

MPC Paper No. A/K18/331  
For Consideration by  
the Metro Planning Committee  
on 31.5.2019

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

**APPLICATION NO. A/K18/331**

- Applicant** : Gold Palace Limited represented by Kenneth To & Associates Limited
- Site** : 7 Lincoln Road, Kowloon Tong, Kowloon
- Site Area** : About 724.92m<sup>2</sup>
- Lease** (a) New Kowloon Inland Lot (NKIL) No. 715 with a lease up to 30.6.2047  
(b) Subject to the following main restrictions:  
(i) a messuage or dwelling house;  
(ii) front and range clause; and  
(iii) non-offensive trade clause.
- Plan** : Approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21
- Zoning** : “Residential (Group C)1” (“R(C)1”)  
(a) maximum plot ratio (PR) of 0.6 and maximum building height (BH) of 3 storeys, or the PR and height of the existing building, whichever is the greater; and  
(b) provision for application for minor relaxation of the BH restriction to allow for one storey of basement for use as car park and/or ancillary plant room.
- Application** : Proposed minor relaxation of BH restriction from 3 to 4 storeys to allow for one storey of basement for two car parking spaces and ancillary plant room for the permitted house development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed minor relaxation of 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 A-1**). The Site is zoned “R(C)1” on the approved Kowloon Tong OZP No. S/K18/21. According to the Notes of the OZP, ‘House’ use is always permitted

within the “R(C)1” zone; and minor relaxation of BH restriction to allow for 1 storey of basement for use as car park and/or ancillary plant room may be permitted on application to the Town Planning Board (the Board).

- 1.2 The main entrance and vehicular access will be at Lincoln Road. A 6m setback along Lincoln Road and Cumberland Road is provided in accordance with the non-building areas (NBA) designated on the draft Kowloon Tong Outline Development Plan (ODP) No. D/K18/1A (**Plan A-2** and **Drawing A-2**).
- 1.3 The major development parameters of the proposed development are as follows:

<b>Development Parameters</b>	<b>Proposed Scheme</b>
Site Area	724.92m <sup>2</sup>
Gross Floor Area (GFA)*	Not more than 434.95m <sup>2</sup> (excluding GFA concession of 265m <sup>2</sup> for car parking spaces and ancillary plant rooms on B/F)
PR	0.6
Site Coverage	Not more than 75%
No. of Storeys	4 (3 domestic storeys over 1 basement for car park and ancillary plant rooms)
BH (at roof level) (in mPD)	22.67mPD
No. of Car Parking Spaces	3 (including 2 on B/F and 1 for visitor on G/F)
No. of Loading/Unloading (L/UL) Bay	1 (temporary provision for light goods vehicle (LGV) on G/F)

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

#### Landscaping

- 1.4 There are currently no existing trees within the Site. According to the landscape proposal (Appendix 2 in **Appendix Ia**) and landscape master plan (LMP) (**Drawing A-6**), landscape plantings will be planted near entrance and site boundary line to soften hard edges and maximise environmental benefits to the surroundings. Greenery will also be incorporated into the building such as curvilinear planter connecting different floors to soften the building mass (**Drawings A-7 to A-9**). An overall greenery ratio of not less than 25% is proposed.
- 1.5 In support of the application, the applicant has submitted the following documents:

- |     |                                                     |                      |
|-----|-----------------------------------------------------|----------------------|
| (a) | Application form received on 16.4.2019              | <b>(Appendix I)</b>  |
| (b) | Supporting planning statement received on 16.4.2019 | <b>(Appendix Ia)</b> |
| (c) | Further Information (FI) received on 24.5.2019      | <b>(Appendix Ib)</b> |

- 1.6 Plans including floor layout plans, section drawing and landscape plans submitted by the applicant are shown in **Drawings A-1 to A-9**.

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

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

### *Planning Intention*

- (a) the proposed house redevelopment is in line with the planning intention of the “R(C)1” zone. The ample greenery opportunities at the Site is also in line with the Kowloon Tong Garden Estate (KTGE) concept, and the innovate building design will also add visual interest to the neighbourhood;

### *Reduction in Above Ground Building Bulk*

- (b) the proposal will provide the opportunity for a smaller building bulk while allowing the provision of a larger greenery/landscaping area. All essential plant rooms are proposed to be located at basement instead of on roof top level so that a clean roof form can be created and the environment of the neighbourhood area will be further enhanced;
- (c) the proposed development has adopted a more free-form design approach and set back from Lincoln Road and Cumberland Road to allow more visual connections at ground level. Together with stepped terrace design, ample greenery is introduced at different levels and carry through the whole building from various flat roofs and extend to ground level;

### *Disposition and Extent of Proposed Basement are Well Justified*

- (d) the proposed basement is disposed near the scavenging lane and set back from Lincoln Road in order to minimise the nuisance to the neighbourhood during construction and for connection to the existing underground utilities provision in the vicinity of the Site;
- (e) the proposed basement will accommodate ancillary plant rooms (including main switch room, potable flushing water pump room, fire services pump room and fire services water tank) and two car parking spaces with adequate manoeuvring spaces and circulation spaces. Its size is devised based on the functional, building services, geotechnical and structural design requirements of the proposed house;

### *No Adverse Environmental Impacts*

- (f) carpark ventilation will be provided in order to control the air quality as stipulated in the ProPECC PN 2/96. The carpark ventilation will be designed, with simple

monitoring system and considered to bring the air pollutants away and in such a manner that not to cause nuisance to the occupants in the building;

- (g) to minimise air quality impact arising from the construction phase of the development, dust suppression measures stipulated in the Air Pollution Control (Construction Dust) Regulation will be incorporated to control dust emission. With the implementation of the dust suppression measures, unacceptable construction dust impact would not be anticipated;

*In Line with the Relevant Criteria for Consideration of Minor Relaxation of BH Restriction*

- (h) the proposed house development responds to the relevant criteria for consideration of minor relaxation of BH restriction, including the adoption of innovative building design to add visual interest to the neighbourhood, introduction of stepped terrace design to enhance visual permeability at pedestrian level, provision of ample greening to enhance the amenity of the development and the neighbourhood. All the design merits will bring about improvements to townscape and amenity of the locality; and

*In Line with Previous Decisions of the Board*

- (i) there are a number of planning applications for minor relaxation of BH restriction from 3 to 4 storeys at “R(C)1” zone to include one level of basement previously approved by the Board. Hence, approval of the current application will be in line with the previous decisions of the Board.

**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 subject to any previous application.

**5. Similar Applications**

There are 17 similar applications (involving 13 sites) for minor relaxation of BH restrictions for residential developments to include one storey of basement for car parking and/or ancillary plant room use within the “R(C)1” zone on the Kowloon Tong OZP (**Plan A-1**). 13 applications (involving 12 sites) considered between 2006 to 2018 were approved with conditions, mainly for reasons that the proposals would allow more tree planting opportunities to enhance the local amenity and would not result in significant impacts on the environment, drainage, traffic, visual and infrastructural aspects. Prior to that between 2002 to 2005, four applications (all at 3 Devon Road) were rejected on grounds of

excessive basement size, insufficient information to demonstrate there were planning or design merits, and setting of undesirable precedent. Details of the similar applications are summarised at **Appendix II**.

**6. The Site and Its Surrounding Areas (Plans A-1 and A-2 and site photos on Plans A-3)**

**6.1 The Site:**

- (a) is currently occupied by a 2-storey domestic house;
- (b) is located at the junction of Lincoln Road and Cumberland Road, with vehicular access at Lincoln Road in the south; and
- (c) two NBAs of 6m-wide abutting Lincoln Road and Cumberland Road are designated on the draft Kowloon Tong ODP No. D/K18/1A, which is intended for building setback to enhance the streetscape of the area (**Plan A-2**).

**6.2 The surrounding areas have the following characteristics:**

- (a) the Site is located within the KTGE which is a low-rise, low-density residential area. Existing developments are generally 1 to 3 storeys in height; and
- (b) there are residential uses and some non-residential uses including schools, religious institutions and hotels in the vicinity.

**7. Planning Intention**

7.1 The planning intention of the “R(C)1” zone is for low to medium-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. The site is subject to a maximum PR of 0.6 and a maximum BH of three storeys, or the PR and height of the existing building, whichever is the greater.

7.2 According to the Explanatory Statement (ES) of the OZP, for consideration of application to provide additional basement storey in “R(C)1” zone, the construction of the basement should not cause any adverse impacts on the existing trees or deteriorate the distinctiveness of the area as a garden estate.

7.3 The ES of the OZP also stated that minor relaxation of BH restriction will be considered by the Board taking into account its own merits and the relevant criteria for consideration of such relaxation are as follows:

- (a) amalgamating smaller sites for achieving better urban design and local area improvements;

- (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening;
- (c) providing better streetscape/good quality street level public urban space;
- (d) providing separation between buildings to enhance air and visual permeability;
- (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP; and
- (f) other factors, such as the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality and would not cause adverse landscape and visual impacts.

## **8. Comments from Relevant Government Departments**

8.1 The following Government departments have been consulted and their views on the application and on the public comments are summarised as follows:

### **Land Administration**

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

- (a) the Site falls within NKIL No. 715, which has a site area of about 7,803ft<sup>2</sup>. The lot is governed by a Government lease dated 8.5.1930 and the lease term has been extended up to 30.6.2047. The Government lease contains, inter alia, the following salient conditions:
  - (i) the lessee will keep and maintain on the lot a message or dwelling house during the whole of the lease term;
  - (ii) front and range clause;
  - (iii) the lessee shall not nor will at any time during the continuance of the lease term erect any other message or dwelling house on the lot or any part thereof without the consent in writing of the Director of Public Works had and obtained in that behalf; and
  - (iv) non-offensive trade clause.

