



Section 16 Planning Application for Proposed Shop and Services (Convenience Store) in "Residential (Group B)" Zone at 128 Waterloo Road, Kowloon (G/F (Part) of a Residential Development)

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#### **EXECUTIVE SUMMARY**

# 1. INTRODUCTION

This planning application is submitted to seek permission from the Town Planning Board (the "Board") in support of the proposed 'Shop and Services' use (hereafter referred to as the "Proposed Use") at 128 Waterloo Road, Kowloon (G/F (Part) of a Residential Development) (hereafter referred to as the "Application Premises"). The Application Premises falls within an area zoned "Residential (Group B)" ("R(B)") on the approved Ho Man Tin Outline Zoning Plan (the OZP) No. S/K7/24. According to the Notes of the OZP for the subject "R(B)" zone, 'Shop and Services' use is a Column 2 use which requires planning permission from the Board.

With a total site area of about 37.044 m<sup>2</sup>, the Application Premises is located at part of the G/F of an existing 19-storeys residential development at 128 Waterloo Road, Kowloon (hereafter referred to as the "subject building"). The subject building is mainly surrounded by other low to medium-density residential developments with commercial uses such as tutorial schools and learning centers on the lower floors.

The Application Premises is currently vacant and the proposed convenience store can be directly accessed from Waterloo Road via an exclusive entrance and pedestrian walkway separated from the main access of the residential portion of the subject building, which minimises any possible commercial / residential interface problems.

The location and operation arrangement of the proposed convenience store induce no disturbance to the users of residential development, the right of way to the adjoining CLP substation, the use of the emergency vehicle access as well as nearby public roads. With the practice of the suggested management and operation measures proposed, the operation of this community-based local convenience store, including its proposed loading / unloading activity, is not anticipated to generate adverse impact to the surrounding.

The Application Premises is subject to a previous planning application (No. A/K7/119) for proposed 'School (Tutorial School)' use, which was approved by the Board on 2.8.2019.

Major justifications in support of the Proposed Use are listed as follows:

- In Line with the Planning Intention of "Residential (Group B)" Zone
- Compatible with Surrounding Land Uses
- Self-contained Design to Minimize Disturbance
- · Optimized Loading/Unloading Arrangement
- Previous Case for Proposed non-domestic Use
- No Adverse Traffic, Environment, Fire Safety and Infrastructural Impacts

In light of the supporting justifications presented in this Planning Statement, the Board is cordially invited to favourably consider this application.

#### 行政摘要

(聲明:此中文譯本僅供參考·如中文譯本和英文原文有歧異時·應以英文原文為準。)

#### 1. 簡介

申請人現根據城市規劃條例第 16 條,向城市規劃委員會(下稱城規會)遞交規 劃申請,於九龍窩打老道 128 號(現有住宅發展地面層(部分))(下稱申請範 圍),擬議「商店及服務行業」(下稱擬議用途)。申請範圍於何文田分區計畫大 綱核准圖(下稱大綱圖)編號 S/K7/24 劃作「住宅(乙類)」地帶。根據大綱圖對 「住宅(乙類)」地帶的註釋,「商店及服務行業」用途屬於第二欄用途,需要 獲得城規會的規劃許可。

申請範圍的總建築面積約為 37.044 平方米,並位於九龍窩打老道 128 號一 棟樓高 19 層的現有住宅發展(下稱現有建築物)的部分地面層。現有建築物附 近主要為其他低層用作商業用途(例如補習學校和學習中心)的中低密度住宅 發展。

申請範圍目前空置,而擬議便利店可透過由窩打老道的專用入口及人行道直 接進入。此入口與現有建築物住宅部分的主要入口分開,因此能夠最大限度減 少任何可能的商業/住宅協調問題。

擬議便利店的地點及運作安排不會對住宅發展的使用者、鄰近中電變電站的 通行權、緊急車輛通道的使用以及附近的公共道路造成干擾。在擬議的管理及 運營措施實施後,擬議社區便利店的運營,包括其上落客貨活動,並不會對周 遭環境產生負面影響。

申請範圍先前涉及一宗擬議學校(補習學校)用途的規劃申請編號 A/K7/119· 該申請已於 2019 年 8 月 2 日獲城規會批准。 以下為支持是次規劃申請的發展理據:

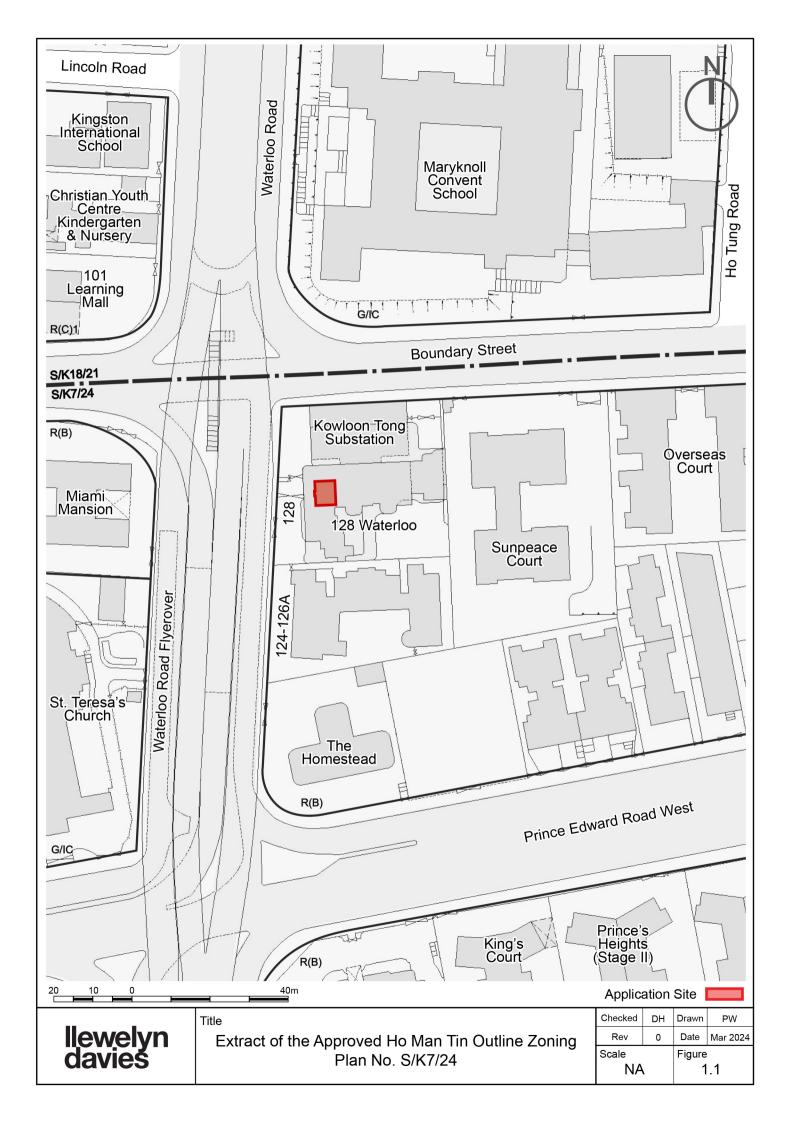
- · 符合「住宅(乙類)」地帶的規劃意向
- · 與附近土地用途兼容
- · 獨立設計以盡量減少干擾
- · 優化的貨車上落客貨安排
- · 先前擬議非住宅用途的案例
- 不會對交通、環境、消防安全和基礎設施造成負面影響

基於以上的發展理據,現懇請城規會能對是次規劃申請予以贊同。

# 1 INTRODUCTION

#### 1.1 Background

- 1.1.1 This planning statement is submitted to the Town Planning Board (the Board) under Section 16 of the Town Planning Ordinance to seek permission for proposed 'Shop and Services' use (hereafter referred to as "the Proposed Use") at 128 Waterloo Road, Kowloon (G/F (Part) of a Residential Development) (hereafter referred to as "the Application Premises").
- 1.1.2 The Application Premises falls within an area zoned "Residential (Group B)" ("R(B)") on the approved Ho Man Tin Outline Zoning Plan No. S/K7/24 (Figure 1.1 refers). The subject "R(B)" zone is intended primarily for medium-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 for the subject "R(B)" zone, 'Shop and Services' use is a Column 2 use which requires planning permission from the Board.
- 1.1.3 The subject proposal was originally submitted to the Town Planning Board in April 2024 in support of the proposed use at the Application Premises, which is an approved non-domestic portion at G/F of the existing residential development at 128 Waterloo Road, Kowloon. The proposal was later withdrawn due to departmental concern on the loading / unloading arrangement for the proposed convenience store.
- 1.1.4 Recently, the Applicant has re-visited the departmental concerns and come up with a refined loading / unloading arrangement which could satisfy all technical requirements (details to be depicted in Section 3 of this Planning Statement). Hence, the current proposal should have sufficiently addressed all technical concerns as understood from the previous S16 planning application.



# 1.2 Report Structure

- 1.2.1 This planning statement includes the following sections:
  - Section 2: describes and analyses the Application Site, its surrounding and planning context, and reports the land status of the Application Site;
  - Section 3: depicts the proposed shop and services use;
  - Section 4: highlights the justifications and planning merits; and
  - Section 5: concludes the planning statement.

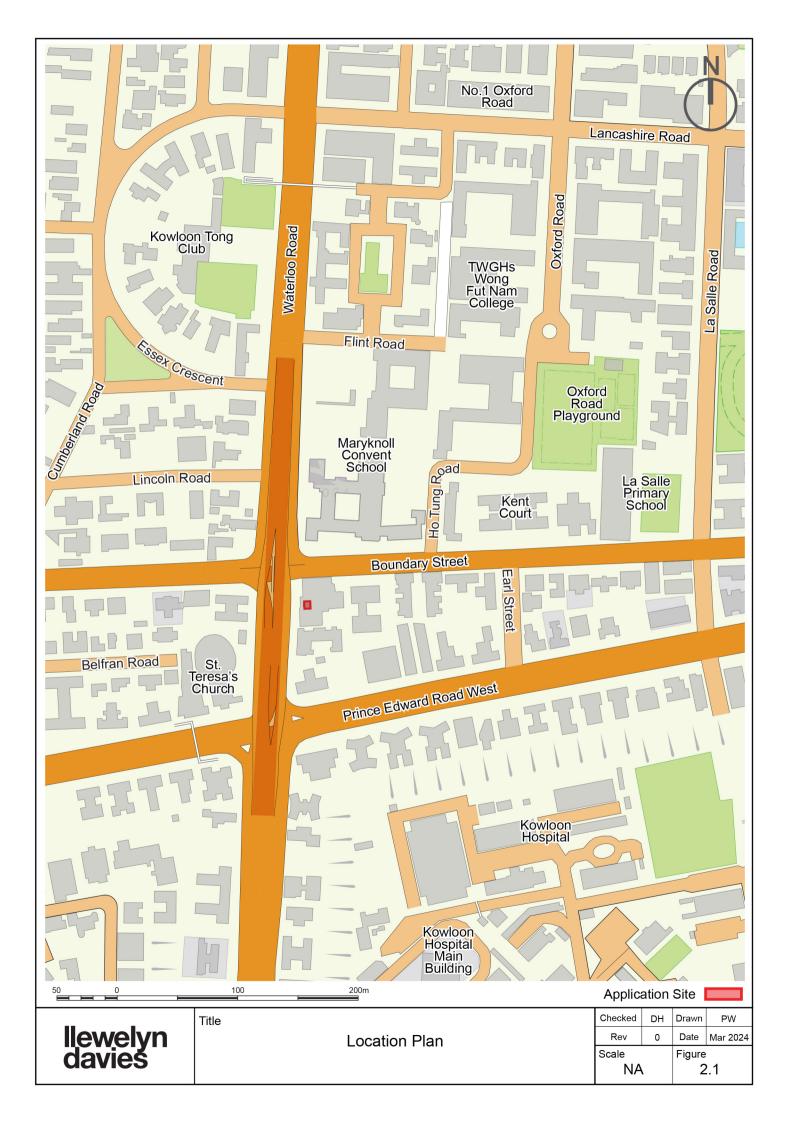
# 2 SITE AND PLANNING CONTEXTS

# 2.1 Site and Surrounding Context

- 2.1.1 According to the Record Plan of the subject premises (i.e. 128 Waterloo) dated 30 Sept 2021, the subject area for the proposed shop and services has an area of about 37.044m<sup>2</sup>. It is located at part of the G/F of an existing 19-storeys residential development at 128 Waterloo Road, Kowloon (hereafter referred to as the "subject building").
- 2.1.2 The subject building is bounded by Waterloo Road to the West and Boundary Street to the North, it is situated within a residential neighborhood mainly occupied by low to medium-density residential developments with commercial uses such as tutorial schools and learning centers on the lower floors. **Figure 2.1** shows the strategic location of the Application Site in relation to the Kowloon Tong and Ho Man Tin areas.

#### 2.2 Access

- 2.2.1 The customers of the proposed shop and services can be directly accessed from Waterloo Road via an exclusive entrance and pedestrian walkway. The entrance and walkway are separated from the main access of the residential portion of the subject building, which minimises any possible commercial / residential interface problems.
- 2.2.2 In parallel, there is another separate controlled pedestrian access to and from the subject residential development at Boundary Street. With the control of a security system or under the guidance of the management personnel of the residential development, residents could enter the residential development via this this controlled access. With the control of a locked metal gate, the vehicular run-in / out at this access only serves for emergency vehicles. The metal gate is under the control of the management office of the subject residential development.
- 2.2.3 Please find some illustrative photos at the pages below showing the site and surrounding context of the Application Premises.





