

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/331

- Applicant** : 陳月平 represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 772 (Part) and 787 (Part) in D.D. 115, Castle Peak Road-Yuen Long Section, Yuen Long
- Site Area** : About 435m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/10 (currently in force)
- Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8 (at the time of submission)
- Zoning** : “Undetermined” (“U”)
- [no change on the current OZP]*
- Application** : Temporary Shop and Services (Sales of Hardware Accessories) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (sales of hardware accessories) for a period of three years at the application site (the Site), which falls within an area zoned “U” on the OZP (**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 occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Castle Peak Road – Yuen Long via Yuen Long Tung Shing Lei Road (**Plans A-1 and A-2**). According to the applicant, the applied use comprises two single-storey structures and four two-storey structures (all not more than 7.5m in height) with a total floor area of about 638m² for shop and services

use with ancillary office and reception, storage use and a metal heat shelter. Some of the structures are overlapped/partially overlapped with the metal heat shelter. No parking space or loading/loading space is/will be provided at the Site, and visitors and staff shall access the Site by using public transport and/or walking. No workshop activities will be conducted at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of a previous application (No. A/YL-NSW/296) (**Plan A-1**) submitted by the same applicant for the same applied use at a slightly larger site with minor differences in layout and development parameters (i.e. increase in the number of structures from four to six with minor increase in GFA from 628m² to 638m² (+10m² or +1.6%) under the current application). The previous application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 20.5.2022 for a period of three years, and the planning permission was subsequently revoked on 20.11.2023 due to non-compliance with approval conditions (details at paragraph 5 below).

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

- (a) Application Form received on 19.6.2024 (**Appendix I**)
- (b) Further Information (FI) received on 10.10.2024 # (**Appendix Ia**)
- (c) FI received on 3.2.2025 # (**Appendix Ib**)

Remarks: # accepted and exempted from publication and recounting requirements

1.5 On 16.8.2024 and 6.12.2024, the Committee agreed to defer making a decision on the application for two months each as requested by the applicant.

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 FIs at **Appendices I and Ia**. They are summarised as follows:

- (a) The Site is zoned “U” on the OZP. The applied use which is temporary in nature would not jeopardise the long-term planning intention of the “U” zone. The nature and layout of the applied use is compatible with the surrounding environment. Similar applications for shops and services within the same “U” zone have been approved by the Committee.
- (b) The Site is the subject of a previously approved application (No. A/YL-NSW/296) for the same applied use. As the previous permission is revoked due to non-compliance with approval conditions, the applicant pledges to comply with all approval conditions if planning permission is granted for the current application.
- (c) A Short Term Wavier (STW) has been granted from the Lands Department for the lots involved in the current application.

- (d) The Site is accessible from Yuen Long Tung Shing Lei Road. Visitors and staff members could easily access the Site with public transport, including bus and minibus.
- (e) In support of the application, the applicant has submitted drainage proposal, fire service installations (FSIs) proposal and trip generation report. The applied use would not generate adverse air quality, noise, drainage and landscape impacts and fire safety concerns. The applicant will follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' ('CoP') issued by the Environmental Protection Department (EPD) to mitigate any potential environmental nuisances on the surrounding areas.

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 posting site notice and sending the notice to 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 the south of the Yuen Long Highway (YLH) (**Plan A-1**) and has been zoned "U" on the draft Nam Sang Wai OZP No. S/YL-NSW/1 since 1994. According to the Explanatory Statement (ES) of the OZP, the "U" zone is within a transitional location between the urban and rural areas. 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. The said infrastructure projects have been completed and the subject "U" zone is considered to have potential for housing developments and other uses. The detailed land use proposals and appropriate development parameters are being examined under an Engineering Feasibility Study undertaken by the Civil Engineering and Development Department (CEDD). However, there is currently no implementation programme for the potential public housing development at the "U" zone announced in the Policy Address in 2017.
- 4.2 The Site is not subject to any active enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Application

