

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/264

- Applicant** : Yuen Long Kam Kwong Church Limited
- Site** : Former Small Traders New Village Public School, Small Traders New Village, Nam Sang Wai, Yuen Long
- Site Area** : About 932.5 m²
- Land Status** : Government Land (GL)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Zoning** : “Undetermined” (“U”)
- Application** : Proposed Temporary Social Welfare Facility (Integrated Community Service Centre) for a Period of 5 Years

1. The Proposal

- 1.1 The applicants seeks planning permission to use the existing one-storey vacated school building (i.e. the former Small Traders New Village Public School which had been closed since 1.9.2006) at the application site (the Site) for proposed temporary social welfare facility (integrated community service centre) (ICSC). The Site falls within an area zoned “U” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1**). According to the covering Notes of the OZP, any use or development in the “U” zone, except those specified, requires planning permission from the Town Planning Board (the Board).
- 1.2 The applicant proposes to use the existing school premises to provide an ICSC offering various types of social services including family activities, counselling service, tutorial class, food bank service, social enterprise and large scale activities etc. for families, children and youths, ethnic minorities and other deprived individuals in the Yuen Long Town, Tin Shui Wai, Kam Tin and Tuen Mun. The Site is accessible via a local track/ Siu Sheung Road off Castle Peak Road-Yuen Long section (**Plan A-3**). The major proposed development parameters are summarised as follows:

Major Development Parameters	
Site Area	932.50m ²
Total Floor Area	522.45m ²
Uses	<ul style="list-style-type: none"> - Activity room - Play room - Meeting room - Counselling room - Multifunction room - Staff room - Centre-in-charge room - Pantry - Kitchen - Fire services pump room - 3 Toilets
Operation Hours	<ul style="list-style-type: none"> - 9:30am to 5:30pm on Mondays to Fridays - 9:30am to 1:30pm on Saturdays - Closed on Sundays and public holidays
Maximum Capacity	200 people
Car Park	<ul style="list-style-type: none"> - 2 private car/ light good vehicles parks (i.e.1 for staff use and 1 for service user) - 1 loading/unloading space (3.5m x 7m)

1.3 The location plan and layout plan of the proposed development are at **Drawings A-1 and A-2** respectively.

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

- (a) Application form and supplementary documents received **(Appendix I)** on 10.1.2018
- (b) Further information (FI) received on 9.2.2018 clarifying the **(Appendix Ia)** traffic-related issues
(accepted and exempted from publication and recounting requirements)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form and the supplementary documents at **Appendix I** and the FI at **Appendix Ia**. They can be summarized as follows:

- (a) There is an increasing need for social services at Yuen Long Town as wider wealth gap is resulted from the growing population, social harmony and public resources

distribution are being challenged. In response to the needs of the local communities, the applicant proposes to utilise the Site/existing premises for the proposed welfare and community uses.

- (b) At present, the applicant is operating an ICSC at a room of the Yuen Long Kam Kwong Church. The centre has established a good relationship with the local communities, and volunteers are recruited regularly with relevant training provided.
- (c) The multifunctional playground will be used occasionally for community activities and will be used for car parking or loading/unloading purpose only when there is no activity. An appointment system will be set up to ensure there will not be clash in the usage.
- (d) Since most of the users will travel by public transport, minimal traffic impact is expected.

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 (TPBPG-No. 31A) is not applicable to the application.

4. Background

- 4.1 The Site (falls within the “U” site of 26.3 ha) (**Plan A-1**) has been zoned “U” on the first draft Nam Sang Wai OZP No. S/YL-NSW/1 since 3.6.1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, MTR West Rail and Yuen Long Bypass Floodway (YLBF), which were under planning at that time, would traverse the area. Following the completion of these infrastructure projects, on-going land use reviews of the “U” zone have been undertaken for the area.
- 4.2 According to the Explanatory Statement of the Nam Sang Wai OZP, the “U” zone is within a transitional location between the urban and rural areas. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardizing the long-term planning intention of the areas. While the alignments of West Rail and YLBF have been fixed, the areas zoned “U” are subject to future land use review. Under the “U” zone, any private developments or redevelopments require planning permission from the Board so as to ensure that the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. The proposed development should also take into account the West Rail and the YLBF.
- 4.3 According to the 2017 Policy Address, the Tung Shing Lei “U” zone is one of the 26 potential housing sites which are mostly estimated to be made available for public

housing development in the short to medium term, subject to timely amendments to the relevant OZPs and/or completion of the necessary procedures. The detailed land use proposal and appropriate development parameters are subject to further study.

