

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K18/351

Applicants : Mr. Sheng Fang and Ms. Yang Juan represented by DeSPACE (International) Limited

Site : 4 Cumberland Road, Kowloon Tong, Kowloon

Site Area : About 478.48m²

Lease : (a) New Kowloon Inland Lot (NKIL) No. 754, subject to lease term expiring 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; and
(iii) 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”)

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

Application : 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 Proposal

- 1.1 The applicants seek planning permission for minor relaxation of BH restriction for one basement floor to accommodate parking spaces and ancillary plant rooms in a proposed a single-family four-storey house (the Proposed Scheme) 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; and based on the individual merits of a development or redevelopment proposal, 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 will be at Cumberland Road. A 6m setback along Cumberland Road is provided in accordance with the non-building areas (NBA) designated on the draft Kowloon Tong Outline Development Plan (ODP) No. D/K18/1A¹ (**Plan A-2** and **Drawing A-2**) providing run in/out and a front yard. The proposed house has a site coverage of about 30% on G/F, and a stepped height design on 1/F and 2/F. The parking spaces are arranged in a row and vehicle are manoeuvred through the turntable to the car lift. The area for the basement is 362m² (i.e. not more than 75.6% of site area), part of it falls underneath the NBA.
- 1.3 The proposed floor plans, section plan and landscape proposal are at **Drawings A-1** to **A-7**. The major development parameters are summarised below:

Development Parameters	Proposed Scheme (Drawings A-1 to A-7)
Site Area	About 478.48m ²
Gross Floor Area (GFA)	About 287m ²
PR (maximum)	Not more than 0.6
Site Coverage	About 30%
No. of Storeys	4 (including one storey of basement)
BH	25.55mPD (main roof)
No. of Car Parking Spaces	3
- Private Car Parking Spaces	- 2
- Accessible Visitor Car Parking Space	- 1
No. of Loading / Unloading (L/UL) Bay for Private Car/ Van-type Light Goods Vehicle (LGV)	1

The proposed uses by floors are summarized below:

Basement Floor	Car parking spaces, L/UL bay and plant rooms
G/F	Car lift, kitchen, dining room, living room, plant rooms and landscaped area
1/F and 2/F	Bedrooms and balcony
R/F	Lift overrun

Landscaping

- 1.4 According to the applicants, there is no tree on the Site. From the landscape proposal (**Drawing A-7**), area near entrance and along site boundary at Cumberland Road will be landscaped to enhance the visual amenity. Three new trees will be provided on G/F. The overall greenery ratio is not less than 20%. The basement will also setback from all sides of the site boundary for 1m to 1.4m to avoid damage to existing trees around the Site (**Drawing A-1**).

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.

Technical Aspects

- 1.5 According to the Supporting Planning Statement (SPS), given the modest scale of the proposed single family house and the absence of major air pollution source within 200m of the Site, the incorporation of basement carpark will not generate adverse impact on the existing public sewerage/drainage system, nor on traffic and environmental (including noise, air quality, sewerage and drainage) aspects; and accordingly no detailed assessments are provided.
- 1.6 In support of the application, the applicants have submitted the following documents:
- | | | |
|-----|---|----------------------|
| (a) | Application Form with SPS received on 29.5.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 2.6.2026 | (Appendix Ia) |
| (c) | Further Information (FI) received on 8.7.2026* | (Appendix Ib) |
| (d) | FI received on 22.7.2026 [#] | (Appendix Ic) |
| (e) | FI received on 28.7.2026 [#] | (Appendix Id) |

* Accepted but not exempted from publication and recounting requirement

[#] Accepted and exempted from publication and recounting requirements

2 Justifications from the Applicants

The justifications put forth by the applicants in support of the application are provided in the SPS, SI and FI at **Appendices I to Id**, which are summarised as follows:

Planning Intention and Compatibility

- (a) house redevelopment with maximum PR of 0.6 allowed under OZP is 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 proposed minor relaxation solely for accommodation of one-storey basement for car parks and ancillary plant rooms is considered compatible with the surrounding environment and the setting in KTGE;

Reduction in aboveground Building Bulk and Increase of Greenery

- (b) compared with the OZP-compliant scheme without basement floor (**Plans A-4a to A-4d**), the proposal provides opportunity for adopting more design measures, including a larger greenery / landscaping area with soft landscaping and plantings at grade, increase in greening ratio from about 47.8m² to not less than 95.6m² (i.e. from about 10% to not less than 20%) and no plant rooms (except lift overrun) on roof top level which would reduce the perceived visual bulk of the development from pedestrian level;

