

RNTPC Paper No. A/YL-KTS/936  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 9.9.2022

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

**APPLICATION NO. A/YL-KTS/936**

<b><u>Applicant</u></b>	:	Tradeway Development Limited
<b><u>Site</u></b>	:	Lots 593 and 595 in D.D. 106 and Adjoining Government Land, Kong Ha Wai, Kam Tin, New Territories
<b><u>Site Area</u></b>	:	About 2,194 m <sup>2</sup> (including Government land of about 114 m <sup>2</sup> )
<b><u>Land Status</u></b>	:	(i) Block Government Lease (demised for agricultural use) (about 94.8% of the Site) (ii) Government Land (about 5.2% of the Site)
<b><u>Plan</u></b>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<b><u>Zoning</u></b>	:	“Residential (Group D)” (“R(D)”) [maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
<b><u>Application</u></b>	:	Proposed Temporary Institutional Use (Children Extra Curriculum Services) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary institutional use (children extra curriculum services) at the application site (the Site) for a period of 3 years. The Site falls within an area zoned “R(D)” on the Kam Tin South OZP (**Plan A-1**) and the proposed use is a Column 2 use within the “R(D)” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced, paved and partly vacant and partly used as a warehouse (**Plans A-2 to A-4b**).
- 1.2 According to the applicant (who is one of the “current land owners” of the site of the Pok Oi Kong Ha Wai Village (POKHWV)(博愛江夏圍村)), the Site is

intended for providing study room and extra curriculum services on a non-profit-making basis to serve those children residing in the nearby POKHWV, which is a transitional housing located to its immediate south, as well as the children in the community (**Plans A-2 and A-4a**). Non-governmental organization will be identified for delivering the services upon obtaining planning permission of the Board. The proposed development will involve 5 single-storey structures with a total floor area of about 705 m<sup>2</sup> and building height ranging from 2.5m to 5.5m for children learning activities room (about 470m<sup>2</sup>), study room (about 175m<sup>2</sup>), reading room (about 47.5m<sup>2</sup>) and mobile toilets (about 12.5m<sup>2</sup>) by way of additions and alterations of existing structures on-site. No car parking spaces will be provided within the Site. The Site is currently accessible from POKHWV via an existing pedestrian access. The applicant states that he will design at the implementation stage to provide a more direct pedestrian access to POKHWV (**Plan A-2**). The operation hours are from 9:00 a.m. to 10:00 p.m. daily, including public holidays. The site layout plan and pedestrian connection plan submitted by the applicant are shown on **Drawings A-1 and A-2**.

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

- (a) Application form and supplementary information (**Appendix I**)  
received on 21.7.2022
- (b) Further Information (FI) received on 24.8.2022 (**Appendix Ia**)
- (c) FI received on 30.8.2022 (**Appendix Ib**)

## 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 FIs at **Appendices I, Ia and Ib**. They can be summarized as follows:

- (a) The proposed use targets to serve the underprivileged children living in POKHWV and the community by providing extra curriculum services, including children learning activity room, study room and reading room, for improving their academic performance. The proposed use echoes the Government's policy of providing care and support for the underprivileged children and students.
- (b) Duplication of services with that of the POKHWV will be avoided through coordination with its operator.

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

The applicant is not the “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notification letter to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. Regarding the portion of the Site falling within government land, the “Owner’s Consent / Notification” Requirements are not applicable.

**4. Background**

4.1 The Site is currently not the subject of any planning enforcement action.

4.2 POKHWV (博愛江夏圍村) is the subject of a planning application (No. A/YL-KTS/847) which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 26.6.2020 on a temporary basis for 3 years for providing transitional housing to meet the short-term needs of people awaiting for public housing. The transitional housing involves ten 4-storey residential blocks and two 2-storey amenity blocks, providing about 1,988 units for an estimated population of about 6,292. Residents have started to move in Phase 1 of POKHWV in May 2022 while Phase 2 of POKHWV will be available for lease in the 3rd Quarter of 2022. While the temporary transitional housing application is on a temporary basis of 3 years, its applicant intends to operate the transitional housing for 7 years and will submit renewal application. The applicant of the current application is one of the “current land owners” of the POKHWV site.

**5. Previous Application**

There is no previous application at the Site.

**6. Similar Application**

There is no similar application for similar institutional use in the vicinity of the Site within the same “R(D)” zone in the past 5 years.

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

7.1 The Site is:

- (a) paved, fenced, partly vacant and partly used as a warehouse; and
- (b) accessible to Kam Sheung Road via an existing pedestrian access in the west (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to its west and south are residential dwellings/ structures, including POKHWV (covered by valid planning permission under Application No. A/YL-KTS/847 for proposed temporary transitional housing development), an open storage yard cum workshop (covered by valid planning permission under Application No. A/YL-KTS/907) and vacant land;
- (b) to its east and southeast across a local road are open storage yards; and
- (c) to its north, northwest and northeast are warehouses, residential dwellings/ structures, parking of vehicles and cultivated agricultural 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**

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

## **10. Public Comment Received During Statutory Publication Period (Appendix IV)**

The application was published for public inspection. During the statutory public inspection period, one public comment was received. An individual comments that there is insufficient information on the background of the applicant, the services to be provided and operation details of the proposed development.

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

- 11.1 The application is for temporary institutional use (children extra curriculum services) for a period of 3 years within the Site zoned “R(D)” (**Plan A-1**). 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. Whilst the development is not entirely in line with the planning intention of the “R(D)” zone, the proposed use could provide support and meet the district service needs of the children living in the nearby transitional housing, i.e. POKHWV, and the community nearby. Besides, there is currently no known proposal for long-term development at the Site. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone.
- 11.2 The proposed development is considered not incompatible with the surrounding land uses, which are rural in character predominated by residential dwellings/ structures, open storage yards, warehouses, parking of vehicles and cultivated agricultural land.
- 11.3 According to the applicant, the proposed use is intended to provide extra curriculum services to those children living in the POKHWV and the community nearby, including children learning activity room, study room and reading room. The Director of Social Welfare considers that as there is a relatively large youth population and high poverty rate in the Yuen Long area, she has therefore no adverse comment on the application and considers that the proposed development is feasible and able to meet the district service needs on condition that it will have no financial implications for the Social Welfare Department. The Housing Bureau has no comment on the application and states that if duplication of services with that to be provided by the operator of POKHWV could be avoided, there could be room for synergistic collaboration between the organisations for the benefit of the local community. Other relevant government departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimize / 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 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.
- 11.4 A public comment providing comments on the application was received from an individual during the statutory publication period as mentioned in paragraph 10 above. In this regard, government departments’ comments, 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 comment mentioned in paragraph 10, 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 on a temporary basis for a period of 3 years until 9.9.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) 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 9.3.2023;
- (b) in relation to (a) 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 9.6.2023;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 9.3.2023;
- (e) in relation to (d) 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 9.6.2023;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 III**.

- 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 "R(D)" zone, which is 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. 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 reasons for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application form and supplementary information received on 21.7.2022
<b>Appendix Ia</b>	FI received on 24.8.2022
<b>Appendix Ib</b>	FI received on 30.8.2022
<b>Appendix II</b>	Government departments' general comments
<b>Appendix III</b>	Recommended advisory clauses

<b>Appendix IV</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Pedestrian connection plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a &amp; A-4b</b>	Site photos

**PLANNING DEPARTMENT  
SEPTEMBER 2022**