

MPC Paper No. A/K18/344
For Consideration by
the Metro Planning Committee
on 26.8.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K18/344

- Applicant** : China Coast Community Limited represented by Townland Consultants Limited
- Site** : 63 Cumberland Road, Kowloon Tong, Kowloon
- Site Area** : About 1,740m²
- Lease** (a) New Kowloon Inland Lot (NKIL) No. 751 subject to a lease term having been extended up to 30.6.2047
- (b) Subject to the following restrictions:-
- (i) shall during the whole of the lease term keep and maintain on the Lot a messuage and dwelling house which is subject to Front and Range Clause and other conditions in the lease; and
- (ii) shall not erect any other messuage or dwelling house on the Lot.
- Plan** : Approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21
- Zoning** : “Residential (Group C) 1” (“R(C)1”)
- (a) maximum plot ratio (PR) of 0.6 and maximum building height (BH) of three storeys, or the PR and height of the existing building, whichever is the greater;
- (b) provision for application for minor relaxation of PR restriction; and
- (c) provision for application for minor relaxation of BH restriction to allow for one storey of basement for use as car park and/or ancillary plant room.
- Application** : Social Welfare Facility (Residential Care Home for the Elderly (RCHE)) with Minor Relaxation of PR and BH Restrictions

1. The Proposal

- 1.1 The applicant seeks planning permission for ‘Social Welfare Facility (RCHE)’ use with minor relaxation of PR restriction from 0.6 to 0.8 (i.e. +0.2 or + 33.3%) and BH restriction from three storeys to four storeys (including one storey of basement for ancillary plant room use) at 63 Cumberland Road (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, ‘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 and BH restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance (the Ordinance). The Site is the subject of two previous applications (Nos. A/K18/328 and A/K18/341) for ‘Social Welfare Facility (RCHE)’ use with minor relaxation of PR restriction submitted by the same applicant. Application No. A/K18/328 was rejected upon review by the Board on 25.10.2019 while application No. A/K18/341 was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 28.1.2022 as detailed in paragraph 4 below. According to the applicant, the current application involves no change to the above-grade development/features¹ of the scheme approved under the previous planning application (No. A/K18/341) (the Approved Scheme) but further seeks minor relaxation of BH restriction for an additional basement level for relocating the essential plant rooms and water tanks from roof top (**Plans A-5, A-7 and A-8**).
- 1.2 Same as the Approved Scheme, the applicant proposes to redevelop the Site, which is currently occupied by a two-storey RCHE building² (namely China Coast Community (CCC)) into a four-storey block with stepped heights (including one storey of basement for ancillary plant room use), involving a total GFA of 1,392m² and PR of 0.8 (the Proposed Scheme) (**Drawings A-1 to A-6**). A total of 46 bed spaces would be accommodated in 45 rooms including 26 single en-suites with bathrooms, 18 single bedrooms and one double en-suite with bathroom. The existing ingress/egress point at Cumberland Road will be relocated to Rutland Quadrant while a pedestrian entrance will be provided at Cumberland Road (**Drawing A-2**). The anticipated completion year of the proposed redevelopment by 2026 remains the same.

¹ Including the proposed internal floor layout of G/F to 2/F and supporting facilities to be provided in the RCHE (**Drawings A-2 to A-4**), landscape proposal (**Drawing A-7**) and other features including a fully air-conditioned RCHE that does not rely on open windows for ventilation.

² 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 1,043.47m², PR of 0.6, site coverage (SC) of 36.13% and open space of 233.69m². As advised by the Director of Social Welfare (DSW), the RCHE at the Site has commenced service since 28.11.1978 with the first licence for care and attention home for the elderly granted on 1.4.2000.

