

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/529

- Applicant** : World Partners Limited represented by Vision Planning Consultants Limited
- Site** : 46-48 Pak Tin Par Street, Tsuen Wan
- Site Area** : About 721.59m²
- Lease** : Tsuen Wan Inland Lot (TWIL) 46 s.C
(a) governed by Conditions of Sale No. 5208
(b) varied or modified by Modification Letter dated 9.10.1972
(c) restricted to industrial or godown purposes or both
(d) no restrictions on gross floor area (GFA), site coverage (SC) or building height (BH)
- Plan** : Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/34
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) maximum plot ratio (PR) of 9.5, or the PR of the existing building, whichever is the greater
(b) maximum BH of 100 meters above Principal Datum (mPD), or the height of the existing building, whichever is the greater
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Office, Shop and Services and Eating Place Uses

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.832¹ to 11.4 (i.e. +1.568 or about +16%), as well as minor relaxation of BH restriction from 100mPD to 108.305mPD (i.e. +8.305m or about +8.3%) on the application site (the Site), which falls within an area zoned “OU(B)” on the draft Tsuen Wan OZP No. S/TW/34 (**Plan A-1**). The Site is currently occupied by an existing industrial building (IB) constructed before 1987 (pre-1987 IB²). The application is for development of a 27-storey commercial/office (C/O) building (including three basement levels) comprising ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses. According to the Schedule I for building other than industrial

¹ According to the Buildings Department, the PR of the existing building based on the latest set of approved building plans is 9.832 without any bonus PR.

² The Occupation Permit (OP) for the subject building was issued on 14.7.1976.

or industrial-office building of the Notes for the “OU(B)” zone of the OZP, ‘Office’, ‘Shop and Services’ and ‘Eating Place’ are Column 1 uses, which are always permitted. Minor relaxation of both PR and BH restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance.

- 1.2 The Site is the subject of a previous application No. A/TW/517 submitted by another applicant for minor relaxation of PR restriction from 9.832 to 11.4 without minor relaxation of BH for permitted non-polluting industrial use (excluding industrial undertakings involving the use/storage of Dangerous Goods), which was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 9.10.2020.
- 1.3 The Site abuts Pak Tin Par Street at its northern boundary (**Plan A-2**). According to the applicant, to enhance pedestrian movement, a voluntary 1m-wide full-height setback along Pak Tin Par Street will be provided with a canopy³ along that building façade for rain protection and sun shading (**Drawings A-2 and A-3**). The proposed development will provide about 193.1m² of greenery area (about 26.76% of the total site area), including vertical greening (on 1/F and 2/F along the eastern building façade) and landscape area with trees, shrub and planters on 1/F, 3/F and 4/F (**Drawings A-3 to A-6 and A-11**). Seating facilities will be provided on podium garden (3/F) and sky garden (4/F) (**Drawings A-5 and A-6**). Other landscaping treatment on upper floors are not included in the greenery ratio calculation⁴. No bonus PR under Building (Planning) Regulations (B(P)R) will be claimed by the applicant under the application. The applicant is intended to seek BEAM plus certification.
- 1.4 There would be terraced building setbacks at the podium (i.e. 1m setback at G/F, 1.5m at 1/F, 4.98m at 2/F and 3/F) (**Drawings No. A-2 to A-5, A-9 and A-11**). Maintenance details of the vertical greening is illustrated in **Appendix Ib**.
- 1.5 Relevant floor/section plans and artist impression of the Proposed Scheme submitted by the applicant are shown at **Drawings A-1 to A-11**. Major development parameters of the proposed scheme are as follows:

Major Development Parameters	Previous Approved Scheme (No. A/TW/517) (a)	Proposed Scheme (No. A/TW/529) (b)	Difference (b)-(a)
Proposed Use	Permitted ‘Non-polluting Industrial Use’	Permitted ‘Offices’ ‘Shop and Services’ and ‘Eating Place’ Uses	-
Site Area	About 721.59m ²	About 721.59m ²	No change
Maximum PR	Not more than 11.4	Not more than 11.4	No change
Non-Domestic GFA	About 8,226.13m ²	About 8,226m ²	-0.13 (-0.002%)

³ According to the applicant, a canopy with a dimension of 19.78m(L) x 1m(W) along the 1m setback will be provided for rain protection and sun shading.

