APPLICATION FOR PERMISSION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/266

Applicant : 迎康社 (Health Care Club)

<u>Site</u>: Former Tai Sang Wai Public School, Tai Sang Wai, Yuen Long

Site Area : About 1,580 m²

Land Status: Government Land (GL)

Plan : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8

Zoning : "Other Specified Uses" annotated "Comprehensive Development to include

Wetland Restoration Area" ("OU(CDWRA)")

(about 86%)

"Conservation Area" ("CA")

(about 14%)

<u>Application</u>: Proposed Temporary Social Welfare Facility (Youth Centre) of a Period of 3

Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the vacant school premises of the former Tai Sang Wai Public School which has been closed since 1996 at the application site (the Site) for proposed temporary social welfare facility (youth centre). The Site straddles two zones with majority of the Site falling within area zoned "OU(CDWRA)" (about 86%) and the remaining within an area zoned "CA" (about 14%) on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (Plan A-1). According to the Notes of the OZP, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use is not provided for in terms of the OZP.
- 1.2 According to the applicant, the proposed temporary youth centre comprises an activity room, a store room, a rain shelter and a washroom. The Site is accessible via

a local access off Bauhinia Road South/ Fairview Park Boulevard (**Plan A-1**). The location and layout plan of the proposed development are at **Plan A-1 and Drawing A-1** respectively. The major development parameters are summarized below:

Major Development Parameters	
Site Area	1,580m ² of GL
No. of Structures	4
Total Floor Area	351m ²
Height of Buildings	4-6m (1 storey)
Uses	1 Activity Room (floor area : 266 m²) 1 Store Room (floor area : 18 m²) 1 Washroom (floor area : 22 m²) 1 Rain Shelter (covered area : 45 m²) Outdoor Activity Area
Car Park	2 Car Parking Spaces (1 staff car park, 1 visitor car park) (2.5m x 5m) 1 Mini-bus Parking Space (3.5m x 7m)
Operation Hours	2:00p.m. to 9:00p.m. daily
Maximum Capacity	120 People

- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application form and supplementary documents received (**Appendix I**) on 28.6.2018
 - (b) Further information (FI) received on 30.7.2018 clarifying (**Appendix Ia**) the traffic-related issues (accepted and exempted from publication and recounting requirements)

2. <u>Justifications from the Applicant</u>

The justifications put forth by the applicant in support of the application are detailed in the supplementary documents at **Appendix I** and the FI received in **Appendix Ia**. They can be summarized as follows:

- (a) The applicant, 迎康社 (Health Care Club), is a charitable organisation set up in 2012 to serve the community in Yuen Long through providing services/ activities for the youth, promoting art culture and strengthening community bonding etc.
- (b) The applicant proposes to use the former Tai Sang Wai Public School buildings as a youth centre to provide trainings/ activities for youth. The general public is also welcomed to use the proposed youth centre.
- (c) The school buildings of the Site have been vacated for over 20 years and the proposed youth centre will make good use of the premises. The proposed development is temporary in nature and will not jeopardize the long term planning intention.
- (d) The Site is located in a village settlement and the surrounding areas are mainly residential dwellings, car parks, open storage and unused land. The proposed youth centre is considered not incompatible with the surrounding area.
- (e) The proposed youth centre will not involve any building works, site formation, excavation or filling of land and tree felling; no loudhailer will be used; visitors are encouraged to access the Site through public transport; no adverse environmental, drainage and traffic impacts on the surrounding environment is anticipated.
- (f) The applicant will improve the environment of the Site, such as drainage facilities and fire service installations, as required by relevant departments.
- (g) The Site is well served by public transport as the terminus is located 50 m to the northwest. Most people that utilize the proposed youth centre would come from the surrounding areas which are within walking distance. The provision for one parking space for staff and one for visitors at the Site are considered sufficient. The minibus parking space is for group events/ special occasions at the Site. The car-trips generated by the proposed use are relatively low (1 to 2 trips per day).
- (h) The application is supported by the local community, including village representatives of Tai Sang Wai Village, Pok Wai Village, Chuk Yuen Village, Wai Tsai Village, San Wai Village, Pun Uk Tsuen and Ngau Tam Mei Village; and 3 Yuen Long District Council Members.

3. Compliance with the "Owner's Consent/Notification" Requirements

As the Site involves GL only, the "owner's consent/ notification" 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) is not applicable to the application.

4. Town Planning Board Guidelines

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the Site falls mainly within Wetland Buffer Area (WBA) (about 86%) with a small portion within Wetland Conservation Area (WCA) (about 14%). The relevant assessment criteria are summarized as follows:

Wetland Buffer Area

- (a) The intention of WBA is to protect the ecological integrity of the fish ponds and wetland within WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) an ecological impact assessment (EcoIA) would need to be submitted for application for planning permission within the WBA. However, some local and minor uses (including temporary uses) are exempted from the requirement of EcoIA.

