

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/487

- Applicant** : Lucky Nice Investment Limited represented by KTA Planning Limited
- Site** : 543-549 Castle Peak Road, Kwai Chung
- Site Area** : About 1,327.7m²
- Lease** : Lot No. 866 in D.D. 450 (Lot 866)
(a) held under New Grant No. 4313 dated 22.8.1964
(b) to be expired on 30.6.2047
(c) for industrial purposes excluding offensive trades subject to “a building or buildings” restriction
Kwai Chung Town Lot No. 4 (KCTL 4)
(a) held under New Grant No. 4483 dated 5.11.1965
(b) to be expired on 30.6.2047
(c) for general industrial and/or godown purposes excluding offensive trade subject to “a building or buildings” restriction
- Plan** : Draft Kwai Chung Outline Zoning Plan No. S/KC/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) maximum plot ratio (PR) of 9.5 or the PR of the existing building
(b) maximum building height (BH) of 105 metres above Principal Datum (mPD), or the BH of the existing building, whichever is the greater
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 10.309 (i.e. the PR of the existing building) to about 12.37 (+20%) for a proposed redevelopment at 543-549 Castle Peak Road - Kwai Chung (the Site), which falls within an area mainly zoned “OU(B)” (about 82%) with its southeastern strip zoned “Residential (Group A)” (“R(A)”) (about 18%) on the draft Kwai Chung OZP No. S/KC/29 (**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 “R(A)” 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 Site is currently occupied by an existing 13-storey industrial building (IB) constructed before 1987 (pre-1987 IB)¹. The proposal is to redevelop the existing IB into a 25-storey IB for permitted non-polluting industrial use. According to Schedule II under the Notes for “OU(B)” zone of the OZP for industrial or industrial-office (I-O) building, ‘Non-polluting Industrial Use’ is a Column 1 use, which is always permitted. 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 The proposed IB has a total of 25 storeys including one basement level carpark. The main pedestrian entrance and vehicular access are proposed at Castle Peak Road - Kwai Chung and Yiu Wing Street respectively (**Drawing A-2**). Carparking and loading/unloading (L/UL) spaces are located at G/F and basement level served by car lifts (**Drawings A-1 and A-2**).
- 1.4 The proposed development has incorporated a voluntary setback of minimum 1m at G/F and 1/F fronting Castle Peak Road - Kwai Chung, which will also serve as weather protection measure for pedestrian (**Drawings A-7 to A-9**). Besides, a voluntary full-height setback of minimum 1.8m fronting Yiu Wing Street is proposed (**Drawings A-7, A-8 and A-10**). A full-height voluntary setback of 0.8m at the northeastern end of Yiu Wing Lane is proposed so as to allow a 1.6m footpath between the subway entrance and the proposed IB (**Drawings A-8 and A-9**).
- 1.5 The proposed development incorporates a podium garden on 1/F with greenery along the façades at Castle Peak Road, Yiu Wing Lane and Yiu Wing Street (**Drawings A-9, A-10 and A-12**). Other landscape proposals include a planter area at the northeastern corner, planters and vertical greenings at G/F facing Yiu Wing Street as well as greenery on part of R/F (**Drawings A-9 to A-13**). A total of about 20.6% (about 273.7m²) greenery is proposed for the development (**Drawing A-14**). Recycling water system for irrigation of the vertical greening will be explored at the detailed design stage.
- 1.6 Floor plans, section plan, landscape plans and photomontages submitted by the applicant are shown at **Drawings A-1 to A-13**. Major development parameters of the scheme are summarised as follows:

Major Development Parameters	Proposed Scheme
Site Area ^[1]	About 1,327.7m ²
Proposed Use	Permitted Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods)
Maximum PR ^{[2] & [3]}	About 12.37
Non-domestic GFA	About 16,423m ²

¹ The Occupation Permit (OP) for the subject IB was issued on 29.7.1971.

