

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/925

<u>Applicant</u>	: Yuen Long District Office (Environmental Hygiene), Food and Environmental Hygiene Department (FEHD) represented by BREADstudio Limited
<u>Site</u>	: Government land in D.D. 113, Ho Pui Tsuen, Yuen Long
<u>Site Area</u>	: About 110m ²
<u>Land Status</u>	: Government Land
<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 Public Convenience and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public convenience and excavation of land at the application site (the Site). According to the Notes of the OZP, ‘Public Convenience’ is a Column 2 use within the “V” zone, which requires planning permission from the Town Planning Board (the Board). Excavation of land also requires planning permission from the Board. The Site is paved, partly occupied by a basketball court and partly occupied by two portable toilets (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed public convenience is a single storey building structure with building height of about 4.5m and floor area of about 110m², representing a plot ratio of about 1. Modular Integrated Construction (MiC) method will be adopted in the construction of the proposed public convenience. The site layout plan and elevation / section of the proposed public convenience submitted by the applicant are at **Drawings A-1 and A-2**. It is anticipated that the proposed public convenience will be completed by December

2023. The applicant states that the proposed development will also involve excavation of land of the entire site at about 1.5m in depth for the toilet's foundation and underground utilities and building services provisions.

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

(a) Application form with supplementary information (Appendix I)
received on 23.5.2022

(b) Further Information (FI) received on 12.7.2022 (Appendix Ia)

2. Justifications from the Applicant

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

- (a) There was originally an aqua privy at Ho Pui Tsuen. Nevertheless, it was subsequently identified that the toilet encroached onto a private lot, and the land owner of which requested the subject lot be returned to him. After demolition of the aqua privy in May 2020, two temporary portable toilets were provided in front of the former Yuk Ying School (育英學校) (**Plan A-2**) as an interim measure.
- (b) After discussion with concerned village representatives and concerned government departments and taking into consideration the actual need from the hikers and visitors who visit Ho Pui Reservoir Family Walk (**Plan A-1**) in the vicinity, the applicant proposes to provide a new public toilet at the Site.
- (c) The location proposed for the new public convenience is considered appropriate as it is located in close proximity to the Village Office and the mini-bus terminal as suggested by the village representatives and the locals (**Plan A-2**). Besides, there will be some distance from the nearby village houses.
- (d) The village representatives of Ho Pui Tsuen were consulted in February 2019 and they proposed the aqua privy be relocated to the Site in front of the school premises of former Yuk Ying School. Several rounds of local consultations were subsequently undertaken in December 2019, June 2021 and August 2021 and all the feedbacks received are supportive of the proposed development.
- (e) The design and layout of the proposed public convenience is based on the standard stipulated in FEHD's Handbook on Standard Features for Public Toilet, with the provision of accessible toilet, and accessible urinal according to the Building Department's requirement stipulated in the Design Manual: Barrier Free Access.

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

As the Site involves Government land 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

The Site falls within the boundary of the former Yuk Ying School vacant school premise (VSP) site, which is one of the VSP sites with its long-term use reviewed under the Central Clearing Housing (CCH) mechanism, and it was recommended to be retained for G/IC use in the long-term. For VSP sites located partly on private land and partly on Government land (such as the former Yuk Ying School), LandsD may decide whether the Government land portion, i.e. the Site, can be used for other long-term or short-term purposes, taking the actual situation of individual sites into account.

5. Previous Application

There is no previous application on the Site.

6. Similar Application

There is no similar application for public convenience development within the “V” zones in the vicinity of the Site.

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

7.1 The Site is:

- (a) paved and partly occupied by a basketball court and partly occupied by two temporary toilet structures; and
- (b) accessible via a local access leading from Kam Ho Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate southeast and south are some vacant single storey buildings/structures, which are the school premises of the former Yuk Ying School. To the further south is a sheep farm and village house cluster;

- (b) to its west is the Village Office of Ho Pui Tsuen, village house cluster, and to its further west are a playground and two 'Tsz' (祠) of the village;
- (c) to its east and north are village house cluster, a plant nursery and some vacant structures; and
- (d) to its further northwest is a car park and a storage yard.

