

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K18/334

- Applicant** : City Concept Ltd. represented by PlanArch Consultants Ltd.
- Site** : 14 Cornwall Street, Kowloon Tong, Kowloon
- Site Area** : About 1,299m²
- Lease** (a) New Kowloon Inland Lot (NKIL) No. 2732 with a lease up to 30.6.2047
(b) Subject to the following salient conditions:
(i) private residential purposes;
(ii) subject to a lease term extended up to 30 June 2047;
(iii) one block of flats of European type not exceeding 7 storeys;
(iv) a maximum height of 180 feet (i.e. about 54.86m) above the Hong Kong Principal Datum (HKPD);
(v) non-building area clause; and
(vi) permissible site coverages varying with the total number of storeys to be built.
- Plan** : Approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21
- Zoning** : “Residential (Group C) 5” (“R(C)5”)
(a) maximum plot ratio (PR) of 2.1 and maximum building height (BH) of 8 storeys, or the PR and height of the existing building, whichever is the greater; and
(b) provisions for application for minor relaxation of the PR and BH restrictions.
- Application** : Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Flat Use

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of PR restriction from 2.1 to 2.52 and BH restriction from 8 to 10 storeys for developing a residential building at the application site (the Site) (**Plan A-1**). The Site is zoned “R(C)5” on the approved Kowloon Tong OZP No. S/K18/21.

According to the Notes of the OZP, ‘flat’ use is always permitted within the “R(C)5” zone; and minor relaxation of the PR and BH restrictions require planning permission from the Town Planning Board (the Board).

1.2 The Site is currently occupied by a 5-storey residential building including one level of carport (namely Evergreen Mansion at 53.7mPD) built in 1966. According to the applicant, the building was developed according to the lease and airport height restrictions, and involves a claimed PR of 2.33 and site coverage (SC) of 52%. The proposed redevelopment involves a BH of 10 storeys (including 2 storeys of car park), PR of 2.52 and SC of 36%. As the PR and BH exceed the restrictions stipulated under the OZP, minor relaxation of PR restriction from 2.1 to 2.52 (i.e. 20% increase) and BH restriction from 8 storeys to 10 storeys (i.e. 25% increase) is sought.

1.3 The major development parameters of proposed redevelopment are as follows:

Development Parameters	Proposed Scheme
Site Area	1,299m ²
Gross Floor Area (GFA)*	3,273m ² (excluding GFA concession of 1,280m ² for car parking use and electrical and mechanical (E&M) facilities on B1/F and B2/F)*
PR	2.52
Site Coverage (SC)	About 36%
No. of Storeys	10 (8 domestic storeys over 2 storeys of car park)
BH (at main roof level)	67.64mPD/ 33.12m above mean street level at Cornwall Street
No. of Units	13 (including 7 duplex units)
No. of Car Parking Spaces	22 (on B1/F and B2/F) (including 20 nos. for residential use and 2 nos. for visitors)
No. of Loading/Unloading (L/UL) Space	1 L/UL space (on G/F)
Others	<ul style="list-style-type: none"> ● 1 waiting space to be provided on G/F for car lift ● Greenery area of 260m² (about 20%)

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

Site Layout and Building Disposition

1.4 The topography of the Site is generally ascending from 34.5mPD at Cornwall Street in the south to 44.5mPD at the northern end of Kent Road, with a level difference of about 10m (**Plan A-3**). The G/F level of the proposed building is at about 38mPD (**Drawing A-5**). Two storeys of car park are proposed below G/F level, one storey of car park (B1/F) is at the mean street level of Cornwall Street (34.5mPD), and another storey of car park (B2/F) is constructed

underground (**Drawings A-5 and A-6**). A 6m setback along Cornwall Street and a 3m setback along Kent Road are provided in accordance with the non-building areas (NBAs) designated on the draft Kowloon Tong Outline Development Plan (ODP) No. D/K18/1A (**Drawing A-2 and Plan A-2**).

Traffic Aspect

- 1.5 The main pedestrian entrance and vehicular access are proposed to remain at Kent Road (i.e. G/F level). A total of 22 car parking spaces are proposed at B1/F and B2/F (**Drawing A-1**), and will be accessed by a car lift from G/F with one waiting space provided on G/F.

