

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

**APPLICATION NO. A/YL-SK/333**

<b><u>Applicant</u></b>	:	Happy Gold Properties Agency Limited <sup>1</sup>
<b><u>Site</u></b>	:	Lot 319 S.B RP (Part) in D.D. 112, Lin Fa Tei, Yuen Long
<b><u>Site Area</u></b>	:	About 310m <sup>2</sup>
<b><u>Lease/ Land Status</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Village Type Development” (“V”)
<b><u>Application</u></b>	:	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary shop and services (real estate agency) for a period of 3 years (**Plan A-1**). 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 used as a real estate agency without valid planning permission (**Plans A-3 and A-4**).
- 1.2 According to the applicant, the applied use involves one 2-storeys structure with building height of not more than 6.5m within the Site for shop and services (real estate agency). The total non-domestic floor area is not more than 110m<sup>2</sup>. Three private car parking spaces are provided on-site. The operation hours will be between 9 a.m. to 8 p.m. daily, including public holidays. The Site is accessible from Kam Sheung Road (**Plan A-2**). The layout plan submitted by the applicant is at **Drawing A-1**.

---

<sup>1</sup> The applicant submitted a letter dated 30.6.2022 to the Town Planning Board Secretariat, dismissing Metro Planning & Development Company Limited as their representative.

- 1.3 The Site is the subject of one previous application (see paragraph 5). Compared with the previous approved application No. A/YL-SK/252, there is no change in the development parameters or layout of the development.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (Appendix I)  
18.5.2022
  - (b) Further Information (FI) received on 7.7.2022 (Appendix Ia)

## 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** respectively and summarized below:

- (a) the applied development is in line with the planning intention of the “V” zone as it provides a service to and benefits villagers / residents in the vicinity. The applied development is for a period of 3 years and therefore will not jeopardize the long-term planning intention of the land use zoning;
- (b) the applied development is not incompatible with the surrounding environment. Planning permissions for similar applications for shop and services within the “V” zone had been granted;
- (c) there will be minimal traffic, environmental and drainage impact. No vehicles exceeding 5.5 tonnes are allowed within the Site at anytime; and
- (d) the planning approval conditions of the previous application had been complied with. The current applicant is a new tenant, and was not able to renew the previous planning approval in time, thus necessitating a fresh planning application for the Board’s consideration.

## 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 taking reasonable steps to give notification to the owner including sending notice to the Pat Heung Rural Committee by registered mail and posting notice at the Site. 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

The Site is the subject of one previous application. Application No. A/YL-SK/252 for the same applied use by a different applicant was approved with conditions by the Committee on 3.5.2019 on the considerations that approval of the development would not jeopardize the long-term planning intention of the “V” zone; it was not incompatible with the surrounding environment; and relevant government departments consulted generally had no adverse comment on the application. The planning permission lapsed on 4.5.2022. Details of the previous application is summarized at **Appendix II** and the location is shown on **Plan A-1**.

## 6. Similar Application

There is one similar application (No. A/YL-SK/319) within the same “V” zone on the OZP for proposed temporary shop and services (real estate agency) use with filling of land for a period of 5 years approved with conditions by the Committee in 2021 on similar considerations as stated in paragraph 5 above. Details of this similar application are summarized at **Appendix II** and the location is shown on **Plan A-1**.

## 7. The Site and Its Surrounding Areas (Plans A-2 to A-4)

7.1 The Site is:

- (a) currently used as shop and services (real estate agency) without valid planning permission; and
- (b) accessible from Kam Sheung Road.

7.2 The surrounding areas are predominantly rural in character intermixed mostly with domestic structures, open air car park, a dog training centre and vacant / unused land (**Plans A-2 and A-3**):

- (a) to its north is Kam Sheung Road, and to its further north in the adjacent “V” zone are domestic structures, a dog training centre and vacant land; and
- (b) to its south, east and west in the same “V” zone are domestic structures, an open air car park and vacant / unused land.

## 8. Planning Intention

The planning intention of the “V” zone is primarily 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 this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this 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 ground floor of a NTEH. 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 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**

The application was published for public inspection. During the statutory public inspection period, 2 public comments were received from Village Representatives of Lin Fa Tei and an individual. They raise objection to the application mainly on the grounds that the development is operating without valid planning permission, the development will result in adverse fungshui and traffic impacts, and question whether the approval conditions of the previous application had been fulfilled (**Appendices V-1 and V-2**).

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

- 11.1 The application is for temporary shop and services (real estate agency) at the Site for a period of 3 years. The planning intention of the “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 this zone is primarily intended for development of Small Houses 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 temporary shop and services (real estate agency) is intended to serve the villagers and residents in the vicinity. The development comprising one 2-storey structure with a total floor area of not more than 110m<sup>2</sup> is considered not incompatible with the surrounding land uses which are predominantly rural in character intermixed mostly with domestic structures and vacant / unused land (**Plan A-2**). Relevant government departments consulted, including C for T, CHE/NTW of HyD, DEP, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no objection to/no adverse comment on the application. It is anticipated that the proposed development would not have significant adverse traffic, environmental, landscape, drainage and fire safety impacts on the surrounding areas. The technical requirements of CE/MN of DSD, D of FS and C for T could be addressed by approval conditions in paragraphs 12.2 (a) to (e). 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 The Site is involved in 1 previous application. Application No. A/YL-SK/252 submitted by a different applicant and for the same applied use was approved with conditions by the Committee in 2019 as detailed in paragraph 5 above. All

planning approval conditions had been complied with. In addition, there is one similar application for shop and services (real estate agency) within the same “V” zone, which was approved with conditions by the Committee in 2021. The Committee’s consideration as stated in paragraphs 5 and 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 three years until 15.7.2025. 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 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 15.1.2023;
- (c) in relation to (d) above, the implementation of the 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 15.4.2023;
- (d) the submission of a record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.10.2022;
- (e) the existing drainage facilities implemented on the Site shall be maintained at all times during the planning approval period;
- (f) if any of the above planning conditions (a) or (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 conditions (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 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 development is not in line with the planning intention of the "V" zone which is primarily 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. 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 reasons for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application Form with Attachments Received on 18.5.2022
<b>Appendix Ia</b>	FI Received on 7.7.2022
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 and V-2</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos