

REVIEW OF APPLICATION NO. A/K18/328
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Social Welfare Facility (Residential Care Home for the Elderly)
with Minor Relaxation of Plot Ratio Restriction
in “Residential (Group C) 1” zone
at 63 Cumberland Road, Kowloon Tong, Kowloon**

1. Background

- 1.1 On 10.10.2018, the applicant, China Coast Community Ltd. (CCC) represented by Kwong and Associates Limited, sought planning permission under s.16 of the Town Planning Ordinance (the Ordinance) for ‘Social Welfare Facility (Residential Care Home for the Elderly) (RCHE)’ use with minor relaxation of plot ratio (PR) restriction at the application site (the Site) (**Plan R-1**).
- 1.2 The Site is zoned “Residential (Group C) 1” (“R(C)1”) on the approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21. According to the Notes of the “R(C)1” zone, ‘Social Welfare Facility’ use is a Column 2 use which requires planning permission from the Town Planning Board (TPB), and development/redevelopment in the “R(C)1” zone is subject to a maximum 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. The applicant proposed a minor relaxation of PR from 0.6 to 0.8.
- 1.3 On 22.2.2019, the Metro Planning Committee (MPC) of the TPB decided to reject the application for the following reasons:
- (a) there is no strong planning justifications in the development proposal for the proposed minor relaxation of PR restriction; and
 - (b) the approval of the application would set an undesirable precedent for similar application for minor relaxation of PR restriction within the “R(C)1” zone. The cumulative effect of approving such applications would adversely affect the existing character and may lead to excessive development in the area.
- 1.4 For Members’ reference, the following documents are attached:
- (a) MPC Paper No. A/K18/328A (Annex A)
 - (b) Extract of minutes of the MPC meeting held on 22.2.2019 (Annex B)
 - (c) Secretary of the Board’s letter dated 8.3.2019 (Annex C)

2. Application for Review

2.1 On 26.3.2019, the applicant, represented by Townland Consultants Limited, applied under s.17(1) of the Ordinance for a review of the MPC's decision to reject the application (**Annex D**). In support of the review, the following information were submitted:

- (a) Further Information (FI) received on 29.5.2019 (FI 1) (**Annex E**) providing written representation in support of the review application
- (b) FI received on 31.7.2019 (FI 2) providing responses to departmental comments with minor clarifications on the proposed redevelopment, new photomontage, new parking demand assessment and revised site layout plan (*both accepted but not exempted from publication and recounting requirements*) (**Annex F**)

3. Justifications from the Applicant

The summary of justifications put forth by the applicant in support of the s.16 application is detailed in paragraph 2 of **Annex A**. To support the review application, the applicant provided further justifications in the FIs (**Annexes E and F**) and are summarised as follows:

- (a) for the s.17 review, the proposed scheme remains largely the same as that submitted under the s.16 stage (refer to Drawings A-1 to A-7 in **Annex A**), except for (i) providing an additional car/disable car parking space and reducing the dimensions of one of the original proposed loading/unloading (L/UL) bays (see revised layout plan in **Drawing R-1**); and (ii) incorporating additional vertical landscape, greening of fence wall and façade treatments as detailed in paragraphs 3(g) and (j) below and as shown in **Drawings R-6 and R-7**;

In Line with Government Policy and the Planning Intention

- (b) the proposed redevelopment will increase 6 bed spaces to meet urgent needs for a hyper-ageing society in the short term, and is fully in line with the mission of the Elderly Commission Working Group on Elderly Services Programme Plan of fostering sense of belonging, security and worthiness of the elderly;
- (c) the proposed redevelopment, being low-rise and low-density in nature, is in line with the planning intention of the "R(C)" zone;

Realising CCC's Mission to Provide Appropriate Residential Care to the Elderly Population

- (d) in order for CCC to ensure the best care for its residents and to provide health care and rehabilitation services to residents in a safe caring and social community, where privacy is respected, there is a need to ensure facilities are fit for purpose. The proposed redevelopment will enable the provision of single rooms, ensuite bathrooms for most rooms, outdoor recreational and indoor multifunctional activity areas which are in direct response to residents' concerns and needs;

