

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K8/51

- Applicant** : The Hong Kong Housing Authority (HKHA)
- Site** : Government Land at the junction of Junction Road and Chuk Yuen Road, Wong Tai Sin, Kowloon
- Site Area** : About 1,600m²
- Lease** : Government Land
- Plan** : Draft Wang Tau Hom and Tung Tau Outline Zoning Plan (OZP) No. S/K8/24
- Zoning** : “Residential (Group A)” (“R(A)”)
 (a) Subject to a maximum plot ratio (PR) of 7.5 for a domestic building or 9 for a building that is partly domestic and partly non-domestic, or the PR of the existing building, whichever is the greater
 (b) Subject to building height restriction (BHR) of 120 meters above Principal Datum (mPD) or the height of the existing building, whichever is the greater
- Application** : Proposed Minor Relaxation of Building Height Restriction for Permitted Public Housing Development

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of BHR from 120mPD to 152mPD (i.e. about +26.7% in terms of mPD or +46.4% in terms of absolute height^[1]) for permitted public housing development at the application site (the Site), which falls within an area zoned “R(A)” on the OZP (**Plan A-1**). Minor relaxation of the BH restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance) based on the individual merits of a development proposal.
- 1.2 The proposed public housing development with domestic / total PR of 7.5 / 9 providing 208 flats comprises one residential block of 26 storeys / 151.25mPD above a 5-storey podium for podium garden, social welfare facilities (SWFs), ancillary carpark, management office and plant rooms (the Proposed Scheme) (**Drawings A-1 to A-8**). Podium garden with communal play areas is proposed at 3/F, and landscaped area and greenery are proposed at grade along Junction Road. The proposed podium garden at 3/F is of semi-open design to enhance wind permeability (**Drawings A-6 to A-10**). The Site includes an existing footway and an existing ramp which connects to the pedestrian subway across Junction Road. The existing

^[1] Given that the mean site level is 51mPD, the application is to relax the BH from 69m to 101m (+46.4%).

ramp is proposed to be replaced by a new lift (**Drawing A-1**) to maintain barrier-free access to the existing subway. The vehicular access of the proposed development will be provided at Junction Road.

- 1.3 The proposed master layout plan, floor plans, section plan, landscape plans and perspectives of the Proposed Scheme submitted by the applicant are shown at **Drawings A-1 to A-10**. The key development parameters are summarised below:

Development Parameters	Proposed Scheme ^[^]
Site Area	About 1,600m ²
Total PR	Not exceeding 9
- <i>domestic</i>	7.5
- <i>non-domestic</i>	1.5
Total Gross Floor Area (GFA)	About 14,400m ²
- <i>domestic</i>	About 12,000m ²
- <i>non-domestic</i>	About 2,400m ² (including SWFs of 1,550m ²) ^[*]
Site Coverage (SC)	
- domestic	About 30%
- non-domestic	About 79%
Maximum BH / Absolute BH	Not exceeding +152mPD / 101m
Domestic Floor-to-floor Height	2.75m
Number of Storeys	
- Residential Block	26 storeys
- Podium	5 storeys
Number of Flats	208
Average Flat Size	About 58m ²
Design Population	562
Greenery Coverage	At least 20%
Local Open Space (LOS)	Not less than 562m ²
Children / Communal Play Area	Not less than 45m ²
SWFs ^[@]	
- Child Care Centre (CCC)	1
- Home Care Services (HCS) for Frail Elderly Persons	1
- Activity Centre and Employment Development Unit (ACEDU)	1
Number of Parking Spaces	
- Private Car	7
- Motorcycle	7
- Welfare Use	1

Number of Loading/Unloading (L/UL) Bays	1
Target Completion Year	2028/29

Note:

- [^] The Proposed Scheme is an indicative scheme to support the application for minor relaxation of BHR at the Site. It is subject to change at detailed design stage.
- [*] The proposed SWFs are not exempted from GFA calculation as there is no such provision for the subject “R(A)” site in the Notes of the OZP.
- [@] Subject to further review by Social Welfare Department (SWD) at detailed design stage.

