

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K7/115

- Applicant** : Mr. Yeung Wah Keung represented by Ove Arup & Partners Hong Kong Limited
- Site** : 5 – 7 Ho Man Tin Street, Kowloon
- Site Area** : About 701.40m²
- Lease** : New Kowloon Inland Lot No. 9171 (NKIL 9171) governed by the Conditions of Exchange No. 8595 with the following conditions:
- (i) for private residential purpose;
 - (ii) not exceeding 11 storeys in height;
 - (iii) parking of motor vehicles not less than two cars per floor; properly accessible car ports under the building will be permitted in addition to the number of storeys stated in (ii);
 - (iv) no building shall be erected within 16 feet of Ho Man Tin Street; and
 - (v) not exceeding a height of 300 feet above principal datum.
- Plan** : Approved Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/24
- Zoning** : “Residential (Group B)1” (“R(B)1”)
- (a) maximum plot ratio (PR) of 3.3 and maximum building height (BH) of 12 storeys over car parks, or the PR and height of the existing building, whichever is the greater; and
 - (b) provisions for application for minor relaxation of the PR/BH restrictions
- Application** : Proposed Minor Relaxation of the existing BH (“11 Storeys over 1 Storey of Car Park”) to “11 Storeys over 2 Storeys of Car Park” for a Permitted Residential Development

1. The Proposal

- 1.1 The application site (the Site) (**Plan A-1**) is zoned “R(B)1” on the approved Ho Man Tin OZP No. S/K7/24 and is currently occupied by a residential building with a height of “11 storeys over 1 storey of car park” at ground level. According to the

general building plan (GBP) approved by the Building Authority (BA) in 1962, the existing building has a total gross floor area (GFA) of 49,683.85ft² (about 4,615.74m²) (equivalent to a total PR of 6.58).

- 1.2 Under the Notes of the OZP for the “R(B)1” zone, while ‘Flat’ use is always permitted, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum PR of 3.3 and a maximum BH of “12 storeys over car parks”, or the PR and height of the existing building, whichever is the greater.
- 1.3 Prior to submission of the application, a GBP for a proposed residential redevelopment at a total PR of 6.341 and a BH of “11 storeys over 1 storey of car park”, which does not exceed the PR and BH of the existing building, was approved by BA on 17.5.2018. In the current application, the proposed residential redevelopment will involve “11 storeys over 2 storeys of car park” and a total GFA of 4,615.185m² (equivalent to a total PR of 6.58). As compared with the approved GBP, the additional floor is mainly to accommodate 15 car parking spaces, of which 13 of them are additional provision. The ground floor car park will be operated using ten double-deck parking racks and served by two car lifts. As the applicant intends to claim the PR of the existing building, the height of the proposed redevelopment would exceed that of the existing building by one storey. Hence, planning application for minor relaxation of the height of existing building is required.
- 1.4 A comparison of the major parameters of the current proposal with that of the existing building and development restrictions of the “R(B)1” zone on the OZP is as follows:

Development Parameters	Existing Building with GBP approved in 1962	“R(B)1” Zoning	GBP approved on 17.5.2018	Current Proposal
Site Area (m²)	701.40	-	701.40	701.40
GFA (m²)	Domestic: 4,211.86 Non-domestic: 403.88 Total: 4,615.74	2,314.62 (based on the stated PR)	Domestic: 4,208.400 Non-domestic: 239.357 * Total: 4,447.757	Domestic: 4,180.300 Non-domestic: 434.885 # Total: 4,615.185
PR	Domestic: 6.00 Non-domestic: 0.58 Total: 6.58	3.3	Domestic: 6.000 Non-domestic: 0.341 Total: 6.341	Domestic: 5.960 Non-domestic: 0.620 Total: 6.580

