

Previous Planning Application Covering the Premises

Rejected Applications

No.	Application No.	Location	Date of Consideration	Reasons for Rejection
1.	A/K7/85	G/F, Block H, 268B Prince Edward Road West	2.11.2007 (MPC) 16.5.2008 (Board)	(a), (b)

Rejection Reasons:

- (a) Approval of the application would set an undesirable precedent for other similar applications for tutorial schools within the residential buildings in the area which had no separate access to the application premises from public roads
- (b) The tutorial school did not comply with the Town Planning Board Guidelines for "Application for Tutorial School under section 16 of the Town Planning Ordinance" (TPB PG-No. 40) in that there was insufficient information in the application to demonstrate that the tutorial school, without the provision of a separate exclusive access from public road, would not cause nuisances to the existing residential premises within the same development

**Similar s.16 Applications for School (Tutorial School)
within “Residential (Group B)” Zone in the Vicinity of the Premises**

Approved Applications

No.	Application No.	Location	Date of Approval	Approval Condition(s)
1.	A/K7/38	G/F (Portion), 264 Prince Edward Road West	14.4.2000 (MPC)	Nil
2.	A/K7/39	Flat B, G/F, 272B Prince Edward Road West	22.9.2000 (MPC)	Nil
3.	A/K7/42	G/F (Basement), 190 Boundary Street	7.12.2001 (MPC)	Nil
4.	A/K7/43	G/F, 168A Boundary Street	21.12.2001 (MPC)	Nil
5.	A/K7/47	Lower G/F (Western Portion), 5 Pentland Street	10.5.2002 (MPC)	Nil
6.	A/K7/48	1/F (Southern Portion), 296 Prince Edward Road West	10.5.2002 (MPC)	Nil
7.	A/K7/50	Units A & B, Basement (Street Level), 116 Waterloo Road	10.5.2002 (MPC)	Nil
8.	A/K7/54	G/F (East Portion), 5 Pentland Street	9.8.2002 (MPC)	Nil
9.	A/K7/58	G/F, 301C Prince Edward Road West	4.4.2003 (MPC)	Nil
10.	A/K7/60	G/F, 1A La Salle Road	4.4.2003 (MPC)	Nil
11.	A/K7/61	G/F, Front, 270B Prince Edward Road West	25.7.2003 (MPC)	Nil
12.	A/K7/62	G/F (Basement) (North and Middle Portion), 7 Pentland Street	29.8.2003 (MPC)	Nil
13.	A/K7/63	G/F, 144 Boundary Street	7.11.2003 (MPC)	Nil
14.	A/K7/64	G/F (Portion), 4 Earl Street	11.6.2004 (MPC)	Nil
15.	A/K7/66	Portion B, Rear Portion, G/F, 312 Prince Edward Road West	27.8.2004 (MPC)	(a)
16.	A/K7/67	Basement South, Lower G/F, 7 Pentland Street	10.9.2004 (MPC)	(a)
17.	A/K7/69	G/F (Part), 266A and 266B Prince Edward Road West	18.3.2005 (MPC)	(a)
18.	A/K7/71	G/F, 144B Boundary Street	15.4.2005 (MPC)	(a)
19.	A/K7/73	G/F, 144F Boundary Street	23.9.2005 (MPC)	(a)
20.	A/K7/74	Lower G/F (Basement) (Portion), 188 Boundary Street	13.1.2006 (MPC)	(a)
21.	A/K7/76	Shop B, G/F, 168 Boundary Street	15.9.2006 (MPC)	(a)
22.	A/K7/79	G/F, 126 Waterloo Road	17.11.2006 (MPC)	Nil
23.	A/K7/80	G/F, Block E, 268A Prince Edward Road West	2.2.2007 (MPC)	(a)
24.	A/K7/84	Flat 1, G/F, 313, 313A, 313B & 313C Prince Edward Road West	24.8.2007 (MPC)	(a)

