

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TKO/123**

<b><u>Applicant</u></b>	: Hongkong Top Smart Enterprise Limited represented by DeSPACE (International) Limited
<b><u>Site</u></b>	: Lot No. 146 in D.D. 224, Hang Hau, Tseung Kwan O
<b><u>Site Area</u></b>	: About 150.5m <sup>2</sup>
<b><u>Land Status</u></b>	: House Lot under Block Government Lease
<b><u>Plan</u></b>	: Approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/28
<b><u>Zoning</u></b>	: “Green Belt” (“GB”)
<b><u>Application</u></b>	: Proposed School

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed school within an existing building at the application site (the Site), which falls within an area zoned “Green Belt” (“GB”) on the approved Tseung Kwan O Outline Zoning Plan No. S/TKO/28 (the OZP). According to the Notes of the OZP, ‘School’ use within “GB” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board) (**Plan A-1**).
- 1.2 The applicant proposes to use the existing 3-storey building, which is currently vacant, for a proposed private school as an extension of the primary section (up to Secondary 6) of Forest House Waldorf School<sup>1</sup>.

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<sup>1</sup> Forest House Waldorf School (primary session), which is located in Floral Villas, 18 Tso Wo Road of Sai Kung, falls within an area zoned “Residential (Group C)3” on the Tai Mong Tsai & Tsam Chuk Wan Outline Zoning Plan. It is covered by a planning permission (application No. A/SK-TMT/45) approved with conditions by the Rural and New Town Planning Committee of the Board on 12.9.2014 and is a registered school with the Education Bureau since 1.2.2016.

- 1.3 The proposed school will have six classrooms, one music room, one art room and other ancillary facilities including a principal room, a staff room and toilets for accommodating a maximum of 123 students, six teachers and three staff (**Drawings A-1 to A-3**).
- 1.4 No car parking and loading/unloading space, picking up/dropping off area for private cars/taxi nor school bus arrangement will be provided within the Site. The applicant indicates that students and staff can access the Site via various means of public transport facilities (**Drawing A-4**).
- 1.5 The floor plans and section plan of the proposed school and a plan showing the transport facilities in the surroundings submitted by the applicant are at **Drawings A-1 to A-4**. Major development parameters of the proposed school are summarised below:

<b>Site Area</b>	about 150.5m <sup>2</sup>
<b>Gross Floor Area (GFA)</b>	about 451.5m <sup>2</sup>
<b>Building Height</b>	3 storeys
<b>Floor Use</b>	
<b>G/F</b>	a principal room, a staff room, classrooms and toilets
<b>1/F</b>	classrooms
<b>2/F</b>	a music room and an art room

- 1.6 The Site is the subject of two previous applications, with one for proposed school (No. A/TKO/78) approved by the Rural and New Town Planning Committee (the Committee) on 29.9.2006 and the other for proposed social welfare facility (residential care home for the elderly (RCHE)) (No. A/TKO/96) rejected by the Committee on 4.4.2014. The planning permission for the school use lapsed in 2010. Details of the previous applications are at paragraph 6 below.
- 1.7 In support of the application, the applicant has submitted the following documents:
  - (a) Application form received on 7.7.2021 (**Appendix I**)
  - (b) Supplementary Information received on 14.7.2021 (**Appendix Ia**)
  - (c) Letter stating change of authorised agent received on 14.1.2022 (**Appendix Ib**)
  - (d) Further information (FI) providing responses to departmental comments and a preliminary environmental analysis received on 14.1.2022<sup>#</sup> (**Appendix Ic**)
  - (e) FI providing clarifications received on 28.1.2022\* (**Appendix Id**)
  - (f) FI providing responses to departmental comments and revised preliminary environmental analysis received on 16.2.2022\* (**Appendix Ie**)
  - (g) FI providing responses to departmental comments received on 18.2.2022 and 23.2.2022\* (**Appendix If**)
  - (h) FI providing responses to departmental comments received on 28.2.2022\* (**Appendix Ig**)

*<sup>#</sup>accepted but not exempted from publication and recounting requirements*

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- 1.8 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed on 27.8.2021 and 12.11.2021 to defer making a decision on the application each for two months to allow time for the applicant to prepare FI in response to departmental comments. With the FIs received on 14.1.2022, 28.1.2022, 16.2.2022, 18.2.2022, 23.2.2022 and 28.2.2022, the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ic to Ig**. They can be summarised as follows:

