about 96m <sup>2</sup> Net Operational Floor Area (NOFA)) 1 (about 95m <sup>2</sup> NOFA)  1 (about 90m <sup>2</sup> NOFA)
Recreation Facilities - Local Open Space	Not less than 700m <sup>2</sup> (including a communal play area of not less than 56m <sup>2</sup> )
Parking Facilities - Car Parking Spaces (Domestic)  - Car Parking Spaces (Visitors) - Motorcycle Parking Space (Domestic) - Light Goods Vehicle (LGV) Parking Spaces (Domestic) - Loading / Unloading (L/UL) (Domestic)	16 (including 1 accessible parking space) 5 3  1  1 (L/UL for service vehicles; possible overnight shared-use parking for Medium/Heavy GV and coaches/buses may be allowed in the podium of estate)

Note:

[1] The proposed indicative scheme is indicative in nature which is subject to detailed design

[2] Actual GFA is subject to detailed design

[3] Social welfare facilities are proposed on 20m above ground (see paragraph 1.4 for details) resulting a 6-storey podium

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

- (a) Application form received on 6.12.2023 (Appendix I)
- (b) Supporting Planning Statement received on 6.12.2023 (Appendix Ia)
- (c) Further Information (FI) received on 5.1.2024<sup>#</sup> (1<sup>st</sup> FI) (Appendix Ib)
- (d) FI received on 6.2.2024<sup>^</sup> (2<sup>nd</sup> FI) (Appendix Ic)

Remarks

<sup>#</sup> not exempted from publication and recounting requirements

<sup>^</sup> 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 at **Appendices Ia to Ic**. They are summarised as follows:

- (a) The proposal is in line with the planning intention of the “R(A)6” zone. Given the medium to high-rise cluster of residential developments in the vicinity, the proposed development is compatible with the surrounding context in terms of intended BH and land use (**Plan A-5**).
- (b) Floor area of social welfare facilities, equivalent to about 5% of the domestic GFA (subject to the confirmation of the Social Welfare Department (SWD) on funding and detailed design), will be provided to address the demand for child care and elderly services in the community.
- (c) The proposed minor relaxation of BH is required mainly to accommodate the higher podium design due to environmental constraints (see paragraph 1.4 above for details). The proposed development has taken into account SBDG and MiC requirements and optimised to balance the site constraints (including severe vehicular emission from surrounding roads, fixed noise from air cooled chillers from Sham Shui Po Police Station and road traffic noise from Lai Chi Kok Road and Yen Chow Street), maximise the development potential for both domestic and non-domestic purposes, provide the required car parking facilities, and ensure cost-effective construction. Incorporating a basement is explored and considered not a cost effective and efficient option due to the small size and elongated shape of the Site.
- (d) The proposed development has taken into account and incorporated the various design measures as detailed in paragraph 1.5 above.
- (e) A total of 22 trees would be affected by the development and the proposed tree treatment is detailed in paragraph 1.5 above. While 7 affected trees would be compensated within the Site, the applicant has explored means for offsite compensatory planting for the 15 affected trees located in close proximity at the back alley and roadside outside the boundary of the Site. Considering the requirements

for minimum soil volume and soil depth provision for new tree planting, it is not feasible to provide sufficient space for tree planting in the nearby footpath with congested underground utilities underneath nor in Sham Shui Po Park in which the enhancement works of its public play space was recently completed.

- (f) Various technical assessments conducted have demonstrated that the proposed development would not induce adverse/insurmountable impacts on visual, air ventilation, environmental, traffic and infrastructure aspects, etc.

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

As the Site involves Government land only, the “owner’s consent/notification” 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. 31B) are not applicable.

### **4. Previous Applications**

There is no previous application at the Site.

