

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

**APPLICATION NO. A/YL-KTS/792**

<b><u>Applicant</u></b>	: Mr. CHOY Chi Wai represented by Goldrich Planners & Surveyors Limited
<b><u>Site</u></b>	: Government Land in D.D. 106, Kam Tin, Yuen Long (Former Shek Wu School)
<b><u>Site Area</u></b>	: 1,155m <sup>2</sup> (about)
<b><u>Land Status</u></b>	: Government Land
<b><u>Plan</u></b>	: Draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	: Proposed Temporary Social Welfare Facilities (Elderly and Youth Centre) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the vacant school premises at application site (the Site) for proposed temporary social welfare facilities (elderly and youth centre) for a period of 3 years. According to the Notes of the OZP of the “V” zone, ‘Social Welfare Facility’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site, which was formerly occupied by a village primary school (i.e. Shek Wu School) that had been closed down in 2014, is currently vacant (**Plan A-2**). The Site is subject to two previous applications (No. A/YL-KTS/270 and 756) for proposed extension of Shek Wu School and proposed temporary place of recreation, sports or culture, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) on 15.3.2002 and 16.3.2018 respectively (**Plans A-1**).
- 1.2 According to the applicant, the proposed temporary social welfare facilities will involve three existing single-storey structures and a proposed covered corridor with a total floor area of about 289m<sup>2</sup> and height of not more than 5m for elderly activity centre, youth activity centre and resting room. The operation hours are between 9 a.m. and 9 p.m. daily including public holiday. The Site is accessible from Kam Sheung Road via a local track, and one private car parking space and

one loading/unloading space for light goods vehicle will be provided within the Site. According to the applicant, the proposed elderly and youth centre will be managed by the village office headed by Shek Wu Tong Village indigenous inhabitant representative. The use of public announcement system, portable loudspeakers or any form of audio amplification system will be avoid to minimize any noise from the proposed use. The plans showing the layout and tree preservation proposal submitted by the applicant are at **Drawings A-1 to A-2**.

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

- (a) Application Form with supplementary information received on 26.9.2017 **(Appendix I)**
- (b) Further Information (FI) received on 12.7.2018 in response to the comments of the Commissioner for Transport (C for T) **(Appendix Ia)**  
*(accepted and exempted from publication and recounting requirements)*
- (c) Further Information (FI) received on 25.7.2018 in response to departmental comments **(Appendix Ib)**  
*(accepted and exempted from publication and recounting requirements)*
- (d) Further Information (FI) received on 30.7.2018 in response to departmental comments **(Appendix Ic)**  
*(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 supplementary information in **Appendix I** and the FIs received in **Appendices Ia and Ib**. They can be summarized as follows:

- (a) The proposed use is indeed to serve the villagers in the vicinity. Recreational, cultural and entertainment activities such as board games, handcraft making, reading interest groups, seminars and talents show are proposed to be held in the proposed elderly and youth centre. It can meet the pressing need for recreational use by the villagers and elderly persons in the vicinity. The applicant is the Shek Wu Tong Tsuen Indigenous Inhabitant Representative and he will lead the village office to manage the proposed use and assist to organize the activities.
- (b) The existing trees at the Site will be properly maintained and relevant tree management guidelines will be followed. Traffic impact on the local track and Kam Sheung Road is negligible.

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

As the Site involves Government land only, the “owner’s consent/notification” requirement 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. 31) is not applicable to the application.

### **4. Background**

4.1 The Site is not the subject of any active enforcement cases and there is currently no enforcement action against it.

4.2 The Site is a vacant school premises and was previously served as Shek Wu Public School closed down in 2014 and returned to the Lands Department (LandsD) in 2015. The concerned vacant school is one of the “Vacant School Premises Sites Reviewed under the Central Clearing House Mechanism” and is recommended to be retained for Government, Institution or Community (G/IC) uses.