Site Coverage (SC)	
• G/F to 1/F	Not more than 80%
• 2/F and above	Not more than 65%
No. of Storeys	25 (including one basement level)
BH (at main roof level)	Not more than 105mPD
Voluntary Building Setbacks	<ul style="list-style-type: none"> • Minimum 1m setback at G/F and 1/F (up to 12.6m) fronting Castle Peak Road • Minimum 1.8m full-height setback along Yiu Wing Street • 0.8m full-height setback at northeastern end of Yiu Wing Lane
Parking Spaces & L/UL Spaces	
• Private Car	28 (including one accessible parking space)
• Motorcycle	3
• Light Goods Vehicle	9 (L/UL: 5)
• Heavy Goods Vehicle	4 (L/UL: 2)
Greenery Provision	20.6% (about 273.7m ²)
Anticipated Year of Completion	2025

Note :

- [1] The site area includes the area dedicated for the building setbacks.
- [2] The applicant does not intend to claim the bonus PR under the Building (Planning) Regulations (B(P)R) 22(2) for dedication of land/area for the purpose of building setbacks.
- [3] The proposed increase of PR to 12.371 will be 20% if the calculation is based on the PR of the existing building (i.e. 10.309). The proposed increase will be about 30.2% if the calculation is based on the maximum PR of 9.5 specified under OZP.

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

- (a) Application form received on 5.10.2021 **(Appendix I)**
- (b) Supporting Planning Statement (SPS) with Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) and architectural layouts received on 5.10.2021 **(Appendix Ia)**
- (c) Further Information (FI) received on 20.12.2021 providing responses to departmental and public comments, including revised TIA, SIA, revised floor plans, illustration diagrams and replacement pages of SPS* **(Appendix Ib)**
- (d) FI received on 28.1.2022 providing responses to departmental comments, updated pages of SIA and replacement pages of SPS* **(Appendix Ic)**
- (e) FI received on 2.3.2022 providing responses to departmental comments and revised TIA and updated pages of SIA* **(Appendix Id)**
- (f) FI received on 11.4.2022 providing response to departmental comments, updated pages of revised TIA, replacement pages of SPS and revised drawings[#] **(Appendix Ie)**
- (g) Letter received on 13.4.2022 providing updated drawings and replacements pages of FI[#] **(Appendix If)**

Remarks:

* accepted but not exempted from publication and recounting requirement

[#] accepted and exempted from publication and recounting requirement

- 1.8 On 26.11.2021, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision as requested by the applicant. Upon receipt of FI on 2.3.2022, 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 set out in the SPS and FI at **Appendices Ia to If** which are summarised as follows:

- (a) The proposed development is in line with the intention of the 2018 Policy Address to redevelop pre-1987 IBs and complies with all eligible criteria for the relaxation of maximum PR by 20% to make better use of land resources.
- (b) The proposed development of a new IB for non-polluting industrial use echoes the projection in the ‘Hong Kong 2030+ Study’ by providing additional industrial floorspace to cater the demand in short term and would facilitate the transformation of the Castle Peak Road/ Wo Yi Hop Road Business Area.
- (c) The proposed non-polluting industrial use is a Column 1 use within the “OU(B)” zone and is generally in-line with the planning intention of the “OU(B)” zone.
- (d) The proposed development is considered compatible with the surrounding land uses, which is predominated with IBs for non-polluting industrial use. Given the BH of the proposed scheme is still within the maximum BH of 105mPD as stipulated in the OZP, the relaxation of PR restriction for 20% from non-domestic PR of existing IB of 10.309 to 12.371 is considered minor in nature and acceptable.
- (e) Planning and design merits are proposed, which include:
 - (i) minimum 1m voluntary setback at G/F and 1/F (up to 12.6m) fronting Castle Peak Road for widening the existing footpath and improving the walking environment;
 - (ii) minimum 1.8m voluntary full-height setback fronting Yiu Wing Street with planters and vertical greening for improving the walking environment;
 - (iii) 0.8m voluntary full-height setback at the northeastern end of Yiu Wing Lane near the subway entrance for better pedestrian circulation;
 - (iv) weather protection measure in form of 1m wide building overhang at the pedestrian entrance fronting Castle Peak Road, after taking a balanced consideration including the technical feasibility and the need to comply with SBDG requirements;
 - (v) landscape treatments in form of planters, vertical greening at building façades, roof greenery and 1/F podium garden for improving the visual quality and streetscape; and

- (vi) green building design elements, application for certification under Building Environmental Assessment Method Plus (“BEAM Plus”) and compliance with SBDG requirements.
- (f) The submitted TIA and SIA demonstrate that the proposed development would generate no adverse impacts from traffic and sewerage aspects.

