

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/469

- Applicant** : Hong Kong Yuen Long Chiu Kiu Engor Association Limited (香港元朗潮僑英歌總會有限公司) represented by Goldrich Planners and Surveyors Limited
- Site** : Government Land in D.D. 116, Former Wing On School, Shung Ching San Tsuen, Yuen Long, New Territories
- Site Area** : 3,349m² (about)
- Land Status** : Government Land (GL)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zonings** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Engor Training Centre with Ancillary Office) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary place of recreation, sports or culture (Engor training centre with ancillary office) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘place of recreation, sports or culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and occupied by several existing one-storey buildings (**Plans A-2, A-4a to A-4d**).
- 1.2 The Site is the subject of three previous approved applications (No. A/YL-TT/125, 218 and 237). The former application was for extension of the then-school buildings, while the latter two applications were for temporary place of recreation, sports or culture use (including fitness centre, gymnasium, indoor recreation centre and/or sports training grounds) each for a period of 5 years. The last application (No. A/YL-TT/237) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 21.11.2008, but was later revoked on 21.11.2010 due to non-compliance with approval conditions. Details of the previous applications are at paragraph 5

below and **Appendix II**. Compared with the last application (No. A/YL-TT/237), the current application is submitted by a different applicant for a similar place of recreation, sports or culture use with different development parameters covering a smaller site.

- 1.3 According to the applicant, the proposal aims to renovate a vacant school into a suitable place for preservation of the Engor¹ (dance of heroes, 英歌) dance culture. The applicant is a charitable institution exempted from tax under section 88 of the Inland Revenue Ordinance. The participants are mainly young people and students in the local and wider Yuen Long area. The applicant undertakes to preserve/maintain the existing trees and drainage facilities at the Site at his own expense. Plans showing the vehicular access to the Site, proposed site layout, tree preservation and landscape proposal and drainage proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the previously approved application (No. A/YL-TT/237) and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/237 (a)	Current Application No. A/YL-TT/469 (b)	Difference (b)-(a)
Applied Use	Temporary Place of Recreation, Sports or Culture (including gymnasium, indoor recreation centre and sports training grounds) for a Period of 5 Years	Temporary Place of Recreation, Sports or Culture (Engor training centre with ancillary office) for a Period of 3 Years	Change in Subsumed Uses and Shorter Approval Period Sought
Site Area	About 3,560 m ²	About 3,349 m ²	-211m ² (-6%)
Total Floor Area (Non-domestic)	About 1,238 m ²	About 1,008 m ²	-230m ² (-19%)
No. of Structures	13 (for activity rooms, storerooms, porches and latrine)	9 (for youth activity room, meeting room, office, storerooms, Engor culture exhibition area, Engor training centre and toilet)	-4 (-31%)
Height of Structures	2.5 - 5m (1 storey)	2.5 - 4m (1 storey)	-1m (-20%)
No. of Parking Spaces	1 (2.5m x 5m) (for private car)		--
Loading/Unloading Spaces	1 (3.5m x 7m)	--	-1 (-100%)
Operation Hours	9:00 a.m. to 6:00 p.m. daily		--

¹ Engor is an intangible cultural heritage (ICH) listed on the First ICH Inventory of Hong Kong. It is a traditional parade performance of the Chiu Chow (潮州) communities for celebrating deities' birthdays or festivals.

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Appendix and Plans received on 16.5.2019 **(Appendix I)**
 - (b) Further Information (FI) received on 14.6.2019 providing a letter to seek policy support from the Home Affairs Bureau **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]
 - (c) FI received on 15.7.2019 clarifying the operation mode and transport arrangement **(Appendix Ib)**
[accepted and exempted from publication and recounting requirements]
 - (d) FI received on 9.9.2019 clarifying the nature of Engor dance and attaching the support letters from nearby residents' representatives **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]
- 1.6 On 5.7.2019 and 6.9.2019, the Committee agreed to defer a decision on the application each for a period of two months, as requested by the applicant. On 9.9.2019, FI **(Appendix Ic)** was received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Appendix attached to the Application Form **(Appendix I)** and FI **(Appendices Ia to Ic)**. They can be summarised as follows:

- (a) Engor rehearsals and practices are currently conducted at roadside or public spaces, which are unsafe and attract complaints from locals. The proposal would put the former Wing On School to good use with minimal interventions to the existing one-storey buildings. The premises is a suitable location to preserve the ICH of Engor. The proposal is supported by residents' representatives of Shung Ching San Tsuen (I) and Shung Ching San Tsuen (II), as well as key local organisations, including Pok Oi Hospital.
- (b) The Site is the subject of past planning approvals for uses of a similar nature. Similar treatment should be given to the subject application.
- (c) Participants are expected to travel to and from the premises by public transportation or on foot. The training time would mainly be on holidays and weekends. Peak operation is expected on weekends and close to Chinese festivities. About 40 participants are expected to rehearse Engor dance at the Site and occasional public visitors are expected. No adverse traffic, visual, noise, drainage and sewerage impacts to the surrounding area are expected.

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

As the Site involves GL 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. Background

4.1 The former Wing On School was commissioned at the Site in the 1960’s. Prior to its closure in September 2006, it was a co-educational aided primary school. The Site has been largely left vacant since the closure of the school. According to the Planning Department’s (PlanD) latest Vacant School Premises Sites 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 GL and not subject to planning enforcement action.

4.3 For Members’ information, application No. A/YL-TT/485 for proposed temporary school (kindergarten and primary school) for a period of 5 years covering largely the same site will also be considered at this meeting (**Plan A-1**).

5. Previous Applications

5.1 The Site was the subject of 3 previous applications (No. A/YL-TT/125, 218 and 237). Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

5.2 Application No. A/YL-TT/125 for extension of the then-school buildings was approved with conditions by the Committee on 1.3.2002. The proposed works were not implemented and the planning permission lapsed on 2.3.2005 as a result. The school subsequently ceased operation in September 2006.

5.3 Applications No. A/YL-TT/218 and 237 both for temporary place of recreation, sports or culture (including gymnasium, indoor recreation centre and sports training grounds, as well as fitness centre for the former application) covering a slightly larger site were each approved with conditions for 5 years by the Committee on 30.11.2007 and 21.11.2008 respectively. The applications were approved on similar considerations that the proposed uses were not incompatible with the surrounding area; there were no adverse departmental comments on the proposals; and the applied uses could utilise the abandoned Wing On School to provide a place for recreation for the local community. However, the planning permissions were subsequently revoked on 30.5.2008 and 21.11.2010 respectively due to non-compliance with the approval conditions in relation to the submission/implementation of fire service installations (FSIs) and tree preservation proposals.

- 5.4 Compared with the last application (No. A/YL-TT/237), the current application is submitted by a different applicant for a similar place of recreation, sports or culture use with different development parameters covering a smaller site.

6. Similar Application

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

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

7.1 The Site is:

- (a) abutting Tai Shu Ha Road West to its east;
- (b) largely paved and fenced off with several one-storey buildings; and
- (c) currently vacant and partly overgrown with vegetation.

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) predominantly rural residential in character intermixed with parking of vehicles/car park, open storage/storage yards, workshops, godowns, warehouse and office, latrine, refuse collection point (RCP), ruins and vacant land;
- (b) there are residential structures in the vicinity of the Site with the nearest ones situated to the immediate northwest;
- (c) beyond Tai Shu Ha Road West to its east is an open nullah and Tai Shu Ha Road East; and
- (d) except for the aforementioned RCP, latrine and a workshop and storage yard to its north, the remaining open storage/storage yards, parking of vehicles/car park, warehouse and office, godowns and workshop in the vicinity of the Site are suspected unauthorised development (UD) subject to enforcement action by the Planning Authority.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised 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 (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 summarised as follows:

Land Administration

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

- (a) The Site involves GL (i.e. Former Wing On School) in D.D. 116. As quoted by the applicant, the Site has an area of about 3,349m² which should be subject to further verification and survey.
- (b) The applicant proposed to use the existing single-storey buildings on the Site (total site coverage of 1,007.8m²) which are the premises of the former Wing On School for the applied purposes. The former Wing On School Premises is vacant.
- (c) The Site is accessible from Tai Shu Ha Road West via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The applicant has applied for a direct grant Short Term Tenancy (STT) for use of the Site and is being processed by his office. Such application will be considered by his department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rental or fee, as may be imposed by his department.
- (e) The Site is located within “V” zone. Under the prevailing policy, land within “V” zone or village environ is primarily reserved for development of NTEH by indigenous villagers under the NT Small House Policy.
- (f) There is no Small House application approved/under processing within the Site.
- (g) The proposed tree maintenance works as stated in the Planning Statement (**Appendix I**) should be subject to separate application to be submitted for formal approval upon commencement of the STT, if necessary.

Traffic

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

The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

- 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/drain.

Education

- 9.1.4 Comments of the Secretary of Education (S for Education):

The ex-Wing On School at Shung Ching San Tsuen, Yuen Long ceased operation in September 2006. The school premises concerned was considered not required by the Education Bureau (EDB) for school use and was already returned to the Central Clearing House. The premises is no longer under EDB's purview.

Environment

- 9.1.5 Comments of the Director of Environmental Protection (DEP):

Should the planning application be approved, the applicant should 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" (Code of Practice) to minimise any environmental nuisances to the surrounding area.

Landscaping

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

Should the application be approved by the Board, the applicant is advised that the approval of planning application does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant should approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.

Nature Conservation

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

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 GL within the Site.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a revised drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.
- (c) Notwithstanding the above, he has the following comment on the submitted drainage proposal:
 - (i) The applicant should advise the gradient of the proposed 225UC between CP15 and CP16 and review if the flow can be properly discharged.
 - (ii) The applicant should advise if the two 375mm underground pipes are existing drainage pipes.
 - (iii) The location and details (i.e. cross section) of the proposed hoarding/peripheral wall, if any, should be shown on the proposed drainage plan.
 - (iv) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (v) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (vi) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.
 - (vii) The applicant should submit form HBP1 to his Division for application of technical audit for any proposed connection to his department's drainage facilities.

Fire Safety

9.1.9 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. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should be advised on the following points:
 - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
 - (ii) The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Others

9.1.10 Comments of the Secretary of Home Affairs (SHA):

Engor is one of the 480 items in the ICH Inventory of Hong Kong. From ICH preservation and transmission angle, she supports in-principle the applicant's proposal of setting up an Engor Training Centre for training of Engor performers and public exhibitions on Engor culture.

District Officer's Comments

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

Her office has received one objection letter from the Shap Pat Heung Rural Committee (SPHRC), which was sent to the Board (**Appendix III-1**) and copied to her office.

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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Electrical and Mechanical Services (DEMS);

- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (f) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 24.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 14.6.2019, three public comments were received. The SPHRC objected the application for the reason that the SPHRC had actively sought to use the Site for rural community uses (including education and recreational uses) and village office for many years (**Appendix III-1**). The village representatives of Shui Tsiu Lo Wai, Nam Hang Tsuen, Hung Tso Tin Tsuen and Tong Tau Po Tsuen jointly objected the application on the grounds that the organiser did not consult them beforehand (**Appendix III-2**). One member of the public (**Appendix III-3**) raised concerns that the Site has a history of revocations and withdrawn applications, and suggested that the current application might simply be using the preservation of Engor dance culture as a disguise to occupy this public asset.

11. Planning Considerations and Assessments

- 11.1 The subject application is for proposed temporary place of recreation, sports or culture (Engor training centre with ancillary office) for a period of 3 years at a site zoned “V” on the OZP. Although the proposed development 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 the 1960’s until its closure in 2006. 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 could provide a form of after-school activity for nearby youth and children, is generally in line with the recommended long-term use of the Site. According to DLO/YL, LandsD, there is currently no Small House application approved/under processing at the Site. As such, approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “V” zone.
- 11.2 The proposed Engor training activities and exhibitions would primarily be conducted within the existing one-storey buildings at the Site. The proposed development is not considered incompatible with the surrounding environment which comprises mainly village houses of Shung Ching San Tsuen, with scattered parking of vehicles/car parks and some storage yards, warehouse, and workshops, etc. (**Plan A-2**).
- 11.3 There is no adverse comment on the application from concerned government departments, including C for T, DEP and CE/MN, DSD. Significant adverse traffic, environmental and drainage impacts on the surrounding area are not envisaged. The proposal also has the support from the SHA from ICH preservation and transmission point of view. Relevant approval conditions are recommended in paragraph 12.2 to minimise any potential environmental

nuisances and to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission. Should the application be approved, the applicant will also be advised to follow the latest Code of Practice so as to minimise any potential environmental impact on the surrounding area.

11.4 There are two previous approvals for similar temporary place of recreation, sports or culture uses granted to the Site on the considerations that the proposed uses were not incompatible with the surrounding area; there were no adverse departmental comments on the proposals; and the applied uses could utilise the abandoned Wing On School to the benefit of the local community. Such considerations are generally applicable to the current application. Approval of the current application is generally in line with the Committee's previous decisions. Besides, there is another application (No. A/YL-TT/485) for proposed temporary school (kindergarten and primary school) for a period of 5 years covering largely the same site which will be considered at this meeting. 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.

11.5 There are three public comments received on the application during the statutory publication period as summarised in paragraph 10. The considerations and assessments in paragraphs 11.1 to 11.4 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 as 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 3 years until 1.11.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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;
- (d) in relation to (c) 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;

- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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;
- (g) in relation to (f) 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;
- (h) if any of the above planning conditions (a), (b) 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; and
- (i) if any of the above planning conditions (c), (d), (f) or (g) 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 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 primarily intended for the development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify 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 Appendix and Plans received on 16.5.2019
Appendix Ia	Further Information received on 14.6.2019 providing a letter to seek policy support from the Home Affairs Bureau
Appendix Ib	Further Information received on 15.7.2019 clarifying the operation mode and transport arrangement
Appendix Ic	Further Information received on 9.9.2019 clarifying the nature of Engor dance and attaching the support letters from nearby residents' representatives
Appendix II	Previous Applications covering the Site
Appendix III-1 to III-3	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Tree Preservation and Landscape Proposal
Drawing A-4	Drainage Proposal
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2019**