

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-TYST/1056

- Applicant** : The Industrial Evangelistic Fellowship Limited represented by Goldrich Planners and Surveyors Limited
- Site** : Lot 1354 RP in D.D. 121 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 2,756 m² (about) (including GL of about 1,659m² (about 60.2%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zoning** : “Residential (Group B) 1” (“R(B)1”)
[Restricted to a maximum plot ratio of 1, maximum site coverage of 40% and maximum building height of 4 storeys over single-storey car park (15m)]
- Application** : Renewal of Planning Approval for Temporary Social Welfare Facility (Social Service Centre) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary social welfare facility (social service centre) for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP for the “R(B)1” zone, ‘Social Welfare Facility’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site, which consists of the former Wai Kwan Primary School, is currently occupied by the applied use (also known as Yuen Long Wai Kwan Land) with valid planning permission under application No. A/YL-TYST/866 until 22.12.2020 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site involves 4 previous applications for extension of school building or the same use as the current application (**Plan A-1**). The last application (No. A/YL-TYST/866) for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 22.12.2017. All the time-limited approval conditions under the last application have been complied with and the

planning permission is valid until 22.12.2020. Compared with the last application, the current application was submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

- 1.3 According to the applicant, the social service centre intends to serve low-income groups and people in need in Yuen Long. The target groups include the elderly, women, children, youth, labourers and ethnic minorities. A range of services/activities will be provided, such as counselling, food assistance, second-hand furniture donation, elderly house cleaning services, recreational and visiting activities, etc. The centre also serves as an Employees Retraining Board Services Centre to offer support services to qualified persons with training employment needs. There will be 6 staff and about 40 patrons per day. Plans showing the vehicular access leading to the Site, site layout, tree preservation proposal, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.4 The major development parameters of the previously approved application are the same as the current application and are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/866	Current Application No. A/YL-TYST/1056
Applied Use	Temporary Social Welfare Facility (Social Service Centre) for a Period of 3 Years	
Site Area	About 2,756 m ² (including GL of about 1,659m ²)	
Total Floor Area (Non-domestic)	About 721.63 m ²	
No. and Height of Structures	<p style="text-align: center;">8</p> <ul style="list-style-type: none"> • two for office, classroom and indoor activity area (2.5m, 1 storey) • two for covered walkway (2.5m, 1 storey) • two for open shed for rain shelter/activity area (2.5m, 1 storey) • one for toilet (2.5m, 1 storey) • one for converted containers for storage (2.5m, 1 storey) 	
No. of Parking and Loading/ Unloading Spaces	<p style="text-align: center;">4</p> <p style="text-align: center;">(3 for private cars (5m x 2.5m each) and 1 for light goods vehicle (7m x 3.5m))</p>	
Operation Hours	9:00 a.m. to 6:00 p.m. daily	

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with annexes and plans received on 12.10.2020 **(Appendix I)**
- (b) Further Information (FI) received on 2.11.2020 **(Appendix Ia)** providing clarifications on floor area, site layout and proposed use, a replacement page of the Application Form, a revised site layout plan and responses to departmental comments
[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 the Application Form and the FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) The applicant is a non-profit charitable organisation under section 88 of the Inland Revenue Ordinance (IRO). Over 800 families are served by the social service centre every year.
- (b) The former Wai Kwan Primary School at the Site was closed in 2007 and the Site has been used as social welfare facility since 2011. The Site was the subject of previous planning permissions for the same use as the current application. Approval of the current application is in line with the Committee's previous decisions as there has been no material change since the approval of the last application.
- (c) The temporary proposal will not frustrate the long-term planning intention of the "R(B)1" zone. Although the Site is recommended to be retained for residential use under the Planning Department's Vacant School Premises Sites Reviewed under the Central Clearing House Mechanism (VSP Review), there is no known programme for residential development at the Site.
- (d) There will be minimal traffic, visual, landscape and drainage impacts arising from the proposal. Most of the patrons are locals and they are expected to access the Site on foot. The existing trees and drainage facilities will be maintained by the applicant. Given the limited numbers of users, the risk level posed by the nearby petrol filling station (PFS) is not significant.