Landscaping

- 1.6 The proposed landscape treatment includes greenery and tree planting along the site frontage abutting Cornwall Street and Kent Road at G/F with an area of 220m². A landscaped area for residents of 40m² is proposed at the interior portion of the G/F (**Drawings A-10 and A-12**).

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

- (a) Application form received on 3.2.2020 **(Appendix I)**
- (b) Planning statement received on 3.2.2020 **(Appendix Ia)**
- (c) FI received on 8.5.2020 (FI 1) providing responses to departmental comments, additional plans and figures, revised Traffic Impact Assessment (TIA), Environmental Assessment Studies (including revised Noise Impact Assessment (NIA), additional Air Quality Impact Assessment (AQIA) and Waste Management Implication Assessment (WMIA)), revised Sewerage Impact Assessment (SIA) and revised Drainage Impact Assessment (DIA) **(Appendix Ib)**
(accepted but not exempted from publication and recounting requirements)
- (d) FI received on 19.5.2020 (FI 2) providing revised figures **(Appendix Ic)**
- (e) FI received on 3.8.2020 (FI 3) providing responses to departmental comments, revised photomontages, new landscape sections and replacement pages of TIA, Environmental Assessment Study (EAS) and SIA **(Appendix Id)**
- (f) FI received on 12.8.2020 (FI 4) providing minor clarification on proposed car park provision for residential use and visitors **(Appendix Ie)**
- (g) FI received on 10.9.2020 (FI 5) providing responses to Director of Environmental Protection's comments **(Appendix If)**

- 1.8 Plans including floor layout plans, section drawings illustrations and photomontage submitted by the applicant are shown in **Drawings A-1 to A-14**.

- 1.9 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 3.4.2020 for consideration of the application has been re-scheduled. At the request of the applicant, the Metro Planning Committee (the Committee) of the Board on 26.6.2020 agreed to defer making a decision on the application to allow time for the applicant to prepare FI to address comments from Government departments. Upon the submission of FI on 3.8.2020, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

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

- (a) the proposed minor relaxation of PR and BH restrictions will give opportunity to incorporate sustainable building design with more greenery and to facilitate better site utilization with optimized building design and layout;
- (b) the proposed redevelopment is in line with the maximum BH restriction of 8 storeys for “R(C)5” zone as the additional 2 storeys are located ‘underground’ and will not affect the overall building bulk nor cause visual intrusion to the area. While the proposed development is taller than the existing building, it has smaller site coverage of 36% as compared to the existing 54% that makes it slimmer (**Drawing A-3**). The resultant BH is same as other existing residential buildings in the “R(C)5” zone and is in line with the “stepped height” urban design concept for developments in the area;
- (c) the Site has severe site constraints. The slope/geotechnical structures at the northern and western side forms 22.6% of the Site. Also, the total NBAs along the eastern side and southern side as stipulated on the Lease form another 26.2% of the Site. This means 48.8% of the Site cannot be built over which substantially hinders the building footprint and flexibility in building design;
- (d) 5m building setback from Kent Road and 10m building setback from Cornwall Street is also required for environmental considerations;
- (e) as the Site is restricted to 8 storeys, the plot ratio stipulation of 2.1 may not be actualized as the sustainable building design and development potential will be gravely restricted by the site constraints;
- (f) the proposed two-storey basement car park, as stated by the applicant, is in line with the Sustainable Building Design Guidelines PNAP APP-151 and 152. Given that the proposed minor relaxation of BH involves two levels of underground basement car park, approval of the application will not cause any impact on the building bulk of the redevelopment building¹.

¹ One storey of car park at B2/F is underground, and the storey of car park at B1/F is at the mean street level of Cornwall Street (34.5mPD) (**Drawings A-5 and A-6**).

