

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K18/330**

- Applicant** : Merchant Holdings Ltd. represented by Lanbase Surveyors Ltd.
- Site** : 2 Essex Crescent, Kowloon Tong, Kowloon
- Site Area** : About 992.8m<sup>2</sup>
- Lease** : (a) New Kowloon Inland Lot (NKIL) 720. Lease term extended up to 30.6.2047
- (b) Subject to the following salient conditions:
- (i) a message or dwelling house;
- (ii) front and range clause; and
- (iii) non-offensive trades clause.
- Plan** : Approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21
- Zoning** : “Residential (Group C) 1” (“R(C)1”)  
[Maximum plot ratio (PR) of 0.6 and maximum building height (BH) of 3 storeys, or the PR and BH of the existing building, whichever is the greater.]
- Application** : Renewal of Planning Approval for Temporary School (Kindergarten) under Application No. A/K18/304 for a Period of 3 years

**1. The Proposal**

- 1.1 The applicant seeks renewal of the temporary planning approval (Application No. A/K18/304) for ‘School (Kindergarten)’ use for a period of 3 years at the application site (the Site). The Site is zoned “R(C)1” on the approved Kowloon Tong OZP No. S/K18/21 (**Plan A-1**). According to the Notes of the “R(C)1” zone, ‘School’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).

- 1.2 The Site is the subject of a previous application (No. A/K18/304) for temporary school (kindergarten) use which was rejected by the Board on review on 19.9.2014 for the reasons of non-provision of effective traffic mitigation measures and undesirable precedent. The applicant subsequently lodged an appeal to the Town Planning Appeal Board (the Appeal Board). On 20.6.2016, the Appeal Board allowed the appeal and granted permission with conditions to use the Site as a school (kindergarten) for 3 years from 1.8.2016 until 31.7.2019. All approval conditions have been complied with.
- 1.3 The layout and major development parameters of the current application are the same as the last approved application No. A/K18/304. They are summarised as follows:

<b>Major Development Parameters</b>	<b>Current Application No. A/K18/330</b>
Site Area	About 992.8m <sup>2</sup>
Total Gross Floor Area	813m <sup>2</sup> (631m <sup>2</sup> for school portion)
PR	0.82
Site Coverage	32%
No. of Block	1
BH	3 storeys (including penthouse on R/F) and 7.94m (same as existing building)
No. of Rooms	10 Classrooms 4 Activity Rooms
Car Parking Facilities - mini-bus/nanny bus lay-bys - taxi/private car lay-bys	7 2
School Hours	AM: 9:30am – 12:30pm PM: 2:00pm – 5:00pm (Monday to Friday)
Maximum No. of Students	216 per session
<b><u>Main uses by floor</u></b>	
G/F	5 Classrooms, 2 Activity Rooms, Office, Pantry, Toilets
1/F	5 Classrooms, 2 Activity Rooms, Sick Bay, Toilets
R/F	Penthouse (not for kindergarten use; access blocked off)

- 1.4 Floor layout of the kindergarten submitted by the applicant are in **Drawings A-1** and **A-2**.
- 1.5 The kindergarten commenced operation in September 2017. According to the kindergarten, the total number of students enrolled for the 2017-18 and 2018-19 schools years were 22 and 16 respectively.

### Traffic Arrangement

- 1.6 Under application No. A/K18/304, the applicant had put forward a number of traffic mitigation measures to minimise any possible traffic impact generated by the kindergarten use on the surroundings. These measures have been implemented since the commencement of kindergarten operation in September 2017 and will continue to be implemented under the 3-year renewal, if granted. The measures are summarised as follows:
- (a) *'staggered school hours'*: the regular school hours of the kindergarten will remain as 30 to 45 minutes later than other schools in the locality;
  - (b) *'school-bus only' campus*: mandating all students to use school bus service unless they opt to use mass public transport (excluding taxis) or come on foot. The 'school-bus only' arrangement is enforced by (i) making it an admission requirement in which any contravention would result in the forfeiture of the student's school place at the kindergarten, and (ii) imposing the arrangement as a school regulation for the kindergarten; and
  - (c) *'in-campus pick-up/drop-off only'*: all pick-up/drop-off activities of students from/to the school buses will be confined to within the Site and be made a term of the contract between the kindergarten and the school bus operator. The kindergarten will also continue to employ a traffic coordinator to supervise the traffic situation.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form and letters received on 11.4.2019 **(Appendix I)**
  - (b) Planning statement received on 11.4.2019 **(Appendix Ia)**
  - (c) Supplementary information received on 16.4.2019 **(Appendix Ib)**
  - (d) Supplementary information received on 17.4.2019 **(Appendix Ic)**
  - (e) Further Information (FI) received on 21.5.2019 **(Appendix Id)**

