

# TOWN PLANNING BOARD

TPB Paper No. 10548  
For Consideration by the  
Town Planning Board on 14.6.2019

REVIEW OF APPLICATION NO. A/K18/325  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

School (Kindergarten)  
in "Residential (Group C) 3" Zone  
at 3 Flint Road, Kowloon Tong, Kowloon

**REVIEW OF APPLICATION NO. A/K18/325**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**School (Kindergarten)**  
**in “Residential (Group C) 3” zone**  
**at 3 Flint Road, Kowloon Tong, Kowloon**

**1. Background**

- 1.1 On 4.12.2017, the applicant, Golden Fook Company Limited represented by Lanbase Surveyors Limited, sought planning permission under s.16 of the Town Planning Ordinance (the Ordinance) for conversion of the ground floor (G/F) and first floor (1/F) of an existing building for a school (kindergarten) use at the application site (the Site). The Site falls within an area zoned “Residential (Group C)3” (“R(C)3”) on the approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/21 and subject to a maximum plot ratio (PR) of 1.65 and maximum building height of 10.67m, or the PR and height of the existing building, whichever is the greater (**Plan R-1**).
- 1.2 On 18.5.2018, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
- (a) the development is not in line with the planning intention of the “R(C)3” zone, which is intended primarily for low to medium-rise, low-density developments;
  - (b) the development is located at Flint Road/Chester Road with narrow width and busy traffic at school peak hours. The applicant fails to demonstrate that the traffic impact of the development on the area is acceptable and the proposed traffic improvement measures will be effective in minimising the traffic impact on the area and ensuring pedestrian safety; and
  - (c) approval of the application without adequately addressing the traffic problem will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic congestion problem of the area at school peak hours.
- 1.3 For Members’ reference, the following documents are attached:
- (a) MPC Paper No. A/K18/325A (Annex A)
  - (b) Extract of minutes of the MPC meeting held on 18.5.2018 (Annex B)
  - (c) Secretary of the Board’s letter dated 1.6.2018 (Annex C)

## 2. Application for Review

On 21.6.2018, the applicant applied under s.17(1) of the Ordinance for a review of the MPC's decision to reject the application (**Annex D**). In support of the review, the applicant has submitted the following written representations:

- (a) Further Information (FI) received on 14.11.2018 providing additional clarifications on the current traffic conditions and proposed additional traffic mitigation measures (**Annex E**)  
*(accepted but not exempted from publication and recounting requirements)*
- (b) FI received on 22.3.2019 providing responses to comments of the Commissioner for Transport (C for T) (**Annex F**)

## 3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in the FIs (**Annexes E and F**) and are summarised as follows:

### *Observations of Current Traffic Conditions*

- (a) traffic surveys were carried out at six key road segments (as shown in **Drawing R-1** and Figure 1 at **Annex E**) on five normal school days in October 2018. It was observed that some vehicles were parked and double-parked along these segments during the three traffic peak periods (i.e. AM Peak, Noon Peak and PM Peak);
- (b) on the roadways adjacent to the Site, i.e. "Flint Road 2" (Flint Road to the south of the Site) and "Chester Road 1" (north-south section of Chester Road to the west of the Site), parking and double-parking of vehicles were observed and they were primarily related to the Site during these peak periods;
- (c) the critical traffic peaks on "Flint Road 1" (Flint Road after left-turn from Waterloo Road southbound) are from 8:01 to 8:30 during the AM period and from 14:31 to 15:30 during the PM period. For the noon peak, the traffic volumes are generally low (on average about one to two vehicles per minute) and the traffic flows appear to be adequate during the entire period based on observations;

### *Proposed Traffic Mitigation Measures*

- (d) taking into account the existing traffic conditions, a comprehensive set of traffic mitigation measures is proposed to be implemented with a view to improve traffic conditions on Flint Road and Chester Road during the school peak periods. In order to further enhance traffic flow, minimise road blockage and improve traffic and pedestrian safety, traffic mitigation measures were proposed under the s.16

application (paragraph 1.4 of **Annex A**)<sup>1</sup>. Two additional measures are proposed under the current review application:

- (i) to implement a 'school bus only' policy<sup>2</sup>;
  - (ii) to shift school operating hours (starting at 9:00 a.m. instead of 8:30 a.m., and ending at 12:00 p.m. / 4:00 p.m. instead of 11:30 a.m. / 3:30 p.m.) to lower traffic flow hours (to commence in the 2019/20 school calendar year).
- (e) in relation to paragraph 3(d)(i) above, the applicant indicated that students whose registered residence addresses are within close walking distance of the school may apply for exemption from the compulsory 'school bus only' scheme. The granting of exemption will be subject to the parents/guardians' written undertaking that for the purposes of travelling to and from the school, the students shall not access the school and the whole section of Flint Road and Chester Road by any vehicle;

#### *Proposed Traffic Management*

- (f) with a maximum of 190 students, a total of 12 to 13 school buses would be required (i.e. 15 to 16 students per school bus). The required time for a school bus to drop-off students is estimated to be 2 to 3 minutes (i.e. 30 to 60 seconds to enter the Site, 60 seconds to drop-off students, and 30 to 60 seconds to exit the Site). Coupled with the proposed 5 school-bus lay-bys within the Site, it is feasible for all school buses entering and exiting the Site in a smooth manner without causing blockage on Flint Road;
- (g) the school will work closely with the school bus company to ensure the school buses will (i) arrive at scattered intervals, (ii) enter into the Site directly without queueing on Flint Road, and (iii) leave the Site one at a time in orderly sequence. Any non-compliance to the 'on-campus pick-up/drop-off' measure shall be regarded as fundamental breach of the contract between the school and the school bus company; and
- (h) in order to provide parking spaces and lay-bys and adequate space for traffic circulation within the Site, reconstruction works would be required and would take approximately 40 days to complete. The school shall explore ways to expedite the implementation upon completion of the reconstruction works as early as possible.

## **4. The Section 16 Application**

### The Site and its Surrounding Areas

#### **(Plans R-1 and R-2 and Site Photos on Plans R-3 to R-6)**

4.1 The situation of the Site and its surrounding areas at the time of consideration of the s.16 application by the MPC are described in paragraph 6 of **Annex A**. There has been no material change since then except that the total number of students enrolled in

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<sup>1</sup> Proposed traffic mitigation measures that are still valid under the current review application include (a) provision of parking spaces and lay-bys within the Site; (b) on-campus pick-up/drop-off by school buses; (c) close coordination with the independent school bus company; and (d) provision of traffic warden.

<sup>2</sup> Parents/guardians of all new students will be required to provide the school with a written undertaking that their children shall join the compulsory 'school-bus only' scheme.

the 2018-19 school year has been changed to 96 for whole day session (from 135 in 2017-18) and 24 for morning session (from 23 in 2017-18) according to EDB's record.

#### Planning Intention

- 4.2 There has been no change in the planning intention of the "R(C)3" zone, that 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 the Board.

#### Previous and Similar Applications

- 4.3 There has been no change in previous application covering the Site. As for similar applications, one additional application has been approved with conditions on a temporary basis on 31.5.2019. Updated detailed information of the similar applications are summarised in **Annex G** and **Plan R-1**.

### **5. Comments from Relevant Government Bureaux/Departments**

- 5.1 Comments on the s.16 application made by relevant Government Bureaux/Departments are stated in paragraphs 8.1 and 8.2 of **Annex A**.
- 5.2 For the review application, the relevant Government Bureaux/Departments have been further consulted. C for T, Commissioner of Police (C of P), Secretary for Education (SED) and District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) have further comments as follows:

#### **Traffic**

##### 5.2.1 Comments of C for T

- (a) has reservation on the application;
- (b) the major traffic concern of this application is the significant traffic impact due to kerbside pick-up/drop-off activities for the school operation that reduce the effective capacity of the surrounding streets, rather than the amount of traffic trips generated/attracted. As stated in the applicant's FI submissions, the school will strictly enforce the 'staggering school hours', 'school bus only' policy and 'on-campus pick-up/drop-off' to mitigate the above traffic impact;
- (c) C for T considers that the traffic impact generated from the school operation will be alleviated with effective implementation of the above proposed measures;
- (d) whether the school management will effectively implement these measures is not a professional traffic engineering matter that the Transport Department (TD) has the expertise to advise on but is a layman's judgement call. The school management should further elaborate in detail on how it is going to implement the proposed

measures including the demonstration of 'school-bus only', 'pick-up/drop-off by school buses within the Site only' and to ensure compliance by parents and guardians to help the Board to come to a view;

