

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/425

<u>Applicant</u>	: Sam Lai Holding Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lots 2382 (Part), 2383 (Part) and 2384 (Part) in D.D.130 and Adjoining Government Land (GL), Tsoi Yuen Tsuen, Tuen Mun, New Territories
<u>Site Area</u>	: About 950 m ² (including GL of about 138 m ² or 14.5%)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/11
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”) <i>[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]</i>
<u>Application</u>	: Proposed Temporary Place of Recreation, Sports or Culture (Indoor Recreation Centre) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (indoor recreation centre) for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes for “R(D)” zone of the OZP, ‘Place of Recreation, Sports or Culture’ requires planning permission from the Town Planning Board (the Board). The Site is currently largely vacant with structures at the eastern part of the Site for storage use (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the Site is accessible from Tat Fuk Road via a local pedestrian access (**Drawing A-2 and Plan A-2**). The proposed development will provide two badminton courts within an air-conditioned temporary structure to serve nearby residents. The subject site will be rented out to a badminton club and commercially operated. No vehicular access, parking space or loading/unloading space will be provided for the Site. The applicant expects that most of the visitors will visit the Site on foot. Visitors visiting the Site by cars are expected to park their cars at the temporary public vehicle park (private cars only) to the northeast of the Site, which is covered by a valid permission No. A/TM-LTYT/418 (**Plan A-2**). All existing structures on the Site will be demolished. The proposed layout plan, pedestrian access

plan, drainage plan and tree preservation plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.3 The major development parameters of the proposed use are summarised as follows:

Site Area	About 950 m ² (including GL of about 138 m ² or 14.5%)
Total Floor Area (Non-domestic)	Not more than 650 m ²
No. and Height of Structure	1 for two badminton courts, toilet and changing room (1 storey, not exceeding 9m)
Operation Hours	9:00 a.m. to 9:00 p.m. daily (including Sundays and public holidays)

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

- (a) Application Form with Attachments received on 6.4.2022 **(Appendix I)**
- (b) Further Information (FI) received on 9.6.2022 **(Appendix Ia)**
- (c) FI received on 21.7.2022 **(Appendix Ib)**
[(b) and (c) exempted from publication and recounting requirements]

1.5 At the request of the applicant, the Committee on 20.5.2022 agreed to defer a decision on the application for two months so as to allow time for the applicant to submit FI to address departmental comments. After the deferment, FI were received on 9.6.2022 and 21.7.2022. The application is therefore scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

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

- (a) The proposed use is a Column 2 use under the subject “R(D)” zone. The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “R(D)” zone. The proposed use is compatible with the surrounding environment.
- (b) There is no similar facility in the vicinity to the Site. It would provide a recreation outlet to the area and help raise the quality of life of the nearby residents.
- (c) The height of the proposed structure (not exceeding 9m) is reasonable for badminton games which complies with the relevant operational standards under the Hong Kong Planning Standards and Guidelines (HKPSG), i.e., 9m high for badminton courts.
- (d) It is anticipated that the proposed use would not bring traffic, noise and environmental impacts to the surrounding areas.

- (e) A similar application (No. A/YL-TYST/1050) for the same use in the “R(B)” and “R(D)” zones on the approved Tong Yan San Tsuen OZP No. S/YL-TYST/14 was approved by the Board.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Tuen Mun Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion of the Site, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application for place of recreation, sports or culture use within the same “R(D)” zone of the OZP.

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

7.1 The Site is:

- (a) accessible from Tat Fuk Road via a local pedestrian access (**Plan A-2**); and
- (b) currently largely vacant with structures at the eastern part of the Site for storage use (**Plan A-2 and Plan A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to the east are residential dwellings, except one temporary public vehicle park (private car) nearby is operating with valid planning permission (No. A/TM-LTYT/418), the other vehicle park and storage uses are suspected unauthorised developments (UDs). To the further east and south is the Kong Sham Western Highway;
- (b) to the south are residential dwellings, vacant land and a nullah;
- (c) to the west are mainly residential dwellings of Tsoi Yuen Tsuen; and

- (d) to the immediate north are residential dwellings and vacant land and to the further north are godown and storage use which are suspected UD.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices II and III** respectively.

10. Public Comments Received During the Statutory Publication Period

On 19.4.2022, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary place of recreation, sports or culture (indoor recreation centre) for a period of 3 years at the Site zoned “R(D)” on the OZP. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Although the proposed use is not in line with the aforesaid planning intention, the proposal is intended to serve the recreational needs of nearby residents and there is no known development proposal for residential use at the Site. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 11.2 The Site is mainly surrounded by residential dwellings intermixing with land for parking of vehicles, storage and godown, and Kong Sham Western Highway is situated within 40m to its southeast (**Plan A-2**). The proposed indoor recreation centre would be carried out within a 9m-high air-conditioned temporary structure, in which the high headroom is to comply with the relevant operational standards under the HKPSG. Given the nature and scale of the proposal, the proposed temporary indoor recreation centre is considered not entirely incompatible with the surrounding area.
- 11.3 There is no adverse comment on the application from concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape of Planning Department. The applied use will unlikely create significant adverse traffic,

environmental, drainage, fire safety and landscape impacts to the surrounding area. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding area.

11.4 No public comment was received during the statutory publication period.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11, 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 29.7.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) 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 29.1.2023;
- (b) in relation to (a) 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 29.4.2023;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 29.1.2023;
- (e) in relation to (d) 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 29.4.2023;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 III**.

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

the proposed development is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, low-rise, low-density residential developments. No strong planning justification has been given in the submission for a departure from the 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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachments received on 6.4.2022
Appendix Ia	FI received on 9.6.2022
Appendix Ib	FI received on 21.7.2022
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Pedestrian Access Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Proposed Tree Preservation Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2022**