

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

**APPLICATION NO. A/YL-NSW/304**

<b><u>Applicant</u></b>	: Ms. Kwok Sin Ying represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	: Lot 1510 and Extension RP (Part) in D.D. 115 and Adjoining Government Land, Yuen Long
<b><u>Site Area</u></b>	: About 1,000 m <sup>2</sup> (including about 50 m <sup>2</sup> of Government Land)
<b><u>Lease</u></b>	: New Grant (for school purpose)
<b><u>Plan</u></b>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<b><u>Zoning</u></b>	: “Undetermined” (“U”)
<b><u>Application</u></b>	: Proposed Temporary Shop and Services (Real Estate Agency) and Public Vehicle Park (Private Car) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services (real estate agency) and public vehicle park (private car) for a period of 3 years at the application site (the Site) (**Plan A-1a**). 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 used for a car after-sales service centre without valid planning approval.
- 1.2 The Site or part of the Site is involved in six previous applications as detailed in paragraph 5 below.
- 1.3 According to the layout plan (**Drawing A-1**) submitted by the applicant, the ingress/egress (8m wide) is located at the north-eastern side of the Site, which is accessible from Siu Sheung Road (**Plan A-1b**). One single-storey structure (8m in height with 3m for real estate agency and 5m for the signboard on the roof top) with a total floor area of about 100 m<sup>2</sup> is proposed at the Site. The structure is for a proposed shop and services (real estate agency) and toilet with sign board on rooftop. Public vehicle park (PVP) with 35 parking spaces (5m x 2.5m) for

private cars will be provided at the remaining part of the Site. The operation hours of the proposed shop and services are from 7:00 a.m. to 1:00 p.m. daily (including public holidays).

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

- (a) Application Form with attachments received on (Appendix I) 26.9.2022
- (b) Further Information (FI) received on 22.11.2022 (Appendix Ia) responding departmental comments<sup>#</sup>

<sup>#</sup> *exempted from publication requirement*

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They are summarised as follows:

- (a) The proposed temporary use for a period of three years would not jeopardise the long term planning intention of the “U” zone and is not incompatible with the surrounding environment. The proposed PVP is intended to serve the acute parking demand of Pok Oi Hospital nearby.
- (b) Environmental and traffic impacts are anticipated to be minimal. Drainage impact is also insignificant with the provision of surface U-channel at the Site.
- (c) Similar planning applications (Nos. A/YL-NSW/278 and 285) for shop and services/retail uses in the same “U” zone was granted with permission. The applicant will comply with the approval conditions should the application be approved by the Board.

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

The applicant is not a “current land owner” of the Site 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 sending the notice to relevant owners’ corporation(s)/ owners’ committee(s)/ mutual aid committee(s)/ management office(s) or rural committee. Detailed information would be deposited at the meeting for Members’ inspection. For the portion of Government Land, the “Owner’s Consent/Notification” Requirements is not applicable.

## 4. **Background**

- 4.1 The Site falls within the “U” zone (26.3 ha) south of the Yuen Long Highway (**Plan A-1a**) 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 Tuen Ma Line (TML) and Yuen Long Bypass Floodway (YLBF), which were under planning at that time, would traverse the area. According to the Explanatory Statement of the 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, TML 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 being examined under the “Agreement No. CE 55/2020 (CE) – Site Formation and Infrastructure Works for Housing Developments at Tung Shing Lei, Au Tau, Kam Tin and Yuen Long Tai Yuk Road, Yuen Long – Feasibility Study” (the Study) undertaken by the Civil Engineering and Development Department (CEDD).
- 4.3 The Site is not subject to any active 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 Applications**