- (a) as there is a growing demand for school and education services in the district and buildings suitable for operation of school are rare, there is a need to seek for a premises for school use;
- (b) the proposed private school is an extension of the primary section of Forest House Waldorf School, which is a registered school with the Education Bureau since 2016 and accredited by both International Forum for Steiner/Waldorf Education Switzerland and Steiner Education Australia with “Waldorf Curriculum”. The school is sponsored by Forest House International School Limited which is a charitable institution exempted from tax under Section 88 of the Inland Revenue Ordinance;
- (c) the Site is well served by public transport such as Mass Transit Railway, franchised bus, green minibus and taxi. The Site is about 700m from the Hang Hau MTR Station and various bus and minibus stops are close to the Site. There are sufficient public car parks in the surroundings. It is anticipated that students and staff can access the Site via public transport facilities and the increase in traffic due to the proposed school is considered minimal;
- (d) a previous application for school (No. A/TKO/78) was approved by the Committee in 2006. The applied use is compatible with the existing uses in the surroundings and shall not create any adverse impact on the area; and
- (e) a Preliminary Environmental Analysis has been conducted to assess the potential impact associated with the proposed use. No adverse impact on air quality, noise and sewerage aspects are anticipated.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

#### **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’ (**Appendix II**) is relevant to the application. The relevant assessment criteria are summarised as follows:

- (a) there is a general presumption against development (other than redevelopment) in a “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 grounds. 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 government/institution/community (G/IC) uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio 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; and
- (g) 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.

#### **5. Background**

The subject building was completed in 1978 for church and kindergarten uses before the first gazette of the Tseung Kwan O OZP No. S/TKO/1 in 1992.

## **6. Previous Applications**

- 6.1 The Site is the subject of two previous applications including application No. A/TKO/78 for proposed school and application No. A/TKO/96 for proposed social welfare facility (RCHE).
- 6.2 Application No. A/TKO/78 for proposed school offering skill training for the youth and adult was approved by the Committee on 29.9.2006, mainly on the grounds that it was not incompatible with the surrounding residential development, it was within an existing building and would not involve any clearance of natural vegetation, and the small scale of the proposed school would unlikely cause any significant adverse traffic, environmental and infrastructural impacts on the locality. The planning permission lapsed on 29.9.2010.
- 6.3 Application No. A/TKO/96 covering a larger site with an adjoining open platform (a piece of government land under a non-transferable licence) for proposed social welfare facility (RCHE) was rejected by the Committee on 4.4.2014 mainly on traffic and traffic noise grounds.
- 6.4 Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

## **7. Similar Application**

There is no similar planning application within the “GB” zone of the OZP.

## **8. The Site and Its Surrounding Areas (Plans A-1, A-2, Aerial photo on Plan A-3 and Site photos on Plans A-4a to A-4c)**

- 8.1 The Site is:
  - (a) located on a slope between Hang Hau Road to the northeast and a footpath next to Tseung Kwan O Hospital to the southwest;
  - (b) occupied by an existing 3-storey building which is currently vacant; and
  - (c) accessible by a footpath and a staircase leading to Hang Hau Road.
- 8.2 The surrounding areas have the following characteristics:
  - (a) to the north, northwest and southeast along Hang Hau Road are mainly villages houses surrounded by trees and greenery;
  - (b) to the southwest is Tseung Kwan O Hospital with a bus terminus at Po Ning Road; and

- (c) to the further northeast across Hang Hau Road are Hang Hau Rural Committee and Hang Hau and Junk Bay Merchants Association.

## **9. Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the zone.

## **10. Comments from Relevant Government Departments**

- 10.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) the Site falls entirely within private land of an old schedule house lot held under Block Government Lease; and
- (b) no objection to the application from land administrative point of view provided that no noisy, nuisance or offensive trade or business is conducted in the premises.

### **Education**

- 10.1.2 Comments of the Secretary for Education (SED):

- (a) no comment on the application with the understanding that the school will operate as a private school not offering mainstream local curriculum;
- (b) it is not a registered school premises; and
- (c) the school should always comply with the Education Ordinance, Education Regulations and such other requirements as specified from time to time by the Government/Education Bureau.

### **Traffic**

- 10.1.3 Comments of the Commissioner for Transport (C for T):

the application can be tolerated from traffic engineering point of view since the proposed development comprises a small building with no parking space or loading/unloading space.

### **Environment**

#### 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application from environmental planning perspective;
- (b) should the application be approved, an approval condition on the submission of a Sewerage Impact Assessment and implementation of the measures identified therein should be imposed; and
- (c) other detailed comments are at **Appendix IV**.

### **Landscape**

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

- (a) the Site, which is located within an area of urban fringe landscape character surrounded by tree groups, woodlands and some low-rise developments, is fully occupied by an existing premises without any vegetation or other landscape resources. Given that the applied use is small in scale, the proposed development is considered not entirely incompatible with the surrounding environment; and
- (b) no objection to the application from landscape planning perspective in view that significant landscape impact due to the proposed development is not anticipated.