⁴ According to the applicant, potted plants are provided on 2/F, 3/F, 15/F-23/F and 25/F but they are not included in the greenery ratio calculation.

Major Development Parameters	Previous Approved Scheme (No. A/TW/517) (a)	Proposed Scheme (No. A/TW/529) (b)	Difference (b)-(a)
SC <ul style="list-style-type: none"> Podium (below 15m) Typical Floor 	Not more than 84.29% Not more than 58.11%	Not more than 86.3% Not more than 58.76%	+2.01 (+2.38%) +0.65 (+1.12%)
BH (main roof)	Not more than 100mPD	Not more than 108.305mPD	+8.305 (+8.3%)
Floor-to-Floor Height <ul style="list-style-type: none"> G/F Podium floors Typical floors 	5.4m 4.8m 3.85m	5.5m 4.55m 4.1m	+0.1 (+1.85%) - 0.25 (-5.21%) +0.25 (+6.49%)
No. of Storeys	25 (including two basement levels and one level of sky garden)	27 (including three basement levels, one level of E/M and one level of sky garden)	+2 storeys (+8%)
Greenery Provision	177.8m ² (24.63% of total site area)	193.1m ² (26.76% of total site area)	+15.3 (+8.61%)
Parking Spaces <ul style="list-style-type: none"> Private Car Motorcycle 	14 (including one accessible parking space) 2	55 (including two accessible parking space) 6	+41(+292.86%) +4 (+200%)
Loading/ Unloading Bays (L/UL bays) <ul style="list-style-type: none"> Light Goods Vehicle (LGV) Heavy Goods Vehicle (HGV) 	4 3	4 1	No change -2 (-66.67%)
Voluntary Setback <ul style="list-style-type: none"> along Pak Tin Par Street 	Full-height setback of 2m	Full-height setback of 1m	Reduction of 1m full-height setback
Provision of Canopy along Pak Tin Par Street	Canopy above the entrance	Canopy along the 1m setback area	Refinement of canopy to cover the 1m setback area
Anticipated Year of Completion	2023/24	2025	+1

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

- (a) Application form received on 25.8.2021 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) received on 25.8.2021 enclosing Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) and Visual Impact Assessment (VIA) **(Appendix Ia)**
- (c) Further information (FI) vide letter received on 8.12.2021 **(Appendix Ib)**
(FI 1) responding to departmental comments and enclosing revised TIA, SIA and revised architectural drawings[#]

- (d) FI 2 vide letter received on 14.1.2022 responding to departmental comments and enclosing revised architectural drawings, replacement pages of SIA and supplementary information on TIA * (**Appendix Ic**)
- (e) FI 3 vide letters received on 19.1.2022 and 21.1.2022 enclosing supplementary information on the proposed scheme* (**Appendix Id**)

Remarks:

accepted but not exempted from publication and recounting requirement

** accepted and exempted from publication and recounting requirement*

- 1.7 On 15.10.2021, the Metro Planning Committee (the Committee) of the Board agreed to defer a decision as requested by the applicant. Upon receipt of FI, 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 Section B of the Planning Report at **Appendix Ia** to **Id** and summarized as follows:

In line with Government's Policies for Revitalising IBs

- (a) The proposed development meets the criteria of the Government's policy of allowing relaxation of 20% for redevelopment projects of pre-1987 IBs locating outside residential zone.

Conforming with Planning Intention of "OU(B)"

- (b) The proposed uses (i.e. office, shop and services, and eating place) conform with the planning intention of "OU(B)" zone. The proposed development will encourage more innovative buildings design projects to facilitate the transformation of this Business Area.

Meeting the Increasing Demand for Offices in Tsuen Wan

- (c) The Proposed Scheme will contribute an additional special quality office floor area to meet office demand in this part of the Chai Wan Kok Industrial/ Business Area.

Proposed Relaxation of BH is Minor in Nature

- (d) The proposed minor relaxation of BH restriction from 100mPD to 108.305mPD (about +8.305%) is required to cater for the required space for essential E&M facilities for the proposed commercial development. It has included (i) a storey solely dedicated for essential E&M services; (ii) an adequate structural and services zone on typical floors for proposed office use; and (iii) a 2m transfer plate between the tower and podium (**Drawing A-10a**). The VIA has demonstrated that the overall visual impact of the Proposed Scheme will be ranged from 'negligible' to 'partly enhanced' when compared to the Approved Scheme. The proposed BH relaxation is considered minor in nature and the proposed development will not result in any significant adverse visual impact on the area.

