

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/497

- Applicant** : Yield Surplus International Group Limited represented by PlanPlus Consultancy Limited
- Site** : 14-15 Yip Shing Street, Kwai Chung
- Site Area** : About 1,319m²
- Lease** : Sub-section 2 of section B of Lot No. 693 in D.D. 445
(a) held under New Grant No. 3554 dated 11.4.1957
(b) to be expired on 30.6.2047
(c) subject to the General Conditions and Special Conditions of GN No. 364 of 1934 as amended by GN No. 50 of 1940 and GN No. 106 of 1946
(d) restricted to non-offensive industrial purposes with restriction to 2/3 site coverage (SC) or SC of existing building (with prior approval of the Building Authority), whichever is the greater
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/31
[currently in force]
Approved Kwai Chung OZP No. S/KC/30
[in force at the time of submission. The zoning and development restrictions for the site remain unchanged on the current OZP]
- Zoning** : “Industrial” (“I”)
(a) maximum plot ratio (PR) of 9.5
(b) maximum building height (BH) of 120 metres above Principal Datum (mPD)
- Application** : Proposed Minor Relaxation of PR Restriction for Permitted Industrial Use

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) for a proposed development at 14-15 Yip Shing Street (the Site), which falls within an area zoned “I” on the draft Kwai Chung OZP No. S/KC/31 (**Plan A-1**). The Site is currently occupied by an existing 4-storey industrial building (IB) constructed before 1987 (pre-1987 IB), with its Occupation Permit (OP) issued on 1.2.1972. The proposal is to redevelop the existing IB into a 20-storey IB for permitted industrial use. According to the Notes for “I” zone

of the OZP, 'Industrial Use (not elsewhere specified)' 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).

- 1.2 The Site was the subject of the previous planning application No. A/KC/475 submitted by the same applicant for minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for the permitted industrial use under the 2018 Policy Initiatives of Revitalisation of IBs (the Policy), which was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 15.10.2021 (paragraph 5 refers). According to the applicant's submission, in order to better respond to the market needs, the proposed scheme aims to achieve a higher headroom for the 7 topmost floors (increasing from about 3.6m to 4.6m) with lesser storeys (reducing from 22 to 20 storeys) for the building by which enables a larger usable floor area at 4/F and above to increase floor efficiency. The applicant consider that the revised design is more desirable and flexible for all types of workshops/warehouse uses in terms of functionality or spatial need of an IB. As such, it is necessary for the applicant to submit the current application to revise the SC from not more than 60% to 79% at 15m to 61m above ground, which is equivalent to an increase of 19% from the approved scheme. The magnitude of change in SC is beyond a Class B amendment under Category 6¹ of the "Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals" (TPB PG No. 36B) and a fresh planning application is therefore required.
- 1.3 The proposed IB has 20 storeys including two basement levels with BH of not more than 120mPD. The pedestrian entrance and vehicular access are proposed at Yip Shing Street (**Drawing A-2**). Car parking and loading/unloading (L/UL) facilities are located at G/F and two levels of basement served by car lifts (**Drawings A-1 and A-2**).
- 1.4 The proposed development has incorporated a voluntary full-height setback of about 5m with paving and tree plantings/greenery adjoining the existing pedestrian pavement at Yip Shing Street frontage which will be open for public at all times (**Drawings A-2, A-8, A-10 and A-11**). Full-height voluntary setbacks of about 0.6m, 2.5m and 0.5m are also proposed along southeastern, southwestern and northwestern site boundaries respectively (**Drawing A-2**). Besides, other setbacks ranging from about 5m to 9m from 3/F (about 15m above street level) to R/F are also proposed for recessed facades along Yip Shing Street (**Drawing A-5**).
- 1.5 Landscape proposals, including tree plantings at the setback area fronting Yip Shing Street, podium garden with peripheral planting including tree plantings at 3/F, vertical greenery on building façade of 1/F to 2/F facing Yip Shing Street, edge planters at 7/F, 9/F and 11/F, as well as green roofs at roof floor and upper roof

¹ With reference to Category 6 of the TPB PG No. 36B, increase in SC not exceeding 10% of the SC under approved planning application is regarded as a Class B amendment requiring application to the Board under s.16A(2) of the Town Planning Ordinance (the Ordinance) for amendment to an approved development proposal. For increase in SC exceeding 10%, a fresh planning application to the Board under s.16 of the Ordinance is required.

floor, are proposed (**Drawings A-8 to A-11**). An overall greenery coverage of about 21% (about 277m²) is proposed for the development. A canopy of 2m-wide above the main pedestrian entrance at Yip Shing Street is proposed for weather protection (**Drawings A-2, A-3 and A-14**).

