

Section 16 Planning Application for Proposed Shop and Services in “Residential (Group B)” Zone at 128 Waterloo Road, Kowloon (G/F (Part) of a Residential Development) (Planning Application No. A/K7/122)

| | Departmental Comments | Responses to Comments |
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| 1. | Comments from Planning Department | |
| 1.1 | The subject application will become an undesirable precedent for future similar applications. | <p>The subject S16 planning application will not become an undesirable precedent because the site and planning context of the Application Premises is unique due to the requirements of China Light and Power (CLP) Company Limited. The planning considerations of the subject S16 planning application will not be applicable to other sites in the surroundings:-</p> <ul style="list-style-type: none"> • From site history perspective, the CLP substation has already been in operation on-site before the design and implementation of the subject residential development (i.e. 128 Waterloo Road); • From technical perspective, a vehicular access leading from street level to the substation should be provided for equipment delivery (i.e. Para. 5.2.6 of Code of Practice No. 101 for Distribution Substation Design). Since the CLP substation is situated at the corner of subject lot (i.e. KIL 1900) abutting the lot boundaries facing Waterloo Road and Boundary Street, the development portion of the subject residential development has been setback from the public streets to allow CLP maintenance vehicles serving the existing substation on-site (see Figure A in Attachment 1); • Each S16 planning application has to be considered based on its own individual design considerations and site constraints. The approval of the subject S16 planning application should not be considered as opening the floodgate and leading to unanimous approval of planning applications without justifications; and • Most importantly, the location of the subject Application Premises as non-domestic portion of the subject residential development is unique and can only be justified with consideration to the above technical considerations. |

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| <p>1.2</p> | <p>The application premises with no direct street frontage is not suitable for non-domestic uses.</p> | <p>Furthermore, the location of the application premises with no street frontage for non-domestic uses has been thoroughly vetted by relevant Government departments in previous design and implementation stages before completion of the subject residential development. As such, the Application Premises permissible for non-domestic use is already reflected under the Record Plan, Deed of Mutual Covenant and Management Agreement and Sales Brochure of 128 Waterloo Road. In particular, the use of the Application Premises for “Tutorial School” was previously approved and shown on the above documents (see Figure B in Attachment 1).</p> <p>We understand that the use of the Application Premises for “Tutorial School” does not represent the approval of the site for other non-domestic uses (e.g. commercial). However, we want to highlight that the proposed “shop and services (convenience store)” is equally compatible to the residential neighbourhood when comparing against the approved “Tutorial School” due to the reasons below:-</p> <p><u>1. Nature of land-uses</u></p> <p>With reference to TPB PG-No 40, the development of “Tutorial School” is normally not be permitted within a residential building unless it can be demonstrated that no nuisance will be caused on the local residents. However, in contrast, with reference to the Notes of the subject “Residential (Group B)” under the extant OZP (Approved Ho Man Tin Outline Zoning Plan No. S/K7/24), “this zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board”. So broadly speaking by comparing against the two land-uses, commercial uses serving the residential neighbourhood are inherently not as incompatible as “Tutorial School” to be situated within a residential development subject to planning permission by the Town Planning Board.