## 2. Justifications from the Applicant

The justifications put forth by the applicant are detailed in the planning statement at **Appendix Ia**, and supplementary information and FI at **Appendices Ib to Id**. They are summarised as follows:

### Same Proposed Use as the Approved Application

- (i) the temporary school (kindergarten) use is identical to that approved under the application No. A/K18/304 that is valid until 31.7.2019. Renewal of planning approval for the same use should be favourably considered;

Complete Compliance with Approval Conditions under Approved Scheme

- (ii) all approval conditions of the application No. A/K18/304 have been fully complied with to the satisfaction of relevant government departments. The compliance status should be taken into account by the Committee in consideration of the current renewal application;

No Adverse Traffic Impact

- (iii) the kindergarten will continue to make every effort to implement the ‘school-bus only’ policy and the ‘in-campus pick-up/drop-off’ measures. In fact, the bi-monthly traffic monitoring reports submitted to the Transport Department (TD) under approval condition of application No. A/K18/304 have demonstrated that parents have already been accustomed to the arrangements and the kindergarten has been able to achieve a 100% compliance rate during the school operation period. Hence, it is unlikely that the continuation of kindergarten operation at the Site would create any adverse traffic impact on the external road system;

No Adverse Drainage and Environmental Impacts

- (iv) the kindergarten has been operating under the existing site conditions for a period of time, and the proposed continuation of operation would not generate additional drainage and environmental impacts;

Approval Conditions to be Imposed under Renewal of Planning Approval

- (v) approval conditions (b) to (d), (g) and (h) from the current planning approval are suggested to be imposed if a 3-year renewal is granted <sup>1</sup>:
- (b) the school hours should remain between 9:30am to 12:30pm and 2:00pm to 5:00pm, Monday to Friday, as proposed by the Applicant, during the school operation period;
  - (c) the implementation of the traffic mitigation measures including “school bus only” campus and “loading/unloading within campus”, as proposed by the Applicant, during the school operation period to the satisfaction of the Commissioner for Transport (C for T) or of the Board;
  - (d) the provision and maintenance of parking facilities, loading/unloading spaces within the Application Site as stipulated by the C for T;
  - (g) the provision and maintenance of water supplies for firefighting and fire service installations as stipulated by the Director of Fire Services (D of FS); and

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<sup>1</sup> The applicant did not suggest to impose approval conditions (a), (e) and (f) from the current planning approval. Details of these conditions are set out in **Appendix IV**.

- (h) if any of the above planning conditions (b) or (c) is not complied with during the kindergarten operation period, the approval given should cease to have effect and should be revoked immediately without further notice.

**Renewal of Planning Approval on Temporary Basis for Further Observation and Enforcement**

- (vi) approval conditions as suggested above may be included as wavier conditions under the temporary waiver granted to the Site by Lands Department (LandsD). Should the kindergarten fail to comply with any of the undertakings or conditions, LandsD could take immediate enforcement action, and the Board could refuse to grant further renewal upon expiry of the planning approval.

**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. Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines on ‘Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate (KTGE) under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 23A) is normally used to assess fresh applications for kindergarten/child care centre in KTGE. The key planning criteria included the provision of traffic impact assessment and proposal for mitigation measures to tackle any traffic problems, as well as adequate provision of parking and loading/unloading (L/UL) facilities within the premises.
- 4.2 As the current application is for renewal of planning approval, planning considerations and assessments is made mainly based on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C). The relevant assessment criteria are summarised as follows:
  - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);

- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable; and
  - (e) any other relevant considerations.
- 4.3 It is also indicated in TPB PG-No. 34C that under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. A streamlined approach is adopted and there is no need to undertake new technical assessments so long as there is no major change in planning circumstances.
- 4.4 For application for kindergarten/child care centre in KTGE under TPB PG-No. 23A, the relevant main assessment criteria are summarised at **Appendix II**.

## **5. Previous Applications**

- 5.1 The Site is the subject of two previous applications (Nos. A/K18/288 and A/K18/304) for proposed temporary school (kindergarten) use and one previous application (No. A/K18/317) for proposed school (vocational community tutorial school) use<sup>2</sup>. All applications were submitted by the applicant of the current application.

