

**Similar S.16 Applications for School (Tutorial School)
within “Residential (Group B)” Zone in the Vicinity of the Premises**

Approved Applications

No.	Application No.	Location	Date of Approval	Approval Condition(s)
1.	A/K7/38	G/F (Portion), 264 Prince Edward Road West	14.4.2000 (MPC)	Nil
2.	A/K7/39	Flat B, G/F, 272B Prince Edward Road West	22.9.2000 (MPC)	Nil
3.	A/K7/42	G/F (Basement), 190 Boundary Street	7.12.2001 (MPC)	Nil
4.	A/K7/43	G/F, 168A Boundary Street	21.12.2001 (MPC)	Nil
5.	A/K7/47	Lower G/F (Western Portion), 5 Pentland Street	10.5.2002 (MPC)	Nil
6.	A/K7/48	1/F (Southern Portion), 296 Prince Edward Road West	10.5.2002 (MPC)	Nil
7.	A/K7/50	Units A & B, Basement (Street Level), 116 Waterloo Road	10.5.2002 (MPC)	Nil
8.	A/K7/54	G/F (East Portion), 5 Pentland Street	9.8.2002 (MPC)	Nil
9.	A/K7/58	G/F, 301C Prince Edward Road West	4.4.2003 (MPC)	Nil
10.	A/K7/60	G/F, 1A La Salle Road	4.4.2003 (MPC)	Nil
11.	A/K7/61	G/F, Front, 270B Prince Edward Road West	25.7.2003 (MPC)	Nil
12.	A/K7/62	G/F (Basement) (North and Middle Portion), 7 Pentland Street	29.8.2003 (MPC)	Nil
13.	A/K7/63	G/F, 144 Boundary Street	7.11.2003 (MPC)	Nil
14.	A/K7/64	G/F (Portion), 4 Earl Street	11.6.2004 (MPC)	Nil
15.	A/K7/66	Portion B, Rear Portion, G/F, 312 Prince Edward Road West	27.8.2004 (MPC)	(a)
16.	A/K7/67	Basement South, Lower G/F, 7 Pentland Street	10.9.2004 (MPC)	(a)
17.	A/K7/69	G/F (Part), 266A and 266B Prince Edward Road West	18.3.2005 (MPC)	(a)
18.	A/K7/71	G/F, 144B Boundary Street	15.4.2005 (MPC)	(a)
19.	A/K7/73	G/F, 144F Boundary Street	23.9.2005 (MPC)	(a)
20.	A/K7/74	Lower G/F (Basement) (Portion), 188 Boundary Street	13.1.2006 (MPC)	(a)
21.	A/K7/76	Shop B, G/F, 168 Boundary Street	15.9.2006 (MPC)	(a)
22.	A/K7/79	G/F, 126 Waterloo Road	17.11.2006 (MPC)	Nil
23.	A/K7/80	G/F, Block E, 268A Prince Edward Road West	2.2.2007 (MPC)	(a)

No.	Application No.	Location	Date of Approval	Approval Condition(s)
24.	A/K7/84	Flat 1, G/F, 313, 313A, 313B & 313C Prince Edward Road West	24.8.2007 (MPC)	(a)
25.	A/K7/89	G/F (Left Portion), 144 Boundary Street	9.5.2008 (MPC)	(a), (b)
26.	A/K7/93	G/F (Rear Portion), 312 Prince Edward Road West	17.4.2009 (MPC)	(a)
27.	A/K7/96	Shop B, Ground Floor, 144G Boundary Street	19.6.2009 (MPC)	(a)
28.	A/K7/101	G/F (Front Portion), 312 Prince Edward Road West	18.2.2011 (MPC)	(a)
29.	A/K7/114	Shops 2 & 3, G/F, 126 Waterloo Road	20.4.2018 (MPC)	(a)

Approval Conditions:

- (a) Provision of fire service installations.
- (b) Installation of a security alarm system at the emergency exit to the communal carpark.

