

Summary of Relevant Main Assessment Criteria for Application for Kindergarten/Child Care Centre in KTGE under TPB Guidelines No. 23A (Promulgated in March 2011)

Traffic Aspect

- (a) New proposal for kindergarten/child care centre within KTGE should be supported by a traffic impact assessment to examine any possible traffic problems that may be caused by the kindergarten/child care centre and propose mitigation measures to tackle the problems, if required;
- (b) New kindergarten/child care centre within KTGE would only be favourably considered by the Board if there is adequate provision of parking and loading/unloading facilities within the premises such that the setting down/picking up of students could be carried out safely within the premises and that on-street loading/unloading and illegal parking could be minimised. In designing the parking and loading/unloading facilities, the following requirements should be observed:
 - (i) 0-1 car parking space per 4 to 6 classrooms, 1 lay-by for taxis/private cars for every 5 to 8 classrooms and a minimum of 2 lay-bys for school buses of the size 3m x 12m should be provided within the premises;
 - (ii) the requirement for 2 school bus lay-bys of the size 3m x 12m may be substituted by 5 lay-bys of the size 3m x 7m for mini-buses/nanny vans which provide a total number of seats that is at least the same as that provided by 2 school buses;
 - (iii) school buses or mini-buses of minimum 10m and 6.5m in length respectively should be able to enter and depart from the premises in forward gear for traffic safety reasons. The manoeuvring paths of any vehicles within the site should not cross over any parking spaces. Due regard should also be paid to students' safety with a view to avoiding possible conflict between vehicular manoeuvring and students' activities within the premises;

Other Aspects

- (c) the proposed kindergarten/child care centre should be compatible with the surrounding developments;
- (d) the proposed kindergarten/child care centre should not be susceptible to adverse environmental impacts such as noise impact from Waterloo Road and MTRC trains; otherwise adequate environmental mitigation measures must be provided;

- (e) the proposed kindergarten/child care centre should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas;
- (f) tree felling to make way for the proposed kindergarten/child care centre would not normally be allowed;
- (g) the building structural safety and provision of means of escape for the proposed kindergarten/child care centre should be to the satisfaction of the Buildings Department (BD);
- (h) access for fire appliances and fire service installations for the proposed kindergarten/child care centre should be to the satisfaction of the Fire Services Department (FSD);
- (i) for kindergarten/child care centre, the proposed internal layout and the provision of indoor/outdoor play area should be to the satisfaction of the Education Bureau (EDB) and the Social Welfare Department (SWD); and
- (j) all other statutory or non-statutory requirements of government departments should be met.

Annex

Town Planning Appeal No. 13 of 2014 – Decision

Temporary School (Kindergarten) for a Period of 3 Years

in “Residential (Group C)1” zone, 2 Essex Crescent, Kowloon Tong

Approval Conditions

- (a) The maximum number of students to be accommodated within the Site shall not exceed 216 for each morning and afternoon school session.
- (b) The school hours shall be restricted from 9:30 am to 12:30 pm and 2:00 pm to 5:00 pm, Monday to Friday, as proposed by the Appellant, during the school operation period.
- (c) The implementation of the traffic mitigation measures including ‘school bus only’ campus and ‘in-campus pick-up/drop-off’, as proposed by the Appellant, during the school operation period to the satisfaction of the Commissioner for Transport (“C for T”) or of the Town Planning Board (“**the Board**”).
- (d) The design and provision of parking facilities, loading/unloading spaces and carpark layout for the proposed kindergarten to the satisfaction of the C for T or of the Board.
- (e) The submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures stated in conditions (b) and (c) above during the school operation period to the satisfaction of the C for T or of the Board.
- (f) The existing landscaping planting within the site boundary shall be maintained at all times during the planning approval period.

- (g) The provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Board.
- (h) If any of the above planning conditions (a), (b), (c), (e) or (f) is not complied with during the school operation period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

- (a) The Appellant to consult the Registration Section of the Education Bureau on the school registration process for the proposed kindergarten under the Education Ordinance and Regulations.
- (b) The Appellant to apply to the District Lands Officer/Kowloon East, Lands Department (“LandsD”) for the proposed development under the lease. However, the Appellant should note that there is no guarantee that such application will be approved by the Government. Such application, if approved, will be subject to such terms and conditions (including but not limited to the payment of a waiver fee) as imposed by the LandsD at its discretion.
- (c) The approval of the application does not imply any compliance with the Buildings Ordinance (“BO”) and Regulations. The applicant should appoint Authorized Person and Registered Structural Engineer to submit building plans to the Buildings Department (“BD”) for approval in accordance with the requirements of the BO.
- (d) The Appellant to note comments of the Chief Town Planner/Urban Design & Landscape, Planning Department to monitor the condition of the *Magnolia graniflora* at the southwest corner of the site and apply appropriate treatment where necessary to avoid further deterioration of the tree.

