

RNTPC Paper No. A/YL-KTS/838  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 6.3.2020

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

**APPLICATION NO. A/YL-KTS/838**

- Applicant** : Yuen Long Kam Kwong Church Limited
- Site** : Lot 1689 S.A and adjoining Government Land (GL) in D.D. 109, Yuen Long
- Site Area** : About 1,170m<sup>2</sup> (including GL of about 563m<sup>2</sup> (48%))
- Lease** : The parent lot (i.e. Lot 1689) is held under New Grant Lot No. 808 demised for private residential purposes
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Village Type Development” (“V”)<sup>1</sup>  
[maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Social Welfare Facility (Youth Development Centre) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary social welfare facility (youth development centre) for a period of 5 years. According to the Notes of the OZP, ‘Social Welfare Facility’ is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is not subject to previous application and is currently used for the applied use without planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the development comprises two compounds of one to two-storey structures used as a hall, library, office, kitchen, toilet, storage facilities and canopy for parking area. Detailed development parameters are shown in the table below:

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<sup>1</sup> A minor portion of the Site (about 16m<sup>2</sup> or 1%) encroaches upon the adjoining “Residential (Group C)” (“R(C)”) zone. In view of the small area, it can be considered as minor boundary adjustment as permitted under the covering Notes of the OZP.

<b>Development Parameters</b>	<b>Proposal</b>
Site Area	About 1,170m <sup>2</sup>
Plot Ratio	0.37
Total GFA	About 428.9m <sup>2</sup>
Building Height	Maximum 2 storeys/ 5.2m
Site Coverage	About 35%

1.3 According to the Applicant, the operation hours are from 9:30 a.m. to 5:30 p.m. on Mondays to Fridays and 9:00 a.m. to 1:00 p.m. on Saturdays (the latter only for pre-booking services, classes and activities). The youth centre does not operate on Sundays and public holidays except for use by members of Yuen Long Kam Kwong Church Limited. Two parking spaces for private cars are provided within the Site. The Site is abutting on and directly accessible from Kam Tin Road. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with plans and planning statement received on 28.11.2019 **(Appendix I)**
- (b) Supplementary Information received on 5.12.2019 **(Appendix Ia)**
- (c) Further Information (FI) received on 8.1.2020 in response to departmental comments **(Appendix Ib)**  
*(not exempted from publication requirement)*
- (d) FI received on 21.2.2020 in response to departmental comments **(Appendix Ic)**  
*(exempted from publication requirement)*
- (e) FI received on 4.3.2020 in response to departmental comments **(Appendix Id)**  
*(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 planning statement and FIs in **Appendices I to Id**. They can be summarized as follows:

- (a) According to the 2016 Population By-census, the total population in the Yuen Long district has increased for 15% in the past 10 years. Yuen Long district has the youngest population in Hong Kong. There is a need for the applied use in the district.

- (b) The applicant is a charitable organization and had operated a non-profit making kindergarten at the Site since 1987<sup>2</sup>. Due to change in demographic structure and community development, the Site was converted to youth development centre in 2003 to serve the youth and their families in the area (including the youth in the nearby villages). The youth development centre is non-profit making and not funded by the Social Welfare Department. It has also been lent to the Breakthrough (突破機構) for youth activities for free since 2014. The services provided in the youth development centre include counselling, volunteer service, personal development, interest classes, talent shows and community visit, etc.
- (c) No public announcement system or audio amplification system will be used at the outdoor area at the Site. No adverse traffic impact on Kam Tin Road is anticipated.
- (d) The applied use is for a period of 5 years in view of the development and service plan of the organization.

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

The applicant is the sole “current land owner” of the private land portion of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the “Owner’s Consent/Notification” Requirements are not applicable.

**4. Background**

The Site is currently not the subject of any active enforcement case.

**5. Previous Application**

There is no previous application covering the Site.

**6. Similar Application**

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

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<sup>2</sup> According to the covering Notes of the OZP, the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the interim development permission area (IDPA) plan (i.e. 5.10.1990) could be tolerated.

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

7.1 The Site is:

- (a) currently formed and occupied by two compounds of one to two-storey structures. The structures are for the applied use without valid planning permission; and
- (b) abutting on and directly accessible from Kam Tin Road to its north.