Planning and Design Merits of the Minor Relaxation of PR Restriction

- (e) a notional scheme with BH and PR not exceeding the stated restrictions on the OZP (i.e. BH of 3 storeys and PR of 0.6) is submitted for illustration purpose (**Drawings R-2 to R-4**). Although the notional scheme is technically feasible in adopting age-friendly design as well as fulfilling the relevant RCHE licensing and statutory requirements, it is not financially viable as it cannot maintain the same number of beds as the existing RCHE¹ and cannot provide quality care for its elderly residents;

Additional Circulation Space, Room Capacity and Communal Spaces

- (f) as demonstrated in the notional scheme, upon adopting an age-friendly design (e.g. barrier free access, wider corridors, safety doors, etc.) as well as fulfilling minimum operational requirements (e.g. on-site laundry, isolation rooms, etc.), the number of habitable rooms and communal living spaces would be compromised without an increase in PR. Compared with the notional scheme (at PR of 0.6), relaxation in PR will allow an increase of 55% of additional bed spaces (from 29 to 45) (or an increase of 15% of additional bed spaces as compared to the existing RCHE, i.e. from 39 to 45), and increase the barrier-free circulation spaces by about 25% (from 196m² to 244m²), barrier-free bathrooms/toilets by 46% (from 114m² to 160m²) and multi-purpose room/dining room by 132% (from 28m² to 65m²);

Building Layout and Disposition

- (g) the building orientation puts the residential wing as far away as possible from the MTR East Rail Line (EAL) to the west to eliminate the need to provide an emergency vehicle access (EVA) within the Site. The building layout and disposition allows for all bathrooms and toilets to have an external wall for natural ventilation which promotes a healthier environment and lower energy use, and allows for the provision of on-site parking² and two L/UL bays for light goods vehicles/ambulances and private car/taxi (**Drawing R-1**). In addition, the design creates a larger internal garden shielded from Rutland Quadrant (**Drawing R-7**);

¹ The existing RCHE currently provides 39 bed spaces, and 29 bed spaces can be provided under the notional scheme.

² After conducting an assessment on internal parking provision at s.17 stage, the applicant proposed to provide one car parking space to meet the RCHE's car parking demand.

- (h) relaxation of PR enables a more interesting built form and allows a terraced building design which increases visual interest and breaks the visual monotony;

Landscape Design

- (i) due to constraints imposed by the irregular site configuration, there is minor encroachment into the 6m non-building area (NBA) along Rutland Quadrant (as required on the Kowloon Tong Outline Development Plan (ODP)) ranging from approximately 0.5m to 2.5m (**Plan R-3**). The encroachment of 2.5m occurs only at a single point mainly due to the curvature of Rutland Quadrant. As shown in the alternative scheme (at PR of 0.8) (**Drawing R-5**), without the minor encroachment into the NBA, the building would be a more institutional, unarticulated and rectangular block without design merits as mentioned in paragraphs 3(g) and 3(h) above. Areas available for garden area and vehicular manoeuvring would subsequently be reduced;
- (j) to reduce the visual impact of the encroachment into the NBA and to enhance the overall visual amenity of the surroundings, greening will be provided at various levels of the building (i.e. landscaped flat roofs on 1/F, 2/F and R/F) and along the vertical elevations of the building and fence wall. Four existing large trees will be preserved. Together with the existing dense and mature vegetation within the Site, the enhanced greening will soften the building edges, maximise pedestrian comfort, help to blend in with its surroundings and reinforce the image of Kowloon Tong Garden Estate (KTGE). Deep recesses in the external wall along Rutland Quadrant, architectural screening and alternating patterns of dark and light colours along the façade will also create a more varied elevation to reduce visual impact (**Drawing R-6**);

No Adverse Technical Impacts

- (k) as demonstrated at the s.16 stage, the proposed redevelopment will not result in any adverse technical impacts; and

No Setting of Undesirable Precedent

- (l) the Site is highly suitable for RCHE use and the proposed relaxation of PR is well justified from a planning and design perspective, as well as a socially responsible perspective. Approval of the application will not set an undesirable precedent as every application is to be considered on its individual merits.