### Application No. A/K18/288

- 5.2 Application No. A/K18/288 was approved with conditions by the Committee on 4.11.2011 for a period of 18 months until 4.5.2013. The application was approved having considered the unique circumstances, including (i) the temporary kindergarten was for relocation of a then-existing kindergarten at a site on York Road which was to be redeveloped for residential use, and there was an urgent need to find a replacement site for relocation of the kindergarten in the middle of school terms; and (ii) the applicant had undertaken to implement a set of traffic mitigation measures including 'staggered school hours', 'school-bus only' campus and 'in-campus pick-up/drop-off'. In approving the application, the Committee was of the view that the application should not be taken as a precedent for other similar applications in the Kowloon Tong area, and the applicant should also be advised that there was no guarantee that the planning permission would be renewed.

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<sup>2</sup> On 21.8.2015, the same applicant sought planning permission for proposed school (vocational community tutorial school) use at the Site. The application was approved with conditions on a temporary basis for a period of 3 years by the Committee on 9.10.2015. As the applicant had failed to comply with approval conditions within the specified time limit, the planning permission was revoked on 9.4.2017.

Application No. A/K18/304

- 5.3 On 29.4.2013 (i.e. less than one month prior to the expiry of the previous planning permission of No. A/K18/288), the applicant submitted an application (No. A/K18/304) to seek planning permission for temporary school (kindergarten) use at the Site for a period of 3 years. As the previous planning permission had expired and the kindergarten had ceased operation at the time when the application was considered by the Committee, it was considered as a fresh application, and the planning assessment was based on the latest overall traffic conditions in the Kowloon Tong, taking into account the criteria under TPB PG-No. 23A, amongst other considerations. The application was rejected by the Committee on 21.3.2014 and the Board on review on 19.9.2014 for the reasons of non-provision of effective traffic mitigation measures and undesirable precedent. The applicant subsequently lodged an appeal to the Appeal Board.
- 5.4 On 20.6.2016, the Appeal Board allowed upon appeal application No. A/K18/304 on the grounds that the application was in essence and in substance a renewal application, and traffic problem would not deteriorate if planning permission was granted. Planning permission was granted with conditions to use the Site as a kindergarten for 3 years from 1.8.2016 until 31.7.2019. The Appeal Board advised the applicant not to assume any application for extension in future would be given by the Board (**Appendix III**).
- 5.5 The applicant has made relevant submissions for compliance with approval conditions of the temporary planning permission. The compliance status are summarised at **Appendix IV**. As the planning permission is valid until 31.7.2019, the applicant is currently seeking to renew the planning permission for a further 3-year temporary basis to continue the kindergarten operation on a temporary basis.

**6. Similar Applications**

- 6.1 Since 2000, there have been 40 similar applications involving kindergarten within the “R(C)1” zone to the west of Waterloo Road (**Plan A-1**). 27 applications were approved with conditions while 13 applications were rejected.
- 6.2 Since the promulgation of the revised TPB PG-No. 23A in March 2011, 4 applications were rejected and 3 applications were approved with conditions on temporary basis, including two previous applications at the Site (Nos. A/K18/288 and A/K18/304). As the other approval (No. A/K18/308) had lapsed in July 2017, the only valid permission for temporary kindergarten use in the KTGE is that under application No. A/K18/304 that is subject of this renewal application. In approving the previous application, the Appeal Board advised that the applicant not to assume that any application for extension in future would be given by the Board. For the 4 rejected applications, the rejection reasons were mainly that they were not in compliance with the TPB PG-No. 23A in that

possible adverse traffic impacts were anticipated and no effective traffic mitigation measures were proposed to mitigate the impacts, and that approval of the applications would set undesirable precedent for similar applications.

- 6.3 For areas to the east of Waterloo Road, 3 applications in the “R(C)3” zone (involving two sites) were rejected and 2 applications in the “R(C)4” zone (involving one site) were approved with conditions on a temporary basis due to their unique circumstances. Details of the above applications are included in **Appendix V**.

## **7. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

### 7.1 The Site is:

- (a) occupied by a 3-storey building including a penthouse on the R/F. The G/F of the building is currently used as a kindergarten on a temporary basis, namely York International Kindergarten;
- (b) has its main entrance at Essex Crescent; and
- (c) is located near the junction of Essex Crescent and Waterloo Road.