The Site is the subject of a previous application No. A/YL-NSW/296 submitted by the same applicant for the same use at a slightly larger site area which was approved with conditions by the Committee in 2022 mainly on the considerations that the proposed use would not jeopardise the long-term planning intention of the "U" zone; the proposed use was not incompatible with the surrounding areas; the proposed use would unlikely generate

any adverse impacts; and there were no adverse departmental comments on the application. The planning permission was subsequently revoked on 20.11.2023 due to non-compliance with the approval conditions on the submission and implementation of drainage and FSIs proposals. Compared with the previous application, there are minor changes in site area as well as layout and development parameters as stated in paragraph 1.3 above. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

There are 10 similar applications (No. A/YL-NSW/278, 283, 285, 286, 304, 306, 315, 320, 325 and 339) for temporary shop and services uses with/without vehicle maintenance workshop/storage/eating place within the same “U” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2020 and 2025, mainly on the similar considerations as stated in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** and 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 from Castle Peak Road – Yuen Long via Yuen Long Tung Shing Lei Road; and
- (b) currently occupied by the applied use without valid planning permission.

7.2 The surrounding areas are occupied predominantly by various kinds of brownfield operations, such as vehicle repair workshops, warehouse and storage yards, intermixed with scattered residential dwellings and structures, a church, a temple, a hotel and vacant land.

8. Planning Intention

According to the ES of the OZP, the “U” zone is subject to impacts from the existing 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 that 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, if any, are provided in **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 28.6.2024, the application was published for public comments. During the statutory publication period, three public comments were received (**Appendix V**). Two comments were received from a resident of Tung Shing Lei (who is also a beneficiary and owner of adjacent private lots) and decedents of a resident of Tung Shing Lei, both objecting to the application mainly on grounds that the traffic capacity of the existing village road is inadequate to support the traffic needs of the applied use; there are concerns on road maintenance, traffic safety, illegal parking and potential damage to the heritage arising from the applied use; there are noise pollution, suspected unauthorized residential use and occupation of private lots at the Site; the applied use is incompatible with the locality and is a piece-meal development; and no assessment has been submitted by the applicant on traffic, drainage, sewerage and risk to justify the application. The remaining comment from an individual objects to the application mainly on the grounds that there are possible fire risk and flooding in the area and the approval conditions of the previous application had not been complied with.

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services (sales of hardware accessories) for a period of three years at the Site zoned “U” (**Plan A-1**). While the infrastructure projects at/around the “U” zone have been completed and there is currently no implementation programme for the previously identified potential public housing development as mentioned in paragraph 4.1 above, the proposed temporary use of the Site will not undermine the long-term development and planning of the “U” zone. In this regard, the Head of Civil Engineering Office, CEDD and Director of Housing have no comment on the application. In view of the above and taking into account the assessment below, there is no objection to the application on a temporary basis for a period of three years.

11.2 The applied use is considered not incompatible with the surrounding areas which are occupied mainly by brownfield operations intermixed with scattered residential dwellings and structures, a church, a temple, a hotel and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant adverse landscape impact arising from the applied use is not anticipated and has no adverse comment on the application from landscape planning perspective.

11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN,

DSD) have no objection to or no adverse comments on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the relevant guidelines and requirement issued by EPD and comply with the statutory requirements set out in relevant pollution control ordinances to minimise potential environmental nuisance on the surrounding areas.

- 11.4 The Site is the subject of a previous application submitted by the same applicant for the same use for a period of three years approved with conditions by the Committee on 20.5.2022 as mentioned in paragraph 5 above. The planning permission was revoked on 20.11.2023 due to non-compliance with the time-limited approval conditions regarding the submission and implementation of drainage and FSIs proposals. In this regard, the applicant has submitted drainage and FSIs proposals in support of the current application. The FSIs proposal has been accepted by D of FS and both D of FS and CE/MN, DSD have no objection to the current application. As such, sympathetic consideration may be given to the current application. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 There are 10 similar applications approved by the Committee as mentioned in paragraph 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. **Planning Department's Views**

- 12.1 Based on the assessment in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, PlanD 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 28.3.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 28.9.2025;
- (b) in relation to (a) above, the implementation of the revised 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 28.12.2025;

- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.12.2025;
- (e) if the above 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
- (f) if any of the above planning condition (a), (b) 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 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 19.6.2024
Appendix Ia	FI received on 10.10.2024
Appendix Ib	FI received on 3.2.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**