- 1.6 Floor plans, section plans, landscape plans, landscape sections and photomontages submitted by the applicant are shown at Drawings **A-1 to A-14**. Major development parameters of the proposed scheme are summarised below:

Development Parameters	Proposed Scheme
Proposed Use	‘Industrial Use’
Site Area *	1,319.1m ²
PR	11.4
Gross floor area (GFA) (Non-domestic only)	15,037.74m ²
Site Coverage (SC) <ul style="list-style-type: none"> Below 15m 15m to 61m Above 61m 	Not more than 85% Not more than 79% Not more than 63%
No. of Storeys	20 (including one podium garden level and two basement levels)
BH (at main roof level)	Not more than 120mPD
Floor-to-Floor Height (About) <ul style="list-style-type: none"> B2/F B1/F G/F 1/F to 2/F 3/F (Podium Garden) Typical floor 	4.7m 5m 5.8m 5m 5.4m 4.6m
Parking Spaces <ul style="list-style-type: none"> Private Car Motorcycle Light Goods Vehicle (LGV) Heavy Goods Vehicle (HGV) L/UL Bays <ul style="list-style-type: none"> LGV HGV 	15 (including 1 accessible space) 2 9 2 8 3
Full-height Voluntary Setback (from Lot Boundary) (About) <ul style="list-style-type: none"> Yip Shing Street Southeastern boundary Southwestern boundary Northwestern boundary 	5m 0.6m 2.5m 0.5m
Greenery Coverage (About)	21% (about 277m ²)
Anticipated Year of Completion	2027

* The site area includes the area dedicated for the building setbacks and subject to the setting out of site boundary.

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

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|-----|---|---------------|
| (a) | Application form received on 21.9.2022 | (Appendix I) |
| (b) | Supporting Planning Statement received on 21.9.2022 | (Appendix Ia) |
| (c) | Further Information (FI) received on 16.12.2022* | (Appendix Ib) |
| (d) | FI received on 30.1.2023* | (Appendix Ic) |
| (e) | FI received on 20.2.2023* | (Appendix Id) |
| (f) | FI received on 16.3.2023 & 22.3.2023 [#] | (Appendix Ie) |

Remarks:

* Accepted but not exempted from publication and recounting requirements

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

1.8 On 11.11.2022, the Committee agreed to defer making a decision on the application for two months as requested by the applicant. The latest FI was received on 22.3.2023 and the application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in the SPS and FIs at **Appendices Ia to Ie** 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%, which can provide more floor space to make better use of land resource.
- (b) The proposed development echoes the projection in the Consolidated Land Requirement and Supply Analysis under Hong Kong 2030+ Study by providing additional industrial floor space to cater for the demand, ensures an adequate supply of industrial floor space in the area and provides employment for the labour force.
- (c) The proposed development is considered compatible with the visual context of the area, which is characterised by medium to high-rise IBs. The relaxation of PR restriction of 20% is considered minor in nature and acceptable, and the BH of the development is within 120mPD as stipulated in the OZP.
- (d) The major change in development parameter of the proposed scheme as compared to the approved scheme under Application No. A/KC/475 is the increase in SC from not more than 60% to 79% at 15m to 61m above ground. The proposed changes are required to better respond to the market needs as stated in the paragraph 2 above. The proposed changes at the same time would not cause adverse environmental, sewerage and traffic impacts. A fresh application is required as the change in SC falls outside the range of Class A and B amendments as set out in the TPB PG-NO. 36B. In view of the above, the approval of current application is consistent with the Committee's previous decision on the application No. A/KC/475 relating to the Policy.

