

MPC Paper No. A/K18/333  
For Consideration by  
the Metro Planning Committee  
on 20.9.2019

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K18/333**

- Applicant** : Idealtime Holdings Limited represented by Great Mega Design & Build Limited
- Site** : 147 Waterloo Road, Kowloon Tong, Kowloon
- Site Area** : About 822.966m<sup>2</sup>
- 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 BH restriction from 3 to 4 storeys to allow for one storey of basement for three car parking spaces and ancillary plant room use, and minor relaxation of PR restriction from 0.6 to 1.013 for a permitted house development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed minor relaxation of PR restriction from 0.6 to 1.013 for developing a house at the application site (the Site)

**(Plan A-1).** Minor relaxation of BH restriction from 3 to 4 storeys is also sought to allow for one storey of basement for car parking and ancillary plant room use. 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, minor relaxation of PR and BH restrictions may be considered by the Town Planning Board (the Board) on application.

- 1.2 The Site is the subject of a previous application (No. A/K18/326) for minor relaxation of PR restriction (from 0.6 to 0.6862) and BH restriction (from 3 to 4 storeys) also for a house development with one basement storey, and was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 3.8.2018. Under the approved scheme, the applicant claimed the additional GFA accountable from the resumed land (i.e.  $120m^2 \times PR \text{ of } 0.6 = 72m^2$ ) which resulted in a PR of 0.6862.
- 1.3 For the current scheme, the applicant proposed additional PR making reference to method for calculating bonus PR under Building (Planning) Regulation (B(P)R) 22(2) (i.e. 5 times the resumed land divided by site area). Under the Notes of the OZP for “R(C)” zone, there is no provision to permit bonus PR that may be approved by Building Authority (BA) under B(P)R exceeding the stated PR restriction on the OZP, and application to the Board for relaxation of PR restriction is required.
- 1.4 The major development parameters of the current scheme are summarised below. A comparison of the major development parameters of the approved scheme and current scheme is at **Appendix II** for reference.

<b>Development Parameters</b>	<b>Previously Approved Scheme under Application No. A/K18/326</b>	<b>Current Scheme</b>
Site Area	822.966m <sup>2</sup> <i>(excluding resumed land of 120m<sup>2</sup>)</i>	822.966m <sup>2</sup> <i>(excluding resumed land of 120m<sup>2</sup>)</i>
Total Gross Floor Area (GFA)*	564.726m <sup>2</sup> <i>(excluding GFA concession of 626.855m<sup>2</sup> for basement and independent staircases, void area and flush water tank room on other floors)*</i>	<del>843.043</del> <b>834.043</b> m <sup>2</sup> <i>(excluding GFA concession of 522.401m<sup>2</sup> for basement and independent staircases, void area and flush water tank room on other floors)*</i>
PR	0.6862	1.013
SC	About 36.67%	About 38.05%
No. of Storeys	4 (3 domestic storeys # over 1 basement for car park and ancillary plant rooms)	4 (3 domestic storeys over 1 basement for car park and ancillary plant rooms)
BH (at roof level) (in	36.5mPD/ 11.9m above ground	35.6mPD/ 11m above ground

mPD/m)	(main flat roof at 33.1mPD / 8.5m above ground)	
BH (at upper roof level) (in mPD/m)	No upper roof level	40.1mPD/ 15.5m above ground
Floor-to-floor Height (m)	3.6m for B/F, and 3.4m to 4m for G/F to 2/F	4.05m for B/F, and 2.8m to 4.2m for G/F to 2/F
No. of Car Parking Spaces	- 2 ancillary car parking spaces - 1 accessible/visitor car parking space	- 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)	- 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.

# The 2/F level in the approved scheme is the main flat roof level, with only a small activity room, flush water tank room, lift and stairs (see **Drawing A-9**).

- 1.5 The main entrance and vehicular access are proposed at Somerset Road. 6m-wide setbacks along both Waterloo Road and Somerset Road are 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**).
- 1.6 An existing mature tree at the northeast corner of the Site abutting Waterloo Road will be preserved (**Plans A-3**). Five new trees will be planted within the Site abutting Waterloo Road (**Drawing A-6**).
- 1.7 In support of the application, the applicant has submitted the following documents:
- |     |  |                      |
|-----|--|----------------------|
| (a) | Application form received on 20.6.2019   | <b>(Appendix I)</b>  |
| (b) | Supplementary information received on 25.6.2019  | <b>(Appendix Ia)</b> |
| (c) | Further Information (FI) received on 2.8.2019 (FI 1) providing responses to departmental comments and revised layout plans<br><i>(not exempted from publication and recounting requirements)</i> | <b>(Appendix Ib)</b> |
| (d) | FI received on 4.9.2019 (FI 2) submitting revised floor layout plans   | <b>(Appendix Ic)</b> |
| (e) | FI received on 6.9.2019 (FI 3) providing clarifications in relation to greening coverage   | <b>(Appendix Id)</b> |
| (f) | FI received on 16.9.2019 (FI 4) providing clarifications in relation to the calculation of GFA concession as shown on Drawing A-10   | <b>(Appendix Ie)</b> |

