

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TSW/74

<u>Applicant</u>	:	The Hong Kong Housing Authority (HKHA)
<u>Premises</u>	:	Unit No.1, G/F, Ching Moon House, Tin Ching Estate, Tin Shui Wai, Yuen Long, New Territories
<u>Floor Area</u>	:	About 35 m ²
<u>Lease</u>	:	Government Land Vested to HKHA under Vesting Order No. 225 (Tin Ching Estate)
<u>Plan</u>	:	Approved Tin Shui Wai Outline Zoning Plan (OZP) No. S/TSW/14
<u>Zoning</u>	:	“Residential (Group B) 1” (“R(B)1”) <i>[restricted to a maximum plot ratio of 5]</i>
<u>Application</u>	:	Proposed Government Use / Office / School (Tutorial Schools) / Shop & Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the premises) for government use / office / school (tutorial schools) / shop and services (**Plan A-1**). The premises is located at Unit No.1 on ground floor of Ching Moon House of Tin Ching Estate in Tin Shui Wai. According to the Notes of the OZP, ‘Government Use’, ‘Office’, ‘School’ and ‘Shop and Services’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The premises is currently vacant.
- 1.2 According to the applicant, the premises occupies a total floor area of about 35m². The internal floor area diagram submitted by the applicant is shown on **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with plans received on 12.11.2019 **(Appendix I)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 10 of the Application Form in **Appendix I**. They are summarised as follows:

- 2.1 Another unit on the same floor of Ching Moon House is currently being used as a councillor's office. In order to make full use of the vacant application premises and increase the chance of successful leasing out the application premises, the applicant applied to use the premises for various uses, i.e. proposed government use (e.g. government office) / office / school (tutorial schools) / shop & services (e.g. 24-hour convenience store or Chinese medical consultation services centre).
- 2.2 The applied use is to meet the basic need of the community. For instance, the proposed tutorial school could make it easier for parents to arrange tuition for their children. The proposed convenience store could provide daily necessities for residents.
- 2.3 The premises has its own entrance / exit. Visitors do not have to use the lobby of the building. Therefore, it will not cause any nuisance to the community and surrounding environment.

3. Compliance with the "Owner's Consent/Notification" Requirements

As the premises involves Government land under vesting order 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) is not applicable to the application.

4. Background

The draft Tin Shui Wai OZP No. S/TSW/2, which also indicates the land use zonings of the northern part of Tin Shui Wai and in which the subject "R(B)1" zone is incorporated, was gazetted on 18.7.1997. The subject "R(B)1" zone was originally intended for private residential development, but was later allocated for public housing development, one primary school and three secondary schools in 1999. Tin Ching Estate in the subject "R(B)1" zone was completed in 2009.

5. Previous Application

There is no previous application in respect of the site.

6. Similar Application

- 6.1 There is one similar application within the same "R(B)1" zone of the OZP. Application No. A/TSW/45 for proposed social welfare facilities, training centre and public clinic (community health centre) was approved by the Committee on 19.9.2008 on the considerations of in line with the planning

intention of the “R(B)1” zone, no objection from concerned Government departments, and not generating adverse environment, traffic and drainage impacts.

- 6.2 Details of the application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

- 7.1 The application premises is at Unit No.1 on ground floor of Ching Moon House of Tin Ching Estate which is located in the north-eastern portion of Tin Shui Wai New Town and currently vacant.
- 7.2 Ching Moon House of Tin Ching Estate is accessible from Tin Kwai Road and Tin Sau Road (**Plan A-2**).
- 7.3 Based on site inspection conducted on 28.11.2019, there are Councillor’s office, mechanical rooms and bicycle parking spaces on the same floor (**Plans A-4a and 4b**) and residential use on the above floors.
- 7.4 The surrounding areas of Ching Moon House of Tin Ching Estate have the following characteristics (**Plans A-2 and A-3**):
- (a) to the immediate north is the Hong Kong Student Aid Society Primary School across the Tin Yip Road Park;
 - (b) to the immediate south and east are the Tin Ching Amenity and Community Building and other housing blocks of Tin Ching Estate respectively;
 - (c) to the north-west across Tin Kwai Road are a residential development named Vianni Cove, Tin Shui Wai Community Sports Ground and a commercial development named One Sky Mall; and
 - (d) to the south-west across Tin Kwai Road are another two housing blocks of Tin Ching Estate.

