

**Similar S.16 Applications
Involving Kindergarten or Kindergarten and Child Care Centre
Kowloon Tong Outline Zoning Plan since 2000**

East of Waterloo Road

1. Similar S.16 Application in the "R(C)3" Zone

No.	Application No.	Location	Proposed Uses/ Developments	Date of Consideration	Rejection Reasons
1.	A/K18/311	4 Derby Road	Proposed School (Kindergarten and Nurse) with Ancillary Staff Quarter	11.9.2015 (TPB)	A,B

Rejection Reasons:

- A. The development is located on road with narrow width and busy traffic at school peak hour.
- B. Non-provision or uncertainties on the implementation of traffic mitigation measures would set an undesirable precedent for similar applications in the area.

2. Similar S.16 Applications in the "R(C)4" Zone

Approved Applications (since promulgation of revised Guidelines in March 2011)

No.	Application No.	Location	Proposed Uses/ Developments	Date of Consideration	Approval Conditions
1.	A/K18/310	31 Cambridge Road	Proposed Temporary School (Kindergarten) for a Period of 3 Years	31.10.2014 (MPC)	1,2,3 temporary approval for 2 years and 10 months
2.	A/K18/324	31 Cambridge Road	Renewal of Planning Approval for Temporary School (Kindergarten) under Application No. A/K18/310 for a period of 3 years	11.8.2017 (MPC)	2,4,5 temporary approval for 3 years

Approval Conditions:

1. Design and provision of parking and loading/unloading facilities
2. Fire safety provision
3. Tree preservation and landscape proposal
4. Submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures
5. Revocation clause

West of Waterloo Road

3. Similar S.16 Applications in the "R(C)1" Zone

Approved Applications (prior to promulgation of revised Guidelines in March 2011)

No.	Application No.	Location	Proposed Uses/ Developments	Date of Consideration	Approval Conditions
1.	A/K18/149	6 Somerset Road	Kindergarten	7.4.2000 (TPB)	1,3
2.	A/K18/154	13 Cumberland Road	Kindergarten	18.2.2000 (MPC)	1,3
3.	A/K18/165	113 Waterloo Road	Kindergarten cum Child Care Centre	13.10.2000 (MPC)	3,5
4.	A/K18/182	1 Dorset Crescent	Kindergarten	7.9.2001 (MPC)	3
5.	A/K18/192	8 Kent Road	Kindergarten cum Child Care Centre	28.6.2002 (MPC)	1,3,4
6.	A/K18/199	9-11 Cumberland Road	Kindergarten cum Child Care Centre	3.1.2003 (MPC)	1,3
7.	A/K18/203	19 Cumberland Road	Kindergarten cum Child Care Centre	16.5.2003 (MPC)	1,3
8.	A/K18/206	1 Dorset Crescent	Minor Amendments to Approved Kindergarten	30.4.2003 (DPO/K)	3
9.	A/K18/207	12 Cumberland Road	Kindergarten	11.7.2003 (MPC)	1,3
10.	A/K18/213	55 Cumberland Road	Kindergarten cum Child Care Centre	5.12.2003 (MPC)	3,4
11.	A/K18/215	14 Stafford Road	Kindergarten	16.4.2004 (MPC)	3
12.	A/K18/216	1 Dorset Crescent	Kindergarten cum Child Care Centre	28.5.2004 (MPC)	3
13.	A/K18/218	4 Suffolk Road	Kindergarten, Art & Language Centre	30.7.2004 (MPC)	3
14.	A/K18/221	6 Rutland Quadrant	Kindergarten	18.1.2005 (MPC)	2,3,4,6
15.	A/K18/238	G/F, 109 Waterloo Road	Kindergarten	18.8.2006 (MPC)	2,3,4
16.	A/K18/249	51 Cumberland Road	Kindergarten	18.1.2008 (MPC)	2,3,4,7,8
17.	A/K18/249-1	51 Cumberland Road	Kindergarten (minor amendment)	22.9.2008 (D of Plan)	2,3,4,7,8
18.	A/K18/250	14 Essex Crescent	Kindergarten cum Child Care Centre	9.5.2008 (MPC)	1,2,4,7 temporary approval for 3 years
19.	A/K18/251	1/F, 109 Waterloo Road	Kindergarten	6.6.2008 (MPC)	1,2,3,4
20.	A/K18/260	5 Cumberland Road	Kindergarten	17.4.2009	2,3,4,9

