

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

APPLICATION NO. A/SK-HH/82

- Applicant** : Woodland Pre-schools Limited represented by Form 2 Limited
- Premises** : Shop D & Yard, G/F, Marina Cove Shopping Centre, Sai Kung,
New Territories
- Floor Area** : About 697m²
- Lease** : Lot 526 in D.D. 210 and the Extension
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)
- Plan** : Approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/8
- Zoning** : “Other Specified Uses” annotated “Residential cum Marina
Development” (“OU(Residential cum Marina Development)”)
- Application** : Renewal of Planning Approval for Temporary School (Kindergarten)
for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for a temporary school (kindergarten) for a period of three years at the application premises (the Premises). The Premises fall within an area zoned “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 are located within the shopping centre 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/78 granted by the Rural and New Town Planning Committee (the Committee) of the Board on

27.1.2021 until 26.1.2024. The approved renewal application was submitted by the same applicant for the same use, and with same floor area and layout as the current application. The kindergarten has a total floor area of about 697m², including 597m² for five classrooms, activity area, office and play area as well as 100m² for an outdoor play area (**Drawing A-2**).

- 1.3 In support of the application, the applicant has submitted application form with attachments which was received on 15.12.2023 (**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 at **Appendix I** and can be summarised as follows:

- (a) the applicant has implemented and maintained effective traffic arrangements and Fire Service Installations (FSIs) at the Premises since approval of the last planning permission;
- (b) with internal parking facility (drop-off/pick-up of school bus) within Marina Cove, the school use has not caused any traffic congestion to Hiram's Highway, the applicant will continue to adopt and maintain the same traffic arrangements;
- (c) there is no change to the layout of the kindergarten. Since the facilities of the Premises are maintained in good condition, the applicant will maintain the same FSIs in the following approval period; and
- (d) the applicant has obtained a valid Kindergarten Licence from Education Bureau and provided high quality international standard bilingual education with full support from local residents. Therefore, the applicant applies renewal of planning approval to continue using the Premises as a kindergarten.

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

5. Previous Applications

- 5.1 The Premises are the subject of nine previous applications (No. A/SK-HH/22, 43, 44, 45, 54, 69, 71, 73 and 78) for temporary child care centre and/or kindergarten for a period of three years. Among which, seven applications (No. A/SK-HH/44, 45, 54, 69, 71, 73 and 78), including renewal on approval granted, were submitted by the same applicant for the same temporary use as the current application. Application No. A/SK-HH/44 was rejected by the Committee in 2009 on the grounds that there was insufficient information in the submission to demonstrate that the traffic arrangement for school children by school bus as proposed in the application could be implemented and enforced. Apart from the rejected application, the subsequent six applications were approved by the Committee between 2000 and 2021 mainly on the considerations that the proposals were not incompatible with the surrounding uses; and the proposals would not frustrate the long-term development of the area. The planning permissions under application No. A/SK-HH/69 and 71 were revoked in 2016 and 2017 respectively due to non-compliance with approval conditions pertaining to FSIs.
- 5.2 Compared with the last approved application No. A/SK-HH/78, the current application has the same floor area and layout. All the approval conditions have been complied with and the planning permission is valid until 26.1.2024.
- 5.3 Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

6. Similar Applications

There are two similar applications (No. A/SK-HH/77 and A/SK-HH/81) in the past five years for temporary school at another premises within the same “OU(Residential cum Marina Development)” zone approved with conditions by the Committee in 2020 and 2023 respectively. Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2**.

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

- 7.1 The Premises are:
- (a) currently used as a kindergarten within Marina Cove Shopping Centre which is a single storey free-standing commercial block in Marina Cove; and
 - (b) accessible from Hiram’s Highway through the internal vehicular access connecting to the southern entrance of Marina Cove.
- 7.2 The surrounding areas are mainly shops in the shopping centre comprising restaurants, real estate agency, convenience store and a supermarket as well as the clubhouse and residential blocks of Marina Cove.

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 22.12.2023, the application was published for public inspection. No public comment was received during the statutory public inspection period.

11. Planning Considerations and Assessments

11.1 The application is for renewal of planning approval for temporary school (kindergarten) for a period of three years at the Premises, which fall 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 kindergarten 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 kindergarten is small in scale with a total floor area of about 697m², including 597m² for five classrooms, activity area, office and play area as well as 100m² for an outdoor play area. 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 (C for T), the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) and the Director of Fire Services (D of FS) 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 8.1.2021; 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 Premises are the subject of six previous approved applications. The latest approved application (No. A/SK-HH/78) was submitted by the same applicant for the same use with the same floor area and layout. The Committee also approved two similar applications at another premises 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 school (kindergarten) 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 27.1.2024 until 26.1.2027. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the existing traffic arrangements implemented shall be maintained during the approval period to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) if the above planning condition (a) 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 Clauses

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 with attachments received on 15.12.2023
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 applications
Appendix IV	Similar applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Layout 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
JANUARY 2024**