

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/150

- Applicant** : Lantau International School Limited
- Site** : Government Land in D.D. 332L at Cheung Sha Sheung Tsuen, Lantau Island (Former Cheung Sha Public School)
- Site Area** : 488 m²
- Land Status** : Government Land
- Plan** : Approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/21
- Zonings** : “Village Type Development” (“V”) (about 88%); and
“Green Belt” (“GB”) (about 12%)
- Application** : Proposed School (Reception Classes)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed school (reception classes) with an open playground on the application site (the Site). The Site falls within an area zoned “V” and “GB” on the approved South Lantau Coast OZP No. S/SLC/21 (**Plan A-1**). According to the Notes of the OZP, ‘School’ use within the “V” and “GB” zones requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site was previously occupied by the former Cheung Sha Public School (a village school) which was closed in 2002 and is one of the vacant school premises sites in which the long-term uses are reviewed by Planning Department. To reserve suitable land for the provision of Government, Institution or Community (G/IC) facilities to meet the need of local residents, the Site has been recommended to be retained for G/IC uses. On 24.6.2013, a Short Term Tenancy (STT) for operation of reception classes and ancillary uses at the Site was granted to the applicant and the school premises has been registered under Education Ordinance since 2014.
- 1.3 The Site consists of three one-storey structures including two classrooms, a toilet, an electricity cabinet and an open playground. According to the applicant, the proposed school use for reception classes is a continuation of the existing school use permitted under the STT. The development proposal does not involve alteration or extension of the existing structures. The total floor area is 87.28m², with a plot ratio (PR) of 0.179 and site coverage (SC) of 17.9%. The layout of the proposed school is shown on **Drawing A-2**. The proposed development parameters are shown in the following table:

Use	Floor Area	Height
Two classrooms	76.03 m ²	4.8 m
Toilet	10.5 m ²	2.2 m
Electricity cabinet	0.75 m ²	2.15 m
Total	87.28 m²	-

1.4 In support of the application, the applicant has submitted the following documents:

- (a) application form received on 14.5.2018; and **(Appendix I)**
- (b) further information (FI) received on 20.6.2018 clarifying **(Appendix Ia)** the development parameters of each structure at the Site.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form at **Appendix I**. The applicant intends to continue using the land for operation of reception classes beyond 23.6.2018.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the application.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’ are relevant to the application (**Appendix II**). The relevant assessment criteria are summarized as follows:

- (a) there is a general presumption against development (other than redevelopment) in the “GB” zone;
- (b) an application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning ground. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The PR of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses;

- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (f) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (g) the proposed development should not overstrain the overall provision of G/IC facilities in the general area;
- (h) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (i) any proposed development on a slope or hillside should not adversely affect slope stability.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar planning application for 'School' use within the same "V" and "GB" zones.

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) paved and currently occupied by three one-storey structures for two classrooms, a toilet and an electricity cabinet and an open playground. It was previously occupied by a village school (former Cheung Sha Public School) which was closed in 2002;
- (b) located at the southwest of Cheung Sha Sheung Tsuen; and
- (c) accessible from South Lantau Road (about 35m away) via a footpath and has no direct vehicular access.

7.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character surrounded by village houses, abandoned agricultural land and vegetated slope; and

(b) to the further southeast is the Lantau South Division Police Headquarters.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 The planning intention of the “GB” zone is primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone.

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/Islands, Lands Department (DLO/Is, LandsD):

- (a) the Site comprises government land covered by a STT No. CX2229. It was issued to Lantau International School Limited (the applicant) for operation of reception classes and such ancillary uses as may be approved in writing by the DLO for a term of three years certain commencing on 24.6.2013 and thereafter quarterly until such time as the tenancy is determined. The permission given under STT No. CX2229 for the permitted structures are listed as below:
- (i) a single-storeyed structure occupying an area not more than 89m² with 4.8m in height above the existing ground level;
 - (ii) an electricity cabinet occupying an area not more than 0.8m² with 2.15m in height above the existing ground level; and
 - (iii) a toilet occupying an area not more than 30m² with 2.2m in height above the existing ground level;
- (b) the applicant should erect and maintain upon the premises a school (hereinafter referred to as ‘the School’) of not more than two classrooms for such classes and with such class organisation as shall be approved by the Permanent Secretary for Education (hereinafter referred to as ‘the Permanent Secretary’) together with such ancillary facilities as shall be approved by the Permanent Secretary;

