

RNTPC Paper No. A/YL-TYST/1132A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 10.6.2022

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

**APPLICATION NO. A/YL-TYST/1132**

- Applicant** : Banyan Services Association represented by Vision Planning Consultants Limited
- Site** : Government Land in D.D. 120, Lam Hau Tsuen, Yuen Long, New Territories (including part of the Former Wa Fung School)
- Site Area** : 2,950 m<sup>2</sup> (about)
- Land Status** : Government Land (GL)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Proposed Temporary Social Welfare Facility (Residential Care Home for the Elderly (RCHE)) for a Period of 10 Years and Associated Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary social welfare facility (RCHE) for a period of 10 years and associated excavation of land at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Social Welfare Facility’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Besides, excavation of land within the “V” zone also requires planning permission from the Board. The Site is partly occupied by vacant one-storey buildings of the former Wa Fung School and partly overgrown with vegetation (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible via a local track leading from Shan Ha Road to its southwest (**Plan A-2**). The Site is entirely GL and covers about 78% of the former Wa Fung School vacant school premises (VSP) (**Plan A-2**). According to the applicant, as the remaining part of the former school premises falls on private land and is currently under some land dispute, the private land portion of the former Wa Fung School VSP site has been excluded from the current application boundary (**Drawing A-1**). Under the proposal, two former school buildings will be renovated and merged with new Modular Integrated Construction (MiC) modules and covered walkway system to form a single-storey RCHE compound. Upon

completion tentatively in 2024, the proposed RCHE will provide about 100 beds mainly to serve the nearby villagers and will be operated on a self-financing basis. About 50 staff will be hired. Most of the staff and occupants will come from surrounding villages, and visits to the premises will be via 'by-appointment' system. About 1,050 m<sup>2</sup> of land of 1m to 7.5m in depth (depending on the eventual sewerage arrangement) is proposed to be excavated for site formation and underground sewerage facility purposes. Plans showing the land status, site layout, sections, drainage proposal, landscape proposal and extent of site formation submitted by the applicant are at **Drawings A-1 to A-6** respectively.

- 1.3 The Site is the subject of two previous applications (No. A/YL-TYST/162 and 333) (details are at paragraph 5 below).
- 1.4 The major development parameters of the previously approved application (No. A/YL-TYST/333) and the current application are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/333 (a)</b>	<b>Current Application No. A/YL-TYST/1132 (b)</b>	<b>Difference (b)-(a)</b>
Proposed Use	Proposed Temporary Social Service Centre for a Period of 3 Years	Proposed Temporary Social Welfare Facility (RCHE) for a Period of 10 Years and Associated Excavation of Land	Change in Use for a Longer Approval Period and with Excavation of Land
Site Area	About 3,396 m <sup>2</sup>	About 2,950 m <sup>2</sup>	-446 m <sup>2</sup> (-13.1%)
Total Floor Area (Non-domestic)	About 808.34 m <sup>2</sup>	About 1,500 m <sup>2</sup>	+691.66 m <sup>2</sup> (+85.6%)
No. and Height of Structures	6 • for activity rooms, offices, conference rooms, store room and toilets (3.15-6.3m, 1 storey)	1 • for RCHE and associated facilities (5m-7m, 1 storey)	-5 (-83.3%)
No. of Loading/unloading Space(s)	---	2 (for light goods vehicle) (7m x 3.5m each)	+2
No. of Parking Space(s)	---	3 (for private car) (5m x 2.5m each)	+3

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

- |  |                      |
|--|----------------------|
| (a) Application Form received on 23.11.2021          | <b>(Appendix I)</b>  |
| (b) Supplementary Planning Statement                 | <b>(Appendix Ia)</b> |
| (c) Supplementary Information received on 29.11.2021 | <b>(Appendix Ib)</b> |
| (d) Further Information (FI) received on 14.3.2022   | <b>(Appendix Ic)</b> |

- (e) FI received on 22.4.2022 (Appendix Id)
- (f) FI received on 18.5.2022 (Appendix Ie)  
*[except for (e), both (d) and (f) were exempted from publication and recounting requirements]*

1.6 On 14.1.2022, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application for two months as requested by the applicant. FI has since been received and the application is scheduled for consideration by the Committee at this meeting.

