

APPLICATIONS FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/K18/349 and 350

- Applicants** : Pinnacle Management (Hong Kong) Limited (Application No. A/K18/349) and Column Investment Group (Hong Kong) Limited (Application No. A/K18/350) both represented by Lanbase Surveyors Limited
- Sites** : 5 Lincoln Road, Kowloon Tong, Kowloon (Application No. A/K18/349)
3 Lincoln Road, Kowloon Tong, Kowloon (Application No. A/K18/350)
- Site Areas** : About 948.25m² (Application No. A/K18/349)
About 945.28m² (Application No. A/K18/350)
- Leases** : (a) New Kowloon Inland Lot (NKIL) 714 (Application No. A/K18/349) and NKIL 713 (Application No. A/K18/350), both are subject to lease term to be expired on 30.6.2047; and
(b) Subject to the following main restrictions:
(i) keep and maintain a messuage or dwelling house;
(ii) Front and range clause;
(iii) standard offensive trade clause; and
(iv) not to erect any other messuage or dwelling house without prior consent
- 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) restriction of three 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.
- Applications** : Proposed Minor Relaxation of BH Restriction to Allow for One Storey of Basement for Carparking and Ancillary Plant Room for the Permitted House Development

1 The Proposals

- 1.1 The applicants seek planning permission for minor relaxation of BH restriction to facilitate the construction of one basement floor for accommodating parking spaces and ancillary plant rooms in a proposed four-storey house (the Proposed Schemes) at the application sites (the Sites) (**Plan A-1**). The Sites are 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 one storey of basement for use as car park and/or ancillary plant room may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).
- 1.2 The main entrance and vehicular access for both applications will be at Lincoln Road. A 6m setback along Lincoln Road is provided in accordance with the non-building areas (NBA) designated on the draft Kowloon Tong Outline Development Plan (ODP) No. D/K18/1A¹ (**Plan A-2** and **Drawings A-2 and A-9**) for each site. Both developments have stepped terraced design by setting back of 2/F. The area for the basements are 689.211m² (72.68% of site area of Application No. A/K18/349) and 689.165m² (72.91% of site area of Application No. A/K18/350) respectively.
- 1.3 The proposed floor plans, section plans and landscape proposals of the Proposed Schemes for both sites are submitted by the applicants at **Drawings A-1 to A-14**. The major development parameters are summarised below:

Development Parameters	Application No. A/K18/349 (Drawings A-1 to A-7)	Application No. A/K18/350 (Drawings A-8 to A-14)
Site Area	About 948.25m ²	About 945.28m ²
Gross Floor Area (GFA)	About 540.41m ²	About 540.35m ²
PR	Not more than 0.6	Not more than 0.6
Site Coverage	About 24.03%	About 24.24%
No. of Storeys	4 (including one storey of basement)	4 (including one storey of basement)
BH	21.86 mPD	21.86 mPD
No. of Car Parking Spaces (basement)	4	4
- Private Car Parking Spaces	3	3
- Accessible Visitor Car Parking Space	1	1
No. of Loading / Unloading (L/UL) Bay for Light Goods Vehicle (LGV) (at-grade)	1	1

The proposed uses by floors are summarized below:

¹ The NBAs indicated on the ODP are to maintain the existing scale and disposition of developments and to enhance the townscape of the area.

Basement Floor	Car parking spaces, plant rooms with tanks
G/F	Kitchen, dining room, study room and living room
1/F	Bedrooms
2/F	Master bedroom and flat roof with landscaped area
R/F	Lift overrun and landing and staircase

Landscaping

- 1.4 There is currently no existing tree within the Sites. According to the landscape proposals (**Drawings A-7 and A-14**), landscape plantings will be provided on G/F near entrance and along site boundary at Lincoln Road and on the flat roofs of 2/F to soften the building mass. Water features with two new trees will be provided for each site. An overall greenery ratio of about 20% is proposed.
- 1.5 In support of the applications, the applicants have submitted the following documents:

Application No. A/K18/349	Application No. A/K18/350
Application form with Supporting planning statement (SPS) received on 6.5.2025 (Appendix Ia)	Application form with SPS received on 2.6.2025 (Appendix Ib)
Supplementary Information (SI) received on 14.5.2025 (Appendix Ic)	1 st FI received on 17.7.2025* (Appendix Ii)
1 st Further Information (FI) received on 24.6.2025* (Appendix Id)	2 nd FI received on 28.8.2025# (Appendix Ij)
2 nd FI received on 4.7.2025# (Appendix Ie)	
3 rd FI received on 4.8.2025# (Appendix If)	
4 th FI received on 12.8.2025# (Appendix Ig)	
5 th FI received on 28.8.2025# (Appendix Ih)	

* Accepted but not exempted from publication and recounting requirements

Accepted and exempted from publication and recounting requirements

- 1.6 On 1.8.2025 (Application No. A/K18/349) and 15.8.2025 (Application No. A/K18/350), the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicants respectively.