5. Previous Applications

- 5.1 The Site is subject of two previously approved applications (No. A/YL-NSW/58 and 243). Application No. A/YL-NSW/58 was submitted by the then Education Department for the redevelopment of the Small Traders New Village Public School at the Site to make way for the West Rail (WR) Project. The application was approved with conditions by the Committee on 30.4.1999 on consideration that the redevelopment was to re-provide a new village school as part of the Site was affected by the WR Project, there was no change of use involved in the proposed redevelopment, the nature and scale of the new school was compatible with the land uses of the surrounding area, and would not pose constraint to the future planning of the “U” zone. Relevant Government departments had no adverse comments on the application. The old school building was demolished and rebuilt by the then Kowloon Canton Railway Corporation in 2001.
- 5.2 Application No. A/YL-NSW/243 was submitted by a different applicant for proposed temporary place of recreation, sports or culture (civic centre) which was approved with conditions by the Committee on 18.9.2015 for a period of 3 years mainly on the considerations that the proposed use was compatible with the surrounding areas and could meet local demand, and no adverse impacts were expected. However, the application was revoked on 18.12.2016 due to non-compliance with approval conditions on the submission and provision of fire service installations.
- 5.3 Details of these applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application within “U” zone on the Nam Sang Wai OZP.

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

7.1 The Site is:

- (a) occupied by the former Small Traders New Village Public School which had been closed since 2006. The school building, of one-storey is currently vacant; and
- (b) accessible via a local access leading to Siu Sheung Road off Castle Peak Road-Yuen Long section.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is mainly vacant/unused land;
- (b) to the immediate west is the Small Traders New Village with 2-storey village type development;
- (c) to the immediate south is the West Rail Emergency Access Point and West Rail Viaduct. Further south is the Pok Oi Hospital; and
- (d) to the immediate east are areas occupied by domestic structures and unused land.

8. Planning Intention

Under the “U” zone, any developments or redevelopments require planning permission from the Board so as to ensure the environment would not be adversely affected and that infrastructure, GIC facilities, open space are adequately provided. The proposed development should also take into account the West Rail and the Yuen Long Bypass Floodway. To realise a built-form which represents a transition from Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardising the long-term planning intentions of the areas.

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:

Land Administration

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

- (a) The Site falls within unleased/unallocated GL. The site area and extent of existing buildings/ structures on site are subject to verification.
- (b) The Site is accessible through Siu Sheung Road via GL. His Office does not provide any maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (c) The Site falls partly within Shek Kong Airfield Height Restriction Area.
- (d) Should planning approval be given to the application, the applicant may submit an application to this office for the grant of Short Term Tenancy (STT) to effect the proposal. Such application will be considered by

LandsD acting in its capacity as the landlord of lessor at its sole discretion and there is no guarantee that such application for the proposed uses will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent, deposit and administrative fee (if applicable), as may be imposed by LandsD.

Traffic

9.1.2 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 road which is not managed by the Transport Department. The applicant should clarify the land status of the local access road with LandsD. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) Should the application be approved, the following condition should be incorporated:

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

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

- (a) He has no comment on the application.
- (b) HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Siu Sheung Road.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

- (a) The Site partly falls within the protection boundary of the existing WR Line, with reference to the procedures in PNAP ADM-2 and WBTC No. 19/2002, MTRCL should be consulted with respect to operation, maintenance, safety and future construction of the existing railway system accordingly. He has no comment on the planning application from railway development point of view provided that MTRCL's requirements will be followed.
- (b) However, in view of the close proximity to the existing WR Line, the Site might be subject to railway noise impact of the WR Line. The applicant is reminded to take into account the current and future operation of the WR Line and the associated railway noise, and to

provide noise mitigation measures for the subject development, if necessary at their own cost.

Environment

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

The proposed social welfare facility will be housed in the existing vacant Small Traders New Village Public School. Given the nature of the proposed use, he has no comment on the application.

Nature Conservation

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

According to the applicant's submission, the Site is occupied by a former public school and the development proposal does not involve any building/ site formation/ land filling and excavation works as well as felling of trees. In this regard, he has no comment on the application from nature conservation point of view.

Social Welfare

9.1.7 Social Welfare Comments of the Director of Social Welfare (DSW):

- (a) He considers the application support-worthy as the proposed ICSC will provide youth and family services, aiming at enhancing youth development and family solidarity, which can meet district needs.
- (b) Yuen Long Kam Kwong Church Limited has been a charitable institution registered under section 88 of the Inland Revenue Ordinance since May 1984. Its ICSC was formed in 2014 and has been providing support services including counselling, community programme, group activity, volunteer and food bank service to the families in Yuen Long Town, Tin Shui Wai, Kam Tin and Tuen Mun. Presently, the ICSC operates at a room of its Church in Yuen Long Town.
- (c) According to the application, the applicant proposes to set up a new and independent ICSC at the Site for provision a number of services including family life education, counselling service, developmental and socialisation programmes for children and youth, tutorial class, food bank service and social enterprises, support service for women, ethnic minorities, new arrivals, unemployed people and other deprived individuals etc. in the area.
- (d) Currently, there are two Integrated Children and Youth Services Centres and one Community Centre providing youth services in Yuen

Long Town, which are far away from the Site. While there are services units (both sub-vented and self-financing including integrated family service centres) providing similar services in the localities, the proposed services could supplement existing services in providing support to underprivileged families, as well as meeting the service demand for youth services.

- (e) In view of the above, the ICSC's proposal to provide youth and family services, aiming at enhancing youth development and family solidarity, is considered able to meet district need. The applicant should ensure there is no financial implications, both capital and recurrent, incurred to SWD.
- (f) For the services relating to ethnic minorities, religious and social enterprises which are not under the purview of SWD, he would defer to the comments from other bureaus and departments concerned.

