APPLICATION FOR PERMISSION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H1/101

<u>Applicant</u>: Glory World Investments Limited represented by Kenneth To & Associates

Limited

<u>Site</u>: 68 Mount Davis Road, Mount Davis, Hong Kong (Inland Lot 9016 RP)

Site Area : about 2,369.9m²

<u>Lease</u> : (a) private residential purpose

(b) maximum gross floor area (GFA) of 2,165.57m²

(c) maximum site coverage (SC) of 20%

(d) maximum building height (BH) of 10 storeys over 1 level of podium and 2 levels of carpark

(e) maximum 16 residential units

(f) maximum number of parking space at a rate of not exceeding 1.5 car parking spaces per residential unit subject to a maximum number of 16 car parking spaces

(g) number of one loading/unloading (L/UL) spaces of goods vehicles

<u>Plan</u> : Draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No.

S/H1/20

Zoning : "Residential (Group C)" ("R(C)")

(a) maximum plot ratio (PR) of 1.2, maximum SC of 20% and maximum BH of 13 storeys including carports, or the PR, SC and height of the existing building, whichever is the greater

(b) provision for application for minor relaxation of the above restrictions

Application : Proposed minor relaxation of SC restriction for permitted 'House' use

1. The Proposal

1.1 The applicant seeks planning permission for minor relaxation of the SC restriction from 20% to not more than 35% (equivalent to an increase of 75%) for the permitted 'House' use under the "R(C)" zone to facilitate the redevelopment of an existing residential building at the application site (the site) (**Plan A-1**). The proposed development scheme comprises five 3-storey houses over a 2-storey podium consisting B/F for carpark and E&M facilities and M/F for recreational and E&M facilities. The GFA, PR and SC of the proposed scheme are about 2,165.57m², 0.9 and 35% respectively. There are separate pedestrian entrances for each house at Mount Davis Path as well as pedestrian and vehicular accesses at Mount Davis Road.

1.2 The site is currently occupied by a 10-storey residential block above a 3-storey podium. A comparison of the major development parameters of the existing building and the proposed redevelopment scheme is as follows:

	Existing Building	Proposed Scheme	Differences
	(a)	(b)	(b) - (a)
Site Area	2,369.9m ²		No change
GFA*	2,164.35m ²	2,165.57m ²	$+1.22m^2$
			(+0.1%)
PR	0.913	0.914	+0.001
			(+0.1%)
No. of Blocks	1 block with	5 houses	N/A
	10 domestic units		
No. of Storeys			
- Total	13	5	-8 (-62%)
- Domestic	10	3	-7 (-70%)
	_	_	
- Non-domestic	3	2	-1 (-33%)
	(including: G/F and	(including: B/F for	
	1/F for carpark and	carpark and E&M	
	E&M facilities and 2/F	facilities and M/F for	
	for recreational and	recreational and E&M	
DII	E&M facilities)	facilities)	20 . 22 25
BH	115.65mPD	82.29 to 85.65mPD	- 30 to 33.36m
(at main roof level)	or about 59.79m above	or about 26.43 to	(-50 to 56%)
	mean street level of	29.79m above mean	
	Mount Davis Road	street level of Mount	
CC	110/	Davis Road	. 240/
SC (domestic neution)*	11%	35%	+24%
(domestic portion)*			(+218%)
Parking Facilities	15	12	2 (200/)
- Private car (for	13	12	-3 (-20%)
residents)	1	1	No change
- L/UL spaces	1	1	140 Change

According to the Remarks under the Notes of the OZP for the "R(C)" zone, in determining the maximum PR and SC, any floor spaces that is constructed or intended for use solely as carpark, L/UL bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.

- 1.3 The floor plans, section plans, elevation plans, landscape master plans and photomontages of the proposed residential development submitted by the applicant are at **Drawings A-1** to **A-20**.
- 1.4 According to the proposed scheme, a 3m setback fronting Mount Davis Road is proposed in accordance with the Kennedy Town & Mount Davis Outline Development Plan (ODP) No. D/H1/1B (**Drawings A-1 & A-19 and Plans A-2 & A-3**). Furthermore, a terraced podium is proposed to maximise greening opportunities at different levels (**Drawings A-10 to A-12**). Photomontages and elevation plans comparing the proposed scheme with the existing building are at **Drawings A-17** to **A-20**.

