

RNTPC Paper No. A/YL-KTS/897
For Consideration by
the Rural and New Town
Planning Committee
on 10.9.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/897

<u>Applicant</u>	:	Mr. CHOY Chi Wai represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	:	Government Land in D.D. 106, Kam Tin, Yuen Long, N.T. (Former Shek Wu School)
<u>Site Area</u>	:	About 1,155m 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 Facility (Elderly and 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 facility (elderly and 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 and A-4**).
- 1.2 The Site is the subject of four previous applications (No. A/YL-KTS/270, 756, 792 and 862). The second last application (No. A/YL-KTS/792) for the same use submitted by the same applicant was approved by the Committee in 2018 but revoked due to non-compliance of approval conditions. The last application (No. A/YL-KTS 862) for proposed temporary social welfare facility (youth centre) submitted by a different applicant was approved by the Committee in December 2020. The planning permission is valid until 4.12.2023.

- 1.3 According to the applicant, the temporary elderly and youth centre will be managed and maintained by the village office headed by Shek Wu Tong Village indigenous inhabitant representative. The proposed use and all the development parameters in this application are the same as the second last previous application No. A/YL-KTS/792 submitted by the same applicant. The proposed development involves four existing single-storey structures with a total floor area of about 289m² and a building height of not more than 5m for youth and elderly activity centres, resting room and covered corridor uses. The operation hours will be 9:00 a.m. to 9:00 p.m. daily, including Sundays and public holidays. One private car parking space for staff members or visitors and one loading/unloading space for light goods vehicles will be provided on the Site. The 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 with supplementary information (**Appendix I**) received on 14.7.2021
 - (b) Further Information (FI) received on 31.8.2021 (**Appendix Ia**) providing responses to departmental comments
(*accepted and 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, the supplementary information and FI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The proposed use and all the development parameters in the current application are the same as the previous approved application No. A/YL-KTS/792. The existing mature trees will be retained and properly maintained.
- (b) The proposed use is intended to provide community spaces and meet the pressing need of the elderly and young villagers in the vicinity. Recreational, cultural and entertainment activities can be held in the centre for the villagers. The rural committee and/or village office will assist to organize the activities.
- (c) No medium or heavy goods vehicles exceeding 5.5 tonnes will be allowed on the Site. No parking, queuing and reverse movement of vehicles outside the Site is required.
- (d) The use of public announcement system, portable loudspeakers or any form of audio amplification system will be avoided to minimize any noise nuisance from the proposed use.

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

As the Site involves GL 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. 31) is not applicable to the application.

4. Background

- 4.1 The Site is currently not subject to any active planning enforcement action.
- 4.2 The Site is a vacant school premise 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” that will be put to short-term uses pending implementation of long-term uses.

5. Previous Applications

- 5.1 The Site is involved in four previous applications for proposed extension of Shek Wu School, proposed temporary place of recreation, sports or culture, and proposed temporary social welfare facilities (elderly cum youth centre; and youth centre). All applications were approved with conditions by the Committee between 2002 and 2020. Details of the applications are at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-KTS/270 for extension of Shek Wu School was approved with conditions by the Committee in 2002 mainly on the considerations that the proposed school extension was to accommodate new and reprovisioned facilities in accordance with the then Education Department’s latest standards and thus served the need of the local community; it was in line with the planning intention of the “V” zone; the proposed development would not adversely affect the village character of Shek Wu Tong; and relevant departments had no adverse comment. However, the planning permission lapsed in March 2015 and no extension works had been carried out.
- 5.3 Application No. A/YL-KTS/756 for proposed temporary place of recreation, sports or culture was approved by the Committee in 2018 for a period of 3 years mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposed development was not incompatible with the surrounding area; the proposed use would unlikely cause adverse impacts on the surrounding areas; relevant departments had no adverse comment on the application; concerns of relevant departments and the public could be addressed by approval conditions. However, the planning permission of application No. A/YL-KTS/756 was revoked in

September 2018 due to non-compliance with approval conditions relating to the implementation of drainage proposal and provision of fire service installations (FSIs).

- 5.4 Applications No. A/YL-KTS/792 (submitted by the same applicant as the current application) and No. A/YL-KTS/862 (submitted by a different applicant) both for proposed temporary social welfare facilities (the former for elderly cum youth centre while the latter for youth centre) for 3 years were approved with conditions by the Committee in 2018 and 2020 mainly on the same considerations for application No. A/YL-KTS/756 as stated in paragraph 5.3 above. However, application No. A/YL-KTS/792 was revoked due to non-compliance with approval conditions relating to the implementation of drainage proposal and provision of FSIs. The planning permission of the last application (No. A/YL-KTS/862), submitted by a different applicant for temporary youth centre use, is valid until 4.12.2023.

