

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

**APPLICATION NO. A/K18/328**

- Applicant** : China Coast Community Ltd. represented by Kwong and Associates Limited
- Site** : 63 Cumberland Road, Kowloon Tong, Kowloon
- Site Area** : About 1,740m<sup>2</sup>
- Lease** (a) New Kowloon Inland Lot No. 751 (NKIL 751) with a lease up to 30.6.2047  
(b) Subject to the following salient restrictions:  
(i) a message or dwelling house;  
(ii) front and range clause; and  
(iii) offensive trade clause.
- Plan** : Approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21
- Zoning** : “Residential (Group C) 1” (“R(C)1”)  
  
[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.]
- Application** : Social Welfare Facility (Residential Care Home for the Elderly) with Minor Relaxation of PR Restriction

**1. The Proposal**

- 1.1 The applicant seeks planning permission for ‘Social Welfare Facility (Residential Care Home for the Elderly) (RCHE)’ use with minor relaxation of PR restriction at the application site (the Site) (**Plan A-1**). The Site is zoned “Residential (Group C) 1” (“R(C)1”) on the approved Kowloon Tong OZP No. S/K18/21. According to the Notes of the OZP, ‘Social Welfare Facility’ use is a Column 2 use within the “R(C)1” zone which requires planning permission from the Town Planning Board (the Board). Based on individual merits of a development or redevelopment proposal, minor relaxation of PR restriction may be considered by the Board on application under section 16 of the Town Planning Ordinance.

- 1.2 The Site is currently occupied by a 2-storey building and used as a RCHE (namely China Coast Community (CCC)). According to the applicant’s submission, the first RCHE residents were accommodated in a single-detached house at the Site (hereafter referred as ‘main building’) in late 1970s<sup>[1]</sup>, and an extension block was constructed in the 1980s to accommodate the increasing demand for bed spaces<sup>[2]</sup>. A Certificate of Exemption was granted to the RCHE in 1996, and it became fully licensed in 2000<sup>[3]</sup>. At present, the RCHE operates residential and rehabilitation health services, and provides 24-hour elderly home care with 39 bed spaces in either single or double bedroom setting.
- 1.3 According to the general building plan (GBP) approved by the Building Authority (BA) in 1981, the main building and extension block involve a total gross floor area (GFA) of 1,043.47m<sup>2</sup><sup>[4]</sup>, PR of 0.6 and site coverage (SC) of 36.13%. An Occupation Permit (OP) was issued to the extension block in 1982 for ‘hostel accommodation for elderly people for domestic use’.
- 1.4 The applicant proposes to redevelop the Site into a 3-storey new complex, involving a GFA of 1,391.99m<sup>2</sup>, PR of 0.8 and SC of 29.164%. A total of 45 bed spaces (i.e. an addition of 6 bed spaces) will be accommodated in 17 single bed rooms with shared bathrooms, and 28 single en-suites with bathroom.
- 1.5 A comparison of the major parameters of the proposed redevelopment with the existing RCHE is as follows:

<b>Development Parameters</b>	<b>Existing RCHE * (a)</b>	<b>Proposed Redevelopment (b)</b>	<b>Difference (b)–(a) (%)</b>
<b>Site Area (m<sup>2</sup>)</b>	1,740	1,740	-
<b>GFA (m<sup>2</sup>)</b>	1,043.47	1,391.99	+348.52m <sup>2</sup> (+33.4%)
<b>PR</b>	0.6	0.8	+0.2 (+33.3%)
<b>SC (Below 15m) (%)</b>	36.13	29.164	-6.966% (-19.28%)
<b>No. of Storeys</b>	2	3	+1 storey

<sup>[1]</sup> According to the Licensing Office of Residential Care Homes for the Elderly (LORCHE) of Social Welfare Department (SWD), there is no record about the commencement date of operation of the RCHE.