9.1.8 Comments of the Director of Home Affairs (DHA):

While the applicant proposes to offer a range of support services at the proposed facility, including "personal development", family, youth, social enterprise and ethnic minorities, the proposal does not contain information on the specific support services to be provided to ethnic minorities. Therefore, he is unable to comment further on the application from the perspective of providing support services for ethnic minorities to facilitate their integration into the community.

Fire Safety

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

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

Drainage

9.1.10 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 premises and the intended 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

9.1.11 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 the position to provide comment under the Buildings Ordinance.

Others

9.1.12 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) He has no in-principle objection to the application from geotechnical engineering point of view.
- (b) An existing sloping ground is located to the east of the Site. The applicant is advised to provide a buffer zone between the easternmost boundary wall of the vacant school building and the easternmost site boundary. The buffer zone shall be fenced off and no manned facilities shall be allowed inside this zone.

9.1.13 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplies (i.e. CLP power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

9.1.14 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 to the surrounding.
- (b) For any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their 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

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

Small Traders New Village is not an Indigenous or Existing Village in accordance with the Rural Representative Election Ordinance (Cap. 576) and there is no Village Representative of Small Traders New Village.

9.2 The following Government departments have no objection to or no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Leisure and Cultural Services (DLCS); and
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comments Received During Statutory Publication Period

On 19.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 9.2.2018, three objecting comments from a District Council member, the representative of the adjacent residential development (Yuen Long Small Traders New Village Better Living Co-operative Society) and a private individual were received, raising concerns that there is insufficient background information provided by the application (including the nature of the applying organisation, the target groups it intends to serve and the details of services to be provided); that the applicant has not consulted the local residents on its proposal and whether local residents will be benefited is doubtful; and the applicant did not submit trip generation, environmental assessment and noise impact assessment to support the application (**Appendix III**).

11. Planning Considerations and Assessments

11.1 The Site is currently occupied by the vacated school premises of the former Small

Traders New Village Public School which had been closed since 1.9.2006. The applicant proposes to use the existing school building at the Site for proposed temporary social welfare facility (ICSC) for a period of 5 years.

- 11.2 The Site falls within an area zoned “U” on the Nam Sang Wai OZP which was so designated as several major transport and drainage projects, including MTR West Rail and YLBF, which were under planning at that time, would traverse the area. Any private developments or redevelopments require planning permission from the Board so as to ensure that the environment would not be adversely affected and the infrastructure, GIC facilities and open space are adequately provided.
- 11.3 The Tung Shing Lei “U” zone has been identified in the 2017 Policy Address with potential for housing development in the short to medium term, and the detailed land use proposal and appropriate development parameters are subject to further study. Approval of the proposed temporary ICSC for a period of 5 years would not contravene nor jeopardise the long term land use planning for the area.
- 11.4 According to DSW, the applicant is a registered charitable institution. The applicant proposes to utilise the Site/existing premise for a temporary social welfare facility (ICSC) for a period of 5 years to provide a number of services for the families, children and youth, women, ethnic minorities, new arrivals, unemployed people etc. in Yuen Long Town, Tin Shui Wai, Kam Tin and Tuen Mun. DSW supports the application and considers the proposed ICSC will provide youth and family services, aiming at enhancing youth development and family solidarity, which can meet district needs. Besides, it could also supplement existing services in providing support to underprivileged families, as well as meeting the service demand for youth services.
- 11.5 As the utilisation of the vacant school does not involve any building, site formation, land filling, excavation works nor felling of trees, 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 AFCD, EPD, DSD and TD have no adverse comment on the application. To address the technical concerns of CE/MN, DSD and D of FS, approval conditions are recommended in paragraph 12.2 below on the maintenance of drainage facilities and provision of the fire service installations respectively.
- 11.6 During the statutory public inspection period, three objecting comments were received raising concerns on the insufficient background information and non-availability of impact assessments. In this regard, the planning assessments at paras. 11.4 and 11.5 above are of relevance.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments 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 on a temporary basis for a period of 5 years up to 2.3.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:30pm and 9:30am on Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 1:30pm and 9:30am on Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) the maintenance of drainage facilities on site in good condition at all time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) 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 2.9.2018;
- (g) the submission of fire service installations proposal within **6** months to the satisfaction of Director of Fire Services or of the Town Planning Board by 2.9.2018;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9** months to the satisfaction of Director of Fire Services or of the Town Planning Board by 2.12.2018;
- (i) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (j) if any of the above planning condition (f), (g) or (h) 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following

reason for rejection is suggested for Members' reference:

The proposed development is located within an area zoned "Undetermined" which is being comprehensively reviewed. Approval of the application would set an undesirable precedent for similar applications within the "U" zone.

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

Appendix I	Application Form and supplementary documents received on 10.1.2018
Appendix Ia	FI received on 9.2.2018
Appendix II	Previous applications covering the application site
Appendix III	Public comment received during public inspection period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos