

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K7/123

- Applicant** : Great Prosper Development Limited represented by Llewelyn-Davies Hong Kong Limited
- Premises** : G/F (Part), 128 Waterloo Road, Kowloon
- Floor Area** : about 37.044m²
- Lease** : (i) Kowloon Inland Lot (KIL) No. 1900;
(ii) rate and range clause;
(iii) in the event of domestic houses being erected on the said piece or parcel of ground erect houses of an European type only the designs of the exterior elevations and the disposition thereof to be subject to the special approval of the said Director of Public Works; and
(iv) non-offensive trade clause
- Plan** : Approved Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/24
- Zoning** : “Residential (Group B)” (“R(B)”)
[subject to a maximum plot ratio (PR) of 5 and a maximum building height (BH) of 80mPD, or the PR and BH of the existing building, whichever is the greater]
- Application** : Proposed Shop and Services (Convenience Store)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed convenience store at the application premises (the Premises), which fall within the “R(B)” zone on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(B)” zone, ‘Shop and Services’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises are located at the ground floor (G/F) of a 19-storey residential development (excluding one level of basement carpark) integrated with an adjoining CLP electricity substation (ESS) (**Plan A-7**). The Premises have a floor area of about 37.044m², which are currently used by the management office as storage (**Drawing A-1, Plans A-2 and A-5**).
- 1.3 The proposed convenience store will operate from 7am to 11pm daily. It will have an exclusive entrance gate for visitors and staff to gain access from Waterloo Road. The van-type light goods vehicles for the convenience store will access from Waterloo Road and perform loading and unloading (L/UL) of goods at the proposed drop-off area at G/F of the subject residential development (**Drawing A-1**).

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 8.5.2025 **(Appendix I)**
- (b) Supporting Planning Statement (SPS) received on 8.5.2025 **(Appendix Ia)**
- (c) Further Information (FI) received on 29.8.2025* **(Appendix Ib)**

Remarks:

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

1.5 On 4.7.2025, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SPS and FI at **Appendices Ia and Ib** respectively and summarised as follows:

- (a) the proposed shop and services use is in line with the planning intention of the “R(B)” zone. It is the subject of a previously approved application for the proposed tutorial school, which demonstrates that non-domestic use is not incompatible with the residential development;
- (b) the proposed convenience store is community-based and of small scale, no adverse impact is anticipated. There is no convenience store within 500m from the Premises and it could address the needs of the local neighbourhood;
- (c) visitors and staff are restricted to access the domestic portion of the development;
- (d) the delivery of goods can only be made with prior appointment with the management office. It will not be allowed during peak hours (i.e. from 7am to 10am on Mondays to Fridays), nor in the evening as well as outside the operation hours of the proposed convenience store. Staff of the management office will be assigned to guide the delivery of goods to the Premises;
- (e) the drop off area will not obstruct the usage of other parking spaces or right-of-way to the adjacent CLP substation. Usage of the existing accessible parking space nearby also requires prior appointment with the management office. The L/UL activity will also not induce adverse impact to the surrounding traffic flow nor cause traffic offenses that requires law enforcement action. Upon the 2-week consultation with the residents conducted by the applicant, no objection to the proposed L/UL arrangement was received; and
- (f) approval from the Fire Services Department and Buildings Department will be sought at subsequent building plan amendment stage to comply with fire and building safety requirements.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The Applicant is the sole “current land owner” of the Premises. Detailed information will be deposited at the meeting for Members’ inspection.

4. **Previous Application**

The Premises are partly subject to a previously approved application No. A/K7/119 for “School (Tutorial School)” use (**Plan A-2**) submitted by the same Applicant. It was approved with condition by the Committee on 2.8.2019, mainly on the grounds that the tutorial school was (i) considered not incompatible with the surrounding developments; (ii) in compliance with the Town Planning Board Guidelines No. 40 (TPB PG-No. 40) for “Application for Tutorial School under Section 16 of the Town Planning Ordinance”, in that the tutorial school could be accessed directly from the main road, and hence disturbance or nuisance to other users of the subject residential development was not anticipated; and (iii) not subject to adverse departmental comments/objection. The Premises have not been used for tutorial school use.

5. **Similar Application**

There is no similar application within the subject “R(B)” zone.

6. **The Premises and its Surrounding Areas** (Plans A-1 to A-7)

6.1 The Premises are:

- (a) located on G/F of an existing 19-storey residential development with residents’ entrance/exit from Boundary Street, vehicular access from Waterloo Road and emergency vehicular access from Boundary Street;
- (b) currently used by the management office as storage; and
- (c) accessible via an exclusive entrance gate for visitors and staff to gain access from Waterloo Road.