Development Parameters	Existing Building with GBP approved in 1962	“R(B)1” Zoning	GBP approved on 17.5.2018	Current Proposal
No. of Units	44	-	72	74
Site Coverage (SC) (Maximum)	57.56%	-	62.5%	77.6%
No. of Storeys	11 storeys over 1 storey of car park	12 storeys over car parks	11 storeys over 1 storey of car park	11 storeys over 2 storeys of car park
BH (mPD)	43.76	-	57.65	59.95
Floor-to-floor Height (m)	G/F: 2.72 1/F: 3.38 2/F-10/F: 2.90	-	G/F: 5.05 1/F-10/F: 3.5 11/F: 5.9	G/F: 4.95 1/F-11/F: 3.5 12/F: 5.9[^]
No. of Parking Spaces	22	-	22 (solely for residents)	35 (Residents: 24; Visitors: 11)

* 50% GFA concession was approved for the car park on G/F.

The applicant assumed that 50% of the car park could be exempted from GFA calculation, which is subject to the approval of BA.

[^] The applicant clarified that the upper part of 12/F (i.e. the void), which comprises flushing water pumping room, potable water pump room, potable water tank and flushing water tank, is not GFA accountable. The same layout arrangement was proposed under the previous GBP submission and was considered as an additional storey by the Buildings Department (BD).

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

- (a) Application form received on 26.10.2018 **(Appendix I)**
- (b) Supplementary planning statement received on 26.10.2018 **(Appendix Ia)**
- (c) Letter received on 26.10.2018 clarifying details of the application **(Appendix Ib)**
- (d) FI received on 11 & 12.12.2018 (FI 1) providing responses to departmental comments **(Appendix Ic)**
- (e) FI received on 22.2.2019 (FI 2) providing Traffic Impact Assessment (TIA) and Noise Impact Assessment (NIA) **(Appendix Id)**
(not exempted from publication and recounting requirements)
- (f) FI received on 2.4.2019 (FI 3) providing responses to departmental comments with clarifications on technical assessments **(Appendix Ie)**
- (g) FI received on 12.6.2019 (FI 4) providing responses to departmental comments, photomontage for the proposed development and supplementary information for the TIA **(Appendix If)**
(not exempted from publication and recounting requirements)
- (h) FI received on 16.7.2019 (FI 5) providing responses **(Appendix Ig)**

to departmental comments

- 1.6 Plans including section drawing, floor layout plans, photomontages and swept path plans submitted by the applicant are shown in **Drawings A-1 to A-14**.
- 1.7 The application was originally scheduled for consideration by the Metro Planning Committee (the Committee) on 21.12.2018. Upon the requests of the applicant, the Committee agreed on 21.12.2018 and 12.4.2019 to defer making a decision on the application for two months each to allow adequate time for the preparation of FI in response to comments from government departments. Upon receipt of FI 4 submission from the applicant on 12.6.2019, the application is scheduled for consideration at this meeting.

2. **Justifications from the Applicant**

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

Planning Intention

- (a) the proposed residential development does not constitute a change in use and is in line with the planning intention of the “R(B)1” zone;

Car Parking Provision

- (b) in accordance with the Conditions of Exchange of the lot, parking of motor vehicles shall be provided at the rate of not less than two car parking spaces per storey to satisfy the parking needs of residents. It is proposed to provide 24 private car parking spaces for residents;
- (c) there is no specific requirement for visitor car parking spaces under the Conditions of Exchange of the lot. Taking into account that (i) the Site is served by limited public transport services, (ii) the major transport mode adopted by both residents and visitors are mostly private-car based, (iii) the high utilisation rate of meter parking along Ho Man Tin Street (Technical Note in Appendix C in **Appendix Ia** and TIA in **Appendix Ic** refer) and (iv) occurrence of illegal on-street parking observed (Appendix B in **Appendix Ig**), it is proposed to provide 11 visitor car parking spaces (i.e. one for each domestic floor);
- (d) the increase in car parking spaces from 22 under the approved GBP to 35 under the current scheme will ensure a self-contained parking provision to avoid aggravation of the existing illegal on-street parking situation and reduce incidents of vehicle-pedestrian interface along Ho Man Tin Street;
- (e) in order to accommodate a total of 35 car parking spaces, one additional storey of car park as compared to the existing building will be required;

