

MPC Paper No. A/K18/326B
For Consideration by
the Metro Planning Committee
on 3.8.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K18/326

- Applicant** : Idealtime Holdings Limited represented by Lanbase Surveyors Limited
- Site** : 147 Waterloo Road, Kowloon Tong, Kowloon
- Site Area** : About 822.966m²
- Lease** : (a) Remaining Portion (RP) of New Kowloon Inland Lot No. 905 (NKIL 905RP) with a lease up to 30.6.2047
(b) Subject to the following main restrictions:
(i) a message or dwelling house;
(ii) front and range clause; and
(iii) offensive trade clause.
- Plan** : Approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21
- Zoning** : “Residential (Group C)1” (“R(C)1”)
(a) maximum plot ratio (PR) of 0.6 and maximum building height (BH) of 3 storeys, or the PR and height of the existing building, whichever is the greater; and
(b) provisions for application for minor relaxation of the BH restriction to allow for one storey of basement for use as car park and/or ancillary plant room, as well as minor relaxation of PR restriction.
- Application** : Proposed minor relaxation of PR restriction from 0.6 to 0.6862 and minor relaxation of BH restriction from 3 to 4 storeys to allow for one storey of basement for two car parking spaces and ancillary plant room use for the permitted house development

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of PR and BH restrictions for developing a 4-storey house (including one storey of basement for car parking and ancillary plant room use) at the application site (the Site) (**Plan**

A-1). The Site is zoned “R(C)1” on the approved Kowloon Tong OZP No. S/K18/21. According to the Notes of the OZP, ‘House’ use is always permitted within the “R(C)1” zone; and minor relaxation of the PR restriction and minor relaxation of BH restriction to allow for 1 storey of basement for use as car park and/or ancillary plant room requires planning permission from the Town Planning Board (the Board).

- 1.2 According to the applicant’s submission, part of the original lot (about 120m²) was resumed by the government for widening of Waterloo Road in 1978 and is currently shown as ‘Road’ on the OZP. According to an agreement signed in 1980 between the Government and the then lot owner, upon redevelopment of the remaining portion of the lot (the Site), the resumed land (hatched area on **Plan A-2**) would be taken into account in calculating PR and site coverage (SC) (Agreement at Appendix 6 in **Appendix Ia**). The proposed minor relaxation of PR restriction is to accommodate the GFA accountable from the resumed land. Based on the current site area within the “R(C)1” zone (i.e. after deducting the resumed land), the total PR of the Site will be 0.6862 after including such GFA.
- 1.3 The main entrance and vehicular access are proposed to be at Somerset Road. A 6m setback along Waterloo Road and Somerset Road is provided in accordance with the non-building areas (NBA) designated on the draft Kowloon Tong Outline Development Plan (ODP) No. D/K18/1A (**Plan A-2** and **Drawing A-2**).
- 1.4 The major development parameters of proposed development are as follows:

Development Parameters	Proposed Scheme
Site Area	822.966m ² (excluding resumed land of 120m ²)
Proposed Gross Floor Area (GFA)*	564.726m ² (excluding GFA concession of 626.855m ² for basement and independent staircases, void area and flush water tank room on other floors)*
Proposed Domestic PR	0.6862
SC	About 36.67%
No. of Storeys	4 (3 domestic storeys over 1 basement for car park and ancillary plant rooms)
BH (at roof level) (in mPD/m)	36.5mPD/ 11.9m above ground
No. of Car Parking Spaces	- 2 ancillary car parking spaces - 1 accessible/visitor car parking space
No. of Loading/Unloading (L/UL) Space	- 1 temporary L/UL space for light goods vehicles (on ramp to car park on G/F)

* The GFA calculation and GFA concessions are subject to Building Authority (BA)’s agreement at building plan stage.