- (c) the applicant should be at his/her/their own expense obtain all requisite licenses and approvals from the Permanent Secretary and relevant government departments in connection with use as the School and occupation of the premises for use of the School in force throughout the term of the tenancy of STT No. CX2229; and
- (d) if the application is approved by the Board, the Tenant of STT No. CX2229 (hereinafter referred to as 'the Tenant') will need to apply to his office for modification of the STT conditions if the approved condition is not permissible under the existing STT. Such application will be considered by the LandsD acting in the capacity of the landlord or lessor at his sole discretion. There is no guarantee that such application will be approved and the Tenant should note that the said STT may be terminated for any future development if so required.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

since there is no direct vehicular access to the Site and the application only consists of a school which has been in operation since June 2013, he considers that the application can be tolerated from traffic engineering point of view.

Environment and Sewerage

9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the proposed development; and
- (b) there is currently no public sewer at the Site. The applicant is advised to connect to the public sewers when it is available in future.

Drainage

9.1.4 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I of DSD):

- (a) he has no comment on the application; and
- (b) the applicant should be reminded to provide adequate stormwater drainage collection and disposal facilities at his own expenses to deal with the surface runoff of the Site or the same flowing onto the Site from the adjacent areas.

Landscape

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

- (a) no objection to the application from landscape planning perspective;

- (b) the existing landscape character of the Site is fully vegetated rural area located at the foot of Lantau Country Park facing the upper Cheung Sha Beach, embraced by the “GB” zone at its north and “Coastal Protection Area” zone at its southeast/southwest. In the immediate adjacent, it is located next to the South Lantau Road, connected only with footpath leading to the Site. To the northeast is the Cheung Sha Sheung Tsuen, which composes of clusters of village houses. To the north is the “GB” zone where a small portion of the Site has encroached on. To the southeast and northwest is the low-rise private development houses and government village houses in the “Residential (Group C)” zone respectively. Hence, the Site of three one-storey structures is considered not incompatible with the existing environment;
- (c) no noticeable removal of existing trees/vegetation in vicinity of the Site for building/site formation works and/or any change in the landform for temporary/pavement access are observed. Some landscape resources such as shrub plantings and a small tall tree are observed within the Site. As there will be no proposed new works to the Site under application, the impacts on the existing resources within/ in close proximity, if any, to the Site are not anticipated;
- (d) it is noted that there are some uncovered areas within the Site. However, considering most of the uncovered areas are proposed for continuing the existing use of playground for the school kids, there is fully vegetated environment in the close vicinity of the Site and there is a tree preservation clause in the STT, the maintenance of the existing plantings/vegetation within the Site is considered sufficient; and
- (e) the applicant should be reminded that any approval of tree preservation proposal or pruning proposal should be obtained direct from LandsD.

Building Matters

9.1.6 Comments of the Chief Building Surveyors/ New Territories East (1) and Licensing, Buildings Department (CBS/NTE1&L, BD):

- (a) if there are existing structures which had been erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (b) for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW at the Site under the BO;
- (c) before any new building works (including site formation works) are to be carried out at the Site, the prior approval and consent from the Building Authority should be obtained, otherwise they are UBW;
- (d) if the proposed use under the application is subject to the issue of a license, please be reminded that the building safety and other relevant

requirements as may be imposed by the licensing authority would need to be complied with;

- (e) as denoted in section 8 of the applicant's submitted form, no development proposal involving alteration or extension of existing building is entailed. In case there is/are proposed development(s)/building(s) associated with the planning application:
 - (i) the permissible SC and PR of the development(s)/building(s) should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R);
 - (ii) if the Site does not abut on a specified street, the intensity (i.e. SC, PR and building height(s)) of the development(s)/building(s) shall be determined by the Building Authority under B(P)R19(3) upon formal submission of building plans to BD;
 - (iii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R5 and 41D respectively; and
 - (iv) detailed comments under the BO on the private development(s)/building(s) such as permissible PR, SC, emergency vehicular access, private streets and/or access roads, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the formal building plan submission stage.

