

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/260

<u>Applicant</u>	:	Hong Kong College of Technology
<u>Premises</u>	:	Shop No. 41, Ground Floor, Golden Plaza, 28 Shui Che Kwun Street, Yuen Long, New Territories
<u>Site Area</u>	:	42.6m ²
<u>Lease</u>	:	(a) Yuen Long Town Lot (YLTL) 405 held under New Grant No. 3260 (b) Ground floor (G/F) of the building is restricted to non-industrial (excluding residential, godown and car repairing) purposes
<u>Plan</u>	:	Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/23
<u>Zoning</u>	:	“Other Specified Uses” (“OU”) annotated “Public Car Park with Ground Floor Retail Shop” <i>[restricted to a maximum plot ratio of 9.5 and a maximum building height of 30 storeys excluding basement(s)]</i>
<u>Application</u>	:	Proposed Education Institution

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the premises) for an educational institution (**Plan A-1**). The premises is located on the G/F of an existing 15-storey building, known as Golden Plaza, with mainly shop and services uses on G/F, a billiard centre on the 14/F and 13 storeys of public car park in between. According to the Notes of the OZP, ‘Educational Institution’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The premises is currently vacant.
- 1.2 The premises was the subject of two previous approved applications (No. A/YL/98 and 177) submitted by different applicants for art and design school and tutorial school uses respectively (**Plan A-1**). The last application was approved with condition by the Rural and New Town Planning Committee (the Committee) of the Board on 18.3.2011. Details of the application are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.
- 1.3 According to the applicant, the premises comprises a total floor area of about

42.6m² which can accommodate a total of 29 students and 1 teacher. The operation hours of the proposed education institution are between 9:00a.m. and 10:00p.m. daily with about 4-7 classes per day. The site plan, G/F plan of Golden Plaza and layout plan with fire service installations (FSIs) proposal submitted by the applicant are shown on **Drawings A-1 to A-3** respectively.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with plans received on 2.10.2019 (Appendix I)
- (b) Supplementary Information received on 9.10.2019 (Appendix Ia) clarifying the status and operation mode of the proposed education institution

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 9 of the Application Form in **Appendix I** and the Supplementary Information in **Appendix Ia**. They are summarised as follows:

- (a) The proposed educational institution is to provide education programmes, such as Yi Jin Diploma, post-secondary education and further education for Secondary 6 school leavers or adults aged 18 or above in the New Territories West.
- (b) Students are expected to get to the premises by public transport. The location of the premises is suitable for educational programmes.
- (c) The chairs and tables in the premises are kept for future use only and the applied use is not in operation. The premises is centrally air-conditioned without opening to known noise sources.

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 giving notification to the owner by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Applications

The Site was involved in 2 previous applications (No. A/YL/98 and 177) for art and design school and tutorial school uses respectively submitted by different applicants. Both applications were approved by the Committee with/without condition on 22.11.2002 and 18.3.2011 respectively, mainly on the grounds of land use compatibility with other uses on the G/F of the same building and relevant government departments had no adverse comment on the applications. Both planning permissions were implemented and had since lapsed. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

5. Similar Applications

There are 3 similar applications (No. A/YL/89, 102 and 216) for tutorial school or education institution on the G/F of the same building. All three applications were approved with/without condition by the Committee on 25.1.2002, 7.2.2003 and 6.11.2015 respectively on similar considerations as those stated in paragraph 4 above. The site of the latter application is just to the opposite of the current premises and was submitted by the same applicant for the same use. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

6.1 The application premises is:

- (a) at Shop No. 41 on G/F of an existing 15-storey building, known as Golden Plaza, comprising mainly shop and services uses on the G/F, a billiard centre on the 14/F and 13 storeys of public car park in between. The building is accessible from Shui Che Kwun Street and a pedestrian lane (i.e. Shui Che Kwun Lane). It is located at about 200m southwest of the West Rail Yuen Long Station (**Plan A-1**); and
- (b) renovated for the applied use but is not yet in operation.

6.2 The subject building has the following characteristics:

- (a) based on site inspection conducted on 11.10.2019, there are tutorial schools, education institution, shops, a supermarket and a clinic on the same floor (**Plan A-2b**); and
- (b) the existing uses of Golden Plaza are summarised as below:

Floor	Current uses
G/F	Tutorial schools, education institution, shops, a supermarket and a clinic
1/F – 13/F	Public car park
14/F	Billiard establishment

6.3 The surrounding areas have the following characteristics (**Plan A-2a**):

- (a) mainly surrounded by commercial/residential composite developments which are zoned “Residential (Group A) (“R(A)”) on the OZP; and
- (b) to the immediate north and west are Shui Mun Tau Rest Garden and Shui Che Kwun Playground respectively.

7. Planning Intention

The planning intention of the “OU” annotated “Public Car Park with Ground Floor Retail Shops” zone is primarily for public car park with ground floor retail shops.

