

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/400

<u>Applicant</u>	: Tuen Mun Sports Association Limited represented by Samson Wong & Associates Property Consultancy Ltd.
<u>Site</u>	: Government Land (GL) (Former Lam Tei Gospel School) in D.D. 130, Lam Tei, Tuen Mun, New Territories
<u>Site Area</u>	: About 3,060 m ²
<u>Lease</u>	: GL
<u>Plan</u>	: Draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/11 (currently in force) Approved Lam Tei and Yick Yuen OZP No. S/TM-LTYT/10 (at the time of submission)
<u>Zoning</u>	: “Green Belt” (“GB”) <i>[no change on the current OZP]</i>
<u>Application</u>	: Proposed Temporary Place of Recreation, Sports or Culture (Sports Training Ground) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (i.e. Former Lam Tei Gospel School) for proposed temporary place of recreation, sports or culture (sports training ground) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “GB” on the OZP. According to the Notes for “GB” zone of the OZP, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by a vacant school premises (VSP) (**Plans A-2 to A-4c**).
- 1.2 According to the applicant, the proposed development involves conversion of a VSP for a sports training ground (mainly for ball sports training) and its ancillary facilities including training centre for general practice and theory class and offices (**Drawing A-1**). Supporting facilities including toilet, changing room and storage areas will also be provided. The proposed development comprises 4 existing structures with a total floor area of about 710 m² (Plot Ratio (PR) of about 0.23) and a maximum building height of 1 storeys (not more than 4 m) (**Drawing A-1**). No expansion works would

be carried out on the existing structures. The operation hours are from 9:00 a.m. to 6:00 p.m. daily (including Sundays and public holidays). All existing trees within the Site will be retained. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The major developments parameters of the application are as follows:

Site Area	About 3,060 m ²
Non-domestic Gross Floor Area (GFA)	About 710 m ²
PR	About 0.23
Site Coverage	About 23%
No. of Buildings	4 Existing Structures (Drawing A-1) for training centres office, toilets and storage
No. of Parking Spaces	1 for Private Car
No. of Loading/Unloading Spaces	2 for Coaches/Light Goods Vehicles (LGVs)
Operation Hours	From 9:00 a.m. to 6:00 p.m. daily
Anticipated Completion Year	2022

1.4 The applicant, which is a charitable institution approved under s.88 of the Inland Revenue Ordinance (Cap. 112), will be responsible for renovation, management and maintenance of the proposed development. While the application is on a temporary basis of 3 years, the applicant intends to run the proposed development for at least 9 years (including approximately 6 months of renovation period) in total and will submit renewal application before the expiry of the approval if the current application is approved.

Traffic

1.5 The Site is accessible from Fuk Hang Tsuen Lane via Fuk Hang Tsuen Road (**Drawing A-1 and Plans A-2 and A-3**) and its ingress/egress point is located at the northern boundary of the Site (**Drawing A-1**). According to the applicant, 2 no. of 16 seater coach will be arranged for the users to commute to the proposed development. 1 private car parking space and 2 loading and unloading spaces for coaches and LGVs will be provided at the Site to meet the operational need of the proposed development.

Environmental

1.6 The Site is located adjacent to the elevated structure of Kong Sham Western Highway (**Plans A-2 and A-3**). The applicant has submitted an air quality and noise assessment reports. According to the applicant, the proposed development is in compliance with the requirement in the Hong Kong Planning Standards and Guidelines (HKPSG) for providing a buffer distance of at least 20 m (**Drawing A-1 and Plan A-2**). Moreover, septic tank and soakaway system will be adopted and requirements stated under ProPECC PN 5/93 "Drainage Plan subject to comment by the Environmental Protection Department" will be followed.

Geotechnical

1.7 The Site is in close proximity to existing slope features outside the boundary of the Site. The applicant has submitted a Geotechnical Planning Review Report (GPRR) to

investigate impacts arising from the proposed development on adjacent premises and geotechnical features and committed to prepare further submissions at the later stage of the development and carry out mitigation works as necessary to ensure geotechnical safety.

