

RNTPC Paper No. A/YL-KTS/920  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 20.5.2022

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

**APPLICATION NO. A/YL-KTS/920**

**Applicant** : Ms. LUI Wai Shan represented by R-riches Property Consultants Limited

**Site** : Lots 1878 RP (Part) and 1879 RP (Part) in D.D. 106, Pat Heung, Yuen Long

**Site Area** : About 213 m<sup>2</sup>

**Land Status** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15

**Zoning** : “Residential (Group C)1” (“R(C)1”) [maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]

**Application** : Proposed Temporary Shop and Services 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 shop and services for a period of 3 years. According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use in the “R(C)1” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and overgrown with weeds (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development involves the erection of a two-storey structure (about 6m high) with floor area of about 136m<sup>2</sup> for an estate agency, its office and storage of documents. The estimated number of staff working at the Site and number of visitors are about four and 10 per day respectively. No car parking and loading/unloading space will be provided at the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. daily, including public holidays. The Site is accessible to Pat Heung Road via a local access. The site layout plan and drainage proposal submitted by the applicant are at **Drawing A-1** and **Drawing A-2** respectively.

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

- (a) Application form with supplementary information (**Appendix I**) received on 21.3.2022 and 23.3.2022
- (b) Further information (FI) received on 16.5.2022 (**Appendix Ia**)

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

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FI in **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The application is temporary in nature, which will not frustrate the long-term planning intention of the “R(C)1” zone. Similar applications for shop and services along the Pat Heung Road were approved by the Committee. The approval of the current application will not set an undesirable precedent.
- (b) The proposed development would not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas.
- (c) The applicant is committed to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and the Professional Persons Environmental Consultative Committee Practice Note for sewage treatment at the Site. The applicant will also comply with the planning conditions to be imposed by the Board should the application be approved.

## **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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and notifying the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is not subject to any planning enforcement action.

## **5. Previous Application**

There is no previous application at the Site.

**6. Similar Application**

There is no similar application for temporary shop and services use within the same “R(C)1” zone in the vicinity of the Site.

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

7.1 The Site is:

- (a) currently vacant and overgrown with weeds; and
- (b) accessible from Pat Heung Road via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its north are a storage yard, a LPG cum petrol filling station, a site with works in progress, grass land and residential structures/dwellings, i.e. Full Silver Garden (富銀花園);
- (b) to its further northeast across Kam Sheung Road are parking of vehicles, a car service shop, residential structures/dwellings, a site with works in progress and two real estate agencies (approved under Applications No. A/YL-KTS/841 and 846);
- (c) to its south across Pat Heung Road are an open storage yard, a plant nursey, parking of vehicles, residential structures/dwellings, vacant sites, cultivated agricultural land and sites with works in progress; and
- (d) to its further west are grass land and residential structures/dwellings.

**8. Planning Intention**

The planning intention of the “R(C)1” is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

**9. Comments from Relevant Government Departments**

All the 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 Statutory Publication Period (Appendix IV)**

The application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received. The

commenters object to the application mainly on the grounds that the proposed development would cause pollution and increase the fire safety risk thus affecting the quality of life and safety of nearby residents; and no details of the proposal are provided.

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

- 11.1 The application is for proposed temporary shop and services which is a Column 2 use within the “R(C)1” zone. The planning intention of the “R(C)1” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board. Although the proposed development is not entirely in line with the planning intention of the “R(C)1” zone, there is currently no known proposal for long-term development at the Site. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)1” zone.
- 11.2 According to the applicant, the proposed shop and services (real estate agency) is intended to serve the nearby locals. The applied use is considered not incompatible with the surrounding areas, which is mainly rural in character predominated by residential structures/dwellings, parking of vehicles, storage/open storage yards, real estate agencies, a plant nursery, cultivated agricultural land and grass land.
- 11.3 Taking into account the scale and nature of the proposed development, it will unlikely result in significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. Relevant departments consulted including C for T, DEP, CE/MN of DSD, D of FS and CTP/UD&L of PlanD have no adverse comment on the application. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental impacts on the surrounding areas.
- 11.4 Two public comments were received during the statutory publication period, objecting to the application as stated in paragraph 10 above. In this regard, the departmental comments and planning considerations and assessments as stated above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the proposed temporary shop and services for a period of 3 years.

- 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 20.5.2025. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 20.11.2022;
- (b) in relation to (a) above, the implementation of the revised 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 20.2.2023;
- (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 implementation of the accepted 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 20.11.2022;
- (e) 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
- (f) if any of the above planning condition (a), (b) or (d) 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 in **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(C)1" zone which is for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board. 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**

<b>Appendix I</b>	Application form with supplementary information received on 21.3.2022 and 23.3.2022
<b>Appendix Ia</b>	FI received on 16.5.2022
<b>Appendix II</b>	Government departments' general comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Appendix IV</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Drainage proposal submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2022**