- 1.3 The draft Kowloon Tong Outline Development Plan (ODP) No. D/K18/1A (**Plan A-2**) shows non-building areas (NBAs) of 6m-wide from lot boundaries abutting Cumberland Road/Rutland Quadrant and 3m-wide from adjacent electronic substation (ESS) to the north and the tracks of MTR East Rail Line (ERL) to the west to maintain the existing scale and disposition of developments and to enhance the townscape of the area. Same as the Approved Scheme, the Proposed Scheme has incorporated full-height setbacks to respect the aforementioned NBAs and within which, three loading/unloading (L/UL) spaces for ambulance/light goods vehicle (LGV), taxi/visitor and disabled parking and private open spaces of about 845m² including gardens, terraces, walking trails, outdoor recreational facilities and shrubs and perennial planting would be provided (**Drawing A-7**). Five existing trees at the Site would be preserved. Greenery provision of not less than 20% of the Site would be provided, including green roofs and balconies on 1/F and 2/F and along the vertical elevations of the building and fence wall.
- 1.4 Major development parameters of the existing RCHE, and a comparison of the Approved Scheme and the Proposed Scheme are set out in the table below.

Development Parameters	Approved Scheme under Application (No. A/K18/341)	Proposed Scheme
Site Area	1,740m ²	
GFA	1,392m ² @	1,392m ² # @ <i>(excluding GFA concession of 150m² for ancillary essential plant room and water tank in basement)</i>
PR	0.8	0.8 #
Site Coverage (SC) (Below 15m) (approx.)	35.6%	
No. of Storeys	3	4 <i>(3 storeys over 1 storey of basement for ancillary plant room use)</i>
BH (at main roof)	approx. 11.1m	
No. of Bed Spaces	46	
No. of Bedrooms	45	
Average Room Size (approx.)	11m ²	

Development Parameters	Approved Scheme under Application (No. A/K18/341)	Proposed Scheme
No. L/UL Space	Ambulance/LGV: 1 (3.5m x 7m)	Ambulance/LGV: 1 (3m x 9m)
	Taxi/Visitor: 1 (2.5m x 5m) Disabled: 1 (3.5m x 5m)	
Private Open Space at G/F	approx. 845m ²	
Non-Building Area Encroachment	No	

[#] The GFA/PR calculations and GFA concessions are subject to BA's agreement at GBP stage.

[@] Including a general manager's (GM) flat of about 28.7m² at 2/F (**Drawing A-4**) to offer basic accommodation for the GM to facilitate his/her role in the overall management operation of the RCHE and to provide round-the-clock support for the residents. The same area of GM's flat is also provided under the Approved Scheme.

- 1.5 The only differences between the Proposed Scheme and the Approved Scheme are summarized as below:
- (i) relocation of ancillary plant rooms and water tanks from roof to basement (**Plans A-5, A-7 and A-8**);
 - (ii) possible additional greening provision in form of planters and installation of solar panels³ at roof (**Plan A-7**); and
 - (iii) change in size of the L/UL space for ambulance/LGV (**Plan A-6**) to comply with the Hong Kong Planning Standards and Guidelines.

³ According to the technical document 'Assessment Criteria for Considering Applications for Solar Photovoltaic System (SPV) made under Section 16 of the Town Planning Ordinance' as adopted by the Board, if installation of SPV system (include SPV panels commonly found on rooftop of private buildings) is incidental to, directly related and ancillary to and commensurate in scale with a permitted use/development within the same zone, it is regarded as an ancillary use for supplementing power supply to the use/development, and no planning permission is required.

- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 1.6.2021 (Appendix I)
 - (b) Supplementary Planning Statement (including Architectural Drawings and Landscape Plan) received on 1.6.2022 (Appendix Ia)
 - (c) Further information (FI) 1 vide letter received on 5.7.2022 enclosing responses to departmental comments (R to C) and supporting traffic note * (Appendix Ib)
 - (d) FI 2 vide letter received on 28.7.2022 enclosing R to C, revised floor plan and supplementary information for the supporting traffic note # (Appendix Ic)
 - (e) FI 3 vide letter received on 3.8.2022 enclosing a revised landscape proposal # (Appendix Id)
 - (f) FI 4 vide letter received on 18.8.2022 enclosing R to C # (Appendix Ie)

accepted and exempted from publication and recounting requirement

** accepted but not exempted from publication and recounting requirement*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are provided in the Supplementary Planning Statement and FI at **Appendices I to Ie** are summarized as follows:

- (a) Same as the Approved Scheme, the current RCHE redevelopment proposal under the Proposed Scheme is fully in line with relevant Government Policy to meet the pressing need to prioritise the provision of RCHE.
- (b) As mentioned in paragraph 1, except for the proposed relocation of roof-top ancillary plant rooms and water tanks to basement, the Proposed Scheme is the same as the Approved Scheme which respects the NBA requirements under the ODP and demonstrates compatibility with the existing townscape. There is also no change to the landscape proposal and the proposed public planning gains, including the provision of additional bed space and open space provision compared to the existing RCHE and multi-level greening (**Drawings A-2 to A-7**) with an overall greenery provision of not less than 20%, etc.

