

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/296

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| <u>Applicant</u> | : 陳月平 represented by Allgain Land Administrators (Hong Kong) Limited |
| <u>Site</u> | : Lots 771 (Part), 772 (Part), 787 (Part), 788 (Part) and 789 (Part) in D.D. 115, Castle Peak Road-Yuen Long Section, Yuen Long |
| <u>Site Area</u> | : About 478 m ² |
| <u>Land Status</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8 |
| <u>Zoning</u> | : “Undetermined” (“U”) |
| <u>Application</u> | : Temporary Shop and Services (Sales of Hardware Accessories) 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 (sales of hardware accessories) for a period of 3 years. The Site falls within an area zoned “U” on the approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8 (**Plan A-1**). According to the covering Notes of the OZP, any use or development in the “U” zone, except those specified as always permitted under the covering Notes, requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by some temporary structures and is used as metal workshops without planning permission.
- 1.2 The Site is accessible from Yuen Long Tung Shing Lei Road which connects with Castle Peak Road – Yuen Long (**Plans A-1 and A-2**). The proposed shop and services use is mainly for sales of hardware accessories. The proposed development includes four 2-storey (not more than 7.5m in height) structures for shop and service, office, reception and storage use with total gross floor area not more than 628 m². The layout plan submitted by the applicant is at **Drawing A-1**. The operation hours are 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays.

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

- (a) Application form received on 21.3.2022 (Appendix I)
- (b) Further Information (FI) received on 11.5.2022 providing responses to departmental comments* (Appendix Ia)

Remarks: * *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 **Appendices I and Ia**. They can be summarised as follows:

- (a) The Site is zoned “U” on the Nam Sang Wai OZP. The proposed development which is temporary in nature would not jeopardise the long term planning intention of the area. The nature and layout of the proposed development is compatible with the surrounding environment. Similar applications for shops and services within the same “U” zone were also approved by the Committee.
- (b) The Site is accessible from Yuen Long Tung Shing Lei Road.
- (c) There are bus and mini-bus stops near the Site along Castle Peak Road – Yuen Long. Visitors and staff members could easily access the Site via public transport.
- (d) The proposed development would not generate adverse environmental, drainage and landscape impacts.

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

The applicant is not the “current land owner” and 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 sending notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site falls within the “U” zone (26.3 ha) south of the Yuen Long Highway (**Plan A-1**) and has been zoned “U” on the draft Nam Sang Wai OZP No. S/YL-NSW/1 since 3.6.1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, MTR West Rail (WR) and Yuen Long Bypass Floodway (YLBf), which were under planning at that time, would traverse the area. According to the Explanatory Statement of the Nam Sang Wai OZP, the “U” zone is within a transitional location between the urban and rural areas.

- 4.2 Following the completion of the infrastructure projects of Yuen Long Highway, WR and YLBF, and upon preliminary review, the subject “U” zone is considered to have potential for housing developments and other uses. According to the 2017 Policy Address, the subject “U” zone is one of the potential sites for public housing development in the short to medium term. The detailed land use proposal and appropriate development parameters are subject to further review. The long term use of the Site will be examined in the future land use review of the subject “U” zone.
- 4.3 The Site is not subject to any active planning enforcement action. Should there be sufficient evidence to form an opinion of unauthorised development under the Town Planning Ordinance at the Site, enforcement action would be instigated as appropriate.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Application**

- 6.1 During the past five years since 2017, there have been four similar applications (No. A/YL-NSW/278, 283, 285 and 286) for temporary shop and services within the same “U” zone on the Nam Sang Wai OZP (**Plan A-1**). All of the applications were approved with conditions by the Committee for reasons that the applied uses would not jeopardise the long term planning intention of the “U” zone, were not incompatible with the surrounding land uses, the developments would unlikely generate any adverse impacts and there were no adverse departmental comments.
- 6.2 Details of the applications are at **Appendix II**. Their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) accessible via Yuen Long Tung Shing Lei Road which connects with Castle Peak Road – Yuen Long (**Plans A-2 and A-3**); and
 - (b) paved, formed and occupied by some temporary structures as metal workshops.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north are an open storage, residential dwellings, temples and ruins/vacant land;

- (b) to its west are residential dwellings, vacant land, a metal workshop and vehicle parks;
- (c) to its further south are a hotel (Sun Kong Hotel) and a site with planning permission for proposed temporary shop and services (convenience store and showroom) and storage use (No. A/YL-NSW/283);
- (d) to its east are residential dwellings, Tung Shing Lei Residents Welfare Association, vacant sites, a metal workshop, a storeroom, a warehouse of food, car beauty/vehicle repair workshops with a planning permission (No. A/YL-NSW/285), an office, storages/parking of vehicles and vehicle service centre and a vehicle showroom with planning permission (No. A/YL-NSW/278).

8. Planning Intention

The “U” zone is subject to impacts from Castle Peak Road, Yuen Long Highway, WR and YLBF. Under the “U” zone, any developments or redevelopments require planning permission from the Board so as to ensure the environment would not be adversely affected and that infrastructure, GIC facilities, and open space are adequately provided. The proposed development should also take into account the WR and YLBF. To realise a built-form which represents a transition from Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardising the long-term planning intention of the areas.

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 III and IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 25.3.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 19.4.2022, 6 objecting public comments were received from the Tung Shing Lane Village Residents Welfare Association Yuen Long and individuals (**Appendix V**) mainly on the grounds that the proposed development is incompatible with the locality, it would induce traffic problem, noise and sewage pollution, which would affect the safety and living quality of the villagers; and the existing infrastructure might not be able to support the proposed development.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (sales of hardware accessories) in the “U” zone on the Nam Sang Wai OZP which was so designated as several major transport and drainage projects, including WR and YLBF, which were under planning at that time, would traverse the area. The above infrastructure projects have been completed. The subject “U” zone has been identified in the 2017 Policy Address with potential for housing development. The detailed land use proposal and appropriate development parameters for the “U” zone are subject to further study. As the long term use of the “U” zone is subject to study, approval of the proposed temporary use for a period of 3 years would not jeopardise the long term land use planning for the area.
- 11.2 The proposed development, which is low-rise in nature, is not incompatible with the urban fringe setting around the Site. Also, the proposed shop and services for sales of hardware accessories is compatible with the surrounding land uses including residential dwellings, vehicle parks and workshop/open storage/warehouse uses.
- 11.3 The proposed development would unlikely cause significant adverse impacts on the area. There are no adverse comments from the concerned departments including C for T, DEP, CE/MN of DSD, D of FS and CTP/UD&L of PlanD from traffic, environmental, drainage, fire safety and landscape perspectives. Should the application be approved, technical requirements of CE/MN of DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraph 12.2 below. To mitigate the potential environmental impacts of the proposed development on the surrounding areas, the applicant will be advised to follow the latest COP.
- 11.4 As detailed in paragraph 6, the Committee has approved four similar applications in the “U” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comments received during the statutory public inspection period of the application as detailed in paragraph 10, the planning assessment and departmental comments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, 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 20.5.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of 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 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 submission of 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) in relation to (d) above, the implementation of 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 20.2.2023;
- (f) if 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 attached at **Appendix IV**.

12.3 There is no apparent reason to reject the application.

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

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| Appendix I | Application form received on 21.3.2022 |
| Appendix Ia | FI received on 11.5.2022 |
| Appendix II | Similar Applications |
| Appendix III | Government departments' general comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendix V | Public comments |
| Drawing A-1 | Layout Plan |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
MAY 2022**