Planning and Design Merits

- (e) A 1-m full-height setback along Pak Tin Par Street is proposed with provision of canopy for weather protection (**Drawing A-3**). An opening spatial arrangement will be created at G/F for better interaction and visual relief at street level. At-grade planter on G/F will be further explored in detailed design stage. The applicant will be responsible for the management and maintenance works of the setback at his own cost.
- (f) Terraced setback at the lower floors and provision of balconies with landscape treatment at upper floors will offer greater visual amenity and local wind permeability (**Drawings A-9 and A-11**). The Proposed Scheme has also adopted rounding building edges and curved building façade design. With the considerable building design and multi-level landscape treatments including vertical greening, landscaped areas, sky garden (4/F) and podium gardens, it will help soften the building hardlines and enhance the attractiveness of the local streetscape, as well as minimise heat island effect. Seating facilities will also be provided on podium garden (3/F) and sky garden (4/F) (**Drawings A-5 and A-6**).
- (g) Compared to the previous approved scheme for industrial use, the setback along the Pak Tin Par Street is revised to 1m in view of: (i) the proposed scheme for C/O development requires provision of an additional car lift to serve the 41 parking spaces; (ii) one additional staircase at G/F is provided to meet the requirements for means of escape; (iii) since car lifts and staircases have occupied most of the floor space on G/F, the entrance lobby is proposed to locate on 1/F and escalators with staircase are proposed on G/F to convey future users/visitors; and (iv) the proposed scheme will provide more L/UL bays on G/F for better efficiency and circulation, which requires additional manoeuvring space (**Drawing A-10b**).

Green Building Design

- (h) The proposed development will provide about 193.1m² of greenery area (about 26.76% of the total site area), including vertical greening (on 1/F and 2/F along the eastern building façade) and landscape area with shrub and planters on 1/F, 3/F and 4/F (**Drawing A-11**). The applicant indicated that maintenance contract with green wall specialist and soft landscape contractor will be provided for regular maintenance of all soft landscape and vertical greening in the long-run. The applicant intended to seek BEAM plus certification.

No adverse Visual, Traffic and Sewerage impacts

- (i) The submitted VIA, SIA and TIA have demonstrated that the proposed development will not result in any adverse impacts to the surrounding area.

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

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

4. Background on the Policy Initiatives of Revitalisation of IBs

- 4.1 As set out in 2018 Policy Address, to provide more floor area to meeting Hong Kong's changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987⁵, 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)R⁶. 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

The Site has one previous application (No. A/TW/517) by a different applicant for minor relaxation of PR for permitted non-polluting industrial development (excluding industrial undertakings involving the use/storage of dangerous goods), which was approved by the Committee with conditions on 9.10.2020 (**Plan A-1**).

6. Similar Applications

- 6.1 Since March 2019, the Committee has considered a total of 8 applications including minor relaxation of PR and/or BH in Tsuen Wan (**Plan A-1**). All of the applications were approved with conditions by the Committee (**Appendix V**). 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 Same as the current application, planning applications No. A/TW/508, A/TW/509, A/TW/518 and A/TW522 are located in the Chai Wan Kok Industrial /Business Area approved with conditions on 17.1.2020, 13.12.2019, 22.1.2021 and 23.7.2021 respectively (**Plan A-1**). The other four (Nos. A/TW/505, A/TW/514, A/TW/516

⁵ 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.

⁶ 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.

and A/TW/521) are located in Tsuen Wan East Industrial Area at Texaco Road, which were approved with conditions (**Plan A-1**). Among the eight similar applications in Tsuen Wan, except the approved application No. A/TW/522 for proposed data centre development was related to the minor relaxation for both PR and BH restrictions, all the other seven applications were for minor relaxation of PR only. For the proposed minor relaxation of BH from 100mPD to 116.2mPD (i.e. +16.2%) associated with application No. A/TW/522 for a proposed data centre development, the applicant demonstrated that the proposed BH would not be unacceptable and would not induce adverse visual impacts to the townscape; and there were sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, with due regard to the requirements under Sustainability Building Design Guidelines (SBDG) and green building design considerations.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3 to A-5)

