

MPC Paper No. Y/K15/6A
For Consideration by the
Metro Planning Committee
on ~~8.9.2023~~ 22.9.2023

**APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. Y/K15/6

- Applicant** : Ever Sun International Holdings Limited represented by Arup Hong Kong Limited
- Site** : 428 Cha Kwo Ling Road, Yau Tong Bay (YTB), Yau Tong, Kowloon
- Site Area** : About 4,600m²
- Lease** : Yau Tong Marine Lots (YTMLs) 73 and 74 (the Lots):
(a) to expire on 30.6.2047;
(b) restricted to industrial or godown purpose or both; and
(c) subject to a maximum building height (BH) of 51.5 metres above Principal Datum (mPD)
- Plan** : Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/27 (currently in force)

(Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/26 (in force at the time of submission. The zoning and development restrictions for the Site remain unchanged on the current OZP.))
- Zoning** : “Comprehensive Development Area” (“CDA”)
(a) maximum plot ratio (PR) of 4.5;
(b) maximum BH of 120mPD;
(c) provision of a public waterfront promenade (PWP) not less than 15m wide and with a site area not less than 24,700m² (for the whole “CDA” zone);
(d) a public vehicle park (PVP), as required by the Government, shall be provided (within the “CDA” zone); and
(e) based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR/BH restrictions may be considered by the Town Planning Board (the Board) on application. Under no circumstances shall the total PR exceed 5.0
- Proposed Amendment** : To rezone the application site from “CDA” to “Commercial (1)” (“C(1)”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “CDA” to “C(1)” to facilitate redevelopment of the existing industrial building (IB), known as Wing Shan Industrial Building, into a 33-storey commercial/office (C/O) building (**Plan Z-1** and **Drawing Z-1**). The applicant proposes to adopt the schedule of uses in the extant “C” zone albeit with the inclusion of ‘Marine Related Facilities’ as Column 1 use and ‘Marina’ as Column 2 use specifically for the proposed “C(1)” subzone¹. According to the applicant, the proposed “C(1)” subzone will be restricted to a maximum PR of 11.0 and a maximum BH of 130mPD, while a requirement for the provision of a PWP of not less than 15m wide and not less than 1,205m² in size will also be stipulated. The applicant’s proposed amendments to the Notes and Explanatory Statement (ES) for the “C” zone are at **Appendix II**.

Background

- 1.2 The Site is located at the northwestern portion of the YTB “CDA” zone, which comprises various land parcels under multiple ownership (**Plan Z-2**). While the whole “CDA” zone was involved in four previous planning applications (No. A/K15/96, 112 and 112-1, and No. Y/K15/4, **Plan Z-1**), they were all submitted by a consortium consisting the majority of the lot owners of the YTB “CDA” zone (the Consortium) but, crucially, excluding the current applicant and owners of other dissenting lots. The current applicant has no intention to develop the Site per the Consortium’s latest approved Master Layout Plan (MLP, under application No. A/K15/112-1), under which the Site was proposed to be developed as a hotel block with PR of 5 and BH of 85mPD to be developed under the Remaining Phases². Subsequently, the portion of the MLP covering the Remaining Phases (i.e. including the Site and other dissenting lots) lapsed on 17.1.2023.
- 1.3 Despite not forming part of the consortium, the current applicant has been active in pursuing other development options to phase out the industrial/warehousing use at the Site. To this end, the applicant had submitted five applications (No. A/K15/70, 98, 107, 107-1 and 107-2, all covering the Site only) for the in-situ wholesale conversion of the IB to commercial uses for the lifetime of the building, which were all approved by the Board on review, by the Metro Planning Committee (the Committee) or by the Director of Planning (D of Plan) under the delegated authority of the Board between 2005 and 2014 (**Plan Z-1**). The planning permissions under applications No. A/K15/70 and 107-2 are deemed commenced in planning terms. The applicant now opts for a redevelopment proposal at the Site, hence the current application is submitted.

¹ According to the applicant, the inclusion of ‘Marine Related Facilities’ as Column 1 use is to facilitate the provision of landing steps at the Site per previous planning approvals. The inclusion of ‘Marina’ as a Column 2 use is to allow flexibility for applying for landside facilities directly related to marina activities in the future. However, the proposed ‘Marina’ does not form part of the indicative notional scheme in the current application.

² Under the latest approved MLP (application No. A/K15/112-1), the YTB “CDA” would be developed under three phases, with the Consortium lots to be developed under Phases 1 and 2, while the government land (GL) and dissenting lots (including the Site) would be developed under the Remaining Phases.

