

FURTHER CONSIDERATION OF APPLICATION NO. A/K18/335
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

**Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of
Basement for Permitted House Use in “Residential (Group C)1” Zone,
14 Kent Road, Kowloon Tong, Kowloon**

1. Background

- 1.1 On 25.2.2020, the applicant, Smart Elect Enterprises Limited represented by Kenchikka Limited, submitted the current application seeking planning permission for minor relaxation of building height (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 FA-1**). The Site is zoned “Residential (Group C) 1” “R(C)1” on the approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21.
- 1.2 The application was considered by the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) on 21.8.2020. Members generally considered that the applicant had not yet provided sufficient information to support the application, and considered it prudent to defer a decision on the application pending the applicant’s submission of supplementary information on (i) justifications for the proposed extensive basement, (ii) planning gains that might be brought about by the proposal such as a better landscape proposal and (iii) details of the approved General Building Plans (GBPs) for the Committee’s further consideration.
- 1.3 For Members’ reference, the following documents are attached:
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|-----|---|-------------------------|
| (a) | MPC Paper No. A/K18/335A considered on 21.8.2020 | (Appendix F-I) |
| (b) | Extract of minutes of the MPC meeting held on 21.8.2020 | (Appendix F-II) |
| (c) | Secretary of the Board’s letter dated 4.9.2020 informing the applicant of the Committee’s decision to defer a decision on the application | (Appendix F-III) |
| (d) | 4 th Further Information (FI) received on 30.9.2020 enclosing a justification letter to elaborate on the planning gains and the proposed basement, with a copy of approved GBPs dated 19.11.2018 and updated floor plans | (Appendix F-IVa) |

- (e) 5th FI received on 21.10.2020 enclosing a letter providing clarification on proposed basement size and site coverage, as well as an updated floor plan of the basement **(Appendix F-IVb)**

2. Further Information Submitted by the Applicant

- 2.1 The applicant has submitted the 4th and 5th FIs on 30.9.2020 and 21.10.2020 respectively. In the 5th FI, the applicant rectified errors provided in the application form in Appendix I of the MPC Paper No. A/K18/335A in **Appendix F-I**. The site coverage for the proposed scheme considered by the MPC at its meeting on 21.8.2020 was rectified as 30.9% instead of 44.8%; and the size of basement was rectified as 864.7m² instead of 620.3m².
- 2.2 In the 4th FI, the applicant proposed a revised basement plan to address the Committee's concerns on the proposed extensive basement (**Drawing FA-1**). The set of GBPs approved by Building Authority on 19.11.2018 is in **Appendix F-IVa**. The revised development parameters of the proposed development as well as those under the approved GBP and that previously considered by MPC are as follows:

Development Parameters	Approved GBP (on 19.11.2018)	Proposed Scheme (considered by MPC on 21.8.2020 with rectifications in the 5th FI)	Revised Proposed Scheme (according to the 4th and 5th FIs)
Site Area	998.8m ²		
Gross Floor Area (GFA)*	About 598.6m ² (excluding basement area of about 722.8m ² , for car parking spaces and ancillary plant rooms, according to GBP drawing no. A-06)	About 598.6m ² (excluding basement area of 864.7m ² #, for car parking spaces and ancillary plant rooms)	About 598.6m ² (excluding basement area of 712.0m ² , for car parking spaces and ancillary plant rooms)
PR	0.599	0.6	
Site Coverage	About 44.8%	About 30.9% [@]	
No. of Storeys	3 (2 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 m and mPD)	8.75m and 38.13mPD	12.60m and 41.98mPD	

Development Parameters	Approved GBP <i>(on 19.11.2018)</i>	Proposed Scheme <i>(considered by MPC on 21.8.2020 with rectifications in the 5th FI)</i>	Revised Proposed Scheme <i>(according to the 4th and 5th FIs)</i>
Greenery Coverage	9.46% (94.5m ² of area annotated as 'Planter' according to GBP Drawing No. A-02)	10.1% (101m ²)	
No. of Car Parking Spaces	3 for private cars in B/F		
No. of Loading/Unloading (L/UL) Bay	1 for light goods vehicle (LGV) in B/F		

* The GFA and basement area calculations are subject to Building Authority (BA)'s agreement at general building plan (GBP) stage.

According to the application form received on 25.2.2020, the basement area was 620.3m² and in the 5th FI, the applicant rectified the figure to 864.7m².