Planning and Design Merits

- (e) The following planning and design merits are proposed:
- (i) full-height voluntary setback of about 5m along Yip Shing Street, other setbacks along the lot boundary and recessed facades of upper floors along Yip Shing Street as stated in paragraph 1.4 above for reducing the overall building bulk of the development, and better air ventilation and pedestrian circulation;
 - (ii) landscape treatments as stated in paragraph 1.5 above are proposed for enhancing the visual quality of street level environment and softening the building edge. The landscape proposals achieves an overall greenery coverage of about 21% (about 12%, or about 158.7m² within the primary zone²);
 - (iii) proposed development scheme in terms of building separation, building setback and site coverage of greenery complies with the Sustainable Building Design Guidelines (SBDG) requirements³; and
 - (iv) the design of the proposed development has already aimed to maximize sunlight exposure for the proposed landscape features and the planting species selection would also take into consideration of tolerance to wind and shade condition and low maintenance requirement to enhance sustainability of the proposed greenery.

Technical Impacts

- (f) The technical assessments submitted under the current applications demonstrate that the proposed development would not induce adverse/insurmountable impacts on traffic, environmental, sewerage and visual aspects, etc.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

² According to SBDG, primary zone refers to the 15m vertical zone of a site along the abutting street level. The greenery in this zone is for providing visual contacts or access from a street through common parts of the building for enhancing the walkability of urban space to the public, visitors or occupiers.

³ The proposed development does not fall into the categories to comply with SBDG’s building separation and building setback requirements.

4. **Background**

Policy Initiatives of Revitalisation of IBs

- 4.1 As set out in the 2018 Policy Address (PA), 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 IBs⁴, 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 the 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 Building (Planning) Regulations (B(P)R)⁵. 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 As announced in the 2021 Policy Address, the implementation period of the current revitalisation 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**

The Site is the subject of a previous application (No. A/KC/475) for minor relaxation of PR from 9.5 to 11.4 (i.e. +20%) for permitted industrial use under the Policy (for the same use and same increase in PR under the current application), which was submitted by the same applicant and approved with conditions by the Committee on 15.10.2021. It was approved mainly on the considerations that the application was in line with the Government's Policy to incentivise the redevelopment of pre-1987 IB; relevant technical assessments were submitted to support the technical feasibility; the proposal had incorporated planning and design merits including the building setback, canopy and landscaping/greening proposals; and there was no adverse comment from relevant government departments. The general building plans for the approved scheme were approved by the Building Authority on 6.7.2022.

6. **Similar Applications**

- 6.1 Since March 2019, the Committee has considered a total of 19 applications for minor relaxation of PR and/or BH in the Kwai Chung area relating to the Policy, all of which were approved with conditions (**Plan A-1** and **Appendix II**). In

⁴ Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans first submitted to the Building Authority for approval on or before the same date.

⁵ 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.

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 into account that relevant technical assessments were submitted to support the applications; planning and design merits were proposed; and there was no adverse comment from relevant government bureaux/departments.

- 6.2 Among the 19 applications, three applications (i.e. Applications No. A/KC/474, A/KC/476 and A/KC/485), are for minor relaxation of PR restriction for permitted industrial use relating to the Policy, which were approved by the Committee with conditions on 23.7.2021, 28.1.2022 and 4.3.2022 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 by a 4-storey IB;
- (b) abuts Yip Shing Street to its northeast where pedestrian and vehicular entrances are located;
- (c) is accessible by pedestrian from Tai Lin Pai Road via a staircase at the end of Yip Shing Street; and
- (d) is served by various modes of public transport including buses and public light buses mainly on Kwai Chung Road. MTR Kwai Hing Station is located at about 350m to the north-west (**Plan A-5**).