2 Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are provided in the SPS and FI at **Appendices Ia to Ij**. They are summarised as follows:

Planning Intention and Compatibility

- (a) house developments with basement car parks are in line with the planning intention of the “R(C)1” zone. Kowloon Tong Garden Estate (KTGE) is dominated by low-rise and low-density residential developments mostly restricted to two to three storeys in height. The proposals are considered compatible with the surrounding environment and the stepped BH profile in KTGE;

Reduction in aboveground Building Bulk

- (b) compared with the alternative scheme without basement floor (**Plans A-4a to A-4f and Plans A-5a to A-5f**), the proposal provides opportunity for a smaller building bulk without plant rooms on roof top level and a larger greenery / landscaping area at grade. Together with the landscape area on 2/F, the overall landscape areas increase from 64.127m² to 194.648m² (i.e. from 6.8% to 20%) (Application No. A/K18/349) and from 64.304m² to 193.461m² (i.e. from 6.8% to 20%) (Application No. A/K18/350);
- (c) 6m setback from Lincoln Road and stepped terrace (setting back about 13m from Lincoln Road at 2/F with landscaped flat roof) will break down the visual bulk viewed from pedestrian level and soften the building mass and enhance the visual amenity;
- (d) the greenery ratio for the propose development is about 20%. Landscaping with combination of trees and shrubs together with water features provided at grade will be visible to the public to enhance the amenity of the area;

Extent of Proposed Basement is Justified

- (e) the proposed basement will accommodate all ancillary plant rooms and four parking spaces with adequate maneuvering and circulation spaces which are essential to meet the functional, building service, geotechnical and structural design requirements for house developments. It will not limit the area for at-grade planting as the area immediately above the basement would be building footprints while the remaining area would be a large lawn area with soil depth of 600mm;

Provision of Rainwater Recycling Plant Room

- (f) a rainwater recycling plant room is proposed at the basement to comply with the sustainable building design guideline;

No Adverse Technical Impact

- (g) separating the internal vehicular traffic from the pedestrian traffic by placing the car parking spaces at basement level could reduce traffic noise and improve the living environment;
- (h) three private car parking spaces and an accessible visitor car parking space will be provided at basement and a L/UL bay will be provided on ground floor respectively. In addition, as adequate maneuvering space will be provided at the basement, no queuing or reversing motion on street will be required; and

In Line with Previous Decisions of the Board

- (i) there are similar planning applications at “R(C)1” zone to include one level of basement previously approved by the Board. Hence, approval of the current application are in line with the previous decisions of the Board.

3 Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole ‘current land owner(s)’. Detailed information would be deposited at the meeting for Members’ inspection.

4 Previous Applications

- 4.1 The application site for planning Application No. A/K18/349 is the subject of two previous applications (Nos. A/K18/266 and A/K18/338) for proposed school (kindergarten cum childcare centre) and primary school respectively. The former application was approved by the Committee on 4.12.2009 and the latter was rejected on 23.7.2021.
- 4.2 There is no previous application at the application site for planning application No. A/K18/350.

5 Similar Applications

- 5.1 There are 21 similar applications (involving 15 sites) for minor relaxation of BH restrictions for permitted 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**) considered between 2002 to 2022. 15 applications involving 14 sites were approved, mainly because 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.
- 5.2 Six similar applications involving three sites were rejected from 2002 to 2020. Among them, four applications (all at 3 Devon Road²) were rejected from 2002 to 2005 on grounds of excessive basement size and insufficient information to demonstrate the planning and design merits and setting of undesirable precedent. The application at 147 Waterloo Road (Application No. A/K18/333) involving relaxation of both BH and PR was rejected in 2019 mainly due to the excessive relaxation of PR (from 0.6 to 1.013), which is not applicable to the subject applications. Another application at 14 Kent Road (Application No. A/K18/335) was rejected in 2020 mainly due to insufficient information to demonstrate that the proposed development would not have adverse impacts on existing trees.
- 5.3 Details of the similar applications are summarised at **Appendix II**.

6 The Sites and Their Surrounding Areas (Plans A-1 to A-2 and site photos on Plans A-3)

² For the 15 sites with similar applications, only one site at (3 Devon Road) has not been subject to any approval for BHR relaxation.