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

(a) Application form received on 24.4.2018 (Appendix I)

(b) Supporting planning statement (Appendix Ia)

(c) Supplementary information dated 2.5.2018 (Appendix Ib)

(d) Further information dated 4.6.2018 providing responses to government departments' comments, including the provision of a 3m setback from Mount Davis Road (Appendix Ic)

(e) Further information dated 7.6.2018 providing (**Appendix Id**) clarifications and further justifications

(f) Further information dated 8.6.2018 providing (**Appendix Ie**) clarifications

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in sections 3 and 4 of the supporting planning statement at **Appendix Ia** and the further information provided at **Appendices Ic** to **Ie**. The major points are summarised as follows:

- (a) A 3m setback fronting Mount Davis Road is proposed in accordance with the ODP, which will be properly landscaped without any solid fence wall in order to maintain a visual relief and bring improvement to the pedestrian environment. It will be managed and maintained by future owners of the proposed residential development. The terraced podium design with greening at different levels is also proposed to provide a green surface which is visible at street level with a view to breaking down the podium mass and softening the podium edge.
- (b) The proposed residential development is in line with the planning intention which is for low-rise, low-intensity residential development. The relaxed SC could help deliver a residential development with a substantially reduction of BH (i.e. from the existing 13-storey tower into 5 houses) which respects the character of the area as "Development Area with High Landscape Value" designated under the Metroplan Landscape Strategy.
- (c) In 2000, the Town Planning Board (the Board) agreed that SC of low density residential sites within the Metro Areas could be relaxed to 50% upon application to the Board. The purpose for domestic SC relaxation is to allow design flexibility to cater for site constraint and innovative design. The proposed SC of 35% under the application is way below the maximum permissible SC of 50%. The proposal is to redevelop a developed housing site without trees with high landscape value. It is considered that the proposed development complies with the general guideline.
- (d) A total of 39 heavy standard trees are proposed to compensate the loss of 23 existing trees. Multi-level tree plantings and landscape arrangements help provide a smooth transition between the proposed development and Mount Davis Road while minimising blank walls. These will add value to the landscape amenity.

(e) The visual impact assessment (Appendix 2 of **Appendix Ia**) concludes that the proposed redevelopment brings improvements to the visual amenity from all viewpoints. The proposed development is compatible with the surrounding visual context.

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

On 24.3.2000, the Board agreed as a general guideline to adopt the relaxation of the maximum domestic SC to 66.6% and 50% respectively for sites falling within Residential Density Zone 2 and Zone 3 Areas in the Metro and New Town areas and to 40% for sites in the rural areas and those falling within Zone 4 Area in the New Towns¹. Whilst it has been considered inappropriate to allow a blanket relaxation of SC having regard to the site characteristics and other considerations, applications which satisfy the following criteria and which are considered acceptable to the concerned government departments will be considered by the Board:

- (a) the relaxation of SC restriction does not exceed the maximum permissible levels adopted by the Board (i.e. 50% for the Residential Density Zone 3 for the site);
- (b) the relaxation is solely for the purpose of design flexibility;
- (c) other development parameters including PR/GFA and building height do not exceed the stated restrictions on statutory plan; and
- (d) the resultant SC does not exceed the level permissible under the Building (Planning) Regulations (B(P)R).

5. Previous Application

There is no previous s.16 planning application at the site.

6. <u>Similar Application</u>

There is no similar application for residential use in "R(C)" zone and its sub-zones on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4 and Photos on Plans A-5 to A-7)

7.1 The site is:

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¹ According to Chapter 2 of Hong Kong Planning Standards and Guidelines (HKPSG), the Main Urban Areas are divided into three Residential Density Zones, i.e. R1, R2 and R3. R3 is subject to maximum domestic PR of 3.6.

- (a) located at the foothill of Mount Davis and bounded by Mount Davis Road and Mount Davis Path;
- (b) currently occupied by a 10-storey residential block over a 3-storey podium. The existing development was completed in 2007. Pedestrian and vehicular accesses are located at Mount Davis Road; and
- (c) located within Residential Density Zone 3.
- 7.2 The surrounding areas have the following characteristics:
 - (a) low-rise to medium-rise residential development with a BH of 2 to 10 storeys, namely Villas Sorrento, is located within the same "R(C)" zone to the immediate southeast of the site. To the south of the site across Mount Davis Road is a cluster of low-rise residential developments with a BH of 4 storeys, namely Villa Primavera, Villa Cecil and University of Hong Kong Felix Villas on land zoned "R(C)4" on the draft Pok Fu Lam OZP No. S/H10/16; and
 - (b) the areas to the north and west of the site are largely covered with dense vegetation and zoned "Green Belt" ("GB").