@ According to the application form received on 25.2.2020, the site coverage was 44.8% and in the 5th FI, the applicant rectified it to 30.9%.

- 2.3 According to the latest basement plan provided by the applicant (**Drawing FA-1**) and the FI dated 21.10.2020 (**Appendix F-IVb**), the size of the proposed basement is reduced from 864.7m² to 712.0m², representing a reduction in basement size by 152.7m² (-17.7%). This is slightly smaller than the basement in the approved GBP. As compared with the scheme considered by the Committee on 21.8.2020, the major changes involve relocation and size reduction of the ancillary plant rooms, and reduction in width of the vehicular ramps. A comparison of the floor plans approved under the GBP in 2018, the scheme considered by the Committee on 21.8.2020, and the latest proposed scheme is provided in **Plan FA-4a to 4d**.

Further Justifications from the Applicant

- 2.4 In response to the Committee's request on justifications for the proposed extensive basement and planning gains that might be brought about by the proposal, the applicant submitted responses in **Appendix F-IVa** that are summarized as follows:
- (a) The new basement is merely a modification of the approved GBP. The basement proposal was in response to the Transport Department (TD)'s requirements for on-site loading and unloading (otherwise such activities may happen along Kent Road) to reduce on-street traffic jams in the areas near the Kowloon Tong Mass Transit Railway (MTR) Station.
 - (b) One of the water tanks was placed at G/F in the approved GBP scheme. The placement of the water tank in basement would inevitably increase the size of the basement but it would reduce the effect caused to the living environment

of the house if the water tank was put above ground. This design also renders the main building less bulky. Effort has been made to keep the size of the proposed basement to a minimum.

- (c) The permitted maximum site coverage under the Building Ordinance (i.e. 66.6%) is not maximized due to architectural design. The building areas on both sides of the Site are reduced thereby leaving more areas for the proposed landscape garden, which is estimated to be about 10% of the site area. The proposed landscape garden to be built on top of the basement provides planning gains to the nearby environment. Fresh air generated through rich plantations in the landscape garden on the ground floor would help improve air quality.
- (d) The applicant confirmed that Tree No. T8 needs to be felled to make way for the driveway.

3. **Similar Applications**

There is no change in similar applications since the last consideration of the Committee.

4. **Comments from Relevant Government Departments**

- 4.1 Comments on the proposed scheme made by the relevant government departments previously are stated in paragraph 8.1 and 8.2 of the MPC Paper No. A/K18/335A in **Appendix F-I**.
- 4.2 For the current FIs, the following government departments have been consulted and their comments are summarized as follows:

Visual and Landscape Aspects

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

Urban Design

- (a) she has no further comment on the FI from urban design and visual perspectives and her comments as given in paragraph 8.1.5 of the MPC Paper No. A/K18/335A in **Appendix F-I** are still valid in that she has no strong views on the proposed minor relaxation of BH restriction for one additional basement floor from visual impact perspective; and

Landscape

- (b) she has no objection to the application from landscape planning perspective.

Traffic

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

his comments as given in paragraph 8.1.4 of the MPC Paper No. A/K18/335A in **Appendix F-I** are still valid, that is, he has no in-principle objection to the proposal subject to the following approval condition:

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

Building Matters

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

his comments as given in paragraph 8.1.2 of the MPC Paper No. A/K18/335A in **Appendix F-I** are still valid, that is, he has no in-principle objection to the proposal under Buildings Ordinance subject to GBP submission (including the calculation of GFA and basement area).

5. Planning Considerations and Assessments

5.1 The application is for a permitted house development with minor relaxation of BH restriction from 3 storeys to 4 storeys for one basement floor to accommodate three car parking spaces, one L/UL bay and some ancillary plant rooms. According to the applicant's rectification in the 5th FI, the site area of the basement as submitted should be 864.7m² instead of 620.3m² as stated in the application form (Appendix I of MPC paper in **Appendix F-I**). The site coverage was also rectified as 30.9% instead of 44.8% as submitted in the **Appendix F-IVb**. In the 4th FI, the applicant submitted a revised basement plan in **Drawing FA-1** which showed a reduced configuration with basement area of about 712m².

5.2 At the MPC meeting on 21.8.2020, members were of view that the applicant has not provided sufficient information to support the application and was requested to submit supplementary information on (i) justifications for the proposed extensive basement and (ii) planning gains that might be brought about by the proposal such as a better landscape proposal.