### 7.2 The surrounding areas have the following characteristics:

- (a) the Site is located within a low-rise, low-density residential area in Kowloon Tong Garden Estate (KTGE) and is located at the southern part of Kowloon Tong;
- (b) schools, nurseries, religious institutions and commercial uses such as studio, offices and hotels are located in the vicinity; and
- (c) to the immediate east of the Site is a school (Kingston International School), to the immediate north is the Kowloon Tong Club and to the immediate west are residential developments. To the south across Essex Crescent are two kindergartens (i.e. Cannan Kindergarten and St. Catherine’s International Kindergarten).

## **8. 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 TPB.



## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) the Site falls within NKIL No. 720, which has a site area of about 10,687ft<sup>2</sup> (i.e. 992.82m<sup>2</sup>). The lot is governed by a Government lease dated 17.3.1930 for a term of 75 years from 1.7.1898 renewable for a further term of 24 years less 3 days. The lease term was extended by virtue of the New Territories Leases (Extension) Ordinance (Cap. 150) up to 30.6.2047. The Government lease contains, inter alia, the following salient conditions:
  - (i) the lessee will keep and maintain on the lot a message or dwelling house during the whole of the lease term;
  - (ii) front and range clause;
  - (ii) the lessee shall not nor will at any time during the continuance of the lease term erect any other message or dwelling house on the lot or any part thereof without the consent in writing of the Director of Public Works had and obtained in that behalf; and
  - (iv) non-offensive trade clause.
- (b) the use of the Site as a school (kindergarten) is in breach of the lease conditions governing the subject lot. If the application is approved by the Committee, the lot owner will have to apply for temporary waiver of the lease restrictions under lease. However, there is no guarantee at this stage that the temporary waiver would be approved, which if approved by LandsD in the capacity as landlord at its sole discretion, will be subject to those terms and conditions, including but not limited to payment of waiver fee and administrative fee as appropriate; and
- (c) it is premature to consider whether planning conditions would be imposed in a waiver to be approved by LandsD, if any. LandsD reserves the decision upon receipt of a relevant waiver application.

**Building Matters**

9.1.2 Comments of the Chief Building Surveyor/Kowloon, BD (CBS/K, BD):

- (a) no comment on the application;
- (b) the existing building is a pre-war building. As there is no record of approval or occupation permit issued by the Building Authority for the existing structures at the Site, BD is not in a position to offer comments on their suitability for the use related to the application; and
- (c) the applicant is reminded to appoint an Authorised Person and Registered Structural Engineer to submit plans for approval in accordance with the requirements of the Buildings Ordinance. Detailed comments on the proposal would be given at the building plan submission stage.

**Education Aspect**

9.1.3 Comments of the Secretary for Education (SED):

- (a) the commencement date of the current time-limited registration granted to the subject school premises was 17.7.2017 and the expiry date is 31.7.2019;
- (b) up to date, the operation of the kindergarten is normal. The kindergarten has submitted a contingency plan regarding the placement of students to other school premises in case the application is not approved for renewal; and
- (c) for renewal of the time-limited registration of the subject premises procedures, registration of schools is granted in accordance with the stipulated requirements under the Education Ordinance (Cap. 279) and relevant Guidelines. Clearance from the Board and LandsD should be obtained in respect of the renewal. The applicant should also submit the documentary proof of the right to use the premises for consideration; and
- (d) it is not supported from the education point of view to stipulate the planning conditions, if any, in the school registration.

**Traffic**

9.1.4 Comments of the C for T:

- (a) no objection to the application from traffic engineering point of view;
- (b) the applicant should keep watching the situation for implementation of the 'staggered school hours' and 'school-bus only' campus policy. In case there is non-compliance with these measures, the applicant should take necessary action to rectify the situation such as giving written warnings and even stepping up control against those parents consistently not complying with the rule;
- (c) the applicant shall coordinate closely with the school bus operator to avoid school traffic from aggravating peak hour traffic condition; and
- (d) the applicant shall ensure the strict implementation of the in 'in-campus pick-up/drop-off only' policy.

9.1.5 Comments of the C of P:

- (a) has no comment on the application; and
- (b) traffic at Essex Crescent is heavy due to the high density of schools located in the area, especially during morning peak. Close monitor and deployment are required to ensure smooth flow of traffic.

**Environment**

9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application as adverse environmental impact is not anticipated; and
- (b) it is noted that the development parameters of the kindergarten use are the same as the existing approved scheme and the kindergarten would be equipped with air conditioning system. From our record, a Sewerage Impact Assessment has been submitted for the previous planning application (No. A/K18/304) which concluded that the existing public sewer has adequate capacity to cater for the sewerage generated from the kindergarten.

