

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

**APPLICATION NO. A/YL-SK/353**

<b><u>Applicant</u></b>	:	Access Mate (Far East) Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lot 1640 S.A (Part) in D.D. 114, Shek Kong, Yuen Long
<b><u>Site Area</u></b>	:	597m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Tai Po New Grant No. 2998 (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
<b><u>Application</u></b>	:	Temporary Shop and Services with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary shop and services use with ancillary facilities and associated filling of land for a period of 3 years. The Site falls within an area zoned “R(D)” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within the “R(D)” zone and filling of land also requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, fenced off and covered with grass (**Plans A-3 and A-4**).
- 1.2 According to the applicant, the site area is about 597m<sup>2</sup>. One single storey structure (with building height of about 3.5m) and two two-storey structures (with building height of about 7m) will be erected within the Site for shop and services, site office, washroom and meter room uses. The total non-domestic floor area is about 228m<sup>2</sup>. Majority of the Site (about 563m<sup>2</sup>) is already filled with concrete of not more than 0.2m in depth and is now covered with grass. The operation hours will be between 9 a.m. and 6 p.m. daily, including public holidays. The Site is accessible via a local track from Kam Sheung Road (**Plan A-2**). Three private car

parking spaces and one light goods vehicle loading/unloading space will be provided on-site. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of two previous applications (No. A/YL-SK/251 and 271) for the same applied shop and services use by the same applicant, which was approved by the Rural and New Town Planning Committee (the Committee) on 19.7.2019 and 20.3.2020 respectively. However, the planning permissions were revoked on 19.7.2020 and 20.8.2022 respectively due to non-compliance of approval conditions (**Plan A-1**). Details of the previous applications 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 (**Appendix I**) 22.8.2023

## **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** and summarized below:

- (a) the applied development will sell metalware. It will benefit the nearby residents by catering to their demand for such use;
- (b) the applied development is a column 2 use in the “R(D)” zone. It is also applied on a temporary basis for a period of 3 years and therefore will not frustrate the planning intention of the “R(D)” zone;
- (c) the Site is subject to a previous planning application No. A/YL-SK/271, which was also for shop and services use. A fresh application (i.e. the current application No. A/YL-SK/353) with the same development parameters is submitted for the consideration of the Board due to the change in extending the operation hours to meet the operational needs;
- (d) the applied development is not incompatible with the surrounding environment. Similar applications for ‘Shop and Services’ within “R(D)” zone in rural areas had been approved by the Board;
- (e) there will be insignificant traffic, drainage and environmental impacts; and
- (f) previous revocation of planning approval was due to the time required for the Short Term Waiver application and the lack of manpower and cost issues during the outbreak of COVID-19. Accepted fire services installations (FSIs) and drainage proposals have been incorporated in the current application.

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

The applicant is the sole current land owner of 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 Applications**

The Site involves two previous applications (No. A/YL-SK/251 and A/YL-SK/271) for the same applied use by the same applicant with no land filling for Application No. A/YL-SK/251. Both applications were approved by the Committee on 19.7.2019 and 20.3.2020 respectively for a period of 3 years on the considerations that the development would not jeopardize the long-term planning intention of “R(D)” zone; it was not incompatible with the surrounding environment; and government departments consulted generally had no adverse comment on the application. While A/YL-SK/251 was revoked on 19.7.2020 due to non-compliance of approval conditions on submission and implementation of relevant requirements, A/YL-SK/271 was revoked on 20.8.2022 due to non-compliance of approval conditions on implementation of fire services installations and drainage services proposal. Details of the previous applications are 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/248) for temporary shop and services use within the same “R(D)” zone on the OZP (**Plan A-1**), which was approved with conditions by the Committee on 17.5.2019 on similar considerations as stated in paragraph 5. Details of the 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 vacant, fenced off and covered with grass; and
- (b) accessible via a local track of about 450m to its northwest from Kam Sheung Road.

7.2 The surrounding areas are predominantly rural in character with some domestic dwellings/structures, fallow farmland, open storage/storage yards, vehicle repair workshop and vacant/unused land (**Plans A-2 and A-3**). A nullah is located to its further east.

## 8. **Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from 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**

The application was published for public inspection on 29.8.2023. During the statutory public inspection period, 76 public comments in the form of standard letters and individual emails were received from residents of Pat Heung Sheung Tsuen, Pat Heung Rural Committee and an individual (**Appendices V-1 to V-76**). They raise objection to/concerns about the application mainly on the grounds that the proposed development will result in adverse traffic impacts, disrupt the tranquil environment, affect the living quality of the local community and that the previous approval conditions have not been complied with.

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

11.1 The application is for temporary shop and services use at the Site for a period of 3 years with associated land filling. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. While the proposed use is not entirely in line with the planning intention of the “R(D)” zone, it can serve such demand for shop and services use in the area and there is no known proposal for permanent development at the Site. It is considered that approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “R(D)” zone.

11.2 The proposed use is considered not incompatible with the surrounding land uses which are predominantly rural in character intermixed mostly with domestic structures, shop and services use, fallow/cultivated agricultural land and vacant/unused land (**Plan A-2**). Relevant government departments consulted, including C for T, D of FS, CE/MN of DSD, and DEP have no objection to/no adverse comment on the application. It is anticipated that the proposed use would not have significant adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas. The technical requirements of C for T, D of FS and CE/MN of DSD 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” issued by DEP in order to alleviate any potential environmental impact.

- 11.3 The Site was involved in two previous applications (No. A/YL-SK/251 and A/YL-SK/271) for the same applied use by the same applicant approved with conditions by the Committee in 2019 and 2020 respectively as detailed in paragraph 5 above. Although the planning permissions were revoked due to non-compliance of approval conditions, the applicant has submitted FSIs and drainage proposals in the current application, and relevant departments have no objection to the proposals. In addition, there is another similar application for temporary shop and services use within the same “R(D)” zone (No. A/YL-SK/248), which was approved with conditions by the Committee on 17.5.2019. The Committee’s considerations 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. Should the Committee decide to approved the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.4 Regarding the 76 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 3 years until 13.10.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval Conditions**

- (a) 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 **13.7.2024**;
- (b) 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 **13.7.2024**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (d) if 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
- (e) if any of the above planning conditions (a) or (b) 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 "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. 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 22.8.2023
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendices V-1 to V-76</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Drawing A-3</b>	Swept path 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

**PLANNING DEPARTMENT  
OCTOBER 2023**