Landscaping

- 1.5 There are two existing mature trees within the Site (see photos at **Plans A-3 to A-5**). According to the landscape plan (**Drawing A-7**), the existing tree at the northeast corner of the Site abutting Waterloo Road will be preserved (annotated as T1(R) on drawings and plans) (**Drawing A-8**), while the one abutting Somerset Road at the proposed main entrance will be fell (annotated as T2(F)) and compensated by five new trees along the Waterloo Road boundary.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 13.2.2018 **(Appendix I)**
 - (b) Supplementary planning statement received on 13.2.2018 **(Appendix Ia)**
 - (c) Letter dated 22.2.2018 clarifying details of the application **(Appendix Ib)**
 - (d) Letter dated 23.2.2018 providing a revised set of Executive Summary **(Appendix Ic)**
 - (e) FI received on 2.5.2018 (FI 1) providing responses to departmental comments with revised layout plans, development schedule and a landscape plan *(not exempted from publication and recounting requirements)* **(Appendix Id)**
 - (f) FI received on 15.5.2018 (FI 2) providing responses to departmental comments **(Appendix Ie)**
 - (g) FI received on 15.6.2018 (FI 3) providing responses to departmental comments with revised layout plans and landscape plan **(Appendix If)**
 - (h) FI received on 20.7.2018 (FI 4) providing responses to departmental comments with revised layout plan **(Appendix Ig)**
 - (i) FI received on 25.7.2018 (FI 5) providing responses to departmental comments **(Appendix Ih)**
 - (k) FI received on 25.7.2018 (FI 6) providing minor clarification in response to departmental comments **(Appendix Ii)**
- 1.7 Plans including floor layout plans, section drawing, excavation plan, landscape plan, tree felling plan and temporary L/UL arrangement plan submitted by the applicant are shown in **Drawings A-1 to A-8**.
- 1.8 On 6.4.2018 and 15.6.2018, upon the request of the applicant, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for two months and one month respectively to allow time for the applicant to address comments from government departments. Upon receipt of FI from the applicant, the application is scheduled for consideration at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are provided in the supplementary planning statement at **Appendix Ia**, clarification letter at **Appendix Ib** and FIs at **Appendices Id to Ii**. They are summarised as follows:

Planning Intention

- (a) the proposed house development is in line with the planning intention of the “R(C)1” zone. The proposed basement level would not change the residential nature of the Site and the stepped BH profile in Kowloon Tong Garden Estate (KTGE);

Minor Relaxation of Plot Ratio

- (b) the minor relaxation in PR from 0.6 to 0.6862 is proposed to account for GFA on the resumed land calculated based on the current site area. This is in accordance with the Agreement with Government for resuming portion of its land in 1978 (see paragraph 1.2 and Appendix 6 in **Appendix Ia**);

Minor Relaxation of Building Height

- (c) the Site is located in KTGE dominated by low-rise, low-density residential developments which are mostly 2 to 3 storeys in height. The proposed house development comprising 3 domestic storeys over one storey of basement is compatible with the surroundings in terms of land use and building bulk. No adverse visual impact is anticipated given that the height of the proposed development will remain at 3-storeys above ground;
- (d) placing the carpark at basement would increase the at-grade greenery area within the Site, and further improve micro-climate in the neighbourhood and streetscape within KTGE. Traffic noise would be reduced by separating the internal vehicular traffic from the pedestrian traffic;
- (e) it is necessary to install a sprinkler tank of 70,000L and FS tank of 27,000L for FSI provision, and water tanks of 9,000L to support indirect feed potable water and flush water system, and make-up fan room and exhaust fan room for air ventilation under EPD’s requirement. Space of about 600-900mm surrounding the machines for maintenance works is also required. As there is inadequate space to accommodate essential E&M facilities on the roof floor, it is proposed to place them at the basement floor together with the car park in order to reduce the overall building bulk;
- (f) there are similar planning applications previously approved by the Board for minor relaxation of BH restriction to allow for one storey of basement for car parking spaces and/or ancillary plant room use within “R(C)1” zone of the Kowloon Tong OZP;