8. Planning Intention

- 8.1 The planning intention of the "R(C)" zone is intended for low-rise, low-density residential developments. Development restrictions on PR, SC and BH for this zone are requested to avoid overloading local road network and to preserve high landscape value as well as the character of the area.
- 8.2 As stated in the Explanatory Statement (ES) of the OZP, application for minor relaxation of PR, SC and/or BH restrictions would be considered on individual merits, taking into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.
- 8.3 According to the Kennedy Town & Mount Davis ODP No. D/H1/1B, there is a 3m building line requirement along Mount Davis Road. The setback of building is required for amenity purpose so as to allow a distance between the building façade and Mount Davis Road for implementation of landscaping works/treatment to soften the building edge and for visual enhancement purpose (Plan A-2).

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and public comments are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) the site falls upon Inland Lot 9016 RP, which is governed by the Conditions of Exchange No. 20030 dated 3.11.2006;
- (b) the redevelopment proposal as stated in application would conflict with the SC restriction and the maximum number car parking spaces to be provided within the site under the lease conditions; and
- (c) if the application is approved, the lot owner is required to apply to LandsD for a lease modification for the lot to implement the proposal. The lease modification will only be considered upon receipt of formal application to his office by the lot owner but there is no guarantee that the application for a lease modification will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord as its sole discretion. In the event that any such application is approved, it would be subject to such terms and conditions including among others, the payment of premium and administrative fee as may be imposed by LandsD.

Traffic Aspect

- 9.1.2 Comments of the Commissioner for Transport (C for T):
 - (a) no further comment on the further information (**Appendix Id**) that the proposed development will not adversely affect the traffic in the vicinity particular the roundabout of Victoria Road/Mount Davis Road; and
 - (b) should the application be approved, approval condition on the design and provision of vehicular ingress and egress points, parking facilities and L/UL spaces to the satisfaction of C for T or of the Board should be included.

Building Aspect

- 9.1.3 Comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD):
 - (a) noting from Appendix I of **Appendix Ia**, the mean street level is 55.864mPD, and the floor level of podium (non-domestic) and roof level of house (domestic) are 73.995mPD and 85.645mPD respectively. The equivalent proposed BH of podium and house are 18.131m (i.e. 73.995 55.864) and 29.781m (i.e. 85.645 55.864) respectively. Thus, permissible SC of the non-domestic and domestic parts are 85% and 46% respectively under B(P)R; and
 - (b) noting from **Appendix Ia**, no SC calculations are provided to both non-domestic and domestic portions of the proposed development. In this regard, he reserves his position under B(P)R 20 and B(P)R 23(3)(a).

Fire Safety Aspect

- 9.1.4 Comments of the Director of Fire Services (D of FS):
 - (a) no comment on the proposal;
 - (b) details fire services requirements will be formulated upon receipt of formal submission of general building plan;
 - (c) as no details of the emergency vehicular access (EVA) have been provided, comments could not be offered at this stage. The applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD; and
 - (d) should the application be approved, approval condition on the design and provision of an EVA, water supplies for firefighting and implementation of fire service installations to the satisfaction of D of FS or of the Board should be included.

Visual Aspect

- 9.1.5 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):
 - (a) no comment from visual impact point of view; and
 - (b) the proposed use, development massing and intensity may not be incompatible with adjacent residential development with a maximum BH of 13 storeys.
- 9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
 - (a) the applicant seeks minor relaxation of SC from 20% to 35% to facilitate erection of five 3-storey houses. The proposed development comprises a podium of about 13m accommodating a car park and switch rooms floor at street level (57mPD), and a mezzanine floor with plant rooms and recreational facilities (64-71mPD), while the rest of the podium are backfilled. The five 3-storey houses (11.5m) sit on top of the podium in one row with separations of about 3m between houses;
 - (b) as compared with the existing development of a 13-storey tower on podium, which is considered compatible with the built form and character of the adjacent developments within the same "R(C)" zone, the proposed development of five 3-storey houses on podium may not bring significant improvement to the visual amenity of the area;

- (c) the podium of about 13m in height and 90m in length is sizeable and disproportionate to five low-rise houses. More effort should be made to break down the continuous façade length and visual bulk of the podium. Noting that the applicant would further improve the design of the podium at the detailed design stage, we have no further comment on this aspect; and
- (d) the 3m setback of the site for landscaping would enhance the pedestrian environment at the locality and improve the public realm to a certain extent.