### **Building Matters**

#### 10.1.6 Comments of the Chief Building Surveyor/New Territories West, New Buildings Division 1, Buildings Department (CBS/NTW, NBD1, BD):

- (a) no in-principle objection to the application under the Buildings Ordinance; and
- (b) other detailed comments are at **Appendix IV**.

### **Fire Safety**

#### 10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to water supplies for fire-fighting and fire service installations being provided to his satisfaction ; and
- (b) other detailed comments are at **Appendix IV**.

### **Water Supply**

10.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C,WSD):

- (a) no objection to the application; and
- (b) other detailed comments are at **Appendix IV**.

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

- (a) District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD);
- (b) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Chief Highway Engineer/ New Territories East, Highways Department (CHE/NTE, HyD);
- (e) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (f) Director of Agriculture, Fisheries and Conservation (DAFC);
- (g) Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD);
- (h) Commissioner of Police (C of P); and
- (i) Director of Electrical and Mechanical Services (DEMS).

## **11. Public Comments Received During Statutory Publication Periods**

During the statutory public inspection periods, a total of 26 public comments from individuals, including 22 supporting and four providing views on the application, were received (**Appendix V**). The supporting comments are mainly on the ground of providing different school choices with international accreditation and recognition but the applicant is reminded to avoid causing nuisances to the nearby residents during the construction stage and minimise traffic impact on the surrounding area during the operation stage. The comments providing views are mainly concerned about the traffic arrangement and the traffic impact generated by the proposed school, the lack of picking up/dropping off area for private car/school bus, and the safety of the students due to the lack of pedestrian crossing at Hang Hau Road.



## **12. Planning Considerations and Assessments**

- 12.1 The application is to seek planning permission to use an existing 3-storey building for a proposed school at the Site which is zoned “GB” on the OZP. The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the zone. However, the subject building was completed in 1978 before the first Tseung Kwan O OZP gazetted in 1992. The applicant’s proposal to use the existing building for school use is considered not incompatible with the character of the surrounding areas mainly comprising village houses and G/IC uses including Tseung Kwan O Hospital and Hang Hau Rural Committee. As such, sympathetic consideration could be given to the application.
- 12.2 As the proposed school will be accommodated within the existing building, it would not involve clearance of existing natural vegetation, affect the existing natural landscape or cause adverse visual impact on the surrounding environment. DAFC, CTP/UD&L, PlanD and CA/CMD2, ArchSD have no adverse comment on the application.
- 12.3 The proposed school would accommodate a maximum of 123 students, six teachers and three staff members. The applicant has submitted a preliminary environmental analysis to demonstrate the environmental acceptability of the proposed use from air, noise and sewage perspectives. DEP and CE/MS, DSD have no adverse comment on the application.
- 12.4 The applicant indicates that no car parking and loading/unloading space, picking up/dropping off area for private cars/taxi nor school bus arrangement will be provided for the proposed school as the Site is well served by public transport facilities in the vicinity and the students and staff are expected to access the Site via public transport. C for T considers that the application can be tolerated from traffic engineering point of view. In this regard, the application generally complies with TPB PG-No. 10 with respect to landscape, environmental acceptability and traffic aspects.
- 12.5 The site is the subject of a previous planning application (No. A/TKO/78) for school use which was approved by the Committee in 2006 but the planning permission lapsed in 2010. The circumstances of the current application are largely the same as those of the previously approved application. Approval of the current application is consistent with the Committee’s previous decision.
- 12.6 The public comment supporting the application was noted. Regarding the concerns on the traffic impact and the traffic arrangement for the students and staff, departmental comments in paragraph 10 and the assessments in paragraph 12.4 above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.3.2026, 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 conditions and advisory clauses are also suggested for Members' consideration:

#### **Approval Conditions**

- (a) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission of a Sewerage Impact Assessment and implementation of the measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

#### **Advisory Clauses**

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

- 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, and the date when the validity of the permission should expire.
- 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**

<b>Appendix I</b>	Application form received on 7.7.2021
<b>Appendix Ia</b>	Supplementary Information received on 14.7.2021
<b>Appendix Ib</b>	Letter received on 14.1.2022
<b>Appendix Ic</b>	FI received on 14.1.2022

<b>Appendix Id</b>	FI received on 28.1.2022
<b>Appendix Ie</b>	FI received on 16.2.2022
<b>Appendix If</b>	FI received on 18.2.2022 and 23.2.2022
<b>Appendix Ig</b>	FI received on 28.2.2022
<b>Appendix II</b>	Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance
<b>Appendix III</b>	Details of previous applications
<b>Appendix IV</b>	Detailed Comments from Government Departments
<b>Appendix V</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawings A-1 and A-2</b>	Floor Plans
<b>Drawing A-3</b>	Section Plan
<b>Drawing A-4</b>	Plan indicating surrounding public transport facilities
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT**  
**MARCH 2022**