Section 16 Application for Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Ancillary Plant Room for Permitted 'House' Development in "Residential (Group C)1" Zone at 37 Cumberland Road, Kowloon Tong, Kowloon, Hong Kong

Planning Statement

	Prepared by
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November 2026

Reference : PLG-10207

Report : Version 3.0

EXECUTIVE SUMMARY

(In case of discrepancy between English and Chinese versions, English shall prevail)

This Planning Statement is submitted, on behalf of Global Best Software Technology Company Limited ("the Applicant"), to the Town Planning Board ("the Board") in support of a Section 16 planning application for a proposed minor relaxation of the building height ("BH") restriction to allow for one storey of basement for use as ancillary plant room for a permitted 'House' development at 37 Cumberland Road, Kowloon Tong, Kowloon ("the Application Site").

The Application Site falls entirely within an area zoned as "Residential (Group C)1" ("R(C)1") on the Approved Kowloon Tong Outline Zoning Plan ("OZP") No. S/K18/21. According to the Notes of the OZP for the "R(C)1" zone, 'House' development is a Column 1 use which is always permitted, subject to a maximum plot ratio ("PR") of 0.6 and a maximum BH restriction of three storeys. The Notes also provide that minor relaxation of the BH restriction to allow for one storey of basement for use as a car park and/or ancillary plant room may be considered by the Board upon application under Section 16 of the Town Planning Ordinance.

The proposed development is for a single 4-storey house (comprising 3 storeys above ground and 1 storey of basement) with plot ratio of not more than 0.6, which strictly complies with the statutory PR limit. The proposed basement will accommodate essential plant rooms and water tanks.

The application is fully supported by the following planning justifications:

- **Full Compliance with Planning Intention:** The proposed house development fully aligns with the low-rise, low-density residential planning intention of the "R(C)1" zone.
- **Reduction in Aboveground Building Bulk:** By shifting the ancillary plant rooms and water tanks into the basement, ground floor and roof-top plant rooms are completely eliminated, minimizing the perceived massing and enhancing the visual environment of the Kowloon Tong Garden Estate ("KTGE").
- **Extent of the Proposed Basement is Justified:** The proposed basement with area about 81.1m^2 representing only 9% over site area. It is located underneath the building footprint and the extent is relatively small in size comparing with other approved applications in the neighbourhood.
- **Substantial Planning and Design Merits:** The development strictly respects the Non-Building Area ("NBA") requirement, maintaining a 6m wide NBA abutting Cumberland Road and a 3m wide NBA along the western boundary. To further minimize visual massing and enhance spatial relief, generous voluntary building setbacks of 7m along Cumberland Road and 20m along the western boundary are provided. The proposal introduces a stepped terraced architectural design that enhances the local visual landscape. Ground-level landscaping will maximize the greenery ratio to over 20%, contributing to the distinctive garden estate character of the area.
- **No Adverse Technical Impacts:** The proposed development will not generate any adverse traffic, environmental, drainage, visual, or infrastructural impacts on the surrounding neighborhood.

On the basis of the above merits, we sincerely request the Board to give favorable consideration to this Application.

內容摘要

(如內文與其英文版本有差異，則以英文版本為準)

本規劃申請謹代表 Global Best Software Technology Company Limited（下稱「申請人」），根據《城市規劃條例》第 16 條，現就九龍九龍塘金巴倫道 37 號（下稱「申請地盤」）的用地，向城市規劃委員會（下稱「城規會」）申請略為放寬建築物高度限制，以容許興建一層地下室作准許屋宇用途發展的附屬機房之用。

申請地盤位於《九龍塘分區計劃大綱核准圖編號 S/K18/21》（下稱「大綱圖」）上劃作「住宅（丙類）1」地帶的範圍內。根據大綱圖《註釋》，屋宇屬「住宅（丙類）1」地帶的第一欄用途，屬經常准許的用途，惟受最高地積比率 0.6 及最高建築物高度三層的限制。同時，《註釋》亦訂明，可根據城市規劃條例第 16 條向城規會提出申請略為放寬建築物高度限制以容許興建一層地下室作停車場及/或附屬機房用途。