Landscape Aspect

9.1.7 Comments of CTP/UD&L, PlanD:

- (a) no objection from the landscape point of view;
- (b) according to the submitted information and aerial photo taken on 10.3.2018, the site is bounded by Mount Davis Path on its north and Mount Davis Road on its south. It is currently occupied by a 13-storey residential building block. The site is situated in an area of mixed urban fringe landscape character, comprising low to medium-rise residential buildings and dense vegetated slopes. The proposed redevelopment is considered not incompatible with the existing landscape character;
- (c) according to the submitted tree survey information, there are 23 existing trees within the site and they are assessed to be in poor health condition with low survival rate after transplanting. All of them are proposed to be felled. Nevertheless, tree compensation to be included in the landscape proposal will achieve 1 to 1 ratio in terms of quantity and quality in the proposed redevelopment. In view of this, while there are temporary changes during construction of the proposed redevelopment, there is no significant change or disturbances arising from the proposed redevelopment to the existing landscape character and resource;
- (d) having reviewed the further information, it is acknowledged that a 3m setback from the back of the existing footpath is provided. He has no objection in principle to this matter;
- (e) should the application be approved, approval condition on the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board should be included; and
- (f) the applicant is reminded to note the following matters:
 - (i) inconsistence information is found between the landscape

plans and sections. The applicant should check;

- (ii) it appears that some proposed planters shown on B/F plan (**Drawing A-1**) are under shadow of the building layout and the sustainability of plant growth of this proposal is in doubt;
- (iii) according to **Drawing A-8**, there is no information provided regarding the above proposed planters and therefore the relationship between the planting areas and the building layout cannot be ascertained;
- (iv) the applicant should explore the opportunity to maximise greening provision, e.g. proposed vertical greening on the retaining wall adjacent to Mount Davis Path to improve the amenity value of the proposed redevelopment;
- (v) M/F which is over 15m above B/F is designed with stepping planters, planting strips and tree pits. Maintenance access with proper fall-arrest system and irrigation provision should be taken in account in the redevelopment proposal; and
- (vi) adequate soil depth and growing space should be provided for all landscape areas to ensure the sustainable plant growth.

Environmental Aspect

- 9.1.8 Comments of the Director of Environmental Protection (DEP):
 - (a) no objection to the application; and
 - (b) the applicant is advised to observe relevant environmental requirements under HKPSG for the design of the proposed residential development. During construction, the applicant/contractor shall implement appropriate pollution control measure to minimise any nuisance to nearby residents. A full set of the "Recommended Pollution Control Clauses for Construction Contracts" is available at the Environmental Protection Department's website.

Geotechnical Aspect

- 9.1.9 Comments of the Head, Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):
 - (a) no comment on the further information (Appendix Ic); and
 - (b) apart from the aforementioned man-made slopes/retaining walls, the site is adjacent to the toe of a hillside catchment (No. 11SW-A/MH2). According to the LPMIS, the Stage 3(H) Study for the Study Area had been completed by AECOM Asia Co. Ltd. under Agreement No.

CE 14/2011 and the mitigation works were completed in May 2014 (**Plan A-3**).

Sewerage and Drainage Aspects

- 9.1.10 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):
 - (a) no objection in principle to the application provided that the existing downstream public sewage facilities have adequate capacity to accommodate the flow from the proposed development; and
 - (b) the applicant should bear all costs and undertake improvement/ upgrading works to the existing public sewerage systems for handling additional discharge due to the proposed development to the satisfaction of DSD.

District Officer's View

9.1.11 Comments of the District Officer (Central & Western), Home Affairs Department (DO(C&W), HAD):

supportive comments from two Area Committee members without providing reason were received.

- 9.2 The following government departments have no comment on the application:
 - (a) Project Manager (South), CEDD;
 - (b) Chief Highway Engineer/Hong Kong, Highways Department;
 - (c) Chief Engineer/Construction, Water Supplies Department;
 - (d) District Officer (Southern), HAD; and
 - (e) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 4.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 25.5.2018, five comments were received from the public (**Appendix II**). One public comment is in support of the application without providing reason while the remaining 4 have raised objection to/concerns on the application for the reasons summarised below:
 - (a) the application should only be considered if the BH of the proposed development limit is lowered for alleviating the visual impact;
 - (b) the applicant attempts to build luxury houses but disguises the impact on the environment. The subject location is not justified for development of houses which would result in smaller number of occupants and thus reduce the vitality of the area;

- (c) the proposed relaxation of SC is not minor;
- (d) B/F is open to exploitation in the form of below ground swimming pool and other facilities; and
- (e) the proposed development would result in additional traffic flow in the area.