- 1.8 Plans including floor layout plans, section drawing, excavation plan, existing tree plan and photomontages submitted by the applicant are shown in **Drawings A-1 to A-14**.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are provided in the application form at **Appendix I**, supplementary information at **Appendix Ia**, and FI at **Appendices Ib to Ie**. They are summarised as follows:

### *Planning Intention*

- (a) the Site will be redeveloped into a single family house. The proposed minor relaxation of BH and PR restrictions will not deviate from the planning intention of “R(C)1” as the resultant development will still be a low-density residential building;

### *Resumed Land*

- (b) part of the original lot (about 120m<sup>2</sup>) was resumed by the government for widening of Waterloo Road in 1978 and is currently shown as ‘Road’ on the OZP (resumed land). 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);

### *Previous Application*

- (c) planning permission was granted on 3.8.2018 under the previous planning application No. A/K18/326 for minor relaxation of BH from 3 to 4 storeys to include one storey of basement for car parking and ancillary plant room use, and minor relaxation of PR from 0.6 to 0.6862, to include the additional GFA accountable from the strip of resumed land;

### *Bonus PR*

- (d) under B(P)R 22(2), the owner of the Site is entitled to claim bonus PR that is equal to 5 times of surrendered area divided by site area (i.e.  $5 \times 120\text{m}^2 / 822.966\text{m}^2 = 0.729$ ). The maximum PR that the Site can develop up to is 1.329 (i.e. PR of 0.6 + Bonus PR of 0.729);
- (e) in connection with the Government’s policy as mentioned above, the current application proposes a further relaxation of PR to 1.013;
- (f) with reference to Gazette No. 8/1978, only 9 other lots along Waterloo Road (including 1 Suffolk Road, 2 Somerset Road, 149, 153, 155, 157, 159, 161 and 163 Waterloo Road) in the Kowloon Tong area were involved in land resumption for street widening in 1978 (**Plan A-3**). It is unlikely that the current minor relaxation of PR restriction for claiming bonus PR will set undesirable precedent to other lots except those as mentioned above;

*Basement Size*

- (g) the proposed basement floor is to provide (i) essential car parking area (including 2 ancillary car parking spaces and 1 visitor/accessible car parking space) with adequate space for car maneuvering, (ii) plant room area (including sprinkler tank and FS tank for FSI provision, water tanks for supporting indirect feed potable water and flush water system, make up fan room and exhaust fan room for providing air ventilation), and (iii) area surrounding the machineries for maintenance works;
- (h) the building bulk would be reduced by accommodating the E&M facilities and water tanks at basement floor instead of the roof floor;
- (i) the proposed basement area has been minimised in size with unexcavated area to provide adequate space for tree planting and preservation;

*Compatibility with Surroundings*

- (j) the existing house at the adjacent site (i.e. 1 Somerset Road), with a BH of 35.3mPD, is the tallest building in the area. The proposed house, with a BH of 35.6mPD, is compatible with the surrounding buildings and will not impose adverse visual impact;

*Landscape Aspect*

- (k) the at-grade greening coverage is same as that under the approved scheme (i.e. 15.9%). Additional greening area of about 124m<sup>2</sup> (i.e. 15.1%, mainly shrubs and ground covers) is proposed at main roof level under the current scheme;

*Technical Considerations*

- (l) there are site constraints to provide a permanent L/UL space within the Site. However, a temporary L/UL space will be provided within the Site to cater for infrequent delivery needs. All delivery can be arranged at non-peak hours (e.g. 10:00 to 14:00 and 17:00 to 20:00) so that no adverse impact will be caused to the pedestrian and vehicular traffic on Somerset Road during morning and afternoon school peak hours; and
- (m) no adverse environmental impact is anticipated.

**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 Applications**

- 4.1 There are eight previous applications in respect of the Site; seven of them were rejected while one was approved with conditions by the Committee/Board. For the rejected applications, six of them are for proposed petrol and/or liquefied petroleum

gas (LPG) 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<sup>1</sup> and L/UL facilities, traffic impact, felling of mature trees and setting of undesirable precedent etc.