8. **Planning Intention**

The planning intention of the "V" 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) He has no objection to the application.
- (b) The Site falls within the government land comprising part of the existing basketball court in Ho Pui Village.
- (c) In the event that planning permission is given by the Board for the proposal, FEHD as the project proponent should submit to LandsD the Government Land Allocation application for processing.

Traffic

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

- (a) He has no adverse comment on the application from the traffic engineering perspective.
- (b) 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 the 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) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Kam Ho Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

Environment

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

- (a) There was no substantiated environmental complaint received in the past 3 years concerning the Site.
- (b) He has no comment on the application.

Nature Conservation

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

The Site falls within the "V" zone and no tree felling would be involved in the proposal. As such, he has no comment on the planning application from nature conservation perspective.

Urban Design

9.1.6 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

In view of the small scale in nature, it is considered that the proposed public convenience would unlikely induce significant adverse visual impact on the surroundings.

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.
- (b) The applicant should provide his own drainage facilities to collect the runoff discharge point. The proposed development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities.
- (c) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

Fire Safety

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

- (a) He has no objection in-principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011, which is administered by BD.

District Officer's Comments

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

He has not received any locals' comments on the application and he has no comment from departmental point of view.

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

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Director of Electrical and Mechanical Services;
- (d) Chief Engineer/Construction, Water Supplies Department; and
- (e) Commissioner of Police.

10. Public Comment Received During Statutory Publication Period (Appendix II)

On 31.5.2022, the application was published for public inspection. During the statutory publication period, one public comment from a Ho Pui Tsuen villager was received objecting to the application mainly on the grounds that the proposed public toilet is located too close to his village house which would create odour, hygienic issue and noise nuisance to his family members.

11. Planning Considerations and Assessments

11.1 The Site falls within 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. The proposed public convenience use does not contravene the planning intention of the “V” zone as it is a supporting facility for meeting both the needs of the local villagers and the visitors / hikers by replacing the original aqua privy, which was demolished in 2020, with a new one of sufficient size. The Site forms part of a vacant school premise (VSP) site which is recommended to be retained for long-term G/IC use. LandsD may decide whether the Government land portion of the concerned VSP can be used for other long-term or short-term purposes. In this regard, DLO/YL has no objection to the application. Excavation of land within the “V” zone also requires planning permission from the Board. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.

11.2 The applicant has consulted the concerned village representatives and they generally agreed with the location proposed for the new public convenience. In addition, the proposed use is located at the fringe of a VSP site and the proposed use is considered as an adaptive reuse of a vacant place for public interest. Given that the Site will occupy a minor portion of the former school (i.e. about 5%), it is

considered that the remaining former school site could still be used for compatible G/IC use and hence would not frustrate the long-term use for the VSP.

- 11.3 The proposed public convenience is a small scale development and is not incompatible with the surrounding rural land uses intermixed with residential developments / village houses, a village office, a playground, religious institutions, a plant nursery, a sheep farm and vacant land. It is unlikely to have adverse traffic, environmental, drainage and visual impacts on the surrounding areas. Relevant departments consulted, including C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or no adverse comment on the application.
- 11.4 Regarding the public comment received raising concerns on the potential odour and environmental impact of the proposed development, the applicant advises that appropriate measures will be incorporated in the toilet design for mitigating the potential odour and environmental nuisance, including the installation of air crawl at the roof to divert the exhaust from the direction of nearby residence, installation of air purifier with sterilisation function and the use of bio-treatment plant and mechanical ventilation in compliance with the latest statutory requirements and standards on environmental aspects, and enhancing the cleansing and disinfection frequency of the toilet as appropriate (**Appendix Ia**). Besides, the departmental comments and planning considerations and assessments 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 in paragraph 10 above, the Planning Department 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 until 15.7.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval condition

the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

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

12.3 There is no strong reason to recommend rejection of the application.

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 date when the validity of the permission should expire.
- 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 23.5.2022
Appendix Ia	FI received on 12.7.2022
Appendix II	Public comment
Appendix III	Recommended advisory clauses
Drawing A-1	Site layout plan
Drawing A-2	Elevation / section drawing
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2022**