Nature Conservation

9.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the Site is paved and consists of buildings used as school. He has no comment on the proposed continual use as school under the application.

Fire Safety

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

- (a) he has no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of Fire Services Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority;
- (b) the applicant is reminded that if there are any laboratories and/or Design & Technology/Art Room in the application, these rooms shall satisfy the following:
 - (i) the rooms concerned should be completely separated from other part of the premises by walls of not less than 1-hour fire resistance period;

- (ii) high level ventilation to open balcony/open-type corridor at a height of 1800mm from floor level may be provided;
 - (iii) all exit doors of the rooms concerned shall be self-closing with a fire resistance period of not less than 30 minutes;
 - (iv) no storage of any dangerous goods exceeding the exempted quantity in accordance with the Dangerous Goods (General) Regulations, Cap 295B Laws of Hong Kong, shall be allowed; and
- (c) in addition, 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.

Education

9.1.9 Comments of the Secretary for Education (S for E):

he supports the application.

District Officer's Comment

9.1.10 Comments of the District Officer/Islands of Home Affairs Department (DO/Is of HAD):

the application is a continuation to STT No. CX2229 for using the Site as school (reception classes). From community point of view, he has no specific comment.

9.2 The following government departments have no adverse comment on/no objection to the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Commissioner of Police;
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (f) Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD).

10. Public Comment Received During Statutory Publication Period

On 25.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 15.6.2018, one public comment was received from an individual raising concern on the potential landscape impact by the proposed development (**Appendix III**).

11. Planning Considerations and Assessments

- 11.1 The Site falls within “V” (about 88%) and “GB” (about 12%) zones. The Site was previously occupied by a village school (i.e. former Cheung Sha Public School) which was closed in 2002 and is one of the vacant school premises sites which is recommended to be retained for G/IC uses. The Site is currently occupied by three one-storey structures under a STT granted by DLO/Is of LandsD for operation of reception classes and ancillary uses since 24.6.2013. The application is for the continuation of the existing school use (reception classes). S for E supports the application. Since the Site is at present occupied by school structures, the proposed school would not affect the provision of land for Small House development, but could better utilise the vacant school premises at the Site.
- 11.2 The Site is paved and currently occupied by three one-storey structures. According to the applicant, the development proposal does not involve alteration or extension of the existing structures. Although the Site slightly encroaches onto the “GB” zone, the utilisation of the existing structures would not affect the surroundings and no impact to the natural vegetation in the “GB” zone would be resulted. The application also meets the requirements of TPB PG-No. 10 in that the proposed school use is considered not incompatible with the surrounding area which is predominantly rural in character surrounded by village houses, abandoned agricultural land and vegetated slope and no adverse impacts on the surrounding environment are anticipated. Concerned departments including C for T, DEP, H(GEO) of CEDD, D of FS, CE/C of WSD, CE/HK&I of DSD, CTP/UD&L of PlanD and DAFC have no objection to / adverse comment on the application.
- 11.3 Regarding the public comment raising concern on the potential landscape impact by the proposed development, the planning assessments in paragraphs 11.1 to 11.2 above are relevant.

12. Planning Department’s View

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 until **6.7.2022** and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following approval condition and advisory clauses are suggested for Members’ reference:

Approval Condition

the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 12.3 There is no strong 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.
- 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 date when the validity of the permission should expire.
- 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 14.5.2018
Appendix Ia	Further information received on 20.6.2018
Appendix II	Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’
Appendix III	Public Comment received during the statutory publication period
Appendix IV	Recommended advisory clauses
Drawing A-1	Lot Index Plan
Drawing A-2	Layout Plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4 & A-5	Site photos

**PLANNING DEPARTMENT
JULY 2018**