

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/519

<u>Applicant</u>	: Mr. YEUNG Sum Wa represented by New Create (D&E) Limited
<u>Site</u>	: Lot 994 RP (Part) in D.D. 115, Castle Peak Road - Yuen Long, Yuen Long, New Territories
<u>Site Area</u>	: 45 m ² (about)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17
<u>Zoning</u>	: “Residential (Group C)” (“R(C)”) <i>[Restricted to a maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m) including car park]</i>
<u>Application</u>	: Temporary Village Welfare Office 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 village welfare office for a period of 3 years (**Plan A-1**). Although the applied use is neither a Column 1 or 2 use in the “R(C)” zone, according to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied by the applied use without valid planning permission, and does not involve any previous application (**Plans A-2** and **A-4**).
- 1.2 According to the applicant, who claims to be the indigenous inhabitant representative of Yeung Uk Tsuen, the applied use is to facilitate the welfare affairs and social activities of the nearby Yeung Uk Tsuen on a temporary basis. Anti-epidemic supplies for distribution to the villagers as well as items for Lion and Dragon dance events will be stored at the Site. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The major development parameters of the current application are summarised as follows:

Site Area	About 45 m ²
Total Floor Area (Non-domestic)	About 74 m ²
No. and Height of Structures	1 • for office and storage (4m, 2 storeys)
No. of Parking and Loading/Unloading Spaces	Nil
Operation Hours	10:00a.m. to 5:00p.m., with no operation on Saturdays, Sundays and Public Holidays

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

- (a) Application Form with plan received on 4.2.2021 (Appendix I)
- (b) Further Information (FI) received on 18.3.2021 (Appendix Ia) clarifying the operation hours
[exempted from publication and recounting requirements]

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are mainly detailed in the Application Form (Appendix I). They can be summarised as follows:

- (a) As the existing permanent village office of Yeung Uk Tsuen is short of floor space for storage of anti-epidemic supplies and the epidemic is expected to last for a while, a temporary village welfare office is required to facilitate distribution of essential items. Moreover, the villagers will arrange Lion and Dragon dance in the future, hence extra floor space is needed for temporary storage of associated items until the existing permanent village office is refurbished.
- (b) The Site is chosen as it is located at the entrance of Yeung Uk Tsuen and thus accessible for the villagers. No adverse traffic and environmental impacts are expected as parking spaces are not required for the proposal.

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 notifying the “current land owner” by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Application

There is no similar application within the subject “R(C)” zone.

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

7.1 The Site is (**Plans A-2 and A-3**):

- (a) situated off a local road leading from Castle Peak Road – Yuen Long; and
- (b) paved and currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 to A-4**):

- (a) mixed in nature comprising predominantly open storage/storage yards, warehouses, workshops, parking of vehicles, shrubland and a petrol filling station in the subject “R(C)” zone and the adjoining “Other Specified Uses” annotated “Petrol Filling Station” zone;
- (b) to the southwest in the adjoining “Village Type Development” (“V”) zone are mainly village houses of Yeung Uk Tsuen (with the nearest one located about 40m southwest of the Site), other residential structures, parking of vehicles, ruin, shrubland and vacant land/structures;
- (c) to the southeast in the adjoining “Government, Institution or Community” zone are Yuen Long Government Primary School, Scout Association of Hong Kong Shap Pat Heung District and shrubland;
- (d) to the north across Castle Peak Road – Yuen Long are a hotel, a convenience store and a workshop in an area zoned “Undetermined” on the approved Nam Sang Wai OZP No. S/YL-NSW/8; and
- (e) except for the convenience store covered by valid planning permission (No. A/YL-NSW/283) and the hotel, the other open storage/storage yards, warehouses, workshops and parking of vehicles in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

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 Board.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and public comment, where relevant, are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot No. 994 RP in DD. 115 is covered by Short Term Waiver (STW) No. 1180 to permit structures erected thereon for the purpose of “Shop”.
- (c) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department.

Traffic

9.1.2 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads and drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Yuen Long.

Environment

9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (b) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”

(Code of Practice) issued by the Environmental Protection Department to minimise any potential environmental nuisances on the surrounding area.

Drainage

9.1.4 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) The applicant should be reminded of the detailed comments at **Appendix III**.

Fire Safety

9.1.5 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be reminded of the detailed comments at **Appendix III**.

Building Matters

9.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The applicant should be reminded of the detailed comments at **Appendix III**.

Town Gas Safety

9.1.7 Comments of the Director of Electrical and Mechanical Services (DEMS):

The applicant should be reminded of the detailed comments at **Appendix III**.

District Officer's Comments

9.1.8 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any comment from the village representatives in the vicinity regarding the application.

9.2 The following government departments have no comment on the application:

- (a) Commissioner for Transport (C for T);

- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (e) Commissioner of Police (C of P).

10. Public Comment Received During the Statutory Publication Period

On 16.2.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one comment was received from an individual (**Appendix II**) who opined that the proposed village office should be located in the village or ground floor of a village house of the adjoining “V” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary village welfare office for a period of 3 years at the Site zoned “R(C)” on the OZP. Although the applied use is not in line with the planning intention of the “R(C)” zone, which is primarily for low-rise, low-density residential developments, the applied use is mainly to serve nearby villagers. There is also no known programme for the long-term development of the Site. As such, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the area.
- 11.2 The surrounding areas comprise predominantly open storage/storage yards intermixed with village houses, workshops, warehouses and parking of vehicles (**Plan A-2**). The applied use is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment on the application from concerned government departments, including C for T, DEP and CE/MN, DSD. In view of the small scale and nature of the applied use, there would not be significant adverse traffic, environmental and drainage impacts to the surrounding area. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 11.4 There are no previous or similar applications within the subject “R(C)” zone on the OZP.
- 11.5 There was one public comment received on the application during the statutory publication period as summarised in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 comment as summarised in paragraph 10 above, the Planning Department considers that the temporary village welfare office could be tolerated for a period of 3 years.
- 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 26.3.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 26.9.2021;
- (b) in relation to (a) 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 26.12.2021; and
- (c) 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 III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "R(C)" zone which is primarily for low-rise, low-density residential developments. 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 plan received on 4.2.2021
Appendix Ia	FI received on 18.3.2021
Appendix II	Public comment received during the statutory publication period
Appendix III	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2021**