**Fire Safety Aspect**

9.1.7 Comments of the D of FS:

no objection principle to the application subject to the fire service installations and equipment installed thereat are properly maintained.

### **District Officer's Comments**

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

it is noted that both the local residents and the concerned Kowloon City District Council 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.

9.2 The following government departments have no comment on or objection to the application:

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

## **10. Public Comments Received During Statutory Publication Period**

10.1 The application was published for public inspection on 23.4.2019. During the first three weeks of the statutory public inspection period, which ended on 14.5.2019, a total of 904 public comments were received. 883 comments supported, 20 objected to and one provided views on the application. All the public comments received are deposited at the Secretariat for Members' inspection at the meeting. Samples of the public comments are in **Appendix VI**. The major views are summarised as follows:

### **Supporting Views**

- (a) 883 supporting comments are from individuals, mainly residents in Kowloon Tong area, representatives of other kindergartens, parents and members of the Kowloon City District Council (KCDC). Their main reasons are:
  - (i) the Site is suitable for kindergarten use in view of its convenient location and it is well-served by various modes of public transportation, including MTR, buses and minibuses;
  - (ii) the kindergarten has been offering high quality child education to students with pleasant campus environment;
  - (iii) there is rising demand for school places in view of increasing birth rates in recent years; and

- (iv) as traffic mitigation measures have been implemented to minimise potential traffic impacts on the surrounding areas, the kindergarten would not create adverse traffic impacts and nuisance to the neighbouring residents.

#### Opposing Views

- 10.2 20 comments raising objection to the planning are from individuals, residents in the Kowloon Tong area, and a member of the Eastern District Council. Their main grounds are:
- (i) the kindergarten use is not in line with the planning intention of the “R(C)” zone and is in breach of the lease conditions, unauthorised building works are found within the Site and has breached the relevant building regulations;
  - (ii) there are too many kindergartens in the Kowloon Tong area, far more than the local need; and
  - (iii) the kindergarten use would create adverse air, noise, traffic and road safety impacts.

#### Providing Comments

- 10.3 An individual provided comments, indicating the Kowloon Tong area does not have the capacity to allow more new schools and the current provision of schools is more than the number of children living locally.

### **11. Planning Considerations and Assessments**

- 11.1 On 20.6.2016, the Appeal Board allowed upon appeal the last application No. A/K18/304 and granted permission with conditions to use the Site as a school (kindergarten) for 3 years from 1.8.2016 to 31.7.2019 considering that the application was in essence a renewal application and traffic problem would not deteriorate if application was approved. The kindergarten commenced operation in September 2017. According to the bi-monthly reports submitted by the applicant under No. A/K18/304, the total number of students enrolled for the 2017-18 and 2018-19 school years were 22 and 16 respectively. The applicant seeks renewal of the planning permission for a period of 3 years such that the kindergarten may continue its operation.
- 11.2 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, areas covering the Site are mainly zoned “R(C)1” which is intended primarily for low-rise,

low-density residential developments. 'School (Kindergarten)' use is not in line with the planning intention.

- 11.3 TPB PG-No. 23A is normally used to assess fresh applications for kindergarten/child care centre in KTGE with particular consideration on the traffic impact and provision of on-campus parking and L/UL facilities. As the current application is not a proposal for a new kindergarten development, and based on the kindergarten's implementation of the traffic mitigation measures in the previous approval period, and the applicant's proposal to continue implementing the same mitigation measures, C for T and C of P have no objection to the application.
- 11.4 Nevertheless, as the application generally complies with the assessment criteria in TPB PG-No. 34C for consideration of renewal of planning permission as outlined below, 'School (Kindergarten)' use at the Site may be tolerated:
- (a) there has been no material change in the planning circumstances and the surrounding land uses since the temporary approval granted in 2016;
  - (b) the maximum number of classrooms and students remain the same as the last approved application. Relevant government departments have no objection/comment on the renewal application;
  - (c) as highlighted in **Appendix IV**, the applicant has made relevant submissions for compliance with approval conditions. It is noted from the submitted bi-monthly monitoring reports that the applicant has been strictly following the approval conditions including the maximum number of students, school hours and traffic mitigation measures as suggested under the last application. However, as the enrolment figures in the kindergarten were 22 and 16 in the last two school years, which is much lower than the maximum of 216 students per session as approved, the effectiveness of the traffic mitigation measures have not been fully ascertained. Nonetheless, it is considered that genuine efforts have been made by the applicant to implement the traffic mitigation measures under the approved scheme; and
  - (d) the last application was approved for 3 years and the applicant sought to renew the planning permission for a further 3 years. The approval period sought is considered reasonable.
- 11.5 As stated in the planning statement, the applicant will continue to implement the traffic mitigation measures, including 'staggered school hours', 'school-bus only' campus and 'in-campus pick-up/drop-off only' (same as those under the last application), to minimise any traffic disruption to the surrounding road network. C for T and C of P have no objection to or no comment on the application. In this regard, approval conditions requiring