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

- (a) Application Form received on 16.9.2022 (Appendix I)
- (b) Supporting Planning Statement (SPS) received on 16.9.2022 (Appendix Ia)
- (c) Further information (FI) received on 28.10.2022 [#] (Appendix Ib)
- (d) FI received on 3.11.2022 [#] (Appendix Ic)

[#] exempted from publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are provided in the SPS and the FI at **Appendices Ia to Ic**, which are summarised as follows:

Development Potential of the Site

- (a) The scheme that complies with the current BHR of 120mPD on the OZP (OZP-compliance scheme) could only achieve total / domestic PR of 5.06 / 5.04 due to site constraints and design requirements as stated in paragraph 2(b) below, which can only provide 150 flats without any provision of SWFs. The Proposed Scheme with BH of 152mPD could accommodate SWFs and more flats (an addition of 58 flats to produce a total of 208 flats), and thus optimise development potential of the site by achieving the maximum total / domestic PR of 9 / 7.5 as permitted in the subject “R(A)” zone.

Site Constraints and Building Height Required

- (b) The Proposed Scheme with BH of 152mPD has already been optimised taking into account a number of site constraints and design requirements. They include (i) the need to provide new vehicular access to the Site at Junction Road due to lack of existing one; (ii) restriction from Transport Department (TD) of erecting structures at street level in the corner area along Junction Road and Chuk Yuen Road to ensure no obstruction of traffic sightline; (iii) 10m setback from Junction Road and Chuk Yuen Road (**Drawing A-1**) required for air sensitive uses; (iv) severe traffic noise from the adjoining roads; and (v) the need to divert underground electric cables within the Site. Besides, the option of providing basement carpark to lower the BH has been explored but is considered technically unfavourable. If the carpark is to be provided at basement, due to the small site area, a 45m-long ramp at a slope of 1:10 would be required to allow vehicular access to the basement which would occupy nearly the whole site area.

Demand for Public Housing

- (c) The application will increase the public housing production which is in line with the Government's policy, contribute to the fulfilment of the imminent housing need and maximise the utilisation of developable land resources. Taken into account various site constraints and design requirements as stated in paragraph 2(b), it is inevitable to require a higher BH in order to optimise the development potential of the Site.

Provision of Social Welfare Facilities

- (d) The 2020 Policy Address (PA) invited the HKHA to explore setting aside a GFA equivalent to about 5% of attainable domestic GFA in public housing projects for the provision of SWFs to address the space shortfall of the welfare sector. In response to the PA's initiative, SWFs with total GFA of about 1,550m² (over 12% of the total attainable domestic GFA), will be provided as per SWD's advice. Minor relaxation on BHR is required to accommodate the SWFs.

Planning Intention and Compatibility of BH with Surrounding Areas

- (e) The proposed public housing development is always permitted within "R(A)" zone and in line with the planning intention of the "R(A)" zone. The Site is within the cluster of existing/planned high-rise residential developments that generally follow the topography. The proposed BH is considered compatible with the BH profile in the area as the BHs of the existing/planned high-rise developments in the vicinity are ranging from about 86mPD to 181mPD. Developments at similar BHs in the area include Ka Keung Court at 151mPD and Tak Keung Court at 153mPD (**Plan A-3**).

Technical Aspects

- (f) No adverse visual and air ventilation impact is anticipated as demonstrated by the photomontages in the Visual Appraisal (VA) and the Air Ventilation Assessment – Initial Study (AVA-IS) conducted (Appendices 1 and 2 of **Appendix Ia** and **Appendix Ib**). The AVA-IS concludes that the Proposed Scheme would achieve a slightly higher site spatial average velocity ratio and local spatial average velocity ratio (i.e. achieving better wind environment) as compared to the OZP-compliance Scheme under annual and summer condition.
- (g) There are a total of 7 nos. of existing trees within the Site (none of them are old and valuable trees (OVT) or trees of particular interest (TPI)), and all of them are proposed to be felled and will be compensated in a ratio of 1:1 (**Drawings A-7** and **A-8**) (Attachment 1 of **Appendix Ib**). The tree planting will meet the provision of minimum of 3 trees per 100m² of the total greenery coverage, and LOS and community play areas will be provided (**Drawing A-7**). No insurmountable landscape impact is anticipated.
- (h) No insurmountable environmental impact will be created by the proposed development with provision of 10m setback from Chuk Yuen Road and Junction Road to improve air quality, as demonstrated by the Environmental Assessment Study (EAS) conducted by Housing Department (HD) (Appendix 5 of **Appendix Ia**). Besides, no insurmountable impacts on traffic, sewerage, drainage and water supply aspects are anticipated as demonstrated by the technical assessments conducted by HD.