Minor Relaxation of Existing BH

- (f) the proposed minor relaxation of the existing BH is solely for the incorporation of one additional storey of car park to furnish an appropriate level of visitor car parking spaces within the development. As compared to the GBP approved on 17.5.2018, the additional storey will only result in a minor increase of 2.3m in BH¹;
- (g) the total BH of the proposed development (i.e. 11 storeys over carparks) is still within the maximum BH restriction for “R(B)1” zone on the OZP (i.e. 12 storeys over carparks) and is considered fully compatible with the surrounding context;
- (h) the floor-to-floor heights of domestic floors have been minimised so that the overall BH increase is kept at a minimal of 2.3m as compared to the approved GBP;
- (i) given that a number of residential developments along Ho Man Tin Street are medium-rise, with some up to 15-16 storeys, the proposed development with minor relaxation of the existing BH will remain visually compatible with the surroundings. The Visual Impact Assessment (VIA) (Appendix B in **Appendix Ia**) (**Drawings A-7 to A-11**) demonstrated that a harmonious visual environment will be furnished upon implementation of the proposed redevelopment;
- (j) the proposed redevelopment will fulfil the criteria for consideration of minor relaxation of BH restriction as specified in Section 7.5 of the Explanatory Statement (ES) of the OZP, in particular criteria (c) and (f) as set out in paragraph 7.4 below;

Traffic Aspects

- (k) car lift assessment and mechanical parking assessment in the TIA demonstrate that vehicles waiting for parking into the parking system would not cause disturbance to the approaching vehicles and would not generate any negative traffic impact on the surrounding road network and is feasible from traffic engineering point of view;

Pedestrian Walking Environment and Streetscape Aspects

- (l) the proposed development has incorporated a 4.9m full-height building setback from the lot boundary abutting Ho Man Tin Street in order to fulfil the building setback requirement as stipulated under the draft Ho Man Tin Outline Development Plan (ODP) No. D/K7/2 (**Plan A-2**). The setback area will not be fenced off but open to public at all time. The pedestrian walking environment will therefore be widened from approximately 2.5m to 7.4m, which will help foster a spacious pedestrian walking environment along Ho Man Tin Street (**Appendix C in Appendix Ig**);
- (m) under the approved GBP, no vertical greening nor streetscape improvement was required to be provided. Should an additional car parking floor be allowed in the proposed development, vertical greening at 1/F façade with an area of 105.50m² could be provided (**Appendix E in Appendix Ig**). The proposed increase in BH by 2.3m will also allow planting of taller trees instead of ordinary shrubs or ground

¹ As compared to the BH of the existing building, the proposed redevelopment will involve an increase of 15.65m.

cover at the setback area, which would enhance streetscape along Ho Man Tin Street and create a more visually-pleasing environment;

- (n) if the current application was not supported, a precious chance to beautify the local environment would be lost as the applicant would have to redevelop the Site based on the approved GBP with no provision of vertical greening and with only a few pot plants within the setback area;

Other Technical Considerations

- (o) due to the Site's proximity to the existing railway tracks of Mass Transit Railway East Rail Line (MTR EAL) and an existing man-made feature, excavation for basement carpark is undesirable; and
- (p) since all development parameters align with those permitted under the OZP, the proposed minor relaxation of BH restriction will not be posing any adverse impacts on its surroundings.

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 Applications

5.1 There is no similar application for minor relaxation of existing BH under the "R(B)1" zone within the Ho Man Tin area. However, an existing residential development located at the immediate north of the Site (i.e. Celebrity Garden at Nos. 1, 1A and 1B Ho Man Tin Street) was the subject of a s.16 application (No. A/K7/19) for minor relaxation of the stated BH restriction to allow an additional podium level for recreational facilities. The proposed PR, BH and SC were 3.3 (which confirms with the OZP restriction), "12 storeys over 3 storeys of car park and recreational facilities" / 54mPD and 27.5% respectively. The application was approved with conditions by the Committee on 5.11.1993 for the reasons that (i) the proposed PR and SC were in compliance with the Hong Kong Planning Standards and Guidelines (HKPSG) requirements; (ii) provision of recreational and amenity facilities for the enjoyment of residents was encouraged; and (iii) no adverse traffic and visual impacts anticipated.