</p> <p><u>2. Site Specific Measures</u></p> <p>After demonstrating that the uses of the Application Premises for commercial uses should be treated equally as (if not better than) “Tutorial School”, the subject proposed shop (convenience store) is equally compatible to be situated within the Application Premises because it can also satisfy all relevant planning requirements / considerations as demonstrated under the previous approved S16 planning application for “Tutorial School” (i.e. A/K7/119). For details, please refer to Attachment 2.</p> <p><u>3. Commercial uses are not uncommon</u></p> <p>In Hong Kong, shops with no vehicular street frontage are not uncommon to be found in residential neighbourhood. Some examples are summarised and depicted in Attachment 3. We honestly believe that proposed shops in similar nature (not eating place in the form of bars / pubs) are generally welcomed and well accepted by the residents as it can serve their daily needs in a more convenient way.</p> |
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| 1.3 | The public may not be fully aware of the subject proposal, and thus the possible nuisance to the residents may be underestimated. | According to the Register of Transactions for 128 Waterloo, there have been property transactions since Oct 2020. There are also traces of occupancy when observed from outside the residential development (see Attachment 4). Besides, with the site notice of the subject S16 planning application being mounted, the existing residents are well aware of the subject S16 planning application. During the two periods of public inspection, only one public comment was received. In particular, the Applicant hereby provides our responses-to-public comments below (Item 3 of this RtoC). With consideration to the number of public comments received with the proposed management measures to be in place, it is reasonable to believe that the proposed shop and service (convenience store) is not unwelcomed by the locals. |
| 1.4 | Please elaborate the details of various entrance gate / access to the subject residential development and the adjacent electricity substation. | <p><u>Access to ESS</u> CLP staff and maintenance vehicle would only make infrequent access to the ESS for substation inspection on basis need. The residents of the subject residential development is well acknowledged that run-in / out is being shared use by different users.</p> <p><u>Gate at Boundary Street</u> As per the Record Plan of the subject residential development, it should be clarified that the vehicular access at Boundary Street is for EVA only, while only residents of the subject residential development can access via the side gate on foot. Access card is required, and the route is overseen by security guards.</p> <p><u>Gates at Waterloo Road</u> There are two accesses / gates along Waterloo Road serving the subject residential development.</p> <p><u>(i) Vehicular Access</u> As per the Record Plan of the subject residential development, the vehicular access at Waterloo Road is for the access of residential vehicles, L/UL vehicles and CLP maintenance vehicles. The access gate is opened 24/7, which access card is required and it is overseen by security guards.</p> <p><u>(ii) Pedestrian Access</u> As per the Record Plan, the design of this pedestrian access immediately next to the ESS is purely for access of the Application Premises (i.e. non-domestic portion of the subject residential development) and serving as maintenance access to the E&M facilities serving the subject residential development at the M/F (see Figure C of Attachment 1). The gate of this entrance is currently locked as the approved Tutorial School has not been materialised due to the lack of market demand for Tutorial School service in the locality. In future, should the proposed convenience store be approved, the gate will be opened by the staff of the shop during the operation hours (i.e. 7am to 11pm).</p> |