### **5. Similar Applications**

- 5.1 There are two similar applications (No. A/K5/756 and 789), both submitted by HKHA for minor relaxation of BH restriction for permitted residential development within the Cheung Shan Wan OZP, were approved with condition(s) on 26.9.2014 and 27.10.2017 respectively (**Plan A-1**). These applications were approved mainly on the grounds of compatibility with the planning intention and the surrounding areas, no significant adverse impacts to the surrounding areas, building design to facilitate air ventilation and visual permeability and/or increase in housing supply.

- 5.2 The details of the similar applications are at **Appendix II**.

### **6. The Site and Its Surrounding Areas (Plans A-1, A-2 and A-5; and site photos on Plans A-3 to A-4)**

- 6.1 The current conditions of the Site are detailed in paragraph 1.2 above.

- 6.2 The Site is:

- (a) elongated in shape, and located at the junction of Lai Chi Kok Road and Yen Chow Street (**Plan A-2**); and
- (b) well served by various public transport services, including bus and green mini-bus services, and near MTR Sham Shui Po Station (about 350m away) (**Plan A-5**).

6.3 The surrounding areas have the following characteristics:

- (a) the surrounding areas are predominantly residential in nature with tenement buildings and several high-rise residential developments with BH restrictions generally ranging from 80mPD to 130mPD intermixed with Government, institution and community (GIC) uses including school and government facilities, as well as open spaces (**Plan A-5**);
- (b) to the north and northeast immediately across Lai Chi Kok Road are Lai On Estate and Grade 2 historic building, namely Sham Shui Po Police Station. A major shopping centre, namely Dragon Centre, and Cheung Sha Wan Government Offices are located to the further northeast;
- (c) to the east across Yen Chow Street and to the south are generally old tenement buildings, with several recently redeveloped residential developments with heights ranging about 98mPD to 128mPD located near the Site; and
- (d) to the west and northwest are GIC facilities including Kiu Kiang Street Substation and Ka Ling School of the Precious Blood, and to the further west are Sham Shui Po Park Swimming Pool and Sham Shui Po Park.

## 7. **Planning Intention**

- 7.1 The planning intention of “R(A)6” is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 7.2 According to the Explanatory Statement of the OZP, to provide incentive for developments/redevelopments with planning and design merits, each planning application for minor relaxation of BH restrictions will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
  - (a) amalgamating smaller sites for achieving better urban design and local area improvements;
  - (b) accommodating the bonus plot ratio granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as a public passage/street widening;
  - (c) providing better streetscape/good quality street level public urban space;
  - (d) providing separation between buildings to enhance air ventilation and visual permeability;
  - (e) accommodating building design to address specific site constraints in achieving the permissible plot ratio under the OZP; and
  - (f) other factors, such as the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and

amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

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

- 8.1 The following Government bureau/departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) no objection to the application; and
- (b) the Site is within vested land under Vesting Order No. 287.

### **Environment**

- 8.1.2 Comments of the Director of Environment Protection (DEP):

- (a) no in-principle objection to the application;
- (b) based on the information provided, insurmountable environmental impact associated with the proposed development is not anticipated; and
- (c) detailed comments are at **Appendix IV**.

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

- 8.1.3 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 and as illustrated in the photomontages of the Visual Appraisal (VA) (**Drawings A-7 to A-10**), the proposed development with a maximum BH of 105mPD would unlikely induce significant adverse effects on the visual character of the surrounding townscape;
- (b) the proposed design measures generally mentioned in paragraph 1.5 may promote visual interest and pedestrian comfort;

#### *Landscape*

- (c) detailed comments are at **Appendix IV**; and

### *Air Ventilation*

- (d) with reference to the Expert Evaluation for Cheung Sha Wan Area (September 2010), the Site does not fall within any identified air path and no significant adverse impact on pedestrian wind environment is anticipated.

#### 8.1.4 Comments of the Chief Architect/Advisory & Statutory Compliance Division, Architectural Services Department (CA/ASC, ArchSD):

no comment from architectural and visual impact point of view given the BH restrictions for the buildings in the surrounding area zoned under “R(A)” are ranging from about 80mPD to 130mPD.

### **Social Welfare Facilities**

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

- (a) no objection-in-principle on the planning application;
- (b) as mentioned in the current planning application and previous exchange with HKHA, SWD has proposed and HKHA has agreed to incorporate 42-place ASCP(PC), SWSPPI and DECC Sub-base at the subject public housing development; and
- (c) she trusts that HKHA will ensure all requirements regarding SWD’s welfare facilities as stipulated in the basic provision schedules provided earlier as well as all current and prevailing ordinances and regulations (if applicable) will be fulfilled and there will be ongoing liaison between HKHA and SWD during the detailed design stage.

### **Heritage Conservation**

#### 8.1.6 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(AM), AMO):

- (a) no objection-in-principle on the planning application;
- (b) Sham Shui Po Police Station at No. 37A Yen Chow Street (“Graded Building”), which was accorded with Grade 2 status by the Antiquities Advisory Board in December 2009, is located in close proximity to the Site. According to the Planning Statement and VA, the proposed development will stand in harmony with the existing and planned visual townscape, and appropriate design measures will also be adopted to ameliorate the visual impact; and
- (c) she notes that HKHA will devise and implement appropriate protective, monitoring and mitigation measures to minimize the adverse impacts, both physical and visual, arising from the proposed



development on Sham Shui Po Police Station.

### **Other Aspects**

#### 8.1.7 Comments of the Commissioner of Police (C of P):

- (a) no comment on the application; and
- (b) detailed comments are at **Appendix IV**.

#### 8.1.8 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (c) no comment on the application; and
- (d) detailed comments are at **Appendix IV**.

#### 8.2 The following government departments have no objection to / no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (d) Commissioner for Transport (C for T);
- (e) Director of Food and Environmental Hygiene (DFEH);
- (f) Director of Fire Services (D of FS);
- (g) District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD); and
- (h) Project Manager (East), Civil Engineering and Development Department (CEDD).

## **9. Public Comments Received During Statutory Publication Period**

9.1 On 15.12.2023 and 9.1.2024, the application and the 1<sup>st</sup> FI were published for public inspection. During the statutory public inspection periods, 6 public comments, all of which objected to the application, were received from individuals (**Appendix III**). The major grounds of objection are summarised below:

- (a) the Site is not suitable for public housing development due to its small size and insufficient supporting facilities;
- (b) concern on the provision of open space to meet the community's needs in Sham Shui Po area;
- (c) the proposed building design including a large site coverage and the largely covered LOS is not desirable;
- (d) the proposed development would adversely affect the existing trees; and
- (e) adverse environmental and air ventilation impact to the surroundings as well

as the Sham Shui Po area would be induced.

## **10. Planning Considerations and Assessments**

- 10.1 The application is to seek planning permission for minor relaxation of BH restriction from 100mPD to 105mPD (i.e. +5m or +5%) for the permitted public housing development at the Site, which falls within an area zoned “R(A)6”. The proposed development is in line with the planning intention of the “R(A)6” zone, which is primarily intended for high-density residential development. Social welfare facilities equivalent to about 5% of the domestic GFA have been provided.

### **Building Height**

- 10.2 The proposed development fully utilises the development potential to achieve the maximum domestic/non-domestic PR of 7.5/1.5 and to accommodate social welfare facilities with a floor area equivalent to about 5% of the domestic GFA, while taking into account the SBDG and MiC requirements and specifically designed disposition and layout of the public housing block to address various site constraints detailed in paragraph 2(c) above. According to the applicant, the proposed additional BH of 5m is required to accommodate the social welfare facilities (including child care and elderly services facilities which are preferably with natural ventilation) on at least 20m above ground to comply with Air Quality Objectives under the Air Pollution Control Ordinance resulting a higher podium (**Drawing A-3**).
- 10.3 The Site is situated in a predominantly residential neighbourhood with BH restrictions generally ranging from 80mPD to 130mPD intermixed with GIC uses and open spaces. CTP/UD&L, PlanD considers that given the site context and as illustrated in the photomontages of the VA, the proposed development with a maximum BH of 105mPD would unlikely induce significant adverse effects on the visual character of the surrounding townscape. CA/ASC, ArchSD has no comment from the architectural and visual impact point of view. As such, the proposed relaxation of BH by 5m (i.e. from 100mPD to 105mPD) is considered insignificant and not unacceptable.