- 4.2 One rejected application is for proposed hotel development (No. A/K18/297) with minor relaxation of PR restriction (from 0.6 to 0.68) to accommodate the GFA accountable from the resumed land 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 (from 3 to 4 storeys), in that all trees on the site will be felled and there was no tree compensation proposal nor proposal to improve the landscape design.
- 4.3 The only approved application in respect of the Site is for minor relaxation of PR restriction (from 0.6 to 0.6862) to accommodate the GFA accountable from the resumed land, and minor relaxation of BH restriction (from 3 to 4 storeys) to allow for one storey of basement for carpark and ancillary plant room use for a permitted house development (No. A/K18/326). Under the approved scheme, the applicant claimed the additional GFA accountable from the resumed land (i.e.  $120\text{m}^2 \times 0.6 = 72\text{m}^2$ ). In support of that application, the applicant provided justifications for the size of the ancillary E&M facilities to be provided in the basement, which may otherwise have to be provided above ground and would increase the building bulk. The applicant also indicated that the basement floor was reduced to enlarge the at-grade planting area and to provide adequate growing space for the retained tree. The application was approved with conditions by the Committee on 3.8.2018 mainly for reasons that there would be more tree planting and enhancement in local amenity, and insignificant impacts on visual and other technical aspects. Details of all previous applications are summarised at **Appendix III**.

## 5. Similar Applications

### Relaxation of PR

- 5.1 There are no similar applications for minor relaxation of PR restriction for house use within “R(C)1” zone on the Kowloon Tong OZP.
- 5.2 There is an application for residential care home for the elderly (RCHE) use with minor relaxation of PR from 0.6 to 0.8 which was rejected by the Committee on

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<sup>1</sup> For applications involving proposed petrol and/or LPG filling station with vehicular access proposed at Waterloo Road.

22.2.2019 on grounds of no strong planning justifications, setting of undesirable precedent and cumulative effect of approving such applications would adversely affect the existing character and may lead to excessive development in the area.

#### Relaxation of BH

5.3 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 2019 were approved by the Committee/the Board 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 summarised at **Appendix IV**.

### **6. The Site and Its Surrounding Areas (Plans A-1 to A-3, site photos on Plans A-4 to A-6)**

#### 6.1 The Site:

- (a) is currently vacant;
- (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 (**Plan A-4**); 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 Kowloon Tong Garden Estate (KTGE) which is a low-rise, low-density residential area (**Plans A-5 and A-6**). Existing developments are generally 1 to 3 storeys in height and pre-dominantly with PRs from 0.3 to 0.6 and SCs from 23% to 30%;
- (b) there are 9 other sites along Waterloo Road that were involved in land resumption for street widening in 1978 with similar agreement from

Government that the resumed land may be taken into account in PR and SC calculating upon redevelopment (**Plans A-3 and A-6**). Majority of these sites have not been redeveloped since the land resumption in 1978; and

- (c) there are residential uses and some non-residential uses including schools, religious institution, wedding venues 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 10,150ft<sup>2</sup> (i.e. about 942.96m<sup>2</sup>) 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 less 3 days. 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 120m<sup>2</sup>, 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 would be taken into account in calculating PR and SC. The claiming of any bonus PR under B(P)R is not stated under the agreement. The inclusion of the s.A with an area of about 120m<sup>2</sup> for PR calculation is acceptable from land administration perspective; 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 would 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 and administrative fee, 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) application for bonus PR and SC under the BO is not required as the proposed PR and SC do not exceed the maximum permitted under BO;
- (c) 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);
- (d) 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 (C for T). Any excessive car parking spaces and associated spaces (i.e. ramp, driveway, etc.) should be included in GFA calculation;
- (e) 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
- (f) 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 (GBP); 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.

## **Environment**

### 8.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) has no in-principle objection to the application from the environmental perspective;
- (b) there will be no change in type of the proposed development which will remain as a single family house and the number of occupants will not be increased subsequent to the proposed relaxation of PR as compared to the previous application (No. A/K18/326). On this basis, insurmountable environmental impact associated with the proposed development is not anticipated; and
- (c) nevertheless, given the layout of the proposed development in the current application has been changed which may affect the noise impact associated with the proposed development, the applicant should confirm no adverse noise impact will be associated with the proposed development in the submission of a Noise Impact Assessment (NIA) and implement the noise mitigation measures as identified NIA. Similar to the previous application, should the application be approved, the following approval condition is suggested:

the submission of a NIA and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the DEP or of the Town Planning Board.

## **Traffic**

### 8.1.5 Comments of the C for T:

no further comment on the proposed provision of car parking spaces and L/UL bay from traffic engineering point of view.