The Proposed Redevelopment

- 1.4 According to the applicant, the proposed 33-storey C/O development would be developed to a PR of 11 (equivalent to a gross floor area (GFA) of about 50,600m²), which reflects the development intensity of the as-built Wing Shan Industrial Building (developed to a GFA/PR of about 50,256m²/10.925) and is in line with previous planning approvals (applications No. A/K15/107, 107-1 and 107-2). Due to the incorporation of various planning and design measures, the applicant considers a proposed BH of 130mPD necessary to accommodate the proposed redevelopment.
- 1.5 The applicant has submitted a notional scheme for the purpose of technical assessment. The proposed C/O building would consist of 25 storeys of Grade A office floor space (with typical floor-to-floor height (FTFH) of about 4.3m), one refuge floor and two storeys of lobby/retail/food and beverage (F&B) uses, atop 5-storeys of basement car parking/ loading/unloading (L/UL). Vehicular access will be via Cha Kwo Ling (CKL) Road.
- 1.6 The applicant intends to honour the requirements of the extant “CDA” zone and the endorsed Planning Brief (PB) for YTB “CDA” zone by providing a PWP³ of about 20m in width and with an area of about 1,205m². In addition to the PB requirements, the applicant also proposes to provide a 3m-wide at-grade pedestrian path connecting the PWP and CKL Road and a set of landing steps to activate the waterfront. Both the PWP and the pedestrian path will be opened for use by the public at all times, while the landing steps will be opened for use by the public from 7 a.m. to 11 p.m. daily. The applicant will take up the construction, management and maintenance responsibility of the PWP and landing steps until they are requested to be surrendered to the Government, while the pedestrian path will be managed and maintained by the future developer. The proposed amendment to the OZP, indicative MLP, extracted floor plans, sections, landscape master plan (LMP) and photomontages of the proposed notional scheme, as well as a BH comparison with the latest approved MLP submitted by the applicant are at **Drawings Z-1 to Z-17**.
- 1.7 The major development parameters of the current proposed notional scheme (with those parameters to be included in the Notes of the OZP, as proposed by the applicant, highlighted in ***bold and italic***) and the notional scheme for the Site per the last approved MLP (No. A/K15/112-1) are summarised as follows:

Development Parameters	Per the Last Approved MLP (No. A/K15/112-1)	Current Proposed Notional Scheme
Proposed Uses	Hotel	C/O
Site Area	About 4,600m ²	About 4,600m ²
PR	5	<i>11</i>
Total GFA	About 23,000m ²	About 50,600m ² [³]

³ According to the Notes of the OZP, the total site area of the PWP should not be less than 24,700m² for the whole “CDA” zone, which is measured at a width of 20m along the entire stretch of the waterfront. On a pro-rata basis, the Site should provide a PWP of not less than 1,204m² in size.

Development Parameters	Per the Last Approved MLP (No. A/K15/112-1)	Current Proposed Notional Scheme
Site Coverage (SC)	Not more than 40% (below 15m) About 16.68% (above 15m)	Not more than 100% (below 15m) Not more than 60% (above 15m)
BH	85mPD	130mPD
No. of Storeys	22 storeys (incl. 1 storey of basement carpark/ L/UL)	33 storeys (incl. 5 storeys of basement carpark/ L/UL)
No. of Blocks	1	1
PWP	About 15 to 25m-wide (not less than 1,237.87m ² in size, with the provision of one set of landing steps)	Not less than 15m-wide (not less than 1,205m² in size, with the provision of one set of landing steps)
Car Parking Spaces	19 (incl. 2 for motorcycles)	261 (incl. 24 for motorcycles)
L/UL Spaces	2	24
Anticipated Completion Year	Remaining Phases	2030

^[1] The applicant has assumed a GFA of 48,040m² for office use and 2,560m² for shop use in the notional scheme for assessment purpose.

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

- (a) Application form received on 22.9.2022 **(Appendix I)**
 - (b) Supporting Planning Statement (SPS)
 - (c) Further Information (FI) received on 25.11.2022 ^(*)
 - (d) FI received on 6.2.2023 ^(*)
 - (e) FI received on 21.6.2023 ^(*)
 - (f) FI received on 25.8.2023 and 30.8.2023 ^(#)
- (Appendix Ia⁴)**

Remarks:

^(*) *accepted but not exempted from publication and recounting requirement*

^(#) *accepted and exempted from publication and recounting requirement*

1.9 On 5.5.2023, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI to address departmental comments.

1.10 In light of ‘extreme conditions’ announced by the Government, the Committee agreed to defer considering of the application to this meeting.

2 Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the consolidated SPS at **Appendix Ia**. They can be summarised as follows:

⁴ A consolidated SPS containing finalised technical assessments, responses-to-comments and replacement pages for the SPS was submitted by the applicant on 31.8.2023 (**Appendix Ia**); thus the original SPS and FIs are not attached in this Paper.

Complementing the “CDA” Zone and Wider Policies for Kowloon East

- (a) The proposed commercial development complements the planning intention of the extant “CDA” zone by expediting the phasing out of incompatible industrial uses and would facilitate the early realisation of a publicly accessible YTB through the provision of a PWP and a set of landing steps. The proposed Grade A office and retail/F&B uses would create local job opportunities and inject much-needed vibrancy into YTB, whilst contributing towards the Government’s initiatives to transform Kowloon East into an attractive second Core Business District (CBD2).

