

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/487

- Applicant** : The Boys' and Girls' Clubs Association of Hong Kong
- Site** : Former Sha Kong Public Luen Yick School, Sha Kong Wai, Yuen Long, New Territories
- Site Area** : About 1,910m² (all Government Land (GL))
- Land Status** : (a) GL
(b) Short Term Tenancy No. STTYL0026 for the purpose of "Temporary Institutional Use (Children Life Learning Centre)"
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : "Village Type Development" ("V")
- Application** : Proposed Temporary Institutional Use (Children Life Learning Centre) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary institutional use (children life learning centre) for a period of five years at the application site (the Site) (**Plan A-1**) zoned "V" on the OZP. According to the Notes of the OZP for the "V" zone, 'Institutional Use (not elsewhere specified)' is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is a closed school premises (i.e. former Sha Kong Public Luen Yick School) comprising an existing school building and a playground which is currently vacant (**Plans A-2, A-4a to A-4c**).
- 1.2 As indicated in the submission, the proposed children learning centre would offer children developmental and socialisation, as well as parenting education programmes for children aged 3-12 and their families (both individuals and organisations). To strengthen community support and social network, the proposed children learning centre would also be lent to the nearby villagers for gatherings, meetings, hobby classes and festive events. The applicant is a charitable institution under section 88 of the Inland Revenue Ordinance (Cap. 112).
- 1.3 As shown on the vehicular access plan at **Drawing A-3**, the Site is accessible from Tin Wah Road and Man Tak Road via a local track. As shown on the floor plans at **Drawings A-1 and A-2**, the proposal involves conversion of the existing school

building for multi-purpose room/classroom, storerooms, toilets, staff office, tuck shop, sick room and pantry uses. A mezzanine floor would be added to the school building for equipment room/control room uses (**Drawing A-2 and A-4**). Minor alteration to the internal layout of the existing school building would also be undertaken. No new standalone building is proposed while the existing outdoor playground will be retained. Upon conversion, whilst the building height would remain at about 4m (one storey), the total floor area would be increased to about 651m². Six parking spaces for private cars would be provided.

- 1.4 According to the applicant, the operation hours of the proposed children learning centre would be between 9 a.m. and 6 p.m. daily. The estimated number of visitors is about 80 per weekday and 120 per weekend day and public holiday. Advanced reservation is required for visiting the proposed children learning centre (except villagers using the ancillary playground). Both indoor and outdoor activities would be carried out. Whilst individual visitors can access the Site by public transport (e.g. buses, minibuses and Light Rail) and then walk to the Site, group visitors can access the Site by self-arranged coaches using the existing pick-up/drop-off point at Man Tak Road to the south of the Site (**Drawing A-3**). One existing tree in poor condition in the playground area (viz. T5) is proposed to be felled (**Drawing A-7**). Drainage facilities and fire service installations (FSIs) would be provided. No public announcement system and audio amplifier would be used on the Site. The layout plan, floor plan, vehicular access plan, conceptual design, drainage plan, FSIs plan and existing trees plan are at **Drawings A-1 to A-7** respectively.
- 1.5 The Site is the subject of two previous applications, including one (No. A/YL-LFS/347) for the same applied use as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 1.11.2019. Nevertheless, the planning permission was revoked on 1.10.2023 due to non-compliance with time-limited approval conditions regarding implementation of drainage and FSIs proposals (detailed at paragraph 5 below).
- 1.6 Compared with the last previous application No. A/YL-LFS/347, the current application is submitted by the same applicant for the same use at the same site with increase in total floor area (+46m² or +7.6%) and addition of six private car parking spaces. A comparison of the major development parameters between the last previous application No. A/YL-LFS/347 and the current application is as follows:

| | Previous Application No. A/YL-LFS/347 (a) | Current Application No. A/YL-LFS/487 (b) | Difference (b) - (a) |
|--------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------|
| Site Area | about 1,910m ² | | No change |
| Applied uses | Proposed Temporary Institutional Use (Children Life Learning Centre) for a Period of 5 Years | | No change |
| No. of structures | 1 | | No change |
| Total Floor Area (Non-domestic) | about 605m ² | about 651m ² | +46m ² (+7.6%) |
| Plot Ratio | about 0.32 | about 0.34 | +0.02 (+6.25%) |
| Height of structures | about 4m (one storey) | | No change |
| No. of parking spaces | Nil | 6 (private car) | +6 |

| | Previous Application No. A/YL-LFS/347 (a) | Current Application No. A/YL-LFS/487 (b) | Difference (b) - (a) |
|------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|
| Operation Hours | 9 a.m. to 5 p.m. (no operation on Saturdays Sundays and public holidays) | 9 a.m. to 6 p.m. (including public holidays) | Extension of operation days and hours |

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

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|-----|-----------------------------------------------------|----------------------|
| (a) | Application Form received on 23.8.2023 | (Appendix I) |
| (b) | Supplementary Planning Statement | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 5.9.2023 | (Appendix Ib) |
| (d) | Further Information (FI) received on 3.10.2023* | (Appendix Ic) |

** accepted and exempted from publication requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and the SI at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) the proposed children life learning centre would help advance children's health and well-being, as well as family and social cohesion. Specific programmes would also be offered to promote mutual support amongst villagers;
- (b) with its sizable area, the proposed multi-purpose room would enable indoor group activities of the children life learning programmes, whilst allowing nearby residents to arrange local activities. The playground would be retained to allow use of the open space by the general public;
- (c) while located in a tranquil environment, the proposed children life learning centre is well-connected with the neighbouring villages and the new town. It is easily accessible; and
- (d) the Site is subject to an approved previous application No. A/YL-LFS/347 for the same applied use. The approval conditions on the submission of FSIs and drainage proposals were accepted by relevant government departments in 2020 and 2021 respectively. However, since the objecting villagers blocked the main entrance of the Site by protest banners and concrete blocks, all the works had to be suspended since August 2022. With the completion of the Rural Committee Election in January 2023, engagement works has been undertaken by the applicant to resolve the misunderstanding and build up trustful relationship with the villagers.

3. Compliance with the "Owner's Consent/Notification" Requirements

As the Site involves GL 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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable to the application.

4. Background

The former Sha Kong Public Luen Yick School was commissioned at the Site in 1958. Prior to its closure in 2004, it was a co-educational primary school. The Site has been left vacant since the closure of the school. According to the Planning Department's (PlanD) latest Vacant School Premises Sites Reviewed under the Central Clearing House Mechanism (the VSP Review) promulgated in May 2023, the Site is recommended to be retained for government, institution or community (GIC) use.

5. Previous Applications

- 5.1 The Site is involved in two previous applications which were approved with conditions by the Committee. Details of the application are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-LFS/76 for proposed extension of Sha Kong Public Luen Yick School was approved with conditions by the Committee in 2001. However, the proposed school extension did not commence and the planning permission lapsed on 22.12.2004.
- 5.3 Application No. A/YL-LFS/347 for proposed temporary institutional use (children life learning centre) for a period of five years was approved with conditions by the Committee on 1.11.2019 mainly on considerations that the proposed use is generally in line with the recommended long-term use under the VSP Review promulgated in July 2018; temporary approval would not frustrate the planning intention of the "V" zone; the proposed use is not incompatible with the surrounding land uses; and concerned government departments generally have no objection to the application and the technical concerns could be addressed by approval conditions. Nevertheless, the planning permission was revoked on 1.10.2023 due to non-compliance with time-limited approval conditions regarding implementation of drainage and FSIs proposals.

6. Similar Application

There is no similar application for institutional use within the same "V" zone.

