

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

APPLICATION NO. A/SK-HH/81

<u>Applicant</u>	: LAM Pik Yuk, Wendy
<u>Premises</u>	: Shop C3, G/F, Marina Cove Shopping Centre, 380 Hiram's Highway, Sai Kung, New Territories
<u>Floor Area</u>	: About 75.2m ²
<u>Lease</u>	: Lot 526 in D.D. 210 and Extension thereto (a) to be expired on 30.6.2047 (b) a commercial development with shops including a supermarket, restaurant, and workshops for boat repairing and associated facilities is permitted, and shall not be used for any purpose other than non-industrial purposes (excluding residential)
<u>Plan</u>	: Approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/8
<u>Zoning</u>	: "Other Specified Uses" ("OU") annotated "Residential cum Marina Development"
<u>Application</u>	: Renewal of Planning Approval for Temporary School (Tutorial School) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for a temporary school (tutorial school) for a period of three years at the application premises (the Premises). The Premises falls within an area zoned "OU" annotated "Residential cum Marina Development" ("OU(Residential cum Marina Development)") on the approved Hebe Haven OZP No. S/SK-HH/8 (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises located within the shopping center of Marina Cove, which has been fully developed with low-density housing including commercial and marina facilities. It is currently occupied by the applied use with valid planning permission under application No. A/SK-HH/77 granted by the Rural and New Town Planning Committee (the Committee) of the Board on 4.12.2020 until

4.12.2023. The approved application was submitted by the same applicant for the same use, and with the same floor area and layout as the current application. The tutorial school can accommodate 45 students, teachers and staff (**Drawing A-2**).

- 1.3 In support of the application, the applicant has submitted application form with attachments and supplementary information which was received on 12.10.2023 and 16.10.2023 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the application form and supplementary information at **Appendix I** and summarised as follows:

- (a) there is no change to the layout or use of the Premises as compared to the previous application No. A/SK-HH/77. There has also been no change to the implemented fire service installation proposal; and
- (b) the applicant has been engaging in the education field for many years and has strong passion to the nurturing of children and youth of Hong Kong. Therefore, she applies renewal of planning approval to continue using the Premises as school.

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. 31B) by giving notification. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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. 34D) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. Previous Application

The Premises is the subject of a previous application (No. A/SK-HH/77) for the same use, which was approved with conditions on a temporary basis for a period of three years by the Committee on 4.12.2020. The application was approved mainly on the consideration that the applied use would not frustrate the planning intention of the “OU(Residential cum Marina Development)” zone. The approval condition of the application has been complied with. The temporary approval is valid until 4.12.2023. Details of the application are at **Appendix III**.

6. **Similar Application**

There is one similar application (No. A/SK-HH/78) for temporary school within the same “OU(Residential cum Marina Development)” zone in the past five years, which was approved with conditions by the Committee. Details of the application are summarised at **Appendix IV** and its location is shown on **Plans A-1** and **A-2**.

7. **The Premises and Its Surrounding Areas (Plans A-1 to A-3 and Photos in Plans A-4a and A-4b)**

7.1 The Premises is:

- (a) one of the shops in Marina Cove Shopping Centre which is a single storey free-standing commercial block of Marina Cove and currently used as a tutorial school with valid planning permission; and
- (b) accessible via the internal corridor of the shopping centre from the southern entrance of Marina Cove.

7.2 The surrounding areas are mainly shops in Marina Cove Shopping Centre comprising restaurants, real estate agency, convenience store and a supermarket. To the east of the shopping centre is residential blocks of Marina Cove while to the west is Hiram’s Highway.

8. **Planning Intention**

The planning intention of “OU(Residential cum Marina Development)” zone is for a mixed development of residential, marina and limited commercial retail uses.

9. **Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices V** and **VI** respectively.

10. **Public Comments Received During Statutory Publication Period**

On 20.10.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comments were received.

11. **Planning Considerations and Assessments**

11.1 The application is for renewal of planning approval for temporary school (tutorial school) for a period of three years at the Premises, which falls within an area zoned “OU(Residential cum Marina Development)” on the OZP. The planning intention of “OU(Residential cum Marina Development)” is for a mixed development of residential, marina and limited commercial retail uses, which has been developed

fully as Marina Cove, a low-density housing including commercial and marina facilities in accordance with the approved Master Layout Plan under the lease. Approval of the tutorial school on a temporary basis would not frustrate the planning intention of “OU(Residential cum Marina Development)” zone. The permitted uses under the “OU(Residential cum Marina Development)” zone could be reviewed in future amendment to the OZP as appropriate.

- 11.2 The tutorial school is small in scale with a total floor area of about 75.2m² for accommodating 45 students, teachers, and staff. It is located within a single storey free-standing commercial block of Marina Cove. The surrounding areas of the Premises are mainly shops in Marina Cove Shopping Centre comprising restaurants, real estate agency, convenience store and a supermarket. The applied use is considered not incompatible with the surrounding areas.
- 11.3 All government departments consulted including the Commissioner for Transport, the Chief Engineer/Mainland South, Drainage Services Department, and the Director of Fire Services have no objection to or no adverse comment on the application. Adverse traffic, drainage and fire safety impacts arising from the applied use is not anticipated.
- 11.4 The application is in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application on 4.12.2020; no adverse planning implication arising from the renewal application is anticipated; all approval conditions under the previous approval have been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 11.5 The Site is the subject of a previous approved application (No. A/SK-HH/77) submitted by the same applicant for the same use with the same floor area and layout. The Committee also approved one similar application within the “OU(Residential cum Marina Development)” zone for temporary school in the past five years mainly on the consideration that approval of the applications would not frustrate the planning intention of the “OU(Residential cum Marina Development)” zone. Approval of the application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the renewal of planning approval for temporary tutorial school could be tolerated for a period of three years.
- 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 period of three years, and be renewed from 5.12.2023 to 4.12.2026. The recommended advisory clauses are attached at **Appendix VI**.
- 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 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 and supplementary information received on 12.10.2023 and 16.10.2023
Appendix II	Relevant extract of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix III	Previous Application
Appendix IV	Similar Application
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2023**