

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-MP/378**

- Applicant** : Fruit Garden Social Enterprise Limited represented by A.Lead Architects Limited
- Site** : Government Land (GL) in D.D.104, Ha Chuk Yuen Tsuen, Yuen Long (Former Chuk Hing Public School)
- Site Area** : 1,650m<sup>2</sup> (about)
- Land Status** : GL
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8  
(currently in force)
- Draft Mai Po and Fairview Park OZP No. S/YL-MP/7  
(at the time of submission)
- [the zoning and development restrictions of the application site remain unchanged on OZP No. S/YL-MP/8]
- Zoning** : “Village Type Development” (“V”)  
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Field Study Centre and Organic Farm for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary field study centre and organic farm for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘Field Study/Education/Visitor Centre’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied uses with valid planning permission under application No. A/YL-MP/316 until 29.10.2024 (**Plans A-2 to A-4c**).

- 1.2 The Site with the ingress/egress at its eastern side is accessible from Castle Peak Road – Tam Mi via a local access (**Plan A-2**). According to the applicant, the applied uses are for adaptive reuse of the existing premises of the Former Chuk Hing Public School (CHPS), which comprise four one to two-storey structures (about 2.6m to 7.4m in height) with a total gross floor area (GFA) of about 766m<sup>2</sup>, including Block A (about 2.6m in height/ one storey) for lavatories, Block B (about 3.2 to 5.5m in height/ one storey) for indoor organic farm and ancillary storage uses, Block C (about 3.2 to 5.5m in height/ one storey) for a reading room, an exercise room and a pantry, and Block D (about 7.4m in height/ two storeys) for a multi-purpose hall and activity/ function rooms. The central area of the Site is used as a courtyard with provision of four private car parking spaces (**Drawing A-1**).
- 1.3 According to the applicant, interest classes and dog training services are provided at the Site. There are about eight staff members on a daily basis and each interest class is of size of about 30 people. A maximum of about 200 people are allowed for special events and festivals. The opening hours of the applied uses are from 10:00am to 6:00pm from Tuesday to Sundays with classes usually taking place on Saturdays or Sundays. Dog training activities usually take place twice per week during daytime.
- 1.4 The Site, in whole or in part, is the subject of five previous applications (No. A/YL-MP/6, 35, 272, 282 and 316) (details at paragraph 6 below) (**Plan A-1b**). The last application No. A/YL-MP/316 for the same applied uses was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 29.10.2021 for a period of three years until 29.10.2024. All time-limited approval conditions have been complied with. Compared with the last application, the current application is submitted by the same applicant for the same applied uses at the same site with the same layout, development parameters and operation modes.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with Attachments received on 2.9.2024 (**Appendix I**) and Supplementary Information (SI) received on 11.9.2024
  - (b) Further Information (FI) received on 21.10.2024\* (**Appendix Ia**)  
*\*accepted and exempted from the 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 with SI and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The Site is the subject of a previously approved application No. A/YL-MP/316 for the same applied uses with the same layout, and all time-limited approval conditions had been complied with. The applicant will continue to maintain the existing drainage and fire services facilities implemented under the previously approved application on the Site.

- (b) The applicant is a non-profit making organisation which aims to utilise the existing vacant school premises (VSP) for providing services and activities for the society, including organic farming activities, life education programmes and animal trainings. The applied uses could also serve as a rest station with drinking facilities for the nearby neighbourhoods. Job opportunities could be provided for the vulnerable groups and the weaks to assist them to get into the society and establish self-esteem and self-confidence.
- (c) Visitors are advised to use public transport to visit the Site. Advance booking is required for the use of the on-site facilities. The four private car parking spaces provided within the Site are for staff members, workers and goods delivery only. Hence, adverse traffic impact on the surrounding road network is not anticipated.
- (d) All dog training activities are conducted indoor. Insulated glass windows are installed and will be closed off during dog training activities in order to minimise noise nuisance to nearby residents. The dog training activities are conducted in daytime only with a maximum of 15 dogs at one time.
- (e) The applicant has obtained funding from the Development Bureau (DEVB) under 'Funding Scheme to Support the Use of Vacant Government Sites by Non-government Organisations' to support the detailed design, site investigation and renovation works of the existing premises. All renovation works was completed in September 2023. The subject premises has also obtained a Short Term Tenancy (STT) from the Lands Department (LandsD) up to 2.8.2022 and renewal thereafter quarterly since the previous planning approval under planning application No. A/YL-MP/282. All the major development parameters comply with the terms of the approved STT.

### **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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the application.

### **4. Town Planning Board Guidelines**

- 4.1 The Site is located within the Wetland Buffer Area (WBA) in Deep Bay Area (**Plan A-1a**). The Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is also relevant to the application.
- 4.3 Relevant extracts of the abovementioned Guidelines are attached at **Appendix II**.