- (e) considering that the school may grant exemption to students from the compulsory school-bus only scheme, TD has doubt on the effectiveness of the proposed traffic mitigation measures;
- (f) if the Board decides to approve the application on review, the following conditions are suggested to be incorporated in the planning approval:
  - (i) the maximum number of students to be accommodated within the Site shall not exceed 190 for both morning and whole day sessions;
  - (ii) the school hours shall be restricted from 9:00am to 12:00pm for morning session and 9:00am to 4:00pm for whole day session, Monday to Friday, as proposed by the applicant, during the school operation period;
  - (iii) the implementation of the traffic mitigation measures including 'school bus only' and 'on-campus pick-up/drop-off' as proposed by the applicant, during the school operation period to the satisfaction of the C for T or of the Board;
  - (iv) the design and provision of parking facilities, loading/unloading spaces and carpark layout for the kindergarten to the satisfaction of the C for T or of the Board; and
  - (v) the submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures as stated in (ii) and (iii) above during the school operation period to the satisfaction of the C for T or of the Board.

#### 5.2.2 Comments of the C of P:

- (a) has reservation on the review application;
- (b) the traffic at Flint Road, Chester Road, Derby Road, Waterloo Road and the vicinity due to pick-up/drop-off activities of students by school buses/ private cars during school peak hours is considered very heavy and busy. The school (kindergarten) use under application may further impair the saturated traffic condition thereat during peak hours and create serious traffic impact on Flint Road and its vicinity; and
- (c) the Road Management Office of Traffic Kowloon West of Hong Kong Police Force has no expertise to advise or comment on whether the school management will effectively implement the proposed traffic mitigation measures.

## **Education**

### 5.2.3 Comments of the SED:

- (a) the total number of students enrolled in the 2018-19 school year is 96 for whole day session and 24 for morning session;
- (b) the Kowloon City District School Development Section has issued a letter to the kindergarten's supervisor requesting a contingency plan in the event the school has to cease operation and the reply from the kindergarten is still pending;
- (c) the grounds for cancellation of registration or provisional registration of school have been stipulated under section 22 of the Education Ordinance (Cap. 279). The Permanent Secretary may/shall cancel the registration or provisional registration of a school only when any of the grounds is confirmed. The registration of a school does not release the owners or managers or any other persons from compliance with any other Ordinance relating to the school, nor does it in any way affect or modify any agreement or covenant relating to any premises in which the school is operated; and
- (d) it is not supported from the education point of view to impose the planning conditions to the registration of the school as this may result in termination of school education during the middle of a school year and the affected parents have to find another kindergarten for their children in the middle of a school year.

## **Land Administration**

### 5.2.4 Comments of the DLO/KE, LandsD:

- (a) the kindergarten use at the lot is in breach of the lease conditions governing the subject lot. If the application is approved by the Board, the lot owner is required to apply for lease modification or waiver of the lease restriction to implement the proposal. However, there is no guarantee that the lease modification/waiver would be approved and if approved, it will be subject such terms and conditions, including the payment of premium/waiver fee as appropriate, as imposed by LandsD acting in the capacity of the landlord; and
- (b) it is premature at this stage to consider whether planning conditions would be imposed under lease / waiver to be approved by LandsD, if any, if the application is approved. LandsD reserves the decision upon receipt of a relevant lease modification / waiver application.

5.3 The following Government departments have no further comments on the review application and maintain their previous views on the s.16 application as stated in paragraph 8.1 of **Annex A**. Their previous views are briefly recapitulated below:

## **Environment**

### 5.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) has no objection to the application;
- (b) taking into account that (i) Chester Road, Flint Road and Ho Tung Road are local distributors, and the buffer distance between the building and the roads are 12m, 9m and 5m respectively; (ii) the principal room on G/F, abutting the northeastern boundary of the Site will be left vacant; (iii) no chimney are identified within 200m from the proposed use; and (iv) the proposed use will be provided with air-conditioning and will not rely on open windows for ventilation, adverse air quality impact and noise impact on the proposed use are not anticipated; and
- (c) should the application be approved, the following approval conditions are suggested:
  - (i) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the DEP or of the Board; and
  - (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the Board.