7.1 The Site is:

- (a) currently occupied by a 13-storey IB (Ideal Plaza) built in 1976 for non-domestic use;
- (b) abutting Pak Tin Par Street within the Chai Wan Kok Industrial/Business Area; and
- (c) well served by various modes of public transport including bus, public light bus and taxi. MTR Tsuen Wan Station is located about 800m to the northeast (**Plan A-5**)

7.2 The surrounding areas have the following characteristics (Plans A-2 to A-5):

- (a) to the immediate west, south and southeast are mainly IBs under active operation including Goodwill Industrial Building and Superluck industrial Centre Phases 1 and 2;
- (b) to the immediate east is an office building, namely the International Enterprise Centre 3 (IEC3); and
- (c) to the north across Pak Tin Par Street are also IBs including Wah Lik Industrial Centre and Wah Wai Industrial Building, as well as the Mills which was the subject of a planning application (No. A/TW/464) for wholesale conversion for research, design and development centre, training centre, place of recreation, sports or culture, shop and services, and eating place. The Mills is now in operation.

8. Planning Intention

- 8.1 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 industrial-office buildings.

- 8.2 As stated in the Explanatory Statement (ES) of the OZP, to cater for the traffic and pedestrian movement needs in the Chai Wan Kok Industrial/Business Area, setbacks from the lot boundaries along the roads and/or between buildings for carriageway and footpath improvement and greening are required. The detailed requirements have been stipulated on the Tsuen Wan Central Outline Development Plan (ODP), and the Site is not subject to any setback requirement under the ODP (**Plan A-2**).
- 8.3 As stated in paragraph 7.6 of the ES of the OZP, to provide incentive for developments/redevelopments with planning and design merits and to cater for circumstances with specific site constraints, minor relaxation of BH restriction under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such application are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvement;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as a public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air 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 site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality and would not cause adverse landscape and visual impacts.

9. Comments from Relevant Government Departments

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

Policy Perspective

9.1.1 Comments of the Secretary for Development (SDEV):

- (a) he supports this development in principle, as the proposed ‘Office’, ‘Shop and Services’ and ‘Eating Place’ uses are in line with the present

“OU(B)” zoning, subject to its compliance with all the relevant requirements under the current revitalisation scheme.

Land Administration

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

- (a) the Site comprises Section C of Tsun Wan Inland Lot No. (TWIL) 46 (the “Lot”). The Lot is governed by Conditions of Sale No. 5208 as varied or modified by a Modification Letter dated 9.10.1972. The Lot is restricted to industrial or godown purposes or both. Adequate space shall be provided within the Lot for the parking of motor vehicles to the satisfaction of the then Director of Public Works. There is no GFA, site coverage or building height restrictions under lease governing the Lot;
- (b) the proposed development does not comply with the existing lease conditions. If planning approval is given by the Board, the owner of the Lot will need to apply to LandsD for lease modification for implementation of the proposed development. He must emphasize that the proposal will only be considered upon receipt of the valid application from the owner of the Lot. He would also advise that there is no guarantee that the application, if received by LandsD, will be approved and his office reserves comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, user restriction, charging of premium and administrative fee;
- (c) when processing the lease modification application, LandsD will impose such appropriate terms and conditions including user restriction for non-residential purposes, the 5-year time limit for completion of the development, payment of full premium and administrative fee, other conditions applicable to 2018 IB revitalisation measure etc. There is no guarantee that the application will be approved by LandsD. Under the 2018 IB revitalisation measure for redevelopment, the modification letter shall be executed within 3 years from the date of Board’s approval letter; and
- (d) other detailed comments are at **Appendix II**.

Traffic

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

- (a) no in-principle objection to the application; and

- (b) should the application be approved, the following condition is recommended to be incorporated:

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

Environment

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

- (a) no objection to the application;
- (b) should the application be approved, the following approval conditions are recommended:
 - (i) the submission of an updated Sewerage Impact Assessment (SIA) for the proposed development to the satisfaction of the DEP or of the Board; and
 - (ii) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of the DEP or of the Board; and
- (c) the applicant has undertaken in the FI to follow the HKPSG Chapter 9 air buffer distance requirement from road(s) and from any chimney when planning the location of air sensitive use and location of any fresh air intake for the air sensitive use of the commercial development.