- (g) should there be no underground basement car park, the car parking spaces will be placed on G/F to the maximum extent. This will use up the whole site including the NBAs along Cornwall Street and Kent Road for open-air car parking spaces, and the opportunity for landscaping and amenity will be lost. Should basement levels for car parking be allowed, there will be good opportunities in improving the environment and townscape, including landscape provision along Cornwall Street and Kent Road. The proposed scheme will provide planning gains in improving visual amenity, greening and townscape of the neighbourhood;
- (h) the redevelopment adopts a green and innovative building design including the acoustic windows/ balconies and sliding doors with non-glaring glazed sliding panels, voids, landscape planter and more openings on G/F to reduce noise impact, to integrate better with the surrounding landscape, and to improve air ventilation (**Drawings A-13 and A-14**). By setting back the building from the roads and incorporating balcony and acoustic windows, traffic noise impact from Cornwall Street is well mitigated;
- (i) a quality open space will be provided for residents at G/F and more greenery along the site boundaries to help minimize urban heat island effect, which is beneficial to the micro-climate in the neighbourhood;
- (j) there are approved planning applications for minor relaxation of BH restrictions in “R(C)1” zone and “R(C)7” zone respectively between 2003 and 2018 due to site constraints and/or planning gain for the surrounding areas; and
- (k) no adverse drainage, sewerage, geotechnical, visual, traffic and noise impact is envisaged from the proposed redevelopment.

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 the subject of any previous application.

5. Similar Application

- 5.1 There is no similar application for minor relaxation of PR or BH restriction within “R(C)5” zone on the Kowloon Tong OZP.
- 5.2 There are seven similar applications involving minor relaxation of BH and/or PR within the “R(C)7” zone which is located in the vicinity (**Plan A-1**). The “R(C)7” zone on the Kowloon Tong OZP is subject to a maximum PR of 1.65 and maximum BH of 5 storeys.

Proposed Minor Relaxation of BH

- 5.3 Four of the applications (Nos. A/K18/204, A/K18/234, A/K18/235 and A/K18/242) were related to proposed minor relaxation of BH from 5 storeys to 7 storeys for a residential development at a single site (2 Beacon Hill Road), and one application (A/K18/264) was related to proposed minor relaxation of BH from 5 to 6 storeys at another site (12 Beacon Hill Road). Application Nos. A/K18/204 and A/K18/242 for the same site and A/K18/264 were approved with conditions on fire safety provision, tree preservation and landscape proposals, heritage impact assessment, and/or vehicular access. Application Nos. A/K18/234 and A/K18/235 were rejected for the main reasons of insufficient information to demonstrate that the development intensity could not be achieved without the proposed relaxation, insufficient information to demonstrate the design merits of the proposed development, and setting of undesirable precedent.

Proposed Minor Relaxation of BH and PR

- 5.4 The remaining two applications (Nos. A/K18/253 and A/K18/257) related to the proposed relaxation of PR from 1.65 to 1.81/2.03 and BH from 5 to 6 or 8 storeys at a site (4 Beacon Hill Road) were both rejected. The main rejection reasons were similar to application Nos. A/K18/234 and A/K18/235 above. Details of the applications are summarized at **Appendix II** for Members' reference.

6. The Site and Its Surrounding Areas
(Plan A-1 to A-3 and site photos at Plans A-4 to A-5)

6.1 The Site:

- (a) is occupied by a 5-storey building with 24 flats (including one storey of carport with 24 spaces) completed in 1966 and with a claimed PR of about 2.33 and BH of about 38mPD;
- (b) is located at the junction of Cornwall Street (a dual-two lane district distributor road) and Kent Road (the portion abutting the Site being a two-way dead-end road). Pedestrian and vehicular access are located at Kent Road in the east;
- (c) the northern boundary of the Site abuts an access road of the adjacent residential development (namely Devon Court); and
- (d) there are NBAs designated mainly along the boundaries of the Site on the draft Kowloon Tong ODP No. D/K18/1A. Among them, two NBAs abutting Cornwall Street (6m-wide) and Kent Road (3m-wide) are intended for building setback to enhance the townscape of the area (**Plan A-2**).