Unique Site / Planning Background amidst Changing Planning Circumstances

- (b) The Site is unique in that it is occupied by an existing IB with a development intensity (PR of about 10.925) that exceeds the extant planning restriction. The proposed PR of 11 largely reflects the intensity of the existing IB at the Site and should be honoured in the light of previous planning permissions granted by the Board. In terms of the wider planning context, the proposed PR is comparable with the planned development intensity of PR 12 for other “C” zones on the same OZP and “Other Specified Uses” annotated “Business” zones in Kowloon East.
- (c) The Site is located at the eastern gateway to Victoria Harbour and has the potential to make a positive first impression to incoming ships and cruises. The proposed iconic landmark tower would contribute to a new dynamic skyline at the western arm of YTB, echoing the commercial development on Hong Kong Island East. The proposed tower would create a varied and interesting punctuation in the skyline, which would otherwise be dominated by a mundane row of medium-rise towers under the last approved MLP (**Drawings Z-15 to Z-17**).
- (d) The surrounding planning context has changed in recent years, notably with the rezoning of the CKL Village (CKLV) for high-rise, high-density public housing development (at a total PR of 8.5 (equivalent) and BHs of 110/130mPD) and the intensification of the Ex-CKL Kaolin Mine Site (ex-CKLKMS) Phase 2 public housing development (at a total PR of 9 and BHs of 135/140mPD) (**Plan Z-7**). The applicant has endeavoured to reduce the overall BH, including a reduction of the FTFH for the office floors, which is considered the lower range for Grade A offices. Given the applicant’s willingness to provide various design merits, the proposed BH of 130mPD is considered acceptable and in line with the latest planning circumstances. Although no Government, institution or community (GIC) facilities are proposed as part of the development, nonetheless sufficient GIC facilities are planned at the adjoining sites⁵ and at the nearby CKLV public housing development, with the latter providing a 100-place child care centre (CCC) and a 250-place residential care home for the elderly (RCHE), amongst others.

⁵ According to the endorsed PB, an Integrated Children and Youth Services Centre, a 160-place Integrated Vocational Rehabilitation Services Centre and a 50-place Hostel for Moderately Mentally Handicapped Persons shall be provided within the subject “CDA” zone. According to the last approved MLP (application No. A/K15/112-1), all three GIC facilities will be provided within Phases 1 and 2 development of the consortium-owned lots.

Planning and Design Merits

- (e) Despite the proposed rezoning to “C(1)” zone, the proposal duly respects the various planning and design requirements of the extant “CDA” zone per the Notes and ES of the OZP and the endorsed PB, as well as the Harbour Planning Guidelines. Besides the PWP (including the provision of a set of landing steps) (**Drawing Z-3**), the applicant pledges to implement the following design measures at the detailed design stage, which would enhance pedestrian accessibility and visual/ air permeability in the area:
- (i) a 3m-wide at-grade north-south pedestrian path connecting CKL Road and the PWP (**Drawing Z-3**);
 - (ii) about 7.6m-wide tower setback from the eastern site boundary (tentatively resulting in a 15m tower separation with the proposed building to the east) (**Drawing Z-7**); and
 - (iii) about 17.6m-wide (inclusive of the 3m-wide north-south pedestrian path) building setback from the eastern site boundary at G/F (tentatively resulting in a 25m G/F separation with the proposed building to the east) (**Drawings Z-3 and Z-9**).
- (f) There are currently no trees within the Site. According to the indicative LMP, hard and soft landscaping, including the provision of 14 new trees and vertical greening (along the northern and western G/F façades), will be provided at the Site (**Drawing Z-11**). The 3/F podium garden will be opened for use by the future occupants and visitors of the premises during normal opening hours. A minimum greenery coverage of 30% (based on net site area, i.e. excluding the PWP) with 20% on G/F will be provided.

No Adverse Impact to the Surrounding Area

- (g) Various technical assessments, including Traffic Impact Assessment (TIA), Drainage and Sewerage Impact Assessment (DSIA), Water Supply Impact Assessment, Visual Impact Assessment, Air Ventilation Assessment – Initial Study (AVA – IS) and Quantitative Risk Assessment (QRA), concluded that the proposed development would not result in any adverse or unacceptable impacts to the surrounding area.

Flexibility for Future Marina Development in YTB

- (h) Although marina does not form part of the notional scheme, the inclusion of ‘Marina’ as a Column 2 use is to allow flexibility for applying for landside facilities at the Site directly related to marina activities in the future. Any future marina development would require approval from the Board under separate s.16 planning application subject to full technical feasibility being established and agreement by relevant government bureaux/departments (B/Ds).

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.

