

RNTPC Paper No. A/YL-NSW/299
For Consideration by
the Rural and New Town
Planning Committee
on 15.7.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/299

<u>Applicant</u>	: Yuen Long Kam Kwong Church Limited
<u>Site</u>	: Former Small Traders New Village Public School in D.D. 115, Small Traders New Village, Nam Sang Wai, Yuen Long
<u>Site Area</u>	: About 932.5 m ²
<u>Lease</u>	: Government Land (GL)
<u>Plan</u>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Temporary Social Welfare Facility (Integrated Community Service Centre) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the former Small Traders New Village Public School which has been closed since 1.9.2006 at the application site (the Site) for temporary social welfare facility (integrated community service centre (ICSC)) for a period of 3 years. The Site falls within an area zoned “U” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with planning permission under application No. A/YL-NSW/264 valid until 2.3.2023 but was revoked on 2.3.2022 due to non-compliance with the approval conditions on the implementation of fire service installations proposal.
- 1.2 The Site is the subject of four previous applications (No. A/YL-NSW/58, 243, 264 and 265) (details at paragraph 6 below).

- 1.3 The application involves using the vacated school premises to provide an ICSC offering various types of social services including family activities, counselling service, tutorial class, food bank service, social enterprise and large scale activities etc. for families, children and youths, ethnic minorities and other deprived individuals in the Yuen Long district. As shown in **Plan A-2**, the Site is accessible from the south via a local access leading to Siu Sheung Road. The total floor area of the ICSC is about 522.45m² providing various uses including activity room, meeting room, staff room, etc. for supporting the applied use. Two private car and one medium goods vehicle parking spaces are provided within the Site. The operation hours of the ICSC are between 9:30 a.m. and 5:30 p.m. from Mondays to Fridays, between 9:30 a.m. and 1:30 p.m. on Saturdays and closed on Sundays and public holidays. The current application has the same applied use, site area/boundary and similar site layout as the last approved application No. A/YL-NSW/264.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on (Appendix I) 16.5.2022.
 - (b) Further Information (FI) received on 6.7.2022 and (Appendix Ia) 8.7.2022. *

Remarks: * 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 with attachments and FI at **Appendices I and Ia**. They can be summarized as follows:

- (a) There is an increasing need for social services at Yuen Long Town as a result of wider wealth gap arising from growing population, social disharmony and uneven public resources distribution. In response to the needs of the local communities, the applicant proposes to utilise the Site/existing premises for the applied welfare and community uses.
- (b) A wide range of social and community services such as community activities and workshops, food support and counselling services will be provided to the underprivileged, families, teenagers and ethnic minorities.
- (c) The previous application is revoked due to the delay in implementation of fire service installation caused by COVID-19 pandemic. The applicant endeavours to comply with the approval conditions if the current application is approved.

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 (TPG PG-No. 31A) are not applicable to the application.

4. Background

- 4.1 The Site falls within the “U” zone (26.3 ha) south of the Yuen Long Highway (YLH) (Plan A-1) and has been zoned “U” on the draft Nam Sang Wai OZP No. S/YL-NSW/1 since 3.6.1994. It was so designated as several major transport and drainage projects, including YLH, MTR West Rail (which is currently known as Tuen Ma Line (TML)) and Yuen Long Bypass Floodway (YLBF), which were under planning at that time, would traverse the area. According to the Explanatory Statement of the Nam Sang Wai OZP, the “U” zone is within a transitional location between the urban and rural areas.
- 4.2 Following the completion of the infrastructure projects of YLH, MTR TML and YLBF, and upon preliminary review, the subject “U” zone is considered to have potential for housing developments and other uses. According to the 2017 Policy Address, the subject “U” zone is one of the potential sites for public housing development in the short to medium term. The detailed land use proposal and appropriate development parameters are subject to further review. The long term use of the Site will be examined in the future land use review of the subject “U” zone.
- 4.3 The Site is not subject to any active planning enforcement action. Should there be sufficient evidence to form an opinion of unauthorised development under the Town Planning Ordinance at the Site, enforcement action would be instigated as appropriate.

5. Previous Applications

- 5.1 The Site is the subject of four previous applications (No. A/YL-NSW/58, 243, 264 and 265). The first application (No. A/YL-NSW/58) was for the redevelopment of Small Traders New Village Public School which was approved by the Rural and New Town Committee (the Committee) of TPB on 30.4.1999. The old school building was demolished and rebuilt by the then Kowloon Canton Railway Corporation in 2001. The applications No. A/YL-NSW/243 and 265 were for temporary place of recreation, sports or culture, which had been revoked due to non-compliance of approval conditions.

- 5.2 Application No. A/YL-NSW/264 submitted by the current applicant for the same applied use was approved by the Committee on 2.3.2018 for a period of 5 years mainly on the consideration that the proposed temporary development would not contravene nor jeopardise the long term land use planning for the area; the application could meet district needs and supplement existing services, and the concerns of government departments could be addressed by approval conditions. However, the planning permission was revoked on 2.3.2022 due to non-compliance with the approval conditions on the implementation of fire service installations (FSIs) proposal.
- 5.3 Details of the applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1**.

