

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

**APPLICATION NO. A/YL/313**

- Applicant** : Abiding Educational Charity Limited represented by Goldrich Planners and Surveyors Ltd.
- Site** : Government Land in D.D. 115, Nam Pin Wai, Yuen Long, New Territories
- Site Area** : About 257.6m<sup>2</sup>
- Land Status** : Government Land (GL)
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/27 (currently in force)
- Draft Yuen Long OZP No. S/YL/26  
(at the time of submission)  
*[no change to zoning of the application site]*
- Zoning** : “Village Type Development” (“V”)
- Application** : Renewal of Planning Approval for Temporary School (Outdoor Activity Space) for a Period of 6 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary school (outdoor activity space) at the application site (the Site) for a period of six years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘School’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under Application No. A/YL/240 until 22.12.2023 (**Plan A-4**).
- 1.2 The Site is accessible from Yuen Long Kau Hui Road via a local path, with access at the northwestern boundary (**Drawing A-1** and **Plan A-2**). The Site is currently fenced and used as the outdoor activity space for the adjacent Abiding Kindergarten. Temporary children’s play facilities are located within the outdoor activity space and no building structure is erected thereon (**Plan A-4**). The operation hours of the outdoor activity space is from 7:00 a.m. to 5:00 p.m. daily including Sundays and public holidays.
- 1.3 The Site is the subject of a previous application No. A/YL/240 for the same temporary use which was approved with conditions by the Rural and New Town

Planning Committee (the Committee) of the Board on 22.12.2017 for a period of six years (details at paragraph 5 below). Compared with the previous approved application, there is no change in the applied use and site area.

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

- (a) Application Form with attachments received on 3.11.2023 **(Appendix I)**
- (b) Further information (FI) received on 11.12.2023\* **(Appendix Ia)**
- (c) FI received on 19.12.2023\* **(Appendix Ib)**  
*[\*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 Planning Statement and FI at **Appendices I to Ib**. They are summarised as follows:

- (a) The Site is subject of a previous planning application No. A/YL/240 for the same temporary use, which all approval conditions have been complied with. There is no change to the use and layout as compared with the approved application. The planning context of the surroundings has not altered since the last approval.
- (b) The Site can provide adequate space for the healthy growth of the children from the local area. The applicant has designed curriculum for students to carry out outdoor activities at the Site.
- (c) A 3m-wide walkway between the kindergarten premises and the Site is reserved for local users. There is no vehicular access to the Site and the Site is only used by the students of Abiding Kindergarten. No adverse traffic impact is therefore anticipated.
- (d) The applicant has complied with the relevant approval condition on implementation of drainage facilities. The existing drainage facilities at the Site will be maintained in good condition and be rectified if defects are found during operations.
- (e) No use of public announcement systems, whistle or portable loudspeaker are allowed at the Site. Potential noise impact to the surrounding is not anticipated. The applicant has been following the measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.
- (f) The applicant will liaise with relevant bureau to obtain policy support and cease occupation of GL before applying Short Term Tenancy (STT) application.

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

As the Site falls with GL only, the ‘owner’s consent/notification’ requirements as set out in 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) is not application to the application.

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

The Town Planning Board Guideline for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

#### **5. Background**

5.1 The Site has been zoned “V” since the first draft Yuen Long OZP No. S/YL/1 gazetted on 12.4.1991. The Site, together with the adjacent Abiding Kindergarten site, was zoned “Education” (“E”) annotated “Primary School” on the draft Yuen Long New Kau Hui Layout Plan (LP) No. L/YL-KH/2D since 2003 (**Plan A-5**).

5.2 The adjacent Abiding Kindergarten was originally occupied by Shung Tak Catholic Primary School established in 1962. The school ceased operation in 2007. The existing premises was later taken up by the current Abiding Kindergarten in 2014.

#### **6. Previous Applications**

The Site is the subject of a previous application No. A/YL/240 for temporary school (outdoor activity space) for a period of six years, which was approved with conditions by the Committee on 22.12.2017. The application was approved mainly on the considerations that the proposed use on a temporary basis would not jeopardize the long-term development of Site and the proposed use was not incompatible with the surrounding land uses. The time-limited approval condition (i.e. the implementation of the accepted drainage proposal) has been complied with and the planning permission is valid until 22.12.2023. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

#### **7. Similar Application**

There is no similar application within the same “V” zone on the OZP.