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 posting site notice and sending notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development" (TPB PG-No. 34C) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

- 5.1 The former Wai Kwan Primary School has ceased operation in 2007 and occupied by the applied use since 2011. According to the latest VSP Review promulgated in March 2020, the Site is recommended to be retained for residential use.
- 5.2 The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves 4 approved previous applications (No. A/YL-TYST/161, 550, 699 and 866) for extension of school building or the same use as the current application covering different extents of the Site. Details of the previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.
- 6.2 Application No. A/YL-TYST/161 for extension of school building (i.e. the former Wai Kwan Primary School), covering a larger site, was approved with conditions by the Committee on 1.3.2002. However, the development had not commenced and the planning permission ceased to have effect on 1.3.2005.
- 6.3 Applications No. A/YL-TYST/550, 699 and 866 for the same use as the current application submitted by the same applicant, covering the same extent of the Site, were all approved by the Committee each for a period of 3 years on 4.11.2011, 31.10.2014 and 22.12.2017 respectively, mainly on the considerations that approval of the applications would not frustrate the long-term planning intention of the "R(B)1" zone; there is no known programme for residential development although the Site was recommended to be retained for residential use under the prevailing VSP review (for the last application only); the proposals were generally not incompatible with the surrounding areas; previous approvals have been granted to the Site (except the first application); and departmental concerns could be addressed by imposing approval conditions. All the time-limited approval conditions under the last application have been complied with and the planning permission is valid until 22.12.2020.
- 6.4 Compared with the last application (No. A/YL-TYST/866), the current application was submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

7. Similar Application

There is no similar application within the subject "R(B)1" zone.

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

- 8.1 The Site is:
- (a) abutting Ma Fung Ling Road to its northeast (**Drawing A-1, Plans A-2 and A-3**);

- (b) paved and largely fenced off;
- (c) consisting of the former Wai Kwan Primary School and a basketball court; and
- (d) currently occupied by the applied use (also known as Yuen Long Wai Kwan Land) with valid planning permission under application No. A/YL-TYST/866 until 22.12.2020 (**Plans A-4a and A-4b**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) mixed in character with predominantly residential structures/developments (including Coral Garden, Evergreen Place and Ping Hong Villa), scattered warehouses, an storage yard cum carpark, a construction site, a store, co-operative societies, an eating place, a PFS and a plant nursery to the eastern side of Tong Yan San Tsuen Road in the subject “R(B)1” zone;
- (b) the Tong Yan San Tsuen Playground, a PFS, an open storage yard for dangerous goods and trucks, a carpark, a residential structure and vacant land are located in areas zoned “Open Space”, “Other Specified Uses” annotated “PFS” and “Industrial” (“I”) respectively on the OZP to the western side of Tong Yan San Tsuen Road;
- (c) an electricity substation, Ping Shan Lane Garden and a landscaped knoll are located in areas zoned “Government, Institution or Community”, “R(B)1” and “Green Belt” on the OZP to the northeastern side of Ma Fung Ling Road; and
- (d) apart from the carpark within the “I” zone, PFSs, co-operative societies, store and an eating place with valid planning permission (No. A/YL-TYST/961), the other warehouses, open storage yard for dangerous goods and trucks, and storage yard cum carpark in the vicinity are suspected unauthorised development (UD) subject to enforcement action taken by the Planning Authority.

9. Planning Intention

The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application and the public comment, where relevant, are summarised as follows:

Land Administration

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

- (a) The Site comprises GL and an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Within the Site, the GL and Lot No. 1354 RP in D.D. 121 are currently covered by Short Term Tenancy (STT) No. 2939 and Short Term Waiver (STW) No. 4383 respectively to permit structures erected thereon for the purpose of "Temporary Social Welfare Facility (Social Service Centre)".
- (c) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor 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 rent or fee, as may be imposed by her department.