4 Background

- 4.1 The majority of the subject “CDA” zone (i.e. the Site and the areas to its east and south) was originally zoned “Industrial” prior to 1993. In January 1993, the area to the east of the Site, including the waterbody of YTB (which was proposed to be reclaimed), was rezoned to “CDA” under the draft OZP No. S/K15/6. In 2002, pursuant to an approved rezoning request, the boundary of the “CDA” zone was extended westward to cover the Site and other land parcels (up to the western extent of the current “CDA” zone) under the draft OZP No. S/K15/15. In 2008, in light of the Court of Final Appeals’ judgement regarding the interpretation of “presumption against reclamation in the harbour”, the boundary of the “CDA” zone was revised to excise the waterbody of YTB under the draft OZP No. S/K15/16. The draft OZP was subsequently approved in 2009 and the boundary of the subject “CDA” zone has remained unchanged ever since.
- 4.2 Since then, the whole YTB “CDA” zone has been the subject of four planning applications (No. A/K15/96, 112 and 112-1 and Y/K15/4) all submitted by the Consortium (**Plan Z-1**). The first application for proposed comprehensive development (mainly for residential and hotel uses) at the “CDA” zone and with minor relaxation of PR restriction (from PR of 4.5 to 5) was approved with conditions by the Committee on 8.2.2013. Under the subject MLP, the Site was planned for hotel use with a PR and BH of 5.0 and 85mPD respectively to be developed under the Remaining Phases (along with other dissenting lots) (the development parameters for the Site as prescribed by the MLP are summarised at **Appendix III**).
- 4.3 Planning application No. A/K15/112 for amendments to the aforesaid MLP was approved with conditions by the Committee on 16.1.2015 (**Plan Z-8**). The proposed land use (hotel), development parameters (PR and BH of 5.0 and 85mPD) and phasing of the Site (under Remaining Phases, **Plan Z-9**) remained unchanged under this latest approved MLP. Under the MLP, the BHs of the proposed development at the northern portion of the “CDA” zone would descend from 120mPD at the northeast to 60.5mPD at the northwestern end (**Drawing Z-17**). The first set of building plans concerning the Consortium-owned Phases 1 and 2 development was approved in 2017, and the proposed developments thereon are deemed commenced. As development at the Remaining Phases (including the Site and other dissenting lots) has not commenced by the specified time limit⁶, the portion of MLP covering the Site and other dissenting lots had lapsed since 17.1.2023.

⁶ The validity of the permission granted under application No. A/K15/112 was extended once for an additional four years upon approval of Class B Amendment for extension of time for commencement of development under application No. A/K15/112-1.

- 4.4 An s.12A planning application (No. Y/K15/4) for proposed amendments to the Notes of the YTB “CDA” zone to allow floor space that is constructed or intended for use solely as underground PVP, as required by the Government, to be disregarded from PR calculation was partly agreed by the Committee on 20.3.2020. The Notes of the OZP was subsequently amended to cater for this and the proposed underground PVP will be provided within the Consortium-owned lots.

5 Previous Applications

- 5.1 Besides the four planning applications covering the whole YTB “CDA” zone in paragraph 4 above, the Site itself is also the subject of five applications that were all submitted by the current applicant (i.e. owner of the Site) (No. A/K15/70, 98, 107, 107-1 and 107-2). Details of the five previous planning applications are summarised at **Appendix III** and their locations are shown on **Plan Z-1**.
- 5.2 Application No. A/K15/70 for proposed in-situ wholesale conversion of the subject IB for retail/restaurant uses for the lifetime of the building was approved with conditions by the Board on review on 22.4.2005. Subsequently, the first set of building plans pursuant to the wholesale conversion works was approved in 2006 and a No-objection Letter from the Lands Department (LandsD) was issued to the lot owner in 2009⁷. Despite securing the necessary building, planning and land-related approvals, the approved wholesale conversion works has yet to be implemented at the Site.
- 5.3 Applications No. A/K15/98 and 107 for proposed in-situ wholesale conversion of the subject IB for hotel and shop and services uses for the lifetime of the building were approved with conditions by the Committee on 10.9.2010 and 30.3.2012 respectively. Compared with the previous planning approval, apart from a change in the proposed use, another notable change in the proposed schemes is the partial demolition of an existing podium to facilitate provision of a PWP (with one set of landing steps included under the latter planning application). In return of the building setback, the applicant would compensate for the loss in floor space by adding two storeys atop the existing IB to maintain the same as-built GFA (equivalent to a PR of about 11). Design-related Class B amendments pertaining to the approved scheme of the latter application were subsequently approved with conditions by the D of Plan under the delegated authority of the Board in 2014 and the corresponding set of building plans for the conversion/ addition works was first approved in 2015⁸.

6. Similar Applications

- 6.1 The southwestern end of the subject YTB “CDA” zone was the subject of a similar s.12A application (No. Y/K15/1) for rezoning to “Residential (Group E)”

⁷ In planning terms, the proposed developments under applications No. A/K15/70 and 107-2 are deemed to have commenced in accordance with the Town Planning Board Guidelines No. 35D ‘Extension of Time for Commencement of Development’.

zone, which was rejected by the Committee on 15.12.2006 mainly on the grounds that the proposed piecemeal redevelopment would frustrate the continuity of the PWP and there were adverse comments from concerned departments regarding the susceptibility of potential environmental impact (i.e. noise and air quality) on the future residents. Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan Z-1**.