6.2 The surrounding areas have the following characteristics:

- (a) comprise mainly low to medium-density residential developments. The street block, where the subject residential development is located, is bounded by Waterloo Road to the west, Boundary Street to the north, Earl Street to the east and Prince Edward Road West to the south;
- (b) schools are located to its immediate north across Boundary Street, e.g. Maryknoll Convent School, Kingston International School and Christian Youth Centre Kindergarten & Nursery;
- (c) some non-residential uses, such as tutorial schools and learning centres can be found on the lower floors of surrounding residential developments;
- (d) there are three retail shops/convenience stores within 500m of the Premises. Two of which are ancillary services of the petrol filling stations located to west of the Premises at Boundary Street and the remaining one is operating without valid planning permission at Earl Street (**Plan A-3**); and
- (e) are well-served by various modes of public transport, including buses and minibuses.

7. Planning Intention

The planning intention of “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the TPB.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

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

- (a) no objection to the application;
- (b) the Premises are located within KIL No. 1900 (“the Lot”), which is held under Government lease for a term of 75 years commencing from 1.12.1924 renewable for a further term of 75 years. The lease governing the Lot contains, inter alia, the following salient conditions:
 - (i) rate and range clause;
 - (ii) in the event of domestic houses being erected on the said piece or parcel of ground erect houses of an European type only the design of the exterior elevations and the disposition thereof to be subject to the special approval of the said Director of Public Works;
 - (iii) non-offensive trade clause; and
- (c) the proposed shop and services (convenience store) use at the Premises is considered acceptable under lease.

Building Matters

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

- (a) no objection to the application under the Buildings Ordinance (BO) in view of the provision of proposed drop off area and L/UL arrangement, as well as the confirmation from the applicant that no objection was received;
- (b) all building works are subject to compliance with the BO and its allied regulations;
- (c) provision of proposed drop off area should be in compliance with the requirements as stipulated in PNAP APP-111 and subject to comments from the Transport Department; and
- (d) other detailed comments are at **Appendix II**.

Traffic

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

- (a) to minimize the traffic impact to the surrounding areas, L/UL activities should be performed within the subject residential development;
- (b) no adverse comment on the application from traffic engineering perspective; and
- (c) should the application be approved, an approval condition in relation to the proposed drop-off area is required.

Fire Safety

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

- (a) no comment on the application; and
- (b) detailed fire safety requirements will be formulated upon receipt of a formal submission of Short Term Tenancy/Short Term Waiver, general building plans or referral of application via relevant licensing authority, as appropriate.

8.2 The following Government departments have no objection to/no comments on the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS of DSD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C of WSD);
- (d) Commissioner for Police;
- (e) Director of Food and Environmental Hygiene;
- (f) Director of Environmental Protection; and
- (g) District Officer (Wong Tai Sin), Home Affairs Department.

9. Public Comment Received During Statutory Publication Periods

The application and the FI were published for public inspection. During the statutory publication periods, no public comment was received.

10. Planning Considerations and Assessments

10.1 The application is for the proposed shop and services (convenience store) use at the Premises within an area zoned “R(B)” on the OZP. The “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. The Premises are located at a residential neighbourhood where some non-domestic uses, i.e. schools and tutorial schools, can be found.

- 10.2 It is noted that the provision of convenience store services in the neighbourhood is limited. Given the scale of the proposed convenience store is only about 37m², it is considered not incompatible with the subject “R(B)” zone. According to the applicant, the proposed convenience store could serve the needs of the local community in the surroundings.
- 10.3 Given the proposed convenience store will have an exclusive entrance gate for visitors and staff to gain access from Waterloo Road (**Plans 4 and 5**), their access to the domestic portion of the subject residential development are restricted. In this regard, disturbance or nuisance to the domestic portion of the development is not anticipated.
- 10.4 The applicant has also proposed a drop-off area of van-type light goods vehicles (**Drawing A-1 and Plan A-6**), along with a set of management measures for daily operation and goods delivery. In this connection, C for T, CBS/K of BD and other relevant government departments have no objection to / no adverse comment on the application. Regarding the proposed drop-off area, C for T suggests imposing relevant approval condition as set out in paragraph 11.2 below.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10, 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 24.10.2029, 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 condition and advisory clauses are suggested for Members’ reference:

Approval condition

the design and provision of a drop-off area of van-type light goods vehicles, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

- 11.3 There is no strong reason to reject the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or to 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 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 8.5.2025
Appendix Ia	SPS received on 8.5.2025
Appendix Ib	FI received on 29.8.2025
Appendix II	Detailed Departmental Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout plan submitted by the Applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4 to A-7	Site photos

**PLANNING DEPARTMENT
OCTOBER 2025**