

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/K15/125

- Applicant** : Kwun Tong District Office, Home Affairs Department (HAD)
- Site** : Former Hoi Bun School, 45 Hoi Pong Road Central, Lei Yue Mun, Kwun Tong
- Site Area** : About 486.5m² (Government Land under Temporary Government Land Allocation (TGLA) No. GLA-TNK 2278 for the period from 12.6.2015 to 11.6.2020)
- Land Status** : Restricted to a non-profit making institutional use by a non-profit making organization
- Plan** : Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/25
- Zoning** : “Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m) or the height of the existing building(s), whichever is the greater]
- Application** : Renewal of Planning Approval for Temporary Institutional Use for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval under Application No. A/K15/115 to use the application site (the Site) for temporary ‘Institutional Use’ for a period of 5 years (**Plans A-1 to A-2**). The Site, previously occupied by Hoi Bun School which had ceased operation since 2008, falls within an area zoned “V” on the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/25 (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Institutional Use’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used as an educational, heritage and arts centre, namely Jockey Club Lei Yue Mun Plus (LYM Plus) operated by a non-governmental organization (NGO), with valid planning permission.

- 1.2 The Site is the subject of two previous applications (Nos. A/K15/97 and A/K15/115) for the same applied use as the current application (**Plan A-1**). On 5.6.2015, the latest application (No. A/K15/115) was approved with conditions for a period of 5 years by the Metro Planning Committee (the Committee) of the Board with validity period up to 11.6.2020. The approval condition on the submission and implementation of fire service installations (FSIs) has been complied with.
- 1.3 According to the applicant, the proposed use for the existing 2-storey building would remain unchanged as the latest approved application with reception area, meeting room, classrooms and store room at G/F and office, store room and classrooms at 1/F (**Drawings A-1 and A-2**). The total floor area is about 502.2m².
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 8.4.2020 **(Appendix I)**
 - (b) Further information received on 21.5.2020 providing **(Appendix Ia)** clarification on the application

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in **Appendices I and Ia**. They are summarized as follows:

- (a) Making use of the former Hoi Bun School building for the educational, heritage and arts centre has been running successfully in creating an environment conducive to the diversified development of arts, and supporting the preservation of the Site and promoting traditional cultures of Lei Yue Mun Village.
- (b) By arranging guided tours, workshops, talks, and exhibitions, the LYM Plus has benefitted over 200,000 students and members of the public over past years, and enhanced the attractiveness of Lei Yue Mun as a tourist spot by providing more in-depth and interesting information about the area to local and oversea visitors.
- (c) The applicant would continue monitoring the operation of the LYM Plus and consult local stakeholders on the community use of the Site as and when appropriate. The use at the Site is temporary and subject to periodically review to ensure it meets community needs. The applicant has already applied for an extension of TGLA for five years until June 2025 for continuity of the community services at the Site which is being processed.

3. Compliance with the “Owner’s Consent/Notification” Requirements

As the Site involves Government land only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the

“Owner’s Consent/Notification” Requirements under Section 16 of the Town Planning Ordinance (TPB PG-No.31A) is not applicable.

4. Town Planning Board Guidelines

4.1 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) is relevant to this application. The relevant assessment criteria for renewal of planning approval are summarized as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land use zoning of the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

4.2 It is also indicated in TPB PG-No. 34C that under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. A streamlined approach is adopted and there is no need to undertake new technical assessments so long as there is no major change in planning circumstances.

5. Previous Applications

The Site is the subject of two approved planning applications (Nos. A/K15/97 and A/K15/115) for the same temporary ‘Institutional Use’, submitted by the same applicant (**Plan A-1**) for a period of five years. Application No. A/K15/97 was approved with conditions by the Committee on 11.6.2010 on the consideration that the applied use would improve the sense of community spirit in the area and benefit the public by offering diverse community activities. Renewal of the planning approval for a period of 5 years was approved with conditions by the Committee on 5.6.2015, which is valid until 11.6.2020. The approval condition on the submission and implementation of FSIs of both applications has been complied with.

6. **Similar Application**

There is no similar application in the same “V” zone within the OZP.

7. **The Site and its Surrounding Areas (Plans A-1 and A-2 and Photos on Plans A-3 to A-5)**

7.1 The Site is:

- (a) currently occupied by a 2-storey building (formerly known as Hoi Bun School) with adjoining sitting-out area. It has been used as an educational, heritage and arts centre namely LYM Plus since 2010 with classrooms, meeting rooms, office and display areas (**Plans A-4 and A-5**);
- (b) one of the new items (serial no. 81) pending grading assessment by the Antiquities Advisory Board (AAB); and
- (c) currently without vehicular access, but is served by a footpath, namely Hoi Pong Road Central, to its west.

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) in the midst of Lei Yue Mun Village, which is predominantly characterized with low-rise village houses with some pockets of open space. Some village houses and structures are used as seafood restaurants/shops; and
- (b) to the further west across Hoi Pong Road Central is Victoria Harbour.

8. **Planning Intention**

The planning intention of “V” zone is primarily for the provision of land for the retention and expansion of existing villages as well as reservation of land for the re-provisioning of village houses affected by Government projects. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a house. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Departments**

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Kowloon East, Lands

Department:

- (a) He has no objection to the application.
- (b) The Site falls within the TGLA No. GLA-TNK 2278 which was granted to HAD for the period from 12.6.2015 to 11.6.2020 and may be extended subject to written approval of the DLO. The engineering conditions of GLA-TNK 2278 contain, inter alia, the following restrictions:
 - (i) shall not be used for any purpose other than a non-profit making institutional use by a non-profit making organization as approved by the Director of Home Affairs; and
 - (ii) no part of any structure shall exceed the height of the existing building(s) erected within the Site.
- (c) HAD has already applied to his office for an extension of the GLA-TNK 2778 for five years from 12.6.2020 to 11.6.2025 which is being processed.