- 6.2 For Members' information, the whole YTB "CDA" zone (including the Site) is the subject of an on-going planning application (No. A/K15/130) for proposed comprehensive development with minor relaxation of PR restriction submitted by the owner of one of the dissenting lots (YTML 71) (**Plans Z-1 and Z-2**). The MLP proposed under this concurrent application is essentially the same as the last approved MLP (No. A/K15/112-1), except that YTML 71 is now proposed to be redeveloped for residential use with a PR of 5 and BH of 115mPD (instead of a hotel block with PR of 5 and BH of 69.5mPD under the last approved MLP). Under this concurrent application, the Site is assumed to be developed as per the last approved MLP (see paragraph 4.3 above). Consideration of the concurrent application has been deferred pending the applicant's submission of FI.

7. The Site and its Surrounding Area (Plans Z-1 to Z-7)

7.1 The Site is:

- (a) abutting YTB to its south and accessible from CKL Road to its north. It is flanked by vacant land owned by the Consortium to the east and the Water Supplies Department (WSD) CKL Salt Water Pumping Station to its west; and
- (b) occupied by the 16-storey (51.5mPD) Wing Shan Industrial Building, which is currently mainly used for warehousing. The Occupation Permit for the subject IB was issued on 6.2.1984 and the particulars of the existing building are summarised at **Appendix III**.

7.2 The surrounding area has the following characteristics:

- (a) to the east and to the south of the Site opposite the YTB is the main portion of the YTB "CDA" zone, which is largely vacant except for a sand depot (YTML 25 & Ext and 26 & Ext) and a recycling yard (YTML 2, 3 & 4);
- (b) to the north of the Site across CKL Road is the entrance and toll plaza of the Eastern Harbour Crossing (EHC);
- (c) to the further west are the Hong Kong Ice and Cold Storage ice-making plant (YTML 71), the Towngas CKL Piggling Station (NKIL 6138), Civil Engineering and Development Department's (CEDD's) maintenance depot (GLA-NK 534) and the EHC ventilation building;
- (d) to the further northwest is the planned CKLV public housing development

within the “Residential (Group A)8” (“R(A)8”) zone with BH restriction (BHR) of 110/130mPD, while to the further north is the planned ex-CKLKMS Phase 2 public housing development within the “R(A)9” zone with BHR of 135/140mPD (**Plan Z-7**); and

- (e) the Yau Tong MTR Station is located about 450m to the east of the Site.

8. Planning Intention

- 8.1 The planning intention of the “CDA” zone is for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other community and supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.
- 8.2 Although the Notes of the OZP stipulate a BHR of 120mPD and a PWP requirement of not less than 15m wide for the “CDA” zone, the ES to the OZP further prescribes that lower BH of 60mPD should be considered at the two western outermost ends of the “CDA” zone to maintain a more intertwined relationship with the harbour edge, and a distinct gradation of height profile with descending BHs towards the harbourfront should be adopted. As for the PWP, the ES to the OZP elaborates that the PWP is planned for a width of 20m (with a total area of not less than 24,700m²) but a minimum width of 15m is considered acceptable for part of the promenade to cater for site constraints and to allow design flexibility.
- 8.3 A PB to guide the development of the subject “CDA” zone was endorsed by the Committee on 9.4.2010. Besides the aforesaid planning intention and design requirements, the endorsed PB also prescribes a greening ratio of not less than 30% of the development site (excluding public open space) of which a minimum of 20% shall be provided at ground level; public landing facilities along the PWP should be provided to promote water-based recreation activities in YTB; and building separations of not less than 25m should be provided between each residential block to enhance air ventilation, amongst others.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Kowloon East, LandsD (DLO/KE, LandsD):

the Lots are restricted for industrial or godown purposes or both with a

BHR of not exceeding 51.5mPD and permissible marine access along the waterfront of both of the Lots. The proposed redevelopment for commercial use is found in conflict with the lease conditions. The applicant should note his detailed comments at **Appendix IV**.

Traffic Aspect

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

he has no adverse comment on the application and the submitted TIA.

Environment

9.1.3 Comments of the Director of Environmental Protection (DEP):

having considered the applicant's submissions, he has no objection to the application from environmental and sewerage planning perspectives. No insurmountable environmental and sewerage impacts arising from the proposed rezoning are anticipated. The applicant should note his detailed comments at **Appendix IV**.

Urban Design, Visual Impact, Air Ventilation and Landscape Planning

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

Urban Design and Visual Impact

- (a) the applicant claims that the proposed BH of 130mPD will create a "dynamic skyline" and "form a beacon and landmark at YTB". Taking into account the BHs of the deemed commenced phases under the last approved MLP (application No. A/K15/112-1) and as shown in the photomontages (**Drawings Z-12 to Z-16**), the visual impact from the selected vantage points would range from negligible to moderately adverse. The smooth gradation of height profile descending towards the harbourfront prescribed by the ES to the OZP and the endorsed PB would inevitably be weakened by the proposal;
- (b) notwithstanding, the proposal has incorporated a 20m-wide PWP that is 5m wider than the 15m requirement as prescribed in the Notes of the OZP for the extant "CDA" zone. Public landing steps will also be provided at the PWP to be opened for use by the public. Furthermore, a number of design measures have been proposed under paragraph 2(e) above that may enhance visual interest, visual permeability and pedestrian connectivity if implemented;