6.2 The surrounding areas have the following characteristics:

- (a) the Site is located at the lower part of the Beacon Hill area which consists of the “R(C)5”, “R(C)6”, “R(C)7” and “R(C)8” zones (**Plan A-1**). These zones are subject to PR restrictions of 2.1 to 3.0 and BH restrictions of 8 to 13 storeys following a stepped height concept ascending from the south to north;
- (b) the “R(C)5” zone along/branching from Cornwall Street involves a total of 10 sites (including the Site). All of these sites are occupied by residential developments completed between 1960s to 1980s, except for 2 Cornwall Street at the eastern end that is occupied by a religious institution building with planning permission granted in 1994. These developments have BHs ranging from 4 to 8 storeys²; and
- (c) across Cornwall Street to the south is primarily a residential area of the Kowloon Tong Garden Estate zoned “R(C)1” subject to a maximum PR of 0.6 and a maximum BH of 3 storeys.

7. Planning Intention

- 7.1 The planning intention of the “R(C)5” zone is for 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 2.1 and a maximum BH of 8 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, the ‘stepped height’ concept has been adopted as a key urban design principle for the area north of Cornwall Street to provide for a gradual change in BH from 3 storeys in the Kowloon Tong Garden Estate in the south to low/medium-rise on the lower slopes of Beacon Hill in the north. Therefore, the development restrictions of 8 storeys and a maximum PR of 2.1 are stipulated for the “R(C)5” zone for sites north of Cornwall Street.
- 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;

² PR and BH restrictions were introduced to “R(C)5” zone under Kowloon Tong OZP No. S/K18/1 gazetted in 1993.

- (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.

7.4 However, for existing buildings where the BH already exceeded the maximum number of storeys, there is a general resumption against such application for minor relaxation unless under exceptional circumstances.

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. 2732 which is restricted to private residential purposes and subject to a lease term having been extended up to 30.6.2047. Pursuant to the lease governing the lot, amongst other development restrictions like NBA, the development to be erected thereon shall be restricted to one block of flats of European type not exceeding 7 storeys, a maximum BH of 180ft (i.e. about 54.86m) above HKPD and permissible site coverages varying with the total number of storeys to be built; and
- (b) the proposed redevelopment comprising 1 block of 10-storey residential building including 2 storeys of car park with total BH of 67.64m above HKPD would be in conflict with the lease governing the lot. If the application is approved by the Board, the applicant has to apply to LandsD for lease modification to implement the proposal. However, there is no guarantee that the lease modification would be approved. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of premium and administrative fee as may be considered appropriate by LandsD.

Visual and Landscape Aspects

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

Urban Design

- (a) the proposed relaxation of BH restriction from 8 to 10 storeys for accommodating 2 storeys of car parks and E&M facilities will unlikely cause any significant change to the perceivable massing/bulk of the proposed development above ground as compared to a development with an OZP-compliant building height;
- (b) to improve permeability, the applicant has provided building setbacks along Cornwall Street and Kent Road (**Drawings A-2 and A-3**), and voids at ground floor facing Cornwall Street and Kent Road (**Drawings A-13 and A-14**); and fence wall with landscaping (**Drawings A-11 and A-12**); and
- (c) the applicant claimed that the proposed minor relaxation of PR and BH restrictions will give opportunity to incorporate sustainable building design and to facilitate better site utilization. Nevertheless, they could still be achieved without the proposed minor relaxation.

Landscape

no objection to the proposed redevelopment at the Site from landscape planning point of view.

Environment

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

- (a) no objection to the subject planning application; and
- (b) since the proposed development would involve demolition of the existing building which would generate a large amount of Construction & Demolition materials, the applicant is advised to minimise the generation of Construction & Demolition (C&D) materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.

Traffic

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

he had concerns on the location of ingress/egress in relation to the nearby street junction, and queries on the assessments on traffic impact and level of service of pedestrian footpaths. The applicant submitted FI to further address those concerns and he has no further comments.

Building Matters

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

- (a) no in-principle objection under the Buildings Ordinance (BO) to the application subject to submission of building plans to demonstrate compliance of BO and Building (Planning) Regulations (B(P)R);
- (b) in assessing whether the underground car park 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 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. The applicant should refer to PNAP APP-2 and APP-111 for details; and
- (c) since the existing building was built under volume calculation, no existing PR under BO was demonstrated on the building plans approved on 7.3.1966. The applicant should provide justifications in support of the existing PR calculation (i.e. 2.33) where necessary.

District Officer's Comments

8.1.6 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 Architect/Central Management Division 2, Architectural Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Highway Engineer/Kowloon, Highways Department;
- (e) Commissioner of Police;
- (f) Director of Fire Services; and

- (g) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

9. Public Comments Received During Statutory Publication Period

- 9.1 The application was published for public inspection on 18.2.2020 and 19.5.2020. A total of 1,165 comments were received. Among them, one supported the application, 1,146 objected to the application (814 were submitted in 14 standard letters), and 18 expressed view/no comment. All the public comments received are deposited at the Secretariat for Members' inspection at the meeting. Samples of the public comments are in **Appendices III-a to III-c**. The major views are summarized as follows:

Objecting Views (Appendix III-a)

- (a) the 1,146 objecting comments were received from the Incorporated Owners / property management office / individual residents of the adjacent residential developments (Devon Court and One Beacon Hill), a Legislative Council member (Hon. Chan Hoi Yan), a District Council (DC) member of Kowloon Tong Constituency (Mr. HO Hin-ming) and members of the public;
- (b) the main objection reasons include (i) the proposed 20% increase in PR is not minor; (ii) the increase in BH and the overall bulk will create adverse visual and air ventilation impacts, block sunlight and impose wall-effect to the adjacent residential developments (i.e. Devon Court and One Beacon Hill); (iii) the proposed 22 car parking spaces will bring additional traffic to the narrow Kent Road and create adverse traffic impact; (iv) there will be geotechnical and noise impacts during construction stage of the development; (v) approval of the application will set undesirable precedent for similar developments in the area; (vi) possible increase on crime and risk of hygiene problem in view of the higher development intensity; and (vii) there will be no benefits to the surrounding communities and the technical assessments conducted by the applicant are misleading and do not truly reflect the situation;

Supporting Views (Appendix III-b)

- (c) the supporting comment was received from a member of the public. The main supporting reasons include the new development would adopt sustainable design, provide quality greenery and improve visual openness which would bring benefits to the aging neighbourhood and the environment;

Expressed Views/No Comment (Appendix III-c)

- (d) requested extension of comment period; and
- (e) 16 of the submissions did not offer any comment.

- 9.2 TPB members received objection letters from the Property Management Office of One Beacon Hill on 26.6.2020. Their objecting grounds are similar to their previous comments in paragraph 9.1 (b) above (**Appendix IV**).

10. Planning Considerations and Assessments

- 10.1 The application seeks planning permission for minor relaxation of PR from 2.1 to 2.52 (i.e. 20% increase) and BH from 8 to 10 storeys (i.e. 25% increase) to facilitate a permitted residential redevelopment at the Site. As highlighted in paragraphs 1.2 and 1.4 above, the applicant proposed to redevelop an existing 5-storey residential building (including 1 storey carport) with 24 flats at about 38mPD with a claimed PR of 2.33. The proposed 10-storey building at about 68mPD will include 2 storeys of car park and ancillary plant rooms under G/F of the development, and 13 units (including 7 duplex units) above G/F.
- 10.2 In support of the proposed relaxation of PR, the applicant claimed that it will give opportunity to incorporate sustainable building design and to facilitate better site utilization with optimized building design and layout. However, no information has been provided to demonstrate that increase in PR is necessary for the incorporation of the proposed design features and that the proposed extent of relaxation of PR by 20% is justified. The proposed PR of 2.52 is greater than the existing PR of 2.33 as claimed by the applicant. In terms of massing, the redevelopment with a higher PR will be more imposing as compared to the existing building, and other buildings along Cornwall Street under the same "R(C)5" zoning (**Drawings A-7 and A-8**). Overall, the applicant has not provided adequate justification, nor strong planning and design merits in support of a proposed PR that is higher than that stated in the OZP and of the existing building.
- 10.3 As for the proposed relaxation of BH, the applicant indicated that the additional 2 storeys for car parking use are located underground and will not affect the overall building bulk nor cause visual intrusion to the area. As described in paragraph 1.4 above, one storey of car park will be constructed at the mean street level of Cornwall Street and visible at that street level, while another storey of car park will be below the mean street level of Cornwall Street. As seen from the photomontage (**Drawing A-8**), one of the car park storeys will be visible as a wall of about 4m with some planters at Cornwall Street. The proposed height of about 68mPD is similar to the adjacent Devon Court (at 8 storey and 70.3mPD). Acoustics windows/balconies, greening and openings on G/F are adopted in the proposed scheme. Setbacks are provided along Cornwall Street and Kent Road in accordance with the ODP requirements. While departments have no adverse comments on the proposed relaxation of BH, the applicant has yet to demonstrate that the criteria for relaxation of BH restriction as listed in paragraph 7.3 above have been met, and there are no apparent planning and design merits to support the proposed minor relaxation of BH. The applicant indicated that 48.8% of the site cannot be built over due to slope/geotechnical structures and NBA requirement designated in the

