

MPC Paper No. A/K18/325A
For Consideration by
the Metro Planning Committee
on 18.5.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K18/325

- Applicant** : Golden Fook Company Limited represented by Lanbase Surveyors Limited
- Site** : 3 Flint Road, Kowloon Tong, Kowloon
- Site Area** : About 1,114.82m²
- Lease** : (a) Lot No. NKIL No. 2637, lease term extended up to 30.6.2047
(b) Subject to the following main restrictions:
(i) one house of European type designed for the occupation of one family;
(ii) design and disposition clause;
(iii) building height limitation of 35 ft;
(iv) will not alter any building on the lot; and
(v) will not erect any building within 10 feet of any public road.
- Plan** : Approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21
- Zoning** : “Residential (Group C) 3” (“R(C)3”)

[maximum plot ratio (PR) of 1.65 and maximum building height (BH) of 10.67m or the PR and height of the existing building, whichever is the greater]
- Application** : School (Kindergarten)

1. The Proposal

- 1.1 The applicant seeks planning permission for conversion of the ground floor (G/F) and first floor (1/F) of an existing building for ‘School (Kindergarten)’ use at the application site (the Site). The Site is zoned “R(C)3” on the approved Kowloon Tong OZP No. S/K18/21 (**Plan A-1**). According to the Notes of the OZP, ‘School’ is a column 2 use which requires planning permission from the Town Planning Board (the Board).

- 1.2 The Site is currently used as a kindergarten, without obtaining planning permission. According to the submission, the application is for the operation of St. Johannes College (Kindergarten Section). The Site is the subject of a previous application (No. A/K18/313) for the same use, which was rejected by the Metro Planning Committee (the Committee) on 18.12.2015 and the Board upon review on 3.6.2016. Except for changes in respect of school hours and traffic arrangement (please refer to paragraph 4.1 below), the major development parameters, total number of classrooms and maximum number of students remain the same as those under the previous rejected application. The major development parameters of the kindergarten are as follows:

The Site	
Site Area	about 1,114.82m ²
Total Gross Floor Area (GFA)	not exceeding 563.823m ²
PR	0.506
Site Coverage	29.9%
No. of Block	1
BH	3 storeys ¹
The Kindergarten	
Total GFA	not exceeding 563.823m ² (excluding floor area of 2/F and rooms on G/F and 1/F that will be left vacant and will not form part of the school premises)
No. of Classrooms	10 classrooms and 1 activity room
Area of the Open Playground	about 57.2m ²
Parking Facilities	
- parking spaces	2
- private car/taxi lay-bys	2
- school bus lay-bys	5
Maximum No. of Students and Proposed School Hours	Maximum of 190 students (upon full operation) <u>Morning Session: 8:30am – 11:30am</u> 2 classes (total 26 pupils) <u>Whole Day Session: 8:30am - 3:30pm</u> 8 classes (total 136 pupils) (Monday to Friday)

¹ The applicant indicated in the submission that the existing building is 2-storey / 7.15m in height. However, as observed on site, the building is of 3 storeys with 2/F covering most of the building footprint (Photo 5 of **Plan A-4** refers). According to the building plans for domestic use approved by Building Authority on 12.4.1979, only two levels (G/F and 1/F) were shown on the plans, involving a total GFA of 563.823m².

Main Uses by Floor		
	School Premises	Excluded from School Premises
G/F	6 Classrooms, Office, Toilets	A room at the eastern end of the building to be left vacant
1/F	4 Classrooms, 1 Activity Room	1 room to provide access to staircase to G/F; 2 other rooms to be left vacant and be blocked off by promat boards with bolts
2/F	-	Entire floor will be left vacant. Staircase access from 1/F to 2/F will be blocked off by promat boards with bolts

- 1.3 Plans showing the floor layout submitted by the applicant are shown in **Drawings A-1 and A-2**.