8. Comments from Relevant Government Departments

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

Land Administration

8.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The subject premises falls within YLTL No. 405 (“the Lot”) which is not currently owned by the applicant, the Lot is held under a New Grant No. 3260 as modified by various Modification Letters (“the Land Grant”). Pursuant to Special Condition No.8(a) of the New Grant, the ground floor of any building or part of any building erected or to be erected on the lot shall not be used for any purposes other than non-industrial (excluding residential, godown and car-parking) purposes. In this regard, the proposed education institution use in the subject premises is considered acceptable under the Land Grant.
- (b) Should the application be approved for the proposed education institution use at the subject premises by the Board, the applicant/owner is reminded to observe all relevant statutory requirements under prevailing Ordinances and Regulations for the proposed uses.

Traffic

8.1.2 Comments of the Commissioner for Transport (C for T):

He has no comment on the application from the traffic engineering point of view as he understands that there is no vehicular ingress or egress to or from the premises.

Environment

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

He understands that the proposed education institution is situated within a commercial premises. In view of the relatively small scale of the proposed school (area about 42.6m² accommodating 30 persons) and the premises is centrally air-conditioned without opening to noise sources, he has no objection to the application.

Fire Safety

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

He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction. Detailed fire services requirements will be

formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

Building Matters

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

- (a) The proposed education institution is subject to the issue of a licence/registration. The applicant is 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.
- (b) Adequate provision of sanitary fitments should be available resulting from the change in use.

Education Licensing

8.1.6 Comments of the Secretary of Education (SED):

- (a) For school registration procedures, registration of schools is granted in accordance with the stipulated requirements under the Education Ordinance (Cap. 279) and relevant Guidelines. Clearance from the Board and LandsD should be obtained in respect of the proposed school premises, in addition, the premises should be suitable for school use in terms of fire safety and building safety as confirmed by the Fire Services Department and BD respectively. The applicant should also submit the documentary proof of the right to use the premises, Occupation Permit (for premises designed and constructed as a school), the proposed curriculum, courses and fee information, etc. for his consideration.
- (b) There was no application for registration of school received at the premises. The School Registration and Compliance Section is not in a position to comment.

8.2 The following government departments have no comment/ no adverse comment/ no objection on the application:

- (a) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (c) Director of Food and Environmental Hygiene (DFEH);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (h) Commissioner of Police (C of P).

9. Public Comment Received During Statutory Publication Period

On 11.10.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 1.11.2019, no public comment was received.

10. Planning Consideration and Assessment

10.1 The planning intention of the “OU” annotated “Public Car Park with Ground Floor Retail Shops” zone is primarily for public car park with ground floor retail shops. Although the applied use for an education institution is not entirely in line with the aforesaid planning intention, the applied use could provide education programmes for Secondary 6 school leavers and adults in the neighbourhood. The SED also has no adverse comment on the application.

10.2 Commercial and institutional uses, including tutorial centres, educational institution, retail shops, a supermarket and a clinic, are located on the same floor as the premises to meet the local needs. The applied use is therefore considered not incompatible with the existing uses on the G/F of the subject building (**Plan A-2b**).

10.3 The proposed education institution is small in scale with a total floor area of about 42.6m², located in a centrally-conditioned indoor premises and the students are expected to get to the premises by public transport. It is unlikely that the applied use would cause significant adverse environmental and traffic impacts to the surrounding areas. Relevant government departments consulted have no adverse comment on the application. To address the technical concerns on the fire safety aspect, relevant approval condition is recommended in paragraph 11.2 below. The proposed education institution will also need to comply with all the relevant requirements for application of a licence as required by the licensing authorities, i.e. SED and BD.

10.4 The Committee has approved 2 previous applications for similar art and design school and tutorial school uses at the premises and 3 similar applications for the same use and similar tutorial school use on the same floor of the subject building. Overall, approval of the application is in line with the Committee’s previous decisions.

10.5 There is no public comment received on the application during the statutory publication period.

11. Planning Department’s Views

11.1 Based on the assessment made in paragraph 10, the Planning Department has no objection to the application.

11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **29.11.2023**, 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 conditions of approval

and advisory clauses are also suggested for Members' reference:

Approval conditions

the submission and implementation of fire services installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

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

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "OU" annotated "Public Car Park with Ground Floor Retail Shops" zone which is primarily for public car park with ground floor retail shops. No strong planning justification has been given in the submission to justify a departure from the planning intention.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application Form with plans received on 2.10.2019
Appendix Ia	Supplementary Information received on 9.10.2019 clarifying the status and operation mode of the proposed education institution
Appendix II	Previous applications covering the Site
Appendix III	Similar applications within the G/F of the subject building
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Ground Floor Plan
Drawing A-3	Layout Plan with Fire Service Installations Proposal
Plan A-1	Location Plan with Previous and Similar Applications

Plan A-2a	Site Plan
Plan A-2b	Floor Uses (G/F) of Golden Plaza
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2019**