restrictions on maximum number of students and school hours, implementation of the proposed traffic mitigation measures and submission of bi-monthly monitoring reports during the school operation period are suggested to be retained should the Committee decide to approve the application. To ensure the implementability and enforceability of the proposed traffic mitigation measures, relevant planning conditions are suggested to be imposed in the temporary waiver but it is subject to the considerations of relevant government bureaux/departments. EDB advised that it is not appropriate to stipulate the planning conditions in the school registration.

- 11.6 Taking into account the traffic arrangement/condition of the Site and general compliance with assessment criteria in TPB PG-No. 34C the granting of a temporary permission for a further 3 years as currently sought in the application is considered acceptable. Should the application be approved and the applicant apply for further renewal of the planning permission, the renewal application will be considered on individual merits taking into account the planning circumstances at the time of consideration and there is no guarantee that the permission will be renewed. The applicant should be advised of the above and relevant advisory clauses are suggested in **Appendix VII**.
- 11.7 Majority of the public comments (i.e. 883 out of the total of 904) are in support of the application. The public comments objecting to the application is mainly on grounds of planning intention, land administration, environmental and traffic impacts. In relation to planning intention, the above assessments are of relevance. For issues relating to land administration and environmental impact, the relevant departments have no objection or comment on the renewal application. Regarding the public comments objecting to the application mainly for concerns on traffic congestion and pedestrian safety, the applicant will continue to implement the traffic mitigation measures to address the possible impacts and relevant departments have no objection to the proposal.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11, the PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a further period of 3 years and be renewed from 1.8.2019 to 31.7.2022. The following conditions of approval and advisory clauses are suggested for Members' reference:

### *Approval conditions*

- (a) the maximum number of students to be accommodated within the Site shall not exceed 216 for each morning and afternoon school session;

- (b) the school hours shall be restricted from 9:30am to 12:30pm and 2:00pm to 5:00pm Monday to Friday, as proposed by the applicant, during the school operation period;
- (c) the implementation of the traffic mitigation measures, including ‘school bus only’ campus and ‘in-campus pick up/drop-off’, as proposed by the applicant, during the school operation period, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the provision of parking facilities, loading/unloading spaces and carpark layout for the kindergarten to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures stated in conditions (b) and (c) above during the school operation period to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (f) if any of the above planning conditions (a), (b), (c) or (e) 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.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

the development is not in line with the planning intention of the “R(C)1” zone, which is intended primarily for low-rise, low-density residential developments.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 13.2 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 period of which the permission should be valid on a temporary basis.



- 13.3 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.

**14. Attachments**

<b>Appendix I</b>	Application Form and Letters received on 11.4.2019
<b>Appendix Ia</b>	Planning Statement received on 11.4.2019
<b>Appendix Ib</b>	Supplementary Information received on 16.4.2019
<b>Appendix Ic</b>	Supplementary Information received on 17.4.2019
<b>Appendix Id</b>	FI received on 21.5.2019
<b>Appendix II</b>	Summary of Relevant Main Assessment Criteria for Application for Kindergarten/Child Care Centre in KTGE under TPB Guidelines No. 23A
<b>Appendix III</b>	Decision Letter from Secretary, Appeal Board Panel (Town Planning) dated 20.6.2016
<b>Appendix IV</b>	Compliance Status of Approval Conditions under Planning Application No. A/K18/304
<b>Appendix V</b>	Similar s.16 Applications Involving Kindergarten or Kindergarten and Child Care Centre within Kowloon Tong OZP since 2000
<b>Appendix VI</b>	Samples of Public Comments Received
<b>Appendix VII</b>	Suggested Advisory Clauses
<b>Drawings A-1 and A-2</b>	Floor Plans submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2019**