				(MPC)	
21.	A/K18/266	5 Lincoln Road	Kindergarten cum Child Care Centre	4.12.2009 (MPC)	2,3,4
22.	A/K18/270	43 Cumberland Road	Kindergarten cum Child Care Centre	11.6.2010 (MPC)	1,2,3,4
23.	A/K18/271	6 Kent Road	Kindergarten cum Child Care Centre	7.5.2010 (MPC)	1,2,3,4,9
24.	A/K18/281	14 Essex Crescent	Kindergarten cum Child Care Centre	18.3.2011 (MPC)	2,4 temporary approval for 3 years

Approved Applications (since promulgation of revised Guidelines in March 2011)

No.	Application No.	Location	Proposed Uses/ Developments	Date of Consideration	Approval Conditions
1.	A/K18/288	2 Essex Crescent	Kindergarten on temporary basis for 18 months	4.11.2011 (TPB)	1,2,3,4,7,9,10, 11,12,13 temporary approval for 18 months
2.	A/K18/308	14 Essex Road	Renewal of Planning Approval for Temporary School (Kindergarten and Child care Centre)	4.7.2014 (TPB)	2,7,10,11,12, 13 temporary approval for 3 years
3.	A/K18/304	2 Essex Crescent	Kindergarten on temporary basis for 3 years	20.6.2016 (Appeal Board)	2,7,10,11,12, 13 Temporary approval for 3 years

Approval Conditions:

1. Design and provision of parking and loading/unloading facilities
2. Fire safety provision
3. Usual time clause
4. Tree preservation and landscape proposal
5. Provision of noise mitigation measures
6. Preservation proposal for existing pre-war building
7. Submission of tree monitoring progress/maintenance of the landscape planting within the site boundary
8. Design and implementation of new vehicular access
9. Submission of sewerage impact assessment and implementation of sewerage improvement measures
10. Restriction on school hours
11. Implementation of the traffic mitigation measures
12. Submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures
13. Revocation clause

Rejected Applications (prior to promulgation of revised Guidelines in March 2011)

No.	Application No.	Location	Proposed Uses/ Developments	Date of Consideration	Rejection Reasons
1.	A/K18/153	1 Dorset Crescent	Kindergarten	28.1.2000 (MPC)	B,D,E
2.	A/K18/155	1 Essex Crescent	Kindergarten	18.2.2000 (MPC)	B,D,E
3.	A/K18/157	1 Dorset Crescent	Kindergarten	18.5.2000 (MPC)	B,D,E
4.	A/K18/159	113 Waterloo Road	Kindergarten cum Child Care Centre	16.6.2000 (MPC)	A,B,D,E
5.	A/K18/167	25 Cumberland Road	Kindergarten	6.4.2001 (TPB)	B,E
6.	A/K18/179	121 Boundary Street	Kindergarten	13.7.2001 (MPC)	A,B,D,E
7.	A/K18/189	25 Cumberland Road	Kindergarten	10.5.2002 (MPC)	B,D,E
8.	A/K18/194	1 Norfolk Road	Kindergarten cum Primary School	9.8.2002 (MPC)	B,E
9.	A/K18/267	14 Essex Crescent	Extension of Kindergarten and Child care Centre	18.6.2010 (TPB)	D,F

Rejected Applications (since promulgation of revised Guidelines in March 2011)