Wetland Conservation Area

- (a) The planning intention of the WCA is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. It comprises the existing and contiguous, active or abandoned fish ponds in the Deep Bay Area, which should all be conserved;
- (b) new development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructure project with overriding public interests;
- (c) any development within WCA which requires planning permission from the Board should be supported by an Ecological Impact Assessment (EcoIA) to demonstrate that the development would not result in a net loss in wetland function and negative disturbance impact. Moreover, wetland compensation is required for any development involving pond filling and mitigation measures against disturbance would be necessary; and
- (d) subject to submission of EcoIA, the type of activities which may be considered within the WCA, must be related to conservation, environmental education or essential infrastructure projects needed for public purposes.

5. Background

5.1 The Site is not subject of any active planning enforcement case.

5.2 The Site is a vacant school premises and was previously served as Tai Sang Wai Public School closed down in 1996. The concerned vacant school is one of the "Vacant School Premises Sites Reviewed under the Central Clearing House Mechanism" and is recommended to be retained for Government, Institution or Community (G/IC) uses.

6. <u>Previous Application</u>

The Site is not subject of any previous application.

7. Similar Application

There is no similar application within "OU(CDWRA)" zone and "CA" zone on the Nam Sang Wai OZP.

8. The Site and its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:
 - (a) occupied by the former Tai Sang Wai Public School which had been closed since 1996. The 4 existing 1-storey structures on-site are currently vacant;
 - (b) located near Tai Sang Wai; and
 - (c) accessible via a local access leading to Bauhinia Road South/ Fairview Park Boulevard.
- 8.2 The surrounding areas have the following characteristics:
 - (a) to the immediate north are playground and car park. Further north are ponds and residential dwellings;
 - (b) to the east are logistic centre, parking of container vehicle and warehouses. To the southeast is vacant land. Further southeast are ponds and streams; and
 - (c) to the south and west are ponds and residential dwellings.

9. Planning Intention

9.1 The Site straddles two zones with majority falling within area zoned "OU(CDWRA)" (about 86%) and the remaining within area zoned "CA" (about 14%) on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1a**).

"OU(CDWRA)" zone

9.2 The planning intention of the "OU(CDWRA)" zone is to provide incentive for the

restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

"CA" zone

9.3 The planning intention of the "CA" zone is to conserve the ecological value of the wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The "no-net-loss in wetland" principle is adopted for any change in use within this zone. This primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.

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/Yuen Long, LandsD (DLO/YL, LandsD):
 - (a) The Site is located on unleased/unallocated GL.
 - (b) No permission is given for the occupation of GL (about 1,580 m2 subject to verification) including the Site. The applicant's attention is drawn to the fact that the act of occupation of GL without government's prior approval is not allowed.
 - (c) The Site is accessible to Fairview Park Boulevard through both GL and private land. His Office does not provide any maintenance work for the GL involved and does not guarantee any right-of-way.
 - (d) The Site does not falls within Shek Kong Airfield Height Restriction Area.
 - (e) Should planning approval be given to the application, the applicant has to apply for the direct grant of short term tenancy (STT) for use of the Site. Such application will be considered by LandsD acting in its capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

- 10.1.2 Comments of the Commissioner for Transport (C for T):
 - (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
 - (b) According to the applicant's submission (**Appendix Ia**), the Site is well served by public transport as the terminus is located 50m to the northwest. Most people that utilize the proposed youth centre would come from the surrounding areas which are within walking distance. The proposed provision of one car parking space is for staff and the other is for visitors and the minibus parking space is for group events/ special occasions at the Site. The car-trips generated by the proposed use are relatively low (i.e. 1 to 2 trips per day).
 - (c) Should the application be approved, the following condition should be incorporated:

No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

- 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
 - (a) The proposed access arrangement of the Site connecting Bauhinia Road South/ Fairview Park Boulevard should be comments by TD;
 - (b) His department does not and will not maintain any access connecting the Site to Bauhinia Road South/ Fairview Park Boulevard. Relevant departments will provide their comments, if any;
 - (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- 10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The Site neither falls within any administrative route protection boundary, gazette railway schemes, nor railway protection boundary of heavy rail systems. As such, he has no comments on the application from railway development viewpoint.

Environment

- 10.1.5 Comments of the Director of Environmental Protection (DEP):
 - (a) According to the applicant, the proposed youth centre will be housed within a vacant village school, and there will be no building works, site formation, land filling, excavation and tree falling. The applicant also claims that no loudhailer will be used during the opening hours between 2:00 p.m. and 9:00 p.m. daily.
 - (b) Based on the above information, he has no comment on the application. The applicant is reminded that all wastewater from the Site shall comply with the requirements stipulated in the Water Pollution Control Ordinance. The applicant should also follow the relevant mitigation measures listed in Annex 1 of the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites", so as to minimize the water quality impact to the fish ponds abutting the boundary of the Site.

Nature Conservation

10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Site falls within "OU(CDWRA)" zone and "CA" zone, and is immediately adjacent to fishponds within WCA. Nevertheless, noting that the Site is a vacant school site while no alteration of building, filling of land/pond, site formation, excavation and tree felling would be involved according to the applicant, he has no strong view on the application from nature conservation point of view. Should the application be approved, the applicant is advised to adopt appropriate measures to avoid causing pollution or disturbance to the adjacent fishponds. Existing trees on site should also be preserved.

Social Welfare

- 10.1.7 Comments of the Director of Social Welfare (DSW):
 - (a) The applicant "迎康社" (Health Care Club) proposed to set up a Youth Centre in the concerned vacant school premises i.e. Former Tai Sang Wai Public School for providing activities/training to youth and public. The applicant, a registered charitable institution is exempted from tax under section 88 of the Inland Revenue Ordinance since 2012.
 - (b) Currently, in Yuen Long District (except Tin Shui Wai), there are two Integrated Children and Youth Services Centres (ICYSCs), namely Yuen Long Town Hall Jockey Club Yuen Long Integrated Children and

Youth Service Centre and The Friends of Scouting Jockey Club Long Ping Service Centre for Children and Youth, as well as one community centre (i.e. Yuen Long Town Hall Community Centre) providing episodic project-based services and services collaborated with local schools/other NGOs in Yuen Long rural area including Tai Sang Wai. Besides, an Neighbourhood Level Community Development Project team namely Salvation Army Ngau Tam Mei Community Development Project also serves Ngau Tam Mei area, including Tai Sang Wai.

(c) Given that the two ICYSCs and the community centre are far away from the Site, the proposed welfare-related services by the applicant might help to meet the service needs of children and youth in the locality. In this regard, he has no adverse comment on the application, given that there is no financial implications, both capital and recurrent, incurred to his Department.

Fire Safety

- 10.1.8 Comments of the Director of Fire Services (D of FS):
 - (a) He has no objection in principle to the proposed temporary social welfare facility (youth centre) subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. Detailed fire services requirement will be formulated upon receipt of formal submission of general building plans.
 - (b) The arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by the Buildings Department.

Landscape

- 10.1.9 Comments of the Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)
 - (a) In view that the application is for the use of existing school buildings for social welfare facility, significant landscape impact due to the application is not expected.
 - (b) Given there are existing trees within the Site, please consider to include the standard approval condition for maintenance of existing landscape planting within the Site.
 - (c) The applicant is reminded that for any proposed tree works or removal scheme within the Site, the applicant should approach relevant authority/ government department(s) direct to obtain the necessary approval.

- (d) The applicant shall take reference to the following information/ guideline published by the Greening, Landscape & Tree Management Section, Development Bureau for tree maintenance and carrying out good practices of annual exercise of Tree Risk Assessment:
 - (i) Information About Tree Maintenance For Private Properties (https://www.greening.gov.hk/en/tree_care/Handbook_on_Tree_Management.html)
 - (ii) Pictorial Guide for Tree Maintenance (https://www.greening.gov.hk/filemanager/content/pdf/tree_care/ Pictorial_Guide_for_Tree_Maintenance.pdf)

Drainage

- 10.1.10 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
 - (a) He has no objection in principle to the proposed development.
 - (b) On the basis of information provided, the proposed development would mainly involve usage inside the existing school building and the functions of the existing drainage facilities would not be affected.
 - (c) Should the Board consider that the application is acceptable from the planning point of view, the following approval conditions should be imposed requiring the applicant:
 - (i) to maintain the existing drainage facilities; and
 - (ii) to submit records of the existing drainage facilities on site to the satisfaction of Director of Drainage Services or of the Town Planning Board.

Buildings Matters

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

As the building is located on GL, he is not in position to provide comment under the Buildings Ordinance.

Others

10.1.12 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) From tree preservation point of view, every possible effort should be made to preserve existing trees on site and minimise the adverse impact to them during the proposed period.
- (b) If trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be made to LandsD for approval in accordance with Development Bureau Technical Circular (Works) No. 7/2015.
- (c) He reserves the right to comment on TPRP (if any) when LandsD circulates it for departmental comments.