Minor Relaxation of BH Restriction

- (c) During the detailed design of the Approved Scheme, the applicant had determined the required provision of ancillary essential plant rooms/water tanks would take up a significant portion of the roof (**Plans A-7 and A-8**), resulting in minimal greening and sustainability opportunities. As such, the applicant seeks minor relaxation of BH restriction to allow the relocation of these ancillary essential plant rooms and water tanks from roof to basement level under the Proposed Scheme.
- (d) The Proposed Scheme meets the relevant criteria for consideration of minor relaxation of BH restriction by the Board as set out in the Explanatory Statement (ES) of the OZP. The relocation of essential plant rooms (including F.S. & Sprinkler pump room and potable/flushing pump room) and water tanks (including potable/flushing water tank and sprinkler water tank) from the roof to basement (**Drawings A-1 and A-6 and Plans A-5, A-7 and A-8**) will reduce the perceived massing and building bulk above ground level. There will not be adverse impact to the local low-rise character or building height profile as intended in the “R(C)1” zone on the OZP (i.e. the Kowloon Tong Garden Estate (KTGE)). The released roof top space will enable opportunities for potential sustainability initiatives (subject to detail design study), such as additional greening, solar panel installation, etc. (**Drawing A-5**). The roof will nonetheless remain inaccessible to residents for security considerations. Hence, the proposed provision of essential plant rooms at basement improves the visual amenity of the proposed redevelopment, the character and overall amenity of the KTGE neighbourhood while providing better streetscape.
- (e) The ES of the OZP also stated that 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. The proposed basement plant rooms and water tanks will be located within the building footprint and there will be no additional impact on existing trees and vegetation (**Drawing A-1**). Five existing trees at the Site would be preserved (**Drawing A-7**).
- (f) There were 15 approved applications for proposed minor relaxation of BH restriction to allow basement (for ancillary carpark and/or plant room) within the “R(C)1” zone (i.e. the KTGE). The Proposed Scheme will not set an undesirable precedent.

Technical Feasibility

- (g) The additional basement level for ancillary essential plant rooms and water tanks does not change the development intensity. As demonstrated in the Approved Scheme, relevant Government departments have no adverse comment on and no objection to the Approved Scheme, i.e. adverse impacts on traffic, air quality, noise and sewerage aspects are not anticipated from the proposed redevelopment.

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 Applications

- 4.1 The Site is the subject of two previous planning applications (Nos. A/K18/328 and A/K18/341) which were submitted by the same applicant. Both applications sought planning permission for ‘Social Welfare Facility (RCHE)’ use with minor relaxation of PR from 0.6 to 0.8.
- 4.2 Application No. A/K18/328 was rejected upon review by the Board on 25.10.2019. In that scheme, the façade length of about 30m of the proposed scheme facing Rutland Quadrant encroached onto the NBA and the main reason for rejection was that there was no strong planning justification for the proposed PR relaxation.
- 4.3 Subsequently, application No. A/K18/341 was submitted in response to the Board’s comments on the previous application No. A/K18/328 and was approved with conditions by the Committee on 28.1.2022. The major reasons of approval were that social welfare facilities such as RCHE at the Site is compatible with the surrounding land uses within the KTGE (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. The applicant has demonstrated that the Approved Scheme respects the NBA requirements as shown on the ODP with additional open space provision and multi-level greening; provides an opportunity to enhance both the living quality and increase the provision of bed spaces; and, upgrades the provision of facilities while addressing the residents’ need for privacy.

5. Similar Applications

- 5.1 Other than the aforementioned previous applications at the Site, there is no similar application for minor relaxation of PR restriction for RCHE use within the KTGE (i.e. the “R(C)1” zone on the Kowloon Tong OZP).

