

**Similar Applications for Proposed Comprehensive Residential Development
with RCHE, and/or Retail Shops, and/or Eating Place and/or Shop and Services**

Approved Applications

No.	Application No.	Location	Proposed Use	Date of Approval	Decision	Approval Condition(s)
1.	A/K10/187	Nos. 5 & 7, Mok Cheong Street, Nos. 70-78 Sung Wong Toi Road, Ma Tau Kok, Kowloon, KIL 7626, KIL 7628 & KIL 10578	Proposed Comprehensive Residential Development with Retail Shops	14.7.2000 (MPC)	Approved with condition(s)	(a), (b), (c), (d), (e) and (f)
2.	A/K10/195	No. 7, Mok Cheong Street and Nos. 70-78 Sung Wong Toi Road, Ma Tau Kok, Kowloon, KIL 7628 & KIL 10578	Proposed Comprehensive Residential Development with Retail Shops	9.8.2002 (MPC)	Approved with condition(s)	(a), (b), (d), (e) and (g)
3.	A/K10/198	Nos. 5 & 7, Mok Cheong Street and Nos. 70-78 Sung Wong Toi Road, Ma Tau Kok, Kowloon, KIL 7626, KIL 7628, KIL 10578	Proposed Comprehensive Residential Development with Retail Shops	11.7.2003 (MPC)	Approved with condition(s)	(a), (b), (d) and (g)
4.	A/K10/199	Nos. 5 & 7, Mok Cheong Street and Nos. 70-78 Sung Wong Toi Road, Ma Tau Kok, Kowloon, KIL 7626, KIL 7628, KIL 10578	Proposed Comprehensive Residential Development with Retail Shops	5.12.2003 (MPC)	Approved with condition(s)	(a), (d), (f), (g) and (h)

No.	Application No.	Location	Proposed Use	Date of Approval	Decision	Approval Condition(s)
5.	A/K10/256	Kowloon Inland Lots Nos. 7626, 7628 and 10578, Mok Cheong Street and Sung Wong Toi Road, Ma Tau Kok, Kowloon	Proposed Comprehensive Residential Development with Shop and Services and Eating Place	27.5.2016 (MPC)	Approved with condition(s)	(a), (d), (f), (h), (i), (j), (k) and (l)
6.	A/K10/259	5 Mok Cheong Street (Kowloon Inland Lot (KIL) 7626), 7 Mok Cheong Street (KIL 7628) and 70-78 Sung Wong Toi Road (KIL 10578), Ma Tau Kok, Kowloon	Proposed Comprehensive Residential and Commercial (Eating Place, Shop and Services) Development (Amendments to Approved Master Layout Plan)	7.12.2018 (MPC)	Approved with condition(s)	(a), (d), (f), (h), (i), (j), (k), (l) and (m)
7.	A/K10/256-1	Kowloon Inland Lots No. 7626, 7628 and 10578, Mok Cheong Street and Sung Wong Toi Road, Ma Tau Kok, Kowloon	Proposed Comprehensive Residential Development with Shop and Services and Eating Place	24.4.2020 (Director of Planning)	Approved with condition(s)	(a), (d), (f), (h), (i), (j), (k) and (l)

Approval Conditions:

- (a) Submission and implementation of a revised Master Layout Plan (MLP).
- (b) Provision of environmental mitigation measures.
- (c) Layout and sitting of the buildings.
- (d) Design and provision of ingress/egress point, vehicular access, car parking spaces, and loading/unloading bays.
- (e) Design and provision of a 150-place Residential Care Home for the Elderly, with a net operational floor area of 1,575m².
- (f) Submission and implementation of a revised Landscape Master Plan.

- (g) Design and provision of footbridge connections, which should remain open for public passage at all times, to the future development to the northeast/east of the application site across Sung Wong Toi Road, and to the future adjacent developments.
- (h) Submission of a revised Noise Impact Assessment and/or implementation of traffic noise mitigation measures.
- (i) Submission and implementation of a revised development programme indicating the timing and phasing of the comprehensive development.
- (j) Submission of an updated Drainage Impact Assessment (DIA) and/or implementation of the drainage facilities identified in the DIA.
- (k) Submission of an updated Sewerage Impact Assessment (SIA) and/or implementation of the local sewerage upgrading/sewerage connection works identified in the SIA.
- (l) Provision of emergency vehicular access, and/or water supplies for firefighting and fire service installations.
- (m) Provision of public car parking spaces within the site and proposed traffic measures on Mok Cheong Street.