9.1.5 Chief Engineer/Mainland South, DSD (CE/MS, DSD):

- (a) no in-principle objection to the application; and
- (b) should the application be approved, the following approval condition should be imposed:

implementation of the local sewerage improvement and upgrading/sewerage connection works identified in the updated SIA for the proposed development to the satisfaction of the DSD or of the Board.

Urban Design and Landscape

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

Urban Design and Visual

- (a) located within the Chai Wan Kok Industrial/Business Area, the Site fronts onto Pak Tin Par Street and amidst a cluster of industrial

buildings within the same “OU(B)” zone with existing BH ranging from 18mPD to 113mPD. Given the site context and judging from the photomontages of the VIA, the proposed development with a BH of about 108.3mPD would unlikely induce any significant adverse visual impact on the surrounding areas;

- (b) the applicant has proposed a 1m full-height setback at G/F along Pak Tin Par Street. A canopy is introduced at G/F for weather protection. Landscape treatments including outdoor garden at 1/F, vertical greening from 1/F to 2/F, podium garden at 3/F and sky garden at 4/F are proposed on the lower floors. Landscaped balconies are also introduced in the upper floors. Terraced podium and articulated building edge/façade are adopted. Although technically speaking, incorporation of these design measures do not necessarily require additional BH, they may help promote visual interest and pedestrian comfort;

Landscape

- (c) the Site is situated in an area of industrial urban landscape character, dominated by IBs. 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; and
- (d) landscape provisions such as vertical greening on building façade of 1/F to 2/F, tree planting on 1/F, podium garden on 3/F and sky garden on 4/F are proposed to enhance the landscape quality of the development. The proposed site coverage of greenery is 26.76%. There is no objection to the application from landscape planning perspective.

Building Matters

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

- (a) no objection under the Building Ordinance (BO) to the application subject to the following comments:
 - (i) the O.P of the existing building was issued on 14.7.1976. in this connection, the exiting building can be regarded as a “pre-1987 industrial building”;
 - (ii) the existing right of way (ROW) serves escape route for the people discharged from Goodwill Industrial Building, Nos. 36-44 Pak Tin Par Street (i.e. adjoining building) connecting to Pak Tin Par Street (**Plan A-2**). Based on the assignments provided by LandsD, the concerned ROW area is specified as “right of way ” to adjoining lot owners. Therefore, it should be excluded from site area under B(P)R 23(2)(a);

- (iii) in general, ROW to adjoining lot owners should be excluded from site area for the purpose of the BO under B(P)R 23(2)(a). The applicant may wish to note that under PNAP APP-73, an application for a modification of B(P)R 23(2)(a) to include the relevant area of the concerned ROW into the site area for the purpose of the BO may be submitted with justifications by an Authorised Person (AP) at building plan submission stage if the concerned ROW is not specifically required for any purpose under the BO for the proposed scheme. To settle the design principles involved at an early stage, the AP may make use of “Pre-submission Enquiry” service before building plan submission under PNAP ADM-19;
- (iv) detailed comments will be given in the building plan submission stage; and
- (v) other detailed comments are at **Appendix II**.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/NT West, Highways Department;
- (c) Commissioner of Police;
- (d) Director of Fire Services (D of FS);
- (e) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (f) Project Manager (West), Civil Engineering and Development Department; and
- (g) District Officer (Tsuen Wan), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

10.1 During the statutory public inspection periods, a total of 23 public comments (**Appendix III**) were received. Among the public comments, 19 of them supporting the application are submitted by Chairman of Tsuen Wan Rural Committee (TWRC) cum member of Tsuen Wan District Council (TWDC), current members of TWDC, former chairman and members of TWDC, a member of Tsuen Wan West Area Committee and individuals; two objections are submitted by the Incorporated Owners of Superluck Industrial Centre (Phase 2), to the southeast of the Site, representing 19 tenants and owners of the building; and the remaining two comments expressing concern is submitted by an individual.