### **5. Previous Applications**

The Site was subject to two previous applications (No. A/YL-KTS/270 and 756) for the proposed extension of Shek Wu School and proposed temporary place of recreation, sports or culture approved with conditions by the Committee on 15.3.2002 and 16.3.2018 respectively. Both applications were submitted by different applicants as the current application. Application No. A/YL-KTS/270 was approved mainly for the reasons that it was in line with the planning intention, would not adversely affect the village character and no adverse departmental comments. However, the planning permission lapsed on 15.3.2005 and no extension works had been carried out during the planning approval period. Application No. A/YL-KTS/756 was approved mainly for the reasons that temporary approval would not frustrate the long-term planning intention, the proposed use was not incompatible with the surrounding area and relevant departments had no adverse comment on the application. The planning permission is valid until 16.3.2021. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

### **6. Similar Application**

There is no similar application for temporary social welfare facility use within the same “V” zone on the OZP.

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

7.1 The Site is:

- (a) located within the Shek Wu Tong village;

- (b) fenced off and currently occupied by three single-storey vacant buildings; and
- (c) accessible via a local track (about 25m) leading from Kam Sheung Road on its east.

7.2 The surrounding areas are predominantly rural residential in character with village houses, shops and services, parking of vehicles, storage yards and unused/vacant land:

- (a) to its immediate east is parking of vehicles; and further east across Kam Sheung Road are residential dwellings/structures, shop and services, and parking of vehicles; and
- (b) to its south, west and north are predominantly residential dwellings/structures, scattered with cultivated land, storage yards/workshops, shop and services, parking of vehicles and unused/vacant land.

## **8. 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.

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

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

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

- (a) The Site is located on unleased/unallocated Government Land (GL).
- (b) No permission is given for occupation of GL (about 1,155m<sup>2</sup> subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.

- (c) The Site is accessible to Kam Sheung Road via GL and private land. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA.
- (e) Should the application be approved, the applicant has to apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from the traffic engineering perspective.
- (b) Should the application be approved, an approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

#### 9.1.3 Comments of the Chief Highway Engineer/ NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD does not and will not maintain any access connecting the Site and Kam Sheung Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Environment**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) Provided that the applicant would minimize any environmental

nuisance to nearby sensitive receivers, he has no objection to the application from environmental planning perspective. Should be planning application be approved, it is suggested that an approval condition on prohibiting the use of public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, should be included.

- (b) The applicant is also advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize any potential environmental nuisance.

### **Landscape**

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection to the application from landscape planning perspective.
- (b) The Site is the subject of 2 previous applications No. A/YL-KTS/270 and 756 and he has no objection to the last application for proposed temporary place of recreation, sports or culture use from landscape planning perspective. The surrounding area is predominantly rural in character, comprising of agricultural land, scattered trees, village houses and temporary structures. The proposed use is considered not incompatible with the surrounding landscape character and village setting.
- (c) According to the site inspection on 29.6.2018, the Site is a vacant school campus with single-storey structures. 4 mature trees in good to very good condition are found within the Site. According to the proposed layout plan, the existing trees are not in conflict with the layout and can be retained on site. There is no significant landscape resource in proximity and further significant impact on existing landscape is not anticipated.
- (d) Should the application be approved, approval condition on maintenance of existing trees and landscape planting should be included.

### **Drainage**

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed use from public drainage point of view.
- (b) Should the application be approved, conditions requiring the

submission of a drainage proposal and implementation and maintenance of the drainage proposal for the proposed development to his satisfaction should be included.

### **Fire Safety**

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Social Welfare**

9.1.8 Comments of the Director of Social Welfare Department (D of SW):

- (a) Currently, there are two Integrated Children and youth Services Centre and one Community Centre providing youth services in Yuen Long Town, which are far away from the concerned premises site. Hence, the proposed welfare-related services by the applicant might help to meet the service needs of children and youth in the locality. The proposed centre might also benefit and bring convenience to the local elderly villagers.
- (b) In the view of above, he has no adverse comment on the application, given that there is no financial implications, both capital and recurrent, incurred to Social Welfare Department. No license is required for setting up such self-financing social centre for elderly and youth.

### **Others**

9.1.9 Comments of the Director of Leisure and Cultural Services (DLCS):

He has the following comments from the tree preservation perspective:

- (a) From the tree preservation point of view, every possible effort should be made to preserve the existing trees on site and minimize the adverse impact to them during the works period.
- (b) If trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be made to LandsD for approval in accordance with DEVB TC9W) No. 7/2015.