Tree Preservation and Landscape Proposals

- (g) the tree at the Waterloo Road boundary is proposed to be preserved. The basement floor area has been reduced as submitted in the FI in **Appendix If** and the alignment

of the excavation and sheet piling works has ensured that there will be adequate clear space from the preserved tree to reduce disturbance to its roots;

- (h) the tree at the Somerset Road boundary is proposed to be felled as it has less than 30% live crown ratio and is in poor form and structure, it is located close to the existing building and will be affected by the future works to the boundary wall. It will be compensated by five new trees;

Traffic aspects

- (i) no adverse traffic impact is anticipated given that adequate maneuvering space will be provided at the basement carpark, and no queuing or reversing motion will occur at street level;
- (j) there are site constraints to provide a permanent L/UL space within the development (see **Appendix Ih**). However, the uncovered part of the ramp to the car park (yellow area on **Drawing A-2**) can be used as a temporary L/UL space for light goods vehicles. L/UL activities will only take place within the Site and suitable arrangement will be made to ensure the L/UL activities will not obstruct the public footpath and carriageway;

Other technical considerations

- (k) no odorous nor gaseous emissions from the proposed ancillary plant room. Relevant dust control measures stipulated in the Air Pollution Control (Construction Dust) Regulation shall be implemented to minimise dust emissions during construction phase, and air pollution mitigation measures will be provided.

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. **Previous Application**

- 4.1 There are seven previous applications in respect of the Site, which were all rejected by the Committee/Board. Six of them are for proposed petrol and/or liquefied petrol filling station and gymnasium and retail shops uses at the Site (**Plan A-1**), and were rejected between 1992 and 2002 on the grounds of being not in line with the planning intention of the “R(C)1” zone, unsatisfactory arrangement of the vehicular access and L/UL facilities, traffic impact, felling of mature trees and setting of undesirable precedent etc. Details of the previous applications are summarised at **Appendix II**.
- 4.2 The remaining previous application is for proposed hotel development (A/K18/297) with minor relaxation of PR restriction (from 0.6 to 0.68) to accommodate the GFA accountable from land resumed by government and minor relaxation of BH restriction to allow for one storey of basement for carpark and

ancillary plant room use. While noting that the proposed increase in PR was in line with the existing practice that private land proposed for surrender or dedication for public use could be included in the site area for PR calculation, the Board rejected the application on review on 9.8.2013 on the grounds that the proposed hotel development was not in line with the planning intention of the “R(C)1” zone and the applicant had not demonstrated any planning and design merits to justify the proposed minor relaxation of BH, in that all trees on the site will be felled and there was no tree compensation proposal nor proposal to improve the landscape design.

5. Similar Applications

- 5.1 Other than the previous application (A/K18/297) in respect of the Site, there are no similar applications for minor relaxation of PR restriction within “R(C)” zone on the Kowloon Tong OZP.
- 5.2 There are 16 similar applications (involving 12 sites) for minor relaxation of BH restrictions for residential developments to include one storey of basement for car parking and/or ancillary plant room use within the “R(C)1” zone on the Kowloon Tong OZP (**Plan A-1**). All the 12 applications (involving 11 sites) considered between 2006 to 2014 were approved with conditions, mainly for reasons that the proposal would allow more tree planting to enhance the local amenity and would not result in significant impacts on the environment, drainage, traffic, visual and infrastructural aspects. Prior to that between 2002 to 2005, four applications (all at 3 Devon Road) were rejected on grounds of excessive basement size, insufficient information to demonstrate there were planning or design merits, and setting of undesirable precedent. Details of the similar applications are summarized at **Appendix III**.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2, site photos on Plans A-3 to A-5, and aerial photo on Plan A-6)

- 6.1 The Site:
 - (a) is occupied by a 2-storey building. It is currently used as a wedding and event venue without obtaining planning permission;
 - (b) is located at the junction of Somerset Road and Waterloo Road, and has direct vehicular access from the at-grade section of Waterloo Road in the east which is a dual-lane local road; and bounded by the elevated section of Waterloo Road further east;
 - (c) has one existing tree in the northeast corner abutting Waterloo Road and one existing tree in the southern portion abutting Somerset Road; and
 - (d) two NBAs of 6m-wide abutting Somerset Road and Waterloo Road are designated on the draft Kowloon Tong ODP No. D/K18/1A, which is

intended for building setback to enhance the streetscape of the area (**Plan A-2**).