Traffic Arrangement

- 1.4 The proposed vehicular access is at Flint Road. The applicant proposed the following traffic improvement measures for enhancing the traffic condition on Flint Road and Chester Road during school peak periods in FIs (**Appendices Id and If**):
- (a) providing parking spaces and lay-bys within the Site;
 - (b) on-campus pick-up/drop-off by school buses;
 - (c) close coordination with the independent school bus company so that all pick-up/drop-off activities will be carried out within the Site;
 - (d) providing traffic warden at the site access to manage traffic activities coming in and out of the Site;
 - (e) school parents will be informed not to park their vehicles illegally outside the Site for pick-up/drop-off activities; and
 - (f) will encourage students to use school buses rather than private cars or taxis.
- 1.5 The applicant indicated in **Appendix Ig** that there are four groups of plants within the Site and will be removed for the provision of parking spaces and lay-bys. Only one plant with trunk diameter over 95mm is defined as tree under Agriculture, Fisheries and Conservation Department's Nature Conservation Practice Note No. 2.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form and letter received on 4.12.2017 (**Appendix I**)
 - (b) Supplementary planning statement received on 4.12.2017 (**Appendix Ia**)

- (c) Letter received on 7.12.2017 clarifying details of the application (Appendix Ib)
- (d) Letter dated 10.1.2018 requesting for deferment of consideration of the application (Appendix Ic)
- (e) Further Information (FI 1) received on 26.3.2018 providing responses to the comments of Commissioner for Transport (C for T) with an updated TIA (Appendix Id)
- (f) FI received on 10.4.2018 (FI 2) providing responses to the comments of Director of Environmental Protection (DEP) (Appendix Ie)
- (g) FI received on 8.5.2018 (FI 3) providing responses to the comments of C for T and Commissioner of Police (C of P) (Appendix If)
- (h) FI received on 11.5.2018 (FI 4) clarifying details of the application and the current school operation (Appendix Ig)

1.7 On 26.1.2018, the Committee agreed to defer making a decision on the application for 2 months, as requested by the applicant, to allow time for preparation of FI to address the comments of relevant government departments. Upon receipt of the FI from the applicant, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are provided in the supplementary planning statement at **Appendix Ia**, clarification letter at **Appendix Ib**, and FIs at **Appendices Id to Ig**. They are summarised as follows:

- (a) Kowloon Tong is an area providing a variety of high-quality kindergartens in the Territory due to the easy accessibility, the economy of scale with the existing kindergartens and the land use compatibility with the existing residential/educational character of the local area. The demand for high quality kindergarten in the district has always been high;
- (b) the Site is compatible with its surroundings and is most suitable for the use. With appropriate and effective traffic and transport arrangements, such as provision of on-site parking spaces/lay-bys, the proposed use should be given favorable consideration by the Board;
- (c) the Site is already surrounded by a mixture of various non-domestic land uses including kindergartens, primary schools, secondary school and religious institutions. The existing kindergarten use is compatible with its surrounding developments and the land use character;
- (d) according to the Kowloon Tong OZP, 'School' is a use under Column 2 of "R(C)" zone. This indicates that 'School' use is in line with the planning intention of the area;

- (e) the updated TIA and responses to C for T's comments in FIs 1 and 3 (**Appendices Id and If**) demonstrate that the traffic condition near the Site is anticipated to be improved with implementation of the proposed traffic improvement measures (para 1.4 above refers). Kerbside activities will be reduced and spare kerbside capacity will be available during all school peak periods. Pedestrian safety will also be improved;
- (f) with the implementation of traffic improvement measures, the overall total kerbside utilisation for the three school periods combined will be reduced by about 17%. Considering that the kerbsides near the Site can accommodate the private car and taxi demands associated with the kindergarten, traffic improvement measures for off-site pick-up/drop-off activity by these vehicles are not necessary;
- (g) the kindergarten has obtained a valid Certificate of Registration for a School issued by the Education Bureau (EDB) on 25.8.2008² (Appendix 5 of **Appendix Ia** refers);
- (h) the responses to DEP's comments in **Appendix Ie** indicate that the kindergarten meets the minimum requirement of buffer distance between roads and active recreational use under the Hong Kong Planning Standards and Guidelines (HKPSG). In addition, there is no chimney identified within 200m from the kindergarten, and it will be provided with air-conditioning and will not rely on open windows for ventilation. Hence, adverse air and noise impacts are not anticipated; and
- (i) the kindergarten will not cause any adverse impacts on the surroundings, the approval of this application will not set an undesirable precedent for other similar applications in the locality.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. **Previous Application**

