

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/331

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| <u>Applicant</u> | : | Mr. LAI Chuen Lai represented by R-riches Property Consultants Limited |
| <u>Site</u> | : | Lot 911 RP (Part) in D.D.114, Shek Kong, Yuen Long |
| <u>Site Area</u> | : | About 336 m ² |
| <u>Lease</u> | : | Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : | Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 |
| <u>Zoning</u> | : | “Village Type Development” (“V”) |
| <u>Application</u> | : | Proposed Temporary Shop and Services for a Period of 5 Years and Filling of Land |

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of 5 years and filling of land at the application site (the Site). The Site falls within an area zoned “V” on the approved Shek Kong OZP No. S/YL-SK/9. According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within the “V” zone, and planning permission from the Town Planning Board (the Board) is required. The Site is currently vacant and under site formation.
- 1.2 According to the applicant, the entire Site will be filled up by not more than 0.1m/0.2m from 32.5mPD to 32.6mPD/32.7mPD (**Drawing A-2**), accommodating one temporary two-storey structure with a height of not more than 6m and a total floor area of 108m², which will be used for a real estate agency and ancillary office (**Drawing A-1**). Two car parking spaces for private vehicles will be provided on-site. Currently, there is no vehicular access to the Site. The applicant proposes a vehicular run-in/out, which is on Government land, via Nam Hing East Road connecting with Kam Sheung Road (**Plan A-2**). The operation hours will be from 9:00 a.m. to 7:00 p.m.

daily, including public holidays. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 The Site is the subject of a previous application for temporary public vehicle park use. Details of the previous application are given in paragraph 5 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 3.5.2022 **(Appendix I)**
 - (b) Further Information (FI) received on 21.6.2022 **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia** respectively as summarized below:

- (a) the proposed real estate agency would serve the needs of nearby villagers;
- (b) the proposed use is temporary in nature that would not jeopardize the planning intention of the “V” zone in the long term and is not incompatible with the surrounding environment;
- (c) the proposed use would not generate significant adverse traffic, environmental, landscape and drainage impacts to the surrounding environment. Sufficient space for manoeuvring of vehicles would be provided at the Site to avoid vehicles turning/queuing back onto the public road. Proposals on run-in/out, drainage and fire safety have been submitted with the application; and
- (d) the applicant would follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any possible environmental nuisances to the surrounding areas.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” 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 at the Site and sending notice to Pat Heung Rural Committee by local registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active planning enforcement case.

5. **Previous Application**

The Site is the subject of a previous planning application No. A/YL-SK/267 for proposed temporary public vehicle park (private cars only), which is not relevant to the current application for shop and services use. Details of the application are summarized in **Appendix II** and the location is shown on **Plan A-1**.

6. **Similar Applications**

There are four similar applications (No. A/YL-SK/228, 284, 295 and 316) within the same “V” zone on the OZP for various temporary shop and services in the past 5 years. They were all approved with conditions by the Committee on similar considerations that temporary approval of the application would not frustrate the long term planning intention of the “V” zone; it was considered not incompatible with the surrounding areas and would unlikely generate significant adverse impacts; relevant government departments had no adverse comment on the application; and the technical concerns/requirements of the relevant government departments could be addressed by the approval conditions. However, the permission under the Application No. A/YL-SK/228 was subsequently revoked due to non-compliance with approval conditions. Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) vacant and gently flat; and
- (b) without vehicular access. A vehicular run-in/out is proposed via Nam Hing East Road connecting with Kam Sheung Road.

7.2 The surrounding areas are predominantly rural in character and intermixed with domestic dwellings/structures and active/fallow farmland (**Plans A-2 and A-3**):

- (a) to its north, northwest and northeast are domestic dwellings/structures intermixed with active/fallow farmland, vacant/unused land and storage use, and
- (b) to its south is Nam Hing East Road and a nullah, and to its further south, southwest and southeast are domestic dwellings/structures intermixed with fallow farmland and a wood factory.

8. **Planning Intention**

The planning intention of “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Departments**

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 (Appendix V)**

The application was published for public inspection. During the statutory public inspection period, a total of 2 public comments were received from 2 individuals. They raise objection to the application mainly on the grounds that the previous application was revoked due to non-compliance with approval conditions; and the proposed use will result in adverse fire safety and environmental impacts, thereby affecting the living quality and safety of the local community.

11. **Planning Considerations and Assessments**

11.1 The application is for proposed temporary shop and services for a period of 5 years (**Plan A-1**), with filling of land at the entire Site by not more than 0.2m for the proposed structure and circulation/parking spaces (**Drawing A-2**). The applicant intends to operate a real estate agency at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily for development of Small House by indigenous villagers. Although the proposed use is not entirely in line with the planning intention of the “V” zone, DLO/YL of LandsD advises that there is no Small House application approved or currently under processing at the Site. Approval of the application on a temporary basis would not frustrate the long term planning intention of the “V” zone.

11.2 According to the applicant, the proposed real estate agency is intended to serve the nearby local community. The proposed development comprising 1 two-storey structure with a total floor area of 108m² is considered not

incompatible with the surrounding land uses which are predominantly rural in character intermixed mainly with domestic dwellings/structures and active/fallow farmland (**Plan A-2**). The applicant has submitted run-in/out, drainage and FSIs proposals in support of the application (**Appendix I**). C for T, CHE/NTW of HyD, CE/MN of DSD and D of FS have no adverse comment on the submitted proposals. Relevant government departments consulted, including C for T, CHE/NTW of HyD, DEP, CE/MN of DSD, CTP/UD&L of PlanD and D of FS have no adverse comment on/no objection to the application. It is anticipated that the proposed use would not generate significant adverse traffic, environmental, drainage, landscape and fire safety impacts on the surrounding areas. The technical requirements of C for T, CHE/NTW of HyD, D of FS and CE/MN of DSD could be addressed by appropriate approval conditions in paragraph 12.2 below. Besides, the applicant will be advised to observe the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact.

- 11.3 There are four similar applications for shop and services uses within the same “V” zone, which were approved by the Committee in the past 5 years. The Committee’s considerations on these applications as stated in paragraph 6 are generally applicable to the current application, and approval of this application is in line with the previous decisions of the Committee.
- 11.4 Regarding the 2 public comments received during the statutory publication period, the departmental comments and the planning considerations and assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made 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 5 years until 24.6.2027. 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 implementation of the accepted drainage proposal with **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **24.3.2023**;

- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 **24.3.2023**;
- (e) the implementation of the accepted run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by **24.3.2023**;
- (f) if any of the above planning conditions (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 without further notice; and
- (g) if any of the above planning conditions (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 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 use is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. 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 for 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 reasons for rejection should be given to the applicant.

14. Attachments

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| Appendix I | Application form with attachments received on 3.5.2022 |
| Appendix Ia | FI received on 21.6.2022 |
| Appendix II | Previous and similar applications within the subject “V” zone |
| Appendix III | Government departments’ general comments |
| Appendix IV | Recommended advisory clauses |
| Appendix V | Public comments |
| Drawing A-1 | Layout plan |
| Drawing A-2 | Land filling plan |
| Plan A-1 | Location plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plan A-4 | Site photos |

**PLANNING DEPARTMENT
JUNE 2022**