10.2 The supporting grounds are summarised as follows:

- (a) the proposed development is in line with the planning intention, and the policy initiative of redevelopment of pre-1987 IBs and to accelerate the transformation of the Chai Wan Kok Industrial/Business Area from industrial to business/commercial uses;

- (b) the proposed development can provide more business/commercial/eating place options, attracting both businesses, residents and visitors to congregate in the area so to improve the local economy and provide more job opportunities. Also, the proposed development can have synergy effect with the neighbouring developments such as IEC3 and the Mills;
- (c) the unique architectural design and greenery would enhance visual amenities and the streetscape in the areas; and
- (d) adverse visual, transport or sewage impacts are not anticipated.

10.3 The grounds of objections and concern are summarised as follows:

- (a) the proposed increase of BH will have wall effect in the area and bring adverse visual and air ventilation impacts;
- (b) there are sufficient shop and services/ restaurants uses in the surrounding area and hence, the proposed uses are redundant;
- (c) the proposed development is anticipated to increase the traffic and bring adverse traffic impact to the area, in particular will increase in parking facilities; and
- (d) the proposed development should increase the proposed greenery provision for public access and for better air quality.

11. Planning Considerations and Assessments

11.1 The application is for minor relaxation of PR restriction from existing 9.832 to 11.4 (about +16%) and BH restriction from 100mPD to 108.305mPD (about +8.3%) to facilitate redevelopment of an existing IB at the Site into a 27-storey IB development (including three basement levels) for permitted office, shop and services and eating place uses. The proposed development is generally in line with the planning intention of the “OU(B)” zone which is primarily for general business uses, including office, shop and services and eating places uses. The previous application No. A/TW/517 submitted by a different applicant for minor relaxation of PR restriction also from existing 9.832 to 11.4 (about +16%) for permitted non-polluting industrial use (excluding industrial undertakings involving the use/storage of Dangerous Goods) was approved with conditions by the Committee on 9.10.2020. In view of the difference uses being proposed, the current application further seeks planning permission for a minor relaxation of BH of about 8.3% (or + 8.305m) mainly caused by a higher floor-to-floor height of the typical floor and an additional floor to accommodate the E&M services requirement to serve the proposed C/O development.

Policy Aspect

11.2 The existing IB at the Site with an OP issued on 14.7.1976 can be regarded as an eligible pre-1987 IB under Government’s new policy on revitalising IBs. SDEV gives in-principle policy support to the application for minor relaxation of PR by

20%, as the proposed office, shop and services and eating place uses are in line with the present “OU(B)” zoning.

Technical Aspect

Minor Relaxation of PR

- 11.3 The proposed minor relaxation of PR from 9.832 to 11.4 (i.e. about +16%) generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed development. In support of the application, the applicant submitted TIA and SIA to demonstrate that the proposed development will not cause adverse traffic and environmental impacts to the surrounding areas. In this regard, C for T has no in-principle objection to the application subject to the imposition of an approval condition as set out in paragraph 12.2(a) below. DEP and CE/MS, DSD also have no objection to the application subject to the imposition of approval conditions on sewerage and land contamination aspects as set out in paragraphs 12.2 below. Other relevant Government departments consulted including D of FS and CHE/NTW, HyD have no objection to/no comment on the application.

Minor Relaxation of BH

- 11.4 According to the applicant, the minor relaxation of BH restriction from 100mPD to 108.835mPD (i.e. about +8.3%) is for the inclusion of an adequate structural and services zone on each of the typical floors (with headroom of 4.1m) for proposed office use; a storey (with headroom of 2.55m) solely dedicated for essential E&M services; and a 2m transfer plate between the tower and podium (**Drawing A-10a**). The increase in BH is mainly to accommodate operational needs of proposed C/O development in terms of the E/M facilities. As a result, the floor to floor height of typical floors has to be increased from 3.85m in the previously approved industrial scheme to 4.1m for the current C/O scheme. In this regard, the applicant has endeavoured to minimise the BH increase by proposing three levels of basement carpark to meet the requirement of high-end provision of carparking spaces, compared to the two-basement level carpark proposed in the previously approved scheme (**Drawings A-10a**).
- 11.5 The Site is situated in Chai Wan Kok Industrial/ Business Area which is subject to maximum BH restriction of 100mPD under the OZP. The BHs of the surrounding existing buildings within the same “OU(B)” zone are up to 113mPD (**Plan A-6**). While the Proposed Scheme may not be entirely in line with the BH profile, it is noted that the proposed typical floor-to-floor height of the current C/O scheme is increased by 0.25m to 4.1m as compared with the previous scheme for non-polluting industrial use to meet E&M requirement and the overall increase in BH is 8.305m only. Having reviewed the applicant justifications, the area context and judging from the photomontages of the VIA (**Drawings A-12 to A-13**), CTP/UD&L, PlanD considered that the proposed development with a BH of about 108.3mPD would unlikely induce significant adverse visual impact on the surrounding area. CA/CMD2, ArchSD has no comment from architectural and visual impact perspectives. In view of the above, the proposed minor relaxation of BH for an increase of 8.305m (i.e. about +8.3%) is generally considered to be not unacceptable.

