

**Similar s.16 Applications for ‘Office’ use with or without “Shops/Eating Places/Retail” uses on lower floors within “R(A)” Zone on Cheung Sha Wan OZP after promulgation of TPB PG-No. 5 in December 1990**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Zoning on OZP</u></b>	<b><u>Proposed Development</u></b>	<b><u>Date of Consideration (MPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
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
A/K5/271	“R(A)”	Proposed Commercial/ Office Development with Bank/Fast Food Shop/Retail/ Restaurant on lower floors	13.1.1995	1, 2, 4
A/K5/290	“R(A)”	Proposed Commercial/ Office Development with Bank/Fast Food Shop/Retail/ Restaurant on lower floors	23.6.1995	1, 2, 5

#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 or 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.
4. The modification of the ramp for private cars to a gradient of a maximum of 1:8.
5. The design of lorry car parking spaces.

**Rejected Applications**

<b><u>Application No.</u></b>	<b><u>Zoning on OZP</u></b>	<b><u>Proposed Development</u></b>	<b><u>Date of Consideration (MPC/TPB)</u></b>	<b><u>Main Reason(s) for Rejection</u></b>
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 3.15.1996)	3, 8, 12, 13, 15, 16, 18
A/K5/507	“R(A)”	Proposed Office Use	17.2.2002 (Rejected upon Review on 1.11.2002)	13, 19

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 queuing 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.

**Recommended Advisory Clauses**

- (a) To note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that:
- (i) it is unclear whether the proposed shop and service uses on the lowest 3 floors include catering services such as restaurant and bar. As the subject lease contains an offensive trade clause, any offensive trades such as catering services are prohibited in the lot unless such lease restriction is removed by way of a licence or modification letter. However, there is no guarantee that the licence or modification application, if submitted, 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 licence fee/premium and administrative fee as may be imposed by LandsD; and
  - (ii) boundary details and detailed design of the development will be scrutinized at later stage and at the building plan submission stage.
- (b) To note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that:
- (i) all building works/ change in use are subject to compliance with the Buildings Ordinance (BO);
  - (ii) the applicant is advised to appoint an Authorized Person to submit building plans for the proposed new development to demonstrate compliance with the BO, in particular:
    - adequate means of escape should be provided to the premises in accordance with Building (Planning) Regulations (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
    - emergency vehicular access should be provided in accordance with B(P)R 41D and the FS Code;
    - access and facilities for persons with a disability including accessible toilet should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
    - natural lighting and ventilation should be provided to the proposed office development in accordance with B(P)R 30 and 31;
  - (iii) regarding the proposed layout of the development, protected lobby to escape staircase shall be provided in accordance with Clause B10.4 of FS Code, and fireman's lift lobby shall be designed and compliance with Clause D11 of FS Code; and
  - (iv) detailed comments under the BO can only be provided at the building plan submission / licence application stage.

- (c) 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 BD.
- (d) 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, organizing and supervising any activity near the underground cable or overhead line under this application should 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 within and/or in the vicinity of the Site; and
  - (ii) the parties concerned should also be reminded to 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.