- 6.2 The surrounding areas have the following characteristics:
- (a) the Site is located within the KTGE which is a low-rise, low-density residential area. Existing developments are generally 1 to 3 storeys in height; and
 - (b) there are residential uses and some non-residential uses including schools, religious institution and hotels in the vicinity.

7. Planning Intention

- 7.1 The planning intention of the “R(C)1” zone is for low to medium-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. The site is subject to a maximum PR of 0.6 and a maximum BH of three storeys, or the PR and height of the existing building, whichever is the greater.
- 7.2 According to the Notes of the OZP, on land designated “R(C)1”, based on individual merits of a development or redevelopment proposal, minor relaxation of PR restriction, and minor relaxation of the BH restriction to allow for one storey of basement which is constructed or intended for use as car park and/or ancillary plant room, may be considered by the Board on application under s.16 of the Town Planning Ordinance. According to the Explanatory Statement (ES) of the OZP, for consideration of application to provide additional basement storey in “R(C)1” zone, the construction of the basement should not cause any adverse impacts on the existing trees or deteriorate the distinctiveness of the area as a garden estate.
- 7.3 The ES of the OZP also stated that minor relaxation of BH restriction will be considered by the Board taking into account its own merits and the relevant criteria for consideration of such relaxation are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as 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 the 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.

8. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the Site falls within NKIL No. 905 RP. The parent lot, NKIL 905, with an area of 10,150ft² (i.e. about 942.96m²) is held under a Government Lease dated 4.4.1930 for a term of 75 years commencing on 1.7.1898 with a right of renewal for 24 years. The lease term has been extended up to 30.6.2047;
- (b) NKIL 905 was carved out into Section A (s.A) and the RP. NKIL 905s.A, with an area of about 120m², was resumed under the then Crown Lands Resumption Ordinance (Cap. 124) and reverted to the Crown on 25.5.1978. Currently, it forms the footpath of Waterloo Road. According to the Agreement as to Compensation and Indemnity dated 9.4.1980 entered among the then Director of Lands, Survey and Town Planning, the former owners and the mortgagee, the said Director undertook that upon redevelopment of the NKIL 905 RP, the area of s.A will be taken into account in calculating PR and SC; and
- (c) if the application is approved by the Board, the lot owner will need to apply for consent for the proposed redevelopment. However, there is no guarantee that the consent under lease shall be given, and if given by LandsD in the capacity of a landlord, it shall be subject to such terms and conditions, including the payment of premium, as may be considered appropriate by LandsD.

Building Matters

8.1.2 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) no in-principle objection under the Building Ordinance (BO) to the application subject to the submission of building plans to demonstrate compliance of BO and Building (Planning) Regulations (B(P)R);
- (b) applications for modification/exemption from B(P)R 23(3)(b), i.e. for GFA concession, shall be submitted with the building plans, with demonstration of compliance with relevant acceptance criteria, requirements, prerequisites, cap on GFA concession, etc. in the relevant Practice Notes for Authorized Persons (PNAPs);
- (c) in assessing whether the underground car park layout is reasonable and is not excessive for disregarding its area from GFA calculation under B(P)R 23(3)(b), the BA will make reference to the Hong Kong Planning Standards and Guidelines (HKPSG) and the advice of the Commissioner for Transport. Any excessive car parking spaces and associated spaces (i.e. ramp, driveway, etc.) should be included in GFA calculation;
- (d) justification shall be submitted for the proposed plant room types and sizes. The granting of GFA concessions for non-mandatory/non-essential plant rooms and services, etc. is subject to the compliance with the relevant acceptance criteria, requirements, prerequisites, cap on GFA concession, etc. in the relevant PNAPs; and
- (e) occupation by a single family shall be confirmed for consideration of FS Code application.