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

- (a) Application Form and attachments received on 26.5.2020 (Appendix I)
- (b) Further Information (FI) received on 6.7.2020 revising the application site boundary and providing responses to departmental comments (Appendix Ia)
- (c) FI received on 19.3.2021 providing air quality and noise assessment reports and a GPRR (Appendix Ib)
- (d) FI received on 14.7.2021 providing responses to departmental comments (Appendix Ic)
- (e) FI received on 25.8.2021 providing responses to departmental comments (Appendix Id)
- (f) FI received on 27.8.2021 providing responses to departmental comments and replacement pages of the Application Form (Appendix Ie)

[(b) and (c) not exempted from publication and recounting requirements]

[(d), (e) and (f) 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 at **Appendix I**. They can be summarised as follows:

- (a) The proposal is in line with the Government policy to promote sports in the community and support elite sports as stipulated in Policy Address 2017.
- (b) Lam Tei Gospel School is a VSP under the Central Clearing House (CCH) mechanism. The long-term use of the site is under review. Allowing the proposal is in line with the policy of utilising VSPs and land resources.
- (c) There is a lack of sports facilities in the Tuen Mun District and the vicinity of the Site. The proposal will help provide sports facilities for the public and athletes to meet the strong demand.
- (d) The proposal will not cause any adverse impacts on the visual, landscape, water supplies, drainage, traffic and geotechnical aspects.

- (e) The proposal has obtained support from the local community and would not bring negative impact to the local community.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) are not applicable to the application.

4. Background

- 4.1 Lam Tei Gospel School was established in 1964. The Site was first included in the draft Lam Tei and Yick Yuen Development Permission Area Plan No. DPA/TM-LTYT/1 gazetted on 18.6.1993 and was designated as an “Unspecified Use” area. The Site was zoned “GB” on the draft Lam Tei and Yick Yuen OZP No. S/TM-LTYT/1 gazetted on 7.6.1996. The major consideration was that areas further away from major road network and with limited infrastructural provision were zoned “GB” to define the limits of urban and sub-urban development areas by natural feature as well as to provide passive recreational outlets. There has been no change in the zoning since then. Lam Tei Gospel School ceased operation in 2006 and the premises has been left vacant since then. The Site is one of the VSP sites currently under the management of the Lands Department (LandsD).
- 4.2 In accordance with the 2020 Review of the VSP by the Planning Department (PlanD), the long-term use of the Site is subject to study/review. To optimise land resources and pending implementation of the long-term use for the Site, application for short-term use of the Site is currently under consideration by LandsD.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the application. The relevant assessment criteria are summarized as follows and detailed at **Appendix II**.

- (a) there is a general presumption against development (other than redevelopment) in “GB” zone. In general, the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;
- (c) passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. It should not involve extensive clearance of existing natural

vegetation, affect the existing natural landscape, and cause any adverse visual impact on the surrounding environment;

- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

6. Previous Application

There is no previous application covering the Site.

7. Similar Application

There is no similar application within the same “GB” zone.

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

8.1 The Site is:

- (i) currently occupied by a vacant and dilapidated school premises (**Plans A-2 to A-4c**); and
- (ii) accessible via from Fuk Hang Tsuen Path (**Plans A-2 and A-3**).

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

- (i) to the immediate north is a refuse collection point and Fuk Hang Tsuen Path. To the further north across Fuk Hang Tsuen Path are a number of temporary structures for residential dwellings and a number of vacant structure and unused land;
- (ii) to the east is a nature slope. To the further east are graves and a workshop of construction machinery and storage which is a suspected unauthorised development (UD);
- (iii) to the south are temporary structures for workshop use, land for parking of vehicles and storage of containers which are suspected UD's, a grave and vacant structure and land; and
- (iv) to the immediate west is Fuk Hang Tsuen Road. To the further west across Fuk Hang Tsuen Road are Yuen Long Highway and the elevated structure of Kong Sham Western Highway.

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Bureau/Departments

10.1 The following government bureau/departments have been consulted and their views on the application are summarized as follows:

Policy Aspect

10.1.1 Comments of the Commissioner for Sports, Home Affairs Bureau (C for Sports, HAB):

From the sports policy angle, he welcomes proposals that can increase the provision of sports facilities. He has no objection to the application.