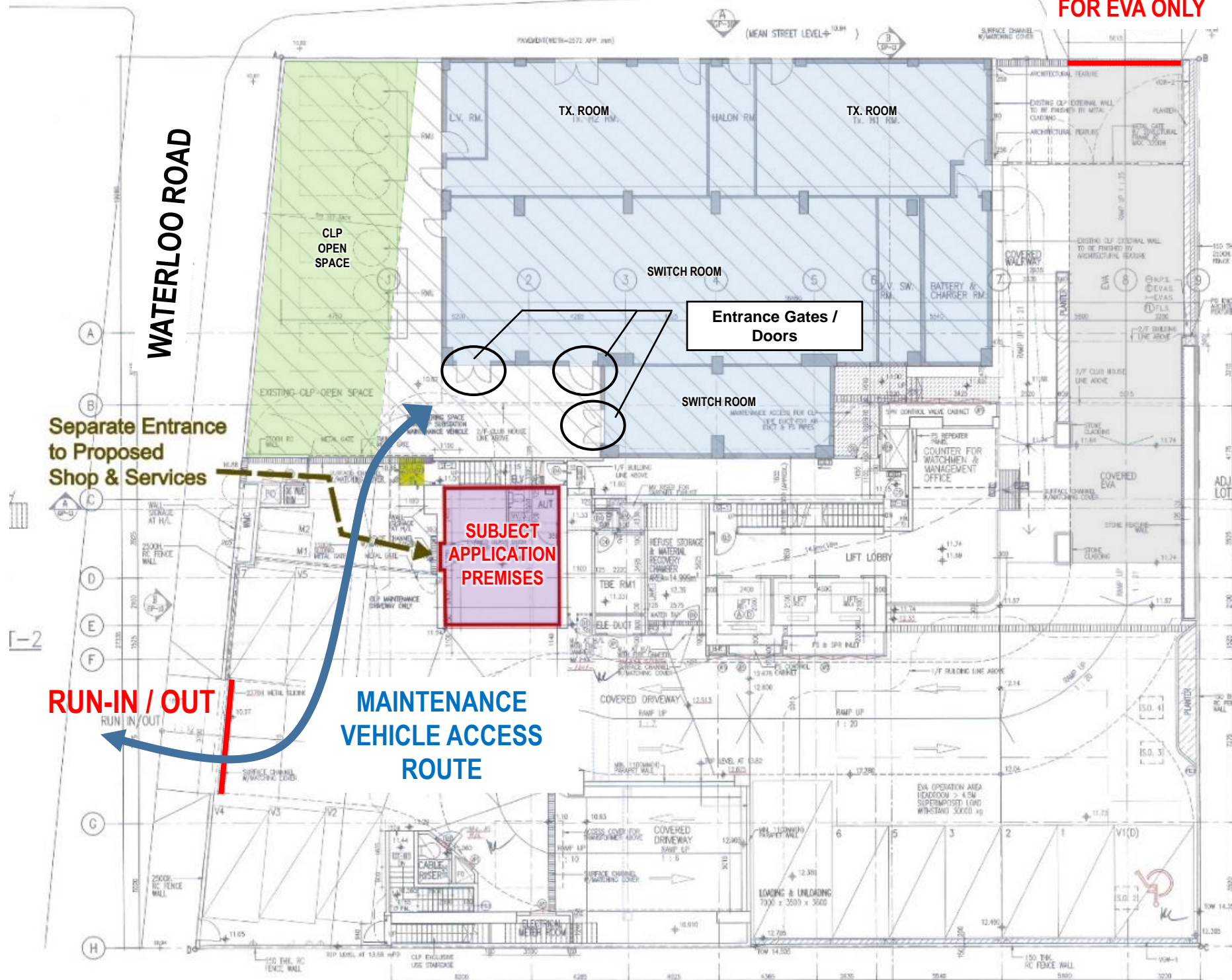
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| 2. | Comments from Transport Department | |
| 2.1 | The applicant shall substantiate how the proposed L/UL space will not affect the ingress / egress of motorcycles to and from the MC parking space nos. M1 and M2. Please also advise if comment of relevant stakeholder(s) (e.g. the concerned MC parking space owners / users, CLP, residents, etc.) has been sought. | The subject application has been published for 2 times for public inspection with site notices being posted at the subject residential development and there is no public comment received regarding the concerns on the usage of the motorcycle parking space nos. M1 and M2. Given the scale and nature of the proposed convenience store, frequent L/UL is not anticipated. Besides, delivery of good will require prior appointment with the management office and will only happen during off-peak hours. The above measures will ensure that the proposed convenience store will not induce nuisance to the users of parking space nos. M1 and M2. |
| 2.2 | The applicant shall elaborate on how the binding terms on the use of van-type vehicle only can be inherited through the property management company's / convenience store's successors in the future and how such binding terms can be enforceable. Please seek comment from relevant authorities for land administration and conveyancing matters. | The subject binding terms will be stipulated under the management agreement of the property management company and will be oversee by relevant legislations. |
| 3. | Comments from General Public | |
| 3.1 | There are already numerous supermarkets and convenience stores located within 5 to 10 minutes walking distance from the Application Premises, which means there are sufficient retail facilities serving the local neighbourhood. As such, the proposed convenience store will not bring much benefit to the local community to outweigh its negativities. | The convenience stores and supermarkets mentioned in the subject comment are all outside the 500m walking distance from the Application Premises (see Attachment 5). Although the mentioned laundry shop in Boundary Street is within the said 500m, it does not serve as a same nature as the subject proposed shop as a convenience store. As such, the information as presented in the planning statement is still justified, which suggests that the proposed convenience store targets to address the needs of the immediate local neighbourhood and would bring benefits to the immediate local neighbourhood in particular within walking distance of the Application Premises. |