Fire Safety

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

- (a) no in-principle objection subject to fire service installations and water supplies for firefighting being provided to the satisfaction of D of FS;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) arrangement of the emergency vehicular access (EVA) shall comply with the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD.

Electricity and Gas Safety

8.1.4 Comments of the Director of Electrical and Mechanical Services

(DEMS):

- (a) there is an intermediate pressure underground natural gas pipeline running along Waterloo Road and Somerset Road in close vicinity of the Site;
- (b) the applicant should liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of the development. The applicant shall also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"; and
- (c) the applicant should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line with and/or in the vicinity of the Site. The applicant should note the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines".

Environment

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

- (a) has no objection to the application. The applicant is advised to follow the relevant requirements of the HKPSG regarding the environmental perspective;
- (b) based on the applicant's FI submissions (**Appendices Id and Ie**), there will be no odorous nor gaseous emission from the proposed ancillary plant room at basement level and relevant dust control measures stipulated in the Air Pollution Control (Construction Dust) Regulation would be implemented to minimise dust emission during construction process. Hence, adverse air quality impact arising from the proposed development is not anticipated;
- (c) insurmountable sewerage impact is not anticipated from the proposed development;
- (d) on noise, the subject site is next to Waterloo Road, including both the at-grade and flyover sections. Severe traffic noise impact is anticipated which nonetheless can be mitigated with measures such as proper building orientation, use of innovative noise mitigation

measures (e.g. acoustic windows and enhanced acoustic balconies);
and

- (e) should the application be approved, the following approval condition is suggested:

the submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Traffic

8.1.6 Comments of the C for T:

- (a) has no comment on the proposed relocation of vehicular access from Waterloo Road to Somerset Road and the proposed provision of car parking spaces from traffic engineering point of view; and
- (b) there is no further comment on the provision of a temporary L/UL space on ramp to car park on G/F taking into account that the L/UL activities will only take place within the Site and the Applicant will make suitable arrangement to ensure the L/UL activities will not obstruct the public footpath and carriageway.

Visual and Landscape Aspect

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

has no comment from visual impact point of view as the proposed use, development massing and intensity may not be incompatible with adjacent developments.

8.1.8 Comments of the CTP/UD&L, PlanD:

Urban Design

- (a) it is unlikely that the proposed increase in PR from 0.6 to 0.6862 will cause any significant change to the perceivable bulk of the resulting development. Accommodation of a basement storey will not create additional massing/bulk;

Landscape

- (b) has no objection on the application from the landscape planning point of view taking into account the revised landscape plan, design adjustments made at basement and ground level to enhance

preservation of the tree at Waterloo Road, justifications for felling of the tree at Somerset Road and tree compensation proposals;

- (c) should the application be approved, the following approval condition is suggested:

the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board;

- (d) the approval of the s.16 does not imply the approval of tree works (such as felling/transplanting or pruning) and/or requirements under the lease. Tree works applications should be submitted direct to LandsD for approval.

District Officer's Comments

- 8.1.9 Comments of the District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD):

DO(KC), HAD has no comment on the planning application and notes that PlanD has notified the interested Kowloon City District Council Members, the Lung Tong Area Committee as well as the Owners Committee/Mutual Aid Committees/management committees/residents of buildings near the Site on the planning application. The Board should take into account all the comments gathered in the decision making process. Should the application be eventually approved, the applicant should take appropriate measures to address the residents' concerns.