Environmental Aspect

9.1.2 Comments of the Director of Environmental Protection:

Given that the scope and the applied use remain unchanged as compared with the previous approved application, adverse environmental impacts are not anticipated. He has no objection to the application from the environmental planning perspective.

Fire Safety

9.1.3 Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

Landscape Aspect

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

- (a) He has no objection to the application from landscape planning perspective.
- (b) With reference to the aerial photo in 2020, the Site is located in an area of urban fringe landscape character dominated by small

houses and occasional tree groups. According to the site photos taken in May 2020, common tree and shrub species are observed within the Site at the “Sitting Out Area” and “Yard”, and no proposed works would affect the existing planting. The applied use is not incompatible to its surrounding environment. Significant disturbance to existing landscape resources and character is not anticipated.

- (c) Approval condition on maintenance of all existing trees in good condition within planning approval period should be imposed, should the application be approved by the Board.

Heritage Aspect

- 9.1.5 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (AMO):

The Former Hoi Bun School situated on the Site has been included in the “List of New Items” (i.e. Number N81) which is pending grading assessment by the AAB. It is noted that the subject planning permission for the captioned site was first granted to the applicant in July 2010 and then renewed in 2015. Given the physical integrity of the subject building would not be adversely affected, he has no objection in principle to the application and its renewals. The applicant is reminded that prior consultation with AMO is required for any works that may affect the subject building; appropriate protective, monitoring and mitigation measures should be proposed for AMO’s consideration and agreement before commencement of works.

- 9.2 The following Government bureau/departments have no objection to/no comment on the application:

- (a) Commissioner for Transport;
- (b) Director of Social Welfare;
- (c) Chief Building Surveyor/Kowloon, Buildings Department;
- (d) Chief Highway Engineer/Kowloon, Highways Department;
- (e) Chief Engineer/Mainland South, Drainage Services Department;
- (f) Commissioner of Police;
- (g) Chief Engineer/Development, Water Supplies Department;
- (h) Commissioner for Tourism, Commerce and Economic Development Bureau; and
- (i) Government Property Administrator.

10. Public Comments Received During Statutory Publication Period

On 17.4.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.5.2020, two public comments were received from two individuals. One supporting comment from

an individual (**Appendix IIa**) states that the LYM Plus is well-maintained by the operator and has been contributing to local education, enhancing pedestrian flow and environment, and improving the community relationship. Another individual (**Appendix IIb**) suggests that should the current use is supported by the community, a permanent arrangement should be considered, such as rezoning the Site to “Government, Institution or Community”.

11. Planning Considerations and Assessments

- 11.1 The current application seeks renewal of the planning approval to use the Site for temporary ‘Institutional Use’ for another 5 years until 11.6.2025. The existing temporary educational, heritage and arts centre at the Site was first approved on 11.6.2010 with renewal application approved in 2015 under Application No. A/K15/115 which is valid until 11.6.2020. Compared with the latest approved application, there is no change in the development scheme and proposed uses in the current application.
- 11.2 The application is generally in line with the relevant assessment criteria set out in the TPB PG-No. 34C as mentioned in paragraph 4 above in that there is no material change in planning circumstances since granting of the previous approvals, there is no adverse planning implication arising from the renewal and the approval condition under the previous approved application No. A/K15/115 has been complied with. The applied use has been operating since 2010 before the Site is suggested as a new item for grading assessment by the AAB in 2013. AMO has no in-principle objection to the application from the heritage conservation perspective. On technical aspects, all departments consulted have no objection to/no adverse comment on the application from traffic, environmental and sewerage aspects subject to approval conditions as suggested in paragraph 12.2 to address comments from D of FS and CTP/UD&L, PlanD. The proposed renewal of planning permission for further five years is considered reasonable as it can facilitate continuity in the operation of the existing community uses at the vacant school buildings. HAD will continue to monitor the operation of the Site for the benefit of the community as a whole.
- 11.3 The supportive public comment is noted. Regarding the suggestion to make permanent arrangement of the current use of the Site, HAD advises that the tenancy/operation of the proposed uses at the Site is on temporary basis and would be periodically reviewed to ensure it meets the community needs.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a further period of 5 years from 12.6.2020 to 11.6.2025. The following conditions of approval and advisory clause are suggested for Members’ reference:

Approval conditions

- (a) the existing fire service installations implemented on the Site being maintained in efficient working order at all times;
- (b) maintenance of all existing trees within the Site in good condition within the planning approval period; and
- (c) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clause

to note the comments of the Executive Secretary (Antiquities and Monuments), AMO that the physical integrity of the subject building should not be adversely affected. The applicant is reminded that prior consultation with AMO is required for any works that may affect the subject building; appropriate protective, monitoring and mitigation measures should be proposed for AMO's consideration and agreement before commencement of works.

12.3 There is no strong planning reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 8.4.2020
Appendix Ia	Further Information submitted by the applicant received on 21.5.2020
Appendices IIa and IIb	Public comments received during the statutory publication period
Drawings A-1 and A-2	Floor Plans submitted by the Applicant
Plan A-1	Location Plan

Plan A-2
Plans A-3 to A-5

Site Plan
Site Photos

PLANNING DEPARTMENT
MAY 2020