Area of Basement

5.3 As compared to the proposed scheme considered by the MPC on 21.8.2020, the applicant has reduced the basement size from 864.7m² to 712.0m², representing a reduction of about 152.7m² (-17.7%). Comparing to the 14 approved applications (involving 13 sites) at **Appendix F-V**, the basement areas ranged from 144m² to 653m² (accommodating 2 to 6 parking spaces and ancillary plant rooms), the reduced basement size of about 712m² exceeded the largest of the basements (accommodating 6 car parking spaces) among the approved applications by 9%. Nonetheless, the reduced basement size of

about 712m² is smaller than the basement area of 722.8m², which was approved by BD in November 2018 and was disregarded from GFA calculation, by 10.8m² (-1.5%).

Planning Gains

- 5.4 The 14 approved applications were granted approval based on the reasons that they were supported by planning and design merits such as providing better streetscape in terms of provision of greenery/landscaping area mainly along the street frontages of the respective sites, and more at-grade greening, more innovative building design including special façade design and treatment such as stepped terraces as well as proposing no roof-top structures.
- 5.5 At the MPC meeting on 21.8.2020, some members considered that as compared to previously approved similar applications in the areas, the planning gains of the current application (i.e. greenery provision) was minimal, if any. The applicant elaborated on the planning gains of the current application in the FIs as summarized in paragraph 2.4 above, including that the provision of water tank in the basement can reduce impact on the living environment of the house if otherwise located above ground, the main building above ground is less bulky and with lower site coverage so a landscaped garden can be provided with rich plantings for better air quality. It is noted that the proposed building has a lower site coverage as compared to that in the approved GBP, and the area for greenery are similar (i.e. about 10% of site area).

Landscape Proposal

- 5.6 According to Drawings A-4 and A-5 of the MPC Paper No. A/K18/335A in **Appendix F-I**, the proposed basement extends right up to the northern boundary which required transplanting of five existing trees thereat to the north-eastern corner. Also, one existing tree (T8) at the southern boundary of the Site is proposed to be felled to make way for the proposed driveway leading to the basement level and three new trees will be provided at the north-eastern corner of the Site as compensation. At the MPC meeting, a member of the Committee has pointed out that there was no strong reason to propose felling of T8 tree and there could be scope to enhance the landscape proposal.
- 5.7 In this regard, the applicant has reduced the size of the basement by about 153m² and provided indents at various locations at the northern boundary, however, the applicant has not submitted an alternative landscape proposal or tree preservation proposal, and confirmed that T8 tree needs to be felled and the greenery coverage remained at 10%. The applicant has not explained the merits of the proposed reduction in the basement size or whether it would better meet the criteria for minor relaxation of BH to allow for a basement level as highlighted in paragraph 7.2 of the MPC Paper No. A/K18/335A in **Appendix F-I**, i.e. to reduce impacts on the existing trees so as to enhance public amenity and distinctiveness of the area as a garden estate. Nevertheless, CTP/UD&L, PlanD has no objection to the application from

landscape planning perspective having considered the FIs and the tree survey and Master Landscape Plan submitted by the applicant previously.

6. Planning Department's Views

- 6.1 Based on the assessments made in paragraph 5 above, the Planning Department maintains its previous view of having no objection to the application.
- 6.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 6.11.2024, 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 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 a minimum greening ratio of 10%, 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 IV of **Appendix F-I**.

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

the applicant fails to demonstrate that the proposed development would not have adverse impacts on existing trees and that there are planning and design merits to support the application.

7. Decision Sought

- 7.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 7.2 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.

7.3 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.

8. Attachments

Appendix F-I	MPC Paper No. A/K18/335A considered on 21.8.2020
Appendix F-II	Extract of minutes of the MPC meeting held on 21.8.2020
Appendix F-III	Secretary of the Board's letter dated 4.9.2020 informing the applicant of the Committee's decision to defer a decision on the application
Appendix F-IVa	4 th FI received on 30.9.2020
Appendix F-IVb	5 th FI received on 21.10.2020
Appendix F-V	Similar s.16 applications within "R(C)1" Zone on the Kowloon Tong OZP
Drawing FA-1	Revised Basement Plan submitted by the applicant
Plan FA-1	Location Plan
Plan FA-2	Site Plan
Plan FA-3	Site Photos
Plan FA-4a to 4d	Comparison of basement, ground floor, first floor and second floor floor plans

**PLANNING DEPARTMENT
NOVEMBER 2020**