6. Similar Application

There is no similar application for temporary social welfare facility use within the same “V” zone in the vicinity of the Site.

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

7.1 The Site is:

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

7.2 The surrounding areas are rural in character intermixed with residential dwellings/structures, parking of vehicles, cultivated agricultural land, open storage/storage yards, workshop, shop and services, and vacant/unused land (Plan A-2):

- (a) to its immediate east is parking of vehicles. To its further east and northeast across Kam Sheung Road are residential dwellings/structures, parking of vehicles, and vacant/unused land; and
- (b) to its south, west and north are residential dwellings/structures, cultivated agricultural land, open storage/storage yards, workshop, shop and services, parking of vehicles and vacant/unused 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 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 involves GL with existing structures (i.e. Former Shek Wu School) in D.D. 106. As quoted by the applicant, the Site has an area of about 1,155m² which should be subject to further verification and survey upon receipt of formal short term tenancy (“STT”) application.
- (b) The Site is subject to the Shek Kong Airfield Height Restriction of 69 mPD.
- (c) The Site is accessible from Kam Sheung Road via a number of adjoining private lots and government land. However, there is no guarantee that any right of way (for pedestrians or vehicles) from Kam Sheung Road to the Site would be available.
- (d) Should planning approval be given to the planning application, the applicant has to submit a STT application to his office for the proposed use. The applicant should be reminded that, pursuant to 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 (“the Guidelines”), the applicant is required to be a non-government organization/social enterprise and necessary policy support from the relevant department or bureau would be required to

implement the proposal. Upon receipt of the STT application with policy support being given, LandsD would consider the application in accordance with applicable policy and practice while there is no guarantee that the application will be approved. The STT application if approved would be subject to such terms and conditions including amongst others, the payment of rent and administrative fee as may be imposed by LandsD.

Traffic

9.1.2 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, approval 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.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) His department 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

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

- (a) There was no substantiated environmental complaint concerning the Site received by DEP 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.
- (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 Site” 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 the landscape planning perspective.
- (b) Based on the aerial photos taken in 2020, the Site is situated in an area of miscellaneous rural fringe landscape character predominated by village houses, temporary structures and scattered tree groups. The proposed use is considered not entirely incompatible with the surrounding landscape setting. According to site photos taken by his office on 28.7.2021, some existing trees of common species, including *Delonix regia* (鳳凰木), *Cinnamomum camphora* (樟) and *Eucalyptus robusta* (大葉桉) in mature size are found at the periphery of the Site. With reference to the submitted planning statement, tree felling is not involved and the layout of the proposed development is not in conflict with the existing trees. Significant impact on existing landscape resources within the Site arising from the development is not anticipated.

Fire Safety

9.1.6 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 with metric dimensions. The location of where

the proposed FSIs to be installed should be clearly marked on the layout plans and listed out in the form of notes.

- (c) The applicant is reminded that if the proposed structure(s) is/are required to comply with the Buildings Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

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 proposed development from the public drainage point of view. His detailed comments on the submitted drainage proposal are at **Appendix IV**.
- (b) Should the application be approved, the conditions requiring the submission, implementation and maintenance of a revised drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval.

Social Welfare

9.1.8 Comment of the Director of Social Welfare Department (D of SW):

- (a) He has no adverse comment on the application, given that there is no financial implications, both capital and recurrent, incurred to Social Welfare Department.
- (b) The applicant proposed to set up an elderly activity centre and youth activity centre in the concerned vacant school premises, i.e. Former Shek Wu School for providing recreational, cultural and entertainment activities for the elderly and youth villagers in the vicinity. The Centre is proposed to be managed by the village office headed by Shek Wu Tong Village indigenous inhabitant representative.
- (c) Currently, there are two Integrated Children and Youth Services Centre and one Community Centre providing youth services in Yuen Long Town, which are far away from the Site. Hence, the proposed welfare-related services by the applicant might help meet the service needs of children and youth in the locality. The Centre might also benefit and bring convenience to the local elderly villagers.

- (d) No license is required for setting up such self-financing social centre for elderly and youth.

