

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1066

<u>Applicant</u>	: Tung Tak School 通德學校
<u>Site</u>	: Government Land (GL) in D.D. 109, Shing Mun San Tsuen, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 1,700m ²
<u>Land Status</u>	: GL
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Village Type Development” (“V”) [restricted to maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Temporary School (Student Outdoor Activities Area) for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary school (student outdoor activities area) for a period of five years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘School’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use in the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is the subject of a previously approved application No. A/YL-KTN/680 for the same applied use with the planning permission lapsed on 16.11.2024. Currently, the Site is mainly fenced and used as the applied use.
- 1.2 The Site is accessible from Kam Tin Road via Kam Kong Road (**Plans A-2 and A-3**). According to the applicant, the Site will continue to be used as a student outdoor activities area for physical education classes and school events of the existing primary school adjoining the Site to the north (i.e. Tung Tak School). There will also be occasional loading/unloading of school materials by light goods vehicle but no vehicle will be allowed to park within the Site. The

applied use involves a basketball court, a soccer pitch and an open area for outdoor activities without any structure proposed. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 As compared with the previously approved application No. A/YL-KTN/680 at the Site (details in paragraph 5 below), the current application is the same in terms of applicant, applied use and site area/boundary.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on **(Appendix I)**
21.10.2024
 - (b) Further Information (FI) received on 9.12.2024* **(Appendix Ia)**
* *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 the Application Form and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) Due to the lack of sufficient student activities space in Tung Tak School, there is a need for the applicant to continue the applied use at the Site. The applicant will liaise with the Education Bureau regarding long-term measures to address the need for providing student activities area. The applicant undertakes to terminate the applied use and vacate the Site when there is Small House (SH) application approved within the Site.
- (b) The school teachers and student parents will not be allowed to park their vehicles within the Site and will be advised to make use of the parking spaces nearby to avoid causing adverse traffic impact.

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. 31B) are not applicable to the application.

4. Background

The Site is currently not subject to any active planning enforcement action.

5. Previous Application

- 5.1 The Site is the subject of a previous application No. A/YL-KTN/680 for the same applied use for a period of five years which was submitted by the same applicant as the current application. The previous application was approved with

conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 15.11.2019, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions. All the approval conditions have been complied with and the planning permission lapsed on 16.11.2024.

- 5.2 Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. **Similar Application**

There is no similar application for temporary school within the same “V” zone in the vicinity of the Site in the past five years.

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

- 7.1 The Site is:

- (a) located within Kam Tin Shing Mun San Tsuen;
- (b) mainly fenced and used as the applied use; and
- (c) accessible from Kam Tin Road via Kam Kong Road south.

- 7.2 The surrounding areas are rural in character with an intermix of village settlements, market, playground, sitting-out area, shops, parking of vehicles and grassland. The existing Tung Tak School is to the immediate north of the Site.

8. **Planning Intention**

The planning intention of the “V” is to reflect existing recognised 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 SHs 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Bureau/Departments**

All government bureau/departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and

IV respectively.

10. Public Comments Received During Statutory Publication Period

On 29.10.2024, the application was published for public inspection. During the statutory public inspection period, seven public comments were received, including six from individuals raising concerns mainly on adverse traffic, environmental and fire safety impacts on the surrounding areas by the applied use and the unauthorised parking and structures at the Site during the previous planning approval period; and one from the Chairman of the Yuen Long Town Centre and Rural East Area Committee indicating no comment on the application (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary school (student outdoor activities area) for a period of five years at the Site zoned “V” (**Plan A-1**). The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, and land within this zone is primarily intended for development of SHs by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, it will provide space for student outdoor activities and school events which is needed by the adjacent Tung Tak School. Although the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advises that there are SH applications under processing within the Site, he has no adverse comment on the planning application. In this regard, the applicant indicates to terminate the applied use and vacate the Site when there is SH application approved. Should the current application be approved, the applicant will also be advised that the applied use should be terminated upon approval of SH application at the Site at any time during the planning approval period. The applied use of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. It is considered that approval of the application on a temporary basis for five years would not frustrate the long-term planning intention of the “V” zone.

11.2 The applied use is considered not incompatible with the surrounding land uses, which are rural in character with an intermix of village settlements, market, playground, sitting-out area, shops and parking of vehicles. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant landscape impact arising from the applied use is anticipated.

11.3 Other relevant government bureau/departments consulted, including the Secretary for Education, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Environmental Protection, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’

to minimise any potential environmental nuisance caused by the applied use.

- 11.4 The Site is the subject of a previously approved application No. A/YL-KTN/680 which was submitted by the same applicant for the same applied use as the current application as detailed in paragraph 5.1 above. Approving the current application is in line with the Committee's previous decision.
- 11.5 Regarding the public comments as mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department's View

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, PlanD 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 five years until 20.12.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.3.2025;
- (c) if the above planning condition (a) 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
- (d) if the above planning condition (b) 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**.

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

the applied use is not in line with the planning intention of the "V" zone, which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, and land within this zone is primarily intended for

development of Small Houses by indigenous villagers. There is no strong planning justification 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 with attachments received on 21.10.2024
Appendix Ia	FI received on 9.12.2024
Appendix II	Previous application
Appendix III	Government bureau/departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**