Proposed RCHE Use

- 5.2 The Committee has previously considered an application (No. A/K18/292) for proposed RCHE use at Suffolk Road that falls within the KTGE (**Plan A-1**). Under the application, the applicant proposed to convert the existing buildings in to a RCHE (without PR and BH relaxation) 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, and no adverse urban design, traffic and environmental impacts were anticipated.

Minor Relaxation of BH Restriction

- 5.3 There are 22 similar applications (involving 15 sites) for minor relaxation of BH restriction for residential developments to include one storey of basement for car parking and/or ancillary plant room use within the KTGE (i.e. the “R(C)1” zone on the Kowloon Tong OZP) (**Plan A-1**). 15 applications (involving 14 sites) considered between 2006 to 2022 were approved with conditions, mainly for reasons that the proposals would allow more tree planting opportunities and enhance the local amenity and would not result in significant impacts on the environment, drainage, traffic, visual and infrastructural aspects. Among these applications, No. A/K18/326 for minor relaxation of BH restriction from three to four storeys and minor relaxation of PR restriction from 0.6 to 0.6862 to accommodate the bonus plot ratio under Building (Planning) Regulation (B(P)R) for the surrender of land for street widening for permitted house development was approved with conditions by the Committee in 2018 for reasons similar to other similar applications as listed under **Appendix II**.
- 5.4 Seven applications (involving three sites) considered between 2002 and 2020 were rejected on the grounds of excessive basement size, insufficient information to demonstrate there were planning or design merits, possible adverse impacts on existing trees, and/or setting of undesirable precedent. Among them, two applications (No. A/K18/297 and 333) involving the same site as application No. A/K18/326 for minor relaxation of both BH and PR restrictions for proposed hotel development and permitted house development respectively, were rejected in 2013 and 2019 respectively mainly due to that the proposed hotel development was not in line with the planning intention of the KTGE and excessive relaxation of PR (from 0.6 to 1.013). Details of the similar applications for minor relaxation of BH restriction are summarized at **Appendix II**.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2 and site photos on Plans A-3 and A-4)

6.1 The Site:

- (a) is occupied by a two-storey building (including the main building and extension block) with ancillary structures (i.e. a one-storey garage structure and a pavilion with planters at the northern corner the Site⁴). It is currently used as a RCHE under a valid licence issued by DSW;
- (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 railway tracks of MTR ERL in the west;
- (c) the vehicular access and main entrance are currently located at the end of Cumberland Road;
- (d) has a garden and a pond in the middle and five existing trees and other smaller plants along the boundary wall; and
- (e) has NBAs of 6m-wide from lot boundaries abutting Cumberland Road/Rutland Quadrant and 3m-wide from adjacent ESS to the north as designated on the draft Kowloon Tong ODP No. D/K18/1A, which are intended for maintaining the existing scale and disposition of developments and to enhance the townscape of the area.

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 in Kowloon Tong and is located at the middle of Kowloon Tong area. Existing developments (including hotels, religious institutions and kindergartens) are generally one to three storeys in height;
- (b) area to the west of the Site across the MTR ERL is mainly low-density residential developments in the Shek Kip Mei planning area, i.e. Village Gardens; and
- (c) the Site is well-served by various road-based and rail-based public transport. Kowloon Tong MTR Station is located within 500m to the north of the Site.

⁴ As according to the GBP approved by the BA in 1981 and latest Survey Sheet No. 11-NW-10C and 11-NW-15A.

7. Planning Intention

- 7.1 The “R(C)” zone is intended primarily for low to medium-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. 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 under section 16 of the Ordinance.
- 7.2 According to the Notes of the OZP, the Site is subject to a maximum PR of 0.6 and a maximum BH of three storeys, or the PR and height of the existing building, whichever is the greater. Based on individual merits of a development or redevelopment proposal, minor relaxation of PR restriction and BH restriction to allow one storey for 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.
- 7.3 According to the ES of the OZP, for consideration of application to provide additional basement storey in “R(C)1” zone, the construction of the basement should not cause any adverse impacts on the existing trees or deteriorate the distinctiveness of the area as a garden estate.
- 7.4 The ES of the OZP also stated that minor relaxation of BH restriction will be considered by the Board taking into account its own merits and the relevant criteria for consideration of such relaxation are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air and visual permeability;
 - (e) accommodating building design to address specific site constraints in achieving the permissible PR under the OZP; and
 - (f) other factors, such as the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality and would not cause adverse landscape and visual impacts.