Social Welfare

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

- (a) He has no adverse comment on the application given that there are no financial implications, both capital and recurrent, incurred to his department.
- (b) The applicant has been an approved charitable institution and trusts of a public character under Section 88 of the IRO since 1976. It is a self-financing non-governmental organisation and also a member of the Hong Kong Council of Social Service. Being a non-profit making organisation, the applicant provides employment support service, caring service for the poor, rehabilitation of problematic gamblers, social service for the working class, new arrivals and underprivileged families, etc. At the district level, it is understood that the applicant started to provide services for the needy in Yuen Long district in early 2006. It was successfully granted for different funding, for example, the Partnership Fund for the Disadvantaged and Community Investment and Inclusion Fund, to run various projects to serve the underprivileged groups, such as new arrivals and low-income families, in the district.

- (c) The applicant now proposes to continue its operation of the subject social service centre which aims at catering for the poor and people in need in Yuen Long district. The applied use is considered able to meet the district needs from a welfare perspective.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space should be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Ma Fung Ling Road.

Nature Conservation

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

- (a) She has no comment on the application from nature conservation point of view.
- (b) Should the application be approved, the applicant is advised to properly preserve the existing trees within and adjacent the Site.

Environment

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

- (a) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (b) Should the planning application be approved, the applicant should 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 Use" (Code of Practice) to minimise any potential environmental nuisances on the surrounding areas.

Drainage

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

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) According to the submitted drainage proposal (**Drawing A-4**), the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-TYST/866.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/866 and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed to the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

District Officer's Comments

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

Her office has not received any feedback from the locals.

10.2 The following government departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);

- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 20.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment (**Appendix IV**) was received from an individual who opined that the short-term leases of the proposal is not conducive to the operation and questioned why the Site was not included in the proposed amendments to the subject OZP.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary social welfare facility (social service centre) for a period of 3 years at a site zoned “R(B)1” on the OZP. Although the applied use is not entirely in line with the planning intention of the “R(B)1” zone, which is for sub-urban medium-density residential development, the Site was used as a school until its closure in 2007 and the proposal could meet any such demand for social welfare facility in the area. Furthermore, DSW considers that the applied use could meet the social welfare need from a district level. According to the latest VSP Review promulgated in March 2020, the Former Wai Kwan Primary School at the Site is recommended to be retained for residential use. Nevertheless, there is no known programme for any long-term development of the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site.
- 12.2 The applied use would primarily be conducted within the existing one-storey buildings at the Site (**Drawing A-2**). The surrounding areas are mixed in character with predominantly residential structures/ developments in the subject “R(B)1” zone (**Plan A-2**). The applied use is generally not incompatible with the surrounding uses.
- 12.3 The application is generally in line with TPB PG-No. 34C in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/866; all the time-limited approval conditions under the previous application have been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 There is no adverse comment on the application from concerned government departments, including DSW, C for T, CE/MN, DSD and DEP. Significant adverse traffic, drainage and environmental impacts arising from the proposal are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant

environmental mitigation measures in the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.

- 12.5 Given that three previous approvals for the same use as the current application submitted by the same applicant have been granted to the Site, approval of the application is generally in line with the Committee's previous decisions.
- 12.6 There is one public comment received on the application during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment as mentioned in paragraph 11 above, the Planning Department has no objection to the application for renewal of planning approval for the temporary social welfare facility (social service centre) for a further 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 and be renewed from 23.12.2020 to 22.12.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing trees within the Site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.3.2021;
- (f) the existing fire service installations implemented on the Site should be maintained in efficient working order at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (f) 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

- (h) if the above planning condition (e) 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.

[Approval conditions (a) to (e) are the same as those under the permission for application No. A/YL-TYST/866, while condition (f) is updated as per the current proposal and the reinstatement clause is deleted to accord with the department's latest requirements.]

Advisory clauses

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

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

the development is not in line with the planning intention of the "R(B)1" zone which is primarily for sub-urban medium-density residential developments in rural areas. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

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 with annexes and plans received on 12.10.2020
Appendix Ia	FI received on 2.11.2020
Appendix II	Relevant extract of TPB PG-No. 34C
Appendix III	Previous Applications covering the Site
Appendix IV	Public Comment received during Statutory Publication Period
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan

Drawing A-3	Tree Preservation Proposal
Drawing A-4	Drainage Proposal
Drawing A-5	FSIs Proposal
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

**PLANNING DEPARTMENT
DECEMBER 2020**