7.2 The surrounding areas have the following characteristics:

- (a) located in the Central Kwai Chung Industrial Area (CKCIA) bounded by Tai Lin Pai Road and Castle Peak Road, which is characterised by a mix of industrial, industrial-office (I-O) and commercial developments (**Plans A-1 and A-2**). The existing buildings along Yip Shing Street are a mixture of old IBs and redeveloped/revitalised industrial and office buildings including the adjoining wholesale IB conversion development, namely The Star, and an approved s.16 application (No. A/KC/465) for minor relaxation of PR for permitted industrial use, namely West Castle currently under redevelopment (**Plans A-2 to A-4**);
- (b) to the further east is Yip Shing Street Playground and to the further northeast across Castle Peak Road is a cluster of “Residential (Group A)” sites including Greenknoll Court and Shek Lei Estate (**Plans A-1 and A-5**);
- (c) to the further southwest is Kwai On Factory Estate (KOFE), which has been rezoned from “I” to “Residential (Group A)4” (“R(A)4”) for public housing development under the draft Kwai Chung OZP No. S/KC/31 gazetted on

18.11.2022. To the further south is the Central Kwai Chung Park (**Plans A-1 and A-2**); and

- (d) to the further west along Tai Lin Pai Road are some Government, institution and community (GIC) facilities including Tai Lin Pai Road Substation and refuse collection point; and across Tai Lin Pai Road is a cluster of IBs and modern office buildings zoned “Other Specified Uses” annotated “Business” (**Plan A-2**).

8. Planning Intention

- 8.1 The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.
- 8.2 As stated in the Explanatory Statement of the OZP, provision of industrial land in Kwai Chung has been made in conjunction with the industrial land planned for Tsuen Wan and Tsing Yi to ensure that sufficient industrial land is reserved to provide employment opportunities for the labour force of Tsuen Wan New Town as a whole.

9. Comments from Relevant Government 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 permitted, on a case-by-case basis, under the current revitalisation scheme for redevelopment in respect of pre-1987 IBs located outside “Residential” zones in Main Urban Areas and New Towns;
- (b) it is noted that the Site was the subject of a planning application (Application No. A/KC/475) for minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for permitted industrial use approved by the Board on 15.10.2021, and that a fresh application is required, as the

SC of the current scheme falls outside the range of Class B amendments as set out in TPB PG-No. 36B; and

- (c) she supports this fresh application for the same increase in PR for the same use in principle, on the understanding that the proposed development is in line with the current policy to encourage redevelopment of aged IBs and the planning intention of the present “I” zoning, and if materialised, would provide additional floor space for industrial uses, subject to it meeting all relevant requirements.

9.1.2 Comments of the Director-General of Trade and Industry (DG of TI):

according to the 2020 Area Assessments of Industrial Land in the Territory, the observed rate of vacant/under renovation of CKCIA area (where the IB is located at) was 3.7%, which is lower than district average vacancy for private flatted factories of Kwai Tsing and the average of New Territories under Hong Kong Property Review 2021 by the Rating and Valuation Department. Considering the vibrant industrial operations and the area being isolated from major residential developments, the CKCIA area is recommended to be retained as “I” zone. As such, he has no objection to the application since it is in line with the planning intention of the “I” zone, which is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space.

Land Administration

9.1.3 Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing (DLO/TW&KT) and the Chief Estate Surveyor/Development Control (CES/DC), Lands Department (LandsD):

- (a) the Site falls within sub-section 2 of Section B of Lot No. 693 in D.D. 445, which is held under New Grant No. 3554 dated 11.4.1957 and subject to the General Conditions and Special Conditions of GN No. 364 of 1934 as amended by GN No.50 of 1940 and GN No. 106 of 1946. The Lot is restricted to non-offensive industrial purposes with restriction to 2/3 SC or SC of existing building (with prior approval of the Building Authority), whichever is the greater. There are no restrictions on BH, GFA nor building setback requirement under the Lease;
- (b) the parent lot, Lot No. 693 in DD 445, has been carved into various sections and sub-sections. Site area of the Lot and the purported gross floor area shall be substantiated by a Land Survey Plan prepared by the Authorised Land Surveyors for consideration;
- (c) subject to (b) above, given the SC restriction above, the applicant should demonstrate the proposed SC complies with the Lease. For any breach in SC restriction, the Lot owner should apply to LandsD for a lease modification prior to its redevelopment;

- (d) 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. More specifically, "industrial purpose" under the Lease should involve manufacturing process as decided by court cases. If the proposed development is in breach of the Lease, the Lot owner should apply to LandsD for a lease modification prior to its redevelopment;
- (e) 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 planning application will be acceptable under the Lease if it is so reflected in future building plan submission(s); and
- (f) other detailed comments are at **Appendix III**.