擬建發展項目為一座 4 層高（包括 3 層地面樓層及 1 層地下室）的單幢住宅，地積比率不超過 0.6 的法定限制，擬建的地下室將用作擺放附屬機房及水箱。

是次規劃申請具備充分的理據，包括以下規劃考量因素：

- **完全符合規劃意向：** 擬建的住宅發展完全配合「住宅（丙類）1」地帶作低密度、低樓層住宅發展的規劃意向。
- **減少地面以上的建築體量：** 透過將附屬機房和水箱移至地下室，地面和天台將無需設置任何機房，從而減少了地面建築物的視覺體量，保持並優化九龍塘花園城市的景觀。
- **擬建地下室的規模合理：** 擬建的地下室面積約為 81.1 平方米，僅佔地盤面積的 9%，位於建築佔地範圍下方，與鄰近地區其他已獲批的申請相比，其規模相對較小。
- **顯著的規劃與設計優點：** 擬建發展項目嚴格遵守非建築用地的要求，沿金巴倫道保持 6 米寬的非建築用地，並沿地盤西面界線保持 3 米寬的非建築用地。為進一步減低建築物的視覺體量感並提升空間開揚度，項目更提供慷慨的自願性建築物後移，沿金巴倫道後移 7 米，以及沿西面界線後移 20 米。方案採用階梯式露臺建築設計，豐富當地的視覺景觀。地面層的景觀設計使綠化率可達 20%以上，進一步突顯該區獨特的花園城市特色。
- **無不良技術影響：** 是次略為放寬申請不會對周邊社區的交通、環境、排水、視覺或基礎設施帶來任何不良影響。

基於上述規劃考量因素，懇請城規會委員給予考慮並批准是次規劃申請。

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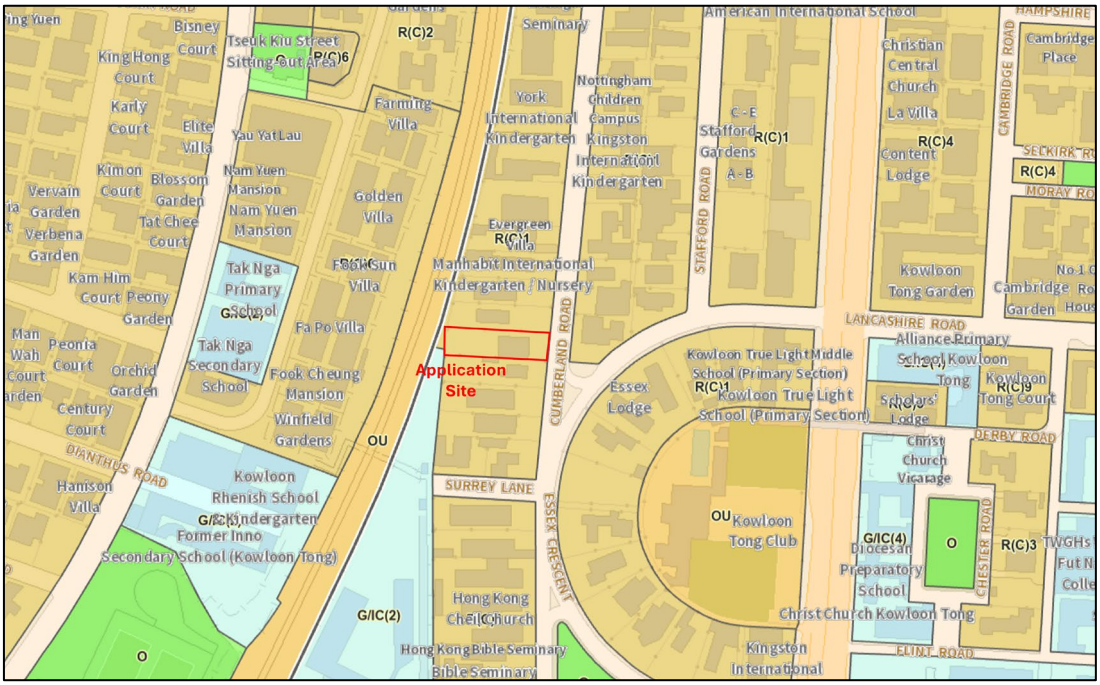
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1. INTRODUCTION

1.1 The Application

1.1.1 PlanPlus Consultancy Limited has been commissioned by Global Best Software Technology Company Limited ("the Applicant") to prepare and submit on their behalf this planning application to seek permission from the Town Planning Board ("the Board") under Section 16 of the Town Planning Ordinance. The application requests a minor relaxation of the Building Height ("BH") restriction from 3 storeys to 4 storeys to allow for one storey of basement for use as an ancillary plant room for the permitted 'House' development at 37 Cumberland Road, Kowloon Tong, Kowloon ("the Application Site") (refer to **Plan 1** below).