Accesses to the Residential Portion and the Proposed Convenience Store at 128 Waterloo Road



Location of the Proposed Convenience Store at G/F with Metal Gate Segregating it from the Driveway of the Residential Portion



Location of the Controlled Access to / from the Subject Residential Development at Boundary Street

#### 2.3 Planning Context

- 2.3.1 The Application Premises, as indicated in **Figure 1.1**, falls within the Approved Ho Man Tin OZP No. S/K7/24 and zoned "R(B)". The subject "R(B)" zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 2.3.2 According to the Notes of the OZP for the subject "R(B)" zone, 'Shop and Services' use is a Column 2 use which requires planning permission from the Board. Below please find the extract of Notes of the subject "R(B)" zone under the Approved Ho Man Tin Outline Zoning Plan No. S/K7/24 for reference.

- 6 -

	Column 2	
Column 1	Uses that may be permitted with or	
Uses always permitted	without conditions on application	
	to the Town Planning Board	
Flat	Ambulance Depot	
Government Use (Police Reporting Centre,	Eating Place	
Post Office only)	Educational Institution	
House	Government Refuse Collection Point	
Library	Government Use (not elsewhere specified)	
Residential Institution	Hospital	
School (in free-standing purpose-	Hotel	
designed building only)	Institutional Use (not elsewhere specified)	
Utility Installation for Private Project	Market	
	Mass Transit Railway Vent Shaft and/or	
	Other Structure above Ground Level	
	other than Entrances	
	Off-course Betting Centre	
	Office	
	Petrol Filling Station	
	Place of Entertainment	
	Place of Recreation, Sports or Culture	
	Private Club	
	Public Clinic	
	Public Convenience	
	Public Transport Terminus or Station	
	Public Utility Installation Public Vehicle Park	
	(excluding container vehicle)	
	Recyclable Collection Centre Religious Institution	
	2	
	School (not elsewhere specified) Shop and Services	
	Social Welfare Facility	
	Training Centre	
	training Centre	

RESIDENTIAL (GROUP B)

S/K7/24

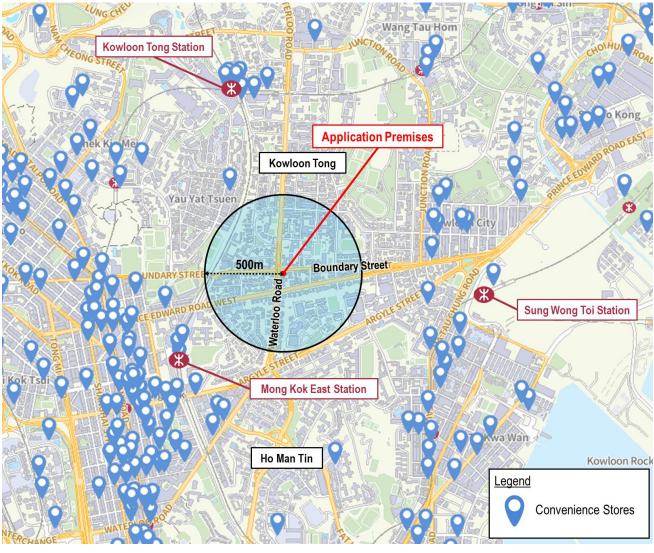
Planning Intention

This zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

- 2.3.3 The application premises is subject to a previous planning application (No. A/K7/119) for a proposed 'School (Tutorial School)' use, which was approved by the Board on 2.8.2019. As per the previous planning approval, the tutorial school was planned to accommodate no more than 7 students and 1 teacher / staff.
- 2.3.4 The Applicant would like to change the nature of the business of the Application Premises into a local convenience store due to the change of market and with review of the needs of the local neighbourhood. As shown in the figure below, there is no convenience store nor supermarkets within 500m from the Application Premises (i.e. a reasonable walking distance of about 5 to 10 minutes), which shows the insufficiency of retail facilities in the local neighbourhood. There is only one laundry shop at Boundary Street, which does not serve as same nature as the subject proposed convenience store. The subject proposed convenience store targets to address the needs of the immediate local neighbourhood and would bring benefits to the locals within walking distance of the Application Premises.
- 2.3.5 According to the Town Planning Board's Definition of Terms, any premises where goods are sold or where services are provided to visiting members of the public are subsumed under "Shop and Services", which is a Column 2 use in the "R(B)" zone and such the current proposal requires planning permission from the Town Planning Board.

# 2.4 Land Status

2.4.1 The Application Site falls within a private lot (i.e. Kowloon Inland Lot No. 1900), which is owned solely by the Applicant.