Public Consultation

- (i) HD has consulted Wong Tai Sin District Council (WTSDC) and local residents

including meetings with the WTSDC Housing Committee (HC) in February 2019 and August 2022 as well as the Wong Tai Sin (WTS) South West Area Committee in December 2021, a briefing session with the residents of Fu Keung Court (FKC) in July 2022 and information papers to WTSDC and residents of FKC in 2022. Concerns from the public are mainly on adverse visual and air ventilation impacts, disturbance to the adjacent FKC during construction and after completion, traffic congestion and safety issues, infill development with high development intensity, maintenance concerns of FKC, and the proposed development being different from the planned use of the Site as 'Electricity Substation' ('ESS') (background in paragraph 4) as stated in the sales brochure of FKC.

- (j) Taking into account the concerns raised by the public, HD has enhanced the development scheme with mitigation of the overall impact of the proposed development by (i) providing 10m setback from Junction Road and Chuk Yuen Road to improve air quality, (ii) providing semi-open podium garden at 3/F to enhance wind permeability, (iii) using appropriate colour scheme / façade treatment for the building to soften the building mass, (iv) providing greenery at the Site with overall green coverage target of 20% with half at grade or on levels easily accessible to pedestrians, and (v) providing podium setback from the southeastern boundary of the Site to enlarge the separation between the proposed development and the adjacent Fu Yue House of FKC which will enhance summer wind penetration to FKC (**Drawings A-1, A-6 to A-10**).

Responses to Public Comments

- (k) In response to the public comments received during the statutory publication period (summarised in paragraph 10 below and attached at **Appendix III**, the responses from the applicant at **Appendix Ib** are summarised as follows:
 - (i) regarding the concerns on the possible disturbance to FKC, the applicant pointed out that the proposed development is self-sustained with pedestrian and vehicular access separated from FKC, i.e. the pedestrian and vehicular accesses are proposed at Junction Road / Chuk Yuen Road. The Site would be separated from FKC by measures such as boundary wall;
 - (ii) regarding the concerns on environmental nuisances created during the construction stage, the applicant would strictly follow the relevant environmental protection regulations and guidelines, and corresponding mitigation measures would be taken with supervision by resident site staff;
 - (iii) regarding the concerns on affecting the structural safety of FKC during construction stage, building condition survey will be conducted prior to the construction so as to ensure the structural safety of the surrounding buildings, and monitoring points would be installed to regularly monitor vibrations and settlements during construction;
 - (iv) in response to the comments that the proposed SWFs exceed 5% of the domestic GFA requirement, the SWD has taken into account the needs of the local community, the overall demand for welfare services, the floor area requirement of different welfare facilities, etc., in drawing up appropriate welfare facilities for the Site to meet the service demand arising from the development and the community need at large;
 - (v) regarding the concerns of the proposed development deviating from the planned use of the Site as stated in the sales brochure of FKC (i.e. for 'ESS')

development), it should be noted that the site has been zoned “R(A)” since 1985 intended for high-density residential developments, and the proposal of the ‘ESS’ development at the Site was subsequently abandoned by CLP Power Hong Kong Limited (CLP) (background in paragraph 4);

- (vi) in response to the comments that the proposed development cannot fulfil the criteria for consideration of minor relaxation of BH in the Explanatory Statement (ES) of the OZP (as stated in paragraph 8.2 below), the proposed development would enhance the streetscape by providing landscaped area along Junction Road;
- (vii) in terms of the proposed ingress/egress being too close to the junction of Junction Road and Chuk Yuen Road, which would create traffic congestion and pedestrian safety problems, as stated in paragraph 2(b) above, the only viable vehicular access location is found to be at Junction Road. The conducted Traffic Impact Assessment (TIA) concluded that no insurmountable impact on traffic aspect is anticipated;
- (viii) regarding the concerns on the cost-effectiveness of the proposed public housing at such a small site, the Government has been adopting multi-pronged measures by considering diverse proposals and identifying suitable land for housing development in various districts to meet the society’s continued and pressing demand for housing sites. Sites allocated for public housing will be developed in the most cost-effective and sustainable way under the principles of optimal use of land resources. Minor relaxation of BHR can allow HKHA to fully utilise the development potential of the Site;
- (ix) regarding the concerns that HD has started construction works prior to planning approval, it should be noted that HD has started ground investigation works at the Site in September 2022;
- (x) regarding the concerns of replacing the ramp of pedestrian subway by a lift which would bring inconvenience to those in need during maintenance period, an alternative route via an adjacent at-grade pedestrian crossing could be used; and
- (xi) in response to the objections raised by WTSDC and the nearby residents, HD has enhanced the scheme which is stated in paragraph 2(j) above. Regarding the concerns on consultation methods by HD, briefing sessions with the public have been arranged under the Covid-19 epidemic situation and social distancing measures.

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 Ordinance is not applicable to the application.

