

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

APPLICATION NO. A/YL-KTS/859

<u>Applicant</u>	: Construction Industry Council (CIC)
<u>Site</u>	: Government Land in D.D. 106, Yuen Kong Tsuen, Pat Heung, Yuen Long (Ex-Yuen Kong Public School)
<u>Site Area</u>	: 1,530 m ² (about)
<u>Land Status</u>	: Government Land (with short term tenancy for temporary training centre for construction industry)
<u>Plan</u>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Renewal of Planning Approval for Temporary Training Centre for Construction Industry for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary training centre for construction industry for a period of 3 years. The Site is zoned “V” on the Kam Tin South OZP and the applied use is neither a Column 1 nor Column 2 use in the “V” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site was a village primary school (i.e. Yuen Kong Public School) which had been closed down in 2008 and is currently used for the applied use with valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is the subject of six previous applications. The last application No. A/YL-KTS/752 submitted by the same applicant for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the

Committee) on 22.12.2017 for a period of 3 years up to 22.12.2020. All of the approval conditions have been complied with.

- 1.3 According to the applicant, the three existing single-storey buildings with a total floor area of about 597.4m² and about 3.96m to 5.71m in height are used as classroom, office and covered training ground. The operation hours of the centre are between 8:00 a.m. and 5:00 p.m. on Mondays to Fridays. The centre closes on Saturdays, Sundays and public holidays. No noisy activities, such as drilling or ground breaking, etc., will be carried out on-site. No parking space or loading/unloading space is provided within the Site. The Site is accessible to Kam Sheung Road via a local track. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.4 Compared with the last approved application No. A/YL-KTS/752, the current application is the same in terms of site area/ boundary, applied use, site layout and floor area.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with plan received on 14.9.2020 **(Appendix I)**
 - (b) Further Information (FI) received on 23.10.2020 in response to departmental comments **(Appendix Ia)**
[exempted from publication requirement]
 - (c) FI received on 30.10.2020 in response to departmental comments **(Appendix Ib)**
[exempted from publication requirement]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form and FIs in **Appendices I to Ib**. They can be summarized as follows:

The demand for construction training has remained high with major infrastructure projects in progress. The training space in CIC's premises has reached its ceiling. There is a need to continue using the existing training facilities to provide continuous training. The Site can serve as a training ground to provide construction training to the public. The training activities remain the same as the last approved application.

3. Compliance with the "Owner's Consent/Notification" Requirements

As the Site involves Government land 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. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C) are relevant to this application. The relevant criteria are extracted below:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of six previous applications for various education/ training related uses. All the applications were approved with conditions by the Committee. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-KTS/254 for proposed extension of the former Yuen Kong Public School was approved by the Committee on 3.8.2001, and the approved scheme was implemented subsequently.
- 6.3 The remaining five applications submitted by the same applicant for the same use as the current application for a period of 3 years each were approved with conditions by the Committee between 2012 and 2017 mainly on the grounds that the development was not excessive in scale and not incompatible with the surrounding environment; it was unlikely to cause adverse environmental, traffic, landscape, drainage and fire safety impacts on the surrounding areas and technical requirements of concerned departments could be addressed by appropriate approval conditions; and there was no application for Small Houses or other community development at the application site and the development would not frustrate the long-term planning intention of the “V” zone. However, the planning

permissions of applications No. A/YL-KTS/564, 595 and 723 were revoked due to non-compliance with approval conditions. For the last approved application No. A/YL-KTS/752, all approval conditions have been complied with and the planning permission is valid until 22.12.2020.

7. Similar Application

There is no similar application for training centre use within the same “V” zone on the OZP.

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

7.1 The Site is:

- (a) fenced off and occupied by three single-storey buildings for the applied use with valid planning permission; and
- (b) accessible via a local track leading from Kam Sheung Road.

7.2 The surrounding area is predominantly rural in character with village houses, village office, playground, a temple, a kindergarten and parking of vehicles:

- (a) to its north, west and southwest are village houses; and
- (b) to its east and south are parking of vehicles, village office, Yuen Kong Tsuen Playground, a temple and a kindergarten.

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

Land Administration

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

- (a) The Site comprises Government land currently let to the CIC by way of Short Term Tenancy (STT) No. 2588 for the operation of a temporary training centre for construction industry with ancillary office(s) for a term commencing from 2.7.2013 to 8.2.2016 and thereafter quarterly at nominal rent. According to the tenancy agreement of the STT, the tenancy conditions restrict, among other terms and conditions, the erection of 3 single-storey buildings with respective maximum heights not exceeding 5.63m, 5.71m and 3.96m above ground level and respective gross floor area not exceeding 216.46m², 232.25m² and 143.59m². The Tenant shall maintain the validity of the planning permission of the Site and in the event of any revocation or expiry or non-renewal of the planning permission, the Government shall be entitled to terminate the tenancy. It is noted that the planning permission under the last application (No. A/YL-KTS/752) would lapse on 23.12.2020.
- (b) It is noted that one of the single-storey building having an area of 148.73m² in the planning application exceeds the permissible gross floor area (i.e. 143.59m²) of the building under the tenancy conditions. Should the Board decide to approve the planning application and the applicant intends to enlarge the area of that single-storey building based on the approved planning scheme, the applicant has to apply to the LandsD for modification of the STT. However, there is no guarantee that the application will be approved. Such application will be dealt with by his department acting in the capacity of the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including among others, the payment of rent and administrative fee as may be imposed by his department.
- (c) The access to the Site requires traversing both private and Government land. His office does not guarantee any right of way to the Site.
- (d) There is no Small House application under processing or approved within the Site.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

Considering that there is neither parking provision nor vehicular access to the Site and the induced traffic is minimal, he has no comment on the

application.

