

RNTPC Paper No. A/YL-KTS/878A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 23.7.2021

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTS/878**

- Applicant** : The Hong Kong Federation of Trade Unions (香港工會聯合會)
- Site** : Lots 602 S.B (Part), 602 S.C, 602 RP, 603 S.A (Part), 603 S.D, 603 RP in D.D. 106, Kam Tin, Yuen Long, New Territories
- Site Area** : About 2,756m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Temporary Vocational Training 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 temporary vocational training centre for a period of 3 years (**Plan A-1**). The Site is zoned “R(D)” on the Kam Tin South OZP and the applied use is neither a Column 1 nor Column 2 use in the “R(D)” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of a previous application (No. A/DPA/YL-KTS/72) for workshop for assembly and manufacturing of computer cases, which was approved with conditions by the Board on review for a period of 3 years in 1994.
- 1.3 According to the applicant, the development mainly provides a range of training courses for the construction industry workers. There is a 1-storey structure, with a total floor area of about 1,877m<sup>2</sup> and building height of not more than 5m, for vocational training use, including classrooms for training

wood works, electrical works, metal works, metal scaffolding, painting, plastering, pipefitting, fire service installations etc, as well as a hall, office and student resting area. Besides, two trunk-mounted crane are stationed at the Site for training purpose. The centre can accommodate a maximum of 60 persons. The operation hours are from 8:00am to 10:30pm daily, including public holidays.

- 1.4 In order to minimize the potential noise impact to the surrounding area, the applicant states that the training courses which may generate noise (mainly metal works and metal scaffolding) are carried out in day time (from 9:00am to 5:30pm) inside the enclosed structure equipped with soundproofing materials and fronting access road. Besides, the whole site is fenced off by a solid brick wall (**Plan A-4a**). The evening training courses are mainly lectures on construction safety and no noise will be generated. The Site is accessible from Kam Sheung Road. Five private car parking spaces, with no fixed position, for staff use are provided on-site, and visitors are required to take public transport. The site layout submitted by the applicant is at **Drawing A-1**.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application form received on 4.2.2021 (**Appendix I**)
  - (b) Supplementary information received on 8.2.2021 (**Appendix Ia**)
  - (c) Further Information (FI) received on 26.5.2021 in response to departmental comments (**Appendix Ib**)  
*[exempted from publication requirement]*
- 1.6 On 26.3.2021, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application for a period of two months to allow time for the applicant to prepare FI to address the departmental comments. After the deferral request, FI have been received on 26.5.2021 and the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

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

- (a) The development is to meet the pressing need of vocational training for the construction industry. It can provide and enhance the skills of workers and contribute to the qualified workforce for the industry;
- (b) The training courses are recognized by the Construction Industry Council and Employees Retraining Board. Besides, the training centre can provide training

courses for those unemployed or intended to join the construction industry workers to acquire the necessary skills;

- (c) The Site is sufficient in size and is a suitable location for the vocational training centre; and
- (d) The operation of the vocational training will not cause adverse traffic impact nor environmental nuisance to the nearby residents.

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

The applicant is not the “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 notices and sending notices to Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is currently not subject to planning enforcement action.

### **5. Previous Application**

The Site was the subject of a previous application (No. A/DPA/YL-KTS/72) for workshop for assembly and manufacturing of computer cases, which was approved with conditions on review by the Board in 1994 for a period of 3 years<sup>1</sup>. The application was approved for the reasons that the proposed use was generally in line with the planning intention and the departmental concerns could be addressed by approval conditions. The planning permission lapsed on 26.8.1997. Details of the application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

### **6. Similar Application**

There is no similar application for training centre within the same “R(D)” zone in the vicinity of the Site on the Kam Tin South OZP.

### **7. The Site and Its Surrounding Areas (Plans A-2 to A-4b)**

7.1 The Site is:

- (a) used for the applied use without planning permission; and
- (b) accessible via Kam Sheung Road.

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<sup>1</sup> The application was considered under the “Unspecified Use” zone on the then draft Kam Tin South Development Permission Area Plan No. DPA/YL-KTS/1.

7.2 The surrounding areas are rural in character mainly occupied by open storage yards, warehouses, vehicle showroom, hardware workshop, some residential structures/dwellings and vacant/unused land:

- (a) to the immediate west is a residential structure. To the further west across Kam Sheung Road are open storage/storage yards, a few residential dwellings/structures, a restaurant and a vehicle showroom;
- (b) to the east and south are warehouses, open storage yards, some residential dwellings/structures and a workshop. A site on the southeast is under construction for temporary transitional housing development with planning permission (**Plan A-2**); and
- (c) to its north across a road are warehouses, a few residential dwellings/structures, workshop and vacant land.

