

RNTPC Paper No. A/YL-NSW/320
For Consideration by the
Rural and New Town
Planning Committee
on 22.9.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/320

<u>Applicant</u>	: OZZO Engineering (HK) Limited represented by Toco Planning Consultants Limited
<u>Site</u>	: Lots 999 S.E (Part), 1001 S.A RP (Part), 1002 S.A RP (Part) and 1327 RP (Part) in D.D. 115 and adjoining Government Land (GL), Au Tau, Yuen Long
<u>Site Area</u>	: About 941.07m ² (including 72m ² of GL (about 7.7% of the Site))
<u>Lease</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 (Convenience Store and Showroom), Eating Place and Storage Use for Traffic Information Technology System Facilities with Ancillary Site Office and Solar Panels for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary shop and services (convenience store and showroom), eating place and storage use for traffic information technology system (TITS) facilities with ancillary site office and solar panels for a period of 3 years. The Site falls within an area zoned “U” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**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 the applied use without valid planning permission.
- 1.2 The Site is the subject of a previous application (No. A/YL-NSW/283) submitted by the same applicant for similar use (**Plan A-1b**), which was approved with

conditions by the Rural and New Town Planning Committee (the Committee) on 5.2.2021 for a period of 3 years. The planning permission was revoked on 5.7.2023 due to the non-compliance with approval condition in relation to the implementation of fire services installations (FSIs) proposal.

- 1.3 The applied uses involve four structures with solar panels on rooftop. It has a total gross floor area (GFA) of about 621.12m², plot ratio (PR) about 0.66 and building height of not more than 2 storeys (not more than 6.5m including solar panels). The development includes convenience store, eating place, showroom and storage for the TITS related facilities, back office, vending machine room, toilet and ancillary facilities. The ingress/egress (6m wide) is located at the southern side of the Site, which is accessible directly from Castle Peak Road – Yuen Long (**Drawing A-1**). Comparing with the previous application, there is no major change in overall layout and uses, except the addition of eating place and ancillary back office in the current structures. Comparison of the major development parameters are summarised as follows:

	Application No. A/YL- NSW/283 (Previous Application) (A)	Application No. A/YL- NSW/320 (Current Application) (B)	Changes (B) – (A)
Site Area (about)	912.73m ²	941.07m ²	+28.34m ² (+3.1%)
Plot Ratio (about)	0.68	0.66	-0.02 (-2.9%)
Gross Floor Area (GFA) (about)	616.18m ²	621.12m ²	+4.94m ² (+0.8%)
No. of Structures (Building Height, No. of Storeys)	4 (not more than 2 storeys, not more than 6.5m including solar panel)	4 (not more than 2 storeys, not more than 6.5m including solar panel)	No change
Site Coverage (about)	36.5%	37.5%	+1% (+2.7%)
Parking Space	6 (including 4 electrical charge parking spaces)	6 (including 4 electrical charge parking spaces)	No change

- 1.4 The structures have been built with prefabricated modular units and the units can be assembled and removed in a short period of time. The solar photovoltaic panels installed on the roof of the structures would generate electricity for the supply of the applied use at the Site. The operation hours of the convenience store and showroom will be 11:00 a.m. to 5:00 p.m. daily (including public holidays), and the vending machines and toilet will operate for 24 hours daily.

The operation hours for the eating place will be from 10:00 a.m. to 7:00 p.m. daily. Besides, the storage for TITS related facilities, which would not be open to visitors, would be operated between 8:00 p.m. to 6:00 a.m. when night-time traffic management implementation works orders for equipment rental are received. During night time operation, a maximum of four vehicles (Light Goods Vehicle) would access the Site to collect and return the traffic equipment.

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 24.7.2023 **(Appendix I)**
 - (b) Supplementary Planning Statement **(Appendix Ia)**
 - (c) Further Information (FI) received on 19.9.2023 **(Appendix Ib)**

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 applied use could allow the company to provide streamlined and efficient services to clients and meet the demand for upgrading road networks in the New Territories. The business is also in line with the Policy Address regarding the development of Smart City in Hong Kong.
- (b) The small-scale development is compatible with the surrounding townscape in terms of the building form and building height which are similar in height and low-rise. It is also compatible with the adjacent land uses which are intermixed with vehicle parks, open storage yards, scattered temporary structures and unused land. It would not adversely affect the view and visual quality of the area.
- (c) The small-scale eating place could cater the needs of staff, as well as passers-by, cyclists and hikers along the way as a temporary resting point. The development has become a rising photo taking spot due to the colourful design and graffiti.
- (d) The Site is located at the fringe of the “U” zone. The temporary use for a period of 3 years will not jeopardise nor pre-empt the planning intention of “U” zone. Approval of the application will not set an undesirable precedent for other similar applications.
- (e) Majority of the Site is the subject of a previously approved planning application (No. A/YL-NSW/283) for the applied use. The current application has no significant change in the nature of use, operation and total floor area. All Short Term Wavier and Short Term Tenancy applications, which reflect the approved

scheme at the Site, were approved by Lands Department. Majority of the approval conditions have been complied with and the applicant is working on the last condition related to the implementation of FSIs proposal. Approval of the current application is in line with the Board's previous decision.

- (f) The development is small in scale, and adverse traffic, noise, air quality, drainage, sewerage and ecology impacts on the surrounding areas are not expected. Relevant Government departments have no adverse comment on the previously approved application which is similar in nature. The applicant will comply with relevant government departments' requirements to make sure the development is acceptable.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not the "current land owner" of the Site 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 obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion of the Site, the "Owner's Consent/Notification" Requirements are 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, 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 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, 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. 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" undertaken by the Civil Engineering and Development Department.
- 4.3 The Site is not related to any active enforcement case.

5. Previous Applications

- 5.1 The Site (in part or in whole) is the subject of seven previous applications (No. A/DPA/YL-NSW/6, A/YL-NSW/1, 17, 182, 217, 250 and 283). Except application No. A/YL-NSW/283, other previous applications are for residential with ancillary recreational use/petrol filling station use which are not relevant to the current application.
- 5.2 The last application (No. A/YL-NSW/283) submitted by the same applicant for temporary shop and services (convenience store and showroom) and storage use for TITS facilities with ancillary solar panels was approved with conditions by the Committee on 5.2.2021 (**Plan A-1b**) mainly on the considerations that the proposed development would not jeopardise the long term land use planning for the area; the proposed use was considered not incompatible with the surrounding land uses; and concerned government departments had no objection to or no adverse comments to the application.
- 5.3 Details of the previous applications are summarised at **Appendix II**. Their location are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 During the past five years, there are seven similar applications (No. A/YL-NSW/278, 285, 286, 296, 304, 306 and 315) involving two sites for temporary shop and services (sales of private cars) and/or eating place; 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. All of the applications were approved with conditions by the Committee between 2020 and 2023 mainly on similar considerations as stated in paragraph 5.2 above.
- 6.2 Details of the similar applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:
 - (a) accessible directly from Castle Peak Road – Yuen Long; and

- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to the north and northeast are some residential dwellings, vacant land, a construction site for proposed temporary eating place and shop and services (sales of private cars) with valid planning permission (No. A/YL-NSW/315) and a site for proposed temporary shop and services (sales of hardware accessories) with valid planning permission (No. A/YL-NSW/296);
- (b) to the immediate east is the Sun Kong Hotel; to the further east is a site for temporary vehicle maintenance workshop, retail shop for car components/accessories and convenience store with ancillary use with valid planning permission (No. A/YL-NSW/306);
- (c) to the south across Castle Peak Road – Yuen Long is a storage yard; and
- (d) to the west across YLBF is grassland and the Pok Oi Hospital.