- 4.1 An application (No. A/K18/313) was submitted by the same applicant for the same use at the Site on 13.2.2015, involving a total of 10 classrooms on G/F and 1/F of the Site and a maximum of 190 students, that are the same as those proposed in the current application. For the previous application, the proposed school hours for morning and whole day sessions were 9:00am – 12:00pm and 9:00am – 3:15pm

² According to EDB's record, G/F of the Site was registered as school premises with effect from 20.9.2000, while 1/F was registered with effect from 6.1.2004. The Certificate of Registration of a School dated 25.8.2008 and Certificate of Accommodation dated 15.10.2008 were reissued upon the registration of additional premises of St. Johannes College at another location (1/F, 109 Waterloo Road).

respectively. 13 school buses were proposed and portion of Chester Road to the west of the Site was proposed to be used as a pick-up/drop-off area, but no on-site car parking and loading/unloading facilities nor traffic improvement measures were proposed in the previous application.

- 4.2 The application was rejected by the Committee on 18.12.2015 on the grounds that the applicant failed to demonstrate that the traffic impact of the development on the area is acceptable; approval of the application with no on-site transport provision and without adequately addressing the traffic problem would set an undesirable precedent for similar applications in the area; and the cumulative effect of approving such similar applications would aggravate the traffic congestion problem of the area at school peak hours.
- 4.3 The applicant applied for a review of the Committee's decision. The review application was rejected by the Board upon review on 3.6.2016 on the grounds of traffic impact and undesirable precedent, and that the development is not in line with the planning intention of the "R(C)3" zone.

5. Similar Applications

- 5.1 The residential neighbourhood in Kowloon Tong is divided by Waterloo Road into two parts. The residential sites to the west is mainly zoned "R(C)1" and is named as the Kowloon Tong Garden Estate (KTGE)³. In June 2001, the Board promulgated the Town Planning Board Guidelines No. 23 (TPB PG-No. 23) for "Application for Kindergarten/Child Care Centre in KTGE Under Section 16 of the Town Planning Ordinance", and the Guidelines were revised in March 2011. Since 2000, there are 41 similar applications involving kindergarten within the "R(C)1" zone in the KTGE area (**Plan A-1**). Details of similar applications are included in **Appendix II**.
- 5.2 Sites to the east of Waterloo Road are mainly zoned "R(C)4" and other various "R(C)" subzones including "R(C)3", "R(C)6" and "R(C)9" etc. For areas where the Site is located, there are three similar applications involving kindergarten/child care centre within "R(C)3" and "R(C)4" zones on the OZP (**Plan A-1**). For the "R(C)3" zone, an application (A/K18/311) for 'School (Kindergarten and Nursery) with Ancillary Staff Quarters' use to the further north of the Site, at the junction of Derby Road and Chester Road, was rejected by the Board on review on 11.9.2015 on the grounds of traffic impact on the local narrow road network; uncertainties on the implementation and enforcement of the traffic mitigation measures and undesirable precedent.
- 5.3 The remaining two similar applications (A/K18/310 and A/K18/324) are for 'School (Kindergarten)' use on a temporary basis at a site to the further north (near the junction of Cambridge Road and Wilshire Road) in the "R(C)4" zone. On 31.10.2014, the Committee approved A/K18/310 with conditions on a temporary basis for a period of 2 years and 10 months for the reasons that permission for

³ The KTGE covers areas bounded by Cornwall Street, Waterloo Road, Boundary Street and the East Rail Line.