Land Administration

10.1.2 Comments of the District Lands Officer/Tuen Mun, LandsD (DLO/TM, LandsD):

- (a) The Site falls within the Former Lam Tei Gospel School (“the Premises”) which is erected on GL. The Premises was formerly permitted to be erected under a Government Land Licence but the school had already ceased operation.
- (b) The Site is accessible via a strip of GL adjoining Fuk Hang Tsuen Path branching off from Fuk Hang Tsuen Road. His office does not carry out maintenance works for the said path and road nor has given any right-of-way over GL to the Site.
- (c) The applicant has applied to his office for the grant of a short term tenancy (STT) for use of portion of the Site as a sports training centre. However it is noted that the configuration of the application area is different from the proposed STT limit. As planning permission is required for use of the application area as proposed use, the processing of the STT application is suspended.
- (d) In the event that planning permission is given by the Board and subject to necessary policy support is obtained, his office may resume processing of the STT application. However, notwithstanding that planning permission has been given, there is no guarantee that the STT application will be approved. The application will be considered by the LandsD acting in the capacity as the private landlord at its sole discretion. The application, if approved, would be subject to such terms and conditions as the Government shall deem to do so, including charging of rent, deposit and administration fee etc. The Government

also reserves the right to take any action as may be considered appropriate regarding any encroachment or unauthorized use of GL.

Traffic

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

- (a) He has no comment on the application.
- (b) Since the Site would be accessible via Fuk Hang Tsuen Path, the applicant should inform Lam Tei Quarry on the development as Fuk Hang Tsuen Path is the only access to Lam Tei Quarry.

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

- (a) If the access arrangement is agreed by TD, the applicant should construct a run in/out at the access point at Fuk Hang Tsuen Path in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) The proposed access from the Site to Fuk Hang Tsuen Path is not and will not be maintained by HyD.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) According to **Appendix Id**, the applicant advised that the structures of training centre, offices and transformer room will not rely on window to provide natural ventilation and mechanical ventilation will be provided and the vent will not face to the traffic road. Provided that the location of fresh air intake of sensitive use can meet the minimum buffer distance requirements stated in HKPSG, he has no adverse comment from air quality perspective.
- (b) Moreover, septic tank and soakaway system will be adopted for treating the sewage generated by the proposed use. The applicant is reminded that the design and construction of the septic tank and soakaway system should follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person (AP).

Landscape

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

- (a) With reference to the site visit conducted by his office and aerial photo of 2019, the Site is hard paved with existing trees observed along the site boundary within the Site. The Site is situated in an area of rural landscape character with a wooded knoll to the south-east of the Site. Significant change to the landscape character arising from the application is not envisaged.
- (b) According to the **Appendix Ic**, the applicant stated that trees and landscape would be retained during and after renovation. However, with reference to the tree survey report under **Appendix Ie**, 61 existing trees are identified within the Site, of which 7 are found dead/uprooted/collapsed and proposed to be removed. When comparing the tree survey with the revised layout plan at **Drawing A-1**, it is noted that the proposed car park (CP1) and a car access are in conflict with 3 existing trees (T10, T11 and T18). In view that the existing trees proposed to be removed are dead/in poor condition and trees in conflict with the proposed development are young common species/collapsed, significant adverse impact on existing landscape resources within the Site is not envisaged and he has no objection to the application from landscape planning perspective.
- (c) The applicant should note the detailed comments at **Appendix IV**.

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 application from public drainage point of view. Should the application be approved, a condition should be included to request the applicant to submit, implement and maintain a drainage proposal for the site to ensure that it will not cause adverse drainage impact to the adjacent area.
- (b) The applicant should note the detailed comments at **Appendix IV**.

Fire Safety

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

- (a) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. He has no objection in principle to the proposal subject to fire services installations (FSIs) being provided to his satisfaction.
- (b) The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should note the detailed comments at **Appendix IV**.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.
- (b) Formal submission under the Buildings Ordinance is required for any proposed new works, including any temporary structures.
- (c) The applicant should note the detailed comments at **Appendix IV**.