Extent of Proposed Basement is Justified

- (c) the proposed development does not intend to maximise basement extent beyond what is functionally necessary. The proposed basement will accommodate ancillary plant rooms and four parking spaces which are essential to meet the functional and building service for the proposed house, with no portion of the basement proposed for any other use. Given the relatively small site area, to accommodate the ancillary plant rooms and required parking spaces in the basement is the only viable option to provide the

ancillary plant rooms and parking spaces without jeopardizing the at-grade landscaping opportunities. With the proposed basement, the aboveground building footprint is minimised, and the availability for providing at-grade landscape is maximised. A setback of approximately 1m to 1.4m from all sides of the site boundary will be reserved around the Site to facilitate excavation works and to avoid damage to existing trees around the Site. While it is noted that the basement-to-site area ratio is about 75.6%, the relatively high ratio is mainly due to the small site area (478.48m²). The size of the proposed basement is considered appropriate;

No Adverse Technical Impact

- (d) adverse noise, air quality, sewerage, drainage and landscape impacts are not anticipated from the proposed development. The design of the proposed development will comply with the prevailing requirements, standards and guidelines;
- (e) all L/UL activities will only take place within the Site which will not obstruct the public footpath and carriageway of Cumberland Road; and

In Line with Previous Decisions of the Board

- (f) there are similar planning applications at “R(C)1” zone to include one level of basement previously approved by 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

There is no previous application concerning the Site.

5 Similar Applications

- 5.1 There are 23 similar applications (involving 17 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**) considered between 2002 to 2025. 17 applications (involving 16 sites) were approved, mainly because the proposals would allow more tree planting opportunities to enhance the local amenity, no plant rooms on roof level 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

² For the 17 sites with similar applications, only one site at (3 Devon Road) has not been subject to any approval for BHR relaxation

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 application. 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 Site and Its Surrounding Areas (Plans A-1 to A-2 and site photos on Plan A-3)

6.1 The Site is:

- (a) occupied by a vacated 2-storey domestic building; and
- (b) served by existing vehicular access at Cumberland Road.

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 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.

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 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. 754 (the Lot) which is subject to a lease term extended up to 30.6.2047. Pursuant to the lease governing the Lot, the lessee shall during the whole of the lease term keep and maintain on the lot a messuage or dwelling house which is subject to the front and range clause and other conditions as contained in the lease. It is further specified in the lease that the lessee shall not erect any other messuage or dwelling house on the Lot without the prior consent in writing of the Director of Lands; and
- (b) if the application is approved by the Board, the owner(s) of the Lot 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 application, if received, will be processed by LandsD in the capacity as a landlord and if such application is 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 application; and
- (b) considering sewerage system is available in the vicinity, the implementation of local sewer connection works shall meet the requirements of DSD.

Traffic

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

- (a) no adverse comment on the proposal consisting of two ancillary private car parking spaces, one visitor parking space, and one LGV L/UL bay for one single family house with GFA > 220m²;
- (b) no adverse comment on the proposed vehicular accesses with clear

width not exceeding 5m under the application from traffic engineering perspective; and

- (c) noting that car lift and turn table are proposed within the development, he has no adverse comment on the manoeuvring space for the carpark area provided that the car lift and turn table will be properly managed and operated.

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) no adverse comments on the application from urban design and visual perspectives;
- (b) since the proposed minor relaxation of BHR only involves an additional basement floor and a 6m-wide non-building area along the western site boundary is proposed in accordance with the ODP No. D/K18/1A, it would unlikely cause any change to the perceivable massing/bulk of the proposed development above-ground. In view of the above, the proposed development with BH of 4 storeys (including 1 storey of basement) is considered not incompatible with the surrounding area and would unlikely induce significant adverse impact on the visual character of the townscape;