<sup>[2]</sup> The GBP concerning the proposed extension block was submitted in 1980. Although the proposed use was regarded as ‘Residential Institutions (e.g. childrens’ home, old peoples’ home, orphanage, hostel, dormitory, convalescent home)’, which was neither a Column 1 nor Column 2 use under the then OZP, the matter was discussed at Town Planning Board (the Board) meeting on 6.6.1980 and the Board agreed that the Director of Public Works (as Building Authority) could exercise his discretion under section 16(1)(d) of the Buildings Ordinance to approve the concerned GBP.

<sup>[3]</sup> According to the LORCHE of SWD, the Director of Social Welfare (D of SW) granted a Certificate of Exemption on 2.5.1996 (instead of in 1999 as stated by the applicant), in accordance with Section 7 of the Residential Care Homes (Elderly Persons) Ordinance (paragraph 8.1.8 refers).

<sup>[4]</sup> The GFA calculation includes the main building (359.92m<sup>2</sup>), extension block (680.13m<sup>2</sup>) and a balcony area (3.42m<sup>2</sup>).

<b>BH (at main roof) (m)</b>	Approximately 6.975	9.9	+2.925m (+41.04%)
<b>No. of Bed Spaces</b>	39	45	+6 (+15.38%)
<b>No. of Loading/ Unloading (L/UL) Space</b>	Nil	2 (3.5m x 7m each)	+2
<b>Provision of Private Open Space (m<sup>2</sup>)</b>	233.69	About 550	+316.31m <sup>2</sup> (+135.35%)
<b>Major uses by floor</b>			
<b>G/F</b>	Living Rooms, Dining Room, Kitchen, 3 Double Bedrooms, 12 Single Bedrooms, Garden  (with a separate structure for garage that is currently used as utility room at the northern portion of the Site)	Reception, Dining Room, Multi-purpose Room, Medical Consultation/ Isolation Room, Nurse Station, Kitchen, Meeting Room, 10 Single En-suites with Bathrooms, 5 Single Bedrooms, Shared Lavatories/ Bathrooms, Garden, Service Yard  (with 4.75m high separate structures for Transformer Room and Switch Room at the northern portion of the Site)	-
<b>1/F</b>	4 Double Bedrooms, 16 Single Bedrooms, Warden's Room, Office	Lounge/ Rehabilitation Room, Office, Nurse Station, 10 Single En-suites with Bathrooms, 5 Single Bedrooms, Shared Lavatories/ Bathrooms, Roof Garden	-
<b>2/F</b>	Not Applicable	General Manager (GM)'s Studio Flat,	-

		Nurse Station, Staff Changing Rooms, 8 Single En-suites with Bathrooms, 7 Single Bedrooms, Shared Lavatories/ Bathrooms, Roof Garden	
<b>R/F</b>	Not Applicable	3.95m high Plant Rooms, Caretaker's Room **, Green Roof	

\* Development parameters of the existing building are based on the GBP approved by the BA on 16.4.1981, which are attached at Appendix 1 of **Appendix Ia**.

\*\* The caretaker's room is assumed to be not accountable for BH calculation, this is subject to approval by the BA.

Site Layout and Building Disposition

- 1.6 The Site is located at the intersection of Cumberland Road and Rutland Quadrant, and is bounded by the Mass Transit Railway East Rail Line (MTR EAL) along its western boundary. According to the draft Kowloon Tong Outline Development Plan (ODP) No. D/K18/1A, there are a 6m non-building area (NBA) along Cumberland Road and Rutland Quadrant, a 3m NBA along the northern site boundary, and a 3m NBA along the western site boundary, all intended for building setbacks to enhance the streetscape of the area (**Plan A-2**). The existing “L-shaped” building has been set back from the two NBAs, with the longer building façade facing the western site boundary and the garden area facing the streets.
- 1.7 Under the proposed redevelopment scheme, in order to provide natural light and ventilation, and maximise the distance from railway noise, the applicant proposed to flip the “L-shaped” building, with the longer building façade facing Rutland Quadrant and the garden area facing the western site boundary (**Drawing A-1** and **Plan A-3**).

Landscaping

- 1.8 There are currently four existing trees within the Site, including three along Rutland Quadrant and one along the western site boundary. According to the landscape plan (**Drawing A-7**), all trees will be preserved. Trees, shrubs and vegetation will be planted along the edge of the building to provide a buffer between the residents' bedrooms on G/F and the garden area. A landscaped flat roof is proposed on 1/F which will be easily accessed by residents who are wheelchair-bound. The total open space provision will be increased from the existing 233.69m<sup>2</sup> to approximately 550m<sup>2</sup>.

Traffic Aspect

- 1.9 The main entrance and vehicular access are proposed to remain at Cumberland Road. Upon redevelopment, it is anticipated that the majority of visitors will continue to travel to the Site by public transport, and no car parking spaces are required. As for L/UL activities, to facilitate the operation of RCHE and to avoid blocking traffic on Cumberland Road which is a single lane, two L/UL spaces are proposed in the service yard at the southwestern portion of the Site (**Drawings A-1**). The applicant indicated that there will be adequate space for ambulance and light goods vehicles manoeuvring.

Interim Arrangement for RCHE Residents

- 1.10 According to the applicant (**Appendix Ia**), CCC has considered several measures for interim arrangement, including to cease any admissions of new residents; to discuss with residents and their families on redevelopment timetable and options; and to re-house residents during the redevelopment phase.
- 1.11 In support of the application, the applicant has submitted the following documents:
- (a) Application form with justifications received on 10.10.2018 (**Appendix I**)
  - (b) Further information (FI) received on 31.12.2018 (FI 1) providing responses to departmental comments, technical assessments including Visual Impact Assessment (VIA) and traffic manoeuvring plan, revised landscape proposal and revised building disposition and site layout (*not exempted from publication and recounting requirements*) (**Appendix Ia**)
  - (c) FI received on 14, 15 and 18.2.2019 (FI 2) providing responses to comments of the Director of Environmental Protection (DEP), Commissioner for Transport (C for T) and clarifications on the proposed development scheme (**Appendix Ib**)
  - (d) FI received on 18.2.2019 (FI 3) providing responses to comments of DEP (**Appendix Ic**)
- 1.12 Plans including site layout plan, floor layout plans, section plan, landscape plan and building height profile plan submitted by the applicant are shown in **Drawings A-1 to A-8**.
- 1.13 On 7.12.2018, upon the request of the applicant, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for two months to allow adequate time for the preparation of FI in response to comments from Government departments. Upon receipt of FI 1 submission from the applicant, the application is scheduled for consideration at this meeting.

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are provided in the application form at **Appendix I** and FI at **Appendices Ia to Ic**. They are summarised as follows:

### Compatibility with the surroundings

- (a) for the past 40 years, CCC has been exemplary and has demonstrated compatibility with surrounding uses such as schools, child care centres and religious institutions;

### Redevelopment is essential for CCC to continue its operation

- (b) existing buildings within the Site were not designed as a RCHE nor as a barrier-free space. Over time, the buildings have deteriorated and the existing facilities do not meet the current statutory requirements for RCHE. A recent site inspection conducted by SWD and Fire Services Department (FSD) identified numerous issues in relation to room and lift size, corridor width, floor-to-floor height, barrier free access, provision of L/UL spaces, emergency vehicle access, fire egress and adequate supporting facilities, etc. These issues are irresolvable without redevelopment;
- (c) CCC has been given concessions due to its pre-existing conditions. SWD has requested improvement works at every licence renewal to bring the facilities closer to the standards at the time. It is anticipated that this continuing trend will mean that CCC will not be able to operate due to outdated and essentially un-improvable facilities in the near future <sup>[5]</sup>;
- (d) existing structures and building configuration dictate the locations and sizes of the rooms. Due to these constraints, alteration works required to upgrade the existing RCHE to meet the current statutory requirements would be extensive and the cost would be prohibitively high. The number of bed spaces would be reduced from 39 to 32 which is not financially viable given the growing number of elderly persons in Hong Kong and the growing waitlist for CCC in particular. Hence, the only viable option to resolve all technical issues is to re-develop the entire building;

### Proposed minor relaxation of PR restriction from 0.6 to 0.8 is justifiable

- (e) upon redevelopment, the Certificate will become invalid and it will have to comply with all current relevant statues and licensing requirements which will increase the operational areas. The increase in operational floor area is therefore proportionally higher than the increase in floor area related to the increase in the number of bed spaces. As such, the increase in PR from 0.6 to 0.8 will only allow fulfillment of the minimum statutory requirements, but in fact still falls short of allowing compliance with all relevant recommendations from SWD (see Page 8 of **Appendix Ia** for the

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<sup>[5]</sup> According to SWD, the RCHE has been operating under a Licence since 1.4.2000 and no condition on building safety has been imposed by SWD since the issue of the first Licence.

proposed redevelopment floor area breakdown under the recommended net operational floor area (NOFA) as per SWD's Schedule of Accommodation (SoA));

- (f) under the proposed redevelopment scheme, all 45 bed spaces will be provided in single bedrooms instead of shared bedrooms in order to provide quality design standards of RCHE while maintaining the current operational style, to allow flexibility in admission of residents, to ensure financial viability of the RCHE, and to reduce the space taken up for circulation and to allow residents to live their retired life with more privacy and dignity (see Pages 6 to 7 of **Appendix Ia** for comparison of NOFA between single bedrooms and shared bedrooms);

Site constraints for the provision of the required building setbacks

- (g) given the irregular shape of the Site which is narrow at the northern portion, it is impractical to comply with the 6m and 3m NBAs stipulated on the ODP uniformly across the Site (**Plan A-2**). The NBA requirement on the ODP is non-statutory, the proposed redevelopment scheme has provided the required building setbacks as far as possible. A 6m building setback at the junction of Cumberland Road and Rutland Quadrant is proposed, and it will be reduced down to about 3.5m at the northern portion. At the boundary along MTR EAL, the setback is generally 3m except where the proposed transformer and switch rooms are at the northern tip of the Site;

No adverse visual impact

- (h) the proposed building footprint is smaller than the existing building by 6% and the proposed building bulk has been visually reduced by adopting the "L-shaped" design. The proposed BH (i.e. 3 storeys / 9.9m) is comparable with the buildings in the vicinity which has a height profile ranging from 6.7m to 13m;

No adverse traffic impact

- (i) the Site is within 5 minutes' walk from Kowloon Tong MTR Station and 7 minutes' walk from Waterloo Road which is a major bus route. Almost all visitors travel via public transportation. In case of occasional visitors who drive to the Site, there is on-street parking along Cumberland Road and Stafford Road. There is no operational requirement for on-site car parking and the proposal is in line with the guidelines for community facilities as set out in the Hong Kong Planning Standards and Guidelines (HKPSG);

No adverse environmental impact

- (j) the redevelopment will be fully air-conditioned and will not rely on open windows for ventilation, therefore, the proposed redevelopment in respect of air quality is acceptable;
- (k) the Site will not be affected by industrial and vehicular emissions as there is no industrial use within the 200m radius, and has a buffer distance of more than 5m

from Rutland Quadrant and Cumberland Road which are local distributor roads;  
and

Provision of larger private open space

- (1) one of the CCC's priorities is to redesign the garden so that RCHE residents can enjoy the unique garden setting of Kowloon Tong. The garden area is currently underused because it was not designed for elderly and is in a dilapidated state. In order to further enhance the garden setting, a garden area larger than the existing is proposed. Four existing trees will be preserved and a landscaped flat roof on 1/F is proposed.

**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**

- 5.1 The Committee has previously considered an application (No. A/K18/292) for proposed RCHE use at Suffolk Road that falls within the "R(C)1" zone on the Kowloon Tong OZP (**Plan A-1**). Under that application, the applicant proposed to convert the existing buildings into a RCHE to provide a total of 42 beds. On 20.4.2012, the application was approved with conditions by the Committee for the reasons that the proposed RCHE use was considered not incompatible with the surrounding land uses (which are predominately residential in nature intermixed with schools, religious institution, elderly home, hotel and Government, institution or community (GIC) facilities), and no adverse urban design, traffic and environmental impacts were anticipated.
- 5.2 There are no similar applications for minor relaxation of PR restriction for RCHE use within "R(C)" zone on the Kowloon Tong OZP. Between 2008 and 2013, all applications for minor relaxation of PR, or PR and BH (involving an increase of 9% to 23% in PR, and 1 storey in BH) for uses such as flat (which is always permitted), tutorial school and hotel within the "R(C)" zone in the Kowloon Tong OZP were rejected by the Committee for reasons of insufficient planning justifications and design merits, insufficient information to demonstrate the proposed scheme could not be achieved without minor relaxation in development intensity, and undesirable precedent.



**6. The Site and Its Surrounding Areas (Plans A-1 and A-2 and site photos on Plans A-3 to A-5)**

6.1 The Site:

- (a) is occupied by a 2-storey building. It is currently used as a RCHE under a valid licence issued by D of SW;
- (b) is located at the intersection of Cumberland Road and Rutland Quadrant (with most of the site frontage abutting Rutland Quadrant) and is bounded by the MTR EAL in the west;
- (c) the vehicular access and main entrance are currently located at end of Cumberland Road; and
- (d) has three existing mature trees and other smaller sized plants within the Site along the boundary wall of Rutland Quadrant, and an existing mature tree and other smaller sized plants within the Site along the western boundary.

6.2 The surrounding areas have the following characteristics:

- (a) the Site is located within a low-rise, low-density residential area in Kowloon Tong. Existing developments are generally 1 to 3 storeys in height;
- (b) area to the west of the Site across the MTR EAL is mainly low-density residential developments, i.e. Village Gardens and Parc Oasis;
- (c) some non-residential uses such as kindergartens/child care centres, training centres, religious institutions and hotels are located in the vicinity. Some of these uses had obtained planning permissions; and
- (d) the Site is well-served by various road-based and rail-based public transport. Kowloon Tong MTR Station is located within 500m to the northeast of the Site.

**7. Planning Intention**

The planning intention for “R(C)1” zone is for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

8.1 The following Government departments have been consulted and their views on the application 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. 751 which has an area of 18,730ft<sup>2</sup> (i.e. about 1,740m<sup>2</sup>) 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**

8.1.2 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**

#### 8.1.3 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**

#### 8.1.4 Comments of the DEP:

- (a) has no objection to the application;
- (b) on air quality, it is noted that the buffer distance requirement for both vehicular and industrial emissions as set out in the HKPSG can be met. Hence, adverse air quality impact is not anticipated;
- (c) on noise, it is noted that the redevelopment will be fully air-conditioned and does not rely on open windows for ventilation. Hence, adverse noise impact is not anticipated; and
- (d) on sewerage, insurmountable sewerage impact arising from the proposed redevelopment is not anticipated. 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 Director of Environmental Protection or of the Town Planning Board; 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 Town Planning Board.

### **Traffic**

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

- (a) has no further comment on the provision of two L/UL spaces for ambulances or light goods vehicles; and
- (b) the applicant did not provide assessment on internal parking provision including car parking spaces, disabled car parking spaces, visitor car parking spaces, pick-up/drop-off lay-bys for taxis and private cars, etc. to meet its own demand for the future development.

### **Urban Design and Landscape**

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

- (a) has no comment from visual impact point of view as the proposed redevelopment may not be incompatible with adjacent 3-storey high developments; and
- (b) 20% greenery should be provided to comply with PNAP APP-152.