## **Visual and Landscape Aspect**

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

the proposed use, development massing and intensity may not be incompatible with adjacent 3-storey developments.

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

Urban Design

- (a) it is noted that the BH of the proposed house has been adjusted from 37.1mPD in the original submission to 35.6mPD in FI 1. However, the applicant has not provided any design merits attributed to the proposed increase in PR and BH;
- (b) for the photomontages submitted, the one which shows the proposed house in relation to the existing low-rise building (which is currently occupied by various commercial uses) on the opposite side of the Somerset Road (i.e. 2 Somerset Road) seems to give an impression that the proposed house fit in with the built character of the area. Nevertheless, if comparing to the existing lower scale houses in the KTGE, the overall proportions of the proposed house are generally more bulky;
- (c) there is doubt on the accuracy of two of the photomontages prepared in relation to the viewing points from the ramp going up the Waterloo Road's flyover. The adjacent house to the immediate west of the Site (i.e. 1 Somerset Road) should form part of the scene; and

Landscape

- (d) has no objection on the application from the landscape planning point of view taking into account that the proposed development is not incompatible to the landscape character of the surrounding environment, and significant changes and disturbance to the existing landscape resource is not anticipated.

**District Officer's Comments**

8.1.8 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; and
- (d) Commissioner of Police.

## **9. Public Comments Received During Statutory Publication Period**

A total of 13 public comments were received during the first three weeks of the public inspection periods of the planning application and the FI published on 9.8.2019 (**Appendix V**). The public comments were submitted by a group of teachers from Kowloon Tong schools, and individual lot owners in the Kowloon Tong area. All commenters supported the application mainly for reasons that the redevelopment proposal would fully utilise the Site, and regenerate and enhance the townscape of the KTGE which has a number of dilapidated houses. Some commenters also opined that the PR and BH restrictions as stipulated under the OZP are too stringent and lot owners are often reluctant to carry out redevelopments due to the lack of development potential. If the PR and BH restrictions could be relaxed, more redevelopments would be initiated, which would contribute to creating a better townscape.

## **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 1.013. 'House' is always permitted under the "R(C)1" zone. The relaxation of PR restriction from 0.6 to 1.013 is to include additional PR which the applicant calculated making reference to bonus PR under B(P)R 22(2). The 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.

10.2 The Site is the subject of a previous approved application (No. A/K18/326) for permitted house use with relaxation of PR restriction (from 0.6 to 0.6862) (i.e. 14% relaxation) to include the GFA arising from taking into account the resumed land (i.e.  $120\text{m}^2 \times \text{PR of } 0.6 = \text{additional GFA of } 72\text{m}^2$ ), and BH restriction (from 3 to 4 storeys) to allow one basement floor for car park and ancillary plant rooms. As compared with the approved scheme, the extent of PR relaxation being sought under the current application is substantially increased to 69% (from 0.6 to 1.031). The BH relaxation currently sought is the same as the approved scheme.

### **Relaxation of BH Restriction**

10.3 The proposed relaxation of BH is for addition of a basement floor for car parking and ancillary plant room use. The proposed basement size is smaller in the current

application<sup>2</sup> and is in the mid-range of those in other approved similar applications (**Appendix IV**). Under both approved and current schemes, the applicant claimed that the proposed basement size has been minimised with a strip of unexcavated area along Waterloo Road (within the 6m NBA) to provide adequate space for preserving an existing tree and planting five new trees. The applicant did not submit a landscape proposal under the current application but clarified that the at-grade greenery coverage is same as the approved scheme, i.e. 15.9%. In view of the above, the current BH relaxation sought is considered in line with the criteria as outlined in paragraphs 7.2 and 7.3 above.

