

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/442

<u>Applicant</u>	: Mr WONG Kai Chun represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lot 1574(Part) in D.D. 105 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: About 1,230 m ² (including about 136 m ² of Government Land)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12
<u>Zoning</u>	: “Residential (Group C)” (“R(C)”)
<u>Application</u>	: 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 fenced off and partly used for storage of building materials without valid planning permission.
- 1.2 According to the layout plan (**Drawing A-1**) submitted by the applicant, the two ingress/egress (8m wide and 6m wide) are located at the north-western side of the Site, which is accessible to Hung Fa Hom Road through a local access road (**Plan A-1**). Four single-storey structures (including two structures not exceeding 3m and two structures not exceeding 4.5m in height) with a total floor area of about 404 m² are proposed at the Site. The four structures are for retail shops, electricity meter room, site office and toilet uses. Besides, two parking spaces (5m x 2.5m) for private cars and two loading/unloading spaces (7m x 3.5m) for light goods vehicles will be provided. 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 (Appendix I) 4.7.2022
- (b) Further Information (FI) received on 16.8.2022 (Appendix Ia) responding TD's comments with details of trip generation[#]

[#] *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 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. For the portion of Government Land, the “Owner’s Consent/Notification” Requirements is not applicable.

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 nine 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 419 (covering same site), A/YL-NTM/375 and 425 (covering same site), A/YL-NTM/381, 422, 423, 438 and A/YL-NTM/441 for temporary shop and services for sales of building materials/metalware/gardening materials/automated home accessories were approved by the Committee between 2018 and 2022 on considerations 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) fenced off and partly used for storage of building materials; and
- (b) accessible via a local access off Hung Fa Hom Road from its west.

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 vacant temporary structures and open storage yards, to the further north are vacant land and grassland;
- (b) to the immediate east and southeast are temporary residential structures and grassland;
- (c) to the immediate south is grassland and to the southwest is the residential developments named as “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 12.7.2022, the application was published for public comments. During the first three weeks of the statutory publication period which ended on 2.8.2022, a total of 11 public comments were received from the residents of the Rolling Hills, the management company of the Rolling Hills and individuals objecting to or raising concerns on the application on grounds that the proposed temporary use will create traffic issue, environmental pollution, noise impact and increase fire risk thereby affecting the safety and living quality of the local residents; and there are suspected illegal access and unlawful occupation of the Site (**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 storage, unused 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, fire safety, drainage and landscape perspective. Technical requirements of C for T, D of FS and CE/MN of DSD could be addressed by imposing 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 nine applications for similar shop and services uses within the same “R(C)” zone 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 26.8.2025. 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 26.2.2023;
- (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 26.5.2023;
- (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 26.2.2023;

- (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 26.5.2023;
- (i) if any of the above planning condition (a), (b), (c) or (d) 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
- (j) 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

Appendix I	Application Form with attachments received on 4.7.2022
Appendix Ia	FI received on 16.8.2022
Appendix II	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 and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**