- (b) if the application is approved by the Committee, the lot owner has to apply for consent for the proposed redevelopment as per paragraph 8.1.1(a)(iii) above. However, there is no guarantee that the consent shall be given, if given by LandsD in the capacity of a landlord, it shall be subject to such terms and conditions, including payment of premium and administrative fee as may be considered appropriate by LandsD at its sole discretion.

### **Building Matters**

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

- (a) no in-principle objection to the proposal under Buildings Ordinance (BO) subject to submission of building plans to demonstrate compliance of BO and Building Regulations;
- (b) applications for modification/exemption from Building (Planning) Regulation (B(P)R) 23(3)(a), i.e. for GFA concession, shall be submitted with the plans, with demonstration of compliance with the relevant acceptance criteria, requirements, prerequisites, cap on GFA concession, etc. in the relevant Practice Notes for Authorized Persons (PNAPs);
- (c) in assessing whether the basement car park layout 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 Standard and Guidelines (HKPSG) and the advice of C for T. Any excessive car parking spaces and associated spaces (i.e. ramp, driveway, etc.) should be included in GFA calculation; and
- (d) justification shall be submitted for the proposed plant room types and sizes. The granting of GFA concessions for non-mandatory/non-essential plant room and services, etc. is subject to the compliance with the relevant acceptance criteria, requirements, prerequisites, cap on GFA concession, etc. in the relevant PNAPs.

### **Environment**

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

- (a) has no objection to the application;
- (b) on air quality, it is noted that there will not be any odorous or gaseous emissions from the proposed ancillary plant room at basement level and no industrial chimney is identified within 200m

from the Site. As such, adverse air quality impact arising from the proposed development is not anticipated;

- (c) on noise, adverse noise impact associated with the proposed development is not anticipated. Nevertheless, the applicant is advised that the planning and design of the subject development should follow the relevant requirements stipulated in the HKPSG to avoid causing any noise problem to the future residents; and
- (d) on sewerage, in view of the scale of the proposed development, adverse sewerage impact arising from the proposed development is not anticipated.

### **Traffic**

#### 8.1.4 Comments of the C for T:

- (a) has no adverse comment on the proposed provision of car parking spaces from traffic engineering point of view;
- (b) the applicant should provide a permanent L/UL bay instead of a temporary one within the Site. Such provision should also be shown on the general building plans; and
- (c) to address the above, should the application be approved, the following approval condition is suggested:

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

### **Visual and Landscape Aspects**

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

has no comment from visual impact point of view as the proposed use, development massing and intensity may not be incompatible with adjacent developments.

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

it is noted from the applicant's submission that no existing tree is observed within the Site, as such, adverse landscape impact caused by the proposed minor relaxation of BH is not anticipated.



### **Fire Safety**

#### 8.1.7 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; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

### **Electricity and Gas Safety**

#### 8.1.8 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) there is an intermediate pressure underground town gas transmission pipeline running along Cumberland Road in the close vicinity of the Site. The applicant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the Site and any required minimum setback distance away from them during the design and construction stages of development. The applicant shall also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Damage to Gas Pipes"; and
- (b) the applicant should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line with and/or in the vicinity of the Site. The applicant should note the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines".

### **District Officer's Comments**

#### 8.1.9 Comments of the District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD):

DO(KC), HAD has no comment on the planning application and notes that PlanD has notified the interested Kowloon City District Council Members, the Lung Tong Area Committee as well as the Owners Committee/Mutual Aid Committees/management committees/residents of buildings near the Site on the planning application. The Board should take into account all the comments gathered in the decision making process. Should the application be eventually approved, the applicant should take appropriate measures to address the residents' concerns.

8.2 The following Government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Mainland South, Drainage Services Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Commissioner of Police; and
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

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

The application was published for public inspection on 26.4.2019. During the first three weeks of the statutory public inspection, which ended on 17.5.2019, no public comment was received.

## **10. Planning Considerations and Assessments**

- 10.1 The current application is for minor relaxation of BH restriction to facilitate the construction of one basement floor for accommodating two car parking spaces and some ancillary plant rooms in a 4-storey house.
- 10.2 According to the Notes of the OZP, on land designated “R(C)1”, based on individual merits of a development or redevelopment proposal, minor relaxation of the BH restriction to allow for one storey of basement which is constructed or intended for use as car park and/or ancillary plant room, may be considered by the Board on application. Such provision is to allow design flexibility for development with planning and design merits. Moreover, the construction of the basement should not cause any adverse impacts to the existing trees or deteriorate the distinctiveness of the area as a garden estate.
- 10.3 The proposed house will be set back from Lincoln Road and Cumberland Road by 6m to comply with the NBA requirement under the draft Kowloon Tong ODP No. D/K18/1A (**Plan A-2**). The proposed development has also incorporated a number of special design elements including free-form building design and stepped terrace design with greenery (**Drawings A-6 to A-9**). The applicant indicated that the proposal will allow for smaller building bulk above ground; provision of larger greenery area; and by providing all essential plant rooms at basement instead of on roof top level, a clean roof form can be created. The proposal is considered to have design merits and would enhance the environment of the neighbourhood area.
- 10.4 According to the landscape proposal, landscape plantings will be planted near entrance and site boundary line to soften hard edges and maximise environmental benefits to the surroundings. Greenery will also be incorporated into the building

such as curvilinear planter connecting different floors to soften the building mass. CTP/UD&L, PlanD noted that no existing tree is observed within the Site and adverse landscape impact caused by the proposed development is not anticipated. In view of the above, the proposal is in line with the criteria for relaxation of BH as outlined in paragraphs 7.3(c) and (f) above.

- 10.5 The proposed car parking and plant room uses in the basement floor will have insignificant impacts on the environment, drainage, traffic, visual and the planned infrastructure on the surrounding areas. Relevant Government departments have no objection to or adverse comments on the application.
- 10.6 13 similar applications at 12 sites involving minor relaxation in BH for additional basement floor in the past 13 years were approved by the Committee with similar circumstances as the subject application. Approval of the current application is not inconsistent with previous decisions of the Committee on similar approvals.
- 10.7 The applicant has assumed in the scheme a total GFA concession of 265m<sup>2</sup>. CBS/K, BD advised that the granting of GFA concessions will be considered during building plan submission stage. In this regard, an advisory clause is suggested in **Appendix III** to advise the applicant that if the area of GFA concessions assumed in this application is not granted by the BA with the resultant PR exceeding the OZP restriction, a fresh application to the Board would be required.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 31.5.2023, 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 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 water supplies for fire fighting 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 at **Appendix III**.

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

there are insufficient planning and design merits to justify the proposed relaxation of building height restriction.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

## **13. Attachments**

<b>Appendix I</b>	Application Form received on 16.4.2019
<b>Appendix Ia</b>	Supporting Planning Statement received on 16.4.2019
<b>Appendix Ib</b>	FI received on 24.5.2019
<b>Appendix II</b>	Similar s.16 applications within "R(C)1" Zone on the Kowloon Tong OZP
<b>Appendix III</b>	Suggested Advisory Clauses
<b>Drawings A-1 to A-9</b>	Plans submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2019**

**Similar S.16 Applications for minor relaxation of building height restriction within  
“Residential (Group C) 1” Zone on the  
Kowloon Tong Outline Zoning Plan**

**Approved Applications**

<b>No.</b>	<b>Application No.</b>	<b>Location</b>	<b>Proposed Uses/Developments</b>	<b>Date of Consideration</b>	<b>Main Reasons for Approval/ Approval Conditions</b>
1.	A/K18/233	4 Somerset Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for ancillary plant room use in a proposed residential development	13.1.2006 (MPC)	(i), (ii)/ (a), (b), (c)
2.	A/K18/237	121 Boundary Street	Ditto	19.5.2006 (MPC)	(i), (ii)/ (a), (b), (c)
3.	A/K18/263	7 Devon Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	7.8.2009 (MPC)	(i), (ii)/ (a), (b), (c), (d)
4.	A/K18/275	4 Stafford Road	Ditto	12.11.2010 (MPC)	(i), (ii)/ (a), (b), (c)
5.	A/K18/276	6 Lincoln Road	Ditto	28.1.2011 (MPC)	(i), (ii)/ (a), (b), (c)
6.	A/K18/282	5 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	1.4.2011 (MPC)	(i), (ii)/ (a), (b), (c), (e)
7.	A/K18/283	8 York Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	15.4.2011 (MPC)	(i), (ii)/ (a), (b), (c), (d)
8.	A/K18/285	7 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	5.8.2011 (MPC)	(i), (ii)/ (a), (b), (c)

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Main Reasons for Approval/ Approval Conditions
9.	A/K18/286	3 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	5.8.2011 (MPC)	(i), (ii)/ (a), (b), (c), (e)
10.	A/K18/296	1 Somerset Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	8.2.2013 (MPC)	(i), (ii)/ (a), (c), (d)
11.	A/K18/306	1 Somerset Road	Ditto	8.11.2013 (MPC)	(i), (ii)/ (a), (b), (c), (d)
12.	A/K18/307	6 Devon Road	Ditto	7.3.2014 (MPC)	(i), (ii)/ (a), (b), (c), (d)
13.	A/K18/326	147 Waterloo Road	Proposed minor relaxation of plot ratio restriction from 0.6 to 0.6862 and minor relaxation of building height restriction from 3 to 4 storeys to allow for one storey of basement for three car parking spaces and ancillary plant room use for the permitted house development	3.8.2018 (MPC)	(i), (ii)/ (a), (b), (c), (d), (f)