11.6 On the planning and design merits, the applicant has proposed a 1m full-height setback at G/F along Pak Tin Par Street with provision of canopy for weather protection (**Drawings A-2 to A-3**). Landscape treatments including outdoor garden at 1/F, vertical greening from 1/F to 2/F, podium garden at 3/F and sky garden at 4/F are proposed on the lower floors (**Drawings A-3 to A-6**) and landscaped balconies are proposed on the upper floors (**Drawings A-7 to A-8**). Terraced podium and articulated building edges/façade are adopted (**Drawing A-11**). CTP/UD&L, PlanD considered that these design measures may help promote visual interest and pedestrian comfort, although technically speaking, incorporation of these design measures do not necessarily require additional BH. Notwithstanding, given the proposed planning and design merits as mentioned above, the proposed development generally meets the criteria for consideration of application for minor relaxation of BH restriction as mentioned in paragraphs 8.3(c) and (f) above (i.e. to provide better streetscape and to provide setback for improvement to amenity of the locality). Approval of the application is also consistent with the Committee's previous decision on similar application for proposed minor relaxation of PR and BH restrictions, i.e. No. A/TW/522 relating to the Policy.

Other Considerations

- 11.7 On the sustainability building design aspect, although the Site is less than 1,000m² such that the minimum requirement on greenery coverage under SBDG is not applicable, the applicant has demonstrated effort in building design improvement by introducing greenery provision of about 193.1m² (about 26.76% of the total site area). The applicant also intends to apply for BEAM Plus Certification.
- 11.8 Compared with previous application No. A/TW/517 (paragraph 1.5 refers), the current scheme shows an increase in the overall greenery provision from 177.8m² to 193.1m² (about +8.61%). The applicant claimed that the proposed setback along Pak Tin Par Street is reduced from 2m in the previously approved scheme to 1m under the current scheme because of the requirements for additional parking spaces, mean of escape, provision of escalator and staircase for commuting between G/F and lobby at 1/F, and accommodating all L/UL bays at G/F for better efficiency and circulation for the proposed C/O development (**Drawing A-10b**).

Public Comments

- 11.9 Regarding the concerns on local traffic, visual quality impacts and greenery, the planning assessments above and C for T and CTP/UD&L's comment in paragraphs 9.1.3 and 9.1.6 are relevant. Regarding to the concern on overprovision of shop and services and eating place in the proposed development, it should be noted that the proposed 'Office', 'Shop and Services' and 'Eating Place' uses are always permitted for building other than industrial or industrial-office building under the "OU(B)" zone.

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, 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 28.1.2026, 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/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 an updated Sewerage Impact Assessment (SIA) for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works as identified in the updated SIA for the proposed development in condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio and building height restrictions.

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 25.8.2021
Appendix Ia	SPS received on 25.8.2021
Appendix Ib	FI 1 vide letter received on 8.12.2021
Appendix Ic	FI 2 vide letter received on 14.1.2022
Appendix Id	FI 3 vide letter received on 19.1.2022 and 21.1.2022
Appendix II	Detailed Departmental Comments
Appendix III	Public comments received during the statutory publication periods
Appendix IV	Recommended advisory clauses
Appendix V	Similar applications
Drawings A-1 to A-8	Floor Plans
Drawing A-9	Section Plan
Drawings A-10a to A-10d	Comparison between the Approved Scheme and the Proposed Scheme
Drawing A-11	Artist's Impression of the Lower Zone of the Proposed Development
Drawings A-12 and A-13	Photomontages from VIA
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-4	Site Photos
Plan A-5	Pedestrian Access Network
Plan A-6	Building Height in Chai Wan Kok Industrial/Business Area

**PLANNING DEPARTMENT
JANUARY 2022**