

RNTPC Paper No. A/YL-KTS/862
For Consideration by
the Rural and New Town
Planning Committee
on 4.12.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/862

<u>Applicant</u>	: Wu Zhi Qiao (Bridge to China) Charitable Foundation Limited
<u>Site</u>	: Government Land in D.D. 106, Kam Tin, Yuen Long (Former Shek Wu School)
<u>Site Area</u>	: About 1,690m ²
<u>Lease</u>	: Government Land (GL)
<u>Plan</u>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Temporary Social Welfare Facilities (Youth Centre) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary social welfare facilities (youth centre) for a period of 3 years. According to the Notes of the OZP, ‘Social Welfare Facility’ is a Column 2 use in the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site was formerly a village primary school (i.e. Shek Wu School) which was closed down in 2014 and is currently vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is subject to three previous applications for proposed extension of Shek Wu School, proposed temporary place of recreation, sports or culture and proposed temporary social welfare facilities (elderly and youth centre), which were all submitted by different applicants and were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2002 and 2018. The last application No. A/YL-KTS/792 for proposed temporary elderly and youth centre was approved with conditions on 3.8.2018 up to 3.8.2021.
- 1.3 According to the applicant, the development will utilize the 6 existing one-storey (5m in height) buildings/structures at the Site with a total floor area of 346m² for

function rooms, function hall and office, toilet, covered corridor and canopy. Small scale gardening activity will be held next to main school building. No outdoor audio amplifier system and no heavy machinery will be used within the Site. The operation hours are between 9 a.m. and 10 p.m. daily including public holidays. The Site is accessible from Kam Sheung Road via a local track. No parking space is provided within the Site. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form received on 5.10.2020 **(Appendix I)**
- (c) Further Information (FI) received on 23.11.2020 in **(Appendix Ia)**
response to departmental comments
(exempted from publication requirement)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form and FI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The applicant is a registered charity established in 2007 to encourage young people and volunteers to design sustainable solutions to improve the living environment of local communities and underprivileged villages in remote areas in mainland China. The proposed development as a youth cultural exchange and learning centre is to serve young people in Hong Kong.
- (b) The proposed development will provide a capacity building platform to support community work and individual personal growth, which is highly needed by young persons in Hong Kong. A series of cultural exchange and soft skills learning activities such as workshops and seminars on self-understanding, innovative project designs, etc. will be organized. Also, the young people will equip with basic engineering and construction skills, as well as safety management procedures through hands-on experience on building footbridges, eco-dwells, sustainable water and waste management, etc. In view of this, the Site offers a well-mixed combination of both indoor and outdoor spaces which is ideal for development and operation of the proposed development.
- (c) Most of the activities such as technical skill workshops will be held in classrooms. Outdoor team building activities will be held within normal operation hours. The activities will not bring noise pollution to the residents nearby. The applicant will aware of minimizing any noise impact to the surroundings.
- (d) The proposed use will be opened to the communities nearby for ideas exchange and enjoyment of cultural and farming activities. The student volunteers will also participate in elderly services and cultural exchange activities in the local community of Pat Heung.

- (e) The participants of the proposed development will mostly utilise public transport to reach the Site. It is anticipated that the impact on the existing traffic is minimal. The relevant works are mostly related to repairing and interior fitting-out of the existing buildings, which will not affect the local community/residents when the works are being carried out.

3. Compliance with the “Owner’s Consent/Notification” Requirements

As the Site involves Government land only, the “owner’s consent/notification” requirement 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) is not applicable to the application.

4. Background

- 4.1 The Site is currently not the subject of any active planning enforcement case.
- 4.2 The Site is a vacant school premises and was previously served as Shek Wu Public School which was closed down in 2014 and returned to the Lands Department (LandsD) in 2015. 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.

5. Previous Applications

- 5.1 The Site is subject to three previous applications submitted by applicants different from the current application which were all approved with conditions by the Committee. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-KTS/270 for the proposed extension of Shek Wu School was approved on 15.3.2002. However, the planning permission lapsed on 15.3.2005 and no extension works had been carried out.
- 5.3 Applications No. A/YL-KTS/756 (proposed temporary place of recreation, sports or culture) and A/YL-KTS/792 (proposed temporary social welfare facilities (elderly and youth centre)) were approved with conditions by the Committee for a period of 3 years on 16.3.2018 and 3.8.2018 respectively mainly for the reasons that temporary approval would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding area; and relevant departments had no adverse comment on the application. However, the planning permission of Application No. A/YL-KTS/756 was revoked on 16.9.2018 due to non-compliance with approval conditions. For the last approved application No. A/YL-KTS/792, the planning permission is valid until 3.8.2021. Approval conditions on submission of drainage and fire service installations (FSIs) proposals

have been complied with while those on the implementation of the proposals have not been complied with.

6. Similar Application

There is no similar application for social welfare facility use within the same “V” zone.

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

7.1 The Site is:

- (a) fenced off and currently occupied by some vacant single-storey vacant buildings/structures; and
- (b) accessible via a local access leading to Kam Sheung Road.

7.2 The surrounding areas are rural in character and intermixed with residential dwellings/structures, parking of vehicles, cultivated agricultural land, shop and services, open storage/storage yards, workshop and vacant/unused land:

- (a) to its immediate east is parking of vehicles. To its further east across Kam Sheung Road are residential dwellings/structures and parking of vehicles; and
- (b) to its south, west and north are predominantly residential dwellings/structures, scattered with cultivated agricultural land, open storage/storage yards, workshop, shop and services, parking of vehicles and unused/vacant land.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

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

- (a) The Site comprises GL having an area of about 1,690m², of which actual site area and boundary of the GL involved will be subject to verification upon receipt of short term tenancy application, if any.
- (b) The Site is subject to a maximum height of 69mPD under the relevant plan for the Shek Kong Airfield Height Restriction.
- (c) The Site is accessible from Kam Sheung Road via a number of adjoining private lots and GL. Hence, there is no guarantee of any right-of-way (for pedestrians or vehicles) from Kam Sheung Road to the Site would be available.
- (d) Should planning permission be granted by the Board, subject to the availability of the GL involved, the applicant should be reminded that necessary policy support from the Secretary for Home Affairs (SHA) for short term tenancy (STT) application of the Site would be required to implement the proposal. Upon receipt of the STT application with policy support being given by SHA, LandsD would consider the application in accordance with applicable policy and practice while there is no guarantee that the application will be approved. The said application if approved would be subject to such terms and conditions including payment of rent, to be imposed by LandsD in the landlord capacity at its sole discretion.
- (e) There is no Small House application under processing or approved at the Site.
- (f) The STT application for the previous application No. A/YL-KTS/792 submitted by the HK Hakka Cultural Association Ltd. for social welfare facilities (elderly and youth centre) is under processing in accordance with the "Guidelines for Application for Use of Vacant Government Land for Community, Institutional or Non-Profit Making Purposes on Short Term Basis" issued by LandsD. LandsD is still pending the relevant policy bureau to advise whether policy support will be given for the STT application.

Traffic

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

Considering that there is neither parking provision nor vehicular access to the lot and the induced traffic impact is minimal, he has no comment on the application.

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

He has no comment from highways maintenance point of view noting that no vehicular access is proposed or to be granted under the application.

Environment

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

- (a) There was no environmental complaint concerning the Site in the past three years.
- (b) Provided that the applicant would minimize any environmental nuisance to nearby sensitive receivers, he has no objection to the application from environmental planning perspective. Should the planning application be approved, it is suggested that an approval condition on prohibiting the use of public announcement system, portable loudspeaker or any form of audio amplification system should be included.
- (c) The applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisance.

Landscape

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection to the application from landscape planning perspective.
- (b) Based on the aerial photo taken on 18.2.2020, the Site is situated in an area of rural landscape character comprising scattered tree groups and village houses. The proposed development is not incompatible with the landscape character of the area.

- (c) Referring to his site visit dated 27.10.2020, a number of existing trees of common species such as *Bauhinia sp.* (羊蹄甲屬), *Cinnamomum camphora* (樟), *Delonix regia* (鳳凰木), *Dimocarpus longan* (龍眼), *Ilex rotunda* (小果鐵冬青), *Litchi chinensis* (荔枝), and *Michelia figo* (含笑) in fair condition are found along the site boundary. Referring to applicant's submission, tree felling is not involved within the Site and the proposed layout is not in direct conflict with existing trees. Significant adverse impact on landscape resources within the Site is not anticipated.
- (d) The applicant is reminded that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

Social Welfare

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

- (a) The applicant was established and registered as a charitable institution and trust of a public character under Section 88 of the Inland Revenue Ordinance in 2007. It aims at encouraging volunteers, mainly university student from Hong Kong and Mainland, to design and build footbridges and village facilities in remote and poor villages in the Mainland. The Social Welfare Department (SWD) has neither working relationship with the applicant nor knowledge on its track record.
- (b) The applicant proposes to set up a youth centre for cultural exchange and learning to serve the young people in Hong Kong at the Site. It is noted that the proposed services focus on youth development, cultural promotion and community harmony, which are outside SWD's ambit. In this regard, he is not in the position to comment on the application.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.