**Main Reasons for Approval:**

- (i) More tree planting and enhancement in local amenity
- (ii) Insignificant impacts on environment, drainage, traffic, visual and infrastructural aspects

**Approval Conditions:**

- (a) Submission and implementation of landscape proposal
- (b) Provision of water supplies for firefighting and fire services installations
- (c) Usual time clause
- (d) Design and provision of vehicular access
- (e) Submission of quarterly tree monitoring reports
- (f) Submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein

**Rejected Applications**

<b>No.</b>	<b>Application No.</b>	<b>Location</b>	<b>Proposed Uses/Developments</b>	<b>Date of Consideration</b>	<b>Main Reasons for Rejection</b>
1.	A/K18/196	3 Devon Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	20.12.2002 (TPB)	(A), (B)
2.	A/K18/208	Ditto	Ditto	25.7.2003 (MPC)	(A), (B)
3.	A/K18/214	Ditto	Ditto	4.6.2004 (TPB)	(A), (B)
4.	A/K18/229	Ditto	Ditto	18.11.2005 (TPB)	(A), (B)

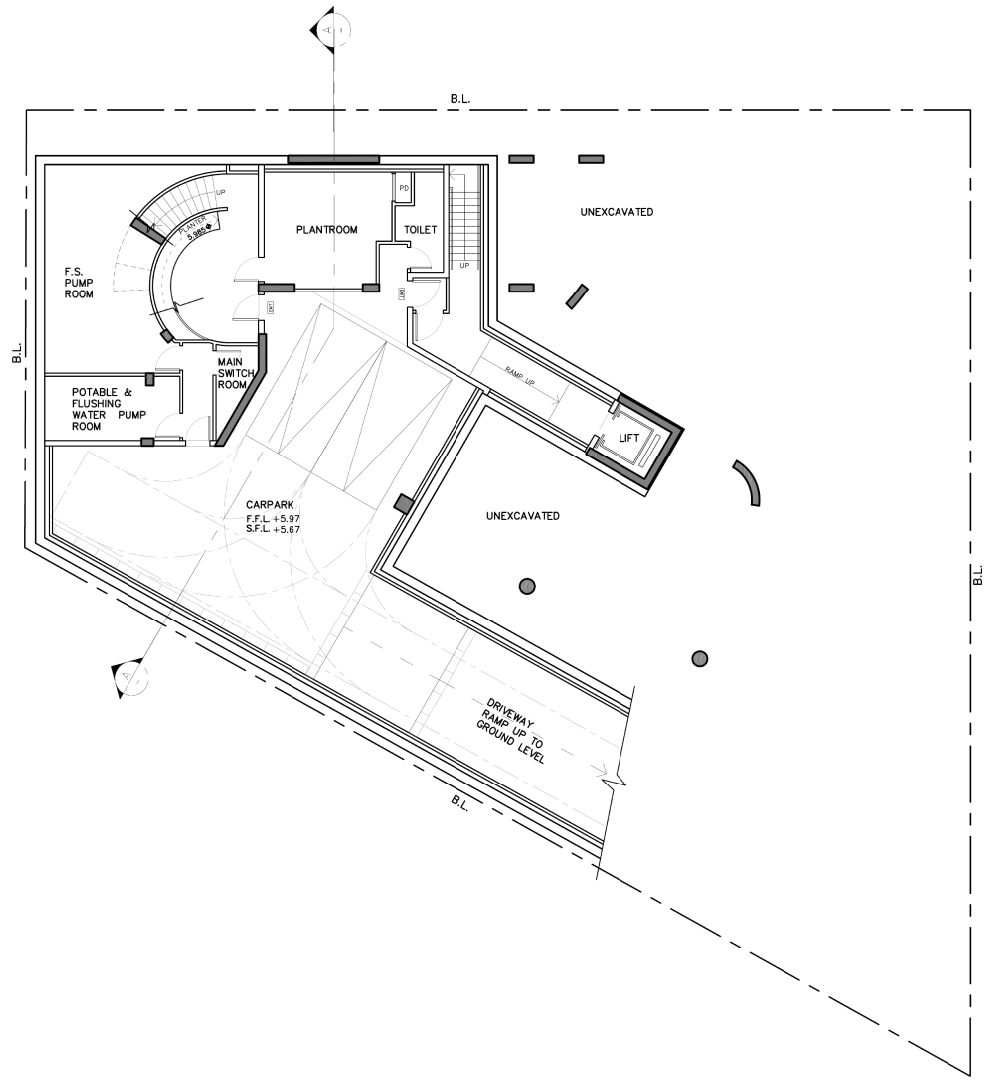
**Main Reasons for Rejection :**

- (A) Excessive basement size and insufficient information to demonstrate planning and design merits
- (B) Undesirable precedent

**Suggested Advisory Clauses**

- (a) The approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession (including the basement car park, staircases, void area and/or plant rooms) for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements, and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, BD on the requirements for modification/exemption under Building (Planning) Regulations;
- (c) to note the comments of the District Lands Officer/Kowloon East, LandsD to apply for consent for the proposed development in accordance with the lease conditions. If the approval under lease is granted by LandsD in the capacity as landlord at its sole discretion, it will be subject to those terms and conditions, including the payment of premium and administrative fee as appropriate, as imposed by LandsD;
- (d) to note the comments of the Director of Environmental Protection that the planning and design of the subject development should follow the relevant requirements stipulated in the Hong Kong Planning Standard and Guidelines to avoid causing any noise problem to the future residents; and
- (e) to note the comments of the Director of Electrical and Mechanical Services to liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of the development, and to approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line with and/or in the vicinity of the Site. The applicant should also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes", Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" .





**BASMENT PLAN**



**GENERAL NOTES :**  
 ALL MEASUREMENTS MUST BE CHECKED AT THE SITE — THIS DRAWING IS NOT VALID FOR CONSTRUCTION PURPOSES UNLESS EXPRESSLY NOTED BY ALL CHANGES SHALL BE MADE TO THE CONTRACT AND THE RESPONSIBILITY OF THE ARCHITECT AND SHALL BE LIMITED TO THE COMPLETION OF THE WORK AND NOT MAINTENANCE OF THE DRAWING.

Sheet No	18	Section 18	Basement
NO	ITEMS	DATE	BY
APPROVED	DATE	BY	DATE

Prepared by: hawks Design Consultants (Hong Kong) Limited  
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**OWNER**  
 Gold Palace Limited

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**PROJECT :**  
 Residential Redevelopment at  
 No.7 Lincoln Road, N.K.I.L. 715,  
 Kowloon Tong, Kowloon, Hong Kong

**DRAWING TITLE :**  
 BASEMENT PLAN

SCALE :	AS SHOWN	PROJECT NO. :	1813
DRAWN BY :	JY	DATE :	
CHECKED BY :	TW	CAD FILE :	20190416_BASMENT PLAN.dwg
APPROVED BY :		DRAWING NO. :	A-001

參考編號 REFERENCE No. <b>A/K18/331</b>	繪圖 DRAWING <b>A - 1</b>
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(資料來源:於2019年4月16日收到申請人提交的資料)  
 (SOURCE : THE APPLICANT'S SUBMISSION RECEIVED ON 16.4.2019)

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Sector 16 San Tin		DATE	TH
NO.	REVISED	DATE	BY
1		2019	JY