#### Relaxation of PR Restriction

- 10.4 Under B(P)R 22(2), site owner may apply to the BA for bonus PR for area surrendered for the purpose of street widening. The applicant claimed that the maximum PR that the Site can be developed up to is 1.329 (i.e. PR of 0.6 + Bonus PR of 0.729). The applicant currently proposed a PR of 1.013, i.e. relaxation of PR by 69%. DLO/KE, LandsD indicated the claiming of any bonus PR under B(P)R is not stated under the agreement as explained in paragraph 8.1.1(b). CBS/K, BD has no in-principle objection from building regulation perspective and advised that application for bonus PR and SC under BO is not required for the Site as the proposed PR of 1.013 and SC of 38% do not exceed the maximums permitted under BO (i.e. 3.75 and 75%).
- 10.5 The Site is a prominent corner site at Somerset Road and Waterloo Road, with the latter serving as a major view corridor of the Kowloon Tong area. As seen from the submitted photomontages (**Drawings A-11 to A-14**), the proposed house with a PR of 1.013 and SC of 38% is much more bulky and out of scale as compared to the surrounding developments that are generally at PRs of 0.3 to 0.6, SCs of 23% to 30% and BHs of 2 to 3 storeys above ground, and is visually imposing when viewed from Waterloo Road. Compared to the approved scheme in which the 2/F level is the main flat roof level with only a small activity room, flush water tank room, lift and stairs, the 2/F level under the current scheme will accommodate family rooms and study room that occupy the entire floor plate and would result in a more bulky built form. A roof-top structure is proposed in the current scheme which further increases the building bulk and the absolute height of the building (**Drawings A-8 and A-10**). Other than setting back the building from Waterloo Road and Somerset Road within the NBA as required under the ODP and providing landscape treatments thereat, the applicant has not provided any strong planning and design merit in support of the relaxation of PR nor measures to mitigate the visual impacts brought by the proposed relaxation. CA/SMD2, ArchSD considers the proposed development's massing and intensity may not be incompatible with the adjacent developments, while CTP/UD&L, PlanD considers the proposed building generally more bulky in the local context.
- 10.6 The proposed 69% relaxation of PR to 1.013 is excessive. The Committee/Board has not approved any previous applications in the Kowloon Tong area for any

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<sup>2</sup> The proposed basement size under the approved and current applications are about 586m<sup>2</sup> and 462m<sup>2</sup> respectively.

relaxation of PR other than the previous application at the Site involving 14% relaxation. An application for a RCHE at the “R(C)1” zone with proposed 33% relaxation of PR to 0.8 was recently rejected by the Committee on grounds of no strong planning and design merits, undesirable precedent and cumulative effect. In addition to the Site, there are 9 other sites along this stretch of Waterloo Road that were involved in land resumption for street widening in 1978 with similar agreement with Government for including the resumed land for PR and SC calculation upon redevelopment (**Plan A-3**). Approval of the subject relaxation of PR incorporating the applicant’s claim that it is entitled to bonus PR under B(P)R without exceptionally strong planning and design merits will inevitably create precedent effect on these lots along Waterloo Road as well as other lots within KTGE. The cumulative effect of approving similar applications with excessive building bulk without properly mitigating the visual impact would change the existing character of the residential neighbourhood in the KTGE.

- 10.7 Under the “R(C)” zone, there is no provision to permit bonus PR that may be applied for under B(P)R resulting in a development with PR exceeding the stated PR on the OZP, and any any proposed relaxation of PR is subject to approval by the Committee based on the individual planning and design merits. Under the current application, the applicant has failed to demonstrate effort in adopting innovative building design and further maximising greening opportunities and enhancing the amenity of the public realm in order to mitigate the visual impact brought by the increased building bulk and height. Overall, there are no apparent planning and design merits to support the proposed 69% relaxation of PR.
- 10.8 Regarding the public comments in support of the application mainly for reasons that the stated PR and BH restrictions on the OZP are too stringent and relaxation of these restrictions would facilitate the regeneration and enhancement of the KTGE townscape, the assessment in paragraphs 10.3 to 10.7 is 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 does not support the application for the following reasons.
  - (a) the proposed relaxation of plot ratio restriction is excessive and the applicant fails to provide planning and design merits in support of the application; and
  - (b) the approval of the application would set an undesirable precedent for similar applications within the “R(C)1” zone. The cumulative effect of approving such applications with excessive building bulk adversely impact the existing character of the Kowloon Tong Garden Estate.
- 11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.9.2022, 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 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;
- (d) 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
- (e) the provision of greening ratio of not less than 15.9% at grade and 15.1% at main roof level as proposed by the applicant to the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

**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**

<b>Appendix I</b>	Application Form received on 20.6.2019
<b>Appendix Ia</b>	Supplementary Information received on 25.6.2019
<b>Appendix Ib</b>	FI 1 received on 2.8.2019
<b>Appendix Ic</b>	FI 2 received on 4.9.2019
<b>Appendix Id</b>	FI 3 received on 6.9.2019
<b>Appendix Ie</b>	FI 4 received on 16.9.2019
<b>Appendix II</b>	Major development parameters of the approved scheme and current scheme
<b>Appendix III</b>	Previous s.16 applications within the Site
<b>Appendix IV</b>	Similar s.16 applications within “R(C)1” zone on the Kowloon Tong OZP
<b>Appendix V</b>	Public comments received
<b>Appendix VI</b>	Suggested advisory clauses
<b>Drawings A-1 to A-14</b>	Plans and photomontages submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2 to A-3</b>	Site Plans
<b>Plans A-4 to A-6</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2019**