

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/242

- Applicant** : Wise Education Centre
- Premises** : Shop 30, G/F, Tak Cheung Building, No.1 Hung Shui Kiu Main Street, Yuen Long, New Territories
- Total Floor Area of Premises** : About 27m²
- Lease** : (a) Under New Grant No. 2433
(b) Restricted to non-industrial purposes (excluding offensive trade)
- Plan** : Approved Hung Shui Kiu Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group B)3” (“R(B)3”)
[Restricted to maximum plot ratio (PR) of 1.26, maximum site coverage of 40% and maximum building height (BH) of 6 storeys over single-storey car park, or the PR, site coverage and height of the existing building, whichever is the greater]
- Application** : School (Tutorial School)

1. The Proposal

- 1.1 The applicant seeks planning permission to operate a tutorial school at the application premises (the premises), which is zoned “R(B)3” on the OZP (**Plan A-1**). According to the Notes for the “R(B)” zone on the OZP, ‘School’ not in a free-standing purpose-designed building is a Column 2 use and requires planning permission from the Town Planning Board (the Board). The premises is currently used as a tutorial school without valid planning permission.
- 1.2 The premises is located at the ground floor of a 6-storey composite building (Tak Cheung Building) with non-domestic uses at the lowest two floors and residential floors in the upper floors. There will be one classroom within the premises that can accommodate about 25 students and 4 teachers. According to the applicant, the operation hours are from 8:00 a.m. to 10:00 p.m. Mondays to Sundays.
- 1.3 Layout plan of the applied use is at **Drawing A-1**.

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

- (a) Application Form and plans received on 3.7.2020 (Appendix I)
- (b) Supplementary information (SI) received on 6.7.2020 (Appendix Ia)
providing the revised layout
- (c) SI received on 9.7.2020 clarifying the existing (Appendix Ib)
condition of the subject premises

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendices I** and **Ia**. They can be summarized as follows:

- (a) There are many secondary and primary schools in Hung Shiu Kiu. There is a need for tutorial school in the neighborhood.
- (b) There are insufficient tutorial schools in the neighborhood to meet the demand.
- (c) The premise is closed to the Hung Shui Kiu Light Rail station which is considered as a convenience location for students to come to the tutorial school before school / after school before returning home.
- (d) There will be one classroom within the premises that can accommodate about 25 students and 4 teachers. According to the applicant, the operation hours are from 8:00 a.m. to 10:00 p.m. Mondays to Sundays.

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

The applicant is not a “current land owner” but has complied with the 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. 31) by obtaining consent from the current premises owner through registered post. Detail information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Application for Tutorial School under Section 16 of the Town Planning Ordinance (TPB PG-No. 40) is relevant to this application. The relevant assessment criteria are summarized as follows:

- (a) The proposed tutorial school should not be incompatible with other uses within the same building.

- (b) To avoid causing disturbance or nuisance to the local residents, tutorial school will normally not be permitted within a residential building or the domestic portion of a composite commercial/residential building unless the proposed access to the application premises will not cause disturbance or nuisance to the local residents.
- (c) The proposed access (entrance) to the tutorial school of a residential building or domestic portion of a composite building must be separated from that of the domestic portion of the building by way of separate stairways and/or lifts/escalators exclusively serving the tutorial school so as to minimize any disturbance to the residents in the same building. These separate stairways and/or lifts/escalators should be able to cope with the number of students going into and leaving the premises.
- (d) For tutorial schools of a considerable scale, i.e. with 120 or more students attending classes at the same time, proper parking and loading/unloading facilities should be provided in accordance with the requirements stipulated in the Hong Kong Planning Standards and Guidelines for primary or secondary schools.
- (e) The views of the public on the proposed tutorial school will be taken into account by the Board in the consideration of the application.
- (f) The Fire Services Department and the Buildings Department should be satisfied with the proposals to comply with the fire and building safety requirements for the proposed tutorial school.

5. Background

The premises is not related to any planning enforcement case.

6. Previous Application

There is no previous application in respect of the premises.

7. Similar Application

There is no similar application within the same “R(B)3” zone on the OZP.

8. The Premises and Its Surrounding Areas (Plans A-1 to A-4)

8.1 The premises is:

- (a) located at G/F of Tak Cheung Building (an existing 6-storey composite building with non-domestic uses at the lowest two floors and residential floors in the upper floors); and

- (b) currently used as a tutorial school without valid planning permission.