- 8.2 The following Government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Mainland South, Drainage Services Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Commissioner of Police; and
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

9. Public Comments Received During Statutory Publication Period

A total of 3 public comments were received during the first three weeks of the public inspection periods of the planning application and the FI published on 27.2.2018. The public comments were submitted by the Kowloon Tong Redevelopment Concern Group and two members of the public. The commenters raised objection to the application mainly on grounds that the proposed development would obstruct the sight line of the inhabitants of dwelling houses nearby and disfigure the landscape of the area, would cause traffic

impacts and security concerns for the military camp on the eastern side of Waterloo Road, and set an undesirable precedent.

10. Planning Considerations and Assessments

10.1 The application is for minor relaxation of PR and BH restrictions to facilitate a 4-storey house redevelopment at a PR of 0.6862. 'House' is always permitted under the "R(C)1" zone. The proposed minor relaxation of PR restriction from 0.6 to 0.6862 is to include the GFA arising from taking into account the previously resumed land. The minor relaxation of BH restriction from 3-storey to 4-storey is to allow for one basement floor for car parking and ancillary plant room use.

Relaxation of PR Restriction

10.2 The Site within "R(C)1" zone on the OZP is subject to PR restriction of 0.6. DLO/KE, LandsD confirmed that part of the original lot beyond the eastern boundary of the Site, currently being footpath of Waterloo Road in 'Road' area, was resumed by the Government for widening of Waterloo Road in 1978. According to agreement signed in 1980 between the Government and the then lot owner, upon redevelopment of the remaining portion of the Site, the resumed land (about 120m²) would be taken into account in calculating PR and SC (Appendix 6 of **Appendix Ia**). Inclusion of the additional GFA accountable from the resumed land (i.e. 120m² x PR of 0.6 = 72m²) would result in the PR of the Site exceeding the restriction under the OZP based on the current site area within the "R(C)1" zone. Hence, the applicant applied for minor relaxation of the PR from 0.6 to 0.6862 (increase of 14.37%).

10.3 The proposed minor relaxation in PR is acceptable as it is in line with the Government's existing practice that private land proposed for surrender for street widening could be included in the site area for PR calculation upon redevelopment, as reflected in the agreement signed in 1980. Adverse impacts due to the relaxation of PR are not anticipated and government departments consulted have no objection or adverse comments on the application.

Relaxation of BH Restriction

10.4 According to the ES, the construction of the basement should not cause any adverse impacts on the existing trees or deteriorate the distinctiveness of the area as a garden estate. The proposed addition of a basement floor for car parking and ancillary plant room use, with the above ground portion of the building remaining at 3 storeys is in line with the general BH profile of the adjacent developments ranging from 1 to 3 storeys and will not deteriorate the garden estate character (**Plan A-2**). CTP/UD&L, PlanD and CA/CMD2, ArchSD consider that the massing and intensity of the proposed development may not be incompatible with the surroundings.

Trees Preservation and Compensation Proposal

- 10.5 On impacts to existing trees, according to the revised landscape plan and tree felling plan (**Drawings A-7** and **A-8**), an existing mature tree at the northeast corner of the Site abutting Waterloo Road will be preserved (**Plan A-5**), while another tree abutting Somerset Road at the proposed main entrance will be fell due to its poor form and structure (Photo 2 at **Plan A-3**) and will be compensated by five new trees abutting the Waterloo Road boundary. The basement floor has been reduced to enlarge the planting area at-grade and to provide adequate growing space for the retained tree. CTP/UD&L, PlanD has no objection to the application having taken into account the revised landscape plan, design adjustments made at basement and ground levels to enhance preservation of the tree at Waterloo Road, justifications for felling of the tree at Somerset Road and tree compensation proposals. An approval condition on the submission and implementation of a landscape proposal including tree preservation proposal is suggested at paragraph 11.2.