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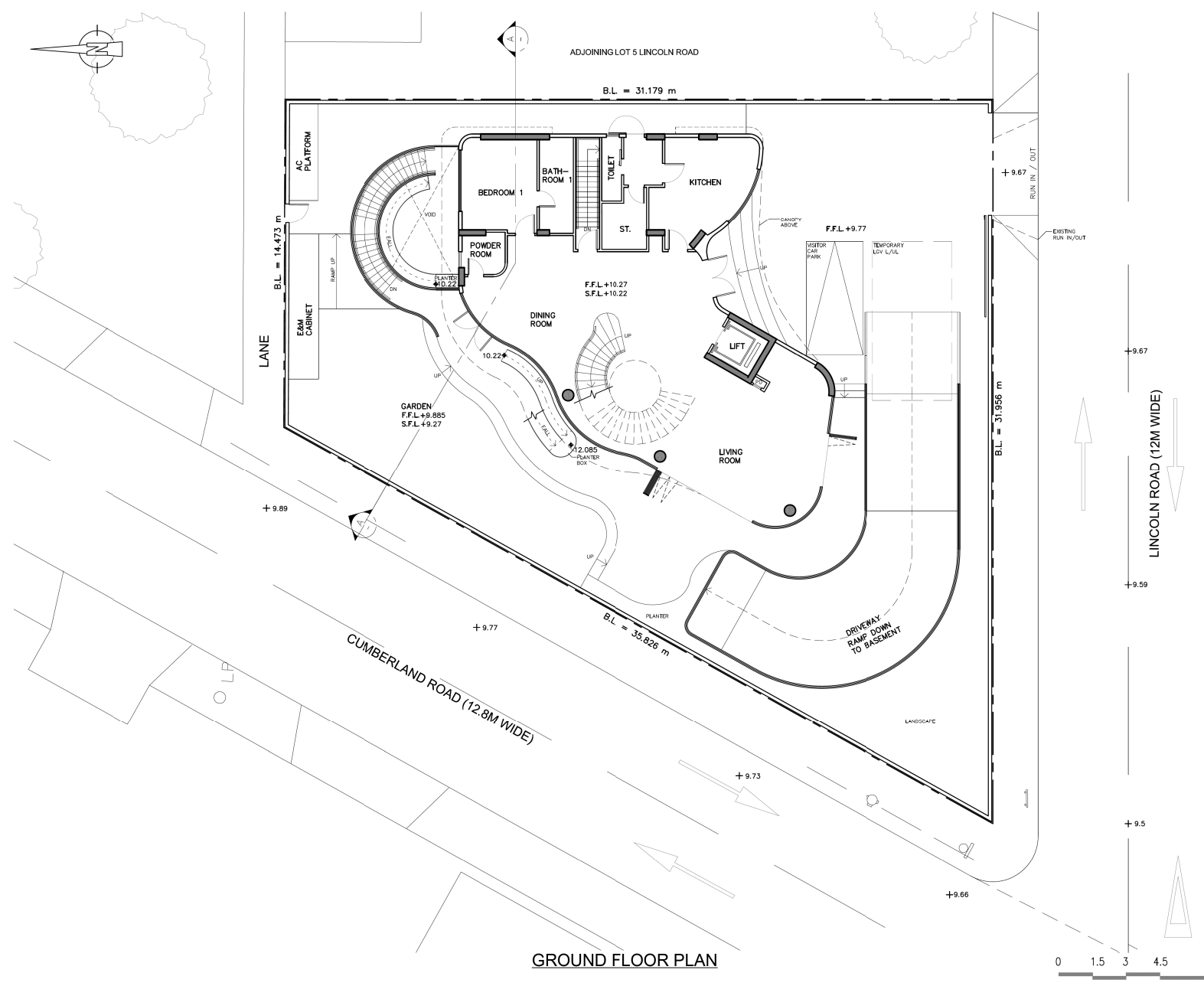
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**PROJECT :**  
 Residential Redevelopment at No.7 Lincoln Road, N.K.L.L. 715, Kowloon Tong, Kowloon, Hong Kong

**DRAWING TITLE :**  
 TEMPORARY L/UL ARRANGEMENT PLAN

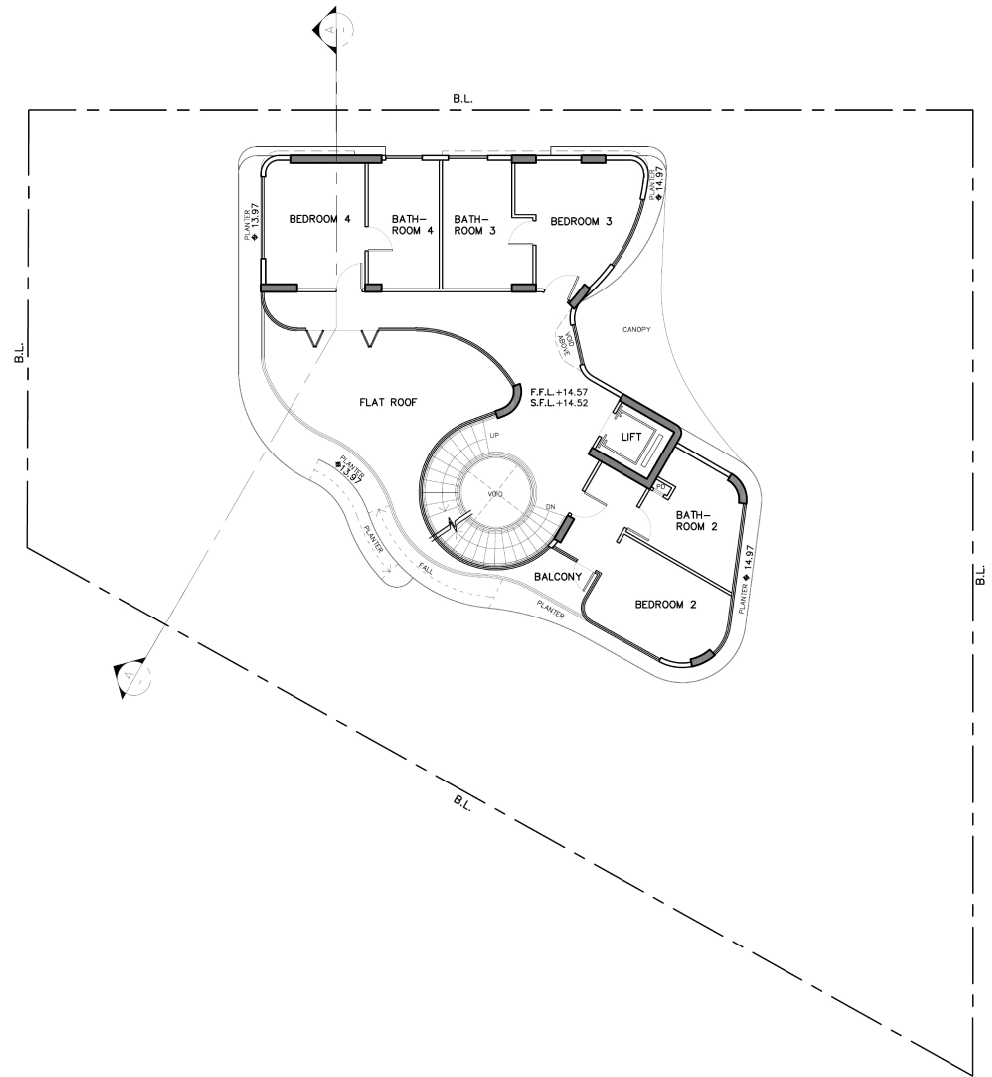
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<b>APPROVED BY :</b> [Signature]	<b>DRAWING NO. :</b> A-006



**GROUND FLOOR PLAN**

參考編號 REFERENCE No. <b>A/K18/331</b>	繪圖 DRAWING <b>A - 2</b>
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(資料來源:於2019年5月24日收到申請人提交的資料)  
 (SOURCE : THE APPLICANT'S SUBMISSION RECEIVED ON 24.5.2019)



FIRST FLOOR PLAN



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Revised	...	...	...

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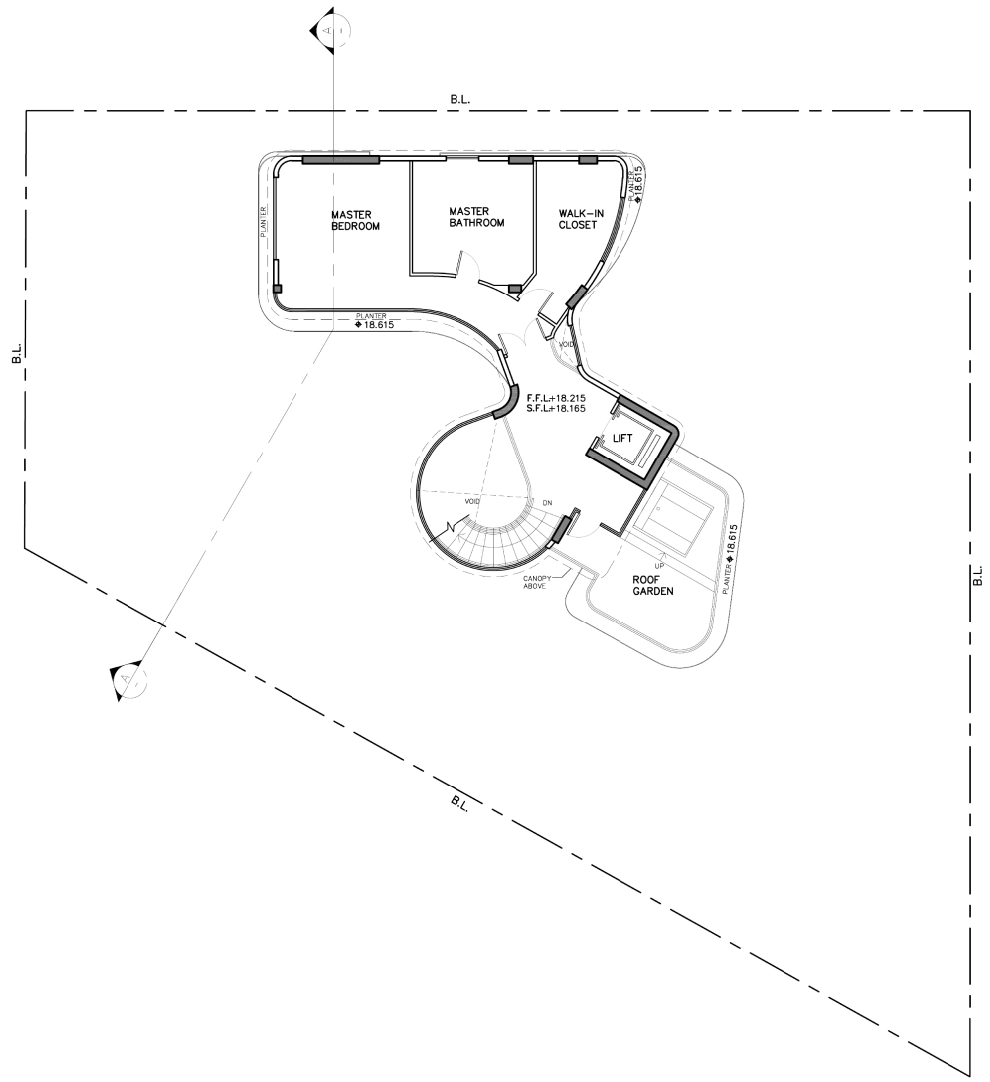
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APPROVED BY :		DRAWING NO. :	A-003