5.2 For other zones within the Ho Man Tin area, the Committee has previously considered an application (No. A/K7/72) seeking minor relaxation of BH of an

existing residential development under the “Residential (Group C)” (“R(C)”) ² zone. Under that application, the applicant proposed to redevelop an existing 7-storey residential building into a 7-storey residential building with 2 basement floors for car parking and ancillary recreational facilities. A total of 46 car parking spaces (including 29 for residents, 5 for visitors and 12 for motorcycles) were proposed in addition to 90 residential car parking spaces provided in the existing building. Although the resultant height would be the same as that of the existing building in terms of mPD, the proposed redevelopment with 2 basement floors would have two storeys more than that of the existing building. As such, an application for minor relaxation of the height of existing building was required. On 24.6.2005, the application was approved with conditions by the Committee for the reasons that there would be no change in development intensity and BH above ground, and no adverse traffic and environmental impacts were anticipated.

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

6.1 The Site:

- (a) is occupied by a residential development of 11 storeys over 1 storey of car park with GBP approved in 1962;
- (b) is located along Ho Man Tin Street which is a dual-lane local road with 20 metered parking spaces along both kerbsides³, and is near its junction with Waterloo Road;
- (c) is bounded by the MTR EAL along its western boundary; and
- (d) has a 4.9m-wide building line fronting Ho Man Tin Street which is designated on the draft Ho Man Tin ODP No. D/K7/2 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 along Ho Man Tin Street which is a medium-density private residential area. Existing developments were mainly completed between mid-1950s to mid-1970s, with a few along the eastern portion completed after mid-1980s. These developments are of 3 to 16 storeys / 22mPD to 62mPD in height, and with PRs ranging from 2.1 to 6.9 (**Plan A-3**) ⁴. Ancillary car parks are generally located on the first two floors of the residential developments;

² According to the Notes of the OZP, the “R(C)” zone is subject to a maximum PR of 0.6 and a maximum BH of 2 storeys, or the PR and height of the existing building, whichever is the greater.

³ According to Transport Department’s ‘Distribution of Metered Parking Spaces at Different Districts in Hong Kong’.

⁴ Developments with PR and/or BH exceeding the restrictions stipulated under the OZP were completed before 1989, when BH restrictions were introduced to “R(B)1” zone under the draft Ho Man Tin OZP No. S/K7/3.

- (b) sites at the junction of Waterloo Road and Ho Man Tin Street are zoned “Residential (Group A)” (“R(A)”) which are intended for high-density residential developments. These residential developments, namely Tsan Yung Mansion, Lung Cheung Building and Gay Mansion have BHs ranging from 13 to 17 storeys / 47mPD to 57mPD;
- (c) there are a number of public car parks in the vicinity, including Tsan Yung Mansion at Ho Man Tin Street (within 200m), Peace Building at Peace Avenue to the further north of the Site, and Wealth Commercial Centre at Kwong Wa Street to the further northwest of the Site (**Plan A-2**); and
- (d) there are some non-residential uses on ground level of the residential developments along Ho Man Tin Street, including shop and services and tutorial schools, some operating without planning permissions.