No.	Application No.	Location	Proposed Uses/ Developments	Date of Consideration	Rejection Reasons
1.	A/K18/294	7 Kent Road	Proposed School (Kindergarten cum Child Care Centre)	26.10.2012 (TPB)	C,G
2.	A/K18/300	41 Cumberland Road	Proposed School (Kindergarten)	3.5.2013 (MPC)	C,G
3.	A/K18/303	22 Kent Road	Proposed Temporary School (Kindergarten and Nursery) for 3 years	7.6.2013 (MPC)	C,G
4.	A/K18/305	22 Kent Road	Proposed Temporary School (Kindergarten and Nursery) for 3 years	16.5.2014 (TPB)	C,G
5.	A/K18/304	2 Essex Crescent	Proposed Temporary School (Kindergarten) for 3 years	19.9.2014 (TPB)	D,G,H

Rejection Reasons:

- A. There is no information in the submission on prevention of traffic noise.
- B. The proposed design and provision of on-site parking facilities, loading/unloading facilities, and/or vehicle manoeuvring space are unsatisfactory.

- C. The approval of the application would set an undesirable precedent for similar developments on other "R(C)1" sites.
- D. The provision of ancillary facilities is inadequate.
- E. There will be adverse impacts on local traffic.
- F. The development will encroach onto non-building area.
- G. The development is not in compatible with the TPB PG-No.23A in that possible adverse traffic impacts are anticipated and proposed traffic mitigation are considered not effective to tackle the problem/there are uncertainties on the effectiveness of the proposed traffic mitigation measures to mitigate the impacts.
- H. There are no special circumstances that warrant sympathetic consideration of the application.

Detailed Comments from Government Departments

(Please also refer paragraph 9 of the Paper for other comments of these Government Departments)

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

The current Government Lease contains, inter alia, the following salient conditions:-

- (i) will not erect on the lot other than one house of European type designed for the occupation of one family;
- (ii) will obtain the special approval of the Director to the design of the exterior elevations and the dispositions of any building;
- (iii) in no case will the height of any building exceed 35 feet except with the consent of the Director;
- (iv) will not add to or alter any buildings on the lot after the plans have been approved except with the consent of the Director; and
- (v) will not erect any building on the lot within 10 feet of any public road.

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

- (a) The applicant should appoint an Authorized Person and a Registered Structural Engineer to prepare and submit plans for the proposed building works to BD to demonstrate compliance with the Buildings Ordinance (BO), including:
 - (i) the plot ratio and site coverage of the proposed building are within the limits stipulated in the First Schedule of the Building (Planning) Regulations;
 - (ii) adequate means of escape should be provided. Building (Planning) Regulation 41(1) and Code of Practice for Fire Safety in Buildings 2011 (FS Code) Part B refer;
 - (iii) adequate fire resistance construction should be provided. Building (Construction) Regulation 90 and FS Code Part C refer;
 - (iv) adequate access and facilities for persons with disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 refer;
 - (v) all building works/change in use should comply with the requirements set out in the Code of Practice Dead and Imposed Loads 2011 and Part III of the Building (Construction) Regulations; and
 - (vi) the applicant is required to observe the licensing requirements imposed by the relevant licensing authority.

- (b) For unauthorized building works (UBW) erected on private land/buildings, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. Planning permission (if so granted) should not be construed

as an acceptance of any existing building works or unauthorized building works under the BO.

- (c) To pay attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA has no powers to give retrospective approval or consent for unauthorized building works.
- (d) Detailed comments under the BO would be given at the building plan submission stage.

Recommended Advisory Clause

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Building Department (BD) that the applicant should appoint an Authorized Person and a Registered Structural Engineer to prepare and submit for the proposed building works to BD to demonstrate compliance with the Buildings Ordinance;
- (c) to note the comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) that if the application is approved by the Town Planning Board, the lot owner is required to apply for lease modification or wavier of the lease restriction to implement the proposal. However, there is no guarantee that the lease modification or wavier would be approved and if approved, it would be subject to such terms and conditions including payment of premium/wavier fee ect. as considered appropriate by the LandsD acting in the capacity of landlord; and
- (d) to note the comments of the Director of Fire Services (D of FS) that detailed fire services requirements will be formulated upon receipt of formal submission of general buildings plans. The applicant is advised to observe the arrangement of Emergency Vehicular Access that shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD.