

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

**APPLICATION NO. A/YL-KTS/966**

- Applicant** : Tradeway Development Limited
- Premises** : Lots 593 (Part) and 595 (Part) in D.D. 106 and Adjoining Government Land, Kong Ha Wai, Kam Tin, Yuen Long, New Territories
- Premises Area** : About 225.9m<sup>2</sup> (including Government land of about 40.8m<sup>2</sup>)
- Land Status** : (i) Block Government Lease (demised for agricultural use) (about 82% of the Premises)  
(ii) Government Land (GL) (about 18% of the Premises)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Residential (Group D)” (“R(D)”) [maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
- Application** : 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) for a period of 3 years at the application premises (the Premises) which fall within an area zoned “R(D)” on the Kam Tin South OZP. According to the Notes of the OZP, 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 Premises form part of an existing 1-storey structure and are currently vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use is intended for providing extra curriculum services for those children residing in the adjacent Pok Oi Kong Ha Wai Village (POKHWV) (博愛江夏圍村) which is a transitional housing development to the south of the Premises (**Plan A-1**), as well as other nearby villages. The services will be delivered by a non-governmental organisation i.e. Save the Children Hong Kong upon obtaining planning permission from the Board. The Premises with floor area of 225.9m<sup>2</sup> within the existing 1-storey structure with a

building height of 4.5m will be converted to a multi-function room for providing children extra curriculum services (e.g. indoor game and sports and physical activities). The proposed operation hours are between 9:00 a.m. and 9:00 p.m. daily. No car parking spaces or loading/unloading (L/UL) spaces will be provided. The Premises are currently accessible from Kam Sheung Road via pedestrian access.

- 1.3 The Premises are involved in a previous application (No. A/YL-KTS/936) submitted by the same applicant for the same use covering larger site area and floor area, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) in September 2022 (details in paragraph 5 below). The planning permission was subsequently revoked in March 2023 due to non-compliance with approval conditions. A comparison of the major development parameters of the previous application and the current application is summarised below:

<b>Parameters</b>	<b>Previous Application No. A/YL-KTS/936 (a)</b>	<b>Current Application No. A/YL- KTS/966 (b)</b>	<b>Difference (b) – (a)</b>
Site/Premises Area	About 2,194m <sup>2</sup>	About 225.9m <sup>2</sup>	–1,968.1m <sup>2</sup> (–90%)
Total Floor Area	About 705m <sup>2</sup>	About 225.9m <sup>2</sup>	–479.1m <sup>2</sup> (–68%)
No. of Structures	5 (for children learning activities room, study room, reading room and mobile toilets)	1 (for multi-function room)	–4 (–80%)
Building Height	1 to 2 storeys / Not more than 5.5m	1 storey / Not more than 4.5m	–1 storey (–50%) / –1m (–18%)
Parking Spaces/ L/UL Spaces	0	0	No Change

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

- (a) Application form with supplementary information received on 7.6.2023 and 15.6.2023 **(Appendix I)**
- (b) Further information (FI) received on 13.7.2023\* **(Appendix Ia)**
- (c) FI received on 20.7.2023\* **(Appendix Ib)**

*\* 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, supplementary information and FI in **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed use targets to provide support and the meet the district needs of the underprivileged children and the youth community living in the POKHWV and the nearby villages by providing extra curriculum services. The proposed use echoes the Government’s initiative of providing care and support for the underprivileged children and students. The proposed services would not duplicate with those of in the POKHWV.
- (b) The portion of the existing building under the current application will be renovated and the remaining portion will be demolished. The other nearby structures will be locked up and no entry is allowed.
- (c) As compared with the previous application No. A/YL-KTS/936, the reduction of the development scale of the current application is mainly due to the difficulty of fulfilling the drainage requirement which could be avoided by reducing the scale of the project.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. Regarding the portion of the Premises falling within government land, the “Owner’s Consent / Notification” Requirements are not applicable.

### **4. Background**

The Premises are currently not subject to any active planning enforcement action.

### **5. Previous Application**

- 5.1 The Premises are involved in a previous application (No. A/YL-KTS/936) submitted by the same applicant for the same use for a period of 3 years with larger site area and floor area, which was approved with conditions by the Committee in September 2022 mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the proposed development was considered not incompatible with the surrounding land uses; and the relevant departments consulted generally had no adverse comment on the application or their technical concerns could be addressed by appropriate approval conditions. The planning permission was revoked in March 2023 due to non-compliance with the approval conditions for submission and implementation of drainage and fire service installations (FSIs) proposals.
- 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 institutional use within the same “R(D)” zone in the vicinity of the Premises in the past five years.

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

7.1 The Premises are:

- (a) part of an existing 1-storey structure and currently vacant; and
- (b) accessible from Kam Sheung Road via pedestrian access.

7.2 The surrounding areas have the following characteristics:

- (a) within the same lots of the subject Premises, to the immediate south and east are the remaining parts of the existing 1-storey structure within which the Premises are located, while to the north are temporary structures used as warehouse;
- (b) to the west and south of the subject lots are the POKHWV, a transitional housing development with valid planning permission under application No. A/YL-KTS/960, and some storage/open storage yards (including one with valid planning permission under application No. A/YL-KTS/907); and
- (c) to the east and north are open storage yards, residential dwellings/structures, warehouses and a vacant site.

## 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 Bureau/Departments**

All government bureau/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 III** and **IV** respectively.

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

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

- 11.1 The application is for temporary institutional use (children extra curriculum services) for a period of 3 years at the Premises 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 and the youth community living in the POKHWV and the nearby villages. Besides, there is currently no known proposal for long-term development at the Premises. 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 use is considered not incompatible with the surrounding land uses which are intermixed with residential uses including the POKHWV, vacant land and open storage/storage yards.
- 11.3 According to the applicant, the proposed use is intended to provide services to the children residing nearby. In this regard, provided that there will be no financial implication incurred to the Social Welfare Department, the Director of Social Welfare in considering that the proposed services aim at those children who are likely from deprived families and may benefit from these activities, has no adverse comment on the application.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport, the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and the Director of Fire Services Department (D of FS) have 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 relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimise any potential environmental nuisances.
- 11.5 The Premises are involved in a previous application (No. A/YL-KTS/936) as mentioned in paragraph 5.1 above. The planning permission was revoked due to non-compliance with the approval conditions for submission and implementation of drainage and FSIs proposals. In this regard, the applicant has submitted drainage impact assessment and FSIs proposals in support of the current application. CE/MN of DSD and D of FS have no in-principle objection to the application subject to submission and implementation of the revised proposals. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would not be given to any further similar application.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, 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 28.7.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a 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 28.1.2024;
- (b) in relation to (a) above, the implementation of the revised 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 28.4.2024;
- (c) in relation to (b) above, the implemented drainage facilities at the premises shall be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 28.1.2024;
- (e) in relation to (d) above, the implementation of the revised 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 28.4.2024;
- (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 attached 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 "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. 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 reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application form with supplementary information received on 7.6.2023 and 15.6.2023
<b>Appendix Ia</b>	FI received on 13.7.2023
<b>Appendix Ib</b>	FI received on 20.7.2023
<b>Appendix II</b>	Previous application
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JULY 2023**