8. Comments from Relevant Government Departments

- 8.1 The following Government departments have been consulted and their views on the application 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 is located at NKIL No. 751 (the Lot) which is subject to a lease term having been extended up to 30.6.2047. According to the Land Registry record, the owner of the Lot is “China Coast Community Limited”. 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 and dwelling house which is subject to 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 of the Director.
- (b) The current application proposes to redevelop the existing building into a four-storey building for RCHE purpose is in contravention of the lease conditions. If the planning application is approved by the Board, the lot owner has to apply to LandsD for a consent or lease modification for implementation of the proposed redevelopment. However, there is no guarantee that the consent will be given or the lease modification will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such consent is given or such lease modification is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD.
- (c) Besides, his comments on the existing and proposed GFAs as quoted in the applicant’s submission will be provided at the consent or lease modification application stage.

Building Matters

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

No objection to the application subject to the comments below:

- (a) All building works are subject to compliance with the BO.
- (b) Detailed comments under the BO on individual sites for private developments such as permissible PR, SC, means of escape, EVA, private streets, and/or access roads, open space, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the building plan submission stage.

Fire Safety

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

- (a) No objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his Department. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority. In addition, 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.
- (b) He suggests that an approval condition for the provision of fire service installations and water supplies for firefighting should be imposed should the application be approved.

Environment

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

- (a) On air quality, it is noted that there is no change in above ground feature design compared to the Approved Scheme and that the applicant has previously confirmed that the buffer distance requirement for both vehicular and industrial emissions as set out in Table 3.1 in Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG) can be met. Hence, adverse air quality impact on the proposed redevelopment is not anticipated.

- (b) On noise, it is noted that the applicant has previously confirmed that the redevelopment will be fully air-conditioned and does not rely on open windows for ventilation. Hence, adverse noise impact on the proposed redevelopment is not anticipated.
- (c) On sewerage, insurmountable sewerage impact arising from the proposed redevelopment is not anticipated. Notwithstanding this, the applicant should submit a Sewerage Impact Assessment (SIA) to ensure the potential sewerage impacts arising from the proposed redevelopment would be properly addressed.
- (d) Given the above, he has no objection to the application and suggests approval conditions for the submission of SIA and the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA should be imposed should the application be approved.

Traffic

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

- (a) No comment on the planning application from district traffic engineering point of view given the understanding that the vehicular run-in/out would be provided at Rutland Quadrant and the existing access at Cumberland Road would be changed to pedestrian access only and one L/UL bay for ambulance/LGV (3m x 9m), one L/UL bay for private car/taxi (2.5m x 5m) and one accessible car parking space (3.5m x 5m) would be provided.
- (b) He suggests that an approval condition for the design and provision of vehicular access, car parking spaces and L/UL space for the proposed development should be imposed should the application be approved.

Urban Design and Landscape

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

It is noted that the building height of the proposed RCHE remains unchanged compared to the Approved Scheme and the proposed additional basement floor has no adverse implication from architectural and visual impact point of view. Thus, he has no comment to the application.

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

Urban Design and Visual

- (a) It is noted that except for the relocation of the ancillary essential plant rooms and water tanks from roof level to basement, there is no difference between the Proposed Scheme and the Approved Scheme, including all urban design merits and maintaining the three NBAs along the northern (3m-wide), western (3m-wide) and eastern (6m-wide) site boundaries as designated on the ODP. The relocation of the ancillary essential plant rooms and water tanks from roof level to basement may reduce the perceivable massing/bulk of the proposed development above ground.

