

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/485

- Applicant** : The Federation of New Territories Youth Foundation Limited (新界青聯發展基金會有限公司) represented by Troika Engineering Limited
- Site** : Government Land in D.D. 116, Former Wing On School, Shung Ching San Tsuen, Yuen Long, New Territories
- Site Area** : 3,440m² (about)
- Land Status** : Government Land (GL)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary School (Kindergarten and Primary School) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary school (kindergarten and primary school) for a period of 5 years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘school’ 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 different use (i.e. school) with different development parameters covering a smaller site.

- 1.3 According to the applicant, the proposal is to establish one of the first private ‘Forest Schools’ in Hong Kong based on the education model often seen in Germany, with a “through-train” (一條龍) setup between kindergarten and primary school. The former would consist of three kindergarten levels (i.e. K1, K2 and K3) operating in morning and afternoon sessions, with a maximum of 168 students. The proposed primary school would consist of six levels (i.e. P1 to P6) operating for full-day, with a maximum of 144 students. A total of 40 staff members are expected to work at the Site. The applicant is a charitable institution exempted from tax under section 88 of the Inland Revenue Ordinance.
- 1.4 About one-third of the students are expected to come from the local area and within walking distance of the school premises. The applicant claims that the proposed school would require all students and staff members to either take the proposed school bus service, public transportation or walk to the campus; travelling to and from the school by private car or pick-up from the nearby area by private car are strictly prohibited. All parents and staff are required to sign an undertaking letter to this effect. The school would also allocate staff to monitor and manage the situation during school days. No staff parking spaces will be provided at the Site. Plans showing the proposed site layout and vehicular access, and parking/loading and unloading arrangement submitted by the applicant are at **Drawings A-1 and A-2** 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/485 (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 School (Kindergarten and Primary School) for a Period of 5 Years	Change in Use
Site Area	About 3,560 m ²	About 3,440 m ²	-120m ² (-3.4%)
Total Floor Area (Non-domestic)	About 1,238 m ²	About 1,013 m ²	-225m ² (-18.2%)
No. of Structures	13 (for activity rooms, storerooms, porches and latrine)	10 (for classrooms, ancillary office, library, music and dance room, gazebo, visual art room, science room, pantry, toilets and water tank with pumps)	-3 (-23.1%)

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)	2 (onsite) and 5 (offsite)	+6 (+600%)
Operation Hours	9:00 a.m. to 6:00 p.m. daily	7:15 a.m. to 4:30 p.m. Mondays to Fridays, 9:00 a.m. to 12:00 noon on Saturdays, and no operation on Sundays and Public Holidays	Change in Operation Time

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

- (a) Application Form with Plans received on 10.9.2019 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 11.10.2019 providing a letter of support from the Education Bureau (EDB) and claiming that the Shap Pat Heung Rural Committee (SPHRC) no longer objects to the application **(Appendix Ib)**
[accepted and exempted from publication and recounting requirements]
- (d) FI received on 18.10.2019 clarifying the operation details, local school demand and responding to the comments of Transport Department (TD) **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]
- (e) FI received on 23.10.2019 clarifying the reason behind the temporary nature of the application **(Appendix Id)**
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia** and FI (**Appendices Ib to Id**). They can be summarised as follows:

- (a) While there are increasing numbers of young families moving into Yuen Long, there are currently no private or Direct Subsidy Scheme “through-train” schools serving the district. Moreover, there are currently no kindergartens and primary schools in the surrounding area (the nearest one being 1.5km away from the Site). Priority would be accorded to enrolling students from nearby villages, and subsequently to within the Yuen Long school network. The proposal could serve this apparent need and provide a much-needed education facility to the benefit of local villages.

- (b) The reason for choosing the Site for the applied use is because the surrounding area is low-rise with good air quality, which aligns with the “Forest School” concept. Moreover, a temporary use of 5 years is applied for so as to gauge the demand for the proposal in the local area. Should a strong demand be established after the first 5 years, a permanent use of the Site for school may be applied for.
- (c) No adverse environmental, traffic, visual, landscape, geotechnical, drainage and sewage impacts are expected from the proposed use. Should the application be approved, fire service installations (FSI) will be provided to satisfy the relevant requirements.