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

8.1 The Site is:

- (a) accessible via footpaths leading from adjoining Nam Pin Wai; and
- (b) currently used as an outdoor activity space by the adjacent Abiding Kindergarten (**Plan A-4**).

8.2 The surrounding areas of the Site are predominately village settlements namely Nam Pin Wai and Tung Tau Tsuen. To the immediate south is the Tuen Ma Line Yuen Long MTR station.

#### **9. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized 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. 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 department as set out in paragraph 10.2 below, other 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 department has objection to the application.

### **Land Administration**

10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)

- (a) the Site falls within an unleased/unallocated GL;
- (b) no permission is given for occupation of GL included in the Site. Attention is drawn to the fact that any occupation of GL without Government’s prior approval is not allowed. There is illegal occupation of GL in which regularisation would not be considered according to the prevailing land policy, as such he objects to the application. The applicant should cease existing occupation of GL;
- (c) as the Site solely involves unleased/unallocated GL that has the general interest to the public, there is no ground for LandsD to approve a STT application by direct grant unless policy support(s) from the relevant bureaux/departments is obtained; and
- (d) his detailed advisory comment is at **Appendix V**.

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

On 10.11.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

12.1 The application is for renewal of the planning approval for temporary school (outdoor activity space) for a period of six years. The planning intention of the “V” zone is primarily to designate both existing recognised villages and areas of land considered

suitable for village expansion and for development of Small Houses by indigenous villagers. Although the applied use is not entirely in line with the subject “V” zone, the applied use is on a temporary basis, the approval of the application would not frustrate the long-term planning intention of the “V” zone.

- 12.2 As compared with the previous approval for the same applied use at the Site, there is no change to the applied use and total site area. The Site is located at the fringe of the “V” zone and the applied use, comprises only temporary children’s play facilities with a site area of about 257.6m<sup>2</sup>, is considered not incompatible with the surrounding land uses which are mainly village and residential developments.
- 12.3 Relevant government departments consulted, including the Director of Environmental Protection, Commissioner for Transport and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application. Adverse environmental, traffic and drainage impacts are not anticipated. Whilst DLO/YL, LandsD objects to the application due to occupation of GL, the applicant pledges to liaise with relevant bureau to seek policy support again for the STT application upon obtaining permission for renewing the planning approval, which can be dealt with separately under the land administration regime. The approval condition under the previous application in relation to the implementation of accepted drainage proposal has already been complied with. In this regard, relevant approval conditions on maintaining and submission of records of the existing drainage facilities as required by CE/MN of DSD are recommended, should the application be approved.
- 12.4 In view of the above, the renewal application is in line with TPB PG-No.34D in that there has been no major change in planning circumstances, adverse planning implications arising from the renewal of the planning approval are not envisaged, all the approval conditions under the previous approval had been complied with, and the approval period sought is considered reasonable and of the same timeframe as the previous approval.

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

- 13.1 Based on the assessments made in paragraph 11 above, the Planning Department 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 further period of six years, and be renewed from 22.12.2023 to 21.12.2029. The following conditions of approval and advisory clauses are suggested for Members’ reference:

#### **Approval conditions**

- (a) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.3.2024;
- (c) if the above planning condition (a) is not complied with during the approval

period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (d) if the above planning condition (b) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

*[Approval condition (b) has been updated to accord with the latest comments of CE/MN, DSD; and restriction on operation hours and requirement for reinstatement of the Site to an amenity area have been removed as per the latest practice.]*

#### Advisory clauses

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

13.3 There is no strong reason to recommend rejection of the renewal application.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the planning 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 3.11.2023
<b>Appendix Ia</b>	FI received on 11.12.2023
<b>Appendix Ib</b>	FI received on 19.12.2023
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Plan with 3m-walkway indicated
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Fresh Water Mains Record Plan
<b>Drawing A-4</b>	Existing Drainage Facilities Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos
<b>Plan A-5</b>	Extract of Yuen Long Kau Hui LP No. L/YL-KH/2D

**PLANNING DEPARTMENT  
DECEMBER 2023**