參考編號  
 REFERENCE No.  
 A/K18/331

繪圖  
 DRAWING  
 A - 3

(資料來源:於2019年4月16日收到申請人提交的資料)  
 (SOURCE : THE APPLICANT'S SUBMISSION RECEIVED ON 16.4.2019)



SECOND FLOOR PLAN



**GENERAL NOTES :**  
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Section No	Section Description	DATE	BY
NO	ITEMS		
AMENDMENTS		DATE	BY

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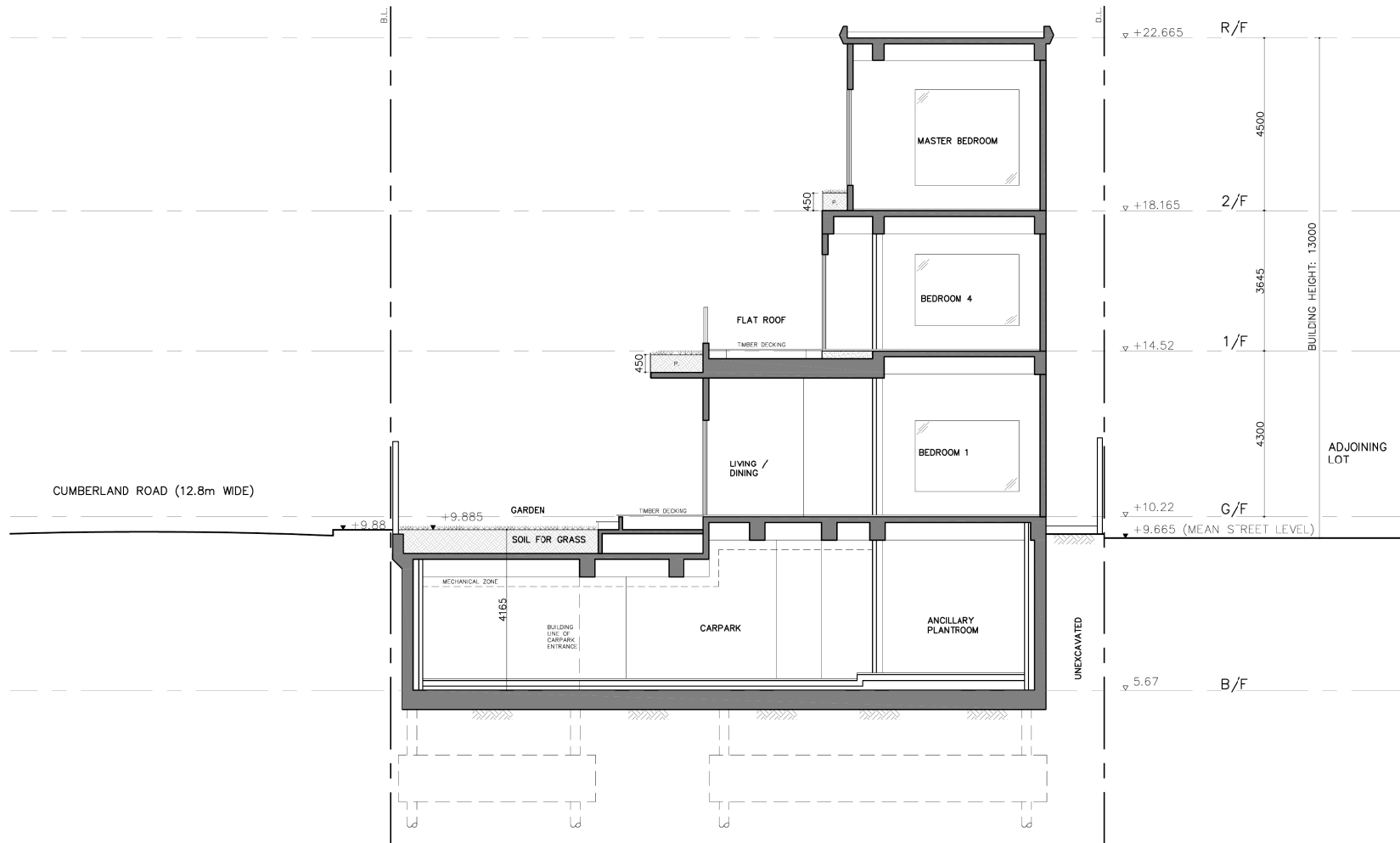
**PROJECT :**  
 Residential Redevelopment at  
 No.7 Lincoln Road, N.K.I.L. 715,  
 Kowloon Tong, Kowloon, Hong Kong

**DRAWING TITLE :**  
 SECOND FLOOR PLAN

SCALE :	AS SHOWN	PROJECT NO. :	1813
DRAWN BY :	JY	DATE :	
CHECKED BY :	TW	CAD FILE :	20190418_1813_2.FDW
APPROVED BY :		DRAWING NO. :	A-004

參考編號 REFERENCE No. <b>A/K18/331</b>	繪圖 DRAWING <b>A - 4</b>
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(資料來源:於2019年4月16日收到申請人提交的資料)  
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SECTION A - A

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Section No	Section	Date	Rev
NO	ITEMS	DATE	BY
REVISIONS			
DATE	BY	REASON	APPROVED

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**DRAWING TITLE :**  
 SECTION A-A

SCALE :	AS SHOWN	PROJECT NO. :	1813
DRAWN BY :	JY	DATE :	
CHECKED BY :	TW	CAD FILE :	20190416_P001_1813.dwg
APPROVED BY :	K	DRAWING NO. :	A-005



參考編號 REFERENCE No. A/K18/331	繪圖 DRAWING A - 5
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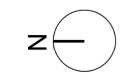
(資料來源:於2019年4月16日收到申請人提交的資料)  
 (SOURCE : THE APPLICANT'S SUBMISSION RECEIVED ON 16.4.2019)

- LEGEND**
- Lawn
  - Groundcover
  - Shrub
  - Footpath Paving
  - Driveway Paving
  - Palm

- Main Entrance Gate
- Arrival Court
- Plantings Focal Point
- Outdoor Sitting Area
- Main Garden
- Landscaped Void



NOTE:  
Based on Drawing Nos. (A-002)



LINCOLN ROAD (12M WIDE)  
 +9.67  
 +9.59  
 +9.5

**GENERAL NOTES :**  
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NO.	DATE	BY	CHKD
1	2019	TW	

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Residential Redevelopment at No.7 Lincoln Road, N.K.L.L. 715, Kowloon Tong, Kowloon, Hong Kong

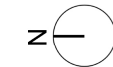
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LANDSCAPE MASTER PLAN (GROUND FLOOR)

SCALE :	1:150	PROJECT NO. :	1813
DRAWN BY :	JY	DATE :	
CHECKED BY :	TW	CAD FILE :	20190416_LP-03.dwg
APPROVED BY :		DRAWING NO. :	LP-03

參考編號 REFERENCE No. <b>A/K18/331</b>	繪圖 DRAWING <b>A - 6</b>
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(資料來源:於2019年4月16日收到申請人提交的資料)  
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LEGEND  
Groundcover



NOTE:  
Based on Drawing Nos. (A-003)

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Section No.	Section Name	DATE	BY
NO.	ITEMS		
AMENDMENTS			

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**PROJECT :**  
Residential Redevelopment at  
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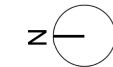
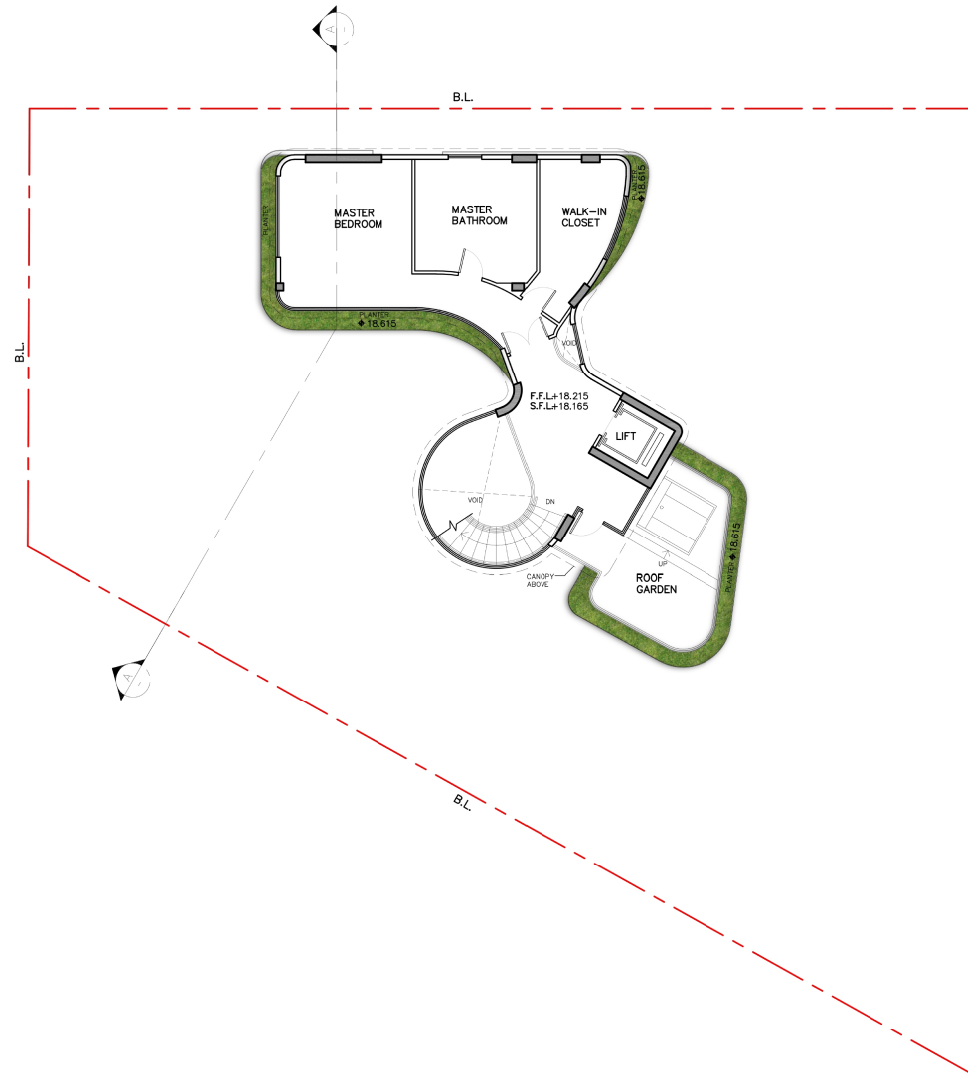
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LANDSCAPE MASTER PLAN  
(FIRST FLOOR)