### **District Officer's Comments**

9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has no particular comment on the application and his office has not received any comments from locals upon close of consultation.

9.2 The following Government departments have no comment on the application:

- (a) Project Manager (West), Civil Engineering and Development Department (PM (W), CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)
- (c) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Commissioner of Police (C for P).

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

10.1 On 22.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 13.7.2018, one public comment was received (**Appendix III**). The commenter objects to the application mainly on the grounds that the Site will not be genuinely used the Site for social welfare facility.

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

11.1 The applicant proposes to use the vacant school buildings at the Site for proposed temporary social welfare facilities (elderly and youth centre) for a period of 3 years. The Site is currently occupied by the vacated school premises of the former Shek Wu School which had been closed since 2014.

11.2 The proposed use is not entirely in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages and for development of Small Houses by indigenous villagers. 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, while other community and recreational uses may be permitted on application to the Board. Nevertheless, the proposed use is to make use of the Site of the Former



Shek Wu School which had already been closed down and left vacant. It involves utilizing the three existing single-storey structures of the closed school premises. The concerned vacant school is one of the “Vacant School Premises Sites Reviewed under the Central Clearing House Mechanism” and is recommended to be retained for Government, Institution or Community (G/IC) uses. It is considered that the proposed use on a temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone.

- 11.3 According to the applicant, the proposed temporary social welfare facility (elderly and youth centre) is intended to serve the villagers and will be managed by the village office. The proposed use is considered not incompatible with the surrounding area which is predominantly rural residential in character with village houses, shops and services, parking of vehicles, storage yards and unused/vacant land.
- 11.4 In the view of the scale and nature of the proposed use, the proximity of the Site to Kam Sheung Road, and the applicant advised that the use of portable loudspeaker or audio amplification system will be avoided, the proposed use would unlikely cause adverse environmental, traffic, landscape and drainage impacts on the surrounding areas. Relevant Government departments consulted, including DEP, C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS, have no adverse comment on the application. To minimize any potential environmental nuisance, approval conditions restricting the operation hours and vehicle types are recommended in paragraph 12.2 (a) and (c) below. In response to DEP’s concern on possible noise nuisance, approval condition on restricting public announcement system, portable loudspeaker or audio amplification system at the Site is recommended in paragraph 12.2 (b). Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on-site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP in order to minimize any potential environmental impact. The technical concern of C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS could be addressed by approval conditions recommended in paragraph 12.2 (d) to (j).
- 11.5 The Site is subject to 2 previous approved applications for the proposed extension of Shek Wu School and proposed temporary place of recreation, sports or culture respectively. For the last application No. A/YL-KTS/756 for proposed place of recreation, sports or culture submitted by a different applicant, it was approved mainly for the reasons that temporary approval would not frustrate the long-term planning intention, the proposed use was not incompatible with the surrounding area and relevant departments had no adverse comment on the application. The planning permission is valid until 16.3.2021.
- 11.6 There is one public comment objecting to the application received during the statutory publication period as mentioned in paragraph 10 above. In this regards, the planning considerations and assessments as 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 mentioned in paragraph 10, the Planning Department considers that the temporary social welfare facility (elderly and youth centre) 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 3.8.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be stored/parked at or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of drainage proposal 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 3.2.2019;
- (g) in relation to (f) above, the implementation of 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 3.5.2019;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the submission of fire service installation 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 3.2.2019;
- (j) in relation to (i) above, the provision of fire service installations 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 3.5.2019;

- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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;
- (l) if any of the above planning conditions (f), (g), (i) or (j) 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; and
- (m) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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

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

the proposed development is not in line with the planning intention of the "V" zone which 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. 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**

- Appendix I** Application Form with supplementary information received on 15.6.2018
- Appendix Ia** FI received on 12.7.2018 in response to the comments of the

	Commissioner for Transport (C for T)
<b>Appendix Ib</b>	FI received on 25.7.2018 in response to departmental comments
<b>Appendix Ic</b>	FI received on 30.7.2018 in response to departmental comments
<b>Appendix II</b>	Previous applications covering the Site
<b>Appendices III</b>	Public comments received during the statutory publication period
<b>Appendix IV</b>	Advisory clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Tree Preservation Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a – 4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2018**