

**Previous S.16 Applications
Within the Application Site**

Rejected Applications

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Main Reasons for Rejection
1.	A/K18/78	147 Waterloo Road	Proposed Petrol Filling Station	20.3.1992 (MPC)	(v), (vi), (vii)
2.	A/K18/83	147 Waterloo Road	Proposed Petrol Filling Station	24.7.1992 (MPC)	(v), (vi), (vii)
3.	A/K18/89	147 Waterloo Road	Proposed Petrol Filling Station	16.7.1993 (TPB)	(v), (vi), (vii)
4.	A/K18/120	147 Waterloo Road	Proposed Gymnasium and Retail Shops	1.5.1998 (TPB)	(i), (ii), (iii), (iv)
5.	A/K18/139	147 Waterloo Road	Proposed Petrol Filling Station	20.10.2000 (TPB)	(i), (v), (ix)
6.	A/K18/180	147 Waterloo Road	Proposed Petrol and Liquefied Petrol Filling Station	16.8.2002 (TPB)	(i), (v), (viii)
7.	A/K18/297	147 Waterloo Road	Proposed Hotel Development with Minor Relaxation of Plot Ratio and Building Height Restrictions for Two Carparking Spaces, One Loading/ Unloading Bay and Two Ancillary Plant Rooms Use	9.8.2013 (TPB)	(i), (iv), (x)

Main Reasons for Rejection:

- (i) The proposed development is not in line with the planning intention of the site which is for residential use and the development is not compatible with the general residential character of the area.
- (ii) Unsatisfactory provision and arrangement of vehicular access and loading/unloading facilities.
- (iii) No strong justification has been provided to prove that the proposed use has to be located in this part of the Kowloon Tong area.

- (iv) The approval of this application would set an undesirable precedent for other similar applications for non-residential uses in the area.
- (v) The application site is not suitable for petrol filling station having regard to its location abutting a busy thoroughfare (i.e. Waterloo Road).
- (vi) There will be adverse impacts on local traffic.
- (vii) The layout of the proposed development is unsatisfactory. There is no information to demonstrate that the traffic flow of Waterloo Road will not be affected, and/or the manoeuvring space is adequate.
- (viii) The proposed development would involve felling of mature trees which would otherwise provide shade and greenery to improve the pedestrian environment of the area.
- (ix) The proposed development would pose potential nuisance to the sensitive uses in the surrounding area.
- (x) There was no planning or design merit to justify the proposed minor relaxation of building height restriction.

**Similar S.16 Applications for minor relaxation of plot ratio and/or building height restrictions within “Residential (Group C) 1” Zone on the
Kowloon Tong Outline Zoning Plan**

Approved Applications

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Main Reasons for Approval/ Approval Conditions
1.	A/K18/233	4 Somerset Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for ancillary plant room use in a proposed residential development	13.1.2006 (MPC)	(i), (ii)/ (a), (b), (c)
2.	A/K18/237	121 Boundary Street	Ditto	19.5.2006 (MPC)	(i), (ii)/ (a), (b), (c)
3.	A/K18/263	7 Devon Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	7.8.2009 (MPC)	(i), (ii)/ (a), (b), (c), (d)
4.	A/K18/275	4 Stafford Road	Ditto	12.11.2010 (MPC)	(i), (ii)/ (a), (b), (c)
5.	A/K18/276	6 Lincoln Road	Ditto	28.1.2011 (MPC)	(i), (ii)/ (a), (b), (c)
6.	A/K18/282	5 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	1.4.2011 (MPC)	(i), (ii)/ (a), (b), (c), (e)
7.	A/K18/283	8 York Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	15.4.2011 (MPC)	(i), (ii)/ (a), (b), (c), (d)
8.	A/K18/285	7 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	5.8.2011 (MPC)	(i), (ii)/ (a), (b), (c)

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Main Reasons for Approval/ Approval Conditions
9.	A/K18/286	3 Kent Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	5.8.2011 (MPC)	(i), (ii)/ (a), (b), (c), (e)
10.	A/K18/296	1 Somerset Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development	8.2.2013 (MPC)	(i), (ii)/ (a), (c), (d)
11.	A/K18/306	1 Somerset Road	Ditto	8.11.2013 (MPC)	(i), (ii)/ (a), (b), (c), (d)
12.	A/K18/307	6 Devon Road	Ditto	7.3.2014 (MPC)	(i), (ii)/ (a), (b), (c), (d)

Main Reasons for Approval :

- (i) More tree planting and enhancement in local amenity
- (ii) Insignificant impacts on environment, drainage, traffic, visual and infrastructural aspects

Approval Conditions :

- (a) Submission and implementation of landscape proposal
- (b) Provision of water supplies for firefighting and fire services installations
- (c) Usual time clause
- (d) Design and provision of vehicular access
- (e) Submission of quarterly tree monitoring reports

Rejected Applications

No.	Application No.	Location	Proposed Uses/Developments	Date of Consideration	Main Reasons for Rejection
1.	A/K18/196	3 Devon Road	Proposed minor relaxation of building height restriction to allow for one storey of basement for six car parking spaces and ancillary plant room use in a proposed residential development	20.12.2002 (TPB)	(A), (B)
2.	A/K18/208	Ditto	Ditto	25.7.2003 (MPC)	(A), (B)
3.	A/K18/214	Ditto	Ditto	4.6.2004 (TPB)	(A), (B)
4.	A/K18/229	Ditto	Ditto	18.11.2005 (TPB)	(A), (B)

Main Reasons for Rejection :

- (A) Excessive basement size and insufficient information to demonstrate planning and design merits
- (B) Undesirable precedent

Suggested Advisory Clauses

- (a) The approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession (including the basement car park, staircases, void area and/or plant rooms) for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements, and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required;
- (b) to note Chief Building Surveyor/Kowloon, BD's comments on requirements for modification/exemption under Building (Planning) Regulations;
- (c) to note the comments of the District Lands Officer/Kowloon East, LandsD to apply for consent for the proposed development in accordance with the lease conditions. If the approval under lease is granted by LandsD in the capacity as landlord at its sole discretion, it will be subject to those terms and conditions, including the payment of premium as appropriate, as imposed by LandsD;
- (d) to note the comments of the Director of Fire Services to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by the BD;
- (e) to note the comments of the Director of Electrical and Mechanical Services to liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations within/in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of the development, and to approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line with and/or in the vicinity of the Site. The applicant should also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes", Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" ; and
- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that the approval of s.16 planning application does not imply the approval of

tree works (such as felling/transplanting or pruning) and/or requirements under the lease. Tree works applications should be submitted direct to LandsD for approval.