## **Building Matters**

### 5.3.2 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) has no objection to the application;
- (b) all building works/change of use are subject to compliance with the Buildings Ordinance (BO). Detailed comments under the BO would be given at the building plan submission stage;
- (c) the applicant should appoint an Authorized Person and a Registered Structural Engineer to prepare and submit plans for the alterations and additions works with respect to the conversion of the existing building to a non-purpose built school (kindergarten) to BD to demonstrate compliance with the BO; and
- (d) for unauthorized building works (UBW) erected on private land/buildings, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. Planning permission (if so granted) should not be construed as an acceptance of any existing building works or unauthorized building works under the BO.

### **Landscape Aspect**

#### 5.3.3 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

it is observed that there are existing palm trees along the site boundary that are proposed to be removed by the applicant. CTP/UD&L, PlanD has no comment on the proposal from landscape planning perspective as the Site does not fall in landscape sensitive zonings and areas, and no significant landscape impact is envisaged.

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

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

the local residents and concerned Kowloon City District Council (KCDC) members have all along been concerned about the traffic congestion problem in Kowloon Tong. The Board should take into account all the comments gathered in the consultation exercise in the decision making process. Should the application be eventually approved, the applicant should take appropriate measures to address the residents' concerns.

#### 5.4 The following Government departments maintain their previous views of having no objection to or no comment on the application:

- (a) Director of Fire Services;
- (b) the Chief Highways Engineer/Kowloon, Highways Department;
- (c) the Chief Engineer/Mainland South, Drainage Services Department; and
- (d) the Chief Engineer/Construction, Water Supplies Department.

## **6. Public Comments**

#### 6.1 The review application and its FI were published for public inspection on 29.6.2018 and 23.11.2018 respectively. A total of 12 comments raising objections were received, including a Kowloon City District Council (KCDC) Member, the Head Teacher of Diocesan Preparatory School, Christ Church, Christ Church Kindergarten and members of public (**Annex H**). The major views are summarised as follows:

- (a) currently there are many schools (including the subject one) along Chester Road, Derby Road and Flint Road. Illegal parking, traffic congestions and noise nuisance along these roads during arrival and dismissal times are very serious. The traffic capacity will be overstrained with the proposed school operating;
- (b) vehicles are also parking and making u-turn on the subject section of Flint Road (which has no actual pavement at the Site and at the entrance of Maryknoll Convent School Secondary Section), driving in the opposite direction of the incoming traffic and affecting the safety of pedestrians and vehicles. The kindergarten use, if approved, will exacerbate current traffic condition and disrupt existing traffic network given that Flint Road and Derby Road are both single and one-way lane, and will become a bottle neck ingress and egress point

for vehicles. Even though the kindergarten will provide school buses, parents will choose to commute by private vehicles. Flint Road will be blocked by the traffic and congestion will spill over to Waterloo Road, which will in turn affect the way from Shatin to Hong Kong Island;

- (c) safety issue will arise if emergency exits are blocked during arrival and dismissal times or double parking with school buses and private vehicles during pick-up/drop-off periods. Students' safety will be a concern as vehicles pick-up/drop-off students on the road;
- (d) the parking and loading/unloading bays provided on-site are not adequate. There are concerns whether cars, taxis and school buses will drop off passengers both inside and outside the Site, and concerns on the implementability of the proposed traffic arrangement;
- (e) the town planning process is abused to allow long term unapproved use of the Site for kindergarten; and
- (f) it is not necessary to establish a kindergarten within the Kowloon Tong area.

6.2 At the s.16 stage of the application, three public comments raising objection to the application were received. Details are in paragraph 9 of **Annex A**.

## **7. Planning Considerations and Assessments**

7.1 The application is for conversion of G/F and 1/F of an existing building for 'School (Kindergarten)' use at the Site and the 2/F of the existing building will be left vacant. The Site is currently used as a kindergarten under a valid school registration granted in 2000 and 2004 but without obtaining planning permission. According to EDB, the total number of students enrolled in the 2018-19 school year is 96 for whole day session and 24 for morning session. The current kindergarten use is in breach of lease conditions and two warning letters requiring the landlord to purge the said breach were registered in Land Registry in 2014.

7.2 On 18.5.2018, the MPC rejected the application for three reasons (a) not in line with the planning intention; (b) unacceptable traffic impact to the area; and (c) setting of an undesirable precedent by approving an application without adequately addressing the traffic problems.