non-residential uses at the site had previously been granted; no trend of proliferation of non-residential uses in the area; and no technical concerns raised by the relevant Government departments. Subsequently, the same applicant seek renewal of the planning permission for a period of 3 years (A/K18/324) and the application was approved with conditions by the Committee on 11.8.2017 having considered the traffic condition, scale of proposed use and general compliance with the relevant Town Planning Board Guidelines assessment criteria. When considering A/K18/310, the Committee emphasized that the application should not be regarded as a precedent for approving other non-residential uses in the area. Similar applications would need to be carefully assessed on their individual merits.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2 and site photos on Plans A-3 to A-5)

6.1 The Site:

- (a) is occupied by a 3-storey building with approved building plans for a 2-storey building for domestic use. Both G/F and 1/F are the registered school premises of St. Johannes College (Kindergarten Section). A room on G/F and two rooms on 1/F are excluded from the school premises and will be left vacant;
- (b) 2/F of the building (which will be left vacant as submitted) is currently accessible via a staircase at the eastern portion of the building. During our site visit on 22.12.2017, it was observed that foldable beds and stools were being piled up in the main room. The room is connected to a pantry, with kitchen utensils stored and seemed to be in use (Photos 9 and 10 on **Plan A-5**);
- (c) the operation of the existing kindergarten during 2017-18 academic year are highlighted as follows (FI 4 in **Appendix Ig**):

	Morning Session	Whole Day Session
No. of Classes	2	8
No. of Students	23	135
School Hours	8:30am – 11:30am	8:30am – 3:30pm
School Bus Drop-off Period	7:55am – 8:30am	
School Bus Pick-up Period	11:30am – 11:45am	3:30 – 3:45pm

- (d) has some trees along the western site boundary;
- (e) is bounded by Chester Road, Flint Road (in which its eastern end is a dead end) and Ho Tung Road (which is a pedestrianised pathway) in the west, south and east respectively; and
- (f) the vehicular access is currently at Chester Road and the proposed vehicular access at Flint Road is currently the pedestrian access.

6.2 The surrounding areas have the following characteristics:

- (a) the Site is located at the Kowloon Tsai area of Kowloon Tong to the east of Waterloo Road, which is predominately a low-rise and low-density residential area; and
- (b) apart from residential use, the Site is surrounded by non-residential uses including schools, kindergartens, primary schools, secondary schools and churches in the vicinity (**Plan A-2**).

7. Planning Intention

The “R(C)” zone is intended primarily for low to medium-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

8. Comments from Relevant Bureau/ Government Departments

8.1 The following Government bureau/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) the Site falls within NKIL No. 2637, which has a site area of about 12,000ft². The lease term has been extended up to 30.6.2047. Details of the salient conditions are in **Appendix IV**; and
- (b) the kindergarten use at the lot is in breach of the lease conditions governing the lot. If the application is approved by the 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 etc. as considered appropriate by the LandsD acting in the capacity of landlord.

Building Matters

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

- (a) no objection to the application; all building works/change of use are

subject to compliance with the Buildings Ordinance (BO); and

- (b) the applicant should appoint an Authorized Person and a Registered Structural Engineer to prepare and submit for the proposed building works to his department to demonstrate compliance with the BO. Detailed matters regarding compliance with BO and handling of unauthorized building works by BD are in **Appendix IV**.

Traffic

8.1.3 Comments of the C for T:

- (a) has strong reservation on the application for reasons detailed below;
- (b) there is grave concern on the traffic condition of the locality and the applicant cannot provide appropriate mitigation measures in the TIA;
- (c) the section of Flint Road outside the Site is narrow and the eastern end is a dead end. Vehicles are found maneuvering and reversing out from the dead end with difficulties when private cars or taxis are carrying out pick-up/drop-off activities near the section of Flint Road adjacent to the Site;
- (d) double parking was found at Flint Road and Chester Road during school peak hours. The kerbside utilisation assessment should be reviewed;
- (e) no appropriate measures are proposed that can ensure that school buses or private cars will not illegally park outside the school to wait for setting down or picking up their children;
- (f) no appropriate traffic improvement measures are proposed for pick-up/drop-off activity of the private car and taxi at kerbside during school peak hours. The relationship between the existing and future (after incorporating the on-campus parking provision) kerbside utilisation assessments has not been demonstrated; and
- (g) the footpath at the section of Flint Road outside the Site is only about 1m wide at the northern site and 0.5m wide at the southern side. It was observed that some pedestrians have made use of the carriageway rather than the footpath for commuting purpose. No improvement measures are proposed to enhance pedestrian safety.