8.2 The subject building is an existing 6-storey composite building¹. The current uses of the subject building are summarized below:

Floor	Current Uses
G/F	tutorial school (application premises), clinic, estate agencies, bicycle tour agency, logistic service centre, restaurants, shops, laundry, vacant shops, bank (automatic teller machine (ATM)) and residential care home for the elderly.
1/F	Residential care home for the elderly
2/F to 5/F	Residential flats

8.3 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) to the north and northwest are Hung Shui Kiu Temporary Market, a refuse collection point and a sitting out area; to its further north across Hung Pak Road and west across King Yuen Road is a residential development (Parkview Garden);
- (b) to its west is a residential development (Tak Hing Building) with shops and eating places on the G/F; to the northwest is a refuse collection point and to the east across Hung Shui Kiu Main Street are some amenity areas and a drainage channel; and
- (c) to the south is Light Rail; to the further southeast and south across Castle Peak Road - Hung Shui Kiu are some residential dwellings, car service yard, a restaurant and a shop.

9. Planning Intention

The planning intention of the “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.

10. Comments from Relevant Government Departments

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

¹ The existing building on the Site was completed with occupation permit issued in 1979.

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

The application area is situated within Lot No. 4177 in D.D.124 which is governed by the Conditions of Exchange registered as New Grant No. 2433 dated 12.11.1976. Pursuant to the lease conditions, the lot or any part thereof or any building or buildings erected or to be erected thereon shall not be used for any purpose other than non-industrial purposes excluding any trade which is now or may thereafter be declared to be an offensive trade under the Public Health and Urban Services Ordinance or any enactment amending the same or substituted therefore. In this regard, he has no comment on the proposed use of tutorial school at the subject applications area of land administrative point of view.

Education

10.1.2 Comments of the Secretary for Education (SED):

For school registration procedures, registration of schools is granted in accordance with the stipulated requirements under the Education Ordinance (Cap.279) and relevant Guidelines. Clearance from relevant departments, including Building Department / Housing Department, Fire Services Department, LandsD and Planning Department should be obtained in respect of the proposed school premises, in addition, the premises should be suitable for school use in terms of fire safety and building safety as confirmed by the Fire Services Department and the Buildings Department respectively. The applicant should also submit the documentary proof of the right to use the premises, occupation permit (for premises designed and constructed as a school), the proposed curriculum, courses and fees information etc. for his consideration.

Building Matters

10.1.3 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) He has no objection in principle under the Buildings Ordinance to the application.
- (b) Before any new building works to be carried out on the premises, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance.
- (c) If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that the premises intended

to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

Traffic

10.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

He has no comment on the application from highways maintenance point of view.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) Given the premises has an area of only 27m² and the proposed development is located in an existing premises, he has no objection in principle to the proposed development from the public drainage point of view.
- (b) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the applicant's lot boundary before commencement of the drainage works.

Fire Safety

10.1.6 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 (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

10.1.7 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) He has no comment on the application from departmental point of view.
- (b) He has not received any comment from the locals on the application.

10.2 The following Government departments have no comment on the application:

- (a) Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD);
- (b) Chief Engineer/Development (Construction), Water Supplies Department (CE/C, WSD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Environmental Protection Department (DEP); and
- (e) Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD).

11. Public Comments Received During Statutory Publication Period

On 10.7.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for school use (tutorial school) at a premises within the "R(B)3" zone on the OZP (**Plan A-1**). The planning intention of the "R(B)3" zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board. The tutorial school serving the public including nearby residents is therefore generally in line with the planning intention.

12.2 The tutorial school is situated on the G/F of an existing 6-storey composite building, for which the lowest two floors are used for non-domestic purposes. The adjacent areas mainly comprise shops, eating places, temporary market and sitting-out area. The use under application is considered not incompatible with the existing uses of the subject building and the surrounding areas.

12.3 The application is considered in line with the TPB PG-No. 40 in that the premises is located at the G/F within the non-domestic portion of a composite building (Tak Cheung Building) which is separated from the residential portion at upper floors of the building. There is no common entrance with the residential floors of the building. The tutorial school under application is therefore not expected to create any disturbance to the residents above.

12.4 The subject tutorial school is small in scale with only 1 classroom and a total area of about 27m² to accommodate a maximum capacity of 25 students. It is unlikely that it would cause any significant adverse impacts to the surroundings. In this regard, AC for T/NT, TD, CBS/NTW, BD, D of FS, EPD and other relevant Government departments have no in-principle objection to / adverse comments on the application.

12.5 There is no public comment received during the statutory publication period.

13. Planning Department's Views

13.1 Based on the assessment made in paragraph 12, the Planning Department has no objection to the application.

13.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the school use under application is already in operation. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval condition

provision of fire service installations 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 II**.

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

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 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.

14.3 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.

15. Attachments

Appendix I
Appendix Ia

Application form and plans received on 3.7.2020
Supplementary information (SI) received on 6.7.2020
providing the revised layout plan

Appendix Ib	SI received on 9.7.2020 clarifying the existing condition of the subject premises
Appendix II	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan with Similar Applications
Plan A-3	Aerial Photos
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2020**