4. Background

The Site has been zoned “R(A)” on the OZP since 1985. The northern portion of the Site

(i.e. excluding the existing footway and ramp) had once been earmarked for 'ESS' use since 1988 on the draft Wang Tau Hom and Tung Tau Outline Development Plan (ODP) to serve the increasing electricity demand in Wang Tau Hom and Ma Chai Hang area. However, the planned 'ESS' use was subsequently abandoned by CLP in 2003 due to strong local objections. The northern portion of the Site has then been used as landscaping area being maintained by Leisure and Cultural Services Department.

5. Previous Applications

The Site is subject to two previous planning applications (Nos. A/K8/21 and A/K8/23) for a proposed ESS at the northern portion of the Site submitted by CLP, which were approved by the Board on 24.5.1991 and the Metro Planning Committee (the Committee) of the Board on 4.2.1994 respectively. However, the proposed ESS was subsequently abandoned by CLP in 2003 due to strong local objections (background in paragraph 4). Details of the previous applications are at **Appendix II**.

6. Similar Application

There is no similar application for minor relaxation of BHR in "R(A)" zone in the Wang Tau Hom & Tung Tau OZP area.

7. The Site and Its Surrounding Areas (Plans A-1 to A-3, aerial photo on Plan A-4 and site photos on Plans A-5 to A-7)

7.1 The Site is:

- (a) a piece of unallocated government land at the junction of Chuk Yuen Road and Junction Road with site level at about 51mPD, with northern portion being temporarily occupied by HD for carrying out site investigation works of the proposed public housing development, and southern portion abutting Junction Road as an existing public footway and an existing ramp to pedestrian subway; and
- (b) bounded by FKC to its north and east, Junction Road to its south and Chuk Yuen Road to its west.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and east are the existing high-rise public housing developments zoned "R(A)" including Ka Keung Court (with BHR of 140mPD / existing BH of 115 to 151mPD), FKC (with BHR of 120mPD and existing BH of 88 to 117mPD) and Wang Tau Hom Estate (with BHR of 120/100mPD and existing BH of 85 to 87mPD) and two schools zoned "Government, Institution or Community" ("G/IC") subject to BHR of 8 storeys, i.e. Lok Sin Tong Yu Kan Hing Secondary School and Kit Sam Lam Bing Yim Secondary School;
- (b) to its southeast are another high-rise public housing development, i.e. Tak Keung Court zoned "R(A)" (with BHR of 120mPD and existing BH of 153mPD), and Wang Tau Hom Jockey Club General Out-Patient Clinic (GOPC) zoned "G/IC" subject to BHR of 3 storeys;
- (c) to its south and southwest across Junction Road are Junction Road Park, the

Hong Kong Baptist University and Lok Fu Fresh Water Service Reservoir; and

- (d) to its northwest across Chuk Yuen Road are private residential developments zoned “Residential (Group C)6” subject to BHR of 13 storeys, including The Palace (about 181mPD), Happy Garden (about 88mPD), Meridian Hill (about 90mPD), as well as Broadcast Drive Playground and Kam Shing Road Recreation Ground.

8. Planning Intention

- 8.1 The planning intention of “R(A)” zone 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.
- 8.2 According to the ES of the OZP, BHRs are imposed on the OZP for various development zones. A minor relaxation clause in respect of the BHRs is incorporated into the Notes of the OZP to provide incentive for developments/redevelopments with design merits/planning gains. Each application for minor relaxation of BHRs 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 PR granted under the Buildings Ordinance 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 and visual permeability;
 - (e) accommodating building design to address specific site constraints in achieving the permissible PR 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.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):
 - (a) The Site currently covers (i) the land temporarily occupied by the HD for carrying out site investigation works of the proposed public housing development project, and (ii) the public footway of Junction Road.

- (b) If the Board approves the application, the applicant shall apply to LandsD for the possession of the Site to implement the proposal and allow at least 9 months to process the application by way of vesting order or at least 1 year by way of private treaty grant.
- (c) The other comments are included in the advisory clauses at **Appendix IV**.

