

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

**APPLICATION NO. A/YL-LFS/347**

- Applicant** : The Boys' & Girls' Clubs Association of Hong Kong represented by Raymond Chan Surveyors Limited
- Site** : Government Land in D.D. 129, Sha Kong Wai, Yuen Long
- Site Area** : About 1,910 m<sup>2</sup>
- Land Status** : Government Land
- Plan** : Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : "Village Type Development" ("V")  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Proposed Temporary Institutional Use (Children Life Learning Centre) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use a vacant school premises of the former Sha Kong Public Luen Yick School for proposed temporary institutional use (children life learning centre) for a period of 5 years at the application site (the Site). The Site falls within an area zoned "V" on the OZP (**Plan A-1**). According to the Notes of the OZP for "V" zone, 'Institutional Use' is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site was involved in one previous application (No. A/YL-LFS/76) for proposed extension of Sha Kong Public Luen Yick School (**Plan A-1**), which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 21.12.2001. The proposed school extension did not commence and the planning permission expired on 21.12.2004. Details of the previous application are at paragraph 5 below and **Appendix II**.
- 1.3 According to the applicant, the former Sha Kong Public Luen Yick School, which is an existing one-storey building of about 605m<sup>2</sup> total floor area with an ancillary playground of about 1,305m<sup>2</sup>, will be converted to a children life learning centre

to offer learning programmes for children aged 3 to 12 and their family members. The proposed use will not involve alteration and addition to the existing school building and ancillary playground. However, significant building refurbishment and renovation works will be carried out. With the applicant's written permission, other recognized non-governmental organizations (NGOs) (i.e. the applicant's authorized parties) can use the Site occasionally for uses that are in line with the development objectives of the proposed use. The ancillary open playground will be open to public at specified time slots when it is not in use by the applicant or its authorized parties. No public announcement system, portable loudspeakers or any form of audio amplification system will be used at the Site.

1.4 The proposed learning centre will operate from 9 a.m. to 5 p.m. on Mondays to Fridays, with morning session and afternoon session. The maximum number of participants for each session is about 25-30. Since no parking or loading/unloading facilities will be provided on the Site, the applicant or its authorized parties will arrange a 25-30 seater bus for the programme participants to travel to and from the Site and the existing loading/unloading bay on Man Tak Road, which is located in close vicinity of the Site, will be used as pick-up/drop-off area (**Drawing A-3**).

1.5 The major development parameters of the current application are as follows:

Site area	About 1,910m <sup>2</sup>
Non-domestic GFA	About 605m <sup>2</sup>
Open Area	About 1,305m <sup>2</sup>
Plot Ratio	0.32
No. of Storey	1
No. of Block	1
No. of Classrooms	<ul style="list-style-type: none"> <li>• 2 Thematic Activity Rooms</li> <li>• 2 Multipurpose Rooms</li> </ul>
Uses	<ul style="list-style-type: none"> <li>• Thematic Activity Room and Multipurpose Room</li> <li>• General Office</li> <li>• Special Room</li> <li>• Lavatories</li> <li>• Pantry</li> <li>• Rainshelter</li> </ul>
Capacity	25-30 people each session, no restriction for the ancillary playground when it is open to public

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

- (a) Application Form received on 25.7.2019 **(Appendix I)**
- (b) Supplementary Planning Statement including a location plan, site plan, existing layout plan, proposed layout plan and concept plan **(Appendix Ia)**
- (c) Supplementary Information received on 1.8.2019 providing clarification on the proposed use **(Appendix Ib)**

- (d) Further Information received on 30.8.2019 providing operation details (Accepted and exempted from publication and recounting requirements) **(Appendix Ic)**
- (e) Further Information received on 9.9.2019 providing adjustment of the site boundary, responses to public comments and learning programme details (Accepted but not exempted from publication and recounting requirements) **(Appendix Id)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement in **Appendix Ia**. They can be summarized as follows:

- (a) The proposed use is in line with the planning policy for vacant school premises.
- (b) The proposed use conforms to the planning intention of the “V” zone.
- (c) The proposed use would not jeopardize the long-term planning of Sha Kong Wai.
- (d) The proposed use is compatible with the surrounding land uses which are dominated by residential use.
- (e) The proposed renovation and repair works to the existing dilapidated building would significantly improve the local environment.
- (f) The pick-up/drop-off location is optimal. No traffic impact is anticipated.
- (g) Appropriate measures would be adopted to minimize potential noise impact.