### Not in Line with Planning Intention

7.3 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, the planning intention of the "R(C)3" zone covering the Site is primarily for low to medium rise, low-density residential development. As such, the proposed kindergarten use is not in line with the planning intention of the Site.

7.4 In response to the rejection reason (a), the applicant has not provided any further justifications under the s.17 review application. Having regard to the planning intention for the "R(C)3", the character of surrounding residential neighbourhood

and that no strong justifications have been submitted by the applicant, the granting of planning permission for school (kindergarten) use at the Site is not supported.

#### Unacceptable Traffic Impacts

- 7.5 According to the applicant, parking and double-parking of vehicles were observed on the roadways adjacent to the Site, and were primarily related to the Site during school peak periods. Under the s.17 review application, the applicant proposed to implement a 'school bus only' policy and to 'stagger the school operating hours to lower traffic flow hours'. Having reviewed the s.17 written representations, C for T considers the major traffic concern for this case is the significant traffic impact due to kerbside pick-up/drop-off activities for the school operation that reduce the effective capacity of the surrounding streets, rather than the amount of traffic trips generated/attracted. The traffic impact generated from the school operation could be alleviated if the proposed traffic mitigation measures are effectively implemented, but C for T has doubts as explained in paragraphs 7.7 and 7.8 below and maintains reservation on the application.
- 7.6 Being the daily traffic policing authority, C of P maintains his reservation on the proposal. The traffic at Flint Road, Chester Road, Derby Road, Waterloo Road and the vicinity is considered very heavy and busy due to pick-up/drop-off activities of students by school buses/private cars during school peak hours. The kindergarten use under application may further impair the traffic condition thereat during peak hours and create serious traffic impact on Flint Road and its vicinity.

#### Implementability and Enforcement Issues

- 7.7 As the application is seeking planning permission for kindergarten use at the Site in permanent terms, the applicant should demonstrate beyond doubt that the traffic impact of the kindergarten use would be acceptable. Under the review application, the applicant has proposed the 'school-bus only' policy to address traffic concerns. However, the applicant indicated that the school may grant exemptions to students whose registered residence addresses are within close walking distance of the school, and they shall not access the school and the whole Flint Road and Chester Road by any vehicle. Considering that the school management has the liberty to grant exemptions to its students, TD has doubts on the effectiveness of the proposed traffic mitigation measures. The applicant has not satisfactorily demonstrated beyond doubt the traffic measures will be implemented effectively by parents/guardians.
- 7.8 C for T maintains his reservation on the application as there is concern on the effectiveness and implementability of the proposed traffic mitigation measures, but if the Board approves the application, C for T suggested to impose approval conditions requiring the submission of bi-monthly monitoring reports to monitor the implementation of the proposed traffic mitigation measures, and that the Board could revoke the planning permission should the result of the monitoring report be found unsatisfactory. Regarding whether planning conditions can be incorporated under lease and school registration for enforcement purposes, DLO/KE, LandsD advised that it is premature at this stage to consider whether any planning conditions would be imposed under lease, and EDB does not support the incorporation of any planning condition in the school registration for termination of the kindergarten in case the planning permission, if granted, is revoked, as this may result in termination of the school operation at any time during the school year. Taking into account that (i)

there are uncertainties for ensuring the implementability and enforceability of the proposed traffic mitigation measures, (ii) the applicant has failed to demonstrate how those measures will be implemented effectively under the school management regime, and (iii) the traffic impact concerns have not been addressed, the application is not supported.