8.1.4 Comments of the C of P:

- (a) has reservation on the proposal from traffic policing point of view for reasons detailed below;

- (b) the traffic volume at Kowloon Tong area has already reached the saturation point. The traffic condition at Flint Road and the nearby vicinity is already very heavy due to the pick-up/drop off activities by school buses and private cars during school peak hours. There were 75 and 14 traffic complaints received in 2017 and 2018 (as at May) respectively regarding the traffic situation in this area during school hours (7:00am to 5:30pm). The proposed activities would worsen the present traffic flow, obstruct road users and create traffic impact threat; and
- (c) there is only one vehicular access and the provision of limited parking spaces within the Site may not be sufficient to accommodate traffic of a large number of school buses and private cars. It is known that 14 number of 16-seater buses are currently deployed by the school. It was observed that at peak school period, two third of carriageway width of Chester Road was occupied by buses waiting outside the school. There are also doubts on the vehicular manoeuvring to and from the site at Flint Road. The proposed school will cause adverse traffic impacts.

Fire Safety

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

- (a) no objection in-principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of D of FS;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD.

Environment

8.1.6 Comments of the DEP:

- (a) has no objection to the application;
- (b) based on the applicant's FI 2 submission (**Appendix Ie**), DEP understands that Chester Road, Flint Road and Ho Tung Road are local distributors, and the buffer distance between the building and the roads are 12m, 9m and 5m respectively; the principal room on G/F, abutting the northeastern boundary of the Site will be left vacant; no chimney are identified within 200m from the proposed use; and the proposed use will be provided with air-conditioning and

will not rely on open windows for ventilation. As such, adverse air quality impact and noise impact on the proposed use are not anticipated; and

- (c) for sewerage, in order to address the potential sewerage impact arising from the proposed use, should the application be approved, the following approval conditions are suggested:

the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and

the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Landscape Aspect

- 8.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

it is observed that there are existing palm trees along the site boundary that are proposed to be removed by the applicant. CTP/UD&L has no comment on the proposal from landscape planning perspective as the Site does not fall in landscape sensitive zonings and areas, and no significant landscape impact is envisaged.

Education Aspect

- 8.1.8 Comments of the Secretary for Education (SED):

- (a) the registered premises of St. Johannes College at 3 Flint Road, Kowloon Tong are as follows:
 - (i) Rooms H, J-N, Pantry, Latrines adjacent to Room J, Balcony & Open Area, G/F, 3 Flint Road, Kowloon Tong, with effect from 20.9.2000; and
 - (ii) Rooms S-V, 1/F, 3 Flint Road, Kowloon Tong, with effect from 6.1.2004;
- (b) under the Education Ordinance, a school can commence operation in any of its registered premises; and
- (c) the school operator has not approached the School Registration and Compliance Section after the previous planning application was rejected by the Board on review.

District Officer's Comments

8.1.9 Comments of the District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD):

it is noted that both the local residents and concerned Kowloon City District Council (KCDC) members have all along been concerned about the traffic congestion problem in Kowloon Tong. Their views/comments gathered in the consultation exercise should be considered.

8.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Mainland South, Drainage Services Department;
- (b) Chief Highways Engineer/Kowloon, Highways Department; and
- (c) Chief Engineer/Construction, Water Supplies Department.