Electricity Safety

9.1.9. Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no comment on the application from electricity supply safety aspect at this stage.
- (b) However, in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing, supervising and conducting any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

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

His office has not received any comment from locals on the application and he has no comment from departmental point of view.

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Chief Building Surveyor/New Territories West, Buildings Department;
- (c) Director of Leisure and Cultural Services;
- (d) Project Manager (West), Civil Engineering and Development Department;
- (e) Chief Engineer / Construction, Water Supplies Department; and
- (f) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

On 28.7.2021, the application was published for public inspection. During the three-week statutory publication period, two public comments from a Yuen Long District Councillor and an individual were received (**Appendices III-1 and III-2**). The commenters object to/ raise concern on the application mainly on the grounds that two previous approved applications were revoked which indicates the lack of commitment in compliance with conditions; and the government departments should expedite to use the old school premises for meaningful community purpose.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary social welfare facility (elderly and youth centre) for a period of 3 years within the “V” zone. The proposed use is not entirely in line with the planning intention of the “V” zone which is intended 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. Nevertheless, the proposed use is to make use of the Former Shek Wu School site which had been closed down and left vacant since 2014. It involves the adaptive reuse of the existing school premises for a temporary elderly and youth centre. The concerned vacant school is one of the “Vacant School Premises Sites Reviewed under the Central Clearing House Mechanism” that will be put to short-term uses pending implementation of long-term uses. As such, it is considered that approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone.
- 11.2 According to the applicant, the proposed use is to serve the elderly and young villagers in the vicinity. D of SW stated that there are two Integrated Children and Youth Services Centre and one Community Centre providing youth services in Yuen Long Town, which are far away from the Site. The proposed welfare related services thereat can help meet the service needs of young people in the locality. The Centre might also benefit and bring convenience to the local elderly villagers. Besides, the Centre has no financial implications to the Government. In this regard, D of SW has no adverse comment on the application. The proposed use is also considered not incompatible with the surrounding areas which is rural in character intermixed with residential dwellings/structures, parking of vehicles, cultivated agricultural land, open storage/storage yards, workshop, shop and services, and vacant/unused land.
- 11.3 In view of the small scale and nature of the proposed use, the proximity of the Site to Kam Sheung Road, and the applicant advised that the use of public announcement system, portable loudspeakers or any form of audio amplification system will be avoided, the proposed use would unlikely cause adverse environmental, traffic, landscape and drainage impacts on the surrounding areas. Relevant Government departments consulted, including DEP, C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS, have no adverse comment

on the application. The applicant will also be advised to follow the relevant mitigations measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP. The technical concern of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions recommended in paragraphs 12.2 (b) to (g).

- 11.4 The Site is involved in four previous applications (No. A/YL-KTS/270, 756, 792 and 862), all of which were approved with conditions by the Committee between 2002 and 2020. Application No. A/YL-KTS/792 was submitted by the same applicant as the current application for proposed temporary social welfare facilities use but its planning permission was revoked due to non-compliance with the approval conditions related to the implementation of the drainage proposal and the provision of FSIs. In the current application, the applicant has submitted a drainage proposal in support of the application. CE/MN of DSD has no adverse comment on the application. As for the last planning application (No. A/YL-KTS/862), it was submitted by a different applicant for a similar temporary youth centre use, which was approved with conditions by the Committee in December 2020. The planning permission of which is valid until 4.12.2023.
- 11.5 As the second last approved application (No. A/YL-KTS/792) submitted by the same applicant for the same temporary use as the current application was revoked due to non-compliance with approval conditions as stated in paragraph 5.4 above, shorter compliance periods are recommended to monitor the progress of compliance with approval conditions should the Committee decide to approve the current application. Moreover, the applicant will be advised that should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 Two public comments objecting to / raising concern on the application were received during the statutory publication period as mentioned in paragraph 10 above. In this regard, the departmental comments and planning assessments and considerations 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 comments mentioned in paragraph 10 above, the Planning Department has no objection to the proposed temporary social welfare facility (elderly and 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 10.9.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time 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 revised drainage proposal 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 10.12.2021;
- (d) in relation to (c) above, the implementation of the revised 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;
- (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 **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.12.2021;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 10.3.2022;
- (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 advisory clauses are in **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 with Supplementary Information received on 14.7.2021
Appendix Ia	FI received on 31.8.2021
Appendix II	Previous Applications covering the Site
Appendices III-1 and III-2	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan

Plan A-3 Aerial Photo

Plan A-4 Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**