7.2 The surrounding areas are rural in character and intermixed with residential dwellings/structures, open storage/storage yards, workshops, warehouse, parking of vehicles, shops, offices and unused land. The open storage/storage yards, workshops, warehouse and parking of vehicles are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its north across Kam Tin Road are open storage/storage yards, warehouse and workshops;
- (b) to its immediate east within the “Residential (Group C)” zone are residential dwellings/structures, a temporary motor vehicle showroom approved under application No. A/YL-KTS/797, parking of vehicles and an open storage yard. Some shops and offices are located along Kam Tin Road; and
- (c) to its south and west is a nullah and across the nullah are unused land, cultivated agricultural land, residential structures/dwellings and sites under construction for residential use.

**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 (NTEH). 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 comprises GL and Lot No. 1689 S.A in D.D. 109 while it's parent lot i.e. Lot 1689 in D.D. 109 is held under New Grant No. 808 with maximum built-over area of 2,200 square feet for private residential purposes. Temporary structures within the Site ***Lot No. 1689 S.A in D.D. 109*** is governed by Modification of Tenancy (MOT) Permit No. M20360.
- (b) The Site is the former Kam Kwong School & Kindergarten and most of the GL within the Site is covered by Short Term Tenancy (STT) No. 1015 for the purpose of a non-profit making Kindergarten. As the kindergarten within the Site had ceased operation, enforcement actions against the breaches of the STT are being taken by his office.
- (c) The applicant has applied to his office for a STT and a Short Term Waiver (STW) to use the Site for the proposed development.
- (d) Under the prevailing policy, direct grant STT over GL that is capable of separate alienation would only be considered if the applicant could obtain policy support from the relevant bureau / department for the proposed development even if planning permission is given.
- (e) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on the Site. Furthermore, the applicant has to apply for a direct grant STT for use of the Site and to obtain a policy support from the relevant bureau / department for the proposed development. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent 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 traffic engineering perspective.*
- (b) *Should the application be approved, 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 Transport Department. 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/New Territories West, Highways Department (CHE/NTW, HyD):

Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

## **Environment**

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

- (a) There was no environmental complaint received at the Site in the past three years.
- (b) Provided that the applicant would minimize any noise from the proposed use such as prohibiting the use of public announcement system, portable loudspeakers or any form of audio amplification system so that it would not cause adverse environmental nuisance to the nearby sensitive receivers, he has no objection to the application from environmental planning perspective subject to the following approval conditions:
  - (i) the proposed development should only be operated between 9:30am and 5:30 p.m. in the Site Monday to Friday, 9:00 a.m. and 1 p.m. on Saturday, and no operation on Sundays and public holidays (except for use by members of the Yuen long Kam Kwong Church Limited) as proposed by the applicant, during the planning approval period; and

- (ii) no outdoor public announcement system, portable loudspeaker or any form of outdoor audio amplification system is allowed to be used in the Site at any time during the planning approval period, as proposed by the applicant.
- (c) The applicant is 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” to minimize any potential environmental nuisance. Adequate supporting infrastructure/ facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of Environmental Protection Department’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comments by the Environmental Protection Department”.

### **Social Welfare**

#### 9.1.5 Comments of the Director of Social Welfare:

- (a) He has no adverse comment on the application provided that there are no financial implications, both capital and recurrent, incurred to his department.
- (b) The applicant, Yuen Long Kam Kwong Church Limited, is a charitable institution registered under section 88 of the Inland Revenue Ordinance since May 1984. Its self-financing Integrated Community Service Centre (ICSC) was founded in 2014. The ICSC operates a centre of its Church in Yuen Long Town and provides support services including counselling, group activities, community programmes, volunteer and food bank services to the families in the district.
- (c) The applicant proposes to set up a youth development centre at Kam Tin for providing a number of services including counselling service, volunteer service, developmental and socialisation programmes for the youth and their families, etc. in the area. Currently, there are two Integrated Children and Youth Services Centres and one Community Centre providing youth service in Yuen Long Town, which are not very close to the Site. Therefore, to a certain extent, the youth centre, aiming at enhancing youth development and personal growth, is in line with the service objectives of Integrated Children and Youth Services Centre in facilitating the social and personal development of young people in the locality and to meet the local service needs.

### **Drainage**

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

- (a) He has no in-principle objection to the development from the public drainage point of view.
- (b) Should the application be approved, approval conditions on submission of a drainage proposal and implementation and maintenance of the drainage proposal for the development should be included.
- (c) The applicant is reminded to maintain all the drainage facilities on site in good condition and ensure that the development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

### **Fire Safety**

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

- (a) He has no in-principle objection to the application subject to the provision of water supplies for firefighting and fire service installations (FSIs) to his satisfaction.
- (b) Detailed fire requirements will be formulated upon receipt of formal submission of general building plans.
- (c) The emergency vehicular access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation (B(P)R) 41D which is administered by the Buildings Department.