Rejected Applications

No.	Application No.	Location	Date of Consideration	Reasons for Rejection
1.	A/K7/81	G/F, 294A, Prince Edward Road West	9.3.2007 (MPC)	(1), (2)
2.	A/K7/83	G/F, 294A, Prince Edward Road West	8.6.2007 (MPC)	(2), (3)
3.	A/K7/85	G/F, Block H, 268B Prince Edward Road West	16.5.2008 (Board)	(2), (4)
4.	A/K7/86	G/F (Portion), 294A Prince Edward Road West	14.12.2007 (MPC)	(2), (3)
5.	A/K7/87	G/F, 144A Boundary Street	28.3.2008 (MPC)	(2), (5)
6.	A/K7/99	G/F, 108C Boundary Street	8.10.2010 (Board)	(6), (7)
7.	A/K7/104	Flat A, 1/F, 301 Prince Edward Road West	22.7.2011 (MPC)	(4), (7)
8.	A/K7/108	G/F, Block A, 268, 268A, 268B, 270, 270A, 270B & 270C, Prince Edward Road West	2.8.2013 (MPC)	(8), (9)

Rejection Reasons:

- (1) No proposal to demonstrate that the tutorial school would not impose any nuisances to the existing residential premises within the same development and to address resident's concerns on security and nuisance problems
- (2) Approval of the application would set an undesirable precedent for other similar applications for

tutorial schools within the residential buildings in the area which had no separate access to the application premises from public roads

- (3) There was insufficient information to demonstrate that the tutorial school would not impose nuisance to the existing residential premises within the same development
- (4) The tutorial school did not comply with the Town Planning Board Guidelines for "Application for Tutorial School under section 16 of the Town Planning Ordinance" (TPB PG-No. 40) in that there was insufficient information in the application to demonstrate that the tutorial school, without the provision of a separate exclusive access from public road, would not cause nuisances to the existing residential premises within the same development
- (5) The proposed development did not comply with TPB PG-No. 40 in that the application premises was at the inner part of the residential development without separate exclusive access and the proposed tutorial school might cause disturbance or nuisance to the local residents
- (6) The proposed tutorial school would cause disturbance or nuisance to the local residents
- (7) Approval of the application would set an undesirable precedent for other similar applications for tutorial schools within the residential buildings in the area
- (8) The application was not acceptable as it would aggravate the existing traffic congestion on the section of Prince Edward Road West near the application site during tutorial school peak hours
- (9) The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion in this part of Prince Edward Road West

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Kowloon East of Lands Department (DLO/KE, LandsD) that the use of the Premises as a school (tutorial school) is in breach of the lease conditions. If the application is approved by the Board, the owner(s) will need to apply for temporary waiver of the lease restriction or lease modification under lease for the applied use. However, there is no guarantee that the application shall be approved, and if approved by LandsD in the capacity of a landlord, it shall be subject to such terms and conditions, including the payment of wavier fee or land premium, as may be considered appropriate by LandsD;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, BD (CBS/K, BD) that all building works and change of use shall in all aspects be in compliance with the Buildings Ordinance (BO) and its allied regulations. The applicant is advised to appoint an Authorized Person to co-ordinate all building works in accordance with BO, in particular the plot ratio and site coverage of the building shall not exceed that specified in the First Schedule of Building (Planning) Regulations (B(P)Rs); adequate means of escape should be provided to the Premises in accordance with B(P)R 41(1) and Code of Practice for Fire Safety in Buildings 2011 (FS Code); the Premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code; and access and facilities for persons with a disability should be provided in accordance with B(P)R 72 and Design Manuel: Barrier Free Access 2008. The proposed school is required to comply with the building safety and other relevant requirements as may be imposed by school registration/licensing authorities. His detailed comments would be subject to submission of more detailed plans or application for the approval plans under the BO;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant requirements of Hong Kong Planning Standards and Guidelines (HKPSG) regarding the environmental perspective;
- (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 building plans or referral from the licensing authorities. The applicant is advised to observe the requirements of emergency vehicular access (EVA) as stipulated in Section 6, Part D of the FS Code which is administrated by BD; and
- (e) to note the comments of the Secretary for Education (SED) that registration of school is

granted in accordance with the stipulated requirements under the Education Ordinance (Cap. 279) and relevant Guidelines. Clearance from the Board and LandsD should be obtained in respect of the applied use at the Premises. In addition, the Premises should be suitable for school use in terms of fire safety and building safety as confirmed by the Fire Services Department and BD respectively. The applicant should also submit the documentary proof of the right to use the Premises, Occupation Permit (for premises design and constructed as a school), the proposed curriculum, courses and fees information, etc., for consideration of the application.