10.1.13 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from the operation / activities, the applicant should arrange its disposal properly at her own expenses.
- (c) Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

District Officer's Comments

10.1.14 Comments of the District Officer (Yuen Long) (DO(YL)):

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

- 10.2 The following Government departments have no objection to or no comment on the application:
 - (a) Commissioner of Police (C of P);
 - (b) Director of Electrical and Mechanical Services (DEMS);
 - (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
 - (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) and
 - (e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

11. Public Comments Received During Statutory Publication Period

On 6.7.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 27.7.2018, one comment (**Appendix II**) was received from a general public providing comment that the proposal is a good use of the abandoned school but raising concern that more information on the identity/ track record of the applicant should be provided.

12. Planning Considerations and Assessments

- 12.1 The Site is currently occupied by the vacant school premises of the former Tai Sang Wai Public School which was closed since 1996. The applicant proposes to use the vacant school buildings for the proposed temporary youth centre for a period of 3 years.
- 12.2 The Site falls within an area mainly zoned "OU(CDWRA)" (86%) with a small area zoned "CA" (14%) on the OZP. The planning intention of "OU(CDWRA)" zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area whilst the "CA" zone is to conserve the ecological value of the wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. While the proposed use is not entirely in line with the planning intention of the "OU(CDWRA)" zone and "CA" zone, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the zones as there is no immediate development proposal for the Site. The proposed use, which would serve the residential neighbourhood and local community and accommodated within the existing vacated school buildings, is considered not incompatible with the land uses of the surrounding areas, which are mainly occupied by a mix of villages and residential dwellings, ponds, scattered vehicle parks and warehouses.
- 12.3 The Site falls within the WCA and WBA of the TPB PG-No. 12C. DAFC has no comment on the application from nature conservation point of view considering that the Site is a former school site and no alteration of building, filling of land/ pond, site formation, excavation and tree felling would be involved.
- 12.4 According to DSW, the applicant is a registered charitable institution. The proposed social welfare facility (youth centre) will provide trainings/ courses for youth and the public. DSW advised that currently, there are two ICYSCs and a community centre in the Yuen Long District. They are however, located far away from the Site. The proposed welfare-related services by the applicant might help to meet the service needs of children and youth in the locality.
- 12.5 As the utilisation of the vacant school buildings does not involve any building works, site formation, excavation/ filling of land nor tree felling, it would unlikely cause adverse environmental impacts on the surrounding areas. Significant adverse drainage and traffic impacts on the surrounding area are not expected. Concerned

Government departments including DEP, C for T, D of FS, CTP/UD&L of PlanD, CE/MN of DSD, have no objection to the proposed use on environmental, traffic, fire safety and drainage aspects respectively. Technical concerns of C for T, D of FS and CE/MN of DSD could be addressed by approval conditions as recommended in paragraph 13.2 (b), (e), (f) and (g) below. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and requiring the maintenance of landscape planting and drainage facilities on-site are recommended in paragraphs 13.2 (a), (c) and (d) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.

12.6 One public comment was received during the statutory public inspection period providing comment that the proposal is a good use of the abandoned school but raising concern that more information on the identity/ track record of the applicant should be provided. In this regard, the applicant has included background information in its submissions at **Appendices I and Ia**.

13. Planning Department's Views

- Based on the assessment made in paragraph 12, and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary social welfare facilities (youth centre) <u>could</u> <u>be tolerated</u> for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years up to 17.8.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 9:00p.m. and 2:00p.m. on Mondays to Sundays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (c) the maintenance of landscape planting on-site at all time during the planning approval period;
- (d) the maintenance of drainage facilities on-site at all time during the planning approval period;
- (e) the submission of records of the existing drainage facilities on site within 3 months to the satisfaction of the Director of Drainage Services or of the Town

Planning Board by <u>17.11.2018</u>;

- (f) the submission of fire service installations and water supplies for firefighting proposal within **6** months to the satisfaction of Director of Fire Services or of the Town Planning Board by <u>17.2.2019</u>;
- (g) in relation to (f) above, the provision of fire service installations and water supply for firefighting within **9** months to the satisfaction of Director of Fire Services or of the Town Planning Board by <u>17.5.2019</u>;
- (h) if any of the above planning condition (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning condition (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix III**.

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

the applicant fails to demonstrate that there will not be adverse traffic, ecological and environmental impacts associated with the proposed development

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 period of which the permission should be valid on a temporary basis.
- 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

Appendix I

Application Form and supplementary documents received on 28.6.2018

Appendix Ia FI received on 30.7.2018

Appendix II Public comments received during statutory publication

period

Appendix III Recommended Advisory Clauses

Drawing A-1 Layout Plan

Plan A-1 Location Plan

Plan A-2 Site Plan

Plan A-3 Aerial Photo

Plans A-4a and A-4b Site Photos

PLANNING DEPARTMENT AUGUST 2018