## **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) is not applicable to the application.

## **4. Background**

4.1 The former Sha Kong Public Luen Yick School was commissioned at the Site in 1946. Prior to its closure in 2005, it was a co-educational primary school. The Site has been left vacant since the closure of the school. According to the Planning Department’s (PlanD) latest Vacant School Premises Site Reviewed under the Central Clearing House Mechanism (the VSP Review) promulgated in July 2018, the Site is recommended to be retained for government, institution or community (GIC) uses.

4.2 The Site is on Government Land and is not subject to planning enforcement action.

**5. Previous Application**

The Site involves one previous planning application (No. A/YL-LFS/76) submitted by a different applicant for extension of Sha Kong Public Luen Yick School, which was approved with conditions by the Committee on 21.12.2001 mainly on the considerations that the proposed school extension would serve the genuine need of the local community, the proposed development was compatible with the character of Sha Kong Wai Tsai village, no adverse traffic, environmental and drainage impact on the area was expected and there was no adverse comment from relevant Government departments. However, the proposed school extension did not commence and the planning permission expired on 21.12.2004. Details of the application are summarized in **Appendix II** and its location is shown on **Plan A-1**.

**6. Similar Application**

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

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

7.1 The Site is:

- (a) occupied by the former Sha Kong Public Luen Yick School comprising a one-storey building which is currently vacant; and
- (b) abutting and accessible via Man Tak Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to the north, northeast and northwest are residential dwellings, vacant land and parking of vehicles;
- (b) to the east are residential dwellings and a temporary vehicle park for private cars and light goods vehicles with a valid planning permission under Application No. A/YL-LFS/345;
- (c) to the west are residential dwellings, vacant land and parking of vehicles; and
- (d) to the south, southeast and southwest are residential dwellings, vacant land, an open storage site and parking of vehicles.

**8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within 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 summarised as follows:

### **Land Administration**

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

- (a) The Site is situated on Government Land which was the former Sha Kong Public Luen Yick School (Control Site PS79).
- (b) The applicant has already applied to LandsD for a Short Term Tenancy (“STT”) of the Site. He would advise that the STT application will only be considered if the planning permission is given to the planning application but there is no guarantee that the application will be approved. Such application would be processed by LandsD in the capacity of landlord and at its sole discretion and individual case merits. In the event any such application is approved, it would be subject to such terms and conditions as may be imposed by LandsD.
- (c) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (d) There is no Small House application at the Site. In the vicinity of the Site, there are 16, 67 and 1 Small House applications within the Village Environ Boundary of Sha Kong Wai, Ngau Hom and San Hing Tsuen respectively.
- (e) Regarding the public comment that the involved Government Land was originally owned by the villagers of Sha Kong Wai, DLO/YL, LandsD indicated that the Site is currently situated on Government Land.

### **Social Welfare**

9.1.2 Comments of the Director of Social Welfare (DSW):

- (a) According to the revised proposal and development proposal, the applicant proposes to set up a Children Life Learning Centre mainly for children aged 3 to 12 and their family members to provide a number of services, including developmental and socialization programs for children, parenting education and community support network for local residents, etc., in the district,

with the aim to enhance children's creativity and emotional control, improving parent-child communication and strengthening community support and social network. These proposed services are considered beneficial to children's development and able to meet the district need.

- (b) Having considered that the applicant has established network in the district and solid experience in rendering social welfare services, she has no adverse comment on the application, on the understanding that there is no financial implication, both capital and recurrent, incurred to the Social Welfare Department.

### **Education**

#### 9.1.3 Comments of the Secretary for Education (S for E):

The vacant school premises (i.e. former Sha Kong Public Luen Yick School) was considered not required by the Education Bureau for reallocation for school use and was already returned to the Central Clearing House. He is not in a position to advise on its subsequent use from vacant school premises point of view.

### **Traffic**

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

He has no adverse comment on the application from traffic engineering point of view.

#### 9.1.5 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) It is noted that no vehicles will enter the Site, he has no comment from highways maintenance point of view.
- (b) If the application is approved, the applicant is reminded that the application is approved on the understanding that no vehicles will enter the Site.

### **Nature Conservation**

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

Noting that the Site is a formed school site, she has no comment on the application from nature conservation point of view. Nevertheless, should the application be approved, the applicant is advised to properly preserve the existing trees on Government Land within the Site.

### **Environment**

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

Given the proposed institutional use (children life learning centre) would be housed within the existing building structures of the former Sha Kong Public Luen Yick School, he has no adverse comment on the application.

### **Landscape**

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

- (a) The Site is located at the former Sha Kong Public Luen Yick School in an area of “V” zone. Several large trees are observed within the Site. The Site is in an area of village landscape character. The proposed use is not incompatible with the surrounding landscape character.
- (b) The applicant is advised that approval of the planning application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works.
- (c) In view that the Site is not situated in a landscape sensitive zone and it is not facing any prominent public frontage, it is recommended to impose a planning approval condition to maintain all existing trees within the Site in good condition for the duration of the planning approval period should the application be approved by the Board.