Landscape

- (c) no adverse comments on the application from landscape planning perspective. Detailed comments on the subject application are as follows:
 - (i) based on aerial photo taken in 2024, the Site is located in area of urban landscape character characterised by low-rise residential houses and schools and religious institutions. The proposed development is considered not incompatible with the surrounding landscape character;
 - (ii) with reference to the above aerial photo and site photos taken on 12.6.2026, the Site is formed. An existing building and some wild plants are found within the Site;
 - (iii) according to ES of the OZP, the construction of the basement should not cause any adverse impacts to the existing tree or deteriorate the distinctiveness of the area as a garden estate. The Excavation Plan submitted by the applicants indicate that the extent of the excavation area would be close to the site boundary. The applicants confirm that there is no existing tree within the application site. A setback of approximately 1 m to 1.4m from the site boundary will be reserved around the subject lot to avoid damage to the existing trees around the Site. During the

excavation works, contractors will be required to be supervised by qualified tree specialists and to adopt the necessary protective measures to prevent damage to the existing trees;

- (iv) according to the landscape proposal, three new trees and shrubs/groundcover plantings are proposed to mitigate the landscape impacts;
- (v) in view of the above, significant adverse landscape impact arising from the proposed development is not anticipated;
- (d) the applicants should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. Application for any tree works should be submitted to relevant departments for approval; and
- (e) for compliance of site coverage of greenery requirements under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152, submission should be made to BD for comments and 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; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Advisory clauses at **Appendix III** should be imposed.

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

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

9 Public Comments Received During the Statutory Publication Period

During statutory publication period, no public comment was received.

10 Planning Considerations and Assessments

- 10.1 The application is for minor relaxation of BH restriction to facilitate the construction of one basement floor for accommodating car parking spaces and ancillary plant rooms for permitted houses at the Site. The proposed PR (not more than 0.6) conforms to the PR restriction on 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 According to TD’s requirement, for the proposed a single-family house with GFA > 220m², three parking space and one LGV L/UL bay is required. Given the configuration and size of the site, housing the parking facilities in the basement requires a car lift and a turn-table and necessary plant room facilities as shown in the proposal. The size of the basement reaches some 362m² (equivalent to 75.6% of the site area). That said, the proposed basement could only accommodate the essential plant rooms and the parking spaces required by TD and any excessive floorspace upon B/Ds’ advice would be GFA accountable. Besides, the applicants manage to provide some 1m to 1.4m-wide setback from the site boundary to avoid causing damage to existing trees around the Site as well as to provide space for tree planting within the Site.
- 10.4 According to the applicants, with the proposed basement, a larger landscaping area with soft landscaping and plantings are to be provided at grade. Comparing to the OZP compliant scheme, the proposed greening ratio is increased from about 47.8m² to not less than 95.6m² (i.e. from about 10% to not less than 20%). Except lift overrun, no other plant room will be provided at the roof through locating most of the plant rooms in the basement (**Plans A-4a to 4d**). To enhance the visual amenity, according to the landscape proposal, landscape plantings will be provided near entrance and site boundary along Cumberland Road and three new trees will be provided on the Site (**Drawing A-7**).
- 10.5 Apart from the above, the proposed house will be set back from Cumberland Road by 6m to comply with the NBA requirement on the ODP (**Plan A-2**) and will incorporate stepped height design with about 7.8m setback on 1/F and 2/F (**Drawing A-6**). CTP/UD&L, PlanD considers the proposed development is not incompatible with the surrounding area and landscape setting, thus would unlikely induce significant adverse visual and landscape impacts.

Technical Aspects

- 10.6 The applicants submit that the proposed car parking and plant room uses at the basement will have insignificant impacts on the noise, air quality, sewerage, drainage and traffic on the surrounding areas, and the design of the proposed development will comply with the prevailing requirements, standards and guidelines. DEP, CE/MS of DSD and C for T have no objection to or adverse comments on the application.

Similar Applications

- 10.7 17 similar applications with comparable contexts as the subject application were approved by the Committee / the Board. As such, approval of the current application is not inconsistent with previous decisions of the Committee / the Board.

11 Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above, 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 28.8.2030, 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.

Advisory Clauses

The recommended advisory clauses for the application are attached 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 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 applicants.

13 Attachments

Appendix I	Application Form with SPS received on 29.5.2026
Appendix Ia	SI received on 2.6.2026
Appendix Ib	FI received on 8.7.2026
Appendix Ic	FI received on 22.7.2026
Appendix Id	FI received on 28.7.2026
Appendix II	Similar Applications
Appendix III	Recommended Advisory Clauses

Drawings A-1 to A-6	Floor and Section Plans
Drawing A-7	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos
Plans A-4a to A-4d	Comparison of Proposed Scheme and OZP-compliance Scheme

**PLANNING DEPARTMENT
AUGUST 2026**