8. Planning Intention

The “R(B)1” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood 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 summarised as follows:

Land Administration

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

The application premises has been vested to HKHA by a Vesting Order No. 225 (Tin Ching Estate). As HKHA has been vested with power to control and manage the application premises under the said Vesting Order pursuant to Housing Ordinance (i.e. the application premises is not held under a Government Lease), he has no comment on the application.

Environment

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

Adverse environment impact is not anticipated, he has no adverse comment on the application.

Fire Safety

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

He has no objection in principle to the proposal subject to fire service installations and water supplies for firefighting being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

Education Licensing

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

- (a) Registration of a school is granted in accordance with the stipulated requirements under the Education Ordinance (Cap. 279) and relevant Guidelines. Clearance from relevant departments, including Buildings Department, Fire Services Department, Lands Department and Planning Department, should be obtained. The applicant should also submit documentary proof of the right to use the premises, Occupation Permit (for premises designed and constructed as a school), etc. for his consideration.
- (b) The School Registration and Compliance Section is not in a position to comment on the application.

Others

9.1.5 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any

environmental nuisance, pest infestation and obstruction to the surroundings.

- (b) Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.
- (c) For any waste generated from such activity / operation, the applicant should arrange disposal properly at their own expenses.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (e) Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD);
- (f) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (g) Director of Electrical and Mechanical Services (DEMS);
- (h) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (i) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (j) Director of Leisure and Cultural Services (DLCS);
- (k) Commissioner of Police (C of P);
- (l) Commissioner for Transport, Transport Department (C for T); and
- (m) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comment Received During Statutory Publication Period

On 19.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 10.12.2019, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application premises is proposed for Government use (such as government office)/ office/ school (tutorial school)/ shop & services (such as 24-hour convenience store or Chinese medical consultation services centres) in order to make full use of the vacant application premises. The application premises falls with an area zoned "R(B)1" on the OZP, which is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. The proposed uses, which can provide local facilities serving the residential

neighbourhood, are generally in line with the planning intention of the “R(B)1” zone.

- 11.2 The application premises is located on the ground floor of Ching Moon House of Tin Ching Estate, which is small in scale covering a total floor area of 35 m². The ground floor of Ching Moon House is currently occupied by the lobby area and mechanical rooms of the residential block as well as a councillor’s office. The proposed uses are considered not incompatible with the existing uses on the ground floor of Ching Moon House.
- 11.3 People are expected to access the application premises directly via the entrances of Tin Ching Estate which are located to the northeast and southeast of the application premises (**Plan A-2**). Besides, access to the application premises is separated from that of the residential portion of Ching Moon House (**Plans A-4a and 4b**). Therefore, it is unlikely that the proposed uses would create nuisance to the residents of Tin Ching Estate. Relevant government departments consulted have no adverse comment on the application. To address the technical concerns on the fire safety aspect, relevant approval condition is recommended in para. 12.2 below.
- 11.4 The Committee has approved one similar application (No. A/TSW/45) for proposed social welfare facilities, training centre and public clinic (community health centre) (i.e. the existing Tin Ching Amenity and Community Building) in the same “R(B)1” zone (**Plan A-2**). Approval of the application is in line with the Committee’s previous decision.
- 11.5 There is no public comment received on the application during the statutory publication period.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, 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 **3.1.2024**, 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 conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

the submission and implementation of fire services installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix III**.

- 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 the 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 with plans received on 12.11.2019
Appendix II	Similar application
Appendix III	Recommended Advisory Clauses
Drawing A-1	Internal Floor Area Diagram
Plan A-1	Location Plan with Similar Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
JANUARY 2020**