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**

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 1.8.2023, the application was published for public comment. During the first three weeks of statutory public inspection period, a total of 35 comments on the application were received (**Appendix V**). 34 comments from individuals were in standard format supporting the application for the reasons that the development is small in scale which would not cause adverse impacts; the eating place and convenience store could provide a resting area for staff and passers-by who were having exercises; and the temporary use would not frustrate planning intention of the area and set an undesirable precedent. The remaining comment from an individual objected to/raised concerns on the application on the grounds that the approval conditions of the previous application had not been complied with; the Site involved occupation of GL; and the development might have negative impact on the nearby Pok Oi Hospital.

11. **Planning Considerations and Assessments**

- 11.1 The application is for temporary shop and services (convenience store and showroom), eating place and storage use for TITS facilities with ancillary site office and solar panels for a period of 3 years at the Site. The Site falls within an area zoned “U” on the Nam Sang Wai OZP (**Plan A-1a**). The subject “U” zone has been designated on the OZP since 1994 as several major transport and drainage projects, including Yuen Long Highway, MTR TML and YLBF, which were under planning at that time, would traverse the area. Following the completion of the above infrastructure projects, the long-term development and future land use of the “U” zone is subject to review and the findings of CEDD’s on-going study. Nevertheless, as the application is temporary in nature, it will not affect the comprehensive review of the “U” zone and the potential public housing development. Head of Civil Engineering Office, CEDD and Director of Housing have no comment on the application. In this regard, approval of the temporary use for a period of 3 years would not jeopardise the long term land use planning for the area.
- 11.2 The Site is located at the fringe of the “U” zone. The development is small in scale and low-rise which is not incompatible with the urban fringe setting around the Site. According to the applicant, the convenience store and eating place could serve the nearby the passers-by as resting spot. The showroom and storage for TITS related facilities are not incompatible with the surrounding hotel, storage uses, workshops, shop and services and residential dwellings (**Plan A-2**).
- 11.3 According to the applicant, the storage for TITS related facilities would be operated between 8:00 p.m. to 6:00a.m. As the Site is directly accessible to Castle Peak Road – Yuen Long, vehicles accessing/leaving the Site at night time would unlikely cause nuisance to the residential dwellings in the area, the nearest of which is about 40m away from the Site (**Plan A-2**). Director of Environmental Protection has no objection to the application. Other concerned Government

departments, including Director of Food and Environmental Hygiene, Commissioner for Transport, Chief Town Planner/Urban Design and Landscape, Planning Department, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services (D of FS) has no objection to/no comment on the application. Should the application be approved, relevant technical requirements can be addressed by imposing approval conditions recommended in paragraph 12.2 below. To mitigate the potential environmental impacts of the development on the surrounding areas, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” if the application is approved.

- 11.4 As detailed in paragraph 5, the Committee has approved a previous application (No. A/YL-NSW/283) for similar use at the Site submitted by the same applicant in 2021. As compared with the previous application, the current application involves additional eating place and site office with minor changes in site area and GFA. Approval of the current application is in line with the previous decision of the Committee. While the previous application was revoked on 7.5.2023 due to non-compliance with approval condition related to the implementation of FSIs proposal, the applicant has submitted a FSIs proposal in support of the current application and no adverse comment has been received from D of FS. Should the Committee decide to approve the application, the applicant will be advised that should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application.
- 11.5 The Committee has approved seven similar applications for shop and services/eating place in the “U” zone as detailed in paragraph 6 above. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 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 above, 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 22.9.2026. 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) the submission of records of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.12.2023;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installation 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 22.3.2024;
- (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 22.6.2024;
- (f) if any of the above planning condition (a) or (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 (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 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 renewal of the planning 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 received on 24.7.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 19.9.2023
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout plan
Drawing A-2	Floor Plans
Drawing A-3	Elevation Plans
Plan A-1a	Location plan with similar applications
Plan A-1b	Plan with previous applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**