Air Ventilation

- (c) the current proposed notional scheme incorporates a tower setback of 7.6m and G/F setback of 17.6m (inclusive of the 3m-wide north-south pedestrian path) from the eastern boundary and a 20m-wide PWP. With the incorporation of the proposed wind enhancement features, the submitted AVA – IS shows that the pedestrian wind environment in the surrounding areas and near the Site would be similar between the existing condition and the current proposed notional scheme for both annual and summer conditions;

Landscape Planning

- (d) the proposed commercial development is not entirely incompatible with the existing landscape character and planned landscape setting in the proximity. Noting from the revised LMP that 14 new trees will be planted within the Site and in view of the landscaping measures proposed under paragraph 2(f) above, she has no comment from landscape planning perspective; and
- (e) the applicant should note her advisory comments in **Appendix IV**.

9.1.5 Comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

he has no comment from architectural and visual impact point of view. The applicant should note his advisory comments in **Appendix IV**.

Fire Safety

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

he has no objection in principle to the application provided that water supplies for firefighting and fire service installations will be provided to his satisfaction. Other technical comments are at **Appendix IV**.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

he has no adverse comment on the application and the applicant should note his advisory comments at **Appendix IV**.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/Kowloon, Buildings Department:

he has no objection in principle to the application and the applicant should note his detailed comments at **Appendix IV**.

Open Space Planning

9.1.9 Comments of the Director of Leisure and Cultural Services (DLCS):

he has no adverse comment on the proposed PWP and the applicant should note his detailed comments at **Appendix IV**.

Harbourfront Planning and Infrastructure

9.1.10 Comments of the Principal Assistant Secretary (Harbour), Development Bureau (PAS(H), DEVB):

having considered the applicant's responses in the latest FI (**Appendix Ia**), Members of the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of the Harbourfront Commission have no further comment on the application.

9.1.11 Comments of the Director of Marine (D of Marine):

he has no adverse comment on the application. From marine traffic safety perspective, it is feasible to set up a marina with breakwater, its associated pontoons and other marine facilities at YTB. However, the project proponent would need to conduct feasibility study(s) and consult nearby stakeholders and the Local Vessels Advisory Committee before the practicability of the proposal could be fully ascertained.

9.1.12 Comments of the Chief Engineer/Port Works, CEDD:

he has no adverse comment on the application and the applicant should note his advisory comments at **Appendix IV**.

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

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Project Manager (East), CEDD;
- (c) Head of the Geotechnical Engineering Office, CEDD;
- (d) Chief Engineer/Construction, WSD (CE/C, WSD);
- (e) Commissioner of Police;
- (f) Director of Agriculture, Fisheries and Conservation;
- (g) Director of Electrical and Mechanical Services (DEMS);
- (h) District Officer (Kwun Tong), Home Affairs Department; and
- (i) Director of Social Welfare (DSW).

10. Public Comments Received During the Statutory Publication Periods

- 10.1 The application and FIs were published for public inspection. During the statutory public inspection periods, 15 public comments were received from individuals. Amongst them, 13 individuals support the application, one individual made suggestions on the proposed development, and one individual urges the Board to reject the application.
- 10.2 13 individuals support the application mainly on the considerations that the proposed building would phase out an existing eyesore; the proposed commercial use would optimise the utilisation of the Site; and the proposal would spur the transformation of the area, create local jobs and improve the public's enjoyment of the waterfront (**Appendices V-1 to V-13**).
- 10.3 One individual suggests that social welfare facilities, in particular CCC and RCHE, should be incorporated as part of the proposed redevelopment (**Appendix V-14**). Another individual urges the Board to reject the application due to concerns on the excessive BH, building bulk and SC of the proposal; potential light pollution caused by the proposed building; and the lack of planning gain and justifications for the proposed commercial use (**Appendix V-15**).

11. Planning Considerations and Assessments

- 11.1 The applicant proposes to rezone the Site from "CDA" to "C(1)" with a maximum PR and BH of 11.0 and 130mPD respectively to facilitate redevelopment of the existing IB into a C/O development. Furthermore, a PWP of about 20m in width and area of not less than 1,205m², together with a set of landing steps will be provided. Except for the inclusion of 'Marine Related Facilities' and 'Marina' as Column 1 and 2 uses respectively for the "C(1)" subzone, the Notes for the "C" zone are identical to that of the extant "C" zone (**Appendix II**).

Comprehensive Planning of the "CDA" Zone

- 11.2 The Site is located within the YTB "CDA" zone and was the subject of an approved MLP (No. A/K15/112-1) proposed by the Consortium. Under the last approved MLP, the YTB "CDA" zone would be developed in phases, namely Phases 1 and 2 (by the Consortium) and Remaining Phases (covering all the dissenting lots (including the Site) and GL). While the current application seeks to rezone part of the "CDA" zone to "C(1)", the nature of the application is not dissimilar to a phased development of the "CDA" zone. Moreover, given that the Site is at the fringes of the "CDA" zone, and the proposed development is self-contained in nature and would largely complement the planning intention of the "CDA" zone without affecting the interest of other concerned lot owners thereat, the application would not adversely compromise the comprehensiveness of the YTB "CDA" zone.

