

**TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR TUTORIAL SCHOOL
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note:

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17th Floor, NPGO and 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Introduction

- 1.1 Tutorial school is commonly found in commercial buildings, the commercial portion of composite commercial/residential buildings and the ground and upper floors of residential buildings. For the former two situations, planning permission from the Town Planning Board (the Board) is usually not required as tutorial school subsumed under school is always permitted according to the Notes of the statutory plans. However, for development of tutorial school in pure residential buildings or the domestic portion of composite commercial/residential buildings, planning control is considered necessary to ensure the proposed school would not cause nuisance or not be incompatible with other uses within the same building or surrounding developments. The main concern of the Board on tutorial school is whether the application premises is suitable for such a use from the planning point of view.
- 1.2 This set of Guidelines aims at listing the main planning criteria for the Board to consider planning applications for tutorial school in certain land use zones including “Residential (Group A)”, “Residential (Group B)”, “Residential (Group C)”, “Residential (Group D)”, “Residential (Group E)”, “Comprehensive Development Area” and “Commercial/Residential”, “Village Type Development”, “Other Specified Uses (Mixed Use)” and “Other Specified Uses (Rural Use)”. Each application will be considered by the Board on its own merits and the Board may approve the application with or without conditions.

2. Definition of Terms

School

- 2.1 According to section 3(1) of the Education Ordinance, Cap. 279, “school” means an institution, organization or establishment which provides for 20 or more persons

during any one day or 8 or more persons at any one time, any nursery, kindergarten, primary, secondary or post secondary education or any other educational course by any means, including correspondence delivered by hand or through the postal services.

Tutorial School

- 2.2 Private schools which offer educational courses such as tutorial, commercial, language and computer course are categorized by the Education Bureau as private schools offering non-formal curriculum (PSNFCs). Tutorial school is one type of PSNFCs.
- 2.3 According to the definition of terms for the statutory plans, tutorial school is subsumed under the broad use term of school.

3. Main Planning Criteria

- 3.1 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).
- 3.2 Similar to other commercial uses, tutorial school will generally rely on the patronage of outsiders not living in the residential building where the school is proposed to be located. Therefore, 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.
- 3.3 The proposed access (entrance) to the tutorial school of a residential building or domestic portion of a composite building must be separated from that of the domestic portion of the building by way of separate stairways and/or lifts/escalators exclusively serving the tutorial school so as to minimize any disturbance to the residents in the same building. These separate stairways and/or lifts/escalators should be able to cope with the number of students going into and leaving the premises. Unless an applicant can come up with practical and implementable proposals to demonstrate the proposed tutorial school would not create nuisances to the residents, access to the tutorial school through the common area of the residential development is generally not supported as the amenities of local residents will be affected. Such proposed access should also not affect the existing means of escape provisions of the building. Otherwise, approval from the Building Authority should be obtained. For tutorial schools of a considerable scale, i.e. with 120 or more students attending

classes at the same time, proper parking and loading/unloading facilities should be provided in accordance with the requirements stipulated in the Hong Kong Planning Standards and Guidelines for primary or secondary schools.

- 3.4 The views of the public on the proposed tutorial school will be taken into account by the Board in the consideration of the application.
- 3.5 The Fire Services Department and the Buildings Department should be satisfied with the proposals to comply with the fire and building safety requirements for the proposed tutorial school in respect of the provision of fire service installations, means of escape, fire resisting construction, barrier free access, structural suitability etc.

4. Other Statutory and Non-statutory Requirements

- 4.1 Tutorial school is also subject to other requirements stipulated under other Ordinances and Regulations, e.g. for school registration, it is subject to compliance with the registration requirements under the Education Ordinance, Cap. 279 and Education Regulations, Cap. 279A. The granting of planning approval by the Board does not imply that other statutory and non-statutory requirements as well as contractual obligations which may be needed in connection with the proposed use are necessarily met. The applicants are advised to ensure compliance with such requirements and obligations before contemplating any works.