Basement Size

- 10.6 The applicant indicated that as there is inadequate space to accommodate the ancillary E&M facilities including sprinkler tank, water tanks and fan rooms (as described in paragraph 2(e)) on the roof floor, they will be placed together with the car park at basement floor to reduce the overall building bulk and provide more at-grade greenery area. By doing so, there is design merit of more open area at-grade that will be released for landscaping purposes which will contribute to streetscape enhancement and will reduce the overall building bulk above ground. This is in line with the criteria for relaxation of BH as outlined in paragraphs 7.3(c) and (f) above.
- 10.7 The applicant has assumed in the scheme a total GFA concession of 626.855m². CBS/K, BD advised that the granting of GFA concessions will be considered during building plan submission stage. In this regard, an advisory clause is suggested in **Appendix V** to advise the applicant that if the area of GFA concessions assumed in this application is not granted by the BA with the resultant PR exceeding the PR applied for, a fresh application to the Board would be required.

Planning and Design Merits

- 10.8 Compared with the previous rejected application (A/K18/297), the applicant has made efforts to address the Board's concerns regarding planning and design merits for proposed relaxation of BH restriction as highlighted in paragraph 4.2 in that it proposed to preserve the more mature tree at the northeast corner of the Site, reserve space around the tree in the basement and ground levels to enhance its preservation, and provide a tree compensation proposal for felling of the tree at the southern boundary of the Site. It has also provided justifications for the size of the ancillary E&M facilities to be provided in the basement, which may otherwise have to be provided on above ground level which would increase the building bulk.

Technical Aspects

- 10.9 On traffic aspects, C for T has no comment on the proposed relocation of vehicular access from Waterloo Road to Somerset Road, and the provision of car parking spaces and temporary L/UL space for goods vehicles from the traffic point of view. Other relevant departments have no adverse comments on the application, and the proposed development is not expected to have adverse impacts on environment, geotechnical, drainage, sewerage and electricity and gas safety of the surrounding areas.

Previous and Similar Applications

- 10.10 All rejected previous applications involved uses which were considered not in line with the planning intention of the “R(C)1” zone, e.g. petrol and/or liquefied petrol filling station, gymnasium and retail shops, and hotel uses. For the hotel application which also involved minor relaxation of PR and BH restrictions, the assessment in paragraph 10.8 is relevant. As for similar applications involving minor relaxation in BH for additional basement floor, the Committee had previously approved all 12 similar applications in the past 8 years for reasons that the additional basement floor would not cause significant impacts on the environment, drainage, traffic, visual and infrastructure, and would in turn allow more greening within the site to enhance the local amenity.

Public Comments

- 10.11 Regarding the public comments objecting to the application mainly on grounds of visual impact and undesirable precedent, comments from CA/CMD2, ArchSD and CTP/UD&L, PlanD at paragraphs 8.1.7 and 8.1.8 and the above paragraphs are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.8.2022, 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 approval conditions and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the design and provision of vehicular access, car parking spaces and loading/unloading space for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;

- (c) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (d) the submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Advisory Clauses

The suggested advisory clauses are at **Appendix V**.

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

there are insufficient planning and design merit to justify the proposed relaxation of building height restriction.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application Form received on 13.2.2018
Appendix Ia	Planning Statement received on 13.2.2018
Appendix Ib	Supplementary Information dated 22.2.2018
Appendix Ic	Supplementary Information dated 23.2.2018
Appendix Id	FI 1 received on 2.5.2018
Appendix Ie	FI 2 received on 15.5.2018
Appendix If	FI 3 received on 15.6.2018
Appendix Ig	FI 4 received on 20.7.2018
Appendix Ih	FI 5 received on 25.7.2018
Appendix Ii	FI 6 received on 25.7.2018
Appendix II	Previous applications on the Site
Appendix III	Similar s.16 applications within "R(C)1" Zone on the Kowloon

Appendix IV	Tong OZP
Appendix V	Public comments received
Drawings A-1 to A-8	Suggested Advisory Clauses
Plan A-1	Plans submitted by the applicant
Plan A-2	Location Plan
Plans A-3 to A-5	Site Plan
Plan A-6	Site Photos
	Aerial Photo

**PLANNING DEPARTMENT
AUGUST 2018**