Location of Convenience Stores in Central Kowloon (Source: GeoInfo Map

# 3 PROPOSED SHOP AND SERVICES USE

#### 3.1 Nature and Operation of the Proposed Use

- 3.1.1 According to the Record Plan of the subject premises (i.e. 128 Waterloo) dated 30 Sept 2021, the proposed 'Shop and Services' use at the Application Premises has a GFA of about 37.044m<sup>2</sup>. It will be a local convenience store that provides retail services mainly for the residents of the subject building and the surrounding residential neighborhood. Since the local convenience store will mainly serve the daily needs of the residents of the local neighbourhood, it is considered to be totally compatible with the subject building as well as the surrounding developments.
- 3.1.2 The proposed convenience store will be exclusively served by a stand-alone pedestrian walkway with a separated entrance / exist at Waterloo Road. Since the scale of the proposed convenience store is small, there will be no disturbance nor nuisance to the local residents in the subject building. Since the access to the proposed convenience store solely relies on the stand-alone pedestrian walkway but not the common area of the residential development, the subject proposal would not affect the existing means of escape provision of the buildings. Approvals from Fire Services Department and the Buildings Department will be sought at subsequent Building Plan amendment stage to comply with the fire and building safety requirements for the proposed shops and services.
- 3.1.3 To ensure the compatibility of the proposed convenience store in its neighbourhood, other commitments regarding the operation of the proposed convenience store are proposed, which include (i) the staff of the convenience store will be restricted to access the domestic portion of the residential development; and (ii) the operation time of the convenience store will be limited to 7 am to 11 pm daily.
- 3.1.4 The local convenience store will also be equipped with air-conditioning system and does not rely on opened windows for air ventilations. Besides, water supply and power supply system as well as independent toilet will be equipped by the local convenience store.

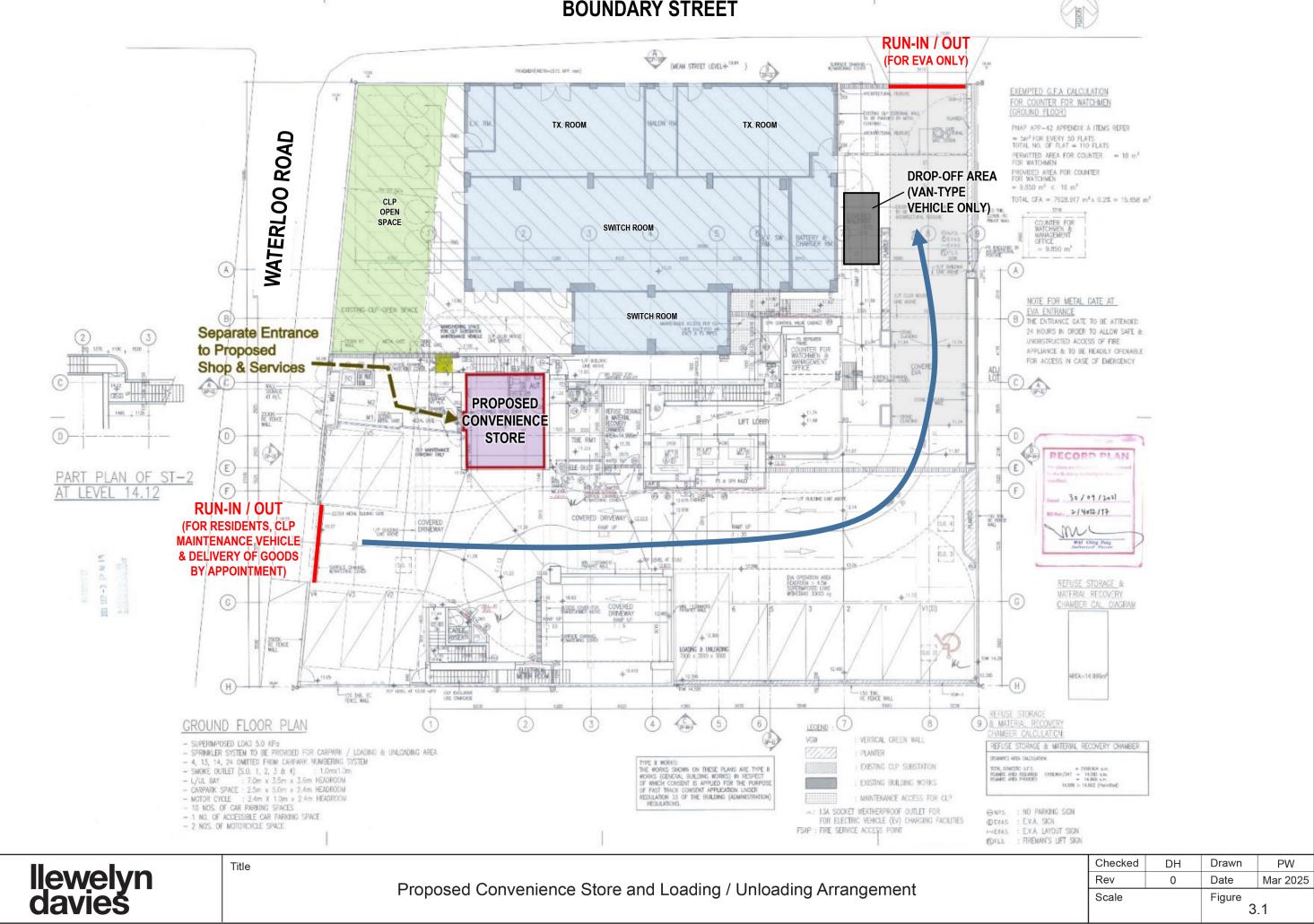
3.1.5 As compared with the previous approved Tutorial School, the subject S16 planning application for covering the approved Tutorial School on-site can effectively address the local concern by phasing out any possible traffic issues induced by the drop-off and pick-up activities induced by the Tutorial School. Moreover, since the nature and positioning of the proposed convenience store will be serving mainly the local residents, unlike the pattern of travel of those visitors to supermarkets, the potential customers will mainly visit the store on foot. The subject planning application is comparatively more desirable from vehicular traffic point of view with less illegal parking.