6.1 The Sites are:

- (a) occupied by a 2-storey building which is vacant (Application No.: A/K18/349);
- (b) vacated (Application No.: A/K18/350);
- (c) served by existing vehicular access at Lincoln Road in the south; and
- (d) subject to a NBA of 6m-wide abutting Lincoln Road on the ODP intended to maintain the existing scale and disposition of developments and to enhance the townscape of the area. (**Plan A-2**).

6.2 The surrounding areas have the following characteristics:

- (a) the Sites are located within the KTGE which is a low-rise, low-density residential area. Existing developments are generally 1 to 3 storeys above ground in height (**Plan A-2**); and
- (b) 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. 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.

7.2 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 urban 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.

8 Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views on the applications are summarised as follows:

Land Administration

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

- (a) the Sites fall within NKIL No. 713 (Application No. A/K18/350) and NKIL No. 714 (Application No. A/K18/349) (the Lots) which are subject to a lease term extended up to 30.6.2047. The Government leases of each site contain, inter alia, the following salient conditions:
 - (i) the lessee shall keep and maintain on the lot a messuage or dwelling house during the whole of the lease term;
 - (ii) front and range clause; and
 - (iii) the lessee shall not erect any other messuage or dwelling house on the Lot without the prior consent of the Director of Lands; and
- (b) if the applications are approved by the Board, the owners of the Lots shall apply to LandsD for a consent under lease for the proposed redevelopment or a lease modification to implement the proposal. However, there is no guarantee that such applications will be approved. Such applications, if received, will be processed by LandsD in the capacity as a landlord and if such applications are approved, it will be subject to such terms and conditions including, inter alia, payment of premium and administrative fee as may be imposed by LandsD.

Building Matters

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

no objection to the proposals under Buildings Ordinance (BO) subject to advisory comments at **Appendix III**.

Environment

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

- (a) has no in-principle objection to the applications;
- (b) adverse noise impact on the proposed development are not anticipated. Nonetheless, the applicants shall ensure that the planning and design of the subject developments will follow the relevant noise planning requirements under Hong Kong Planning Standards and Guidelines (HKPSG) to avoid causing any noise problems;
- (c) it is noted that sufficient buffer distances for vehicular emissions as required under HKPSG will be provided, adverse air quality impact associated with the proposed developments are not anticipated; and
- (d) given the scale of the proposed developments, adverse sewerage impact arising from the proposed developments are not anticipated.

Traffic

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

- (a) no adverse comment on proposed vehicular accesses with clear width not exceeding 5m provided within the specified X-Z-Y points according to the leases; and
- (b) no adverse comment on the proposed 3 ancillary private car parking spaces, 1 visitor parking space, and 1 GV L/UL bay for the proposed developments respectively.

Urban Design & Landscape Aspects

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

Urban Design

- (a) since both applications involve an additional basement floor, it will unlikely cause any change to the perceivable massing/bulk of the proposed developments above ground. Given the context, the proposed developments are considered not incompatible with the surrounding area and will unlikely induce significant adverse impact on the visual character of the townscape;

Landscape

- (b) according to the aerial image in 2024, the Sites are situated in an area of urban landscape character predominated by low-rise residential buildings. The proposed developments are considered not incompatible with the surrounding landscape setting. Based on the site photos, there is no existing tree within the application boundaries and she has no adverse comment on the applications from the landscape planning perspective; and
- (c) the applicants are reminded that approval of the S.16 applications does not imply approval of the site coverage of greenery requirements under BD's PNAP-152 and/or under the lease. The site coverage of greenery calculation should be submitted separately to BD for approval.

Fire Safety

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

- (a) no specific comment subject to water supplies for firefighting and fire service installations provided to the satisfaction of the D of FS;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) EVA provision in the proposed work shall comply with standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

8.2 The following government departments have no objections to or no comments on the applications:

- (a) Chief Architect/Advisory and Statutory Compliance Division, Architectural Services Department;
- (b) Project Manager (East), Civil Engineering and Development Department (CEDD);
- (c) Head of the Geotechnical Engineering Office and Chief Engineer of East Development Office, CEDD;
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS of DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (g) District Engineer/Kowloon City and Kowloon Bay, HyD;
- (h) Commissioner of Police (C of P);
- (i) Chief Engineer/Construction, Water Supplies Department (CE/C of WSD); and
- (j) District Officer (Kowloon City), Home Affairs Department.

9 Public Comments Received During the Statutory Publication Period

9.1 During statutory publication period, one public comment from an individual opines that the Committee must ensure the proposed development is for residential purpose instead of commercial (**Appendix IV**) (Application No. A/K18/349). No public comment was received (Application No. A/K18/350).