Building Matters

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

- (a) detailed comments under the Buildings Ordinance will be given during the building plan submission stage; and
- (b) other detailed comments are at **Appendix III**.

Traffic

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

- (a) no in-principle objection to the application from traffic engineering perspective given that:
 - (i) the Traffic Impact Assessment (TIA) illustrated that the traffic impact arising from the subject redevelopment to the adjacent road network within the area of influence is 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. Among the 22 L/UL spaces with the Lot (high-end provision), the applicant proposed 5 HGV and 17 LGV spaces due to site constraints; and

- (b) the traffic measure shown in the Figure 3.1 of the TIA (**Drawing A-15**) as proposed by the applicant should be at applicant's own cost and to the satisfaction of C for T or of the Board; and
- (c) should the application be approved, the following approval condition is suggested:

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

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

the section of Yip Shing Street fronting the Lot, which is a government land, is not currently maintained by their Region and he has no comment on the application from highways' maintenance point of view subject to:

- (a) C for T has no comment from traffic engineering perspective on the TIA report; and
- (b) should there be any HyD's road inventory affected, the relevant details should be submitted for HyD's review and comment.

Environment

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

- (a) no objection to the application as:
 - (i) the Air Quality Impact Assessment concluded that no insurmountable impact would be anticipated;
 - (ii) the applicant has committed to conduct a quantitative fixed plant Noise Impact Assessment (NIA) at the approval condition stage should the application be approved; and
 - (iii) it is concluded that no adverse impact on the existing sewerage system is anticipated from the applicant's submission;
- (b) it is recommended to impose the following approval conditions:
 - (i) the submission of a NIA and the implementation of the noise mitigation measures identified therein to the satisfaction of DEP or of the Board;
 - (ii) the submission of a Land Contamination Assessment and the implementation of the remediation measures identified therein

prior to development of the Site to the satisfaction of DEP or of the Board;

- (iii) the submission of an updated Sewerage Impact Assessment (SIA) to the satisfaction of DEP or of the Board; and
- (iv) 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 materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) no specific comment on the application; and
- (b) the applicant is advised that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. In addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the BD submission.

Urban Design, Visual and Landscape

9.1.9 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 the BH restriction as stipulated on OZP. Given the context and as illustrated in the Visual Impact Assessment, it is unlikely that the proposed development will induce any significant adverse effect on the visual character of the surrounding townscape;
- (b) the proposed development has incorporated a number of voluntary building setbacks as stated in paragraph 1.4. Landscape treatments, including tree planting, edge planters, vertical greenery and roof greenery, and canopies are provided. 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 proposed development is considered not incompatible with the landscape setting in proximity;
- (d) landscape features are proposed to enhance the landscape quality of the development. Hence, she has no objection to the application from landscape planning perspective;
- (e) the applicant is reminded of the long-term commitment in providing regular and proper maintenance to the vertical greening for healthy and sustainable plant growth; and
- (f) the applicant is reminded that approval of the section 16 application under the Ordinance does not imply approval of the site coverage of greenery requirements under the SBDG and/or under the lease. The site coverage of greenery calculation should be submitted separately to BD for approval.

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

since the “T” zone is subject to a BH restriction of 120mPD, 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) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (d) Commissioner of Police (C of Police); and
- (e) District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD).

10. Public Comments Received During Statutory Publication Period (Appendix IV)

During the statutory public inspection periods, two public comments were received from an individual expressing concerns on the long-term maintenance and sustainability of the proposed greenery, and on the local illegal parking as well as traffic and road management/maintenance induced by the proposed development.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) for a proposed 20-storey IB for permitted industrial use at the Site zoned “I”. The proposed development is in line with the planning intention of the “I” zone, which is primarily for general industrial uses. The proposed BH of not more than 120mPD complies with the BH restriction as stipulated on the OZP. The same applicant had obtained planning permission for redeveloping the IB with minor relaxation of PR restriction for the same use at the Site on 15.10.2021. However, a fresh application is required as the increase in SC from not more than 60% to 79% at 15m to 61m above ground in the current scheme falls outside the range of Class B amendments as set out in TPB PG-No. 36B. According to the applicant, the proposed changes to the approved scheme are required in order to response to the market needs as mentioned in paragraph 1.2.