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| 3.2 | <p>There are many tutoring facilities operating in the vicinity of the Application Premises, which causes frequent drop-off and pick-up activities as well as illegal parking after school hours. The proposed convenience store would further obstruct the flow of traffic of the nearby road networks by attracting more illegal parking and by the need for L/UL activities.</p> | <p>Under normal situation, "Tutorial School" will generate traffic concerns and disturbance to the local residents due to the drop-off and pick-up activities. The subject S16 planning application for converting the approved "Tutorial School" on-site can effectively address the local concern by phasing out any possible traffic issues inducted by the approved "Tutorial School", which is yet to be materialised since the previous planning approval.</p> <p>Since the nature and positioning of the proposed convenience store will be serving mainly the local residents, unlike the pattern of travel of those visitors to supermarkets, the visitors will mainly visit the store on foot. As such, the subject planning application is comparatively more desirable from vehicular traffic point of view with less illegal parking for the needs of L/UL activities.</p> |
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Attachment 1

BOUNDARY STREET

RUN-IN / OUT FOR EVA ONLY



GROUND FLOOR PLAN

- SUPERIMPOSED LOAD 5.0 KPa
- SPRINKLER SYSTEM TO BE PROVIDED FOR CARPARK / LOADING & UNLOADING AREA
- 4, 13, 14, 24 OMITTED FROM CARPARK NUMBERING SYSTEM
- SMOKE OUTLET (S.O. 1, 2, 3 & 4) : 1.0m x 1.0m
- L/UL BAY : 7.0m x 3.5m x 3.6m HEADROOM
- CARPARK SPACE : 2.5m x 3.0m x 2.4m HEADROOM
- MOTOR CYCLE : 2.4m x 1.0m x 2.4m HEADROOM
- 10 NOS. OF CAR PARKING SPACES
- 1 NO. OF ACCESSIBLE CAR PARKING SPACE
- 2 NOS. OF MOTORCYCLE SPACE

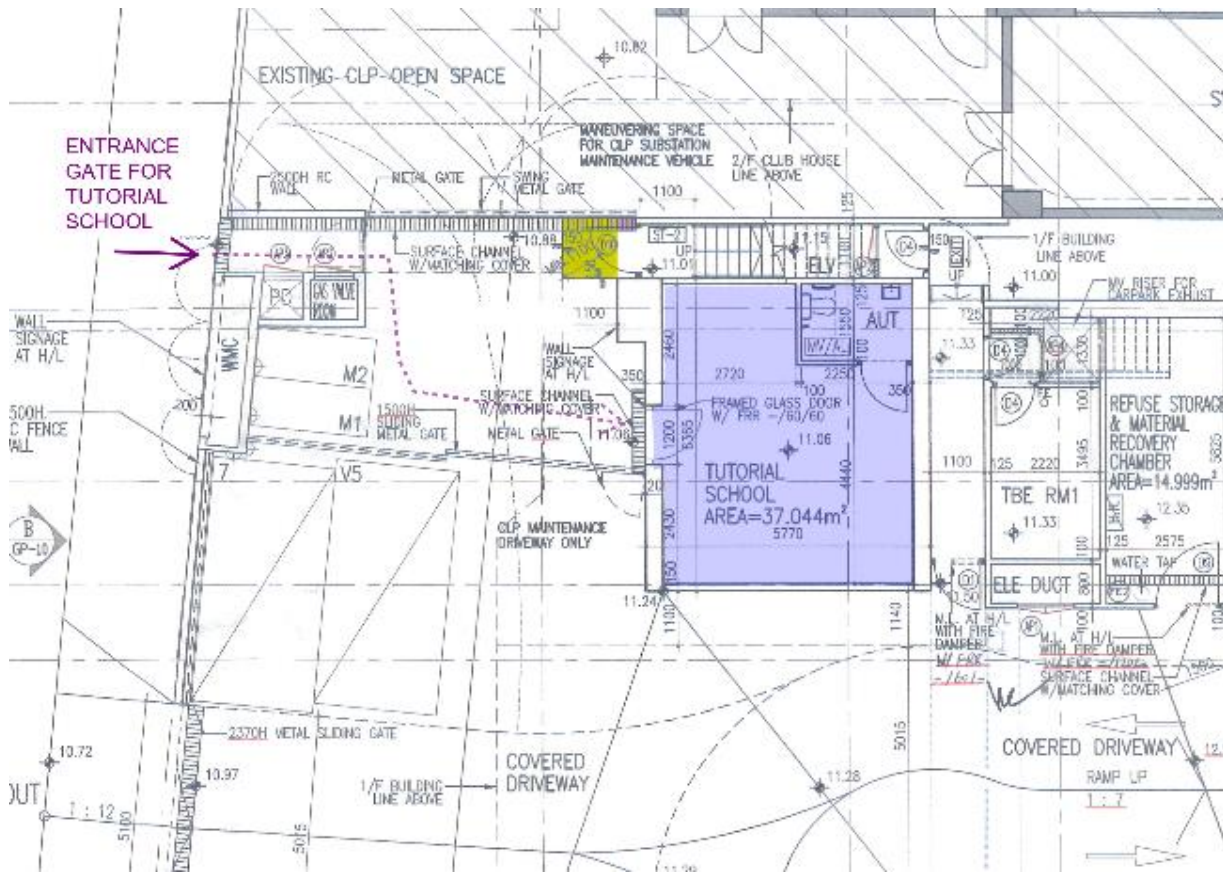
TYPE II WORKS:
THE WORKS SHOWN ON THESE PLANS ARE TYPE II WORKS (GENERAL BUILDING WORKS) IN RESPECT OF WHICH CONSENT IS APPLIED FOR THE PURPOSE OF FAST TRACK CONSENT APPLICATION UNDER REGULATION 33 OF THE BUILDING (ADMINISTRATION) REGULATIONS.