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

The applicant is the ‘current land owner’ of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Policy Initiatives of Revitalisation of IBs

- 4.1 As set out in Policy Address 2018, 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 IBs², 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 B(P)R³. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.
- 4.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. As announced in the 2021 Policy Address, the implementation period of the scheme will be extended to October 2024. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

5. Previous Application

There is no previous application at the Site.

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 (BA) 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.

6. Similar Applications

- 6.1 Since March 2019, the Committee has considered a total of 14 applications for minor relaxation of PR and/or BH in Kwai Chung area relating to the Policy (**Plan A-1**). All of the 14 applications were approved with conditions (**Appendix II**). In consideration of these applications, the Committee generally indicated support for the Policy to relax the PR up to 20% as it provides 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.
- 6.2 Among the above-mentioned similar applications, three of them (i.e. No A/KC/471, A/KC/473 and A/KC/483) also involved minor relaxation of PR of existing building, which were approved with conditions on 14.5.2021, 11.6.2021 and 14.1.2022 respectively.

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

7.1 The Site:

- (a) is currently occupied a 13-storey IB, namely Shui Hong Industrial Building;
- (b) is located in the western part of the Castle Peak Road/Wo Yi Hop Road Business Area zoned “OU(B)” which is predominantly occupied by IBs and I-O buildings;
- (c) abuts Castle Peak Road - Kwai Chung, Yiu Wing Lane and Yiu Wing Street to the northeast, southeast and southwest respectively (**Plan A-2**);
- (d) to the immediate west is a petrol filling station; and
- (e) is well served by various modes of public transport including buses and public light buses mainly on Castle Peak Road - Kwai Chung. MTR Tai Wo Hau Station and Kwai Hing Station are located at about 800m to the west and about 500m to the south respectively (**Plan A-5**).

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast across Castle Peak Road - Kwai Chung are the other clusters of business area within the Kwai Chung and Tsuen Wan areas respectively (**Plan A-2**);
- (b) to the further northeast across Cheung Wing Road are the Tung Chun Soy and Canning Company within the “Comprehensive Development Area” zone and the ex-Kwai Chung Salvation Army Girls’ Home currently zoned “Open Space”;

- (c) to the immediate southeast across Yiu Wing Lane is a cluster of residential buildings zoned “R(A)” at Kwong Fai Circuit (**Plan A-2**); and
- (d) to the southwest and northwest is the China Light and Power (CLP) Substation across Yiu Wing Street and Kwai Chung A Substation respectively.

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 existing industrial stock and make better use of our valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, relaxation of the maximum permissible non-domestic PR by up to 20% may be allowed, on a case-by-case basis, under the current revitalisation scheme for redevelopment in respect of pre-1987 IBs located outside “R” 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 25-storey 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 leases. 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. We have 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, the 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/Tsuen Wan & Kwai Tsing (DLO/TW&KT) and the Chief Estate Surveyor/Development Control (CES/DC), LandsD:

- (a) the Site falls within Lot 886 and KCTL 4. Lot 866 is held under New Grant No. 4313 dated 22.8.1964 and in accordance with the lease, the lot shall be used for industrial purposes excluding offensive trades subject to 'a building or buildings' restriction. KCTL 4 is held under New Grant No. 4483 dated 5.11.1965 according to the lease, the lot shall be used for general industrial and/or godown purposes excluding offensive trade subject to 'a building or buildings'. There are no restrictions on GFA, SC or BH nor setback requirement under the Lease for the Lots;
- (b) the applicant should be fully aware that the user restriction under the Lease has a different interpretation from the Board's definition on Column 1 uses 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;
- (c) LandsD reserves comment on the proposed schematic design including the site area which would only be examined in detail during the building plan submission stage upon completion of lease modification. There is no guarantee that the schematic design presented in the subject application will be acceptable under the lease if it is so reflected in future building plan submission(s); and
- (d) other detailed comments are at **Appendix III**.