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

##### Urban Design

- (a) it is noted that the proposed site coverage of the building is just under 30% and the amount of the open space to be provided within the Site will be more than the current provision. Given the surrounding context, the proposed redevelopment will be in keeping with the character of the neighbourhood;

##### Landscape

- (b) has no further comment on the application from landscape planning point of view; and
- (c) according to the applicant, the estimated number of residents is 45 and private open space of approximately 550m<sup>2</sup> would be provided. Considerable planting area with new tree planting and passive recreational facilities is observed on the indicative landscape proposal (**Drawing A-1**). Provision of local open space seems to meet the minimum requirement under Hong Kong Planning Standards and Guidelines (HKPSG) Chapter 4.

**Social Welfare Aspect**

8.1.8 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) 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;
- (e) it is noted that the GM's studio flat of 40.757m<sup>2</sup> is to offer basic accommodation for the GM of the RCHE to facilitate his/her provision of round-the-clock support of the residents with different background, culture and languages during emergency situations. In the light of the purpose of the GM's studio flat and the role played by the GM on the overall management and operation of the RCHE, we have no objection to including the GM's studio flat at the proposed area requirement as an ancillary facility of the RCHE; and
- (f) it is noted that some of the proposed functional areas of the RCHE deviate from the standard 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**

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 (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. 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; and
- (d) Commissioner of Police.

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

The application and FI 1 were published for public inspection on 19.10.2018 and 31.12.2018 respectively. A total of four public comments were received during the two statutory public inspection periods (**Appendix III**). The MTR Corporation Limited (MTRC Limited) raised concerns on the potential noise impact on future occupants from train operations as the proposed development is abutting the MTR EAL. A representative of a religious institution at Rutland Quadrant (i.e. Shang Sin Chun Tong) further north of the Site supported the application. Two individuals raised objection to the application on the grounds that the proposed building height and minimal setback will cast a shadow on the streets, and the proposed service drive directly into Rutland Quadrant would create safety hazard for pedestrians, especially children from schools in the area.

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

10.1 The subject application is for redevelopment of an existing 2-storey building that has been in operation as a RCHE since late 1970s into a new 3-storey RCHE, with minor relaxation of PR restriction from 0.6 to 0.8.

### Land Use

- 10.2 Kowloon Tong is a predominantly low-density residential neighbourhood. The residential sites in the area are zoned “R(C)” on the OZP, mainly for low-density residential developments. Among others, areas covering the Site are mainly zoned “R(C)1” which is intended primarily for low-rise, low-density residential developments. Whilst a RCHE on the Site may not be contrary to the planning intention, in view of existing acute housing shortage, residential sites should be retained for housing use unless under special circumstances.
- 10.3 Uses in vicinity are predominantly residential in nature intermixed with non-residential uses such as kindergartens/child care centres, training centres, religious institutions, and hotels. The RCHE is currently operated under a valid licence granted by D of SW since 2000 and has been in operation since late 1970s. The proposed redevelopment for continued operation of the existing RCHE is considered not incompatible with the surrounding land uses.
- 10.4 On 20.4.2012, the Committee approved an application for a RCHE (No. A/K18/292) located to the further north at Suffolk Road for RCHE use at the development intensity permitted under the OZP.
- 10.5 In view that the Site had been used as a RCHE since late 1970s, the non-domestic uses in its vicinity and a similar application approved by the Committee, a RCHE, if proposed at the development intensity permitted under the OZP, may be tolerated.

### Minor Relaxation of PR Restriction

- 10.6 The PR restriction for the Site as stipulated on the OZP and the existing PR of the Site are both 0.6. The RCHE is proposed to be a 3-storey new complex at a PR of 0.8 (i.e. a relaxation of PR by 33%) for an addition of 6 bed spaces (i.e. from 39 to 45).