## **5. Background**

- 5.1 The Site was previously occupied by the CHPS, which was constructed between 1961 and 1966. In 1997, the CHPS ceased operation and the Site (including the premises) had then been left vacant. In accordance with the Central Clearing House mechanism of VSP, the Site is recommended for long-term Government, Institution and Community (GIC) use. Before implementation of the long-term use, the Site was included in the list of vacant government sites (including VSP) on GL for short-term uses. Following the planning approval under application No. A/YL-MP/282 in 2019, a STT has been granted to the applicant for the purpose of field study centre, organic farm, training classes for dog owners and uses ancillary thereto.
- 5.2 The Site is not subject to any active planning enforcement action.

## **6. Previous Application**

- 6.1 The Site is the subject of five previous applications (No. A/YL-MP/6, 35, 272, 282 and 316). Applications No. A/YL-MP/6 and 35 covering a larger site for recreation centre and school of professional training and development of church leaders and pastors uses respectively are not relevant to the current application.
- 6.2 The remaining three applications (No. A/YL-MP/272, 282 and 316) for the same applied uses, i.e. temporary field study centre and organic farm with the same development parameters, on the same site submitted by the current applicant, were approved with conditions by the Committee on 6.7.2018, 2.8.2019 and 29.10.2021 respectively for a period of three years mainly on the considerations that the proposed uses were not incompatible with the surrounding area; relevant government departments have no objection to or adverse comment on the application; and the school premises left abandoned for a period of time are sub-standard and could be considered for other uses. However, the planning permission for applications No. A/YL-MP/272 and 282 were subsequently revoked due to non-compliance with the time-limited approval conditions. As for the last application No. A/YL-MP/316, all time-limited approval conditions have been complied with.
- 6.3 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

## **7. Similar Application**

In the past five years, there was no similar application within the same “V” zone.

## **8. The Site and Its Surrounding Areas (Plans A-1a to A-4c)**

- 8.1 The Site is:
- (a) currently used for the applied uses with valid planning permission (No. A/YL-MP/316) until 29.10.2024;

- (b) located within the WBA of Deep Bay Area; and
- (c) accessible from its east via a local access connecting to Castle Peak Road – Tam Mi.

8.2 The surrounding areas are predominantly occupied by village houses and low-rise residential structures intermixed with social welfare facilities including a residential care home and an elderly home, vehicle repair workshop, open storage yard and vacant/ grass land.

## **9. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised 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 (SHs) 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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government bureau as set out in paragraph 10.2 below, other 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 IV and V** respectively.

10.2 The following government bureau supports the application:

### **Policy Aspect**

10.2.1 Comments of the Secretary for Development (SDEV):

The renovation of the premises was subsidised by the ‘Funding Scheme to Support the Use of Vacant Government Sites by Non-government Organisations’ under DEVB. She supports the application.

## **11. Public Comments Received During the Statutory Publication Period**

On 13.9.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual expressing concern on the actual use of the Site as the proposed activities or interest classes were not shown in the photos in the applicant’s submission (**Appendix VI**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary field study centre and organic farm for a period of three years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily for development of SHs by indigenous villagers, and certain commercial, community and recreational uses may be permitted on application to the Board. Whilst the applied uses are not entirely in line with the planning intention of the “V” zone, the applicant claims that the applied uses can provide services and activities to the neighbourhood and the society by utilising the existing VSP at the Site. According to the District Lands Officer/Yuen Long of LandsD, there is currently no SH application approved or under processing at the Site. The proposed use of temporary nature would not adversely affect the land availability for NTEH/SH within the “V” zone in the long term. In view of the above and taking into account the assessment below, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.
- 12.2 The Site has been left vacant since cessation of operation of the then CHPS in 1997. There is no known programme for long-term GIC use of the Site. The applied uses for a short term of three years are in line with the Government policy to better utilise land resources in relation to vacant government sites (including VSP) for community activities. Noting that the renovation of the premises was subsidised by the ‘Funding Scheme to Support the Use of Vacant Government Sites by Non-government Organisations’ under DEVB, SDEV supports the application. According to the applicant, all renovation works of the Site had been completed in September 2023 and the Site has been in use for the applied uses since then.
- 12.3 The Site is currently used for the applied uses and are considered not incompatible with the surrounding land uses which are predominantly village houses and low-rise residential structures intermixed with social welfare facilities including a residential care home and an elderly home, vehicle repair workshop, open storage yard and vacant/ grass land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection to the application from landscape planning perspective.
- 12.4 The Site falls within the WBA under TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.5 Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.6 The application is considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal

application is anticipated; all the time-limited approval conditions under the last application No. A/YL-MP/316 had been complied with; and the three-year approval period sought which is same timeframe as the previous approval is reasonable.

- 12.7 The Committee has approved three previous applications for the same applied uses at the Site as mentioned in paragraph 6.2 above. As there has been no major change in planning circumstances, approval of the current application is in line with the Committee's previous decisions.
- 12.8 Regarding the public comment as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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 three years and be renewed from 30.10.2024 to 29.10.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the existing fire service installations implemented on the site shall be maintained in an efficient working order at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (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.

#### Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied uses are not in line with the planning intention of "V" zone which is to reflect existing recognised 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.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

#### **15. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 2.9.2024 and SI received on 11.9.2024
<b>Appendix Ia</b>	FI received on 21.10.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 12C and 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**