

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

**APPLICATION NO. A/YL-NSW/315**

<b><u>Applicant</u></b>	: Cars Culture Development Limited represented by Allgain Land Administrators (Hong Kong) Limited
<b><u>Site</u></b>	: Lots 725 (Part), 726 (Part), 727 RP (Part), 729, 730, 731 (Part), 758 (Part), 759 (Part), 760 (Part), 774 S.A (Part), 774 S.B and 775 (Part) in D.D. 115, Castle Peak Road-Yuen Long Section, Yuen Long
<b><u>Site Area</u></b>	: About 3,480 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<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 Eating Place and Shop and Services (Sales of Private Cars) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary eating place and shop and services (sales of private cars) for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP, all uses or developments in the “U” zone, except those specified as always permitted under the covering Notes, require planning permission from the Town Planning Board (the Board). The Site is currently vacant and fenced off (**Plan A-4**).
- 1.2 The Site is the subject of a previous application as detailed in paragraph 5 below. The application (No. A/YL-NSW/286) submitted by a different applicant for similar use was approved with conditions by the Committee on 30.4.2021 for a period of 3 years. The application was revoked on 30.10.2022 due to non-compliance with approval conditions.
- 1.3 According to the layout plan submitted by the applicant (**Drawing A-2**), the ingress/egress (8m wide) is located at the southern side of the Site, which is accessible from Yuen Long Tung Shing Lei Road connecting with Castle Peak Road – Yuen Long (**Plan A-1**). The proposed development includes six

structures (1-2 storeys and ranging from 5m to 8m in height) with a gross floor area of not more than 2,260m<sup>2</sup> for eating place, shop, vehicle showroom, vehicle customer service centre and reception. There will be 10 visitor private car parking spaces and one loading/unloading space for light goods vehicle are at the Site. There will be no workshop activities at the Site. The operation hours are 9:00 a.m. to 7:00 p.m. from Mondays to Sundays 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)**  
26.4.2023
- (b) Further Information (FI) received on 19.6.2023<sup>#</sup> **(Appendix Ia)**

*<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 and the FI at **Appendix I** and **Ia**. They are summarised as follows:

- (a) The Site is the subject of a previous application No. A/YL-NSW/286 for proposed temporary shop and services (sales of private cars) which was approved by the Committee in 2021. The tenancy of previous applicant has been terminated and thus a fresh application is submitted by the applicant, as a new tenant, for the proposed temporary use. No workshop activities are to be carried out in the Site.
- (b) The Site is zoned “U” on the approved Nam Sang Wai OZP. The proposed development is temporary in nature and 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.
- (c) The proposed development would not generate adverse environmental, drainage, sewerage and landscape impacts. The applicant is committed to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) issued by the Environmental Protection Department (EPD). No noise nuisance or air pollution will be resulted. A septic tank will be provided for sewage disposal in accordance with relevant regulations. The drainage facilities will be provided in accordance with relevant requirements. No tree felling will be involved. No workshop activities will be carried out at the Site.
- (d) Visitors and staff members could easily access the Site with public transport, including bus and minibus. No heavy goods vehicle will enter the Site. The traffic impact generated by the proposed development is insignificant.

### 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.

### 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 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.

### 5. **Previous Applications**

- 5.1 The Site is the subject of a previous application No. A/YL-NSW/286 for proposed temporary shop and services (sales of private cars) which was approved by the Committee in 2021 mainly on consideration that the proposed development would not jeopardise the long term planning intention of the “U” zone; it was not incompatible with the surrounding land uses; it would unlikely generate any adverse impacts and there were no adverse departmental comments.
- 5.2 Details of the previous application are summarised at **Appendix II**. Its location is shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 During the past five years, there are five similar applications (No. A/YL-NSW/278, 283, 285, 296 and 304) involving one site for temporary shop and services (sales of private cars); one site for temporary shop and services (convenience store and showroom) and storage use for traffic information technology system facilities with ancillary solar panels; one site for temporary vehicle maintenance workshop, retail shop for car components/accessories and convenience store; one site for temporary shop and services (sales of hardware accessories) and one site for temporary shop and services (real estate agency) and public vehicle park (private car) within the same “U” zone on the OZP (**Plan A-1**). All of the applications were approved with conditions by the Committee between 2020 and 2022 mainly on similar considerations as stated in paragraph 5.1 above.
- 6.2 Details of the similar applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1**.
- 6.3 Other than the similar applications as stated above, Application No. A/YL-NSW/306 for temporary vehicle maintenance workshop, retail shop for car components/accessories and convenience store with ancillary uses will be considered in the same meeting (**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) currently vacant and fenced-off.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north and west are mostly residential dwellings with some vacant land;
  - (b) to its south are residential dwellings, a hotel (Sun Kong Hotel) and a retail shop (sales of hardware accessories) with valid planning permission (No. A/YL-NSW/296); and
  - (c) to its immediate east is a construction site with planning permission for proposed religious institution (church) (No. A/YL-NSW/263). To its east across Yuen Long Tung Shing Lei Road are mostly metal workshop, warehouses, storage uses, residential dwellings, car beauty and maintenance workshops and a vehicle showroom with valid planning permission (No. A/YL-NSW/278).

## **8. Planning Intention**

The “U” zone is subject to impacts from Castle Peak Road, Yuen Long Highway, TML and YLBF. 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. 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.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 IV and V** respectively.

9.2 The following Government department has been consulted and his views on the application are summarised as follows:

### **Environment**

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

- (a) he has no objection to the application in accordance with the revised COP;
- (b) according to his record, there were five substantiated environmental complaints relating to the Site in the past 3 years, which were all related to a suspected metal recycling workshop. Four complaints received by the EPD between 2021 and 2022 were related to machine noise of the workshop. However, no offence was spotted upon investigation and no prosecution was made. The remaining complaint was miscellaneous complaint and not environmental-related; and
- (c) his advisory comments are at **Appendix IV**.

## **10. Public Comments Received During Statutory Publication Period**

On 5.5.2023, the application was published for public comments. During the statutory publication period, three comments were received from individuals (**Appendix V**). The

two supporting comments are mainly on the grounds that the proposed temporary use can utilise the valuable land resources and spearhead the redevelopment of the area, and will create less nuisance comparing to brownfield uses. The opposing comment is mainly on the grounds that the applicant of the previous application failed to comply with important approval conditions on drainage impacts and fire safety.

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

- 11.1 The application is for proposed temporary eating place and shop and services (sales of private cars) for a period of 3 years at the Site within the “U” zone of the OZP. The “U” zone on the Nam Sang Wai OZP 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 eating place and shop and services are generally compatible with the surrounding land uses comprising mostly residential dwellings, storage uses, workshops and shop and services.
- 11.3 The proposed development would unlikely cause significant adverse impacts on the area. There are no adverse comments from the concerned departments including Commissioner for Transport, DEP, Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD), Director of Fire Services (D of FS) and Chief Town Planner/Urban Design and Landscape of Planning Department from traffic, environmental, drainage, fire safety and landscape perspectives. Regarding the substantiated environmental complaints at the Site, they are related to a suspected metal recycling workshop instead of the proposed use. The applicant has clarified that no workshop activity will be carried out at the Site. 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. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.
- 11.4 The Site is the subject of an approved application for similar use submitted by a different applicant. Since 2018, the Committee has also approved five similar applications for shop and services 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 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 23.6.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (b) no heavy goods vehicle as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) 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 23.12.2023;
- (d) in relation to (c) 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 23.3.2024;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 23.12.2023;
- (g) in relation to (f) 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 23.3.2024;
- (h) if any of the above planning condition (a), (b) or (e) 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
- (i) if any of the above planning condition (c), (d), (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 26.4.2023
<b>Appendix Ia</b>	FI received on 19.6.2023
<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>	Location Plan with vehicular access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan with previous and similar applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2023**