Landscape

- (b) No objection to the application from landscape planning perspective.
- (c) With reference to the aerial photo of 2020, the Site is located in an urban area of low-rise residential houses or institutional facilities with scattered mature trees located with the front yard/rear sides of the building blocks. The proposed development of a four-storey RCHE is not incompatible to the landscape character of the surrounding environment.
- (d) With reference to the submission, five existing trees within the Site will be preserved. Private open space of about 845m² would be provided for the target population (i.e. 46 residents). Landscape provisions on G/F, such as garden, outdoor recreational facilities, walking trail, shrubs and perennial planting etc., roof terraces on 1/F and 2/F, and planting on R/F are proposed to enhance the landscape quality of the proposed development. Significant adverse landscape impact to the existing landscape resources arising from the proposed development is not anticipated.
- (e) The applicant is reminded that approval of the application under the Ordinance does not imply approval of the site coverage of greenery requirements under the Sustainable Building Design Guidelines (PNAP-APP 152) and/or under the lease. The site coverage of greenery calculation should be submitted separately to BD for approval. Similarly for any proposed tree preservation/removal scheme and compensatory planning proposal, the applicant is reminded to approach relevant authority direct to obtain the necessary approval, where appropriate.

Social Welfare Aspect

8.1.8 Comments of the DSW:

From licensing perspective, there is no objection to the application from both building safety and fire safety points of view given the applicant has confirmed that the design and construction of the proposed RCHE shall comply with all relevant licensing and statutory requirements and there is no financial implication to the government arising from the proposal.

Railway Protection Area

8.1.9 Comments of Chief Engineer/Railway Development 2-2, Highways Department (CE/RD2-2, HyD):

No comment on the application from railway development point of view. As a reminder, the Site falls within or is close to the railway protection boundary of the existing railways (i.e. ERL and Kwun Tong Line). With reference to the Development Bureau Technical Circular (Works) No. 1/2019 on Railway Protection and/or Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP-APP 24) on Railway Protection under Railways Ordinance, Mass Transit Railway (Land Resumption and Related Provisions) Ordinance and Area Number 3 of the Scheduled Areas in Schedule 5 to the BO, MTR Corporation Limited (MTRCL) should be consulted with respect to any proposed works that may affect the operation, maintenance and safety of the existing railways.

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

- (a) District Officer (Kowloon City), Home Affairs Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Director of Electrical and Mechanical Services;
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (f) Chief Highway Engineer/Kowloon, HyD; and
- (g) Commissioner of Police.

9. Public Comments Received During Statutory Publication Periods

The application and FI were published for public inspection. During the statutory public inspection periods, two public comments were received, including a supporting comment from the Chairman of Kowloon City District Council (Mr. HO Hin-ming) (**Appendix III (1)**) and the MTRC providing views on the application (**Appendix III(2)**). The MTRC raised concerns on the potential railway noise impact on the proposed development and suggested that an approval condition on the design and provision of non-openable windows with proper sound insulation glazing to be imposed should the application be approved. MTRC also noted that the Site is located within the Railway Protection Area and suggested an approval condition on the submission of relevant documents for satisfying railway protection requirements to be imposed should the application be approved.

10. Planning Considerations and Assessments

10.1 The application is for redevelopment of an existing two-storey building that has been in operation as a RCHE since 1978 into a new four-storey RCHE (including one storey of basement for ancillary plant room use), with minor relaxation of PR restriction from 0.6 to 0.8 and minor relaxation of BH restriction from three storeys to four storeys. On 28.1.2022, the Committee approved the previous application (No. A/K18/341) for a three-storey RCHE with minor relaxation of PR restriction from 0.6 to 0.8 at the Site (i.e. the Approved Scheme) considering that the RCHE use is compatible with the surrounding land uses within the KTGE and no adverse urban design, traffic and environmental impacts were anticipated as mentioned in paragraph 4.3 above. Except for the differences summarized in paragraphs 1.4 and 1.5 above, the Proposed Scheme is the same as the Approved Scheme. The planning and design merits proposed under the Approved Scheme as detailed in paragraph 2(b) above have been fully adopted under the Proposed Scheme.

Relaxation of BH Restriction

10.2 According to the applicant, it was determined during the detail design of the Approved Scheme that the provision of essential plant rooms and water tanks would take up a significant portion of the roof, therefore relocating these ancillary facilities to basement will reduce the visual building bulk at roof and the released roof top space will enable opportunities for potential sustainability initiatives, such as additional greening and solar panel installation (**Drawing A-5**). CTP/UD&L, PlanD considers that the proposed relocation of ancillary essential plant rooms and water tanks from roof level to basement may reduce the perceivable massing/bulk of the proposed development above ground and CA/CMD2, ArchSD has no adverse comment on the application from architectural and visual points of view.