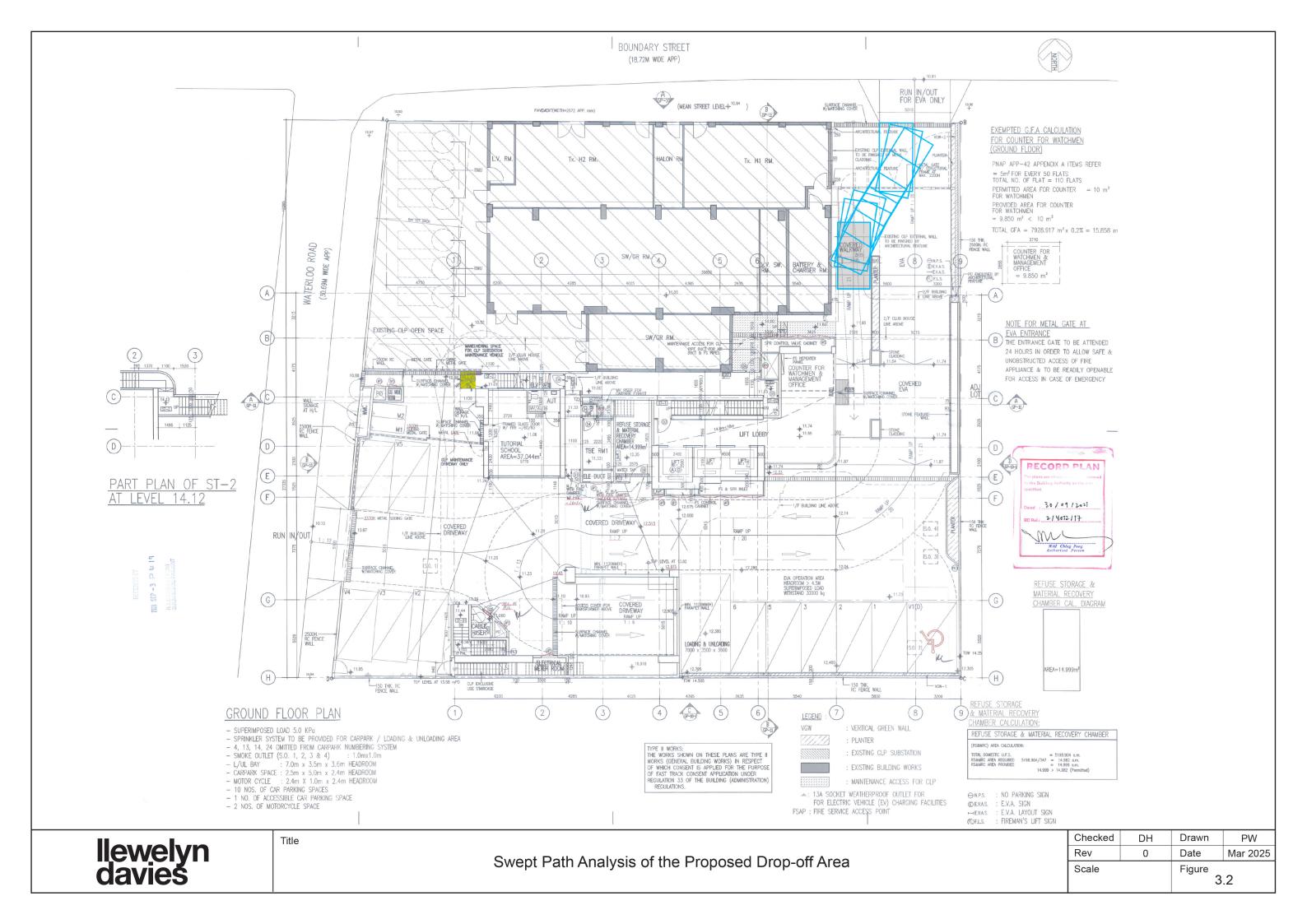
# 3.2 **Proposed Loading / Unloading Arrangement**