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

- 7.1 The Site is:
 - (a) a closed school premises of the former Sha Kong Public Luen Yick School comprising a one-storey school building and a playground. It is currently vacant;
 - (b) accessible from Tin Wah Road via Man Tak Road and a local track.
- 7.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorized developments subject to planning enforcement action:

- (a) the surroundings of the Site are mainly village houses intermixed with car parks (covered by valid planning permissions No. A/YL-LFS/388 and 427)/parking of vehicles, ruins and unused land; and
- (b) to the southwest are village houses, an open storage yard and a plant nursery.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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 the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

9. Comments from Relevant Government Bureau/Departments

All 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

On 15.9.2023, the application was published for public inspection. During the statutory public inspection period, a total of four public comments from the Village Representatives of Sha Kong Wai, Ngau Hom and San Hing Tsuen (in the form of standard co-signed letters) and an individual (**Appendices VI-1 to VI-4**) were received objecting to the application mainly on the following grounds:

- (a) the capital for building the former Sha Kong Public Luen Yick School was funded/raised by the villagers. The land was also donated by the villagers. The reason why the Site was surrendered to the Government was for central management of the school by the Government. As the school ceased operation, the Site should be returned to the villagers for their use;
- (b) villagers do not need a children life learning centre in the village. What villagers need are recreational facilities for the use of the elderly, adolescents and children;
- (c) the proposed use would cause adverse impacts on public order, traffic and living environment of the village; and
- (d) the approval conditions of the previous application have yet been complied with.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary institutional use (children life learning centre) for a period of five years within the “V” zone of the OZP (**Plan A-1**). The proposed development, which is to serve the community, is not in conflict with the planning intention of the “V” zone. Moreover, the Site was used as a school from 1958 until its closure in 2004. According to the VSP Review promulgated by PlanD in May 2023, the Site is recommended to be retained for GIC uses. In this regard, the proposed use, which would provide service to children, families and the local community, is generally in line with the recommended long-term use of the Site. Furthermore, according to the District Lands Officer/Yuen Long of Lands Department, there is currently no Small House application approved/under processing at the Site. As such, approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The surrounding areas comprise predominately village houses. The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 The Secretary for Labour and Welfare has no adverse comment on the application from social welfare perspective on the assumption that no financial implications, both capital and recurrent, would be incurred to the Labour and Welfare Bureau and the Social Welfare Department, and the related construction and building works would comply with all statutory requirements.
- 11.4 Other concerned government departments including the Director of Environmental Protection, the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to/adverse comments on the application. The proposed use will unlikely generate significant adverse environmental, traffic, drainage and fire safety impacts on the surroundings. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 12.2 below.
- 11.5 The Site is the subject of, inter alias, a previous application (No. A/YL-LFS/347) for the same applied use as the current application, which was approved with conditions by the Committee on 1.11.2019. However, the planning permission was revoked on 1.10.2023 due to non-compliance with time-limited approval conditions in relation to implementation of drainage and FSIs proposals. The applicant explained that the delay in compliance with the approval conditions was caused by blockage of the site entrance since August 2022. Since then, engagement works with the locals has been undertaken by the applicant to resolve the issue. For the current application, the applicant has submitted drainage and FSIs proposals. CE/MN of DSD and D of FS have no objection to/no adverse comment on the current application. Considering that there has been no major change in planning circumstances since the approval of the previous application in 2019, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should it fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.

- 11.6 Regarding the public comments objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. The applicant would be advised to liaise and work out a feasible compromise with the locals.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned 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 on a temporary basis for a period of five years until **13.10.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implementation of the accepted 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 **13.7.2024**;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) 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 **13.4.2024**;
- (d) in relation to (c) 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 **13.7.2024**;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 There is no strong planning 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 planning 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 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

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|-------------------------------|--------------------------------------------------------------|
| Appendix I | Application Form received on 23.8.2023 |
| Appendix Ia | Supplementary Planning Statement |
| Appendix Ib | SI received on 5.9.2023 |
| Appendix Ic | FI received on 3.10.2023 |
| Appendix II | Previous Applications |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendices V-1 and V-4 | Public Comments Received During Statutory Publication Period |
| Drawing A-1 | Ground Floor Plan |
| Drawing A-2 | Mezzanine Floor Plan |
| Drawing A-3 | Vehicular Access Plan |
| Drawing A-4 | Conceptual Design |
| Drawing A-5 | Drainage Plan |
| Drawing A-6 | FSIs Plan |
| Drawing A-7 | Existing Trees Plan |
| Plan A-1 | Location Plan with Previous Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4c | Site Photos |

**PLANNING DEPARTMENT
OCTOBER 2023**