- 10.3 On landscape aspect, the construction of the basement for essential plant rooms and water tanks will have no impact to the existing trees and vegetation within the Site (**Drawing A-1**). The landscape proposal under the Approved Scheme is adopted in the Proposed Scheme. In gist, a terrace building design (**Drawings A-2 to A-6**) is adopted to maximize at-grade and multi-level planting opportunities and open space with both hard and soft landscape is provided (**Drawing A-7**). The five existing trees within the Site will be preserved. CTP/UD&L, PlanD has no in-principle objection on the application from landscape planning point of view.

Other Technical Aspects

- 10.4 On traffic, C for T has no adverse comments on the application and suggests imposition of relevant approval condition on the design and provision of vehicular access, car parking spaces and L/UL space as detailed in paragraph 11.2 (a) below. Considering that there will be no adverse air quality and noise impacts on the proposed RCHE and that the proposed RCHE will not bring about insurmountable sewage impact, DEP has no objection to the application but suggests imposition of relevant approval conditions as detailed in paragraphs 11.2 (b) and (c) below. To address D of FS's concern, an approval condition on provision of fire service installations and water supplies for firefighting as detailed in paragraph 11.2 (d) below is recommended. Other departments have no adverse comment/objection to the application.

Previous and Similar Applications

- 10.5 As mentioned in paragraph 5 above, a similar application (No. A/K18/292) for proposed RCHE use (without PR and BH relaxation) within the KTGE was approved by the Committee in 2012. For other similar applications for minor relaxation of PR and BH restrictions for hotel or house uses at a site on Waterloo Road, they are not relevant to the current application as they involved the claiming of bonus plot ratio under B(P)R for the surrender of land for street widening.
- 10.6 The 15 approved applications for minor relaxation of BH restriction for permitted residential/house development were granted approval based on the reasons that they were supported by planning and design merits such as providing better streetscape in terms of provision of greenery/landscaping area mainly along the street frontages of the respective sites, and more at-grade greening, more innovative building design including special façade design and treatment such as stepped terraces with greening as well as proposing no structures on the roof top. Under current application, the applicant proposes terrace building design with multi-level planting and additional at-grade open space provision. Moreover, as the only difference between the Proposed Scheme and the Approved Scheme under application No. A/K18/341 is the addition of one basement floor for the provision of essential plant rooms and water tanks, approval of the current application is in line with the Committee's decisions on both the previous and similar applications.

Public Comments

- 10.7 Regarding MTRC's concerns on the potential noise impacts from railway operations, DEP considers that adverse noise impact on the proposed redevelopment is not anticipated as he notes that the proposed redevelopment will be fully air-conditioned and does not rely on open windows for ventilation. Regarding the submission of relevant documents to satisfy railway protection requirements, CE/RD2-2, HyD has no comment on the application from highway development point of view and the relevant information will be required and processed under the building regimes during the general building plan submission stage.

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 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 26.8.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the design and provision of vehicular access, car parking spaces and loading/unloading space for the proposed development 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 Sewerage Impact Assessment in approval condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the provision of fire service installations and water supplies for firefighting 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 IV**.

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

The applicant fails to demonstrate that there are planning and design merits to justify for the proposed minor relaxation of building height restriction.

12. Decision Sought

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

13. Attachments

Appendix I	Application Form received on 1.6.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information (FI) 1 vide letter received on 5.7.2022
Appendix Ic	FI 2 vide letter received on 28.7.2022
Appendix Id	FI 3 vide letter received on 3.8.2022
Appendix Ie	FI 4 vide letter received on 18.8.2022
Appendix II	Similar applications for minor relaxation of BH restriction with "R(C)1" zone on the Kowloon Tong OZP
Appendices III(1) and III(2)	Public comments received
Appendix IV	Recommended advisory clauses
Drawings A-1 to A-6	Floor plans and section plan submitted by the applicant
Drawing A-7	Landscape proposal submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos
Plans A-5 to A-8	Comparison of floor layout plans