

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

**APPLICATION NO. A/YL/292**

- Applicant** : Alex Yau and Associates Engineers and Planning Limited
- Premises** : Shops 33 and 34, G/F, Transport Plaza, 2-6 Fung Cheung Road, Yuen Long, New Territories
- Total Floor Area of Premises** : About 64m<sup>2</sup>
- Lease** : (a) Under New Grant No. 3071
- (b) The lot shall not be used for any purpose other than the following:
- (i) a multi-storey car park consisting of not less than 765 spaces
- (ii) a petrol filling station
- (iii) remaining floor area for non-industrial purpose only, excluding residential
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/25
- Zoning** : “Other Specified Uses” annotated “Public Car Park and Petrol Filling Station with Ground Floor Retail Shops” (“OU(PCP and PFS with G/F Retail Shops)”) *[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 25 storeys excluding basement(s)]*
- Application** : Proposed School (Tutorial School)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed tutorial school at the application premises (the premises) (**Plan A-1**). According to the Notes of the OZP, ‘School’ is a Column 2 use in the “OU(PCP and PFS with G/F Retail Shops)” zone that requires planning permission from the Town Planning Board (the Board). The premises are located on the G/F of an existing building, namely Transport Plaza. The premises is currently vacant (**Plans A-2 to A-4**).

- 1.2 According to the submission, the proposal will include a reception and one classroom within the premises of a total floor area of about 64m<sup>2</sup> which is intended to accommodate a maximum of 8 students and 2 staff. The operation hours are from 8:30a.m. to 6:00p.m. from Mondays to Fridays, 8:30a.m. to 1:00p.m. on Saturdays, and there will be no operation on Sundays. The location plan and layout plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 20.4.2022 **(Appendix I)**
  - (b) Further Information (FI) received on 30.5.2022 **(Appendix Ia)**  
*(exempted from the publication and recounting requirements)*

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

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

- (a) New residential developments have attracted new population to the Yuen Long Town area in recent years, including young families, and thus there is an imminent need for tutorial school services in the area.
- (b) The convenient location of the Transport Plaza with existing pedestrian connections to the nearby residential areas makes the premises to be a favourable location to offer tutorial school services. It is also anticipated that no additional traffic will be generated by the proposed tutorial school. The proposed use will not cause any adverse impact to the surrounding as it is relatively small in size and aims to serve the local population only.
- (c) The proposed use will not cause any adverse impact on the Means of Escape and structural stability of the Transport Plaza as it is located on the G/F. Lavatories and access for people with disability are also available at the proximity of the premises.

## **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. 31A) by obtaining the consent from the current premises owner. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

The site covering the application premises has been zoned “OU (PCP and PFS with G/F Retail Shops)” since the exhibition of the first draft Yuen Long OZP No. S/YL/1 on 12.4.1991. There has been no change to the zoning since then.

#### **5. Previous Application**

There is no previous application in respect of the application premises.

#### **6. Similar Application**

There is no similar application within the same “OU” zone on the OZP.

#### **7. The Premises and Its Surrounding Areas (Drawing A-1, Plans A-1 to A-4)**

7.1 The premises is:

- (a) located on the G/F of an existing 12-storey purpose-built car park, namely Transport Plaza, at the junction of Kin Lok Street and Fung Cheung Road (**Plan A-2**); and
- (b) currently vacant (**Plan 4**).

7.2 The subject building was completed with occupation permit issued in 1988. The current uses of the subject building are summarized below:

<b>Floor</b>	<b>Current Uses</b>
G/F	Shop and services, clinic, eating place and PFS
M/F	Eating place
1/F to 10/F	Public car parking spaces <sup>1</sup>

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

- (a) the locality is mainly occupied by residential buildings with lower floors for non-domestic uses on land zoned “Residential (Group A)”;
- (b) to its northeast across Fung Cheung Road is Fung Cheung Road Garden on land zoned “Open Space”. The subject building is accessible via the elevated walkways connecting to the areas across Fung Cheung Road and Castle Peak Road-Yuen Long;

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<sup>1</sup> According to Transport Department’s record, there are a total of 880 public car parking spaces in Transport Plaza, including 779 spaces for private car and 101 spaces for goods vehicle.

- (c) to its southwest across Kin Lok Street is Kin Yip Street Cooked Food Market on land zoned “Government, Institution or Community”; and
- (d) the area is well-served by various modes of public transport including minibuses and buses.

## **8. Planning Intention**

The planning intention of the “OU(PCP and PFS with G/F Retail Shops)” zone is primarily for PCP and PFS with G/F retail shops.

## **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:

### **Education**

#### **9.1.1 Comments of the Secretary for Education (SED):**

For school registration procedures, 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 (BD), Fire Services Department (FSD), Lands Department (LandsD) 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.

### **Land Administration**

#### **9.1.2 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):**

- (a) He has no comment on the application.
- (b) The premises falls within Yuen Long Town Lot No. 348, which is held under New Grant No. 3071 as modified by three modification letters dated 18.12.1987, 23.11.1988 and 21.2.1994 (the conditions). According to the conditions, it contains, inter alia, the following restrictions:

The lot shall not be used for any purpose other than:

- (i) a multi-storey car park consisting of not less than 765 spaces;
- (ii) a petrol filling station; and
- (iii) remaining floor area for non-industrial purposes only, excluding residential.

- (c) The applicant should be reminded of the detailed comments at **Appendix III.**

### **Traffic**

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

He has no comment from highways maintenance point of view as the application is related to a proposed tutorial school inside the Transport Plaza and there is no vehicular access proposed or to be granted under the application.

### **Drainage**

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

- (a) He has no comment from drainage point of view.
- (b) According to the submission, the applied use is inside and would make use of the internal drainage of Transport Plaza without additional stormwater nor sewage discharge. The applicant should be reminded of the detailed comments at **Appendix III.**

### **Fire Safety**

- 9.1.5 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations and water supplies for firefighting (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, 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. The applicant should be reminded of the detailed comments at **Appendix III.**

### **Building Matters**

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

Based on the limited information provided, the proposed tutorial school is subject to the issue of a licence/registration. The applicant should be reminded that the premises intended to be used for such purpose is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

### **District Officer's Comments**

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

His office has no departmental comment on the application and the local comments should be submitted to the Board directly, if any.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Environmental Protection (DEP);
- (c) Commissioner for Transport; and
- (d) Commissioner of Police (C of P).

## **10. Public Comment Received During Statutory Publication Period**

On 29.4.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual (**Appendix II**), who considers the proposed use at the Transport Plaza can benefit the local residents.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed tutorial school use at the premises of Transport Plaza within the "OU(PCP and PFS with G/F Retail Shops)" zone on the OZP. The planning intention of the zone is primarily for PCP and PFS with G/F retail shops. The proposed use is not in conflict with the planning intention of the "OU" zone as it can provide the services for tutorial school to meet such demand in the area.
- 11.2 The proposed tutorial school is located at the G/F of Transport Plaza where commercial uses including shop and services, clinic, eating places are located. It is considered generally compatible with the existing uses of the surrounding premises.
- 11.3 The proposed school is small in scale with a total floor area of about 64m<sup>2</sup> for a maximum of 8 students and 2 staff. It is unlikely to cause any adverse impact on the surroundings. In this regard, relevant government departments have no objection in principle to/adverse comments on the application.
- 11.4 One public comment was received during the statutory publication period expressing support to the application as summarised in paragraph 10 above.

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

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment as mentioned in paragraph 10 above, 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 10.6.2026, 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 condition of approval and advisory clauses are also suggested for Members' reference:

### Approval condition

the provision of fire service installations and water supplies for firefighting prior to commencement of school operation 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 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 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**

<b>Appendix I</b>	Application Form with attachments received on 20.4.2022
<b>Appendix Ia</b>	FI received on 31.5.2022
<b>Appendix II</b>	Public Comment received during the Statutory Publication Period
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Part Floor Plan
<b>Plan A-1</b>	Location Plan

**Plan A-2**

Site Plan

**Plan A-3**

Aerial Photo

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**