1.1.2 The Application Site falls entirely within an area zoned "Residential (Group C)1" ("R(C)1") on the Approved Kowloon Tong Outline Zoning Plan ("OZP") No. S/K18/21. While 'House' development is a Column 1 use that is always permitted within this zone, the inclusion of a basement level increases the total number of physical storeys to four, thereby requiring a Section 16 application for a minor relaxation of the BH restriction under the provision stipulated in the Notes of the OZP.

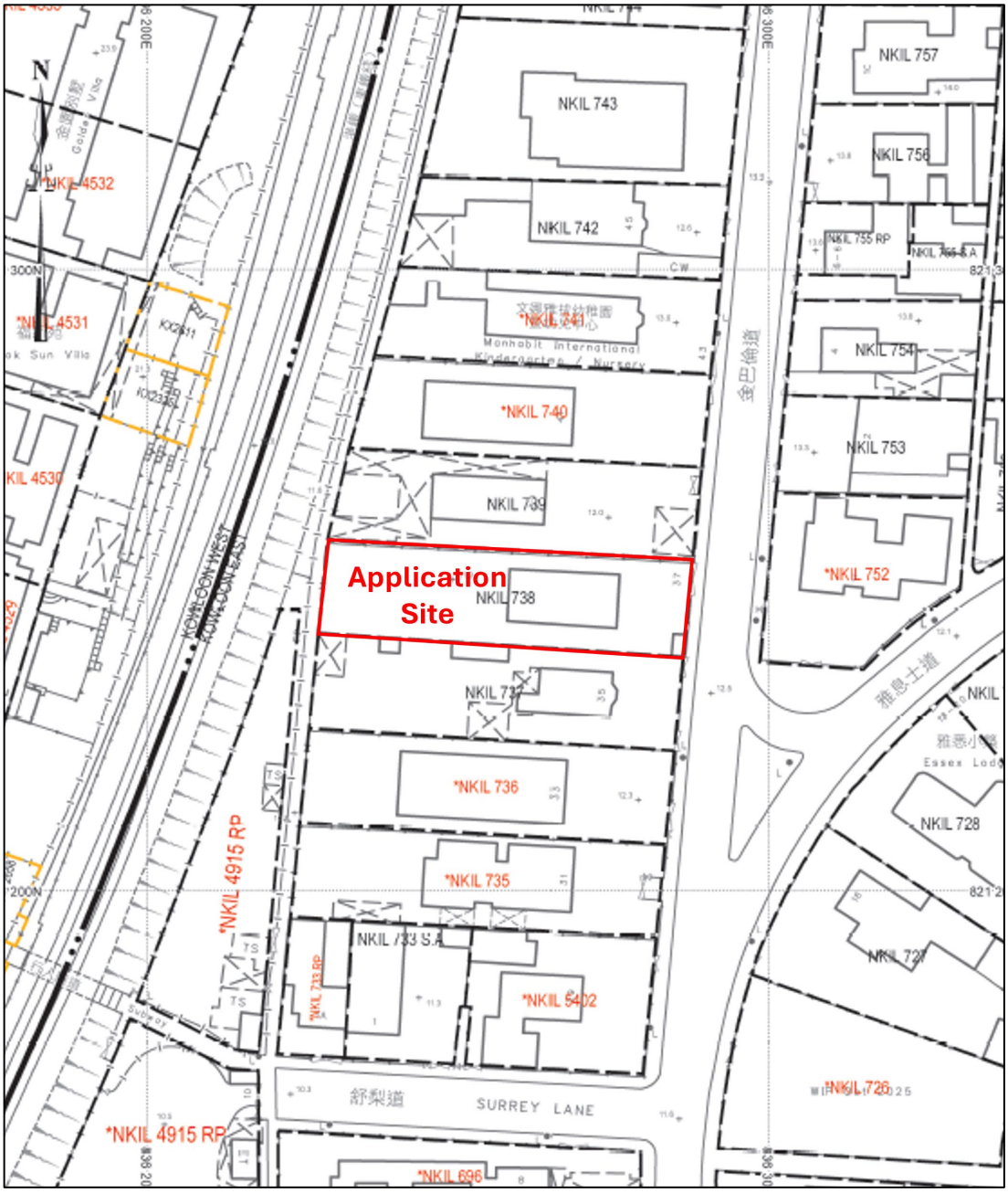


Plan 1 OZP Based Location Plan (Source: Statutory Planning Portal 3)

