

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

**APPLICATION NO. A/YL-PH/1019**

<b><u>Applicant</u></b>	: 香港非洲人協會 (Hong Kong African Association)
<b><u>Site</u></b>	: Government Land (GL) in D.D. 111, Kam Tin Road, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	: About 283m <sup>2</sup>
<b><u>Land Status</u></b>	: GL (Short Term Tenancy No. STTYL0018 for the purpose of place of recreation, sports or culture)
<b><u>Plan</u></b>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zoning</u></b>	: “Village Type Development” (“V”)
<b><u>Application</u></b>	: Temporary Place of Recreation, Sports or Culture for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary place of recreation, sports or culture for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Filling of land in the “V” zone also requires planning permission from the Board. The Site is currently fenced, paved and occupied by temporary structures for the applied use without a valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local access. The applied use involves three single-storey structures for library, study room, activity room and multi-function room uses, all with a height of not more than 3.5m, and the total gross floor area is about 54m<sup>2</sup> (**Drawing A-1**). The applicant also applies for regularisation of the associated filling of land for the entire Site for not more than 0.1m from +22.6mPD to +22.7mPD for site formation (**Drawing A-2**). No parking space and loading/unloading space is provided within the Site. The operation hours are between 11:00 a.m. and 10:00 p.m. daily including public holidays. According to the applicant, the applied use will accommodate about 30

to 80 visitors, and five to 15 volunteers to support the operation subject to the scale of the activities. No public announcement system, portable loudspeakers or any form of audio amplification system will be used at the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site, in part or in whole, is the subject of four previous planning applications (details in paragraph 5 below). The last two applications (No. A/YL-PH/824 and 929) submitted by the current applicant at the same site for the same use with the same layout and major development parameters were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 3.1.2020 and 23.9.2022 respectively, but the planning permissions were subsequently revoked on 3.6.2022 and 23.6.2024 respectively due to non-compliance with approval conditions.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Supplementary Statement (**Appendix I**) received on 18.7.2024 and Supplementary Information (SI) received on 1.8.2024
  - (b) Further Information (FI) received on 6.11.2024\* (**Appendix Ia**)
- \* accepted and exempted from publication and recounting requirements*
- 1.5 On 8.9.2024, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Supplementary Statement and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The applicant is a charitable institution registered under the Inland Revenue Ordinance. The applied use serves as a community recreation centre by the Hong Kong African Association for organising various activities to promote African culture for all members of the public so as to enhance social inclusion and cultural integration.
- (b) The applied use is temporary in nature and will not jeopardise the long-term planning intention of the “V” zone.
- (c) The current application is largely the same as the last application (No. A/YL-PH/929). Most of the approval conditions of the last application have been complied with, except the implementation of the drainage proposal due to local concerns. In this regard, the applicant has revised the drainage proposal with a different drain pipe alignment to address the local concerns under the current application.

- (d) In support of the current application, a drainage proposal and a fire service installations (FSIs) proposal have been submitted. The applicant will comply with the approval conditions to be imposed.

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

As the Site involves GL only, the 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.31B) are not applicable to the application.

### **4. Background**

The Site is not subject to any active planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site, in part or in whole, is the subject of four previous applications (No. A/YL-PH/88, 117, 824 and 929). Application No. A/YL-PH/88 for public car/lorry park was approved by the Committee in May 1997 and Application No. A/YL-PH/117 for temporary open storage was rejected by the Committee in August 1997. The considerations of these two applications are not relevant to the current application which involves a different use.
- 5.2 The last two applications (No. A/YL-PH/824 and 929) submitted by the current applicant at the same site for the same use were approved with conditions by the Committee on 3.1.2020 and 23.9.2022 respectively mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The planning permissions of these two applications were subsequently revoked on 3.6.2022 and 23.6.2024 respectively due to non-compliance with approval conditions in relation to the implementation of drainage and FSIs proposals.
- 5.3 Compared with the last approved application (No. A/YL-PH/929), the current application involves the same site, use, layout and major development parameters, except that the current application involves regularisation of filling of land at the Site. Details of these previous applications are summarised at **Appendix II** and the locations are shown on **Plan A-1b**.

