

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

**APPLICATION NO. A/TKO/112**

<b><u>Applicant</u></b>	:	Mr. NG Chun Ho represented by Mr. MOK Chun Wah
<b><u>Application Premises</u></b>	:	Shops 106-109, 1/F, Commercial and Garage Block, Hong Sing Garden, 1 Po Lam Road North, Tseung Kwan O
<b><u>Total Area of Premises</u></b>	:	About 129.15m <sup>2</sup>
<b><u>Land Status</u></b>	:	Restricted to non-industrial (excluding godown) purposes under New Grant No. 7053
<b><u>Plan</u></b>	:	Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/25
<b><u>Zoning</u></b>	:	“Residential (Group B)” (“R(B)”)
<b><u>Application</u></b>	:	Proposed School (Tutorial School)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed school (tutorial school) at Shops 106-109 on 1/F of the commercial and garage block, Hong Sing Garden (the Premises). The Premises fall within an area zoned “R(B)” on the draft Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/25 (**Plan A-1**). According to the Notes of the OZP, ‘School (not elsewhere specified)’ is a Column 2 use in “R(B)” zone and requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises are located on the 1/F of the commercial and garage block of Hong Sing Garden which is the non-residential portion of Hong Sing Garden. The location of the Premises is shown on **Plan A-2**.
- 1.3 According to the applicant, there will be a maximum of 81 students and four teachers in the proposed tutorial school with three classrooms. The operating hours will be 9:00a.m. to 8:00p.m. from Monday to Sunday.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 17.1.2018 (Appendix I)
  - (b) Further Information dated 23.2.2018 providing clarification on total floor area and total capacity (no. of students) of the proposed development (exempted from publication and recounting requirements) (Appendix Ia)
- 1.5 The 1/F plan of the commercial and garage block and floor layout of the proposed school submitted by the applicant are shown on **Drawings A-1 and A-2**.

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

The justifications put forth by the applicant in support of the application are detailed in **Appendix I**. They are summarized as follows:

The applicant has teaching experiences for years and has passion in teaching. He wants to own an education centre so as to nourish the future master of the society. The education philosophy of Kumon matches the applicant's in that the teaching courses focus on the development of the intellectual potential of the students through improving the reading and analytical ability, mathematical, analytical and logical thinking as well as good self-learning attitude. Through these skills, the students are able to take challenges and to develop their calibre.

## 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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification to the current owner. Detailed information would be deposited at the meeting for Members' inspection.

## 4. **Town Planning Board Guidelines**

Town Planning Board Guidelines No. 40 for "Application for Tutorial School under Section 16 of the Town Planning Ordinance" (TPB PG-No. 40) is relevant to this application. The relevant main assessment criteria are summarized as follows:

- (a) The proposed tutorial school should not be incompatible with other uses within the same building. In assessing the compatibility with other uses within the same building or surrounding development, consideration will normally be given only to the permitted uses within the building(s).
- (b) To avoid causing disturbance or nuisance to the local residents, tutorial school will normally not be permitted within a residential building or the domestic portion of a

composite commercial/residential building unless the proposed access to the application premises will not cause disturbance or nuisance to the local residents.

- (c) The views of the public on the proposed tutorial school will be taken into account by the Board in consideration of the application.
- (d) The Fire Services Department (FSD) and the Buildings Department (BD) should be satisfied with proposals to comply with the fire and building safety requirements for the proposed tutorial school.

## 5. Previous Applications

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

## 6. Similar Applications

- 6.1 There are four similar applications (No. A/TKO/56, 79, 97 and 102) for tutorial school within the same Commercial and Garage Block of Hong Sing Garden. They were approved with conditions by the Rural and New Town Planning Committee (the Committee) in 16.5.2003, 17.11.2006, 12.9.2014 and 6.11.2015 respectively. They were approved mainly on the consideration that the tutorial school was located at the commercial complex which was separated from the residential portion of the development; the use was not incompatible with the existing use of the surrounding premises; and the proposed developments would not have significant adverse environmental, traffic and infrastructural impacts on the surroundings. Three of the abovementioned tutorial schools with planning permissions (Applications No. A/TKO/56, 97 and 102) are currently in operation.
- 6.2 Details of these applications and the Committee's decisions are summarized at **Appendix II** while the locations are shown on **Plans A-1 and A-2**.