- 5.1 The Site is the subject of six previous applications (**Plan A-1b**), of which three (Nos. A/DPA/YL-NSW/13 and 15 and A/YL-NSW/4) were rejected by the Committee while three (Nos. A/YL-NSW/92, 122 and 152) were approved by the Committee or allowed by the Town Planning Appeal Board (TPAB).
- 5.2 Application Nos. A/DPA/YL-NSW/13 and 15 for residential development covering a larger site were rejected by the Committee in 1992 and 1993 respectively. Application No. A/YL-NSW/4 for a proposed convention centre/office building was rejected by the Committee in 1995. The applicant applied for review but subsequently withdrawn the review application. These applications were not relevant to the current application.
- 5.3 Application No. A/YL-NSW/92 for temporary public car park for private cars was approved by the Committee in 2000 mainly on consideration that the development was not incompatible with the surrounding land uses; the development would unlikely generate adverse traffic impacts and there were no adverse departmental comments. Application No. A/YL-NSW/122 for temporary public car park for private cars was approved by the Committee in 2003. Application No. A/YL-NSW/152 for temporary public car park for private cars and light goods vehicles was allowed by the TPAB on appeal in 2006 given that the precise ingress and egress points for the car park has been agreed between parties. All three applications were subsequently revoked due to non-compliance with approval conditions.
- 5.4 Details of the above applications are summarised at **Appendix II**. Their locations

are shown on **Plan A-1b**.

## **6. Similar Applications**

- 6.1 During the past five years since 2017, there have been five similar applications (No. A/YL-NSW/278, 283, 285, 286 and 296) for temporary shop and services within the same “U” zone on the Nam Sang Wai OZP. 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 above applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) located at the junction of Yuen Long Highway and Castle Peak Road – Yuen Long;
- (b) accessible from Siu Sheun Road; and
- (c) currently used for a car after-sales service centre with some temporary structures.

7.2 The surrounding areas have the following characteristics:

- (a) to its south and west are Castle Peak Road and Yuen Long Highway respectively, with the Pok Oi Interchange located to its southwest;
- (b) to its immediate east across Siu Sheung Road is the Pok Oi Hospital with care and attention home; and
- (c) to its immediate north are grassland and a local road, and to its north across the local road/Siu Sheung Road are Pun Uk (a graded historical building), a pond and grassland.

## **8. Planning Intention**

The “U” zone is subject to impacts from Castle Peak Road, Yuen Long Highway, TML 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, Government, institution or community facilities, and open space are adequately provided. The proposed development should also take into account the TML 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 7.10.2022, the application was published for public comments. During the first three weeks of the statutory publication period which ended on 28.10.2022, one objecting comment was received from an individual (**Appendix V**) on grounds that the proposed temporary use will create traffic issue, environmental pollution, noise impact and increase fire risk thereby affecting the safety and living quality of the local residents.

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

- 11.1 The application is for proposed temporary shop and services (real estate agency) and public vehicle park (private car) in the “U” zone on the Nam Sang Wai OZP which was so designated as several major transport and drainage projects, including TML 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 and public vehicle park are generally compatible with the surrounding land uses including the adjacent trunk and local roads and Pok Oi Hospital.
- 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. Regarding the existing unauthorised building works and/or uses on the private lot as advised by the District Lands Officer/Yuen Long, Lands Department, the lot owner should rectify/regularize the lease breaches as demanded by LandsD.

- 11.4 As detailed in paragraph 6, the Committee has approved five 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 comment 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 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 three years until 25.11.2025. 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) only private cars, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site at any time 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 25.5.2023;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.8.2023;
- (f) 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 25.5.2023;

- (g) in relation to (f) 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 25.8.2023;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (a), (b), (c) and (h) 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 condition (d), (e), (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 attached at **Appendix IV**.

12.3 There is no strong reason to recommend rejection of 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**

<b>Appendix I</b>	Application Form with attachments received on 26.9.2022
<b>Appendix Ia</b>	FI received on 22.11.2022
<b>Appendix II</b>	Previous and Similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1a</b>	Location Plan with similar applications

<b>Plan A-1b</b>	Previous applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2022**