- 3.2.1 The proposed convenience store and loading / unloading arrangement is illustrated in **Figure 3.1**.
- 3.2.2 A "drop-off area of van-type vehicle" is proposed within the subject building for the loading / unloading (L/UL) activities servicing the proposed convenience store. The goods unloaded will then be delivered to the proposed convenience store on foot within the subject site of the residential development. The van will share use the run-in / out with other vehicles at Waterloo Road.
- 3.2.3 To facilitate maneuvering of the van-type vehicle, the metal gate at the run-in / out of Boundary Street will be controlled and opened by the management of the property management staff when needed. The swept path analysis of the proposed drop-of area is presented in **Figure 3.2**.
- 3.2.4 Additional management and operation measures regarding the L/UL activities will also be strictly adopted, which includes:-
  - the L/UL activities will only be carried out by "van-type only vehicle;
  - the L/UL arrangement must be made with prior appointment with management office of the subject residential development;
  - the L/UL arrangement will be stipulated as one of the binding terms in the tenancy agreement, which is a legal binding document; and
  - no L/UL activities will take place in the event of fire or other emergency situation, so to allow a safe and unobstructed access to the subject building via the emergency vehicular access in case of emergency.

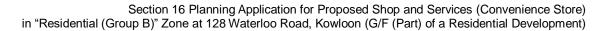
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# **BOUNDARY STREET**





- 3.2.5 The proposed loading/ unloading arrangement is the optimal solution available with the following benefits:
  - the L/UL activity will be carried out within the residential development to avoid blocking traffic at public road (i.e. Waterloo Road and Boundary Street);
  - the L/UL activity will not affect the ingress / egress of the motorcycles and private parking spaces inside the residential development since the proposed drop-off area is now totally segregated at the other side of the residential development;
  - the L/UL activity will not encroach upon the internal driveway of the residential development to avoid impact on the internal traffic;
  - the L/UL activity will not fall within the Right-of-Way as demarcated on the Sub-Deed of Mutual Covenant and Management Agreement of the residential development leading to the CLP substation; and
  - the L/UL activity will not encroach into the emergency vehicle access (EVA) of the subject residential development.
- 3.2.6 The proposed drop-off area will also not affect the barrier free access. According to the Design Manual: Barrier Free Access 2008 (2024 Edition), the provision of ramp for barrier free access should be as gradual as possible for ease of access, a gradient of about 1:20 (5%) is preferred. Only when there is drop-off activities, the user that requires barrier free access can still travel to and from the residential lobby and the exit gate at Boundary Street by making use of the route as illustrated on the figure below, which the gradient of 1:25 (4%) can satisfactorily fulfill the requirements under the Design Manual.



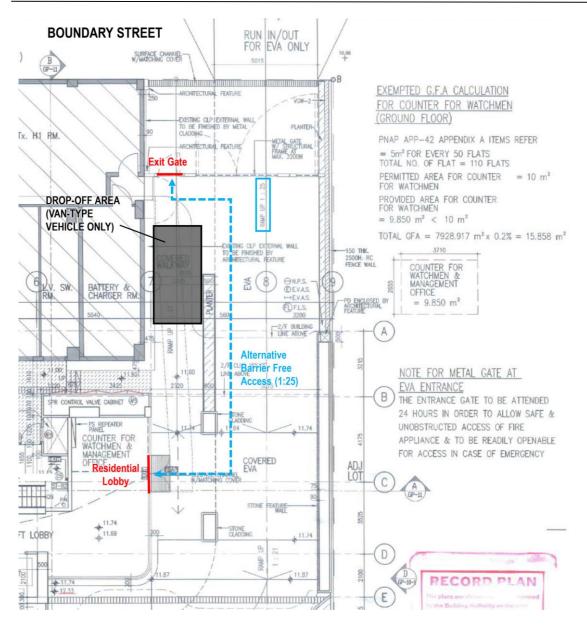


Illustration of Alternative Barrier Free Access with Gradient of 1:25 (4%)

# 4 JUSTIFICATIONS AND PLANNING MERITS

#### 4.1 In Line with the Planning Intention of "Residential (Group B)" Zone

4.1.1 The proposed shop and services use is in line with the planning intention of the subject "R(B)" zone, which is intended for medium-density residential developments where commercial uses serving the residential neighborhood may be permitted. Since the nature of the Proposed Use is community-based and small scale, it will not result in any unacceptable consequential adverse effect on the local area or the planning intention of the area. The GFA of the proposed use has already been included in the PR calculation for the site of the subject building, and is in compliance with the PR restriction of 5.0 for the subject "R(B)" zone as well as the approved GFA under the Record Plan.