ODP/lease, however, there is insufficient information in the submission to demonstrate that the development could not be accommodated under the current PR restriction of 2.1 and BH restriction of 8 storeys under the OZP as claimed by the applicant, while the applicant is seeking to relax the PR restriction by 20% to 2.52.

- 10.4 Relevant departments have no adverse comments on the application and the proposed development is not expected to have adverse impacts on air ventilation, geotechnical, drainage, environmental, sewerage and traffic aspects.
- 10.5 There is no previous and similar application for minor relaxation of PR and/or BH restriction at the Site and under the “R(C)5” zone within the Kowloon Tong area. The similar applications in the “R(C)7” zone in the vicinity on the same OZP are considered relevant. Applications (Nos. A/K18/253 and A/K18/257) concerning the proposed minor relaxation of PR and BH were rejected for the main reasons of insufficient information to demonstrate that the development intensity could not be achieved without the proposed relaxation of BH, insufficient information to demonstrate the design merits of the proposed development, and setting of undesirable precedent. Moreover, the currently proposed relaxation of BH from 8 storeys to 10 storeys would result in a much taller building (in absolute BH) than those approved applications regarding proposed relaxation of BH from 5 storeys to only 6 or 7 storeys (Nos. A/K18/204, A/K18/242 and A/K18/264).
- 10.6 There are 9 other developments (8 for residential and 1 for religious uses) under the same “R(C)5” along Cornwall Street with BH ranging from 4 to 8 storeys with building age from 24 to 57 years (**Plan A-2**). Among them, 6 developments have building age of more than 40 years. Approval of the subject application without strong justifications or planning and design merits will create undesirable precedence effect. The cumulative effect of approving similar applications with excessive building bulk would deteriorate the existing character of the residential neighborhood and jeopardise the stepped building height profile in the area.
- 10.7 Regarding the public comments objecting to the application mainly on grounds of adverse impacts on visual, air ventilation, traffic, noise and undesirable precedent, planning assessments in 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 does not support the application for the following reasons:

- (a) there are no strong planning justifications for the proposed relaxation of plot ratio and building height; and

- (b) the applicant fails to demonstrate that the proposed planning and design merits could not be achieved without minor relaxation of the plot ratio and building height restrictions.

11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 8.9.2024, 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 Condition

- (a) the design and provision of vehicular access, car parking spaces, loading/unloading space and car lift parking system for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory Clauses

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

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 12.3 Alternatively, 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.

13. Attachments

Appendix I	Application Form received on 3.2.2020
Appendix Ia	Planning Statement received on 3.2.2020
Appendix Ib	FI 1 received on 8.5.2020
Appendix Ic	FI 2 received on 19.5.2020
Appendix Id	FI 3 received on 3.8.2020
Appendix Ie	FI 4 received on 12.8.2020
Appendix If	FI 5 received on 10.9.2020
Appendix II	Similar applications within “R(C)7” zone on the same OZP
Appendices III-a to III-c	Public comments received
Appendix IV	Sample letter to TPB members from Property Management Office of One Beacon Hill
Appendix V	Suggested Advisory Clauses
Drawings A-1 to A-14	Plans submitted by the applicant
Plan A-1	Location Plan
Plans A-2 and A-3	Site Plan
Plans A-4 to A-5	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**