4. The Section 16 Application

The Site and its Surrounding Areas

- 4.1 The situations of the Site and its surrounding areas at the time of consideration of the s.16 application by the MPC are described in paragraph 6 of **Annex A**. There has been no material change since then (**Plans R-1 and R-2**).

Planning Intention

- 4.2 There has been no change in the planning intention of “R(C)1” zone, that 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.

Previous and Similar Applications

- 4.3 There is no previous application covering the Site (paragraph 4 of **Annex A**), and no *change in the* similar application for RCHE use within the “R(C)1” zone on the Kowloon Tong OZP (paragraph 5.1 of **Annex A**).
- 4.4 As for applications for minor relaxation of PR restriction within the “R(C)1” zone on the Kowloon Tong OZP, in addition to the similar applications stated in paragraph 5.2 of **Annex A**, an application (No. A/K18/326) for relaxation of BH from 3 to 4 storeys and PR from 0.6 to 0.6862 (a 14% increase) for a permitted house development to accommodate the gross floor area accountable from the resumed land was approved with conditions by the MPC on 3.8.2018 due to the special circumstances 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. In approving the application, the MPC noted that there would be more tree planting and enhancement in local amenity, and insignificant impacts on visual and other technical aspects (**Plan R-1**). In June 2019, an application (No. A/K18/333) for relaxation of PR restriction from 0.6 to 1.013 (a 69% increase) on the same site to accommodate the additional PR accountable from the resumed land was rejected by the MPC on 20.9.2019 for reasons that the extent of PR relaxation sought was excessive, insufficient planning and design merits, and undesirable precedent.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraphs 8.1 and 8.2 of **Annex A**.
- 5.2 For the review application, the relevant Government departments have been further consulted. Commissioner for Transport (C for T), Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) and Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) have further comments as follows:

Traffic

- 5.2.1 Comments of the C for T:

has no further comment on the internal parking provision for the

proposed development from traffic engineering point of view. Should the application be approved, the following approval condition is suggested:

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

Visual Aspect

5.2.2 Comments of the CA/CMD2, ArchSD:

- (a) has no comment from architectural and visual impact point of view. It is noted that the proposed 3-storey building complies with the stated BH restriction on the OZP and may not be incompatible with adjacent developments; and
- (b) 20% greenery should be provided to comply with PNAP APP-152.

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

- (a) as compared with the notional scheme (PR 0.6), the 3-storey L-shaped building under the proposed scheme (PR 0.8) is further extended at its elongated frontage along Rutland Quadrant to accommodate the additional bulk. While such increase in bulk may affect the perception of openness of the street, the proposed landscape treatments and tree planting forming part of the development and as illustrated in the artist impression (**Drawing R-6**) will help reduce the overall perceivable building mass on ground plane; and
- (b) all landscape measures as mentioned in FI 2 and/or shown on the artist impression, including the green/vegetated boundary wall, should be properly reflected in a landscape design or landscape master plan.

5.3 The following Government departments have no further comments on the review application and maintain their previous views on the s.16 application as stated in paragraph 8.1 of **Annex A**. Their previous views are briefly recapitulated below:

Land Administration

5.3.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) the Site falls within NKIL No. 751 which has an area of 18,730ft² (i.e. about 1,740m²) and is governed by a Government Lease dated 10.1.1930 for a term of 75 years commencing from 1.7.1898 renewable for a further term of 24 years less 3 days. The lease term

has been extended by the New Territories Leases (Extension) Ordinance (Cap. 150) up to 30.6.2047;

- (b) the application which involves the proposed redevelopment of the lot to a 3-storey RCHE is in contravention of the lease conditions. As such, if the application is approved by the Board, the applicant shall apply to LandsD for lease modification or consent to implement the proposal. However, there is no guarantee that the lease modification or consent would be approved or granted, which, if approved or granted by LandsD in the capacity of a landlord, shall be subject to such terms and conditions including payment of premium and administrative fees as may be considered appropriate by LandsD; and
- (c) comments on the existing and proposed GFAs as quoted in the applicant's submission will be provided at the lease modification or consent stage.

