

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

**APPLICATION NO. A/YL-NTM/441**

<b><u>Applicant</u></b>	: Mr WONG Kai Chun represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	: Lots 1545 (Part) and 1546 (Part) in D.D. 105, Ngau Tam Mei, Yuen Long
<b><u>Site Area</u></b>	: About 800 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised agricultural use)
<b><u>Plan</u></b>	: Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12
<b><u>Zoning</u></b>	: “Residential (Group C)” (“R(C)”)
<b><u>Application</u></b>	: Proposed Temporary Shop and Services (Retail Shop of Building Materials) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (retail shop of building materials) for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 According to the layout plan (**Drawing A-1**) submitted by the applicant, the ingress/egress (8m wide) is located at the southern side of the Site, which is accessible to Hung Fa Hom Road through a local access road (**Plan A-1**). Three single-storey structures (including two structures not exceeding 3m and one structure not exceeding 4.5m in height) with a total floor area of about 268 m<sup>2</sup> are proposed at the Site. The three structures are for retail shop, site office and toilet uses. Besides, two parking spaces (5m x 2.5m) for private cars and a loading/unloading space (7m x 3.5m) for light goods vehicle will be provided with vehicle manoeuvring space next to the ingress/egress of the Site. The operation hours of the proposed retail shop are from 9:00 a.m. to 7:00 p.m. daily (including public holidays).

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

- (a) Application Form with attachments received on 23.6.2022 (**Appendix I**)
- (b) Further Information (FI) received on 29.7.2022 (**Appendix Ia**) responding TD's comments with swept path analysis plan<sup>#</sup>
- (c) FI received on 5.8.2022 providing clarification on the applied use<sup>#</sup> (**Appendix Ib**)

*<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, which is a Column 2 use in "R(C)" zone, would not jeopardise the long term planning intention. It would benefit the nearby residents, especially those living in the adjoining low-density housing, by catering their demand for building materials (including sanitary ware and hand tools for home-fitting purpose). It is also compatible with the surrounding environment including residential developments.
- (b) Environmental and traffic impact are anticipated to be minimal. Drainage impact is also insignificant with the provision of surface U-channel at the Site.
- (c) Similar planning application (No. A/YL-NTM/423) for shop and services in the same "R(C)" 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 the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

## **4. Background**

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 are eight similar applications for temporary shop and services use within the same “R(C)” zone on the OZP (**Plan A-1**).
- 6.2 Applications No. A/YL-NTM/369 and A/YL-NTM/419 (same site as A/YL-NTM/369), A/YL-NTM/375 and A/YL-NTM/425 (same site as A/YL-NTM/375), A/YL-NTM/381, A/YL-NTM/422 and A/YL-NTM/423 and A/YL-NTM/438 for temporary shop and services for sales of building materials/metalware/gardening materials/automated home accessories were approved by the Committee between 2018 and 2021 on consideration that the developments would not frustrate the long term planning intention of the “R(C)” zone and were not incompatible with the surrounding land uses; the developments would unlikely generate any adverse impacts and there were no adverse departmental comments.
- 6.3 Details of the above similar applications are summarised at **Appendix II**.

## **7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)**

- 7.1 The Site is:
- (a) currently vacant; and
  - (b) accessible via a local access off Hung Fa Hom Road from its southwest.
- 7.2 The surrounding land uses are mainly grassland, houses, open storage yards and vacant land:
- (a) to the immediate north and northeast are mainly grassland and residential structures, to the further north is mainly open storage yard;
  - (b) to the immediate east and southeast are grassland and vacant land;
  - (c) to the immediate south and southwest is the residential developments of “Rolling Hills” ; and
  - (d) to the immediate west and northwest are grassland.

## **8. Planning Intention**

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

## **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 5.7.2022, the application was published for public comments. During the first three weeks of the statutory publication period which ended on 26.7.2022, a total of 20 public comments were received from the residents of the Rolling Hills and the Phase 2 of the Rolling Hills, the management company of Rolling Hill Phase 2 and individuals objecting to or raising concerns on the application on grounds that the proposed temporary use will result in traffic congestion, environmental pollution, adverse ecological impact, visual, noise impact and increasing fire risk thereby affecting the safety and living quality of the local residents; the proposed use is not compatible with the rural character of the surrounding area and there is insufficient technical assessment for the proposed temporary use (**Appendix V**).

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

- 11.1 The application is for temporary shop and services (retail shop of building materials) for a period of three years at the Site zoned “R(C)”. The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Although the proposed use is not entirely in line with the planning intention of the “R(C)” zone, it could serve the local residents nearby. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(C)” zone as there is no immediate permanent development proposal for the Site.
- 11.2 The proposed temporary use is not incompatible with the surrounding land uses with vacant land, residential houses and grassland.
- 11.3 The proposed temporary use would unlikely cause significant adverse impacts on the area. There are no adverse comments from concerned government departments including C for T, DEP, D of FS, CE/MN of DSD and CTP/UD&L of PlanD from traffic, environment, drainage, fire safety and landscape perspective. Technical requirements of C for T, D of FS and CE/MN of DSD could be addressed by approval conditions as recommended in paragraph 12.2 below. Besides, the applicant will be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to mitigate any potential environmental impacts on the surrounding areas.
- 11.4 During the past five years, the Committee approved a total of eight applications for similar shop and services uses within the same “R(C)” zones on the OZP as

detailed in paragraph 6 above. Approval of the current application is in line with the previous decisions of the Committee.

- 11.5 Regarding the public comments received on the application as detailed in paragraph 10, the planning considerations 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 12.8.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no workshop activities and no open storage use, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) no medium/heavy good vehicles, as defined in the Road Traffic Ordinance, is allowed to access the Site at any time during the planning approval period;
- (e) 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 12.2.2023;
- (f) in relation to (e) 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 12.5.2023;
- (g) 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 12.2.2023;
- (h) in relation to (g) 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 12.5.2023;

- (i) the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (a), (b), (c),(d) or (i) 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
- (k) if any of the above planning condition (e), (f), (g) or (h) 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:

The proposed temporary use is not in line with the planning intention "R(C)" zone which is primarily for low-rise, low density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

**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 received on 23.6.2022
<b>Appendix Ia</b>	FI received on 29.7.2022
<b>Appendix Ib</b>	FI received on 5.8.2022
<b>Appendix II</b>	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-1</b>	Location Plan
<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  
AUGUST 2022**