

Previous Applications

<u>Application No.</u>	<u>Zoning on OZP</u>	<u>Proposed Development</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Approval Condition(s)</u>
A/K5/271	"R(A)"	Commercial/ Office Development with Bank/Fast Food Shop/Retail/ Restaurant on lower floors	13.1.1995	1, 2, 3
A/K5/290	"R(A)"	Commercial/ Office Development with Bank/Fast Food Shop/Retail/ Restaurant on lower floors	23.6.1995	2, 3, 4

Approval Conditions:

1. The modification of the ramp for private cars to a gradient of a maximum of 1:8.
2. Any subsequent material change of use of the building or part or the building should have prior approval of the Town Planning Board.
3. Time clause.
4. The design of the lorry car parking spaces.

Similar s.16 Applications for ‘Office’ Use within “R(A)” Zone on Cheung Sha Wan OZP after promulgation of TPB PG-No. 5 in December 1990

Approved Applications

<u>Application No.</u>	<u>Zoning on OZP</u>	<u>Proposed Development</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Approval Condition(s)</u>
A/K5/149#	“R(A)”	Office Development with Commercial Facilities	14.3.1992	1, 2
A/K5/167	“R(A)”	Proposed Commercial/ Office Use	21.5.1993 (Renewal on 12.5.1995)	1, 2, 3
A/K5/173	“R(A)”	Proposed Commercial/ Office Development	13.8.1993	1, 2
A/K5/174	“R(A)”	Proposed Commercial/ Office Development	3.9.1993	1, 2
A/K5/179	“R(A)”	Proposed Commercial/ Office Development	17.12.1993	1, 2
A/K5/188	“R(A)”	Proposed Commercial/ Office Development	17.12.1993	1, 2, 3

#Minor amendments to approved application No. A/K5/99 for office development with commercial facilities approved by the Town Planning Board on 17.3.1989 before the promulgation of TPB PG-No. 5.

Approval Conditions:

1. Any subsequent material change of use of the building or part of the building should have prior approval of the Town Planning Board.
2. Time clause.
3. The design and provision of the ingress/egress points and/or loading/unloading facilities.

Rejected Applications

<u>Application No.</u>	<u>Zoning on OZP</u>	<u>Proposed Development</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Main Reason(s) for Rejection</u>
A/K5/143	“R(A)”	Proposed Office Development	6.9.1991	1, 2
A/K5/145	“R(A)”	Proposed Commercial/Office Building	4.10.1991	3, 4
A/K5/146	“R(A)”	Commercial/Office Building	10.1.1992 (Rejected upon Review on 29.5.1992 (Appeal Dismissed on 15.1.1993)	1, 3
A/K5/147	“R(A)”	Proposed Commercial/Office Building	10.1.1992	3, 5
A/K5/155	“R(A)”	Proposed Commercial/Office Building	4.12.1992 (Rejected upon Review on 14.5.1993)	6, 7, 8
A/K5/161	“R(A)”	Proposed Commercial/Office Building	19.3.2003 (Rejected upon Review on 16.7.1993)	8, 19
A/K5/178	“R(A)”	Proposed Commercial/Office Development	15.10.1993	8, 19
A/K5/182	“R(A)”	Commercial/Office Building	15.10.1993 (Rejected upon Review on.25.3.1994	9, 10
A/K5/183	“R(A)”	Proposed Commercial/Office Development	19.11.1993	3, 8, 9
A/K5/189	“R(A)”	Proposed Retail/Office Development	7.1.1994	8, 9, 19
A/K5/190	“R(A)”	Retail/Office Development	7.1.1994 (Rejected upon Review on 15.3.1994)	8, 9, 19
A/K5/198	“R(A)”	Retail/Office Development	4.2.1994 (Rejected upon Review on 8.7.1994)	9, 11
A/K5/199	“R(A)”	Proposed Retail/Office Development	4.2.1994	9
A/K5/200	“R(A)”	Proposed Commercial/Office Building	4.2.1994	2, 7, 9, 19

A/K5/241	“R(A)”	Proposed Retail/Office Development	19.8.1994	8, 12, 19
A/K5/243	“R(A)”	Proposed Office Development	16.9.1994	2, 12, 13, 20
A/K5/263	“R(A)”	Proposed Office Development	2.12.1994	2, 12, 13
A/K5/273	“R(A)”	Retail/Office Development	17.2.1995	2, 12, 13, 14, 15
A/K5/298	“R(A)”	Retail/Office Development	6.10.1995	2, 7, 12, 13, 14, 15, 16, 17, 18
A/K5/300	“R(A)”	Proposed Retail/Office Development	3.11.1995 (Rejected upon Review on 15.3.1996)	3, 8, 12, 13, 15, 16, 18
A/K5/507	“R(A)”	Proposed Office Use	12.7.2002 (Rejected upon Review on 1.11.2002)	13, 19
A/K5/796	“R(A)6”	Proposed Office Building with Shop and Services	3.8.2018	1, 2, 12, 16, 21, 22, 23

Main Reasons for Rejection:

1. The site is considered too small for a properly designed/efficient commercial/office building.
2. This proposed development is incompatible with the surrounding which is mainly residential in character/nature/use in the locality.
3. There are no/insufficient/unsatisfactory/unacceptable parking and/or loading/unloading bays/facilities for the proposed development.
4. There are insufficient waiting spaces on the ground floor to cater for vehicles queueing for the car lift.
5. The dimensions of the loading/unloading bay are substandard as compared to the standard dimensions under the HKPSG.
6. The on-site loading/unloading bay proposed is not acceptable as there is no manoeuvring space for vehicle to turn within the site. This will result in the vehicle having to back into or back out of the site.
7. The vehicle ingress/egress point/vehicular exit/access is too close to the busy road junction/not acceptable from traffic point of view/unsatisfactory.
8. The proposed alternative on-street loading/unloading facilities/arrangement/activities are not acceptable/satisfactory/demonstrated.
9. The plot ratio of the proposed development is excessive/exceeds/contravenes the plot ratio restriction for non-domestic development within the "Residential (Group A)" zone as stipulated in the OZP.
10. The proposed turntable and loading/unloading area are substandard.
11. There are insufficient information to demonstrate the feasibility of including the required on-site loading/unloading facilities.
12. The proposed development is not in line with the planning intention for the area which is mainly for residential purposes/development.