Urban Design, Visual, Air Ventilation and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) The Site of about 0.16ha is located at the western fringe of a cluster of residential developments intermixed with government, institution and community (GIC) buildings on the OZP. According to the ES of the OZP, the BHR of the residential developments in the area are planned to be descending from Tin Ma Court (150mPD) and Ka Keung Court (140mPD) to the north and northeast of the Site, to FKC (120mPD) and Wang Tau Hom Estate (120mPD and 100mPD) to the east of the Site. To the immediate west and south of the site are open spaces. To the further west of the Site are medium-rise residential developments in Kowloon Tong with BHR ranging from 10 to 13 storeys. Judging from the photomontages of the submitted VA (**Drawings A-11 to A-13**), the proposed development of about 152mPD, being located at the corner and right next to the crossroad junction, would appear to be higher than the immediate surrounding developments. The proposed development would not encroach upon the 20% building free zone as viewed from the strategic view points of Quarry Bay Park, Sun Yat Sen Memorial Park and Central Pier No. 7 (**Drawings A-14 to A-16**).
- (b) As gathered from the submission, the proposed development has incorporated 10m-wide building setbacks from Junction Road and Chuk Yuen Road, and podium setbacks ranging from about 3m to 13m from the southeastern site boundary. Landscape treatments such as landscaped areas on G/F, semi-open podium garden on 3/F, and vertical greening on podium facades are introduced. Appropriate colour scheme and facade treatments are also proposed to soften the building edges. These measures may contribute to the improvement of streetscape by softening the building edges and promoting visual interest and pedestrian comfort.

Air Ventilation Aspect

- (c) As set out in the AVA-IS report, similar to the Baseline Scheme (i.e. the OZP-compliance scheme), the Proposed Scheme has incorporated the wind enhancement measures including (i) tower and podium setbacks from the southern site boundary and southeast corner; and (ii) podium garden with N-S oriented openings at 3/F (71.5mPD level). In addition, the tower and podium of the Proposed Scheme will setback further at the southeast corner to facilitate summer wind penetration.

- (d) According to the simulation results, the proposed building layout plan of the Proposed Scheme would bring localised improvement on the pedestrian wind environment for certain areas (such as Junction Road and residential cluster at Broadcast Drive under annual condition and Chuk Yuen Road, Ka Keung Court and residential cluster at Broadcast Drive under summer condition). Overall, with the mitigation measures, the performances of the Proposed Scheme on pedestrian wind environment are in general comparable with the Baseline Scheme under both annual and summer conditions.

Landscape Aspect

- (e) With reference to the aerial photo of 2021, the Site is located in an area of residential urban landscape character comprising of residential building blocks and institutional facilities. The proposed development of 31-storey composite building block (including 26 residential floors, 1 carport floor and 4 podium floors) is considered not incompatible to the landscape character of the surrounding environment.
- (f) With reference to the SPS, semi-open podium garden at 3/F, vertical greening at podium facade and landscape area at G/F are proposed to enhance the landscape quality of the proposed development. LOS of not less than 562m² for estimated population of 562 and children/communal play area of not less than 45m² are proposed.
- (g) The other comments on the approval of tree works are included in the advisory clauses at **Appendix IV**.

9.1.3 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) It is noted that the proposed public housing development mainly consists of one tower with BH of 151.25mPD. Since the adjacent “R(A)” site (i.e. Ka Keung Court) with BHR of 140mPD is permitted in the OZP, he has no comment from architectural and visual impact point of view.
- (b) 20% greenery within the Site shall be provided in accordance with PNAP APP-152.

Traffic

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

No in-principle objection to the application from traffic engineering perspective. Should the application be approved, the following approval conditions ~~are~~ **is** suggested:

~~(a) —the design and implementation of the proposed traffic improvement measures, as proposed by the applicant in the TIA, to the satisfaction of the C for T or of the Board; and—~~

- (a)** ~~(b)~~ the design and provision of parking facilities, loading/unloading spaces

and vehicular access *with associated improvement works* for the proposed development to the satisfaction of the C for T or of the Board.

Environment

9.1.5 Comments of the Director of Environment Protection:

He has no objection to the application since (i) adverse environmental impact arising from the proposed public housing development is not anticipated with the implementation of mitigation measures, e.g. acoustic windows, architectural fins, etc., and (ii) adverse sewerage impact arising from the public housing development is not anticipated.

9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation:

She has no comment on the application. Regarding the public comments on possible impact on wild lives (see paragraph 10.2(i) below), as existing greenery of Junction Road Park opposite the Site provides readily available alternative habitat for the birds, impact to birds is unlikely anticipated.

Provision of Social Welfare and Medical Facilities

9.1.7 Comments of the Director of Social Welfare:

She has no adverse comment on the application noting that at least 5% of the GFA has already been set aside for welfare facilities.

9.1.8 Comments of the Director of Health:

Regarding the public suggestion of redeveloping the Wang Tau Hom Jockey Club Clinic building (paragraph 10.2(l) below), he advises that there is no plan to redevelop the clinic at the moment and the clinic building is considered in acceptable condition. There is on-going service needs of the healthcare services for the public.