9. Public Comments Received During Statutory Publication Period

The application was published for public inspection on 12.12.2017. During the first three weeks of the statutory public inspection period, which ended on 2.1.2018, 3 public comments were received from 2 individuals of public and the Headteacher of Diocesan Preparatory School (**Appendix III**). One (submitted by an individual) objects to the application while 2 provide views on the application. Major views are summarised as follows:

- (a) currently there are many schools (including the subject one) along Chester Road, Derby Road and Flint Road. Illegal parking, traffic congestions and noise nuisance along these roads during arrival and dismissal times are very serious. Vehicles are also parking and making u-turn on the subject section of Flint Road (which has no actual pavement at the Site and at the entrance of Maryknoll Convent School Secondary Section), driving in the opposite direction of the incoming traffic and affecting the safety of pedestrians and vehicles. The kindergarten use, if approved, will exacerbate current traffic condition and disrupt existing traffic network given that Flint Road and Derby Road are both single and one-way lane, and will become a bottle neck ingress and egress point for vehicles. Even though the kindergarten will provide school buses, parents will choose to commute by private vehicles. Flint Road will be blocked by the traffic and congestion will spill over to Waterloo Road, which will in turn affect the way from Shatin to Hong Kong Island;
- (b) safety issue will arise if emergency exits are blocked during arrival and dismissal times. Students' safety will be a concern as vehicles pick-up/drop-off students on the road when there is no parking space or loading/unloading bay provided by the kindergarten;

- (c) The parking and loading/unloading bays provided on-site are not adequate. There are concerns whether cars, taxis and school buses will drop off passengers both inside and outside the Site, and the implementability of the proposed traffic arrangement;
- (d) the school is not monitored by the EDB and that its operation has continued even though the Board rejected the previous application; and
- (e) it is not necessary to establish a kindergarten within the Kowloon Tong area.

10. Planning Considerations and Assessments

- 10.1 The application is for conversion of G/F and 1/F of an existing building for ‘School (Kindergarten)’ use at the Site. The Site is currently used as a kindergarten under a valid school registration granted in 2000 and 2004 but without obtaining planning permission. In 2016, the Board rejected the previous s.17 application submitted by the same applicant for the same use at the Site on the grounds of being not in line with the planning intention, traffic impact on the local narrow road, non-provision of traffic improvement measures and undesirable precedent. In the current application, the applicant has proposed some traffic improvement measures (i.e. provision of on-site parking and school bus lay-bys for pick-up/drop-off activities within campus), which as elaborated below, are yet to address C for T and C of P’s concerns as well as the previous rejection reasons.

Planning Intention

- 10.2 Kowloon Tong is a predominantly low-density residential neighbourhood. The residential sites in the area are zoned “R(C)” on the OZP, mainly for low-density residential developments. Among others, the planning intention of the “R(C)3” zone covering the Site is primarily for low to medium-rise, low-density residential developments. As such, the applied use is not in line with the planning intention.
- 10.3 Over the years, various planning applications for non-residential uses particularly kindergarten have been approved mainly in the KTGE area to the west of Waterloo Road. For the residential neighbourhood to the east of Waterloo Road where the Site is located, there are only two similar applications involving one site for kindergarten use in “R(C)4” zone that were approved on temporary basis (A/K18/310 and A/K18/324) in view of their unique circumstances as stated in paragraph 5.3 above. Another application (A/K18/311) for permanent kindergarten use at a nearby site on Chester Road was rejected on the grounds of traffic impact on local narrow road, uncertainties on implementation and enforcement of traffic mitigation measures and undesirable precedent. These concerns are similarly relevant to the current application.
- 10.4 The traffic congestion and nuisances caused by infiltration of non-residential uses in the residential neighbourhood have been the subject of concerns of the locals and KCDC. Having regard to the planning intention for the “R(C)3” zone and the

character of surrounding residential neighbourhood, the granting of planning permission for school (kindergarten) use at the Site is not supported.