Building Matters

9.1.3 Comments of the Chief Building Surveyor/New Territories West (CBS/NTW), BD:

- (a) for any building proposal to be submitted to BD for approval under Buildings Ordinance (BO), requirements regarding the measures to deter misuse of IBs for residential use as stipulated in the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-159 should be followed and complied with;
- (b) detailed comments under the BO will be given during the building plan submission stage; and
- (c) other detailed comments are at **Appendix III**.

Traffic

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

- (a) she has no in-principle objection to the application from traffic engineering perspective given that:
 - (i) the TIA illustrated that the traffic impact arising from the subject redevelopment to the adjacent road network within the area of influence would be acceptable; and
 - (ii) the applicant demonstrated that the redevelopment proposal would accommodate the high-end provision of parking and L/UL facilities within the redevelopment; and
- (b) should the application be approved, it is suggested to impose the following approval condition:

the design and provision of parking facilities, L/UL spaces and vehicular access for the proposed development to the satisfaction of the C for T or of the Board.

9.1.5 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) he has no objection to the application from highway's maintenance point of view subject to the proposed modification of roadworks (reconstruction of footpath and any associated road marking and street furniture modification etc.) due to the development should be approved by Transport Department (TD) and subsequently carried out by the applicant to HyD's standard;
- (b) it is noted that vehicular access points had been modified and the applicant should check with LandsD if the vehicular access is permitted according to the lease;
- (c) the applicant should apply to LandsD for the realignment of vehicular access points with TD's comment incorporated when necessary. There would have voluntary setback from Castle Peak Road - Kwai Chung and Yiu Wing Street and the management and maintenance arrangement for such areas should rest with the applicant; and
- (d) the paving proposal should be critically reviewed and the proposed footpath finishes should be compatible with the adjacent environment.

Environment

9.1.6 Comments of the Director of Environment Protection (DEP):

- (a) she has no objection to the application given that:
 - (i) the applicant has committed to address the potential land contamination at the approval condition stage should the application be approved; and
 - (ii) the SIA concluded that no adverse impact on the existing sewerage system is anticipated, and incorporation of relevant approval conditions is required;
- (b) it is recommended to impose the following approval conditions:
 - (i) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the site to the satisfaction of DEP or of the Board;
 - (ii) the submission of an updated SIA to the satisfaction of DEP or of the Board; and
 - (iii) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated SIA to the satisfaction of the Director of Drainage Services or of the Board; and
- (c) since demolition of the existing IB and excavation works would be required, 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 redevelopment.

Urban Design, Visual and Landscape

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

Urban Design and Visual Impact

- (a) the proposed minor relaxation of PR does not involve additional BH beyond what is permitted under the OZP. Given the planning context, it is unlikely that the proposed development will induce any significant adverse effects on the visual character of the surrounding townscape;

- (b) the proposed development has incorporated a number of building setbacks as stated in paragraph 1.4 above. Podium garden, landscape treatments including planters, vertical greenings and roof greenery are proposed. It is also noted that the applicant undertakes to explore on aesthetic design of the fence wall along Yiu Wing Lane during detailed design stage. The above design measures may promote visual interest and pedestrian comfort;

Landscape

- (c) the Site is situated in an area of industrial urban landscape character predominated by IBs and residential buildings. The Site is currently occupied by an existing IB without any landscape resources. The proposed development is considered not incompatible with the landscape setting in proximity. The Site is currently occupied by an existing IB without landscape resources. The proposed development is considered not incompatible with the landscape setting in proximity;
- (d) it is noted that various landscape provisions are proposed to enhance the landscape quality of the development. Hence, she has no objection to the application from landscape planning perspective; and
- (e) the applicant is reminded that approval of Section 16 application under the Ordinance does not imply approval of the SC of greenery requirements under PNAP APP-152 and/or under the lease. The SC of greenery calculation should be submitted separately to BD for approval. The applicant is reminded to take into consideration of long-term commitment to provide proper maintenance to the vertical green for healthy and sustainable plant growth.