### **Building Matters**

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

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the Site does not abut on any existing specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of Building (Planning)



Regulation (B(P)R) at building plan submission stage.

- (c) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)R respectively.
- (d) Detailed comments under the Buildings Ordinance will be provided during the plan submission stage.

**District Officer's Comments**

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

His office has not received any local's comments on the application and he has no comment from departmental point of view.

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

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

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

On 6.12.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from Kam Tin Watch objecting the application mainly on the grounds that the applied use is an unauthorized development; the applicant should clarify the operation details (including any subletting of the Site) and whether there is religious use at the Site; and traffic impact assessment and environmental assessment should be conducted (**Appendix II**).

**11. Planning Considerations and Assessments**

11.1 The application is for a temporary social welfare facility (youth development centre) for a period of 5 years at the Site zoned "V". 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. 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 NTEH. Other

commercial, community and recreational uses may be permitted on application to the Board. The applied use is not entirely in line with the planning intention of the “V” zone. Nevertheless, DLO/YL, LandsD advised that there is no Small House application approved or under processing at the Site.

- 11.2 According to the applicant which is the sole current land owner of the private land within the Site, they are a charitable organization and had operated a non-profit making kindergarten at the Site since 1987, and have only converted the Site to a youth development centre in 2003 due to a change in demographic structure and community development. The youth development centre is non-profit making and intended to serve the youth and their families in the area (including the youth in nearby villages) and can satisfy some of the local demand for community facility. In this regard, DSW has no adverse comment on the application noting that the existing facilities providing youth services in Yuen Long are not close to the Site, and the youth development centre is in line with the service objectives of Integrated Children and Youth Services Centre in facilitating social and personal development of young people in the locality and to meet the local service needs. It is considered that temporary approval of the application for a period of 5 years would not frustrate the long-term planning intention of the “V” zone.
- 11.3 The youth centre at the fringe of the “V” zone abutting Kam Tin Road comprises 2 compounds with one to two-storey structures (maximum 5.2m in height). Its scale and nature is considered not incompatible with the surrounding area which is rural in character mainly intermixed with residential dwellings/structures and vacant land.
- 11.4 The applied use does not involve new building works and only two parking spaces for private cars are provided. Besides, the Site is abutting Kam Tin Road. Significant adverse environmental, traffic and drainage impacts are not anticipated. Relevant departments consulted including DEP, CE/MN of DSD, D of FS and C for T have no adverse comment on the application. Technical requirements of DEP, *C for T*, CE/MN of DSD and D of FS can be addressed by approval conditions (a) to (i) in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the 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 to alleviate any potential impact.
- 11.5 The Site is not subject to any previous application and there is no similar application within the same “V” zone.
- 11.6 One public comment was received during the statutory publication period objecting to the application as detailed in paragraph 10 above. In this regard, the departmental comments as well as planning considerations and assessments above are relevant.

## 12. Planning Department's View

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, 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 5 years until 6.3.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 5:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 9:00 a.m. and 9:30 a.m. on weekdays and between 1:00 p.m. and 5:30 p.m. on Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no outdoor public announcement system, portable loudspeaker or any form of outdoor audio amplification system, as proposed by the applicant, is allowed to be used in the Site at any time during the planning approval period;
- (e) ***no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;***
- ~~(e)~~ (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 6.9.2020;
- ~~(f)~~ (g) in relation to ~~(e)~~(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 6.12.2020;
- ~~(g)~~ (h) in relation to ~~(f)~~(g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- ~~(h)~~ (i) the submission of proposal for water supply for firefighting and fire service installations 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 6.9.2020;

- (j) in relation to (i) above, the implementation of proposal for water supply for firefighting and 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 6.12.2020;
- (k) if any of the above planning condition (a), (b), (c), (d), (e) and (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; and
- (l) if any of the above planning condition (e) (f), (g), (h) (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.

#### Advisory Clauses

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

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) 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; and
- (b) approval of the application will set an undesirable precedent for similar applications in the same "V" zone. The cumulative effect of approving such applications will diminish the supply of land in the "V" zone for development of Small House.

### **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 plans and planning statement received on 28.11.2019
<b>Appendix Ia</b>	SI received on 5.12.2019
<b>Appendix Ib</b>	FI received on 8.1.2020
<b>Appendix Ic</b>	FI received on 21.2.2020
<b>Appendix Id</b>	FI received on 4.3.2020
<b>Appendix II</b>	Public Comment
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout 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

**PLANNING DEPARTMENT  
MARCH 2020**