Rejected Applications

No.	Application No.	Location	Proposed Use	Date of Consideration	Decision	Reasons for Rejection
1.	A/K10/199-1	Nos. 5 & 7, Mok Cheong Street and Nos. 70-78 Sung Wong Toi Road, Ma Tau Kok, Kowloon, KIL 7626, KIL 7628 & KIL 10578	Proposed Comprehensive Residential Development with Retail Shops	3.4.2009 (MPC)	Rejected/Not agreed on Review	(1)
2.	A/K10/210	G/F, KK Industrial Building, 5 Mok Cheong Street, Ma Tau Kok, KIL 7626	Shop and Services	23.12.2005 (MPC)	Rejected/Not agreed	(2), (3)

No.	Application No.	Location	Proposed Use	Date of Consideration	Decision	Reasons for Rejection
3.	A/K10/224	7 Mok Cheong Street and 70-78 Sung Wong Toi Road, Ma Tau Kok, KIL 7628 & KIL 10578	Proposed Residential and Retail Development and Minor Relaxation of Building Height Restriction	3.4.2009 (MPC)	Rejected/Not agreed on Review	(4), (5), (6), (7), (8) and (9)

Rejection Reasons:

- (1) The Board did not have power to extend time in respect of the planning permission that had ceased to have effect and that to go on to consider the underlying merits of the application would have been pointless.
- (2) The application was not acceptable from the fire safety point of view.
- (3) There was insufficient information in the submission to demonstrate that the provision of car parking and loading/unloading spaces would be adequate.
- (4) Planning intention of the "Comprehensive Development Area" ("CDA") zone was for comprehensive redevelopment of the whole area for residential and/or commercial uses with the provision of open space and other supporting facilities. Piecemeal development within the "CDA" zone would defeat the intention of the "CDA" zone to facilitate appropriate planning control over the development area mix, scale, design and layout of development, to require provision of mitigation measures to address various environmental, traffic, infrastructure and other constraints.
- (5) Proposed podium structure was excessive in bulk and site coverage which was not compatible with the existing character of the area.
- (6) There was no information in the submission to demonstrate that potential noise problems arising from nearby industrial and road traffic could be mitigated.
- (7) There was no information in the submission to demonstrate that the proposed development would not result in adverse air ventilation impacts on the surrounding areas.
- (8) There was no information in the submission to demonstrate that the proposed development would be acceptable from an urban design perspective and that the proposed building height of 154.6mPD would not have any adverse visual impact on its adjoining zones to the inland which was subject to a lower building height restriction of 100mPD.
- (9) Approval of the application would set an undesirable precedent for other similar applications.

Recommended Advisory Clauses

- (a) to note that the approved master layout plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable.
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that:
 - (i) If the planning application is approved by the Board, the implementation of Phase 2 development is subject to the extinguishment of the right-of-ways of KIL 7630, KIL 7631, KIL 7629, KIL 6342 and a joint redevelopment by the lot owners of Phase 2 development is required.
 - (ii) If the planning application is approved by the Board, the applicant (i.e. the owner of KIL 7632) has to apply for a lease modification to implement the comprehensive development at KIL 7632. However, there is no guarantee that the lease modification application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD. Regarding the application for premium concession in respect of eligible RCHE under LandsD's Practice Note No. 4/2003, LandsD's comments are reserved until application is received at lease modification stage.
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:
 - (i) All building works are subject to compliance with the Buildings Ordinance (BO). An Authorized Person should be appointed to coordinate all building works in accordance with the BO.
 - (ii) The service land / right-of-way within the Site should be deducted from site area under Building (Planning) Regulation (B(P)R) 23 unless modification granted.
 - (iii) The proposed GFA for Phase 2 (if the site is to be developed separately), which is presumably a Class A site, will exceed the permissible limit under the B(P)R.
 - (iv) RCHE which is for habitation is domestic use under the BO. Modification may be granted by Building Authority for treating RCHE as non-domestic building for the purposes of B(P)Rs 20, 21, 25, 30 and 32.
 - (v) Detail fundamental checking on the building proposal of the development could only be made in the building plan submission stage.

- (d) to note the comments of the Commissioner of Transport that:
- (i) To create an enjoyable walking environment, the applicant is encouraged to provide building canopies, including over public footpath(s) and/or right-of-way(s) in accordance with the followings where applicable:
 - (i) the provision of building canopies and the subject of pedestrian planning be included in development studies and planning applications, where applicable (paragraphs 5.6.11 and 5.9.2 of Chapter 8 of HKPSG refer)
 - (ii) “Projections over Public Streets” stipulated in Lands Administration Office Practice Note 3/2020 (Design, Deposition and Height Clause under Lease); and/or
 - (iii) Building Ordinances, in particular B(P)R 10 in Cap. 123F regarding balconies and canopies over streets.
- (e) to note the comments of Director of Environmental Protection that:
- (i) The applicant is advised to minimise the generation of Construction and Demolition (C&D) materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.
 - (ii) The applicant is reminded to observe relevant requirements under the Air Pollution Control Ordinance and Waste Disposal Ordinance for asbestos control prior to demolition of the existing buildings.
- (f) to note the comments of the Director of Social Welfare (DSW) that:
- (i) The applicant should be reminded that in accordance with Section 20 of the Residential Care Homes (Elderly Persons) Regulation, no part of an RCHE shall be situated at a height more than 24 metres above ground floor, measuring vertically from the ground of the building to the floor of the premises in which the RCHE is to be situated.
 - (ii) According to paragraph 5.2.3 of the Code of Practice for Residential Care Homes (Elderly Persons)(CoP), RCHEs should not be situated on the basement floor under general circumstances.
 - (iii) The applicant should be reminded that, for an RCHE licence to be issued, the intended RCHE has to comply with the licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap 459, its subsidiary legislation and the latest version of CoP.
- (g) to note the comments of the Director of Fire Services that:
- (i) Detailed fire services requirements will be formulated upon receipt of formal submission of

general building plans.

- (ii) The arrangement of Emergency Vehicular Access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department.