### Undesirable Precedent

- 7.9 Since the promulgation of the revised Town Planning Board Guidelines for “Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate (KTGE) under Section 16 of the Town Planning Ordinance” (TPB PG-No. 23A) in March 2011, four applications were rejected and four (involving two sites) were approved with conditions on temporary basis within the “R(C)1” zone to the west of Waterloo Road. Only two of the temporary approvals, involving one site, remain valid.
- 7.10 For areas to the east of Waterloo Road where the Site is located, two applications within the “R(C)4” zone involving one site on Cambridge Road (Application Nos. A/K18/310 and A/K18/324) for temporary kindergarten use were approved with conditions on temporary basis in 2014 and 2017 respectively in view of their unique circumstances<sup>3</sup>. The previous application on the Site was rejected by the Board upon review in 2016 for reasons similar to those for rejecting the subject application at s.16 stage. Another application within the “R(C)3” zone at a nearby site at the junction of Derby Road and Chester Road which is served by the same road system (Application No. A/K18/311) for permanent kindergarten use was rejected by the Board in 2015 on the grounds of adverse traffic impact; uncertainties on the implementation and enforcement of traffic mitigation measures; and undesirable precedent. These concerns are similarly relevant to the current application.
- 7.11 In view that the Board has not approved any permanent kindergarten use in Kowloon Tong since mid-2011, the Board has rejected a similar case with similar traffic mitigation measures at Chester Road nearby, the implementability and enforceability of the proposed traffic mitigation measures have not been addressed, and C for T and C of P have reservations on the s.17 review application, approval of the application will set an undesirable precedent and will lead to adverse cumulative traffic impacts.

### Public Comments

- 7.12 The public comments objecting to the application are mainly on grounds of adverse traffic impacts. In this regard, paragraphs 7.6 to 7.11 above are relevant. Regarding the comments on other nuisance caused by the school uses on the residential neighbourhood and that there are too many schools in Kowloon Tong, paragraphs 7.3 and 7.4 above are relevant.

## **8. Planning Department’s Views**

- 8.1 Based on the assessment in paragraph 7 and having taken into account the public comments mentioned in paragraph 6, and given that there has been no change in the planning circumstances since the consideration of the subject application by the

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<sup>3</sup> See paragraph 5.3 of MPC Paper in **Annex A**.

MPC on 18.5.2018, the Planning Department maintains its previous view of not supporting the review application for the following reasons:

- (a) the development is not in line with the planning intention of the “R(C)3” zone, that is for low to medium-rise, low-density residential developments;
- (b) the development is located at Flint Road/Chester Road with narrow width and busy traffic at school peak hours. The applicant fails to demonstrate the implementability and enforceability of the proposed traffic mitigation measures; and
- (c) approval of the application without implementable and enforceable traffic mitigation measures to address the traffic problem will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic congestion problem of the area at school peak hours.

8.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission be valid on a temporary basis for a period of 3 years until 14.6.2022 to monitor the potential traffic impacts and the implementability and enforceability of the proposed traffic mitigation measures. 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 190 for both morning and whole day sessions;
- (b) the school hours should be restricted from 9:00am – 12:00 noon for morning session, and 9:00am – 4:00pm for whole day session, 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’ policy and ‘on-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 design and provision of parking facilities, loading/unloading spaces and carpark layout for the kindergarten during the school operation period to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission of bi-monthly reports on the implementation of the proposed traffic mitigation measures stated in approval condition (c) above during the school operation period to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the submission of a Sewerage Impact Assessment (SIA) within 6 months from the date of approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 14.12.2019;
- (g) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in condition (f) above within 9 months from the

date of approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 14.3.2020;

- (h) the submission and implementation of fire service installations and water supplies for firefighting within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.12.2019;
- (i) if any of the above approval conditions (a), (b), (c), (d) 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; and
- (j) if the above approval conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The suggested advisory clauses are attached at **Annex I**.

**9. Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the MPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the application on review, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the application on review, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

**10. Attachments**

<b>Annex A</b>	MPC Paper No. A/K18/325A
<b>Annex B</b>	Extract of minutes of the MPC meeting held on 18.5.2018
<b>Annex C</b>	Secretary of the Board's letter dated 1.6.2018
<b>Annex D</b>	Applicant's letter dated 21.6.2018 applying for a review of MPC's decision
<b>Annex E</b>	FI received on 14.11.2018
<b>Annex F</b>	FI received on 22.3.2019
<b>Annex G</b>	Similar s.16 Applications Involving Kindergarten or Kindergarten and Child Care Centre within Kowloon Tong OZP since 2000
<b>Annex H</b>	Public Comments
<b>Annex I</b>	Suggested Advisory Clauses
<b>Drawings R-1 to R-3</b>	Plans submitted by applicant
<b>Plan R-1</b>	Location Plan
<b>Plan R-2</b>	Site Plan

**Plans R-3 to R-6**

Site Photos

**PLANNING DEPARTMENT  
JUNE 2019**