Local Views

9.1.9 Comments of the District Officer (Wong Tai Sin), Home Affairs Department (DO(WTS), HAD):

- (a) As relevant stakeholders in the WTS District have been consulted, he has no strong views on the application.
- (b) As compared with the design first submitted by the HD to the 5th term WTSDC HC for consultation on 12.2.2019, the number of domestic storeys will increase from 24 to 26, while the number of flats will decrease from 240 to 208. HD incorporated WTSDC HC's comments in the revised design and circulated an updated information paper to relevant stakeholders including the WTSDC HC, WTS South West Area Committee, WTS district leaders and residents of the nearby Home Ownership Scheme estate FKC in June 2022. FKC residents were concerned inter alia that the 26-storey building would prevent the

ingress of fresh air to FKC, which was against the original design intention of FKC. To address their concerns, HD held a briefing on 15.7.2022 and around 100 FKC residents attended the session.

- (c) The WTSDC HC was also consulted on the new design scheme on 9.8.2022. Seven representatives of the FKC Owners' Corporation attended the meeting. Concerning the relaxation of the building height restriction, they held the view that it would incur a higher construction cost and hence should not be an efficient use of public funds.

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

- (a) Secretary for Development;
- (b) Chief Engineer/Construction, Water Supplies Department (WSD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (DSD);
- (d) Chief Highway Engineer/Kowloon, Highways Department;
- (e) Chief Building Surveyor/Kowloon, Buildings Department;
- (f) Director of Leisure and Cultural Services;
- (g) Director of Food and Environmental Hygiene;
- (h) Director of Electrical and Mechanical Services;
- (i) Office of the Communications Authority;
- (j) Director of Fire Services;
- (k) Project Manager (East), Civil Engineering and Development Department (CEDD);
- (l) Head of the Geotechnical Engineering Office, CEDD;
- (m) Government Property Administrator; and
- (n) Commissioner of Police.

10. Public Comments Received During Statutory Publication Periods

10.1 On 23.9.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 14.10.2022, a total of 191 public comments were received. 188 comments object to the application including one from the owners' corporation of FKC Blocks A to F, one from the management office of FKC, one from the owners' corporation of Hong Keung Court, one from a planning consultant on behalf of a group of residents of FKC, and the remaining from residents of FKC and individuals. Besides, 3 comments from individuals provide views on the application. Sample letters of the public comments are in **Appendix III**. A full set of public comments would be deposited at the meeting for Members' inspection.

10.2 The major objection reasons and concerns are summarised below:

- (a) The proposed minor relaxation of BH for over 25% in terms of mPD should not be considered as a 'minor' relaxation. The proposed development with a BH of 152mPD will breach the stepped building height profile in the area and not be compatible with the surrounding areas. The proposed development will create adverse visual impacts including breaching the ridgeline of Lion Rock and blocking the local visual corridors.
- (b) The proposed development will create wall effect/imposing effect to the surrounding area in terms of blocking air ventilation and natural lighting. It

is too close to the residential blocks of FKC. It is too congested to construct one housing block at a small site. No micro-climate study has been conducted.

- (c) The proposed development will create disturbance to FKC as the new residents would share the use of existing public facilities in FKC, e.g. parks and markets, which will increase the maintenance cost and induce security issues.
- (d) The proposed development will create dust, noise and other nuisances during the construction stage. The construction will create adverse geotechnical and structural impacts on the buildings of FKC.
- (e) The applicant fails to demonstrate the efforts to minimise the overall BH, such as minimising the GFA of the SWFs. The proposed SWFs amounting for 12.9% of the domestic GFA is considered excessive as compared to the requirement under the PA (i.e. 5%).
- (f) The Site is a strip of land not intended for housing development within the master plan of FKC earmarked for 'ESS' on the ODP. The proposed development is an infill and piecemeal development which deviates from the aforesaid planning. The applicant has no right to develop the Site and should reserve it as a buffer/open/green area. The proposed development also deviates from the legitimate expectation of home buyers of FKC, since the sales brochure of FKC states that the Site is planned for ESS development.
- (g) The proposed development cannot fulfil the criteria for consideration of minor relaxation of BH in the ES of the OZP (as stated in paragraph 8.2 above) in terms of providing better streetscape/good quality street level public urban space as well as other concerns on air ventilation, visual and landscape aspects as mentioned above.
- (h) The proposed ingress/egress is too close to the junction of Junction Road and Chuk Yuen Road, which will create traffic congestion and pedestrian safety problems. The proposed development together with the new developments in Kowloon City and To Kwa Wan will aggravate traffic congestion. Replacing the ramp of the existing subway by a lift will be inconvenient for disabled persons especially when the lift is broken or in maintenance. Some assumptions in the applicant's TIA are underestimated (e.g. baseline traffic flow).
- (i) The proposed development will create adverse impacts on environment, wild lives and trees. The proposed development will remove the trees and vegetation at the Site but no tree survey is conducted.
- (j) The applicant still submitted the application despite strong objection from WTSDC in 2019, without addressing the public concerns. The affected residents are not properly consulted.
- (k) Other concerns raised by the commenters include the proposed development accommodating only a few hundred of residents is not cost effective and is a waste of public fund given such amount of works required to be carried out; the burden on community and supporting facilities in the vicinity will be exacerbated; the proposed development will adversely affect the property prices and views of the flats in FKC; the proposed LOS in the Proposed Scheme is not a genuine open space; the proposed development will adversely