2. APPLICATION SITE AND SURROUNDINGS

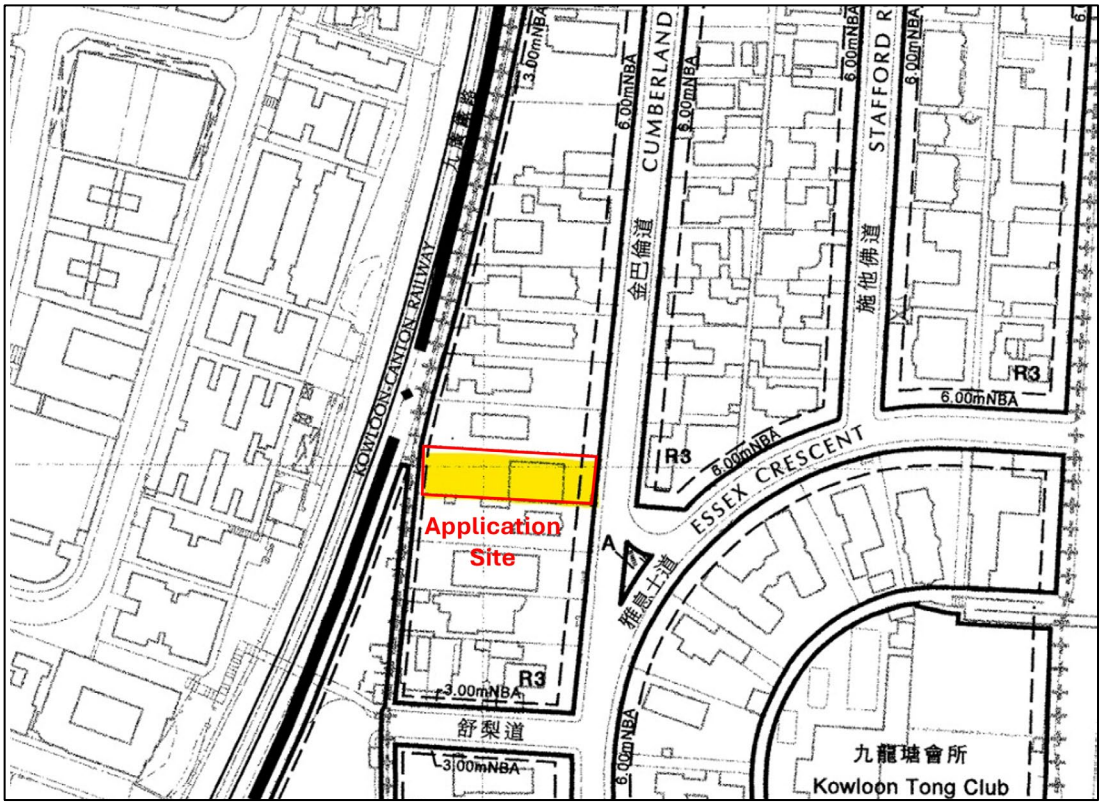
2.1 Location and Current Conditions of the Application Site

2.1.1 The Application Site is located at 37 Cumberland Road, Kowloon Tong, Kowloon, and is registered in the Land Registry as New Kowloon Inland Lot (NKIL) No. 738 (refer to **Plan 2** below). It features a site area of approximately 899.7 m^2. The Application Site is currently occupied by a 2-storey low-rise building that is presently vacant, and is served by direct, existing vehicular access via Cumberland Road along its eastern boundary.



Plan 2 Lot Index Plan (Source: Lands Department)

2.1.2 Under the Outline Development Plan ("ODP") (refer to **Plan 3** below), the Application Site is subject to a 6m-wide Non-Building Area ("NBA") abutting Cumberland Road and a 3m wide NBA along the western boundary of the site for building set back to enhance the townscape of the area.



Plan 3 Outline Development Plan (Source: Planning Department)

2.2 Surroundings Land Use Characteristics

2.2.1 The Application Site is located within the Kowloon Tong Garden Estate ("KTGE"), which is widely recognized as a low-rise, and low-density residential neighborhood. The immediate surroundings are characterized predominantly by low-density villas ranging between 1 to 3 storeys above ground. While the immediate vicinity is overwhelmingly residential, a variety of established non-residential institutional uses are present within the wider area, including local schools, religious establishments, and boutique hotels.

3. PLANNING CONTEXT AND LEASE CONDITION

3.1 Statutory Planning Context

3.1.1 The Application Site is zoned "Residential (Group C)1" ("R(C)1") on the approved Kowloon Tong OZP No. S/K18/21 with maximum plot ratio (PR) of 0.6 and maximum BH restriction of three storeys, or the PR and height of the existing building, whichever is the greater.