- LEGEND :
- VGW : VERTICAL GREEN WALL
 - PLANTER
 - EXISTING CLP SUBSTATION
 - EXISTING BUILDING WORKS
 - MAINTENANCE ACCESS FOR CLP
 - 13A SOCKET WEATHERPROOF OUTLET FOR ELECTRIC VEHICLE (EV) CHARGING FACILITIES
 - FSAP : FIRE SERVICE ACCESS POINT

- REFL & M CHAM
REFL
(RS&M)
TOTAL
(RS&M)
REFL
REFL
REFL

G/F Record Plan of 128 Waterloo Road

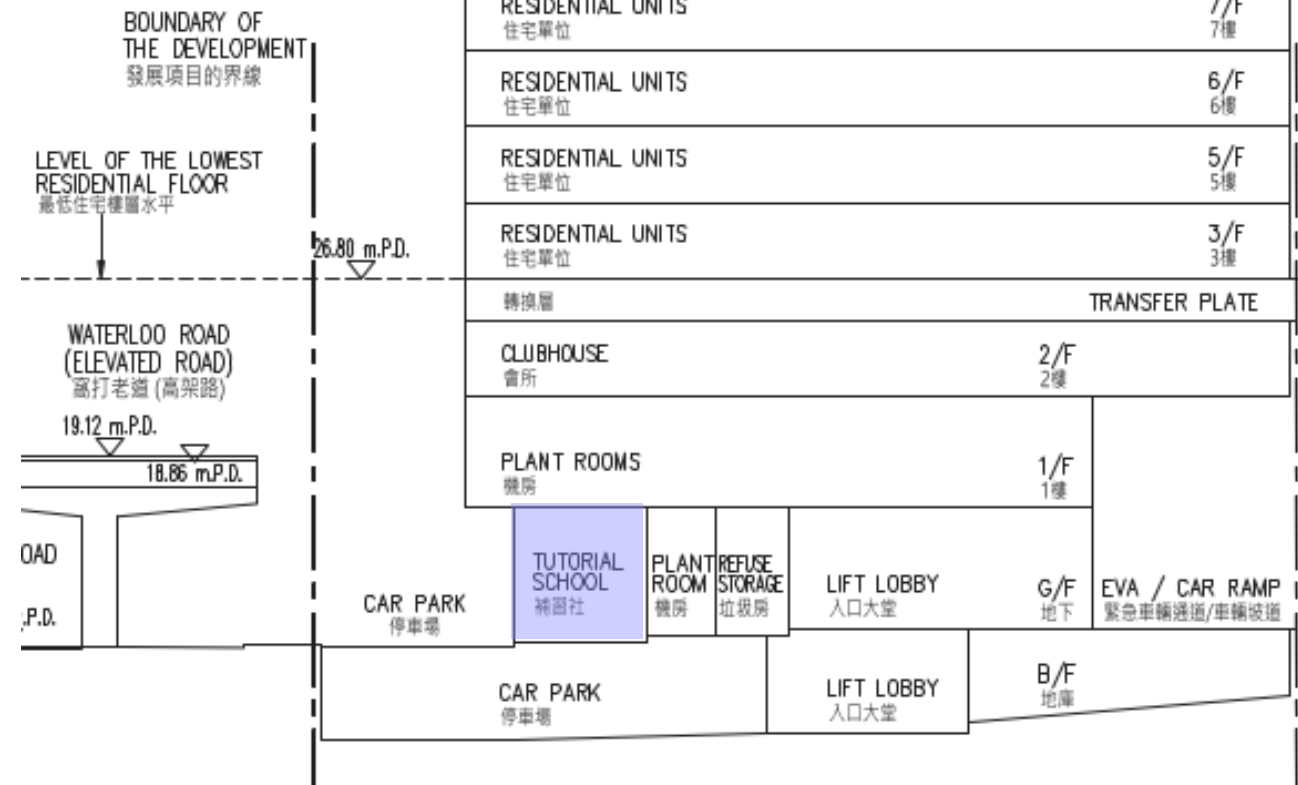
Figure A



G/F Record Plan of 128 Waterloo Road



Extract of DMC of 128 Waterloo Road



Extract of Sales Brochure of 128 Waterloo

Figure B

Attachment 2

Similar to the Approved Tutorial School, the Proposed Convenience Store is Equally Compatible