SCALE :	1:150	PROJECT NO. :	1813
DRAWN BY :	JY	DATE :	
CHECKED BY :	TW	CAD FILE :	20190416_LP-04.dwg
APPROVED BY :	K	DRAWING NO. :	LP-04

參考編號 REFERENCE No. A/K18/331	繪圖 DRAWING A - 7
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**LEGEND**  
 Groundcover



NOTE:  
 Based on Drawing Nos. (A-004)

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NO.	ITEMS	DATE	BY
1	Section 16 Submission	4/26/2019	TW
2	AMENDMENTS	1/18/2020	TW

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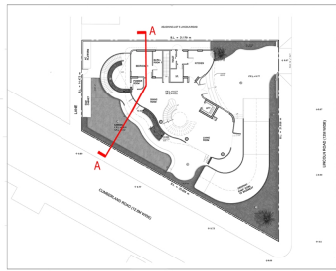
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 (SECOND FLOOR)

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APPROVED BY :		DRAWING NO. :	LP-05

參考編號 REFERENCE No. <b>A/K18/331</b>	繪圖 DRAWING <b>A - 8</b>
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(資料來源:於2019年4月16日收到申請人提交的資料)  
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NOTE:  
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NO.	REV.	DATE	BY
1	1	2019	TW

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**LANDSCAPE ARCHITECT**  
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11/F, DFCO Tower, 282 Gloucester Road, Causeway Bay, Hong Kong  
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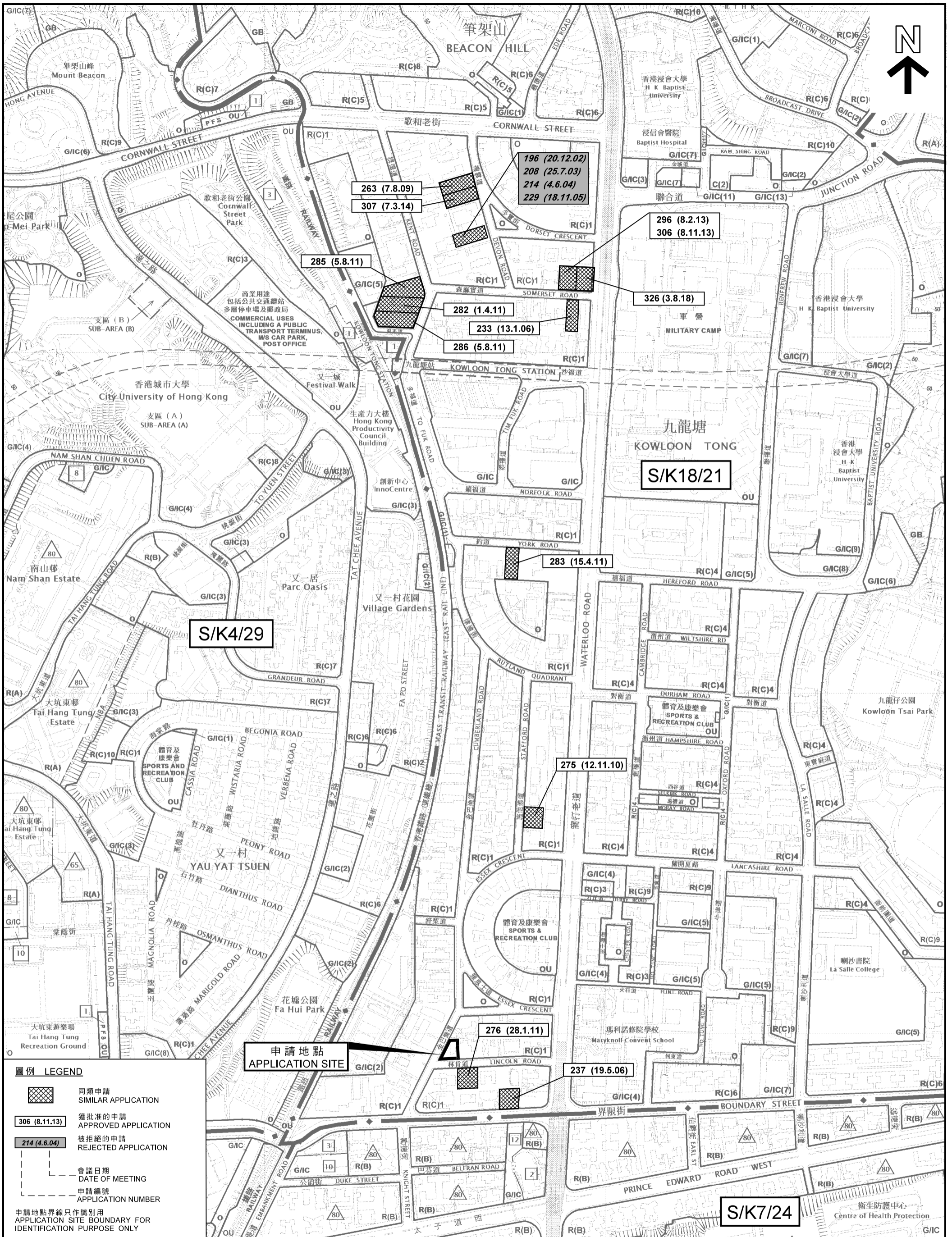
**PROJECT :**  
Residential Redevelopment at No.7 Lincoln Road, N.K.L.L. 715, Kowloon Tong, Kowloon, Hong Kong

**DRAWING TITLE :**  
LANDSCAPE SECTION

SCALE :	1:100	PROJECT NO. :	1813
DRAWN BY :	JY	DATE :	
CHECKED BY :	TW	CAD FILE :	20190416_LANDSCAPE_SECTION.dwg
APPROVED BY :	[Signature]	DRAWING NO. :	LS-01

參考編號 REFERENCE No. A/K18/331	繪圖 DRAWING A - 9
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(資料來源:於2019年4月16日收到申請人提交的資料)  
(SOURCE : THE APPLICANT'S SUBMISSION RECEIVED ON 16.4.2019)



本摘要圖於2019年5月24日擬備，所根據的資料為於2015年7月21日核准的分區計劃大綱圖編號S/K4/29、於2015年9月8日核准的分區計劃大綱圖編號S/K7/24以及於2017年12月5日核准的分區計劃大綱圖編號S/K18/21

EXTRACT PLAN PREPARED ON 24.5.2019  
 BASED ON OUTLINE ZONING PLANS No.  
 S/K4/29 APPROVED ON 21.7.2015,  
 S/K7/24 APPROVED ON 8.9.2015 AND  
 S/K18/21 APPROVED ON 5.12.2017

**位置圖 LOCATION PLAN**

擬議略為放寬建築物高度限制以容許開設一層地庫，以作准許屋宇發展  
 九龍九龍塘林肯道7號  
 PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION  
 TO ALLOW FOR ONE STOREY OF BASEMENT FOR  
 PERMITTED HOUSE DEVELOPMENT  
 7 LINCOLN ROAD, KOWLOON TONG, KOWLOON