Building Matters

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

- (a) has no in-principle objection to the proposal under Buildings Ordinance (BO) subject to the submission of building plans to demonstrate compliance of BO and Building Regulations;
- (b) justifications 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 Practice Notes for Authorized Persons (PNAPs); and
- (c) detailed comments will be provided at building plan submission stage.

Fire Safety

5.3.3 Comments of the Director of Fire Services (D of FS):

- (a) has no comment on the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of the D of FS and the height restriction as stipulated in section 20 of Residential Care Homes (Elderly Persons) Regulation Cap. 459A being observed;

- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the relevant licensing authorities; and
- (c) the arrangement of EVA shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD.

Environment

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

- (a) has no objection to the application from air quality, noise and sewerage impact perspectives; and
- (b) should the application be approved, the following approval conditions are suggested to be imposed to ensure the potential sewerage impacts arising from the proposed redevelopment are properly addressed:
 - the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the DEP or of the TPB; and
 - the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in the approval condition above to the satisfaction of the Director of Drainage Services or of the TPB.

Social Welfare Aspect

5.3.5 Comments of the Chief Executive Officer (Planning) 2, SWD (CEO(Planning)2, SWD):

- (a) no objection in-principle to the planning application in view of the growing demand for residential care services for the elderly and the site location, together with the justifications provided by the applicant;
- (b) SWD's current no objection in-principle is not commitment to offer support of nominal premium for the subsequent necessary lease modification or land exchange;
- (c) The Licensing Office of Residential Care Homes for the Elderly (LORCHE) of SWD first received a licence application from the applicant on 15.11.1995 for the operation of a RCHE. As the RCHE could not then fully comply with the legislative requirements, a Certificate of Exemption was granted to the applicant on 2.5.1996, in accordance with Section 7 of the Residential Care Homes (Elderly

Persons) Ordinance (Cap. 459). A Licence for the RCHE was issued to the applicant on 1.4.2000 after the RCHE had complied with licensing requirements in all domains;

- (d) the applicant stated in the application form that “a recent inspection by SWD and FSD identified numerous issues which are irresolvable without redevelopment”. On this, please note that the RCHE has complied with the licensing requirements upon its completion of the necessary rectification works and has already obtained a licence. SWD does not request the operator to resolve the issues by way of redevelopment; and
- (e) it is noted that some of the proposed functional areas of the RCHE deviate from the standard Schedule of Accommodation (SoA) of an RCHE of SWD. However, as the Site is privately owned and the RCHE has been and will be running on a self-financing and non-profit-making basis, coupled with the consideration that the redevelopment will carry no recurrent or capital financial implication to the Government, SWD has no objection in principle to the proposed SoA of the RCHE, provided that the design and disposition of facilities will meet the daily operational need and comply with the relevant licensing and statutory requirements.

District Officer’s Comments

5.3.6 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 (KCDC) 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. TPB 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.

5.4 The following Government departments maintain their previous views of having 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.

6. Public Comments Received During Statutory Publication Periods

- 6.1 The review application, FI 1 and FI 2 were published for public inspection on 12.4.2019, 14.6.2019 and 9.8.2019 respectively. A total of 10 comments were received during the three statutory public inspection periods (**Annex G**). Six supporting comments are from the Lung Tong Area Committee Chairman, the applicant (with 10 signatures of the existing RCHE residents) and individual members of the public. Their views are summarised as follows:

Supporting Views

- (a) redevelopment of the RCHE will increase capacity to accommodate more bed spaces which helps meet the increasing demand for elderly care facilities in Hong Kong;
- (b) the proposed minor relaxation of PR would not set an undesirable precedent as the proposed scheme encompasses international standards for elderly care and is in keeping with the ambience of Kowloon Tong area; and
- (c) the existing facilities need renovation, for example, bigger lifts for wheelchair and gurneys. The proposed scheme would offer modernised facilities with more indoor and outdoor spaces to meet welfare and health standards and provide the RCHE residents better privacy and quality of life.