| TPB Guidelines No. 40 | Approved Tutorial School (A/K7/119) | Subject Proposed Convenience Store |
|--|---|---|
| <p>1. Should not be incompatible with other uses within the same building.</p> | <p>The proposed tutorial school is considered no incompatible with the domestic uses of 128 Waterloo and surrounding developments with tutorial schools and learning center at G/F.</p> | <ul style="list-style-type: none"> • The Subject Premises is a compatible non-domestic portion within the subject residential development (i.e. 128 Waterloo Road) previously approved by Government departments • The proposed small-scale convenience store serving mainly the local residents should be considered as a planning gain and merit to the local neighbourhood. |
| <p>2. Disturbance or nuisance to the local residents should be minimized.</p> | <ul style="list-style-type: none"> • The proposed tutorial school is small scale and will be serving students from nearby schools or surrounding residential neighborhood. • It has considerate operation hours (10am to 7pm on Mondays to Saturdays), there will be no operation on Sundays and public holidays. • It will accommodate a maximum of 7 students and 1 teacher / staff only. • The proposed convenience store will also be accessed via an exclusive entrance separated from the domestic portion of 128 Waterloo. | <ul style="list-style-type: none"> • The proposed convenience store is of same scale and will be serving mainly the local residents. • It has considerate operation hours (7am to 11pm on Mondays to Sundays). • It will accommodate 1 staff only and the staff will be restricted from accessing the domestic portion of 128 Waterloo. • Considering the small scale and nature of the shop, customers will only arrive on foot. The convenience store can effectively phase out the loading and unloading activities serving the different classes of the approved tutorial school. • The proposed convenience store will be accessed via an exclusive entrance separated from the domestic portion of 128 Waterloo. |

Similar to the Approved Tutorial School, the Proposed Convenience Store is Equally Compatible

| TPB Guidelines No. 40 | Approved Tutorial School (A/K7/119) | Subject Proposed Convenience Store |
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| <p>3. Proposed access must be separated from that of the domestic portion of the building.</p> | <p>The proposed tutorial school can be accessed via an exclusive entrance gate and access separated from the domestic portion of 128 Waterloo.</p> | <ul style="list-style-type: none"> • The proposed convenience store can be accessed via an exclusive entrance gate and access separated from the domestic portion of 128 Waterloo. • The metal gate intended to segregate the application premises and the domestic portion will also be closed at all times except for certain circumstances (i.e. access to / from the CLP substation by maintenance vehicles, delivery of goods with prior appointment with the management office, and the usage of 2 nos. of motorcycle parking spaces). |
| <p>4. Views of the public should be taken into account.</p> | <p>TPB has approved the application despite having 5 public comments objecting to / raising concerns on the application on the grounds of undesirable additional traffic volume, illegal roadside parking, pedestrian safety and over-supply of tutorial schools in the locality.</p> | <p>There are 1 public comment received objecting to / raising concerns on the application on the grounds of over-supply of retail facilities and adverse traffic impact.</p> |
| <p>5. Fire and building safety requirements should be satisfied.</p> | <p>There are no adverse comments from FSD and BD.</p> | <p>There are no adverse comments from FSD and BD.</p> |