Others

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

It is noted that the applicant has committed to undertake a natural terrain hazard study (NTHS) and to implement mitigation measures, if necessary, as part of the proposed development. Therefore, his office has no geotechnical comment on the GPRR submitted by the applicant. Should the captioned planning application be approved, an approval condition on the submission of a NTHS and implementation of the mitigation measures recommended therein, as part of the development, is required.

District Officer's Comments

10.1.11 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

He has distributed consultation letters to the concerned locals and understand that they will provide their comments (if any) to the Board direct.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West), CEDD (PM(W), CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Periods

The application and relevant FIs were published for public inspection. During the statutory publication periods, a total of 5 public comments were received from the Chairman and Vice-chairmen of the Tuen Mun Rural Committee (**Appendix III-1**), the Chairman of the Tuen Mun North East Area Committee (**Appendix III-2**), village representatives of Fuk Hang Tsuen (upper and lower) (**Appendices III-3 and III-4**) and an individual (**Appendix III-5**). All of them support the application on the grounds that the proposed development could

utilise the VSP which had been left vacant for years, promote sports, improve the environmental hygiene of the VSP and the good track record of the applicant. One of the commenters opined that no information regarding the applicant and potential users is available online.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary place of recreation, sports or culture (sports training ground) for a period of 3 years at the Site zoned “GB” on the OZP. The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Although the proposed use is not in line with the planning intention of the “GB” zone, the Site was used for school purpose before it was zoned “GB” on the draft Lam Tei and Yick Yuen OZP No. S/TM-LTTY/1 gazetted on 7.6.1996. The VSP now on the Site is under the CCH mechanism and the long-term use of the Site is subject to study/review. There is no known implementation programme for long-term use of the Site. C for Sports, HAB welcomes the proposed development and has no objection to the application from the sports policy aspect as it can increase the provision of sports facilities. Approval of the application on a temporary basis would not jeopardize the long-term use of the Site.
- 12.2 The Site is located in an area predominantly rural in character, comprising temporary structures for residential and workshop uses, land for parking of vehicles and storage of container, graves and vacant land (**Plans A-2 and A-3**). The proposed development is considered not incompatible with the surrounding areas.
- 12.3 The Site has been left vacant since 2006 (i.e. about 15 years) and all government departments consulted have no plan or programme to provide any GIC facilities at the Site. To optimise land resources and pending implementation of the long-term uses for individual VSP sites, relevant departments may arrange these sites for temporary government uses or make these sites available for applications for uses by non-governmental organisations (NGOs) or social enterprises. In this regard, the proposed development is in line with the Government’s intention to optimise land resources by utilising VSP sites.
- 12.4 Relevant government departments including C for T, DEP, CE/MN of DSD, CTP/UD&L of PlanD, D of FS and H(GEO) of CEDD have no objection to or adverse comment on the application on traffic, environmental, drainage, landscape, fire safety and slope maintenance aspects. It is also considered that the proposed use, which will be accommodated in the existing VSP on the Site would not significantly alter the visual character of the area. In this connection, the application is not in conflict with the relevant assessment criteria stated in the Town Planning Board Guidelines for Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10).
- 12.5 There is no previous application on the Site or similar application within the same “GB” zone.
- 12.6 There were 5 public comments received supporting the application during the statutory publication periods as summarised in paragraph 11 above.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 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 until 10.9.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a natural terrain hazard study within **6** months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board by 10.3.2022;
- (b) in relation to (a) above, the implementation of the mitigation measures as identified in the natural terrain hazard study within **9** months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board by 10.6.2022;
- (c) the submission of a 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 10.3.2022;
- (d) in relation to (c) above, the implementation of the 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 10.6.2022;
- (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 10.3.2022;
- (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 10.6.2022;
- (h) if the above planning condition (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 conditions (a), (b), (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 at **Appendix IV**.

- 13.3 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 "GB" zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. No strong planning justification has been given in the submission for 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 received on 26.5.2021
Appendix Ia	FI received on 6.7.2020
Appendix Ib	FI received on 19.3.2021
Appendix Ic	FI received on 14.7.2021
Appendix Id	FI received on 25.8.2021
Appendix Ie	FI received on 27.8.2021
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10)
Appendices III-1 to III-5	Public Comments Received During the Statutory Publication Periods
Appendix IV	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 to A-4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**