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/469 for proposed temporary place of recreation, sports or culture (Engor (英歌, dance of heroes) training centre with ancillary office) for a period of 3 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 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 different use (i.e. school) 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 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 with existing structures (i.e. Former Wing On School) in D.D. 116. As quoted by the applicant, the Site has an area of about 3,440m² which should be subject to further verification and survey.
- (b) The applicant proposed to use the existing single-storey buildings on the Site which are the premises of the former Wing On School and erect a fire service water tank and pumps (total site coverage of 1,013m²) 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. His department is considering the application at its sole discretion subject to policy support has been obtained. 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 being approved or under processing within the Site.

Traffic

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

- (a) On the understanding per the submitted FI (**Appendix Ic**) that (i) all student parents and school staff will be required by the school to sign an undertaking letter for using school bus/public transport/by foot for travelling to/from school, and (ii) the applicant will seek area nearby for loading/unloading area of school buses, he has no further comment on the application.
- (b) The land status of the access road/path/track leading to the Site from Tai Shu Ha Road West should be checked with the lands authority.
- (c) The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (d) The applicant is reminded that sufficient space should be provided within the Site 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/drains.

Education

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

- (a) EDB supports the proposed school (**Appendix Ib**) subject to the school operator's compliance with relevant regulations and ordinances.
- (b) Notwithstanding the above, the application involves a proposed temporary use of a vacant school premises for a period of 5 years and there might be sustainability concern for the operation of a school.

Environment

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

Should the 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):

- (a) She has no objection to the application from landscape planning perspective.
- (b) With reference to her site visit on 11.6.2019 and aerial photo of 2018 (**Plan A-3**), existing trees are observed generally around the basketball court at the centre of the Site and along the southern boundary. The proposed use is not incompatible with the surrounding environment. Landscape impact caused by the proposed use is not anticipated.
- (c) 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 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.

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.
 - (iii) FSIs Proposal shall be provided in the form of FS Notes and stated in layout plan.
 - (iv) Total floor area of all the proposed structures shall be provided.
 - (v) Sprinkler System, Hose Reel System, Fire Alarm System, Emergency Lighting, Directional and Exit Sign, Portable Fire Extinguisher and secondary power supply shall be provided for any enclosed structure with gross floor area exceeding 230 sqm.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

District Officer's Comments

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

Her office has not received any comments, from the village representatives in the vicinity, 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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
 - (c) Director of Leisure and Cultural Services (DLCS);
 - (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
 - (e) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

- 10.1 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, 67 public comments were received, including 63 supporting comments, three objecting comments, and one comment raising concerns on the proposal.
- 10.2 The SPHRC objected the application for the reasons that the proposed use will generate adverse traffic impact, create pedestrian safety hazards and nuisances to the neighbourhood (**Appendix III-1**). One village representative and a local villager objected the application as the proposal would cause adverse safety, traffic and noise impacts to the area (**Appendices III-2 and III-3**). One member of the public (**Appendix III-4**) raised concerns that the Site has a history of revocations and withdrawn applications, and the background of the prospective school operator was dubious.
- 10.3 The remaining 63 comments from individual members of the public (**Appendices III-5 to III-67**) supported the application for various reasons including the considerations that the proposal is an appropriate way to revitalise the vacant school which has historical and sentimental values; there is a need of “through-train” kindergarten and primary schools in Yuen Long; and that a new education model in the form of “Forest School” should be welcomed, etc.

11. Planning Considerations and Assessments

- 11.1 The subject application is for proposed temporary school (kindergarten and primary school) for a period of 5 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 education facilities in the local area, 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 five years would not

frustrate the planning intention of the “V” zone.

- 11.2 The proposed school 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 is also supported by the EDB from education point of view (**Appendix Ib**). 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 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 as it would utilise a vacant school in providing education facilities to the local community. Approval of the current application is generally in line with the Committee’s previous decisions. Besides, there is another application (No. A/YL-TT/469) for proposed temporary place of recreation, sports or culture (Engor training centre with ancillary office) for a period of 3 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 67 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 5 years until 1.11.2024. 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) the implementation of traffic control measures, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) all existing trees within the Site shall be maintained 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 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 Plans received on 10.9.2019
Appendix Ia	Planning Statement
Appendix Ib	Further Information received on 11.10.2019 providing a letter of support from the EDB and claiming that the SPHRC no longer objects to the application
Appendix Ic	Further Information received on 18.10.2019 clarifying the operation details, local school demand and responding to TD's comments
Appendix Id	Further Information received on 23.10.2019 clarifying the reason behind the temporary nature of the application
Appendix II	Previous Applications covering the Site
Appendices III-1 to III-67	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout and Vehicular Access Plan
Drawing A-2	Parking/Loading and Unloading Arrangement Plan
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**