6. Similar Application

During the past five years since 2017, there is no similar application for social welfare facilities within the same “U” zone on the OZP.

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

- 7.1 The Site is:
- (a) occupied by the former Small Traders New Village Public School which had been closed since 2006. The school building, of single storey is currently used for the applied use; and
 - (b) accessible at the south via a local access from Siu Sheung Road.
- 7.2 The surrounding areas are a mix of swamp/marsh and village settlements:
- (a) to the north is swamp/marsh;
 - (b) to the east and northeast are residential dwellings, cultivated agricultural land, grassland, storage yard, a pond and a nullah;
 - (c) to the immediate south are a local access road, MTR TML Flyover and Emergency Access Point. Further south is the Pok Oi Hospital and a warehouse; and
 - (d) to the west and northwest are Small Traders New Village and YLH.

8. Planning Intention

The “U” zone is subject to impacts from Castle Peak Road, YLH, TML and YLBF. Under the “U” zone, any developments or redevelopments require planning permission from the Board so as to ensure the environment would not be adversely affected and that infrastructure, GIC facilities, and open space are adequately provided. The proposed development should also take into account the TML and YLBF. To realise a built-form which represents a transition from Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardising the long-term planning intention of the areas.

9. Comments from Relevant Government Departments

- 9.1 The government departments have been consulted. Their views on the application are summarised as follows:

Social Welfare

9.1.1 Comments of Director of Social Welfare (DSW):

- (a) the applicant has been a charitable institution registered under section 88 of the Inland Revenue Ordinance (IRO) since May 1984. As proposed by the applicant, the Integrated Community Service Centre will operate diversified social services at the captioned site, mainly to serve the youth, young family and ethnic minorities. A series of projects will be implemented in the bid to render the target groups with opportunities for personal growth, to promote family relationship and functioning, to build mutual support and harmony in the community, etc. The proposed services are considered in line with government policy of promoting whole-person development of young people, strengthening support for families and enhancing the disadvantaged people in need; and
- (b) he has no adverse comments on supporting the application from district and services perspectives, on the premise that it would have no financial implications, both capital and recurrent, for his department.

- 9.2 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 III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 24.5.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 14.6.2022, one comment was received from an individual (**Appendix V**) raising concerns about the compliance status of the previous application.

11. Planning Considerations and Assessments

- 11.1 The Site is currently occupied by the vacant school premises of the former Small Traders New Village Public School which has been closed since 1.9.2006. The applicant seeks planning permission to use the Site for temporary social welfare facilities (ICSC) for a period of 3 years.
- 11.2 The Site falls within the “U” zone on the Nam Sang Wai OZP which was so designated as several major transport and drainage projects, including TML and YLBF, which were under planning at that time, would traverse the area. The above infrastructure projects have been completed. The subject “U” zone has been identified in the 2017 Policy Address with potential for housing development. The detailed land use proposal and appropriate development parameters for the “U” zone are subject to further study. As the long term use of the “U” zone is subject to study, approval of the proposed temporary use for a period of 3 years would not jeopardise the long term land use planning for the area.
- 11.3 According to DSW, the applicant is a registered charitable institution. The applicant proposes to utilise the Site/existing premise for a temporary social welfare facility (ICSC) for a period of 3 years to operate diversified social services to serve the youth, young family and ethnic minorities. DSW is of the view that the proposed services are considered in line with government policy of promoting whole-person development of young people, strengthening support for families and enhancing the disadvantaged people in need.
- 11.4 As the application is only an adaptive re-use of a vacant school premises which does not involve any additional building, site formation, land filling, excavation works or felling of trees, it would unlikely cause adverse environmental impacts on the surrounding areas. Significant adverse drainage and traffic impacts on the surroundings are not expected. Concerned government departments including CE/MN of DSD, D of FS and C for T have no adverse comment on drainage, fire safety and traffic aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 12.2 below.
- 11.5 As detailed in paragraph 5, the Committee has approved one previous application (No. A/YL-NSW/264) for the same use in the “U” zone. Approval of the current

application is in line with the previous decisions of the Committee. Although the previous application was revoked due to non-compliance of on the implementation of FSIs proposal, the applicant endeavours to comply with all the approval conditions should the application be approved. As D of FS has no objection in principle to the application, the application may be given sympathetic consideration. The applicant will be advised to closely monitor the progress on compliance with the approval conditions and that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.6 One public comment was received during the statutory application period raising concern to the application as stated in paragraph 10 above. In this regard, relevant departments' comments as well as the planning assessments and considerations stated above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment in paragraph 10, the Planning Department that the applied use could be tolerated for a period of 3 years.
- 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 15.7.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) the submission of 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 15.1.2023;
- (c) in relation to (e) above, the implementation of 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 15.4.2023;
- (d) the submission of photographic records of the existing drainage facilities on the site 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 15.1.2023;

- (e) in relation to (f) above, the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) if any of the above planning conditions (a) or (e) 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 conditions (b), (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 apparent reason to reject the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the 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 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 applicants.

14. Attachments

Appendix I	Application form with attachments received on 16.5.2022
Appendix Ia	FI received on 6.7.2022 and 8.7.2022
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan

Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to A-4c	Site photos

**PLANNING DEPARTMENT
JULY 2022**