Attachment 3

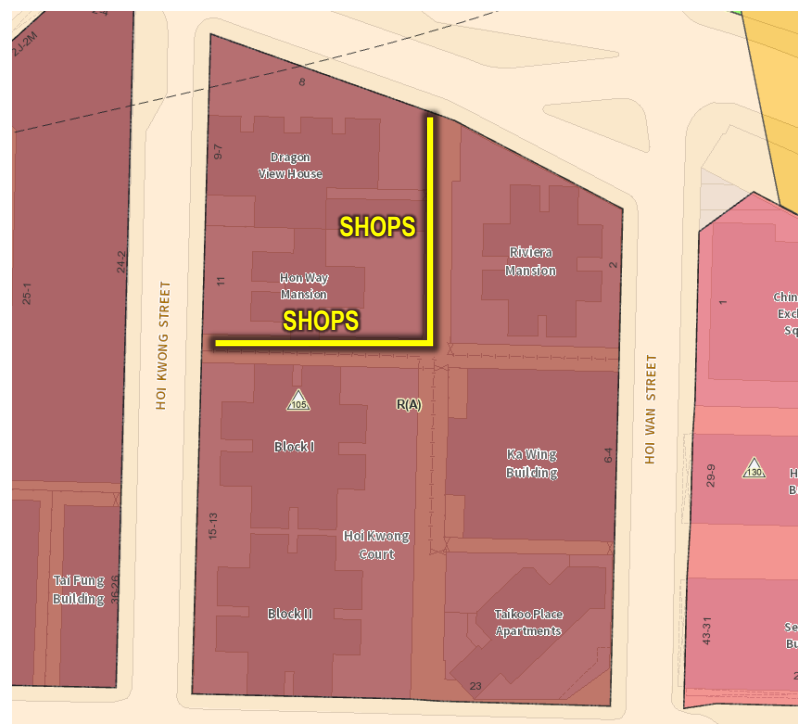
In practice, shops with no street frontage in residential neighbourhood is not uncommon

Sau Wa Fong, Wan Chai



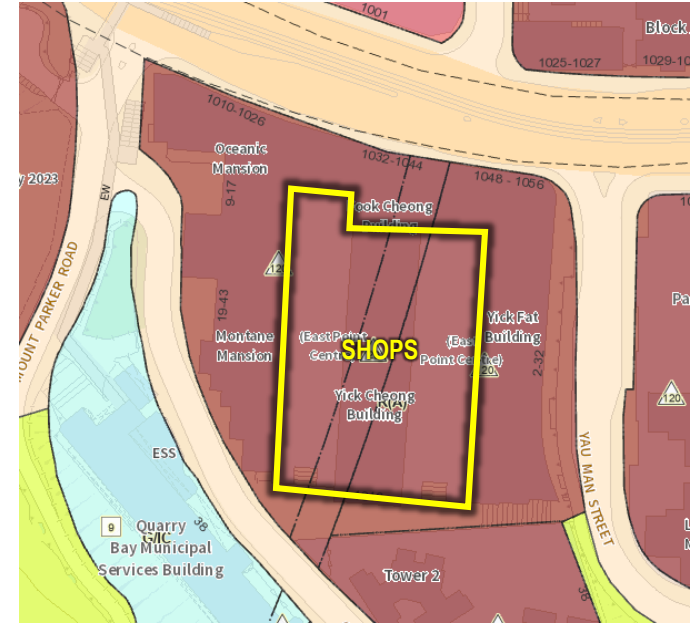
In practice, shops with no street frontage in residential neighbourhood is not uncommon

Hoi Kwong Street, Quarry Bay



In practice, shops with no street frontage in residential neighbourhood is not uncommon