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are mainly detailed in the Supplementary Planning Statement and FI (**Appendix Ia** and **Ic**). They can be summarised as follows:

- (a) The former Wa Fung School has been vacant for more than 15 years. Under the Planning Department's (PlanD's) latest VSP Sites Reviewed under the Central Clearing House Mechanism (the VSP Review), the former Wa Fung School VSP site is recommended to be retained for Government, institution or community (GIC) uses in the long-term. In this connection, the temporary proposal is generally in line with the recommended long-term use of the Site.
- (b) By utilising a VSP on vacant GL for a community facility, the proposed RCHE is in line with a number of Government policy objectives. The proposal could meet the acute demand for RCHE in the rural areas and provide local job opportunities, which would benefit the surrounding villages. Local representatives and members of the local community have expressed their support over the proposal.
- (c) As the necessary statutory, licensing and administrative procedures would likely take several years to complete, the applicant would like to apply to use the Site for a temporary period of 10 years. This would provide operational stability and attain utmost cost-effectiveness of the proposal, and would enhance the funding prospect and general appeal of the proposal. Should the planning application be approved, the applicant pledges to make timely arrangements to decant the elderly into their other RCHEs or nearby RCHEs and liaise closely with the Social Welfare Department about the decanting arrangement at least three years before the expiry of the planning permission.
- (d) The submitted technical assessments have demonstrated that there will be minimal geotechnical, traffic, environmental, drainage and sewerage impacts arising from the proposal. With the imposition of noise mitigation measures (including provision of a 2.5m-high boundary wall along the southern boundary), the future occupants would not suffer from any adverse noise impact from surrounding uses. Furthermore, the proposed excavation of land would not generate adverse drainage impact on the surrounding area.

## 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. Background**

- 4.1 According to the Secretary for Education, Wa Fung School was commissioned in March 1946 and ceased operation in November 2008. The school premises were returned to Lands Department (LandsD) in June 2009.
- 4.2 A major portion of the Site falls within the boundary of the former Wa Fung School VSP site (**Plan A-2**). The former Wa Fung School VSP site was one of the VSP sites with its long-term use reviewed under the VSP Review in 2012, and it was recommended to be retained for GIC use in the long-term. According to the latest report of reviewed VSP sites updated by PlanD in May 2021, the recommended long-term use for the former Wa Fung School VSP site remains unchanged.
- 4.3 The Site is on GL and not subject to planning enforcement action.

#### **5. Previous Applications**

- 5.1 The Site involves two approved previous applications covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.
- 5.2 Application No. A/YL-TYST/162 was for proposed extension of school buildings, and not relevant to the current application. While the application was approved with conditions by the Committee in 2002, the proposed works were not implemented and the planning permission lapsed in 2005.
- 5.3 Application No. A/YL-TYST/333 for proposed temporary social service centre was approved with conditions for a period of 3 years by the Committee in 2006, mainly on the considerations that the proposal was compatible with the surrounding areas; relevant government departments had no adverse comment; and no adverse impacts on the area were anticipated. However, the proposal was not implemented and the planning permission was revoked in 2008 due to non-compliance with time-limited approval conditions.
- 5.4 Compared with the last application (No. A/YL-TYST/333), the current application is submitted by a different applicant for a different social welfare facility (i.e. RCHE) at a smaller site with different site layout and development parameters.

#### **6. Similar Application**

There is no similar planning application within the subject “V” zone.

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

- 7.1 The Site is:

- (a) accessible via a local track leading from Shan Ha Road to its southwest;
- (b) largely paved and fenced off; and
- (c) partly occupied by vacant one-storey former school buildings and partly overgrown with vegetation (**Plans A-2 to A-4b**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 to A-4b**):

- (a) comprise predominately village houses with scattered open storage/storage yards, logistic centre/warehouses, car parks, car services, a construction site, plant nursery, burial urns, graves, shrubland and vacant land/structures;
- (b) there are residential structures in the vicinity with the nearest ones located to its immediate east, while the main cluster of village houses of Lam Hau Tsuen is about 50m to its northeast; and
- (c) except for an open storage yard to the south of the Site, the other open storage/storage yards, logistic centre/warehouses, car parks and car services in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

## **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 the 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 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 including the public comments relayed by the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and V** respectively.

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

- 10.1 During the statutory public inspection periods, a total of 105 public comments were received. Of which, 101 expressed support, two raised objections and two provided comments on the application. A full set of public comments will be deposited at the meeting for Members’ inspection.