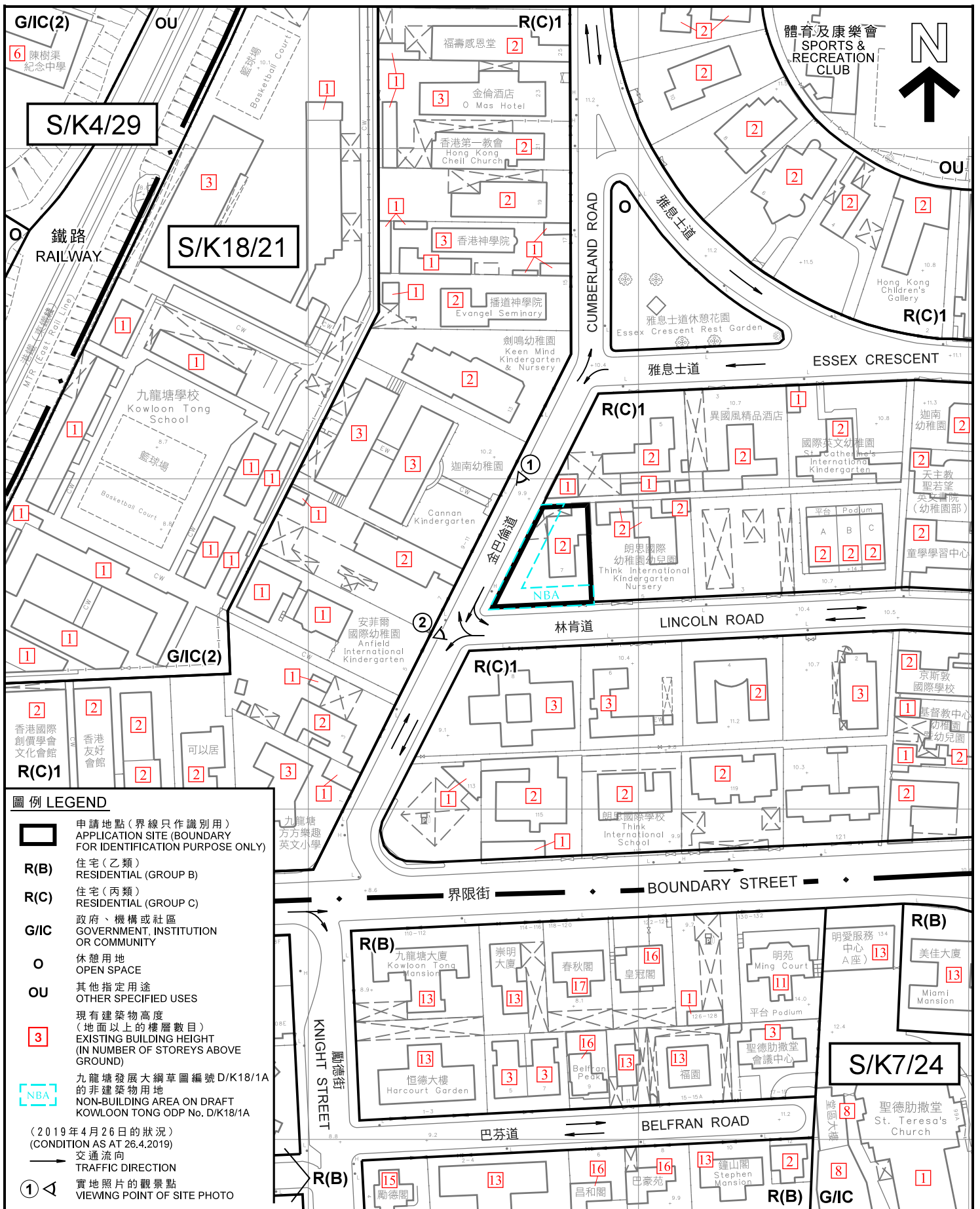
SCALE 1:5 000 比例尺

米 METRES 100 0 100 200 300 400 METRES

**規劃署  
 PLANNING  
 DEPARTMENT**

參考編號  
 REFERENCE No.  
**A/K18/331**

**圖 PLAN  
 A - 1**



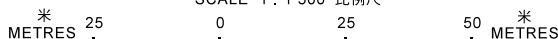
**圖例 LEGEND**

- 申請地點(界線只作識別用)  
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- R(B)** 住宅(乙類)  
RESIDENTIAL (GROUP B)
- R(C)** 住宅(丙類)  
RESIDENTIAL (GROUP C)
- G/I/C** 政府、機構或社區  
GOVERNMENT, INSTITUTION OR COMMUNITY
- O** 休憩用地  
OPEN SPACE
- OU** 其他指定用途  
OTHER SPECIFIED USES
- 3 現有建築物高度  
(地面以上的樓層數目)  
EXISTING BUILDING HEIGHT  
(IN NUMBER OF STOREYS ABOVE GROUND)
- NBA 九龍塘發展大綱草圖編號 D/K18/1A  
的非建築物用地  
NON-BUILDING AREA ON DRAFT  
KOWLOON TONG ODP No. D/K18/1A
- (2019年4月26日的狀況)  
(CONDITION AS AT 26.4.2019)
- 交通流向  
TRAFFIC DIRECTION
- 實地照片的觀景點  
VIEWING POINT OF SITE PHOTO

**平面圖 SITE PLAN**

擬議略為放寬建築物高度限制以容許開設一層地庫，以作准許屋宇發展  
九龍九龍塘林肯道7號  
PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION  
TO ALLOW FOR ONE STOREY OF BASEMENT FOR  
PERMITTED HOUSE DEVELOPMENT  
7 LINCOLN ROAD, KOWLOON TONG, KOWLOON

SCALE 1 : 1 500 比例尺



**規劃署  
PLANNING  
DEPARTMENT**



參考編號  
REFERENCE No.  
**A/K18/331**

**圖 PLAN  
A - 2**

本摘要圖於2019年5月2日擬備，  
所根據的資料為測量圖編號  
11-NW-15A和C  
EXTRACT PLAN PREPARED ON 2.5.2019  
BASED ON SURVEY SHEETS No.  
11-NW-15A & C

1



2



界線只作識別用  
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

### 實地照片 SITE PHOTOS

擬議略為放寬建築物高度限制以容許闢設一層地庫，以作准許屋宇發展  
九龍九龍塘林肯道7號  
PROPOSED MINOR RELAXATION OF BUILDING HEIGHT RESTRICTION  
TO ALLOW FOR ONE STOREY OF BASEMENT FOR  
PERMITTED HOUSE DEVELOPMENT  
7 LINCOLN ROAD, KOWLOON TONG, KOWLOON

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.

A/K18/331

圖 PLAN

A - 3

本圖於2019年5月2日擬備，所根據的資料為攝於2019年4月26日的實地照片  
PLAN PREPARED ON 2.5.2019  
BASED ON SITE PHOTOS TAKEN ON 26.4.2019

notice.”

67. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VII of the Paper with the following additional clause :

“the planning approval was renewed on a temporary basis for a period of three years so as to allow time to relocate the kindergarten to a more suitable location. No further renewal of the approval would be given unless with very strong justifications.”

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/331 Proposed Minor Relaxation of Building Height Restriction from 3 to 4 storeys to Allow for One Storey of Basement for Two Car Parking Spaces and Ancillary Plant Room for the Permitted House Development in “Residential (Group C) 1” Zone, 7 Lincoln Road, Kowloon Tong, Kowloon  
(MPC Paper No. A/K18/331)

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68. The Secretary reported that the application site was located in Kowloon Tong. Kenneth To & Associates Ltd. (KTA) was one of the consultants of the applicant. The following Members had declared interests on the item:

- |                       |   |                                                                                                                              |
|-----------------------|---|------------------------------------------------------------------------------------------------------------------------------|
| Mr Daniel K.S. Lau    | - | being an ex-Director (Development and Marketing) of Hong Kong Housing Society, which had current business dealings with KTA; |
| Dr Lawrence W.C. Poon | - | working in the City University of Hong Kong and living in its quarters in Kowloon Tong; and                                  |
| Mr Stanley T.S. Choi  | - | his spouse was a director of a company which owned properties in Kowloon Tong.                                               |

69. The Committee noted that Dr Lawrence W.C. Poon and Mr Stanley T.S. Choi had tendered apologies for being unable to attend the meeting. As Mr Daniel K.S. Lau had no direct involvement in the application, the Committee agreed that he could stay in the meeting.

#### Presentation and Question Sessions

70. With the aid of a PowerPoint presentation, Mr Mak Chung Hang, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction (BHR) from 3 to 4 storeys to allow for one storey of basement for two car parking spaces and ancillary plant room for the permitted house development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed minor relaxation was in line with the criteria for minor relaxation of BHR as set out in the Explanatory Statement (ES) of the OZP. The proposal was considered to have design merits and would enhance the environment of the neighbourhood area. Landscape plantings would be provided near the entrance and site boundary to soften hard edges and maximise environmental benefits to the surroundings. Greenery would also be incorporated into the building such as curvilinear planter connecting different floors to soften the visual impact of the building mass. The

proposed car parking and plant room uses in the basement floor would have insignificant impacts on the environment, drainage, traffic, visual and the planned infrastructure on the surrounding areas. A total of 13 similar applications at 12 sites involving minor relaxation of BHR for additional basement floor in the past 13 years were approved by the Committee with similar circumstances as the subject application. Approval of the current application was not inconsistent with the previous decisions of the Committee on similar applications. Relevant government departments had no objection to or no adverse comments on the application.

[Mr Lincoln L.H. Huang (the Vice-charman) left the meeting at this point.]

71. Some Members raised the following questions:

*Design and scale*

- (a) whether the design and development parameters of the proposed house were comparable to approved similar applications;
- (b) the site coverage of different floors and the floor-to-floor height proposed for each storeys;
- (c) noting that the size of basement level for car parking spaces and plant rooms was large, whether the provision of such basement would restrict the provision of effective planting area at G/F;

*Assessment criteria and planning intention*

- (d) how the current application complied with the relevant assessment criteria for consideration of application for minor relaxation of BHR;
- (e) the planning intention of stipulating the BHR in the OZP;

*Car parking spaces*

- (f) the provision of car parking spaces under the application as compared with the standard in the Hong Kong Planning Standards and Guidelines (HKPSG); and
- (g) whether the applicant had provided alternative design for the provision of car parking spaces; and the reduction of greenery area if the car parking spaces were located at G/F.