3.1.2 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.

3.1.3 According to the Remarks of the "R(C)1" zone, based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction to allow for 1 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 under section 16 of the Ordinance.

3.1.4 According to the Explanatory Statement ("ES") of the OZP, to allow design flexibility for development with special design merits, minor relaxation of the building height restriction for the provision of one storey of basement car park and/or ancillary plant room may be considered by the Board on application under section 16 of the Ordinance taking into account its own merits and relevant criteria. These include providing better streetscape/ good quality street level public space, the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality. Furthermore, 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.

3.2 Terms and Conditions for the Government Lease

3.2.1 The Application Site is known as NKIL 738, subject to a lease term extended up to 30 Jun 2047, with the following salient conditions

- The lessee shall keep and maintain on the lot a messuage or dwelling house during the whole of the lease term;
- Front and range clause;
- The lessee shall not erect any other messuage and dwelling house on the Lot without the prior consent of the Director of Lands.

3.2.2 Upon approval of this planning application, the Applicant will apply to the Lands Department for a consent under lease for the proposed redevelopment to implement the proposal.

3.3 Similar Planning Applications

3.3.1 There are 14 similar applications for minor relaxation of BH restrictions to allow for one storey of basement for ancillary plant room for permitted house development in Kowloon Tong OZP approved by the Board since 2011, as detailed in **Annex 1.** All approved applications show more tree planting and enhancement in local amenity in their development schemes and show insignificant or no adverse impacts on environment, drainage, traffic, visual and infrastructural aspects. Some of the earlier applications are approved with conditions, including

- Submission and implementation of landscape proposal
- Provision of water supplies for firefighting and fire services installation
- Design and provision of vehicular access, and/or car parking spaces, and/or loading/unloading facilities
- Submission of quarterly tree monitoring reports
- Submission of noise impact assessment and implementation of the noise mitigation measures identified therein
- The provision of a minimum overall greenery ratio

3.3.2 The planning circumstances of the current application are highly consistent with those of previously approved precedents within the neighbourhood. Notably, the proposed basement area of 81.1 m^2 is substantially smaller, and the corresponding basement-to-site-area ratio of 9% is significantly lower, than those of similar approved applications in the locality. Approval of this current application would be in line with the Board's previous decisions, hence favourable consideration is sought.

4. DEVELOPMENT PROPOSAL

4.1 Development Scheme

4.1.1 The proposal entails the comprehensive redevelopment into a high-quality, modern, low-density permitted 'House' use featuring 3 storeys above ground and 1 single storey of basement. The proposed development parameters and floor uses of the development scheme are compiled in **Table 1** and **Table 2** below. Architectural Drawings of the proposed scheme can be found in **Annex 2a**.

Table 1 Proposed Development Parameters

Site Area	About 899.7 m^2
Total Gross Floor Area (GFA)	About 294.6 m^2
PR	About 0.327 (not more than 0.6)
Site Coverage	About 16.38%
No. of Storeys	4 (including one storey of basement)
BH	21.35mPD
No. of Car Parking Spaces and L/UL (at-grade)	4 (including 2 private car parking spaces, 1 visitor car parking space and 1 van type light goods vehicle L/UL)
Area for Basement	About 81.1 m^2 (9% of the site area)
Excavation of Land	Area of Excavation: about 81 m^2 Depth of Excavation: about 4m

Table 2 Proposed Floor Uses

Basement	Plant Rooms, Water Tanks, Lift Pit
G/F	Foyer, Living Room, Dining Room, Bedroom, Kitchen, Powder Room
1/F	Bedrooms, Bathroom, Gym Room, Store Room, Flat Roof
2/F	Master Bedroom, Bathroom, Study Room, Flat Roof
Roof	Inaccessible Flat Roof, Lift Overrun, Cat Ladder

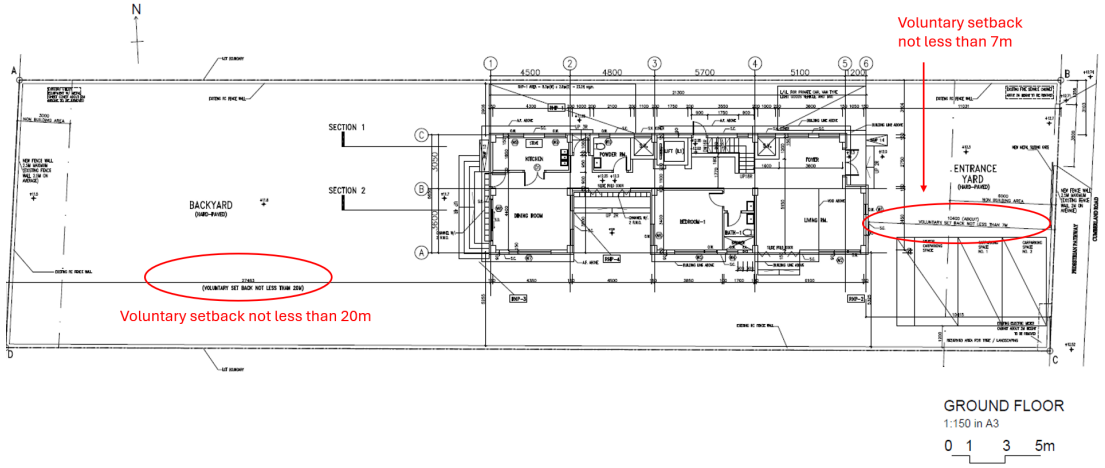
4.1.2 On the 6m-wide eastern boundary NBA, there is an existing electrical meter room with a height not exceeding 2m, and an existing fire services cabinet with a height not exceeding 1.8m. These existing facilities are considered to be removed or relocated during the detailed design stage. On the 3m-wide western boundary NBA, there is an existing malfunctional utility equipment which is no longer functional and will be removed upon redevelopment.

4.2 Design Considerations

4.2.1 The proposed minor relaxation of the building height restriction is sought solely to accommodate a subterranean basement level that will remain entirely hidden from public view at street level and is completely underneath the building footprint. Visually, the proposed building bulk will exhibit no discernible difference from the existing building profile. By relocating bulky mechanical plant rooms and essential water tanks underground, the scheme completely eliminates the need for prominent building services structures at ground and main roof level. This significantly minimizes the aboveground building bulk and preserves a clean, unobstructed roofline that harmonizes with the surrounding garden estate character.

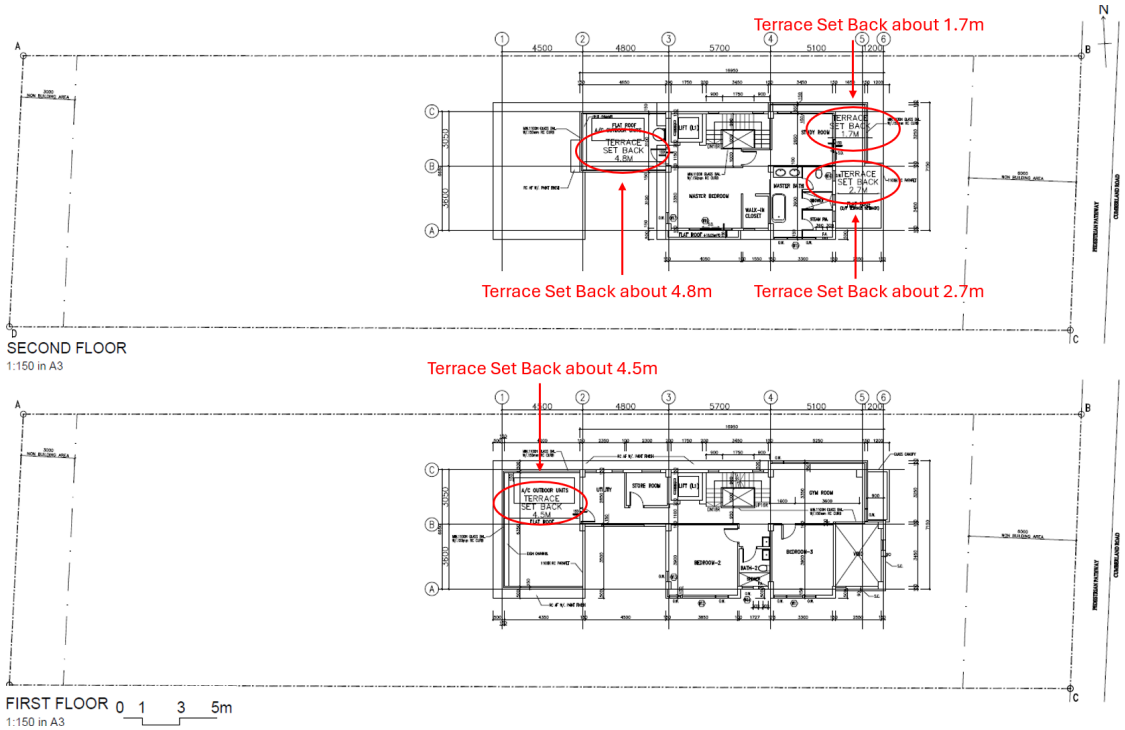
4.2.2 The architectural design strictly respects and exceeds local setback requirements to maximize spatial openness (refer to the G/F Plan of the Proposed Scheme in **Annex 2a** and **Plan 4** below). While a minimum 6m NBA setback is required abutting Cumberland Road, voluntary setback of not less than 7m