- 6.2 The four objecting comments are from a company and individual members of the public. Their major objecting views are summarised as follows:

Objecting Views

- (a) additional one storey, enlarged building size and 'non-house' like design in the proposed scheme are not in keeping with the residential nature of the neighbourhood;
- (b) the proposed scheme would create adverse visual impacts as shown in the photomontages;
- (c) the RCHE use is incompatible with the surrounding uses (i.e. kindergarten, primary schools and residential developments) and would aggravate traffic congestion in the area that may in turn affect access to the Site for ambulances; and
- (d) the applicant could make use of the space in the rear of the existing building for providing more rooms and facilities, instead of redeveloping the existing RCHE. This would reduce anxiety of and the need to relocate existing residents during the construction period.

- 6.3 At the s.16 stage of the application, a total of four public comments were received, including one supporting comment, two objecting comments and one raising concerns. Details are in paragraph 9 of **Annex A**.

7. Planning Considerations and Assessments

- 7.1 The subject application is for minor relaxation of PR restriction from 0.6 to 0.8 to facilitate redevelopment of an existing 2-storey building that has been in operation as a RCHE since late 1970s into a new 3-storey RCHE.
- 7.2 On 22.2.2019, the MPC rejected the application for two reasons (a) no strong planning justifications in the development proposal for the proposed minor relaxation of PR restriction; and (b) approval of the application would set an undesirable precedent for similar applications and the cumulative effect of approving such applications would adversely affect the existing character and may lead to excessive development in the area.
- 7.3 In support of the current s.17 application, the applicant has provided the following further justifications as detailed in paragraph 3 and briefly highlighted below:
- (a) *Submission of a notional scheme at PR 0.6 to justify the necessity of PR relaxation to achieve various operational need:* upon adopting an age-friendly design and fulfilling minimum operational requirements, the number of bed spaces and area of communal living spaces would be compromised without an increase in PR (**Drawings R-2 to R-4**);
 - (b) *Submission of an alternative scheme at PR 0.8 to demonstrate the NBA encroachment is justifiable:* there is minor encroachment into the 6m NBA along Rutland Quadrant due to constraints imposed by the irregular site configuration. Without such encroachment, the building would not be able to provide adequate garden area and vehicular manoeuvring space, and would be a more institutional, unarticulated and rectangular block without design merits (**Drawing R-5**);
 - (c) *Building design and landscape design:* relaxation of PR enables a more interesting built form and further greening (**Drawings R-6 to R-10**).

Planning Justifications for Minor Relaxation of PR

- 7.4 The Site is a prominent corner site with requirement under the ODP for a 6m-wide NBA abutting Cumberland Road and Rutland Quadrant (**Plan R-2**). As seen from the submitted photomontages (**Drawings R-8 to R-10**), the proposed building at PR of 0.8 is much more bulky and visually more dominating as compared to the existing building at PR of 0.6 with the buildings generally set back from the roads. The submitted floor plans (**Drawings R-2 to R-4**) also show that the proposed building at PR of 0.8 has a much longer façade along Rutland Quadrant as compared to a notional scheme development at PR of 0.6. The generally bulky and

elongated built form, together with encroachment of building footprint into the 6m NBA on the ODP, will be more visible and dominating at street level and have negative impact on the special character and amenity of the area where existing developments are generally at PR not exceeding 0.6 (based on available information) and have generally been set back from the road(s) to respect the NBA as earmarked on the ODP to maintain/enhance the existing townscape of the KTGE area.