11. Planning Considerations and Assessment

- 11.1 The application is to seek planning permission for minor relaxation of the SC restriction from 20% to not more than 35% for the site. The proposed scheme is for five 3-storey houses over a 2-storey podium. As compared with the existing building on site, there is a reduction of BH from 13 storeys (main roof at 115.65mPD) to 5 storeys (main roof ranged from 82.29 to 85.65mPD) whilst the SC will increase from 11% to 35%.
- 11.2 The applicant has demonstrated that the proposed scheme with a higher SC and a lower BH would bring advantages to the visual amenity (**Drawings A-13 to A-16**). The applicant has also proposed some sensitive design measures in the proposed scheme to improve the roadside amenity, including a 3m setback from Mount Davis Road (which would be landscaped without any solid fence wall so as to maintain visual relief and improve pedestrian environment) (**Drawings A-1**, **A-17 and A-19**), and a terraced podium with multi-level landscaping to break down the podium mass and soften the podium edge as compared with the existing condition with a huge blank wall fronting Mount Davis Road (**Drawings A-18 and A-20**). In this regard, both ArchSD and CTP/UD&L have no objection to the application as the scale of the proposed minor relaxation is not unacceptable given the site context and design merits of the proposal. CTP/UD&L also considers that there is no significant change or disturbances to the existing landscape character and resource.
- 11.3 Notwithstanding the above, CTP/UD&L considers that more effort should be made to break down the continuous façade length and visual bulk of the podium. To address their concerns, an approval condition on the landscape proposal is recommended under paragraph 12.2 below. All other relevant government departments, including TD, DSD and CEDD have no adverse comment on the application.
- 11.4 Besides, the proposed relaxation of SC restriction from 20% to 35% under the current application does not exceed the maximum permissible level adopted in the general guideline by the Board (i.e. 50% for the site falling within Residential Density Zone 3 in Metro Area). The proposed relaxation is solely for design flexibility, with other development parameters including PR and BH not exceeding the stated restrictions on the OZP. The resultant SC also does not exceed the level permissible under the B(P)R (i.e. 46% for the domestic portion of the proposed development). Hence, the application generally meets the planning criteria set out by the Board for the SC relaxation as mentioned in paragraph 4 above.
- 11.5 Regarding the public concerns on visual, development intensity, traffic and architectural design aspects, planning considerations and assessment in paragraphs 11.2 to 11.4 above are relevant. With regard to the public concern on

the possible exploitation of B/F in the form of other underground facilities, any provision of ancillary facilities will have to comply with the relevant legislation, lease conditions and other regulations especially during the building plan submission stage.

12. Planning Department's Views

- Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, PlanD <u>has no objection</u> to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 15.6.2022, 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 also suggested for Members' reference:

Approval conditions

- (a) the provision of a setback of not less than 3m from Mount Davis Road, as proposed by the applicant, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and provision of vehicular ingress and egress points, parking facilities and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the design and provision of an emergency vehicular access, water supplies for firefighting and implementation of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

- 12.3 Should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
 - (a) there is no strong justification nor sufficient planning and design merit in the development proposal, in particular for enhancement on the amenity of the locality, to justify the proposed relaxation of SC restriction; and
 - (b) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving similar applications would change the general amenity of the existing residential neighbourhood.

13. <u>Decision Sought</u>

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) 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 dated 24.4.2018 **Appendix Ia** Supporting planning statement

Appendix Ib Supplementary information dated 2.5.2018

Appendix IcFurther information dated 4.6.2018Appendix IdFurther information dated 7.6.2018Appendix IeFurther information dated 8.6.2018

Appendix IIPublic commentsAppendix IIIAdvisory clauses

Drawings A-1 to A-9 Floor plans, section plans and elevation plan

Drawings A-10 to A-12 Landscape master plan

Drawings A-13 to A-18 Photomontages

Drawings A-19 and A-20 Comparison of existing and proposed developments

Plans A-1 and A-2
Plan A-3
Site plan
Plan A-4
Plans A-5 to A-7
Site photos

PLANNING DEPARTMENT JUNE 2018