10 Planning Considerations and Assessments

10.1 The applications are for minor relaxation of BH restriction to facilitate the construction of one basement floor for accommodating car parking spaces and ancillary plant rooms for the permitted houses at the Sites. The proposed PR (not more than 0.6) conforms to the PR restriction stipulated in the Notes of the OZP.

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.

Planning and Design Merits

10.3 The proposed houses will be set back from Lincoln Road by 6m to comply with the NBA requirement on the ODP (**Plan A-2**) to maintain the existing scale and disposition of developments and enhance the townscape of the area. They incorporate stepped terraced design with about 13m setback from Lincoln Road at 2/F to soften the building mass when viewing from Lincoln Road (**Drawings A-6 to A-7 and A-13 to A-14**). The proposals with basement will allow for an overall 20% greenery at grade and on 2/F while no plant rooms will be provided on roof level (**Plans A-4a to 4f and Plans A-5a to 5f**). The above-mentioned elements are considered design

merits. According to the landscape proposals, landscape plantings will be provided near entrance and site boundary along Lincoln Road and on the flat roofs of 2/F to soften the building mass and enhance the visual amenity. While there are no existing tree within the Sites, two new trees with water features will be provided on each site (**Drawings A-7 and A-14**). CTP/UD&L, PlanD considers the proposed developments are not incompatible with the surrounding area and landscape setting, thus would unlikely induce significant adverse visual and landscape impact.

Technical Aspects

- 10.4 The submissions demonstrate that the proposed car parking and plant room uses at the basement will have insignificant impacts on the environment, drainage and traffic on the surrounding areas. DEP, CE/MS of DSD and C for T have no objection to or adverse comments on the applications.

Similar Applications

- 10.5 15 similar applications with comparable contexts as the subject applications were approved by the Committee / the Board. The circumstances of the six rejected applications are not similar as the proposed basement and/or plot ratio relaxation are excessive, the applications would pose adverse impacts on existing trees and have insufficient merits. As such, approval of the current applications are not inconsistent with previous decisions of the Committee / the Board.

Public Comment

- 10.6 The public comment on the Application No. A/K18/349 opines that the proposed development should only be residential use and not for commercial purpose. The use under application is for relaxation of BH restriction for permitted house development, and there is no commercial elements within the subject applications.

11 Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comment as mentioned in paragraph 9, the Planning Department has no objection to the applications.
- 11.2 Should the Committee decide to approve the application(s), it is suggested that the permission(s) shall be valid until 5.9.2029, and after the said date, the permission(s) shall cease to have effect unless before the said date, the development(s) permitted is commenced or the permission(s) is renewed.

Advisory Clauses

The recommended advisory clauses for the applications are attached at **Appendix III**.

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

there is no strong 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 applications and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application(s), Members are invited to consider the advisory clause(s), if any, to be attached to the permission(s), and the date when the validity of the permission(s) should expire.
- 12.3 Alternatively, should the Committee decide to reject the application(s), Members are invited to advise what reason(s) for rejection should be given to the applicants.

13 Attachments

Appendix Ia	Application Form with SPS received on 6.5.2025 (Application No. A/K18/349)
Appendix Ib	Application Form with SPS received on 2.6.2025 (Application No. A/K18/350)
Appendix Ic	SI received on 14.5.2025 (Application No. A/K18/349)
Appendix Id	FI received on 24.6.2025 (Application No. A/K18/349)
Appendix Ie	FI received on 4.7.2025 (Application No. A/K18/349)
Appendix If	FI received on 4.8.2025 (Application No. A/K18/349)
Appendix Ig	FI received on 12.8.2025 (Application No. A/K18/349)
Appendix Ih	FI received on 28.8.2025 (Application No. A/K18/349)
Appendix Ii	FI received on 17.7.2025 (Application No. A/K18/350)
Appendix Ij	FI received on 28.8.2025 (Application No. A/K18/350)
Appendix II	Similar Applications
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment (Application No. A/K18/349)
Drawings A-1 to A-6	Floor and Section Plans (Application No. A/K18/349)
Drawing A-7	Landscape Proposal (Application No. A/K18/349)
Drawings A-8 to A-13	Floor and Section Plans (Application No. A/K18/350)
Drawing A-14	Landscape Proposal (Application No. A/K18/350)
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos
Plans A-4a to A-4f	Comparison of Proposed Scheme and Alternative Scheme (Application No. A/K18/349)
Plans A-5a to A-5f	Comparison of Proposed Scheme and Alternative Scheme (Application No. A/K18/350)

**PLANNING DEPARTMENT
SEPTEMBER 2025**