affect the broadcasting signal; and it is suspected that the site works have been taken place prior to approval of application.

- (l) Some commenters suggested that the applicant should develop public housing at the following alternative sites, including nearby parks / open space with low usage, e.g. Broadcast Drive Playground, Kam Shing Road Recreation Ground and Lung Cheung Road Park; Wang Tau Hom Jockey Club GOPC nearby; and Block A of FKC to be redeveloped together with the Site (**Plan A-4**). Suggestions are also made to develop Government complex building / SWF / clinic instead of public housing at the Site.

11. Planning Considerations and Assessments

- 11.1 The current application is to seek planning permission for proposed minor relaxation of BHR from 120mPD to 152mPD (i.e. about +26.7% in terms of mPD or +46.4% in terms of absolute height) for the permitted public housing development at the Site. The Proposed Scheme with relaxed BHR would provide 208 flats and about 1,550m² for SWFs equivalent to about 12.9% of the domestic GFA. The proposed public housing development is considered conforming with the planning intention of the “R(A)” zone which is intended for high-density residential development.

Minor Relaxation of BHR

- 11.2 The Site is located at a level of about 51mPD and bounded by Junction Road and Chuk Yuen Road. According to the applicant, given various site constraints and design requirements of the Site as mentioned in paragraph 2(b) above, public housing development complying with the current BHR of 120mPD (i.e. with an absolute BH of about 69m) can only achieve total / domestic PR of 5.06 / 5.04, which is far below the permissible maximum total / domestic PR of 9 / 7.5 of the Site under the “R(A)” zone. With BHR relaxed to 152mPD (i.e. with an absolute BH of 101m), the Proposed Scheme can optimise the permissible maximum domestic PR of 7.5, thus provide additional 58 public housing flats as compared to the OZP-compliance scheme, which is in line with the Government’s overall policies of better utilisation of scarce land resources and increasing housing supply to meet the public’s housing needs. The Proposed Scheme with a relaxed BH of 152mPD can also accommodate a 5-storey podium for SWFs and other non-domestic uses with a non-domestic PR of 1.5. Given that SWFs with GFA equivalent to about 12.9% of the total domestic GFA will be provided, the Proposed Scheme is in compliance with the Government initiatives as announced in PA 2020 and 2021 to increase the supply of SWFs in suitable public housing projects to cater for the needs of the community.
- 11.3 The applicant has explored ways to minimise the BH required especially the possibility of providing basement carpark. However, the option of basement carpark is considered technically unfavourable due to the need to construct vehicular ramp for connection which occupies nearly the whole site area.
- 11.4 In terms of height profile, the Site is located at the western fringe of a cluster of high-rise residential developments in Wang Tau Hom area with existing BHs ranging from 88mPD to 153mPD, with open spaces to the west and south and medium-rise residential developments in Kowloon Tong to the further west (**Plan A-3**). The BHRs of the residential developments in the area are descending from Ka Keung Court (140mPD) to the north and northeast of the Site, to FKC (120mPD) and Wang Tau Hom Estate (120 / 100mPD) to the east of the Site (**Plans A-1 and A-3**).

While the proposed development at 152mPD may not be strictly in line with the BH profile of the OZP, the proposed BH is comparable to some other residential blocks in the vicinity including Ka Keung Court (151mPD) to the north as well as Tak Keung Court (153mPD) to the east (**Plan A-3**). The VA conducted (Appendix 1 of **Appendix Ia**) demonstrates that the resultant overall visual impact associated with the proposed BH of 152mPD is acceptable, and the proposed development would not encroach upon the 20% building free zone of the ridgeline as viewed from the strategic view points (**Drawings A-14 to A-16**).