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

the proposed development consists of one tower with PR of 12.371 and BH of about 104mPD. Since the adjacent "OU(B)" area with BHR of 105mPD are permitted under the OZP, he has no comment from architectural and visual impact point of view.

9.2 The following Government departments have no objection to/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) Commissioner of Police (C of Police);
 - (d) Director of Fire Services (D of FS);
 - (e) District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD);
- and

- (f) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. **Public Comments Received During Statutory Publication Period**

During the statutory public inspection period, a public comment (**Appendix IV**) from an individual who raises concern on the cumulative impacts of similar applications, the design of development at street level in relation to pedestrian accessibility and comfort, and the green building design, and the precedent effects of approving the applications without strong justifications and planning merits.

11. **Planning Considerations and Assessments**

- 11.1 The application is for minor relaxation of PR restriction from 10.309 (i.e. the PR of the existing building) to about 12.37 (+20%) for a proposed 25-storey IB (including a basement level) at the Site zoned “OU(B)”, for the permitted non-polluting industrial use. The proposed development is generally in line with the planning intention of the “OU(B)” zone, which is primarily for general business uses. The proposed BH of not more than 105mPD complies with the BH restriction under OZP.

Policy Aspect

- 11.2 The existing IB with an OP issued on 29.7.1971 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/NTW, BD also indicates that for any building proposal submitted for BD’s consideration, requirements regarding the measures to deter misuse of IBs for residential use as stipulated in PNAP APP-159 should be followed and complied with.

Technical Aspect

- 11.3 The proposed minor relaxation of PR restriction generally follows the aforesaid policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed development. In support of the application, the applicant has also submitted various technical assessments, including TIA and SIA, to demonstrate that the proposed development would not cause adverse traffic and sewerage impacts to the surrounding areas. C for T has no in-principle objection to the application subject to the incorporation of approval conditions set out in paragraph 12.2(a) below. DEP also has no objection to the application subject to the incorporation of approval conditions set out in paragraphs 12.2(b), (c) and (d) below. Other

relevant Government departments, including WSD and FSD, have no objection to/adverse comments on the application.

Planning and Design Merits

- 11.4 The proposed development has incorporated various building setbacks and a weather protection measure in the form of building overhang (**Drawings A-7 to A-10**). Podium garden and landscape proposals, including peripheral greenery, planters, vertical greening and roof greenery are also proposed resulting in a total greenery coverage of about 20.6% (about 273.7m²) (**Drawings A-9 to A-14**). CTP/UD&L, PlanD considers the above design measures may promote visual interest and pedestrian comfort. She advises that the proposed development would unlikely induce any significant adverse effects on the visual character of the surrounding townscape.
- 11.5 On the sustainability building design aspect, the applicant indicates that the proposed development has taken into account the relevant SBDG requirements. Besides, the applicant has demonstrated effort in building design improvement by introducing greenery provisions as mentioned in paragraph 11.4 above.

Public Comment

- 11.6 Regarding the public comment received, the above planning assessments 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, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application on the terms of the application as submitted to the Board, 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 design and provision of parking facilities, loading and unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (c) the submission of an updated Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

- 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 to 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 5.10.2021
Appendix Ia	Supporting Planning Statement received on 5.10.2021
Appendix Ib	FI received on 20.12.2021
Appendix Ic	FI received on 28.1.2022
Appendix Id	FI received on 2.3.2022
Appendix Ie	FI received on 11.4.2022
Appendix If	Letter received on 13.4.2022
Appendix II	Similar Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Public Comment
Appendix V	Recommended Advisory Clauses

Drawings A-1 to A-6	Floor Plans
Drawing A-7	Section Plan
Drawing A-8	Proposed Setbacks
Drawings A-9 to 10	Artist Impressions
Drawings A-11 to A-13	Landscape Proposal
Drawing A-14	Greenery Area Calculation
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos
Plan A-5	Pedestrian Access Network in Kwai Chung

PLANNING DEPARTMENT
APRIL 2022