is proposed. Furthermore, against the minimum 3m NBA requirement along the western boundary, a substantial voluntary 20m setback is proposed. These open buffers effectively soften the building mass, maximize visual breathing room, and uphold the distinct garden estate layout.



Plan 4 G/F Plan of the Proposed Scheme

4.2.3 To ensure visual harmony with the neighbourhood, the building incorporates stepped terraced design (refer to the 1/F and 2/F Plans of the Proposed Scheme in **Annex 2a** and **Plan 5** below). 1/F terrace setback is about 4.5m from the west and 2/F will further setback about 4.8m from the west and about 2.7m from the east. This innovative articulation breaks down the vertical surface massing and replaces it with a dynamic, human-scale profile that seamlessly blends into the surrounding low-rise townscape.



Plan 5 1/F and 2/F Plans of the Proposed Scheme

4.2.4 Regarding the site boundary treatment, the new boundary walls on both the eastern side abutting Cumberland Road as well as the western side are proposed to be at a height of 2.5m, matching the existing scale and disposition of developments to enhance the townscape of Kowloon Tong.

4.3 Traffic Facilities and Arrangement

4.3.1 Vehicular access will be maintained via the existing ingress and egress point on Cumberland Road. At-grade parking will be provided within the site, comprising two private car parking spaces, one visitor private car parking space and one loading and unloading bay for van type light goods vehicles.

4.3.2 As the proposed development is a single-family house, the applicant will not own more than two private cars. The site is also well served by public transport, with approximately 9-minute walk from Kowloon Tong MTR Station, and only a few minutes' walk to bus stops along Waterloo Road and Boundary Street.

4.3.3 All localized manoeuvring will be comfortably accommodated within the Application Site boundary to ensure zero disturbance to the external traffic flow of Cumberland Road (refer to the Swept Path Analysis in **Annex 5**). The provision met the requirements of the Hong Kong Planning Standards and Guidelines.

4.4 Landscape Proposal

4.4.1 There is an existing loquat tree near the eastern boundary of the Application Site and it will be retained. There were two trees near the western boundary of the site, namely Ficus virens (黃葛樹) with main trunk located outside the site boundary and Clausena lansium (黃皮) located inside the site. According to the Tree Condition Assessment Report prepared by Registered Arborist, both trees had significant defects, structural instability and potential risks to public safety and surrounding structures, so both trees were removed earlier based on the recommendation (refer to the Tree Condition Assessment Report in **Annex 4**).

4.4.2 A comprehensive landscaping design will be deployed to enrich the local visual townscape (refer to the Landscape Proposal in **Annex 3a** and **Plan 6** below). In addition to the retained existing loquat tree, a strategic water feature and high-quality soft landscaping (comprising 14 newly planted trees and various ornamental shrubs) will be provided on the G/F. Total greenery area on G/F is around 216 m^2 will yield a greenery ratio exceeding 20%.



Plan 6 Landscape Proposal

4.4.3 A comparison has been undertaken between the proposed scheme with a basement level and a base scheme without a basement level (refer to the Architectural Drawings in **Annex 2b** and Landscape Proposal in **Annex 3b**). Under the base scheme, providing adequate access to the plant rooms and maintaining sufficient hard-paved communal space for daily resident use is reasonable yet significantly

reducing the available softscape. Consequently, the total greenery area on G/F would drop to approximately 166.1 m^2, resulting in a greenery ratio of only about 18.4%, around 5.6 percentage point lower than the proposed scheme. In addition, the proposed voluntary building setback on the west would be reduced from not less than 20m (with basement) to 5m (without basement), thereby undermining the garden city township character intended under the planning vision.

4.4.4 In contrast, the landscaping area under the proposed scheme with a basement level is significantly higher because for the base scheme without a basement, bulky mechanical plant rooms and essential water tanks would need to be accommodated at ground level, thereby reducing the available area for landscape planting and compromising the distinctive garden estate setting.