72. Mr Mak Chung Hang, STP/K, made the following responses:

*Design and scale*

- (a) the proposed house had a total of 4 storeys, including a basement level. The scale of the basement level was one of the considerations in the approved similar applications. The percentage of area of basement level to site area of the current application was 36.6%, which was within the range of the similar applications with a ratio ranging from 15% to 71%;
- (b) no exact figure of site coverage had been provided by the applicant for the current application. There was no restriction of floor-to-floor height under the OZP, while the Building Authority would consider whether the proposed floor-to-floor height was excessive in building plans submission stage;
- (c) there was no information on whether the provision of car parking spaces and plant rooms at basement level had restricted planting area at ground level. However, without the basement, car parking facilities and plant rooms would have to be placed at ground level and/or other levels above ground, and possibly affecting the area available for planting;



*Assessment criteria and planning intention*

- (d) regarding the compliance with the criteria for consideration of minor relaxation of BHR as set out in the ES of the OZP, it was considered that (i) providing better streetscape/good quality street level public urban space (paragraph 7.3(c) of the ES) and (ii) 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 (paragraph 7.3(f) of the ES), were applicable. In this regard, the proposal had no adverse impacts on existing trees as there was none within the application site, landscape plantings would be provided near site boundary and greening would be provided along the edges of the terraced levels to soften hard edges, an interesting building design with stepped building profile was proposed and better streetscape could be achieved with reduction of plant rooms above ground;
- (e) a BHR of 3 storeys had been imposed for the Kowloon Tong Garden Estate (KTGE) since the publication of the first Kowloon Tong OZP. The planning intention of stipulating the BHR was to maintain distinctiveness of the area as a garden estate;

*Car parking spaces*

- (f) the provision of two car parking spaces fulfilled the requirement under the HKPSG and the Transport Department (TD) had no adverse comment on the traffic arrangement. A loading and unloading bay and the necessary maneuvering spaces were included to address the comment from TD; and
- (g) no alternative design had been provided by the applicant for the provision of car parking spaces. It was estimated that two car parking spaces would roughly occupy an area of 20m<sup>2</sup>.

### Deliberation Session

73. Some Members were of the view that the scale of proposed basement was excessive and not proportional to the whole development, which was equivalent to about 60% of the gross floor area of the proposed house. The basement structure would limit the planting area for enhancing the amenity of the local neighbourhood. There were insufficient planning and design merits to justify the proposed relaxation of BHR. A Member was of the view that the floor-to-floor height of the 2/F was excessive. Another Member considered that no alternative scheme had been provided to justify the necessity of the proposed basement.

74. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) there are insufficient planning and design merits to justify the proposed relaxation of building height restriction; and
- (b) the size of the proposed basement is excessive and there is insufficient information in the submission to demonstrate that the basement would not limit the area for at-grade planting.”

[The Chairman thanked Mr Mak Chung Hang, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Ms Jessie K.P. Kwan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

城市規劃委員會

香港北角渣華道三百三十三號  
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices  
333 Java Road, North Point,  
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/K18/331

By Post & Fax (3426 9737)

21 June 2019

Kenneth To & Associates Ltd.  
Unit K, 16/F, MG Tower  
133 Hoi Bun Road  
Kwun Tong, Kowloon  
(Attn: Kenneth To / Kitty Wong)

Dear Sir/Madam,

**Proposed Minor Relaxation of Building Height Restriction  
from 3 to 4 storeys to Allow for One Storey of Basement for Two Car Parking  
Spaces and Ancillary Plant Room for the Permitted House Development  
in “Residential (Group C) 1” Zone, 7 Lincoln Road, Kowloon Tong, Kowloon**

I refer to my letter to you dated 28.5.2019.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) there are insufficient planning and design merits to justify the proposed relaxation of building height restriction; and
- (b) the size of the proposed basement is excessive and there is insufficient information in the submission to demonstrate that the basement will not limit the area for at-grade planting.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 31.5.2019 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 12.7.2019). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations.

Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Mak Chung Hang of Kowloon District Planning Office at 2231 4798.

Yours faithfully,



( Raymond KAN )  
for Secretary, Town Planning Board

RK/CC/syl

Similar S.16 Applications for Minor Relaxation of Building Height Restriction Within  
“Residential (Group C) 1” Zone on the  
Kowloon Tong Outline Zoning Plan

Approved Applications

No.	Application No.	Location	Proposed Uses/Developments	Basement Area (m <sup>2</sup> )	Date of Consideration	Main Reasons for Approval/ Approval Conditions
				% of Basement Area to Total GFA		
1.	A/K18/233	4 Somerset Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for ancillary plant room use in a proposed residential development	144	13.1.2006 (MPC)	(i), (ii)/ (a), (b), (c)
				26%		
2.	A/K18/237	121 Boundary Street	Ditto	146	19.5.2006 (MPC)	(i), (ii)/ (a), (b), (c)
				25%		
3.	A/K18/263	7 Devon Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	290	7.8.2009 (MPC)	(i), (ii)/ (a), (b), (c), (d)
				47%		
4.	A/K18/275	4 Stafford Road	Ditto	410	12.11.2010 (MPC)	(i), (ii)/ (a), (b), (c)
				74%		
5.	A/K18/276	6 Lincoln Road	Ditto	308	28.1.2011 (MPC)	(i), (ii)/ (a), (b), (c)
				53%		
6.	A/K18/282	5 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	653	1.4.2011 (MPC)	(i), (ii)/ (a), (b), (c), (e)
				79%		

No.	Application No.	Location	Proposed Uses/Developments	Basement Area (m <sup>2</sup> )	Date of Consideration	Main Reasons for Approval/ Approval Conditions
				% of Basement Area to Total GFA		
7.	A/K18/283	8 York Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	536	15.4.2011 (MPC)	(i), (ii)/ (a), (b), (c), (d)
				91%		
8.	A/K18/285	7 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	542	5.8.2011 (MPC)	(i), (ii)/ (a), (b), (c)
				65%		
9.	A/K18/286	3 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	500	5.8.2011 (MPC)	(i), (ii)/ (a), (b), (c), (e)
				60%		
10.	A/K18/296	1 Somerset Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	275	8.2.2013 (MPC)	(i), (ii)/ (a), (c), (d)
				49%		
11.	A/K18/306	1 Somerset Road	Ditto	227	8.11.2013 (MPC)	(i), (ii)/ (a), (b), (c), (d)
				40%		
12.	A/K18/307	6 Devon Road	Ditto	357	7.3.2014 (MPC)	(i), (ii)/ (a), (b), (c), (d)
				59%		

No.	Application No.	Location	Proposed Uses/Developments	Basement Area (m <sup>2</sup> )	Date of Consideration	Main Reasons for Approval/ Approval Conditions
				% of Basement Area to Total GFA		
13.	A/K18/326	147 Waterloo Road	Proposed minor relaxation of plot ratio restriction from 0.6 to 0.6862 and minor relaxation of building height restriction from 3 to 4 storeys to allow for one storey of basement for three car parking spaces and ancillary plant room use for the permitted house development	586	3.8.2018 (MPC)	(i), (ii)/ (a), (b), (c), (d), (f)
				89%		

**Main Reasons for Approval:**

- (i) More tree planting and enhancement in local amenity
- (ii) Insignificant impacts on environment, drainage, traffic, visual and infrastructural aspects

**Approval Conditions:**

- (a) Submission and implementation of landscape proposal
- (b) Provision of water supplies for firefighting and fire services installations
- (c) Usual time clause
- (d) Design and provision of vehicular access
- (e) Submission of quarterly tree monitoring reports
- (f) Submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein

**Rejected Applications**

No.	Application No.	Location	Proposed Uses/Developments	Basement Area (m <sup>2</sup> )	Date of Consideration	Main Reasons for Rejection
				% of Basement Area to Total GFA		
1.	A/K18/196	3 Devon Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	857	20.12.2002 (TPB)	(A), (B)
				141%		

No.	Application No.	Location	Proposed Uses/Developments	Basement Area (m <sup>2</sup> )	Date of Consideration	Main Reasons for Rejection
				% of Basement Area to Total GFA		
2.	A/K18/208	Ditto	Ditto	845	25.7.2003 (MPC)	(A), (B)
				139%		
3.	A/K18/214	Ditto	Ditto	798	4.6.2004 (TPB)	(A), (B)
				130%		
4.	A/K18/229	Ditto	Ditto	678	18.11.2005 (TPB)	(A), (B)
				112%		

**Main Reasons for Rejection :**

- (A) Excessive basement size and insufficient information to demonstrate planning and design merits
- (B) Undesirable precedent



**Suggested Advisory Clauses**

- (a) The approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession (including the basement car park, staircases, void area and/or plant rooms) for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements, and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, BD on the requirements for modification/exemption under Building (Planning) Regulations;
- (c) to note the comments of the District Lands Officer/Kowloon East, LandsD to apply for consent for the proposed development in accordance with the lease conditions. If the approval under lease is granted by LandsD in the capacity as landlord at its sole discretion, it will be subject to those terms and conditions, including the payment of premium and administrative fee as appropriate, as imposed by LandsD;
- (d) to note the comments of the Director of Environmental Protection that the planning and design of the subject development should follow the relevant requirements stipulated in the Hong Kong Planning Standard and Guidelines to avoid causing any noise problem to the future residents; and
- (e) to note the comments of the Director of Electrical and Mechanical Services to liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of the development, and to approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line with and/or in the vicinity of the Site. The applicant should also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes", Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" .