### **6. Similar Application**

There is one similar application (No. A/YL-PH/985) for temporary place of recreation, sports or culture (indoor recreation centre and elderly leisure centre) within the “V” zone

in the vicinity of the Site in the past five years. It was approved with conditions by the Committee on 20.9.2024, mainly on the considerations stated in paragraph 5.2 above. Details of the similar application are summarised in **Appendix III** and the location is shown in **Plan A-1a**.

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

7.1 The Site is:

- (a) currently fenced, paved and occupied by temporary structures for the applied use without a valid planning permission; and
- (b) accessible from Kam Tin Road via a local access.

7.2 The surrounding areas are rural in character comprising mainly village houses/residential structures of Wang Toi Shan San Tsuen and Lo Uk Tsuen intermixed with vehicle parks, vehicle dismantle/repair workshops, open storage yards, elderly homes, grassland and vacant land.

**8. 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 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.

**9. Comments from Relevant Government Departments**

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. Public Comment Received During Statutory Publication Period**

On 2.8.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Chairman of Yuen Long Town Centre and Rural East Area Committee indicating no comment on the application (**Appendix VI**).

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

- 11.1 The applicant seeks planning permission for temporary place of recreation, sports or culture for a period of three years and associated filling of land at the Site zoned “V” (**Plan A-1**). 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, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Selected commercial and community uses serving the need of the villagers and in support of the village development are always permitted on the ground floor of a NTEH, and other commercial, community and recreational uses may be permitted on application to the Board. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, according to the applicant, it can serve as a community recreation centre to promote African culture to the public and enhance social inclusion and cultural integration. Besides, the District Lands Officer/Yuen Long of the Lands Department advises that there is no Small House application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/Small House within the “V” zone in the long term. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN, DSD) and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively.
- 11.3 The applied use is considered not incompatible with the surrounding land uses which are rural in character comprising mainly village houses/residential structures of Wang Toi Shan San Tsuen and Lo Uk Tsuen intermixed with vehicle parks, vehicle dismantle/repair workshops, open storage yards, elderly homes, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of the Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated.
- 11.4 The Site is the subject of two previously approved applications submitted by the current applicant for the same use at the same site and the planning permissions were subsequently revoked due to non-compliance with approval conditions in relation to the implementation of the drainage and FSIs proposals. In support of the current application, the applicant has submitted drainage and FSIs proposals. In this regard, both CE/MN, DSD and Director of Fire Services consider the submitted proposals acceptable and have no objection to or no adverse comment on the application subject to the implementation of the accepted proposals to their satisfaction. As such, sympathetic considerations may be given to the application. Should the application be approved, the applicant will be advised that sympathetic consideration may not be given to any further applications should it fail to comply with any of the approval conditions again resulting in revocation of planning permission.

- 11.5 Other relevant government departments consulted have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the potential environmental nuisance caused by the applied use on the surrounding areas.
- 11.6 There is one approved similar application for place of recreation, sports or culture within the “V” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decision.
- 11.7 There is no adverse public comment received on the application during the public inspection period.

## **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 above, PlanD 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 three years until 20.12.2027. The following conditions of approval and advisory clauses are 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 20.9.2025;
- (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 implementation of the accepted 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 20.9.2025;
- (d) 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
- (e) if any of the above planning condition (a) or (c) 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 V**.

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

the applied use with associated filling of land is not in line with the planning intention of the "V" zone which is to provide land primarily 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.

### **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 Statement received on 18.7.2024 and SI received on 1.8.2024
<b>Appendix Ia</b>	FI received on 6.11.2024
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Application
<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>Drawing A-2</b>	Land Filling 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>Plan A-4</b>	Site Photos