Policy Aspect

- 11.2 The existing IB with OP issued on 1.2.1972 can be regarded as an eligible pre-1987 IB under the Policy on revitalising IBs. Noting that the Site was the subject of the previously approved application No. A/KC/475 and this fresh application is required due to the increase in the proposed SC, the SDEV supports the subject application for the same increase in PR for the same use in principle, on the understanding that the proposed development is in line with the policy; and if materialised, would provide additional floor space for industrial uses, subject to the applicant’s compliance with all relevant requirements under the Policy. DG of TI also has no objection to the current application.

Technical Aspects

- 11.3 The proposed minor relaxation of PR restriction generally follows the Policy, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed development. The applicant has submitted various technical assessments and technical clarifications under the current application to demonstrate that the proposed development would not cause adverse traffic, sewerage and environmental 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 on the noise impact, land contamination and sewage impact as set out in paragraphs 12.2(b) to (e) below. CTP/UD&L, PlanD considers that the proposed development with increase in SC would unlikely induce any significant adverse effects on the visual character of the surrounding townscape. CA/CMD2, ArchSD has no comment on the application from the visual impact point of view. Other relevant Government departments, including FSD, DSD and WSD, have no objection to/adverse comments on the application.

Planning and Design Merits

11.4 The proposed development has incorporated the voluntary full-height setback of about 5m with paving and tree planting adjoining the existing footpath along Yip Shing Street frontage, and three voluntary full-height setbacks as stated in paragraph 1.4 above (**Drawings A-2 and A-8**). Other setbacks ranging from about 5m to 9m from 3/F (15m above street level) to R/F are also proposed for recessed facades along Yip Shing Street (**Drawings A-5 and A-14**). A canopy of 2m-wide above the main pedestrian entrance at Yip Shing Street is proposed for weather protection (**Drawings A-2, A-3 and A-14**). Landscape proposals, including tree plantings, podium garden, vertical greenery, edge planters and green roofs are proposed, achieving a overall greenery coverage of about 21% (about 277m²) and greenery coverage of about 12% (about 158.7m²) within the primary zone (**Drawings A-8 to A-11**). The Applicant indicates that relevant SBDG have been taken into account in proposing the aforesaid setbacks and greenery measures. CTP/UD&L, PlanD considers the above design measures may promote visual interest and pedestrian comfort and enhance the landscape quality of the development. CA/CMD2, ArchSD has no comment on the application from architectural point of view.

Previous and Similar Applications

11.5 The Committee had approved previous and various similar applications mainly on consideration that policy support was given, no adverse traffic and environmental impacts were anticipated, planning and design merits such as greening, canopy and building setbacks were proposed and no adverse departmental comment was received. Approval of the current application is consistent with the previous decisions of the Committee on the previous and similar applications.

Public Comments

11.6 Regarding the public comments received, the planning assessments above and departmental comments in paragraph 9 are relevant.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, 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 31.3.2027, 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 and loading and unloading spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a Noise Impact Assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of a Land Contamination Assessment and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of an updated Sewerage Impact Assessment to the satisfaction of the Director of the Environmental Protection or of the Town Planning Board; and
- (e) 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 PR 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 21.9.2022
Appendix Ia	Supporting Planning Statement received on 21.9.2022
Appendix Ib	FI received on 16.12.2022
Appendix Ic	FI received on 30.1.2023
Appendix Id	FI received on 20.2.2023
Appendix Ie	FI received on 16.3.2023 & 22.3.2023
Appendix II	Similar Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-4	Floor Plans
Drawings A-5 to A-7	Schematic Section and Elevations
Drawings A-8 to A-11	Landscape Proposal
Drawings A-12 to A-14	Photomontages
Drawing A-15	Traffic measure proposed under the TIA
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
MARCH 2023