Yick Cheong Building (Monster Building), Taikoo



Attachment 4

第二部份：交易資料

Part 2: Information on Transactions

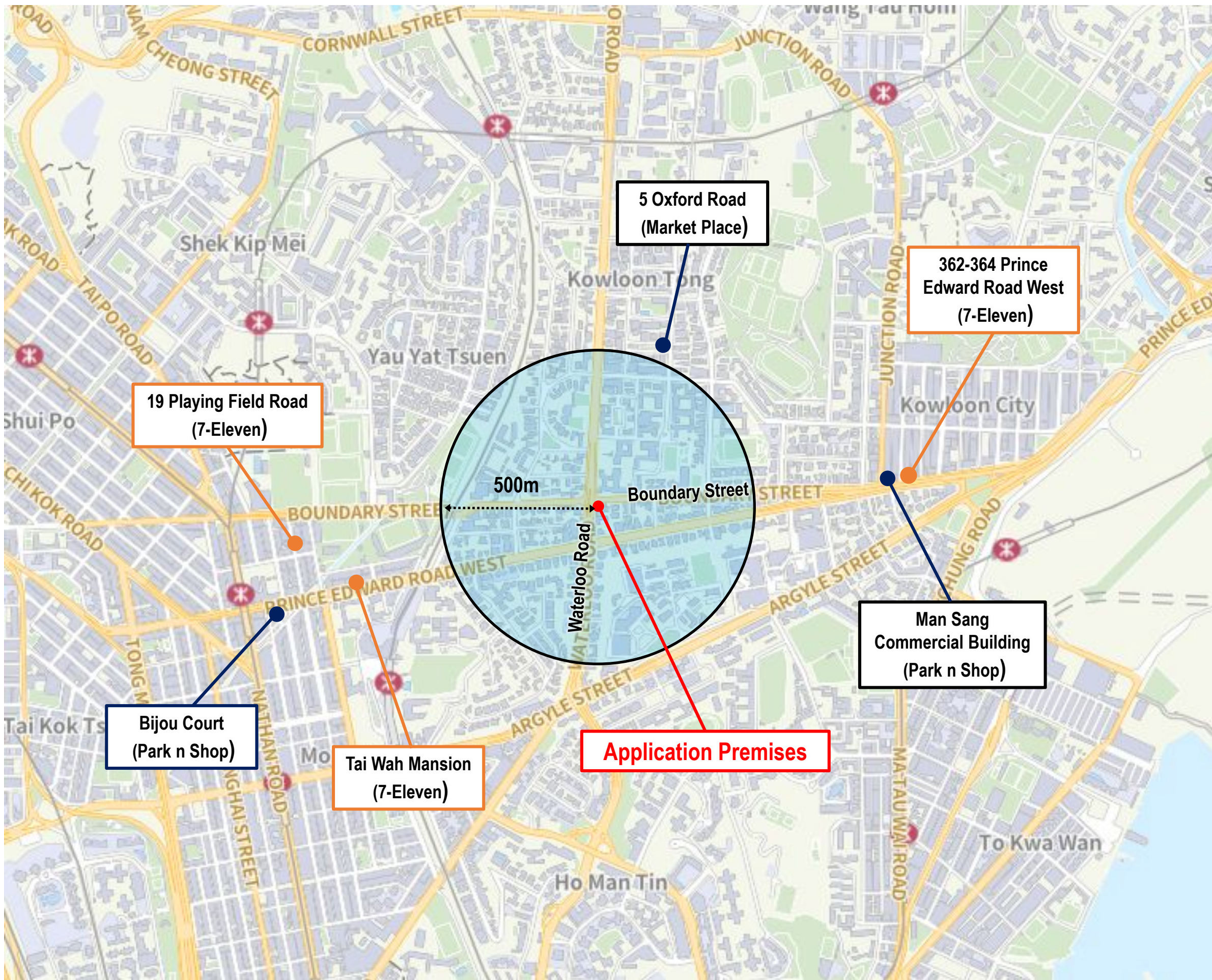
| (A) 臨時買賣 合約的 日期 (日-月-年) Date of PASP (DD-MM-YYYY) | (B) 買賣合約 的日期 (日-月-年) Date of ASP (DD-MM-YYYY) | (C) 終止買賣 合約的日期 (如適用) (日-月-年) Date of termination of ASP (if applicable) (DD-MM-YYYY) | (D) 住宅物業的描述 (如包括車位，請一併提供有關車位的資料) Description of Residential Property (if parking space is included, please also provide details of the parking space) | | | | (E) 成交金額 Transaction Price |
|---|--|--|--|-------------|------------|--|-------------------------------------|
| | | | 大廈名稱 Block Name | 樓層 Floor | 單位 Unit | 車位(如有) Car-parking space (if any) | |
| 09-10-2020 | 15-10-2020 | | 128 WATERLOO | 6/F | A | | \$16,037,000 |
| 09-10-2020 | 19-10-2020 | | 128 WATERLOO | 6/F | B | | \$12,733,000 |
| 09-10-2020 | 14-10-2020 | | 128 WATERLOO | 3/F | C | | \$7,828,000 |
| 09-10-2020 | 16-10-2020 | | 128 WATERLOO | 6/F | G | | \$16,016,000 |

Register of Transactions for 128 Waterloo



Google Street View of 128 Waterloo Road

Attachment 5



5 Oxford Road
(Market Place)

362-364 Prince
Edward Road West
(7-Eleven)

19 Playing Field Road
(7-Eleven)

Bijou Court
(Park n Shop)

Tai Wah Mansion
(7-Eleven)

Application Premises

Man Sang
Commercial Building
(Park n Shop)