### **Planning and Design Merits**

- 10.4 The proposed development would adopt various design measures, including tower setbacks and building recesses, as well as landscape treatments in the form of trees, planting areas vertical greening, landscaped areas at 2/F and 5/F and the communal play area. Suitable façade treatments and appropriate colour scheme would be further explored in the detailed design stage to promote street vibrancy and enhance connectivity and integration with the nearby Sham Shui Po Park. CTP/UD&L, PlanD considers that the above measures may promote visual interest and pedestrian comfort.
- 10.5 Taking into account paragraphs 10.1 to 10.4 above, the current application would meet the criteria for consideration of BH relaxation under paragraph 7.6 of the

Explanatory Statement of the OZP in respect of the provision of better streetscape and accommodation of building design to address site constraints.

### Technical Aspects

- 10.6 Relevant technical assessments including VA and Noise Impact Assessment have demonstrated that the proposed development would not have unacceptable adverse impacts. While there is no OVT on the Site, 22 existing trees are proposed to be felled including 4 TPI and none of them could be retained or transplanted on the grounds that these trees are in conflict with the proposed engineering, architectural and landscape design works; have poor health; will have irrecoverable form after transplanting; low chance of survival upon transplanting; and are grown under poor conditions which have limited the formation of proper root ball necessary for transplanting. The Tree Management Office of Development Bureau has no objection to the applicant's proposal to remove these 4 TPI. 7 new heavy standard size trees will be planted within the Site, while there are no suitable site (e.g. nearby footpath and Sham Shui Po Park) to compensate those 15 trees along the Site's periphery. CTP/UD&L, PlanD also has no objection to the application from the urban design, visual, landscape planning and air ventilation perspectives. Other relevant Government departments, including Environmental Protection Department, Transport Department, DSD, WSD have no objection to or no adverse comments on the application.

### Similar Applications

- 10.7 There are two similar applications (No. A/K5/756 and 789) for minor relaxation of BH restrictions for permitted residential development within the Cheung Shan Wan OZP as stated in paragraph 5 above, both approved by the Committee on 26.9.2014 and 27.10.2017 respectively. Approval of the current application is generally in line with the Committee's previous decisions.

### Public Comments

- 10.8 Regarding the public comments received, the above planning assessments and departmental comments in paragraph 8 above are relevant. As for the concern on the provision of open space, there is a respective surplus of about 20ha and 12.7ha in existing and planned LOS and district open space within the Sham Shui Po district. The proposed development will also provide not less than 700m<sup>2</sup> of LOS in accordance with HKPSG. Mitigation measures would be adopted to alleviate the environmental impacts to the surroundings.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.2.2028, 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 recommended advisory clauses for the application suggested for Members' reference are attached at **Appendix IV**.

11.3 There is no strong reason to recommend rejection of the application.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

## **13. Attachments**

<b>Appendix I</b>	Application Form received on 6.12.2023
<b>Appendix Ia</b>	Supporting Planning Statement received on 6.12.2023
<b>Appendix Ib</b>	FI received on 5.1.2024
<b>Appendix Ic</b>	FI received on 6.2.2024
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Plan on Tower Setback
<b>Drawing A-3</b>	Section Plan
<b>Drawing A-4</b>	Conceptual Landscape Master Plan
<b>Drawing A-5</b>	Tree Recommendation Plan
<b>Drawing A-6</b>	Compensatory Planting Plan
<b>Drawings A-7 to A-10</b>	Photomontages
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-4</b>	Site Photos
<b>Plan A-5</b>	Height of Existing Buildings in Sham Shui Po Residential (Group A) Area

**PLANNING DEPARTMENT  
FEBRUARY 2024**