7. Planning Intention

- 7.1 The planning intention of the “R(B)1” zone is for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board (the Board).
- 7.2 According to the Notes of the OZP, developments in “R(B)1” zone are subject to a maximum PR of 3.3 and a maximum BH of 12 storeys over car parks, or the PR and height of the existing building, whichever is the greater. Based on individual merits of a development or redevelopment proposal, minor relaxation of the BH restriction may be considered by the Board on application under s.16 of the Town Planning Ordinance.
- 7.3 As stated in the ES of the OZP, the area on both sides of part of Ho Man Tin Street is zoned “R(B)1” with the above stated PR and BH restrictions in view of the narrowness of Ho Man Tin Street and the limited capacity of its junction with Waterloo Road.
- 7.4 The ES of the OZP also states that for development with special design merits, 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) no objection to the application;
- (b) the lot is governed by the Conditions of Exchange No. 8595 dated 28.4.1964 with the following conditions, among others, relating to the development parameters:
 - (i) the lot shall be used for private residential purposes only;
 - (ii) no building shall be erected on the lot other than a block of flats not exceeding 11 storeys in height;
 - (iii) space shall be provided within the lot to the satisfaction of the Director of Public Works, for the parking of motor vehicles at the rate of not less than two cars per floor. Properly accessible car ports under the building will be permitted in addition to the number of storeys stated in (ii). Neither the space so provided nor the said car ports shall be used otherwise than for the purpose of parking private motor vehicles belonging to the residents of the building to be erected on the lot;
 - (iv) no building shall be erected within 16 feet of Ho Man Tin Street; and
 - (v) no part of any building shall exceed a height of 300 feet above principal datum;

- (c) whilst details of the scheme will be checked at building plan stage, it is noted that the provision of 11 car parking spaces for visitors of the proposed development under the application would be in breach of (iii) above. If the planning application is approved by the Board, the lot owner has to apply to LandsD for lease modification. However, there is no guarantee that the lease modification application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fees as may be imposed by LandsD.

Building Matters

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

- (a) no objection to the proposal under the Buildings Ordinance (BO) subject to the submission of GBP to demonstrate compliance of BO and Building Regulations;
- (b) the floor-to-floor height, the provision/size of the car parking spaces and plant rooms are to be further justified by the AP. Maximum 50% GFA concession can be granted for above ground private carpark, provided that the car parking spaces are electric vehicle charging-enabling; and
- (c) detailed comments would be subject to submission of more detailed plans or application for the approval plans under the BO.

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 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) no objection to the application;
- (b) on air quality, insurmountable air quality impact arising from the proposed development is not anticipated. The applicant is reminded to make reference to EPD's Practice Note, "ProPECC PN 2/96 Control of Air Pollution in Car Parks" during design and operational phase of the car park to ensure the relevant air quality requirements as stipulated in the aforesaid ProPECC PN can be met;
- (c) on noise, it is noted that the applicant has demonstrated in the replacement pages of the Noise Impact Assessment (NIA) report that there is no insurmountable noise impact arising from the proposed development;
- (d) on sewerage, insurmountable sewerage impact arising from the proposed development is not anticipated; and
- (e) should the application be approved, the following approval conditions are suggested to be imposed:
 - 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;
 - the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
 - the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in the approval condition above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Traffic

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

- (a) no objection in principle on the parking provision in the proposed development from traffic engineering viewpoint;

- (b) high utilisation of metered parking spaces along Ho Man Tin Street is noted;
- (c) it is understood that 24 numbers of residential car parking spaces and 11 visitor car parking spaces provided under the proposed development are above the high-end provision of parking spaces as required in the HKPSG;
- (d) it is critical to ensure that the proposed overall mechanical parking system would not cause adverse traffic impact on public road, i.e. vehicles waiting to enter the carpark without causing a tail-back onto the public road; and
- (e) the applicant should justify the assumption and parameters provided in the assessments are sound in the detailed design of the carpark and details of mechanical parking system. Should the application be approved, the following approval condition is suggested to be imposed:

the design and provision of vehicular access, car parking spaces, loading/unloading space, and car lift and mechanical parking system for the proposed development to the satisfaction of the Commissioner for Transport or of the Board.

Visual Aspect

- 8.1.6 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):
- (a) no adverse comment on the proposed development;
 - (b) the proposed increase in BH by 2.3m for the proposed residential development, when assessed in the context of the surrounding built form in the neighbourhood, is not considered out of place; and
 - (c) as to the planning and design merits put forth by the applicant concerning streetscape enhancement and traffic improvement, the concern is whether they are merits not otherwise achievable without the proposed increase in BH. The applicant clarified that no vertical greening or green wall was proposed under the approved GBP, but a green wall which substantially covers the facade of 2/F is proposed under the current application to soften the building exterior and add visual appeal to the development from a pedestrian perspective. Nevertheless, green wall treatment, though manifested differently in design and scope, could still be achieved without the minor relaxation of BH.