5. PLANNING JUSTIFICATIONS

5.1 Full Compliance with Planning Intention of "R(C)1" Zone of the OZP

5.1.1 The proposed development is for a private single-family house, which represents a Column 1 use that is always permitted under the OZP. The proposed PR of not more than 0.6 conforms to the PR restriction stipulated in the Notes of the OZP. The application for a minor relaxation of the BH restriction to incorporate a basement for ancillary plant room is pursued strictly through the statutory mechanism provided in the Notes of the OZP. The proposed house development fully aligns with the low-rise, low-density residential planning intention of the "R(C)1" zone.

5.2 Reduction in Aboveground Building Bulk

5.2.1 The proposed BH relaxation introduces a subterranean basement level that will remain entirely invisible to the general public from the street level. Visually, the proposed building bulk will exhibit no discernible difference from the existing building profile. By relocating the mechanical plant rooms and water tanks into the basement, the scheme completely eliminates the need for unsightly, bulky building service structures on the main roof level. This reduces the perceivable bulk above ground, ensuring the house aligns seamlessly with the existing 2-to-3-storey stepped building profile characteristic of the KTGE.

5.3 Extent of the Proposed Basement is Justified

5.3.1 The proposed basement with about 81.1 m^2. represents 9% over site area. The extent is relatively small in size. It will accommodate all ancillary plant rooms which are essential to meet the functional building services requirements for the house development and not limit the area for at-grade planting as the area immediately above the basement would be building footprints.

5.3.2 There are 14 similar applications approved by the Board since 2011. The planning circumstances of the current application are highly consistent with those of previously approved precedents within the neighbourhood. Notably, the proposed basement area and the corresponding basement-to-site-area ratio is significantly lower than those of similar approved applications in the locality. Approval of this current application would be in line with the Board's previous decisions.

5.4 Substantial Planning and Design Merits

5.4.1 The proposed scheme introduces substantial planning and design merits that actively upgrade the immediate streetscape:

- Substantial Setback & NBA Compliance: The house design honours a minimum 6m NBA building setback from Cumberland Road, and a minimum 3m NBA from the western boundary of the Application Site. Voluntary setback of not less than 7m abutting Cumberland Road and voluntary setback of not less than 20m along the western boundary of the site is proposed. These open buffers effectively soften the building mass, maximize visual breathing room, and uphold the distinct garden estate layout.
- Stepped Terraced Architecture: The building incorporates a stepped terraced design. This breaks down the vertical surface massing, creating a human-scale profile that blends into the surrounding low-rise townscape. Landscaping with potted plants will be accommodated in some of the flat roofs on 1/F and 2/F.
- Higher greenery ratio: By accommodating all essential plant rooms and water tanks in the basement, ground level is completely liberated to maximize high-quality soft landscaping, allowing the overall greenery ratio to exceed 20%. The existing loquat tree at the Application Site

will be preserved, while a robust landscape scheme comprising mature trees and shrubs will be deployed to significantly enhance the local visual amenity and reinforce the distinct garden estate character of the neighbourhood.

5.5 No Adverse Technical Impacts

5.5.1 The proposed residential redevelopment involves no intensification of land-use density. The inclusion of a basement plant room generates no additional traffic burden, environmental emissions, or drainage runoff. No adverse traffic, environmental, drainage, visual, or infrastructural impacts on the surrounding neighborhoods are anticipated.

6. CONCLUSION

6.1.1 This Planning Statement is submitted to the Town Planning Board under Section 16 of the Town Planning Ordinance in support of the application for a minor relaxation of the building height restriction to permit a single storey of basement for ancillary plant rooms at 37 Cumberland Road, Kowloon Tong.

6.1.2 The development scheme optimizes the site by proposing a high-quality, modern house that strictly adheres to the statutory plot ratio restriction of 0.6. By utilizing an underground basement level to absorb all necessary building services, the design keeps the visible aboveground massing to 3 storeys, matching the stepped profile of the Kowloon Tong Garden Estate and preventing any overbearing visual impacts.

6.1.3 By providing generous voluntary building setbacks of 7m along the eastern boundary and 20m along the western boundary, which significantly exceed the statutory 6m and 3m NBA restrictions, the proposed development delivers substantial townscape, visual and environmental benefits. This is further augmented by stepped terraced architectural design and a comprehensive landscaping framework that achieves an overall greenery ratio exceeding 20%.

6.1.4 The proposal has been shown to generate no adverse environmental, traffic, drainage, or infrastructural impacts. Given these distinct planning merits and the well-established precedent approvals for basement relaxations within the same "R(C)1" zone, we respectfully request the members of the Board to view this application favourably.

September 2026
PlanPlus Consultancy Limited