#### 4.2 Compatible with Surrounding Land Uses

- 4.2.1 The Proposed Use is not incompatible with the surrounding land uses, which comprises mainly low to medium-density residential development with non-domestic uses, such as tutorial schools and learning centers on the lower floors.
- 4.2.2 As illustrated in paragraph 2.3.4 above, there is no convenience store within 500m from the Application Premises, which shows the insufficiency of retail facilities in the local neighbourhood. The current change of nature of the business of the Applicant Premises into a local convenience store can contribute to address the needs of the local neighbourhood with no disturbance to the existing residents onsite.

# 4.3 Self-contained Design Arrangement with no Disturbance to the Residents

4.3.1 The Application Premises can be accessed directly from the Waterloo Road via an exclusive entrance gate and access separated from the run-in/out serving the subject residential building. The staff of the convenience store will also be restricted to access the domestic portion of the residential development. The proposed convenience store will also has independent water supply, power supply system and toilet serving the staff. A reasonable operation hour (7am to 11pm daily) will also be adopted to minimise nuisance to the residential portion. The proposed convenience store will therefore induce no disturbance to the residential portion of the subject building.

# 4.4 Optimised Loading/ Unloading Arrangement

4.4.1 As mentioned in details in Section 3.2, a drop-off area is proposed for the loading/ unloading activity of the proposed convenience store. The location and operation arrangement induce no disturbance to the users of residential development, the right of way to the adjoining CLP substation, the use of the emergency vehicle access as well as nearby public roads. With the practice of the suggested management and operation measures as illustrated in Section 3.2 above, the operation of this community-based local convenience store, including its proposed loading / unloading activity, is not anticipated.

#### 4.5 Previous Case for Proposed Non-domestic Use

4.5.1 The Application Premises is subject to a previous approved planning application for proposed 'School (Tutorial School)' use (No. A/K7/119), which demonstrate that it is technically feasible for non-domestic uses at the Application Premises and is not incompatible with other residential uses within the same building.

#### 4.6 No Adverse Fire Safety and Building Impacts

4.6.1 The proposed convenience store is confined to the non-domestic portion of the previous approved tutorial school at G/F of the subject residential building under the Record Plan of the subject premises (i.e. 128 Waterloo) dated 30 Sept 2021. Approvals from Fire Services Department and the Buildings Department will be sought at subsequent Building Plan amendment stage to comply with the fire and building safety requirements for the proposed shops and services.

# 5 CONCLUSION

- 5.1 The Application Premises falls within an area zoned "Residential (Group B)" on the approved Ho Man Tin Outline Zoning Plan No. S/K7/24. According to the Notes of the OZP for the subject "R(B)" zone, 'Shop and Services' use is a Column 2 use which requires planning permission from the Town Planning Board.
- 5.2 With a total site area of about 37.044m<sup>2</sup>, the Application Premises is located at part of the G/F of an existing 19-storeys residential development at 128 Waterloo Road, Kowloon. The subject building is mainly surrounded by other low to medium-density residential developments with commercial uses on the lower floors. The subject proposed uses provides retail services mainly for the residents of the subject building and the surrounding residential neighborhood. Since the proposed convenience store is to mainly serve the daily needs of the residents of the local neighbourhood, the proposed uses is considered to be totally compatible with the same building as well as the surrounding developments.
- 5.3 The proposed convenience store will be exclusively served by a stand-alone pedestrian walkway with a separated entrance / exist at Waterloo Road. Since the access to the proposed convenience store solely relies on the stand-alone pedestrian walkway but not the common area of the residential development, the subject proposal would not affect the existing means of escape provision of the buildings. There will be no disturbance nor nuisance to the local residents in the same building.
- 5.4 The location and operation arrangement induce no disturbance to the users of residential development, the right of way to the adjoining CLP substation, the use of the emergency vehicle access as well as nearby public roads. With the practice of the suggested management and operation measures proposed, the operation of this community-based local convenience store, including its proposed loading / unloading activity, is not anticipated.
- 5.5 In light of the supporting justifications presented in this Planning Statement, the Board is cordially invited to consider this application favourably.