District Officer's Comments

8.1.7 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 Homantin 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) Director of Electrical and Mechanical Services.

9. Public Comments Received During Statutory Publication Period

The application was published for public inspection on 2.11.2018, 1.3.2019 and 21.6.2019 respectively. During the three statutory public inspection periods, a total of 18 comments were received. Of which, 11 are opposing comments and 7 providing views on the application (**Appendix II**). The major views are summarised as follows:

Opposing Views

9.1 The 11 objecting comments were submitted by members of the public and the Owners' Committee of Gay Mansion (a residential development further north of the Site, near the junction of Ho Man Tin Street and Waterloo Road) (**Plan A-2**). Their main reasons are:

- (a) the increase of building bulk will reduce natural daylight penetration and air ventilation along Ho Man Tin Street;
- (b) the increase of car parking spaces is excessive and exceeds the high end of car parking requirements for residential development under the HKPSG. It will cause adverse traffic impact to the already heavy-loaded Ho Man Tin Street and Waterloo Road;

- (c) the vehicles waiting to enter car lifts along Ho Man Tin Street during peak hours would increase the risks of traffic accidents and jeopardise safety of pedestrians and students; and
- (d) the proposed increase in BH is not compatible with the local context and street pattern, and will create visual impact.

Providing Views

9.2 The 7 comments providing views on the application were submitted by the MTR Corporation Limited and three members of the public. Their main views are:

- (a) the Site is located adjacent to the EAL and noise from train operations could have a potential impact on the future occupants. As such, it is recommended that the applicant shall conduct an Environmental Assessment Study including a Railway Noise Impact Assessment, to be reviewed and approved by EPD, and implement all adequate noise mitigation measures to ensure full compliance with statutory requirements (comment submitted by MTR Corporation Limited);
- (b) the proposed redevelopment will have adverse environmental hygiene and noise impacts during the construction stage, and adverse impacts on air ventilation, visual, landscape, noise, traffic, road safety and pedestrian environment during the operational stage;
- (c) the Site is located close to MTR stations and is served by many bus routes, the proposed increase of car parking spaces is not necessary; and
- (d) the proposed redevelopment should provide electric vehicle charging vehicles.

10. Planning Considerations and Assessments

- 10.1 The application seeks planning permission for minor relaxation of the height of existing building (i.e. “11 storeys over 1 storey of car park”) to “11 storeys over 2 storeys of car park” to facilitate a permitted residential redevelopment at the Site. As highlighted in paragraph 1.3 above, an additional floor of car park is proposed mainly to accommodate the additional 13 car parking spaces (including 2 for residents and 11 for visitors). The applicant explains that due to the proximity of the Site to the existing MTR EAL railway tracks and an existing man-made feature, excavation for basement car park may render potential risks to railway operation. Hence, the additional storey of car park can only be located above ground level.
- 10.2 Prior to submission of the application, a set of GBP for a proposed residential redevelopment which does not exceed the PR and BH of the existing building, was approved by BA. The proposed addition of one storey at the Site would result in a building with an absolute height of 13 storeys / 59.95mPD, which is one storey (or

15.65m) higher than that of the existing building, and one storey / 2.3m higher than that of the approved GBP. The applicant indicates that the total BH of the proposed redevelopment is still within the stated BH restriction on the OZP (i.e. “12 storeys over car parks”). However, as the applicant is claiming the PR of the existing building, the comparison should be with the height of the existing building (i.e. “11 storeys over 1 storey of car park”).