No.	Application No.	Location	Date of Approval	Approval Condition(s)
25.	A/K7/89	G/F (Left Portion), 144 Boundary Street	9.5.2008 (MPC)	(a), (b)
26.	A/K7/93	G/F (Rear Portion), 312 Prince Edward Road West	17.4.2009 (MPC)	(a)
27.	A/K7/96	Shop B, Ground Floor, 144G Boundary Street	19.6.2009 (MPC)	(a)
28.	A/K7/101	G/F (Front Portion), 312 Prince Edward Road West	18.2.2011 (MPC)	(a)
29.	A/K7/114	Shops 2 & 3, G/F, 126 Waterloo Road	20.4.2018 (MPC) [revoked on 20.1.2019]	(a)
30.	A/K7/116	G/F, 124 Waterloo Road	18.1.2019 (MPC)	(a)
31.	A/K7/117	G/F, 1A La Salle Road	17.5.2019 (MPC)	(a)
32.	A/K7/119	128 Waterloo Road, Kowloon (G/F (Part) of the Proposed Residential Development)	2.8.2019 (MPC)	(a)

Approval Conditions:

- (a) Provision of fire service installations / water supplies for firefighting.
- (b) Installation of a security alarm system at the emergency exit to the communal carpark.

Rejected Applications

No.	Application No.	Location	Date of Consideration	Reasons for Rejection
1.	A/K7/81	G/F, 294A, Prince Edward Road West	9.3.2007 (MPC)	(1), (2)
2.	A/K7/83	G/F, 294A, Prince Edward Road West	8.6.2007 (MPC)	(1), (2)
3.	A/K7/85	G/F, Block H, 268B Prince Edward Road West	2.11.2007 (MPC) 16.5.2008 (Board)	(2), (3)
4.	A/K7/86	G/F (Portion), 294A Prince Edward Road West	14.12.2007 (MPC)	(1), (2)
5.	A/K7/87	G/F, 144A Boundary Street	28.3.2008 (MPC)	(2), (3)
6.	A/K7/99	G/F, 108C Boundary Street	8.10.2010 (Board)	(1), (4)
7.	A/K7/104	Flat A, 1/F, 301 Prince Edward Road West	22.7.2011 (MPC)	(3), (4)
8.	A/K7/108	G/F, Block A, 270, 270A, 270B & 270C, Prince Edward Road West	2.8.2013 (MPC)	(5), (6)

Rejection Reasons:

- (1) No proposal or insufficient information to demonstrate that the tutorial school would not impose any nuisances to the existing residential premises within the same development and to address resident's concerns on security and nuisance problems.
- (2) Approval of the application would set an undesirable precedent for other similar applications for tutorial schools within the residential buildings in the area which had no separate access to the application premises from public roads.
- (3) The tutorial school did not comply with the Town Planning Board Guidelines for "Application for Tutorial School under section 16 of the Town Planning Ordinance" (TPB PG-No. 40) in that there was insufficient information in the application to demonstrate that the tutorial school, without the provision of a separate exclusive access from public road, would not cause nuisances to the existing residential premises within the same development.
- (4) Approval of the application would set an undesirable precedent for other similar applications for tutorial schools within the residential buildings in the area.
- (5) The application was not acceptable as it would aggravate the existing traffic congestion on the section of Prince Edward Road West near the application site during tutorial school peak hours.
- (6) The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion in this part of Prince Edward Road West.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) that in the event of any additions or alternations to the Premises, the applicant has to apply to LandsD for a consent. 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 of any such consent be given, it may be subject to such terms and conditions including, among other, the payment of premium and administrative fee as may be imposed by LandsD;
- (b) to note the following comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) that:
- (i) all building works and change of use shall in all aspects comply with the Buildings Ordinance (BO) and its allied regulations;
- (ii) the applicant is advised to appoint an Authorized Person to co-ordinate all building works in accordance with the BO, in particular;
- the plot ratio and site coverage of the building shall not exceed that specified in the First Schedule of Building (Planning) Regulations (B(P)R);
 - adequate means of escape should be provided to the Premises in accordance with B(P)R 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - the Premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and FS Code; and
 - access and facilities for persons with a disability should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008.
- (iii) the proposed school is required to comply with the building safety and other relevant requirements as may be imposed by the school registration /licensing authorities;
- (iv) detail comments on the proposal under the BO can only be formulated at the approval stage under the building regime;
- (c) to note the comments of the Director of Fire Services (D of FS) that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from Licensing Authority; and
- (d) to note the comments of the Secretary for Education (SED) that registration of school 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 applied use at the Premises. In addition, the Premises should be suitable for school use in terms of fire safety and building safety as confirmed by the FSD and BD respectively. The applicant should also submit the documentary proof of the right to use the Premises, OP (for premises design and constructed as a school), the proposed curriculum, courses and fees information, etc., for consideration of the application.