## **8. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from 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 Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Should the application be approved, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 LandsD.

### **Works Policy**

#### 9.1.2 Comments of the Secretary for Development (Works Branch):

He supports the proposal submitted by Hong Kong Construction Industry Employees General Union, under the Hong Kong Federation of Trade Unions, to use the Site as a temporary vocation training centre for providing training to construction workers, which can help enhancing the skill level of local construction workers and attract job changers to join the construction industry.

### **Labour and Welfare**

#### 9.1.3 Comments of the Secretary for Labour and Welfare:

He supports the application in principle, as it may enhance the availability of training centres for relevant Employees Retaining Board courses with no implication in terms of public resources.

### **Traffic**

#### 9.1.4 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, the condition on no vehicle is allowed to queue back to or reverse onto/ from public road at any time during the planning approval period should be included.

#### 9.1.5 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Environment**

#### 9.1.6 Comments of the Director of Environmental Protection (DEP):

There was no environmental complaint concerning the Site received in the past 3 years. 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' issued by DEP.

### **Drainage**

9.1.7 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) Should the Board approve the application, approval conditions requiring the submission of a drainage proposal and implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.

### **Nature Conservation**

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

Noting that the Site is disturbed in nature and is located within "R(D)" zone, he has no comment on the application from nature conservation point of view.

### **Building Matters**

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) His detailed comments on UBW, provision of access, temporary or licenced structures are at **Appendix IV**.

- (d) Detailed checking under BO will be carried out at building plan submission stage.

### **Fire Safety**

#### 9.1.10 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

### **District Officer's Comments**

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

His office has not received any locals' comment on the application and he has no particular comment on the application.

#### 9.2 The following Government departments have no comment on the application:

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

## **10. Public Comment Received During Statutory Publication Period**

On 16.2.2021, the application was published for public inspection. During the three-week statutory publication period, one public comment from an individual was received (**Appendix III**). The comment provides view on the application in that there is a need for such facility in the New Territories and it should be ascertained that it is a bona fide operation.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary vocational training centre for a period of 3 years in “R(D)” zone. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise and low-density residential developments subject to planning permission from the Board. Although the applied use is not in line with the planning intention of the “R(D)” zone, there is no known long-term development at the Site. It is considered that approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “R(D)” zone.
- 11.2 The development is considered not incompatible with the surrounding area which is rural in character intermixed with open storage yards, warehouse, vehicle showroom, hardware workshop and some residential structures/dwellings.
- 11.3 The development is to provide vocational training course for the construction industry. Both the Development Bureau (Works Branch) and the Labour and Welfare Bureau support the application as the vocational training centre can provide training to construction workers with no implication on public resources, and can help enhance the skill level of local construction workers and attract job changers to join the construction industry. According to the applicant, almost all of the training courses are conducted in-door. The training which may generate noise is carried out in day time in an enclosed structure equipped with soundproofing materials fronting access road to minimize nuisance to the surroundings. The open area in the centre is used as ancillary car park or for training of operating crane. The Site is fenced off by solid walls and there is no direct sight line from adjoining areas. In this regard, DEP has no objection to the application.
- 11.4 Other relevant departments consulted, including C for T, CE/MN of DSD and D of FS, have no adverse comment on the application. To minimize any possible environmental nuisance, approval condition restricting the operation hours is recommended in paragraph 12.2(a) below. The applicant will also be advised to adopt 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 requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2(b) to (g) below.
- 11.5 The Site is subject to a previous application for temporary workshop for assembly and manufacturing of computer cases approved on review by the Board in 1994 for the reasons as mentioned in paragraph 5 above. There is no similar application within the same “R(D)” zone.
- 11.6 One public comment was received during the statutory publication period providing views on the application. In this regard, relevant Government departments’ comments as well as planning assessments and consideration as stated above are relevant.



## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department considers that the temporary vocational training centre could be tolerated 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 23.7.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 10:30 p.m. and 8:00 a.m., and no metal works and metal scaffolding classes between 5:30 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 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 23.1.2022;
- (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 23.4.2022;
- (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 a 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 23.1.2022;
- (g) in relation to (f) above, the implementation of the 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 23.4.2022;
- (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 development is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise and low-density residential developments subject to planning permission from the Board. 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**

<b>Appendix I</b>	Application Form received on 4.2.2021
<b>Appendix Ia</b>	Supplementary Information received on 8.2.2021
<b>Appendix Ib</b>	FI received on 26.5.2021
<b>Appendix II</b>	Previous application covering the Site
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan

<b>Plans A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2021**