- (b) Should the application be approved, approval conditions on submission of a drainage proposal and implementation and maintenance of the drainage proposal for the development should be included.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively.

District Officer's Comments

9.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any local's comments on the application and he has no comment on the application.

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

- (a) Director of Leisure and Cultural Services;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Director of Electrical and Mechanical Services;
- (d) Project Manager(West), Civil Engineering and Development Department;
- and
- (e) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

On 13.10.2020, the application was published for public inspection. During the three-week statutory publication period, 20 public comments were received from a Yuen Long District Councilor, Pat Heung Rural Committee, village representatives of Shek Wu Tong Tsuen and Tin Sum Tsuen and local residents. All of them object to the application mainly on the grounds that the former Shek Wu School was funded and built by Shek Wu Tong villagers; there was a previously approved planning application for social welfare facilities and the relevant Short Term Tenancy submitted by the Hong Kong Hakka Cultural Association Limited is being processed by the LandsD; there are a few Hakka villages in Shek Wu Tong and the Site is a suitable location to promote Hakka culture; and the Site should be reserved for the elderly and youth living in the local area (**Appendices III-1 to III-20**).

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary social welfare facility (youth centre) for a period of 3 years at the “V” zone. The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The proposed use is not entirely in line with the planning intention of the “V” zone. Nevertheless, DLO/YL, LandsD advised that there is no Small House application approved or under processing at the Site. Also, the proposed use is to make use of the Site of the Former Shek Wu School which has already been closed down and left vacant since 2014. It involves adaptive reuse of the six existing single-storey buildings/structures of the closed school premises. 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 G/IC uses, and the proposed youth centre is considered in line with the recommendation. Moreover, the proposed use on a temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 According to the applicant, the proposed use is to serve young people in Hong Kong as a youth cultural exchange and learning centre. The proposed use is considered not incompatible with the surrounding area which is rural in character intermixed with residential structures/dwellings, shops and services, cultivated agricultural land and unused/vacant land.
- 11.3 In the view of the scale and nature of the proposed use, the proximity of the Site to Kam Sheung Road, and the applicant advised that audio amplifier system will not be used, the proposed use would unlikely cause adverse environmental, traffic, landscape and drainage impacts on the surrounding areas. Relevant Government departments consulted, including C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS, have no adverse comment on the application. To minimize any potential environmental nuisance, approval conditions restricting the operation hours and use of public announcement system are recommended in paragraph 12.2 (a) and (b) below. The applicant will also be advised to follow the relevant

mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The technical concern of CE/MN of DSD and D of FS could be addressed by approval conditions recommended in paragraph 12.2 (c) to (g).

- 11.4 The Site is subject to 3 previous approved applications for the proposed extension of Shek Wu School, proposed temporary place of recreation, sports or culture and proposed temporary social welfare facilities (elderly and youth centre). The planning permission of the former two lapsed or was revoked. For the last application No. A/YL-KTS/792 for proposed temporary social welfare facilities (elderly and youth centre) submitted by a different applicant, it was approved mainly for the reasons as mentioned in paragraph 5 above. The planning permission is valid until 3.8.2021. There is no similar application within the same “V” zone.
- 11.5 20 public comments were received during the statutory publication period objecting to the application as detailed in paragraph 10 above. In this regard, the departmental comments as well as planning considerations and assessments above are relevant. As for the objection related to the approved temporary elderly and youth centre received during statutory publication period of this application, it should be noted that multiple planning approvals for a site is permissible under the Town Planning Ordinance. The final use of the vacant school premises will be separately considered under the established mechanism.

12. Planning Department’s View

- 12.1 Based on the assessments 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 proposed temporary social welfare facilities (youth centre) for a period of 3 years.
- 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 3 years until 4.12.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 10:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of outdoor audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) the submission of drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.6.2021;

- (d) in relation to (c) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.9.2021;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.6.2021;
- (g) in relation to (f) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.9.2021;
- (h) if any of the above planning condition (a), (b) 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
- (i) if any of the above planning condition (c), (d), (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 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 not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 received on 5.10.2020
Appendix Ia	FI received on 23.11.2020
Appendix II	Previous Applications
Appendices III-1 to III-20	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**