## 7. The Site and Its Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3, A-4a to 4b)

- 7.1 The premises are:
  - (a) located on the 1/F of a free-standing 2-storey commercial block with basement carpark in the Hong Sing Garden which is a Private Sector Participation Scheme (PSPS) housing development completed in January 1989;
  - (b) currently under renovation; and
  - (c) accessible via an internal road and footpath within the Hong Sing Garden.

7.2 The surrounding areas have the following characteristics:

- (a) the ground and first floors of the commercial block are used for retail and office purposes including supermarket, convenience store, fresh food stores, restaurants, hair salon, real estate agency, clinic, laundry shop, District Council member's office, tutorial schools, etc. The basement is for car-parking purpose; and
- (b) the commercial block is situated in the central part of the Hong Sing Garden. To the north of the commercial block are recreational facilities including swimming pool, basketball court and tennis court. To the east and south are residential blocks of the Hong Sing Garden.

## **8. Planning Intention**

The "R(B)" 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 bureau/departments have been consulted and their views on the application and/or the public comments received are summarized as follows:

### **Education**

9.1.1 Comments of the Secretary for Education (SED):

To ensure that the selected premises are suitable for the purposes of a school, the applicant should first clear with the Planning Department and Lands Department on whether the proposed site contravenes the Town Planning Ordinance/Government Lease conditions. For details of registration of a school, the applicant should contact School Registration and Compliance Section of his Bureau.

### **Land Administration**

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

- (a) He has no comment on the application.
- (b) The subject premises falls within JBTL No. 6 (the Lot) and the New Grant No. 7053 governing the Lot stipulates that the Lot shall not be used for any purpose other than for non-industrial (excluding godown) purposes.

**Environment**

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

The proposed tutorial school is located within the commercial premises and he has no objection to the application.

**Building Matters**

9.1.4 Comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department (CBS/NTE(2)&Rail, BD):

- (a) He has no in-principle objection to the application.
- (b) Under section 11(b) & 12(l) of the Education Ordinance, an application for registration of a school in a non-purpose built premises shall be accompanied by certain additional documents including the requisite certificates and notice to be issued by the Building Authority. He notes that the relevant application at the premises is being handled by the Licensing Unit of his department.

**Fire Safety**

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

He has no in-principle objection to the application subject to fire service installations and water supplies for fire-fighting being provided to the satisfaction of his Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

**District Officer's Comments**

9.1.6 Comments of District Officer (Sai Kung) (DO(SK), HAD):

His office does not hear any adverse comments or objection from the Incorporation of Owners of Hong Sing Garden and the District Council member of the subject constituency to the application.

9.2 The following departments have no comment on the application:

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD);
- (d) Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD);

- (e) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (f) Director of Electrical and Mechanical Services (DEMS); and
- (g) Commissioner of Police (C of P).

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

On 26.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.2.2018, no public comment was received.

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

- 11.1 The “R(B)” zone 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 tutorial school within an existing commercial block, serving the public including local residents, is in general not incompatible with the planning intention of the “R(B)” zone.
- 11.2 The application is considered in line with the Town Planning Board Guidelines No. TPB PG-No. 40. The subject tutorial school is situated on the first floor of the commercial and garage block of Hong Sing Garden where commercial uses including tutorial schools, restaurant, office, grocery stores and other retail shops and services are located. The use under application is considered not incompatible with the existing uses of the surrounding premises.
- 11.3 The subject tutorial school is located at the commercial block which is separated from the residential portion of Hong Sing Garden. It is not expected to create any disturbance to the residents of Hong Sing Garden.
- 11.4 The tutorial school is in moderate scale with 3 classrooms and a total floor area of 129.15m<sup>2</sup> accommodating a maximum of 81 students and 4 teachers. It is unlikely that the tutorial school would cause any significant adverse impacts on the surroundings. Relevant government departments have no objection to the application.
- 11.5 There is no public comment received during the statutory public inspection period.

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

- 12.1 Based on the assessments 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 16.3.2022, 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 Member's reference:

Approval condition

The provision of fire service installations and water supplies for fire-fighting 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**.

**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 submitted on 17.1.2018
<b>Appendix Ia</b>	Further information dated 23.2.2018 submitted by the applicant
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	First Floor Plan
<b>Drawing A-2</b>	Floor Layout Plan
<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-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2018**