

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K18/331

- Applicant** : Gold Palace Limited represented by Kenneth To & Associates Limited
- Site** : 7 Lincoln Road, Kowloon Tong, Kowloon
- Site Area** : About 724.92m²
- Lease** (a) New Kowloon Inland Lot (NKIL) No. 715 with a lease up to 30.6.2047
(b) Subject to the following main restrictions:
(i) a messuage or dwelling house;
(ii) front and range clause; and
(iii) non-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) provision 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.
- Application** : Proposed 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 for the permitted house development

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of BH restriction 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 BH restriction to allow for 1 storey of basement for use as car park and/or ancillary plant room may be permitted on application to the Town Planning Board (the Board).

- 1.2 The main entrance and vehicular access will be at Lincoln Road. A 6m setback along Lincoln Road and Cumberland 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**).
- 1.3 The major development parameters of the proposed development are as follows:

Development Parameters	Proposed Scheme
Site Area	724.92m ²
Gross Floor Area (GFA)*	Not more than 434.95m ² (excluding GFA concession of 265m ² for car parking spaces and ancillary plant rooms on B/F)
PR	0.6
Site Coverage	Not more than 75%
No. of Storeys	4 (3 domestic storeys over 1 basement for car park and ancillary plant rooms)
BH (at roof level) (in mPD)	22.67mPD
No. of Car Parking Spaces	3 (including 2 on B/F and 1 for visitor on G/F)
No. of Loading/Unloading (L/UL) Bay	1 (temporary provision for light goods vehicle (LGV) on G/F)

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

Landscaping

- 1.4 There are currently no existing trees within the Site. According to the landscape proposal (Appendix 2 in **Appendix Ia**) and landscape master plan (LMP) (**Drawing A-6**), landscape plantings will be planted near entrance and site boundary line to soften hard edges and maximise environmental benefits to the surroundings. Greenery will also be incorporated into the building such as curvilinear planter connecting different floors to soften the building mass (**Drawings A-7 to A-9**). An overall greenery ratio of not less than 25% is proposed.
- 1.5 In support of the application, the applicant has submitted the following documents:

- | | | |
|-----|---|----------------------|
| (a) | Application form received on 16.4.2019 | (Appendix I) |
| (b) | Supporting planning statement received on 16.4.2019 | (Appendix Ia) |
| (c) | Further Information (FI) received on 24.5.2019 | (Appendix Ib) |

- 1.6 Plans including floor layout plans, section drawing and landscape plans submitted by the applicant are shown in **Drawings A-1 to A-9**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are provided in the supporting planning statement at **Appendix Ia** and FI in **Appendix Ib**. They are summarised as follows:

Planning Intention

- (a) the proposed house redevelopment is in line with the planning intention of the “R(C)1” zone. The ample greenery opportunities at the Site is also in line with the Kowloon Tong Garden Estate (KTGE) concept, and the innovate building design will also add visual interest to the neighbourhood;

Reduction in Above Ground Building Bulk

- (b) the proposal will provide the opportunity for a smaller building bulk while allowing the provision of a larger greenery/landscaping area. All essential plant rooms are proposed to be located at basement instead of on roof top level so that a clean roof form can be created and the environment of the neighbourhood area will be further enhanced;
- (c) the proposed development has adopted a more free-form design approach and set back from Lincoln Road and Cumberland Road to allow more visual connections at ground level. Together with stepped terrace design, ample greenery is introduced at different levels and carry through the whole building from various flat roofs and extend to ground level;

Disposition and Extent of Proposed Basement are Well Justified

- (d) the proposed basement is disposed near the scavenging lane and set back from Lincoln Road in order to minimise the nuisance to the neighbourhood during construction and for connection to the existing underground utilities provision in the vicinity of the Site;
- (e) the proposed basement will accommodate ancillary plant rooms (including main switch room, potable flushing water pump room, fire services pump room and fire services water tank) and two car parking spaces with adequate manoeuvring spaces and circulation spaces. Its size is devised based on the functional, building services, geotechnical and structural design requirements of the proposed house;

No Adverse Environmental Impacts

- (f) carpark ventilation will be provided in order to control the air quality as stipulated in the ProPECC PN 2/96. The carpark ventilation will be designed, with simple

monitoring system and considered to bring the air pollutants away and in such a manner that not to cause nuisance to the occupants in the building;

- (g) to minimise air quality impact arising from the construction phase of the development, dust suppression measures stipulated in the Air Pollution Control (Construction Dust) Regulation will be incorporated to control dust emission. With the implementation of the dust suppression measures, unacceptable construction dust impact would not be anticipated;

In Line with the Relevant Criteria for Consideration of Minor Relaxation of BH Restriction

- (h) the proposed house development responds to the relevant criteria for consideration of minor relaxation of BH restriction, including the adoption of innovative building design to add visual interest to the neighbourhood, introduction of stepped terrace design to enhance visual permeability at pedestrian level, provision of ample greening to enhance the amenity of the development and the neighbourhood. All the design merits will bring about improvements to townscape and amenity of the locality; and

In Line with Previous Decisions of the Board

- (i) there are a number of planning applications for minor relaxation of BH restriction from 3 to 4 storeys at “R(C)1” zone to include one level of basement previously approved by the Board. Hence, approval of the current application will be in line with the previous decisions of the Board.

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

The Site is not subject to any previous application.

5. Similar Applications

There are 17 similar applications (involving 13 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**). 13 applications (involving 12 sites) considered between 2006 to 2018 were approved with conditions, mainly for reasons that the proposals would allow more tree planting opportunities 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 summarised at **Appendix II**.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2 and site photos on Plans A-3)

6.1 The Site:

- (a) is currently occupied by a 2-storey domestic house;
- (b) is located at the junction of Lincoln Road and Cumberland Road, with vehicular access at Lincoln Road in the south; and
- (c) two NBAs of 6m-wide abutting Lincoln Road and Cumberland 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 institutions 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 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. 715, which has a site area of about 7,803ft². The lot is governed by a Government lease dated 8.5.1930 and the lease term has been extended up to 30.6.2047. The Government lease contains, inter alia, the following salient conditions:
 - (i) the lessee will keep and maintain on the lot a message or dwelling house during the whole of the lease term;
 - (ii) front and range clause;
 - (iii) the lessee shall not nor will at any time during the continuance of the lease term erect any other message or dwelling house on the lot or any part thereof without the consent in writing of the Director of Public Works had and obtained in that behalf; and
 - (iv) non-offensive trade clause.

- (b) if the application is approved by the Committee, the lot owner has to apply for consent for the proposed redevelopment as per paragraph 8.1.1(a)(iii) above. However, there is no guarantee that the consent shall be given, if given by LandsD in the capacity of a landlord, it shall be subject to such terms and conditions, including payment of premium and administrative fee as may be considered appropriate by LandsD at its sole discretion.

Building Matters

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

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

Environment

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

- (a) has no objection to the application;
- (b) on air quality, it is noted that there will not be any odorous or gaseous emissions from the proposed ancillary plant room at basement level and no industrial chimney is identified within 200m

from the Site. As such, adverse air quality impact arising from the proposed development is not anticipated;

- (c) on noise, adverse noise impact associated with the proposed development is not anticipated. Nevertheless, the applicant is advised that the planning and design of the subject development should follow the relevant requirements stipulated in the HKPSG to avoid causing any noise problem to the future residents; and
- (d) on sewerage, in view of the scale of the proposed development, adverse sewerage impact arising from the proposed development is not anticipated.

Traffic

8.1.4 Comments of the C for T:

- (a) has no adverse comment on the proposed provision of car parking spaces from traffic engineering point of view;
- (b) the applicant should provide a permanent L/UL bay instead of a temporary one within the Site. Such provision should also be shown on the general building plans; and
- (c) to address the above, should the application be approved, the following approval condition is suggested:

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

Visual and Landscape Aspects

8.1.5 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.

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

it is noted from the applicant's submission that no existing tree is observed within the Site, as such, adverse landscape impact caused by the proposed minor relaxation of BH is not anticipated.

Fire Safety

8.1.7 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; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Electricity and Gas Safety

8.1.8 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) there is an intermediate pressure underground town gas transmission pipeline running along Cumberland Road in the close vicinity of the Site. The applicant shall therefore 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 setback distance away from them during the design and construction stages of development. The applicant shall also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Damage to Gas Pipes"; and
- (b) 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".

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**

The application was published for public inspection on 26.4.2019. During the first three weeks of the statutory public inspection, which ended on 17.5.2019, no public comment was received.

10. **Planning Considerations and Assessments**

- 10.1 The current application is for minor relaxation of BH restriction to facilitate the construction of one basement floor for accommodating two car parking spaces and some ancillary plant rooms in a 4-storey house.
- 10.2 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 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. Such provision is to allow design flexibility for development with planning and design merits. Moreover, the construction of the basement should not cause any adverse impacts to the existing trees or deteriorate the distinctiveness of the area as a garden estate.
- 10.3 The proposed house will be set back from Lincoln Road and Cumberland Road by 6m to comply with the NBA requirement under the draft Kowloon Tong ODP No. D/K18/1A (**Plan A-2**). The proposed development has also incorporated a number of special design elements including free-form building design and stepped terrace design with greenery (**Drawings A-6 to A-9**). The applicant indicated that the proposal will allow for smaller building bulk above ground; provision of larger greenery area; and by providing all essential plant rooms at basement instead of on roof top level, a clean roof form can be created. The proposal is considered to have design merits and would enhance the environment of the neighbourhood area.
- 10.4 According to the landscape proposal, landscape plantings will be planted near entrance and site boundary line to soften hard edges and maximise environmental benefits to the surroundings. Greenery will also be incorporated into the building

such as curvilinear planter connecting different floors to soften the building mass. CTP/UD&L, PlanD noted that no existing tree is observed within the Site and adverse landscape impact caused by the proposed development is not anticipated. In view of the above, the proposal is in line with the criteria for relaxation of BH as outlined in paragraphs 7.3(c) and (f) above.

- 10.5 The proposed car parking and plant room uses in the basement floor will have insignificant impacts on the environment, drainage, traffic, visual and the planned infrastructure on the surrounding areas. Relevant Government departments have no objection to or adverse comments on the application.
- 10.6 13 similar applications at 12 sites involving minor relaxation in BH for additional basement floor in the past 13 years were approved by the Committee with similar circumstances as the subject application. Approval of the current application is not inconsistent with previous decisions of the Committee on similar approvals.
- 10.7 The applicant has assumed in the scheme a total GFA concession of 265m². 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 III** 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 OZP restriction, a fresh application to the Board would be required.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10, 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 31.5.2023, 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 facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (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.

Advisory Clauses

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

- 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 merits 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 16.4.2019
Appendix Ia	Supporting Planning Statement received on 16.4.2019
Appendix Ib	FI received on 24.5.2019
Appendix II	Similar s.16 applications within "R(C)1" Zone on the Kowloon Tong OZP
Appendix III	Suggested Advisory Clauses
Drawings A-1 to A-9	Plans submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3	Site Photos

**PLANNING DEPARTMENT
MAY 2019**