- 11.5 The applicant has proposed a number of measures to mitigate the overall visual and/or air ventilation impacts of the proposed development including providing greenery at grade and on podium, semi-open podium garden at 3/F, building setbacks from the adjoining roads, podium setback from the southeastern boundary of the Site to enlarge the separation with the adjacent Fu Yue House of FKC, and using appropriate colour scheme / façade treatment for the building (**Drawings A-1, A-6 to A-10**). On visual aspect, these measures can contribute to the improvement of streetscape by softening the building edges and promoting visual interest and pedestrian comfort. On air ventilation aspect, with adoption of building setbacks and semi-open podium garden, the performances of the Proposed Scheme on pedestrian wind environment are in general comparable with the OZP-compliance scheme under both annual and summer conditions according to the AVA-IS report conducted by HD (Appendix 2 of **Appendix Ia**). In this regard, CTP/UD&L, PlanD has no adverse comment on the application from urban design and air ventilation perspectives. CA/CMD2, ArchSD has no adverse comment on the application from architectural and visual perspective.

Planning and Design Merits

- 11.6 Apart from providing more public housing supply and SWFs, the Proposed Scheme would adopt various design and landscape treatments as detailed in paragraph 11.5 above. Greening with target greenery coverage of 20%, landscaping, LOS and communal play areas will be provided at the Site. Trees are proposed to be planted at the Site including 7 trees for compensation of affected trees and others for provision of minimum of 3 trees per 100m² of the total greenery coverage. CTP/UD&L, PlanD advises that these measures may contribute to the improvement of streetscape, and she has no adverse comment on the application from landscape perspective. As such, the Proposed Scheme generally meets the criteria for considering application for minor relaxation of BHR as mentioned in 8.2(c), (d) and (e) above (i.e. achieving the permissible PR under the OZP given the site constraints, and providing better streetscape and separation from adjacent building to enhance air and visual permeability).

Technical Aspect

- 11.7 Technical assessments including TIA, EAS and Sewerage Impact Assessment (SIA) submitted by the applicant have demonstrated that the Proposed Scheme is acceptable and technically feasible. C for T has no in-principle objection to the application subject to the incorporation of approval conditions set out in paragraphs 12.2(a) ~~and (b)~~ below. Other relevant Government departments, including Environmental Protection Department, DSD and WSD have no objection to or no adverse comments on the application.

Public Comments

- 11.8 Regarding objection/concerns raised in the public comments, the applicant has provided responses as stated in paragraph 2(k) above. Concerned Government departments' comments and the planning assessments above are also relevant.
- 11.9 Regarding the public suggestions of developing alternative sites instead of the Site for public housing as mentioned in paragraph 10.2(l) above, the Government has been adopting a multi-pronged approach to increase land supply in view of the acute demand for public housing, and the Site is considered suitable for public housing development. Regarding the public concerns on the adverse impact on private views and property value, as set out in the Town Planning Board Guidelines PG-No. 41 on submission of Visual Impact Assessment for planning applications to the Board, in the highly developed context of Hong Kong, it is not practical to protect private views without stifling development opportunity and balancing other relevant considerations. In the interest of the public, it is far more important to protect public views. Impact on property prices is not a relevant planning consideration.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 11.11.2026, 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 design and implementation of the proposed traffic improvement measures, as proposed by the applicant in the Traffic Impact Assessment, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and~~

- (a) ~~(b)~~ the design and provision of parking facilities, loading/unloading spaces and vehicular access **with associated improvement works** for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory Clauses

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

- 12.3 There are no strong reasons to recommend rejection of the application.

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 16.9.2022
Appendix Ia	Supporting Planning Statement received on 16.9.2022
Appendix Ib	FI(1) received on 28.10.2022
Appendix Ic	FI(2) received on 3.11.2022
Appendix II	Previous Applications
Appendix III	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan of the Proposed Development
Drawings A-2 to A-5	Floor Plans of the Proposed Development
Drawing A-6	Section Plan of the Proposed Development
Drawings A-7 and A-8	Landscape Plans of the Proposed Development
Drawings A-9 and A-10	Perspectives at Low Zone of the Proposed Development
Drawings A-11 to A-16	Photomontages of the Proposed Development
Plan A-1	Location Plan on the OZP
Plan A-2	Site Plan
Plan A-3	Building Height Profile
Plan A-4	Aerial Photo
Plans A-5 to A-7	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2022**