Traffic

10.5 To address the concern on traffic aspect, the applicant has proposed various traffic improvement measures as highlighted in paragraph 1.4 above. According to the submitted TIA, with these measures, kerbside activities would be reduced and traffic condition near the Site is anticipated to be improved. However, C for T advised that vehicles are found maneuvering and reversing out from the dead end and narrow Flint Road, and double parking was found at Flint Road and Chester Road, and has strong reservation on the application as no appropriate measures have been proposed to ensure no illegal parking of school buses and private cars outside the school, and no appropriate traffic improvement measures are proposed for pick-up/drop-off activity of private car and taxi at kerbside during school peak hours. C of P has reservation on the application as the proposed on-campus pick-up/drop-off may not accommodate the large number of school buses via one vehicular access at Flint Road and the vehicular manoeuvring thereat will worsen the present traffic flow, obstruct road users and create traffic impact threat.

Undesirable Precedent

10.6 As mentioned in paragraphs 5.3 and 10.3 above, there are only two similar applications, involving the same site, approved on a temporary basis in the area east of Waterloo Road due to their unique circumstances. The Site is the subject of a previous application for the same use rejected by the Board upon review on 3.6.2016. Another application (A/K18/311) for permanent kindergarten use on a nearby site was also rejected by the Committee on 11.9.2015. Since the rejection of the previous application, there is no change in planning circumstances, and the traffic measures proposed in the current application fail to address concerns of C for T and C of P. Approval of the application without adequately addressing the traffic problem will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic congestion problem of the area at school peak hours.

Public Comments

10.7 The public comments objecting to/ raising concerns on the application are mainly on grounds of adverse traffic impacts, nuisance and emergency access on the area and safety of pedestrians. The assessment in paragraphs 10.4 and 10.5 above is relevant.

11. Planning Department's Views

11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department does not support the application for the following reasons:

- (a) the development is not in line with the planning intention of the “R(C)3” zone, which is intended primarily for low to medium-rise, low-density developments;
- (b) the development is located at Flint Road/Chester Road with narrow width and busy traffic at school peak hours. The applicant fails to demonstrate that the traffic impact of the development on the area is acceptable and the proposed traffic improvement measures will be effective in minimising the traffic impact on the area and ensuring pedestrian safety; and
- (c) approval of the application without adequately addressing the traffic problem will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic congestion problem of the area at school peak hours.

11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.5.2022, 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 conditions and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the school hours should be restricted from 8:30am - 11:30am for morning session, and 8:30am - 3:30pm for whole day session, Monday to Friday, as proposed by the applicant, during the school operation period;
- (b) the submission of a revised traffic impact assessment (TIA) to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the implementation of the traffic improvement measures identified in the revised TIA in approval condition (b) above during the school operation period to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the submission of bi-monthly reports on the implementation of the proposed traffic improvement measures stated in approval condition (c) above during the school operation period to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and provision of parking facilities, car/taxi lay-bys and school bus lay-bys for the kindergarten use to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (g) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in approval condition (f) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (h) the submission and implementation of fire service installations and water supplies for firefighting within six months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.11.2018;
- (i) if any of the above approval conditions (a), (c) and (d) 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; and
- (j) if the above approval condition (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The suggested advisory clauses are attached at **Appendix V**.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or 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.
- 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 4.12.2017
Appendix Ia	Supplementary planning statement received on 4.12.2017
Appendix Ib	Letter received on 7.12.2017
Appendix Ic	Letter dated 10.1.2018 requesting for deferment
Appendix Id	FI 1 received on 26.3.2018
Appendix Ie	FI 2 received on 10.4.2018
Appendix If	FI 3 received on 8.5.2018
Appendix Ig	FI 4 received on 11.5.2018
Appendix II	Similar applications involving kindergarten or kindergarten and child care centre Kowloon Tong OZP since 2000
Appendix III	Public comments received

Appendix IV	Detailed Comments of Government Departments
Appendix V	Suggested Advisory Clauses
Drawings A-1 and A-2	Plans showing the Floor Layout submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-5	Site Photos

**PLANNING DEPARTMENT
MAY 2018**