- 7.5 The applicant claimed that the relaxation of PR enables a more interesting built form through a terraced building design which would enhance visual interests and break the visual monotony. However, as seen in the floor layout plans and photomontages (**Drawings R-2 to R-4** and **R-6 to R-7**), the terraced building design is only applicable to the communal wing (the minor portion of the building that is inward looking and not visible from Rutland Quadrant) whilst the street frontage along Rutland Quadrant is a long façade of about 40m long. In contrary, the notional scheme (at PR of 0.6) has a much shorter façade and a flat roof of reasonable size at the 2/F residential wing abutting Rutland Quadrant (**Drawing R-4**). It is clear that with a lower PR, there is more room for a less bulky development that can respect the NBA requirement.
- 7.6 The applicant indicated that the encroachment into the 6m-wide NBA along Rutland Quadrant is in the range of 0.5m to 2.5m and the encroachment of 2.5m occurs only at a single point, it is clear from **Plan R-3** that the building facade has considerable encroachment into the NBA along Rutland Quadrant at various locations. It was also claimed that without the minor encroachment into the NBA, the building would be a more institutional, unarticulated and rectangular block without design merits, however, the notional scheme at OZP compliant PR (i.e. PR of 0.6) and the alternative scheme (at PR of 0.8 without encroachment into NBA) in **Drawings R-2 and R-5** submitted by the applicant show very similar built form, albeit with much shorter façade under the OZP compliant PR. In addition, the architectural screening, facade colouring or additional vertical greening and greening along the fence wall (which are only shown in a schematic artist impression in **Drawing R-6**) could still be implemented under a scheme without minor relaxation of PR.
- 7.7 CA/CMD2, ArchSD considers the proposed development may not be incompatible with adjacent developments and CTP/UD&L, PlanD opines that the scheme at PR of 0.8 is further extended at its elongated frontage along Rutland Quadrant, and while the increase in building bulk may affect the perception of openness of the street, the proposed landscape treatments and tree planting forming part of the development may reduce the overall perceivable building mass on ground plane.
- 7.8 Taking into account the above, it is considered that the applicant has not provided strong planning justifications for the proposed relaxation in PR nor demonstrated sufficient effort to enhance building design, amenity of the public realm, and measures to mitigate the visual impact brought by the increased building bulk due to relaxation of PR as well as encroachment into the NBA.

Undesirable Precedent

- 7.9 The MPC/TPB has only approved one application with conditions in the KTGE area for proposed 14% relaxation of PR for a permitted house development in the “R(C)1” zone due to the special circumstances involving land previously resumed for road widening works, and rejected an application for proposed 69% relaxation of PR for the same house use at the same site for reasons as detailed in paragraph 4.4 above. Approval of the subject application with a much higher relaxation of PR (33.3%) and contravention of the NBA requirements under the ODP without strong planning and design merits will create undesirable precedent; the cumulative impacts of approving such similar applications would have adverse impact on the streetscape, character and may lead to excessive development in the area with limited road access.

Public Comments

- 7.10 Regarding the public comments, the assessments in paragraphs 7.4 to 7.8 are relevant.

Overall Planning Assessment

- 7.11 With regard to the applied use, compatibility with the surroundings and other technical considerations, the planning assessment as detailed in paragraphs 10.1 to 10.5 and 10.12 in **Annex A** is still valid.

8. Planning Department’s Views

- 8.1 Based on the assessment in paragraph 7 and having taken into account the public comments mentioned in paragraph 6, and given that there has been no change in the planning circumstances since the consideration of the subject application by MPC on 22.2.2019, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) there is no strong planning justifications in the development proposal for the proposed minor relaxation of plot ratio restriction; and
 - (b) the approval of the application would set an undesirable precedent for similar application for minor relaxation of plot ratio restriction within the “R(C)1” zone. The cumulative effect of approving such applications would adversely affect the existing character and may lead to excessive development in the area.
- 8.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission shall be valid until 25.10.2023, 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 and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in the approval condition (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The suggested advisory clauses are attached at **Annex H**.

9. Decision Sought

- 9.1 The Board is invited to consider the application for a review of the MPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the application on review, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the application on review, 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.

10. Attachments

Annex A	MPC Paper No. A/K18/328A
Annex B	Extract of minutes of the MPC meeting held on 22.2.2019
Annex C	Secretary of the Board's letter dated 8.3.2019

Annex D	Applicant's letter dated 26.3.2019 applying for a review of MPC's decision
Annex E	FI 1 received on 29.5.2019
Annex F	FI 2 received on 31.7.2019
Annex G	Public Comments
Annex H	Suggested Advisory Clauses
Drawing R-1	Revised Layout Plan
Drawings R-2 to R-4	Floor Layout Plans
Drawing R-5	Alternative Scheme (at PR of 0.8)
Drawings R-6 to R-10	Photomontages
Plan R-1	Location Plan
Plans R-2 to R-3	Site Plans
Plans R-4 to R-5	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2019**