***Supporting Comments (101 comments)***

- 10.2 100 comments were received from local villagers/individuals made on a standard format (extract examples at **Appendices IV-1 and IV-2**) supporting the application on the grounds that the proposal would respect existing buildings while introducing new elements with innovative design; provide a tranquil environment for the elderly; and would help relieve the acute demand for RCHEs in Hong Kong. One other individual supports the application on the grounds that the proposal would not generate adverse environmental impact and would help relieve the demand for elderly care services (**Appendix IV-3**).

***Objecting Comments (2 comments)***

- 10.3 Two public comments were received from villagers of Lam Hau Tsuen (in the form of petition letters with 21 and 17 signatures, **Appendices IV-4 and IV-5** respectively) objecting to the application on the grounds that the Site should be reserved for Small House development for villagers of Lam Hau Tsuen; and opine that the future occupants of the proposed RCHE could spread disease to the villagers during times of pandemic.

***Other Comments (2 comments)***

- 10.4 One individual questions the motive of the applicant, and raises concerns over the experience of the applicant in operating RCHE; the need for extensive land excavation and tree felling; and the adequacy of the proposed sewerage arrangement (**Appendix IV-6**). The same individual also opines that the existing basketball court should be excluded from the Site as it is an essential amenity for the community and raises concerns over the treatment of the elderly occupants upon expiry of the temporary planning permission (**Appendix IV-7**).

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary social welfare facility (RCHE) for a period of 10 years and associated excavation of land at the Site zoned “V” on the OZP. Although the planning intention of the “V” zone is primarily for development of Small Houses by indigenous villagers, other commercial, community and recreational uses may be permitted on application to the Board. According to the applicant, the targeted occupants of the proposed RCHE will primarily be elderly residents of the nearby villages. The applicant has also substantiated the need for a longer temporary approval period due to operational considerations. The Site is entirely GL and was operated as the Wa Fung School from 1946 until its closure in 2008. According to the District Lands Officer/Yuen Long, LandsD, there are no Small House applications under processing/approved at the Site. Moreover, the Site was recommended to be retained for GIC uses in the long-term under the latest VSP Review. In this regard, the proposed RCHE for a temporary period of 10 years could serve the need for such GIC use in the area and is considered in line with the recommended long-term use of the Site.
- 11.2 The proposed use would involve renovation of some existing one-storey former school buildings at the Site, along with new one-storey MiC modules and covered walkways. The surrounding area comprises predominantly low-rise village houses (**Plan A-2**). The proposal is generally not incompatible with the surrounding uses.

- 11.3 The Secretary for Labour and Welfare and the Director of Social Welfare have no in-principle objection to the proposed RCHE, which will operate on self-financing or private mode. There is also no objection to/no adverse comment on the application from concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services, Chief Engineer/Mainland North, Drainage Services Department and Chief Town Planner/Urban Design and Landscape, PlanD. Adverse traffic, environmental, fire safety, drainage and landscape impacts on the surrounding areas are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” to minimise any potential environmental impact on the surrounding areas.
- 11.4 The Site involves one previous approval for a different social welfare facility in 2006. Approval of the current application is generally in line with the Committee’s previous decision.
- 11.5 There are 105 public comments supporting/objecting/raising concerns on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the villagers’ concerns, should the application be approved, the applicant is also advised to liaise with the locals on the details of the proposed development.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 and relayed by DO(YL), HAD in **Appendix III**, 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 10 years until 10.6.2032. 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 **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.3.2023;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **12** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.6.2023;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (d) the submission of water supplies for fire fighting and fire service installations proposals 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 10.3.2023;
- (e) in relation to (d) above, the implementation of water supplies for fire fighting and fire service installations proposals within **12** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.6.2023;
- (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 at **Appendix V**.

12.3 There is no strong 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 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 received on 23.11.2021
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Supplementary Information received on 29.11.2021
<b>Appendix Ic</b>	FI received on 14.3.2022
<b>Appendix Id</b>	FI received on 22.4.2022
<b>Appendix Ie</b>	FI received on 18.5.2022
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Government Bureau/Departments' General Comments
<b>Appendices IV-1 to IV-7</b>	Public Comments received during the Statutory Publication Periods (extracted)



<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Land Status Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Sections
<b>Drawing A-4</b>	Drainage Proposal
<b>Drawing A-5</b>	Landscape Proposal
<b>Drawing A-6</b>	Site Formation Plan
<b>Plan A-1</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**