### **Drainage**

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

### **Fire Safety**

#### 9.1.10 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) and water supplies for firefighting

being provided to the satisfaction of his department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

- (b) In addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of the *Code of Practice for Fire Safety in Building 2011* which is administered by the Buildings Department.

### **Others**

#### 9.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) Proper license / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.
- (c) For any waste generated from such activity / operation, the applicant should arrange disposal properly at their own expenses.

### **District Officer's Comment**

#### 9.1.12 Comment of District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

- (a) His office has received two comments from the Village Representatives of Sha Kong Wai (**Appendices III-1 to III-2**) objecting to the application mainly on the grounds of adverse traffic impacts and land status.
- (b) He has no comment on the application.

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

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

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

On 6.8.2019 and 13.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection periods which ended on 27.8.2019 and 4.10.2019 respectively, eight public comments were received (**Appendices IV-1 to IV-8**). One public comment supported the application. Seven public comments from the village representatives of Sha Kong Wai, three indigenous inhabitants of Sha Kong Wai and an individual objected to the application on the following grounds:

- (a) the proposed use would cause adverse traffic impacts;
- (b) the involved Government Land was originally owned by the villagers of Sha Kong Wai. The Government Land should be used for greater community purposes; and
- (c) there is insufficient information about the proposed use.

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

11.1 The application is for proposed temporary institutional use (children life learning centre) for a period of 5 years at a site zoned “V”. Although the proposed use is not entirely in line with the planning intention of the “V” zone, which is primarily intended for development of Small Houses by indigenous villagers, the Site is entirely GL and was used as a school from 1946 until its closure in 2005. According to the VSP Review promulgated by PlanD in July 2018, the Site is recommended to be retained for GIC uses. In this regard, the proposed use, which would promote child development, is generally in line with the recommended long-term use of the Site. According to the DLO/YL, LandsD, there is no Small House application approved/under processing at the Site. As such, approval of the application on a temporary basis for a period of five years would not frustrate the planning intention of the “V” zone. The applicant has already applied for a STT for use of the Site. Should planning approval be given, DLO/YL, LandsD acting in the capacity as landlord will consider the case at its sole discretion and there is no guarantee that such case will be approved.

11.2 The Site is located at the southern part of the village clusters of Sha Kong Wai. The proposed use is not incompatible with the surrounding land uses which mainly comprise rural residential dwellings and vacant land (**Plan A-2**).

11.3 There is no adverse comment from the concerned Government departments, including DEP, C for T, CE/MN of DSD and CTP/UD&L of PlanD. The proposed use will unlikely create significant adverse environmental, traffic drainage and landscape impacts to the surrounding area. Besides, DSW has no adverse comment on the application and indicated that the applicant has established network in the district and solid experience in rendering social welfare services. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission.

11.4 There are eight public comments received on the application during the statutory publication period. Besides, DO/YL, HAD received two public comments on the application. The planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

## 12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraphs 9.1.12 and 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 **1.11.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no public announcement system, portable loudspeakers or any form of audio amplification system, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicles are allowed to enter the Site during the planning approval period;
- (c) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (d) the submission of a 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 **1.5.2020**;
- (e) in relation to (d) above, the implementation of the 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 **1.8.2020**;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations 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 **1.5.2020**;
- (h) in relation to (g) above, the implementation of the fire service installations proposal 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 **1.8.2020**;
- (i) if any of the above planning conditions (a), (b), (c) or (f) 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

- (j) if any of the above planning conditions (d), (e), (g) or (h) 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 V**.

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

The proposed use is not in line with the planning intention of the "V" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

**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 reasons for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 25.7.2019
<b>Appendix Ia</b>	Supplementary Planning Statement including a location plan, site plan, existing layout plan, proposed layout plan and concept plan
<b>Appendix Ib</b>	Supplementary Information received on 1.8.2019 providing clarification on the proposed use
<b>Appendix Ic</b>	Further Information received on 30.8.2019 providing operation details
<b>Appendix Id</b>	Further Information received on 9.9.2019 providing adjustment of the site boundary, responses to public comments and learning programme details
<b>Appendix II</b>	Previous Application Covering the Site
<b>Appendices III-1 to III-2</b>	Local Comments Relayed from District Officer/Yuen Long, Home Affairs Department
<b>Appendices IV-1 IV-8</b>	Public Comments Received During the Statutory Publication Period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan

<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Concept Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2019**