

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/325

<u>Applicant</u>	: Mr CHEUNG Chun Yu represented by Miss WAI Siu Yiu
<u>Site</u>	: Lots 634 S.A (Part), 635 (Part), 636 S.A (Part), 639 RP, 659 S.A RP & S.B RP and 679 (Part) in D.D. 115, Nam Sang Wai, Yuen Long
<u>Site Area</u>	: About 1,420m ²
<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 (Sales of Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (sales of private cars) for a period of 3 years at the application site (the Site) which falls within an area zoned “U” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**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 paved, largely vacant with some storage of vehicles without valid planning permission.
- 1.2 The Site is accessible to Yuen Long Tung Shing Lei Road via an ingress/egress at the north-western corner (**Plan A-2**). According to the applicant, the proposed use comprises three one-storey structures (all not more than 8m high) with a total floor area of about 270m² for car showroom and selling centre, ancillary site office and toilet. A total of 12 private car parking spaces and one loading/unloading bay for light goods vehicle will be provided (**Drawing A-1**). The operation hours will be from 9:00a.m. to 7:00p.m. daily (including public holidays).
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 20.3.2024 (**Appendix I**)

(b) Further Information (FI) received on 16.5.2024[#] (Appendix Ia)

Remarks: # accepted and exempted from publication and recounting requirements

- 1.4 On 10.5.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia** and summarised as follows:

- (a) The Site is currently vacant and conveniently located in Yuen Long. The proposed use could better utilise the Site and provide an area for second-handed car sales without causing nuisances to the surrounding areas.
- (b) The proposed use would not cause any adverse traffic and drainage impacts to the surrounding areas. The applicant would comply with the approval conditions imposed by the Government departments upon approval of the application.

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. 31B) by notifying the concerned land owners through publishing notices in local newspapers and sending notification letter 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 to south of the Yuen Long Highway (YLH) (**Plan A-1**) and had been zoned “U” on the draft Nam Sang Wai OZP No. S/YL-NSW/1 since 1994. The Site was designated for several major transport and drainage projects, including YLH, MTR Tuen Ma Line (TML) and Yuen Long Bypass Floodway (YLBf) which were under planning at that time. 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 YLH, 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 (CEDD).

4.3 The Site is not subject to any active enforcement action.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

6.1 During the past five years, there were nine similar applications (No. A/YL-NSW/278, 283, 285, 286, 296, 304, 306, 315 and 320) for similar or same uses (including temporary shop and services for sales of private cars or hardware accessories, eating place, retail shop for car components/accessories, convenience store and showroom and real estate agency) within the same “U” zone on the OZP. All applications were approved with conditions by the Committee between 2020 and 2023 each for a period of three years mainly on the considerations that the proposed temporary use would not jeopardise the long-term planning of the area and was considered not incompatible with the surrounding land uses; and concerned government departments had no objection to or no adverse comments on the application.

6.2 Details of the similar applications are summarised at **Appendix II**. Their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible to Yuen Long Tung Shing Lei Road via an ingress/egress at its northwestern corner; and
- (b) paved and currently largely vacant with some storage of vehicles without valid planning permission.

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**)

comprise predominantly village houses and residential dwellings intermixed with scattered temporary structures for rural workshop/storage uses, open storage, vehicle parking and vegetated land.

8. **Planning Intention**

The “U” zone is subject to impacts from Castle Peak Road, YLH, 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 comments 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 2.4.2024, the application was published for public inspection. No public comment was received during the statutory public inspection period.

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services (sales of private cars) for a period of three years at the Site which falls within an area zoned “U” on the approved Nam Sang Wai OZP (**Plan A-1**). The subject “U” zone had been designated on the OZP since 1994 as several major transport and drainage projects, including YLH, 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 for public housing development as mentioned in paragraph 4.2 above. 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 three years would not jeopardise the long-term development of the area.

11.2 The proposed development with three one-storey structures is not incompatible with the surrounding uses, which comprise mainly low-rise residential dwellings intermixed with industrial workshops, storage uses, shop and services. Chief Town Planner/Urban Design & Landscape, Planning Department has no objection to the application from landscape planning perspective.

11.3 Concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to /

adverse comments on the application from traffic, environmental, fire safety and drainage aspects. Technical requirements of the concerned government departments are suggested to be imposed through relevant approval conditions as recommended in paragraphs 12.2. Besides, there was no environmental complaint relating to the Site received by DEP in the past three years. Should the application be approved, the applicant will be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to mitigate any potential environmental nuisances on the surrounding areas.

- 11.4 Given that the Committee has approved nine similar applications in the past five years within the same "U" zone, approval of the current application is generally in line with the previous decisions of the Committee.

12. Planning Department's Views

- 12.1 Based on the assessment in paragraph 11, the Planning Department considers that the proposed use could be tolerated 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 three years until 5.7.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a fire services 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 5.1.2025;
- (b) in relation to (a) above, the implementation of the fire services installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.4.2025;
- (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 5.1.2025;
- (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 5.4.2025;
- (e) in relation to (d) above, the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) if the above planning condition (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

- (g) if any of the above planning condition (a), (b), (c) 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 at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

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

Appendix I	Application Form with attachments received on 20.3.2024
Appendix Ia	FI received on 16.5.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2024**