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

- (a) HyD shall not be responsible for the maintenance of 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

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no environmental complaint related to the Site in the past three years.
- (b) The applicant seeks planning permission to continue using the Site for temporary training centre for construction industry. He understands that the training centre is to provide training for the construction trade in leveling which would involve both classroom teaching and practice leveling exercises by using different leveling equipment and measurement tools.
- (c) Provided that no dusty and noisy activities such as drilling and ground breaking would be carried out on the Site at any time, he considers that the application would unlikely cause adverse environmental impacts. The applicant is advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances.

Nature Conservation

10.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Considering that the previous applications for the same use as the current application were approved by the Board, he has no strong view against the application for renewal of planning approval.

Landscape

- 10.1.6 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) Based on the aerial photo taken on 28.11.2019, the Site is situated in an area of rural landscape character comprising scattered tree groups and village houses. The development is considered not incompatible with the surrounding environment. Referring to the site visit dated 9.10.2020, existing trees are in acceptable condition. Comparing the aerial photos taken in 2017 and 2019, there is no significant change to the surrounding landscape setting since the application was last approved. Noting that there is no significant change in the layout within the Site, further significant adverse impact on landscape resources due to the continuous use is not anticipated.
 - (c) The applicant is reminded that approval of the planning application under the Town Planning Ordinance does not imply approval of tree preservation/ removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

Drainage

- 10.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (a) He has no objection in principle to the development.
 - (b) Site inspection revealed that the drainage facilities are maintained properly. Should the application be approved, approval condition on maintaining the existing drainage facilities on site at all times during the planning approval period should be included.

Fire Safety

- 10.1.8 Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the renewal application subject to the existing fire service installations (FSIs) implemented on the Site being maintained in efficient working order at all times.

Building Matters

10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) He has no in-principle objection under the Buildings Ordinance (BO) to the applied use on the Site.
- (b) There is no record of approval by the Building Authority (BA) for the existing structures at the Site and BD is not in a position to offer comments on their suitability for the use proposed in the application.
- (c) If any new building works are to be carried out on the Site after the granting of STT by the LandsD, the applicant should note the following comments:
 - (i) All existing building works erected on unleased government land (i.e. before the grant of a STT) do not come under control of the BO, and are not unauthorized for the purpose of the BO.
 - (ii) Before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iii) For UBW erected on land held under STT, enforcement action may be taken by the BA to effect the removal of the UBW in accordance with the policy for control of UBW in the future. All UBW have to be removed prior to renewal of a STT.
 - (iv) The granting of the STT should not be construed as an acceptance of any existing building works or UBW on site under the BO.
 - (v) In connection with (i) above, if the Site does not abut on a specified street having a width of not less than 4.5 wide, the development intensity shall be determined under the Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Moreover, the Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D.

District Officer's Comments

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

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

10.2 The following Government departments have no comment on/ no objection to the application:

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Director of Electrical and Mechanical Services;
- (c) Commissioner of Police; and
- (d) Chief Engineer/Construction, Water Supplies Department.

11. Public Comment Received During the Statutory Publication Period

On 22.9.2020, the application was published for public inspection. During the three-week statutory publication period, one public comment (**Appendix III**) was received providing comment on the application that the Site should be rezoned to "Government, Institution or Community" ("G/IC") to reflect its current and historical use.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning permission for temporary training centre for construction industry within "V" zone. 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. The development is not in line with the planning intention of the "V" zone. Nevertheless, DLO/YL of LandsD advised that there is no Small House application approved or currently under processing at the Site. Hence, the approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the "V" zone.
- 12.2 The development is to make use of the three existing one-storey structures of the ex-Yuen Kong Public School which had been closed down in 2008. The applied use is considered not incompatible with the surrounding area intermixed with village houses, village office, playground, temple and kindergarten. According to the applicant, no noisy activities, such as drilling or ground breaking will be carried out within the Site.
- 12.3 The application is in line with TPB PG-No. 34C in that all approval conditions of the last approved application (No. A/YL-KTS/752) have been complied with. The current application submitted by the same applicant is the same as the last application in terms of applied use, site boundary/area, floor area and layout.

Besides, there is no major change in planning circumstances since the last approval.

- 12.4 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 possible environmental nuisance, approval conditions restricting the operation hours and prohibiting noisy activities are recommended in paragraph 13.2 below. The applicant will also be advised to adopt the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 13.2.
- 12.5 The Site is subject to five previous applications submitted by the same applicant for the same use as the current application which were approved with conditions by the Committee between 2012 and 2017 for a period of 3 years each (paragraph 6 and **Plan A-1** refers). Approval of the application is in line with the decision of the Committee on the previous applications.
- 12.6 There is one public comment received during the statutory publication period providing comment on the application as stated in paragraph 11 above. In this regard, the departmental comments and planning considerations and assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 11 and taking into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary training centre for construction industry could be tolerated for a period of 3 years.
- 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 period of 3 years and be renewed from 23.12.2020 to 22.12.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 5:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no noisy activities such as drilling or ground breaking, as proposed by the applicant, should be carried out on the Site at any time during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (e) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period; and
- (f) if any of the above planning conditions (a), (b), (c), (d) 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.

[The above planning conditions are largely the same as those under planning permission of previous Application No. A/YL-KTS/752, except for change/deletion of those on landscape, drainage and fire services installations based on the comments of CTP/UD&L of PlanD, CE/MN of DSD and D of FS respectively].

Advisory Clauses

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

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

the 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. 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 for the renewal of the planning approval.
- 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 plan received on 14.9.2020
- Appendix Ia** FI received on 23.10.2020

Appendix Ib	FI received on 30.10.2020
Appendix II	Previous applications covering the Site
Appendix III	Public Comment
Appendix IV	Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2020**