13. Approval of this application will set an undesirable precedent for other small scale office/commercial development within residential areas, the cumulative effect of which will have an adverse/undesirable traffic impact on the rail and/or local and/or regional road networks.
14. There is a general presumption against office development in “Residential (Group A)” zones away from commercial spine, except under very special circumstances.
15. There is no strong/insufficient planning justification to depart from the intention recommended in the Kowloon Density Study/planning intention.
16. The propose development does not comply with the Town Planning Board Guidelines for Application for Office Development in “Residential (Group A)” Zone.
17. The proposed development, which will generate more traffic than residential development, will have an adverse traffic impact on the local road network. No traffic impact assessment has been provided in the submission to demonstrate that the existing and planned traffic network will not be overloaded by the extra traffic generated by the proposed development.
18. The nil/lack of provisions of parking and/or loading/unloading spaces within the proposed development will aggravate the existing shortage/problem of car parking and/or loading/unloading in the area.
19. The application site is too small for an efficient/properly designed commercial/office building to incorporate sufficient/proper/standard/satisfactory on-site car parking and/or loading/unloading facilities.
20. The application site, located at a distance from the commercial corridor, is not suitable for commercial/office development.
21. Given the current shortfall in housing supply, the Site should be developed for its zoned use. The proposed office building with shop and services would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory.
22. The applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.
23. Approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that if the planning application is approved by the Board, the Lessee has to apply to LandsD for a lease modification. However, there is no guarantee that the lease modification application will be approved. Such application, if received by the LandsD, will be considered by the 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 the LandsD;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
- (i) the proposal should in all aspects comply with the Buildings Ordinance (BO);
 - (ii) under PNAP APP-2, 100% GFA concession may be granted for underground private carpark while only 50% GFA concession may be granted for aboveground private carpark;
 - (iii) in accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and site coverage of greenery) should be included, where possible, in the conditions in the planning approvals;
 - (iv) floor to floor height at G/F and 1/F should not be more than 5m;
 - (v) the applicant should ensure the proposed development intensity comply with the First Schedule of the Building (planning) Regulations (B(P)R). Full site coverage of non-domestic podium is restricted to height of 15m in accordance with B(P)R 20(3). Proposed site coverage of podium shall not exceed the limitation under the First Schedule of the B(P)R; and
 - (vi) detailed comments under the BO can only be formulated at the building submission stage;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
- (i) the subject site is located at the foot of a small hill to its northeast, unofficially named "The Hill of Garden" 「嘉頓山」, which is a popular hiking spot and public vantage point for sunset and night views of the city. From "The Hill of Garden", Yen Chow Street clearly stands out as a visual corridor adding interest to Sham Shui Po townscape as illustrated in the photos supplied by the applicant (viewpoints F and G). According to the related photomontages F and G, the visual corridor of Yen Chow Street will be affected by both the proposed scheme and the hypothetical OZP-compliance scheme. In order to preserve/safeguard this visual corridor, consideration should be given to manipulate the building

configuration. The applicant's responses that there is opportunity to further adjust the disposition of the building taking into account the visual corridor along Yen Chow Street during the detailed design stage is noted; and

- (ii) the applicant is advised to consider landscape treatment along the proposed building edge from landscape planning perspective;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans, and 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;
- (e) to note the comments of the Commissioner for Heritage's Office (CHO) and Antiquities and Monuments Office (AMO) of Development Bureau that while details of the display corner of local products and photo records of the bakery history on 1/F are not provided in the further information, CHO and AMO wish to point out that such display corner should be sufficiently large in size and free for public visit and appreciation at reasonable hours. While Antiquates Advisory Board's recommendations (e.g. required preservation of the Building's character defining elements) have been generally addressed in the submissions, CHO and AMO welcome the applicant to provide design details of the proposed redevelopment and display corner (e.g. area and theme of the display), once available, for CHO and AMO's further comments;
- (f) to note the comments of the Secretary of Education that:
 - (i) according to section 3(1) of the Education Ordinance, "school" means an institution, organisation or establishment which provides for 20 or more persons during any one day or eight or more persons at any one time, any nursery, kindergarten, primary, secondary or post-secondary education or any other educational course by any means, including correspondence delivered by hand or through the postal services; and
 - (ii) according to the Education Ordinance, an application for registration of a school shall be made to the Permanent Secretary for Education (the Permanent Secretary) in the specified form and accompanied by the documents specified in such form. If the school is to be operated in or in any part of any premises which are not designed and constructed for the purposes of a school, additional documents should be provided. For more details about registration, reference could be made to "Guidelines for Registration of a New School";
- (g) to note the comments of the Director of Electrical and Mechanical Services that
 - (i) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable under this application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The parties concerned should observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply

Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and

- (ii) the future developer/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planning 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 development. The future developer/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department’s “Code of Practice on Avoiding Danger from Gas Pipes” for reference.