### *No Planning and Design Merits*

- 10.7 According to the Explanatory Statement of the OZP, the provision for minor relaxation of PR restriction for the “R(C)” zone is to provide design/architectural flexibility. The PR restriction is imposed to maintain and preserve the special character and amenity of the neighbourhood and to prevent excessive development and redevelopment in areas with limited road access.
- 10.8 In support of the minor relaxation of PR from 0.6 to 0.8, the applicant only provided justifications from the operational need perspective, i.e. (i) compliance with all current relevant statutes and licensing requirements will lead to an increase in operational floor area, which is proportionally higher than the increase in floor area related to the increase in the number of bed spaces; (ii) an increase in GFA/PR of about 33% will only allow fulfillment of the minimum statutory requirements for RCHE; (iii) to meet the latest RCHE licensing requirements in order to continue its operation, to provide quality design standards of RCHE while maintaining the

current operational style; and (iv) to ensure financial viability of the RCHE upon redevelopment.

- 10.9 In this regard, SWD clarified that a licence for the RCHE was issued to the applicant in 2000 after the RCHE had complied with licensing requirements upon its completion of the necessary rectification works. SWD does not request the operator to resolve the issues by way of redevelopment. On the proposed SoA of the RCHE, SWD has no objection given the RCHE will be running on a self-financing and non-profit-making basis.
- 10.10 For the application, the applicant submitted written justifications to argue that the proposed building bulk and height are comparable with the surrounding buildings and no adverse visual impact is anticipated (Page 10 of **Appendix Ia** and **Drawing A-10**). CA/CMD2, ArchSD and CTP/UD&L, PlanD have no comment on the proposal from visual impact point of view. Nevertheless, no visual illustration was submitted and the applicant has not provided adequate information to demonstrate how the 33% increase in GFA/PR would provide design and planning merits. In addition, the “L-shaped” building fronts and abuts Rutland Quadrant, and certain portions of the proposed building have encroached into the 6m-wide NBA along Rutland Quadrant on the ODP with no apparent justifications. Overall, the applicant has not provided strong planning and design merits to justify the proposed relaxation of PR.
- 10.11 All other applications for relaxation of PR in the planning area were rejected by the Committee for reasons of insufficient planning justifications and design merits, insufficient information to demonstrate the proposed scheme could not be achieved without minor relaxation of development intensity, and undesirable precedent. The application (No. A/K18/292) for RCHE approved by the Committee in 2012 complied with the PR and BH restrictions under the OZP. Approval of the subject minor relaxation of PR application without strong planning and design merits will create precedent effect and the cumulative effect 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.

#### Other Technical Aspects

- 10.12 On traffic, C for T has no further comment on the provision of two L/UL spaces for ambulances or light goods vehicles from traffic point of view. As for the provision of internal parking to meet the demand of the future development, C for T has requested the applicant to provide the relevant assessment, however the applicant only stated in FI 2 that there is no operational requirement for on-site car parking as almost all visitors travel via public transportation. As such, C for T’s concerns on internal transport provision have not been addressed. Other relevant Government departments have no adverse comment on the application, and the proposed scheme is not expected to have adverse impacts on environment, drainage and sewerage of the surrounding environment.



## Public Comments

10.13 Regarding the concerns on potential railway noise impacts on the RCHE, considering that the proposed development will not rely on opened windows for ventilation, DEP confirmed that adverse noise impact is not anticipated. There is also a public comment objecting to the application on the grounds that the proposed building height and disposition are incompatible with surrounding areas, the assessment in paragraphs 10.6 to 10.11 is relevant. Regarding the comment in relation to the frequent ingress or egress of service vehicles to/from the Site that would jeopardise safety of students from schools nearby, C of P and C for T have no adverse comment on the application.

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

11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department does not support the application for the following reasons:

- (a) there 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.

11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.2.2023, 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 car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in the approval condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

- (d) 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 **Appendix III**.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to 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 10.10.2018
<b>Appendix Ia</b>	FI 1 received on 31.12.2018
<b>Appendix Ib</b>	FI 2 received on 14, 15 & 18.2.2019
<b>Appendix Ic</b>	FI 3 received on 18.2.2019
<b>Appendix II</b>	Public comments received
<b>Appendix III</b>	Suggested Advisory Clauses
<b>Drawings A-1 to A-8</b>	Plans including site layout plan, floor layout plans, section plan, landscape plan and building height profile plan submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2019**