- 10.3 While the proposed redevelopment with an additional car parking storey is considered not incompatible with the surrounding developments, it should be noted that the PR of the existing building (i.e. 6.58) is 99% higher than the stated PR restriction of 3.3 on the OZP. In terms of massing, the existing building is already more bulky as compared to a development conforming with the stated PR restrictions on the OZP. Hence, further relaxation of the BH should only be approved with exceptionally strong planning and design merits.
- 10.4 The proposed additional storey of car park is to accommodate the additional 13 car parking spaces (2 for residents and 11 for visitors) as compared to the approved GBP. While C for T has no in-principle objection to the proposed provision of car parking spaces in the proposed development from traffic engineering viewpoint, it should be noted that under the HKPSG, visitor car parking for private residential developments with more than 75 units per block should include 1 to 5 spaces. The proposed 11 visitor car parking spaces is substantially higher than the high-end provision as required under the HKPSG and is not a lease requirement. The applicant claims that this would help alleviate the high utilisation of metered parking spaces along Ho Man Tin Street. However, it is considered difficult to ascertain whether such claim could be established.
- 10.5 The applicant claims that the proposed vertical green wall on the façade of 1/F would provide streetscape and visual enhancement (**Drawing A-12**). The increase in BH by 2.3m (as compared to the approved GBP) would allow planting of taller trees instead of ordinary shrubs or ground cover at the setback area. Although CTP/UD&L, PlanD has no adverse comment on the application, she considers that the proposed green wall treatment, though manifested differently in design and scope, could still be achieved without the minor relaxation of BH. With reference to the photomontage of the approved GBP (**Drawing A-12**), it is also noted that the façade of G/F and transfer plate (with a total height of about 6.85m) and the setback area would in fact provide ample opportunities for vertical greening and at-grade planting respectively. As such, the applicant has not fully demonstrated how the vertical greening and streetscape enhancement could not be achieved without the proposed increase in BH.
- 10.6 While departments have no adverse comments on the application, the applicant has yet to demonstrate that the criteria for relaxation of BH restriction as listed in paragraph 7.4 above have been met, and there are no apparent planning and design merits to support the proposed minor relaxation of the BH.
- 10.7 There is no similar application for minor relaxation of existing BH under the “R(B)1” zone within the Ho Man Tin Area, but an application for minor relaxation

of BH for “12 storeys over 3 storeys of car park and recreational facilities” at the immediate north of the Site was approved with conditions by the Committee in 1993 for the reasons that the proposed PR conforms with the OZP restriction and the bulking bulk was considered not excessive.

- 10.8 There are 11 other residential developments under the same “R(B)1” zone along Ho Man Tin Street with existing PRs greater than the maximum PR of 3.3 as stipulated on the OZP (**Plan A-3**). Their building age ranges from 48 to 60 years. Approval of the subject application without exceptionally strong planning and design merits will create undesirable precedence effect. The cumulative effect of approving similar applications with excessive building bulk would change the existing character of the residential neighbourhood in the area.
- 10.9 Regarding the public comments objecting to the application mainly on grounds of compatibility with the surroundings and visual impact, air ventilation / quality, railway noise, traffic impact and excessive car parking provision, 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) the applicant fails to demonstrate that there are planning and design merits for the proposed relaxation of the height of the existing building; and
 - (b) the approval of the application would set an undesirable precedent for similar applications within the “R(B)1” zone. The cumulative effect of approving such applications with excessive building bulk would change the existing character of the residential neighbourhood in the area.
- 11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 2.8.2023, 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, loading/unloading space and car lift and mechanical parking system 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 of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in approval condition (d) to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

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.

13. Attachments

Appendix I	Application Form received on 26.10.2018
Appendix Ia	Supplementary Planning Statement received on 26.10.2018
Appendix Ib	Letter from the applicant received on 26.10.2018
Appendix Ic	FI 1 received on 11 & 12.12.2018
Appendix Id	FI 2 received on 22.2.2019
Appendix Ie	FI 3 received on 2.4.2019
Appendix If	FI 4 received on 12.6.2019
Appendix Ig	FI 5 received on 15.7.2019
Appendix II	Public comments received
Appendix III	Suggested Advisory Clauses
Drawings A-1 to A-14	Plans and photomontages submitted by the applicant

Plan A-1	Location Plan
Plans A-2 to A-3	Site Plans
Plan A-4 to A-5	Site Photos

**PLANNING DEPARTMENT
AUGUST 2019**