- (e) The Appellant to note that non-compliance of approval conditions will lead to revocation of planning permission.
 - (f) The Appellant to note comments of the Director of Fire Services to arrange emergency vehicular access in compliance with Code of Practice for Fire Safety in Buildings 2011 which is administered by BD.
 - (g) The Appellant to note comments of the C for T and Commission of Police to strictly implement the proposed traffic mitigation and monitoring measures.
 - (h) The Appellant to note that the planning permission is valid until 31 July, 2019. It should not be assumed that application for extension in future will be given by the Board.
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Compliance Status of Approval Conditions under Application No. A/K18/304

The applicant has made relevant submissions for compliance with approval conditions of the temporary planning permission. The compliance status are summarised below:

Approval Conditions under Application No. A/K18/304	Compliance Status
(a) the maximum number of students to be accommodated within the Site shall not exceed 216 for each morning and afternoon school session;	At present, only G/F of the Site has been registered as a school premises (i.e. York International Kindergarten). The total number of registered classrooms is 5 nos. with a maximum student capacity of 108. According to the bi-monthly monitoring reports submitted under approval condition (e) below, the total number of students enrolled for the 2017-18 and 2018-19 school years are 22 and 16 respectively.
(b) the school hours shall be restricted from 9:30am to 12:30pm and 2:00pm to 5:00pm, Monday to Friday, as proposed by the Appellant, during the school operation period;	According to the bi-monthly monitoring reports submitted under approval condition (e) below, the kindergarten has been providing “half-day” school program from 2:00pm to 4:30pm, Monday to Friday, for the 2017-18 and 2018-19 school years.
(c) the implementation of the traffic mitigation measures including ‘school bus only’ campus and ‘in-campus pick-up/drop-off’, as proposed by the Appellant, during the school operation period to the satisfaction of the C for T or of the Board;	(See approval condition (e) below)
(d) the design and provision of parking facilities, loading/unloading spaces and carpark layout for the proposed kindergarten to the satisfaction of the C for T or of the Board;	The approval condition was discharged on 3.10.2018.
(e) the submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures stated in conditions (b) and (c) above during the school operation period to the satisfaction of the C for T or of the Board;	Since the commencement of operation in September 2017, the kindergarten has submitted eight bi-monthly monitoring reports (the first report was submitted in November 2017). The reports demonstrated that the kindergarten has been able to implement the traffic mitigation measures as mentioned in condition (c) above. C for T and Commissioner of Police (C of P) have not raised any adverse comment from traffic

	engineering and traffic policing perspectives during those school operation periods.
(f) the existing landscaping planting within the site boundary shall be maintained at all times during the planning approval period;	According to the site visit conducted on 23.4.2019, the landscaping planting within the site boundary has been maintained.
(g) the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Board; and	The approval condition was discharged on 4.9.2018.
(h) if any of the above planning conditions (a), (b), (c), (e) or (f) is not complied with during the school operation period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.	Revocation clause not engaged as the said approval conditions have been complied with during the school operation period.

**Similar s.16 Applications
Involving Kindergarten or Kindergarten cum Child Care Centre
in Kowloon Tong Outline Zoning Plan since 2000**

The residential neighbourhood in Kowloon Tong is divided by Waterloo Road into two parts. The sites to the west, where the application site is located, is mainly zoned “R(C)1”, while the sites to the east are mainly zoned “R(C)4” and other various “R(C)” subzones including “R(C)3”, “R(C)6” and “R(C)9” etc.

1. Similar s.16 Applications in the “R(C)1” Zone (Area west of Waterloo Road)

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)	3,6
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	28.1.2005 (MPC)	2,3,4,7
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)	2,3,4,8,9
17.	A/K18/249-1	51 Cumberland Road	Kindergarten (minor amendment)	22.9.2008 (D of Plan)	2,3,4,8,9

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Approval Conditions
18.	A/K18/250	14 Essex Crescent	Kindergarten cum Child Care Centre	9.5.2008 (MPC)	1,2,4,8 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 (MPC)	2,3,4,10
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)	1,2,3,4,10
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 <i>[lapsed]</i>	4.11.2011 (MPC)	1,2,3,4,8,10,11, 12,13,14 temporary approval for 18 months
2.	A/K18/308	14 Essex Crescent	Renewal of Planning Approval for Temporary School (Kindergarten and Child Care Centre) <i>[lapsed]</i>	4.7.2014 (TPB)	2, 8, 11,12,13,14 temporary approval for 3 years
3.	A/K18/304	2 Essex Crescent	Temporary School (Kindergarten)	20.6.2016 (Appeal Board)	1, 2, 4, 11, 12, 13, 14, 15 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. Design and provision of run in/out
6. Provision of noise mitigation measures
7. Preservation proposal for existing pre-war building
8. Submission of tree monitoring progress / maintenance of the landscape planting within the site boundary

9. Design and Implementation of new vehicular access
10. Submission of sewerage impact assessment and implementation of sewage improvement measures
11. Restriction on school hours
12. Implementation of the traffic mitigation measures
13. Submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures
14. Revocation clause
15. Restriction on maximum number of students

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

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

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

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Main Reasons for Rejection
1.	A/K18/294	7 Kent Road	Proposed School (Kindergarten cum Child Care Centre)	26.10.2012 (TPB)	D, H
2.	A/K18/300	41 Cumberland Road	Proposed School (Kindergarten)	3.5.2013 (MPC)	D, H
3.	A/K18/303	22 Kent Road	Proposed Temporary School (Kindergarten and Nursery) for 3 years	7.6.2013 (MPC)	D, H
4.	A/K18/305	22 Kent Road	Proposed Temporary School (Kindergarten and Nursery) for 3 years	16.5.2014 (TPB)	D, 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 maneuvering space are unsatisfactory.
- C. Insufficient information in the submission to demonstrate that the proposed use is compatible with other uses within the same building.
 - D. The approval of the application would set an undesirable precedent for similar developments on other “R(C)1” sites.
 - E. The provision of ancillary facilities is inadequate.
 - F. There will be adverse impacts on local traffic.
 - G. The development will encroach onto non-building area.
 - H. The development is not in compliance with the TPB PG-No. 23A in that possible adverse traffic impacts are anticipated and proposed traffic mitigation measures are considered not effective to tackle the problem/ there are uncertainties on the effectiveness of the proposed traffic mitigation measures to mitigate the impacts.
 - I. There are no special circumstances that warrant sympathetic consideration of the application.

2. Similar s.16 Applications in the “R(C)3” Zone (Area east of Waterloo Road)

Rejected Applications

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Main Reasons for Rejection
1.	A/K18/311	4 Derby Road	Proposed School (Kindergarten and Nursery) with Ancillary Staff Quarters	11.9.2015 (TPB)	A, B
2.	A/K18/313	3 Flint Road	School (Kindergarten)	3.6.2016 (TPB)	A, B
3.	A/K18/325	3 Flint Road	School (Kindergarten)	18.5.2018 (MPC)	A, B

Rejection Reasons:

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

3. Similar s.16 Applications in the “R(C)4” Zone (Area east of Waterloo Road)

Approved Applications

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Approval Conditions
1.	A/K18/310	31 Cambridge Road	Temporary School (Kindergarten) [lapsed]	31.10.2014 (MPC)	1, 2, 4, 14 temporary approval for 2 years and 10 months
2.	A/K18/324	31 Cambridge Road	Renewal of Planning Approval for Temporary School (Kindergarten)	11.8.2017 (MPC)	2, 11, 12, 13, 14 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. Design and provision of run in/out
6. Provision of noise mitigation measures
7. Preservation proposal for existing pre-war building
8. Submission of tree monitoring progress / maintenance of the landscape planting within the site boundary
9. Design and Implementation of new vehicular access
10. Submission of sewerage impact assessment and implementation of sewage improvement measures
11. Restriction on school hours
12. Implementation of the traffic mitigation measures
13. Submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures
14. Revocation clause

Suggested Advisory Clauses

- (a) To note any application for renewal of the planning permission will be considered on individual merits taking into account the planning circumstances at the time of consideration including the traffic conditions and the traffic impact of the proposed kindergarten, and there is no guarantee that the permission will be renewed;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) for a temporary waiver of the lease restrictions under lease. However, the applicant should note that there is no guarantee that such application will be approved by the government. Such application, if approved by LandsD in the capacity as landlord at its sole discretion, will be subject to such terms and conditions, including but not limited to the payment of waiver fee as appropriate;
- (c) to consult the Education Bureau for renewal of the time-limited school registration under the Education Ordinance (Cap. 279) and relevant guidelines;
- (d) to inform all parents of their students of the validity period of the temporary planning permission and that the planning permission could be revoked if any of the above approval conditions (a), (b), (c) or (e) were not complied with;
- (e) the approval of the application does not imply any compliance with the Buildings Ordinance and Regulations. The applicant should appoint an Authorized Person and a Registered Structural Engineer to submit building plans to the Buildings Department to demonstrate compliance with the Buildings Ordinance; and
- (f) the existing landscaping planting within the site boundary shall be maintained at all times during the planning approval period.