11.3 The current applicant claims that it had never consented to the Consortium's proposals. In turn, the applicant has demonstrated longstanding efforts to pursue other development options for the Site over the past 20 years. Amongst the five planning permissions obtained by the current applicant, the proposal for in-situ wholesale conversion for commercial uses (application No. A/K15/70) is deemed commenced in planning terms and is implementable. However, the aforesaid wholesale conversion scheme would, like the existing IB, be unable to yield many of the planning and design considerations envisioned by the Board, notably a PWP along the harbourfront. The current application to redevelop the Site for commercial use is a welcoming opportunity to phase out one of the last industrial operations of the YTB area along with the provision of public open spaces/PWP.

Land Use Compatibility

11.4 The Site is located at the northwestern portion of YTB at the western fringes of Yau Tong. The CKL area to its northwest will soon be transformed into a planned high-rise, high-density residential area (**Plan Z-7**). The planned context to the east and southeast of the Site will also be dominated by the committed comprehensive development (consisting mainly of residential towers with some supporting commercial, GIC facilities and PVP) per the last approved MLP (No. A/K15/112-1). In contrast, the land uses near the Site is more varied, with the EHC toll plaza, GIC and open space functions to the north; and mainly low-rise GIC functions and planned PWP to the west. Under the last approved MLP, the northwestern fringe of the subject "CDA" zone (including the Site) was planned as a commercial (hotel) development cluster. The current proposed commercial development is generally in line with the land use concept envisioned by the original MLP for the Site. Given its fringe location within a transitioning area between Yau Tong and CKL, and in view of the mixed land uses nearby, the proposed rezoning for commercial development with active functions on the lower floors is generally considered not incompatible with the surrounding planned land uses.

Development Intensity

11.5 The Site is currently fully occupied by the 16-storey Wing Shan Industrial Building completed in 1984. The Site is unique in that it is the only site within the YTB "CDA" zone that is occupied by an existing building built to an intensity (PR of about 10.925) that far exceeds the extant PR restriction of 4.5. Furthermore, the Site involves several previous planning permissions, in which the Committee has allowed a PR of 11 for wholesale conversion/ addition works at the subject building for commercial uses. In view of the unique planning background of the Site, and given that the proposed PR is not dissimilar to the permissible PR of 12 for other "C" zones on the OZP, the proposed PR of 11 is not considered unreasonable.

Urban Design and Waterfront Planning

11.6 Despite the proposed rezoning to "C(1)" zone, the proposed redevelopment

would honour all the urban design considerations of the extant “CDA” zone stipulated in the OZP, while paying due respect to many of the design principles of the endorsed PB. In particular, the proposed redevelopment would provide a publicly accessible PWP and a set of public landing steps (subsumed under ‘Marine Related Facilities’, which the applicant proposed to be included as a Column 1 use specific to the “C(1)” subzone) to promote a more active and vibrant waterfront. The applicant also pledges to provide a 3m-wide at-grade pedestrian path within the Site to enhance the accessibility between the harbourfront and the hinterland. Despite the PWP occupying over 26% of the Site area, the applicant would still be able to provide a minimum greenery coverage of 30% within the developable site. To expedite the realisation of the PWP, the applicant will take up the construction, management and maintenance responsibility of the PWP and landing steps until they are requested to be surrendered to the Government. DLCS has no adverse comment on the PWP proposal, while CTP/UD&L, PlanD considers that the proposed design measures, including those in paragraphs 2(e) and 2(f) above, may enhance the visual and landscape interest of the Site, as well as the visual permeability and pedestrian connectivity of the area.

Building Height

- 11.7 The proposed BH of 130mPD exceeds the BHR of 120mPD for the extant “CDA” zone. CTP/UD&L, PlanD also considers that the smooth gradation of BH profile descending from 120mPD at the centre portion of the “CDA” zone to about 60mPD at the westernmost edge nearest the harbour (under the last approved MLP, **Drawing Z-17**) may inevitably be weakened by the proposal. Notwithstanding the above, it is worth noting that the 120mPD BHR was intended to accommodate a much lower PR prescribed under the extant “CDA” zone and some high-rise development proposals along the harbourfront have been agreed by the Committee in recent years (such as the BHR of 110/130mPD for the committed CKLV public housing development to the northwest of the Site). Given the Site’s unique circumstances and planning background (paragraph 11.4 above), and in light of the applicant’s efforts to realise various design measures (paragraph 11.5 above) whilst reducing the proposed BH (by proposing five levels of basement carpark and a typical FTFH of 4.3m for Grade A office floors), the proposed BH of 130mPD to achieve a PR of 11 is not considered unreasonable. Both CA/ASC, ArchSD and CTP/UD&L, PlanD have no adverse comment on the application from urban design, visual impact and air ventilation perspectives.

Similar Application

- 11.8 The Committee has previously rejected one similar application (No. Y/K15/1) for rezoning a southwestern portion of the subject “CDA” zone to “R(E)” zone in 2006, mainly on the grounds that the proposed piecemeal redevelopment would frustrate the continuity of the planned PWP and there were adverse departmental comments on environmental aspects. In terms of the former consideration, the current application will provide a PWP with a set of public landing steps, which will be constructed, maintained and managed by the

applicant until they are requested to be surrendered to the government, thus ensuring early implementation of the PWP. As for the environmental aspect, DEP has no objection to the application and the proposed commercial use would unlikely be susceptible to any adverse environmental impact from the surrounding area.

Technical Aspects

11.9 The applicant has submitted relevant technical assessments, including TIA, DSIA and QRA, which concluded that the notional scheme is technically feasible and would not cause any insurmountable traffic, drainage and sewerage impact on the surrounding area, nor would it be susceptible to unacceptable quantitative risk hazards from nearby uses. Concerned departments, including C for T, CE/MS, DSD, DEP and DEMS, have no adverse comment on the application. DEP also has no objection to the proposed commercial use from environmental and sewerage planning perspectives.

Flexibility for Potential Marina

11.10 While marina use does not form part of the submitted notional scheme, the applicant proposed to include 'Marina' as a Column 2 use specific to the "C(1)" subzone to allow flexibility for incorporation of marina related uses at the Site subject to technical feasibility being established in the future. D of Marine considers a marina with breakwater, its associated pontoons and other marine facilities to be feasible at YTB from marine traffic safety perspective, subject to further feasibility study(s) and consultation. Apart from the need for further s.16 planning application, the proposal would likely be subject to further scrutiny under the Protection of the Harbour Ordinance and the Environmental Impact Assessment Ordinance (EIAO)⁸. In view of the above, inclusion of 'Marina' as a Column 2 use specific to the "C(1)" subzone is considered acceptable in principle.

Public Comments

11.11 15 public comments were received during the statutory publication periods. Amongst them, the 13 supporting comments are noted. Regarding the suggestion to include social welfare facilities (specifically CCC and RCHE) as part of the proposed redevelopment, the applicant has responded that all the GIC facilities prescribed for the "CDA" zone under the endorsed PB have been committed at the adjacent Consortium-owned sites; DSW also has no comment on the application. Moreover, the government will continue to adopt a multi-pronged approach with long, medium and short-term strategies to identify suitable sites or premises for provision more welfare services, so as to meet the ongoing welfare service needs of the district. The concerns on built form and potential light pollution would be duly considered by the project proponent at the detailed design stage in commensurate with prevailing regulations and guidelines. As for the concerns on BH and the lack of planning gain/planning justifications,

⁸ A marina designed to provide moorings for more than 30 vessels used primarily for pleasure or recreation is a Designated Project under the EIAO.

the applicant's justifications in paragraph 2, comments from concerned B/Ds in paragraph 9 and the assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no in-principle objection to the application.
- 12.2 Should the Committee decide to agree/partially agree to the application, opportunity would be taken to review the adjoining land uses in light of the latest implementation progress and the outcome of relevant planning application(s). The proposed amendment to the OZP will be submitted to the Committee for agreement prior to its gazetting under the Town Planning Ordinance.
- 12.3 Alternatively, should the Committee decide not to agree to the application, the following reasons are suggested for Members' consideration:
- (a) the Site forms an integral part of the Yau Tong Bay "CDA" zone, which is intended for comprehensive development/ redevelopment of the area for residential and/or commercial uses with the provision of open space and other facilities in a coordinated and integrated manner. The applicant has failed to provide strong justifications for rezoning the Site from "CDA" to "C(1)" for commercial development; and
 - (b) the applicant has failed to provide sufficient justifications for the proposed plot ratio and building height restrictions for the "C(1)" zone, which are considered excessive.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not agree to the application.
- 13.2 Should the Committee decide to partially agree/not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 22.9.2022
Appendix Ia	Consolidated SPS
Appendix II	Proposed Amendments to the Notes and ES of the "C" Zone
Appendix III	Summary of Previous and Similar Planning Applications
Appendix IV	Detailed Comments from Government Departments
Appendices V-1 to V-15	Public Comments

Drawing Z-1	Proposed Amendment to the OZP
Drawing Z-2	Indicative MLP
Drawings Z-3 to Z-8	Indicative Floor Plans (extracted)
Drawings Z-9 and Z-10	Indicative Sections
Drawing Z-11	Indicative LMP
Drawings Z-12 to Z-16	Photomontages (extracted)
Drawing Z-17	BH Comparison with the Approved MLP
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4 to Z-6	Site Photos
Plan Z-7	BH Profile in the Vicinity of the Site
Plan Z-8	Approved MLP of Planning Application No. A/K15/112
Plan Z-9	Phasing Plan of Planning Application No. A/K15/112

**PLANNING DEPARTMENT
SEPTEMBER 2023**