

RNTPC Paper No. A/YL-TT/526
For Consideration by
the Rural and New Town
Planning Committee
on 29.10.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/526

- Applicant** : Mr. TING Wai Keung represented by Metro Planning and Development Company Limited
- Site** : Lot 1631 S.B RP (Part) in D.D. 119, Yuen Long, New Territories
- Site Area** : 760 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Government, Institution or Community (1)” (“G/IC(1)”)
[Restricted to a maximum building height of 8 storeys]
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “G/IC” zone, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied by a site office cum staff quarter without valid planning permission (**Plans A-2 and A-4**). The Site is not involved in any previous application.
- 1.2 According to the applicant, the Site is intended for a real estate agency to serve the nearby residents. No light, medium or heavy goods vehicles, including container trailer/tractor, will be allowed to access the Site. Plans showing the vehicular access to the Site, site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 760 m ²
Total Floor Area (Non-domestic)	About 180 m ²
No. and Height of Structures	2 • for real estate agency and toilet (3.5m, 1 storey)

No. of Parking Spaces	3 • for private cars (5m x 2.5m each)
No. of Loading/Unloading Space	Nil
Operation Hours	9:00 a.m. to 5:00 p.m. daily

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

- (a) Application Form with annexes and plans received on 31.8.2021 **(Appendix I)**
- (b) Further Information (FI) received on 8.10.2021 **(Appendix Ia)**
- (c) FI received on 22.10.2021 **(Appendix Ib)**
[(b) and (c) exempted from publication and recounting requirements]

2. **Justifications from the Applicant**

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

- (a) Although the Site will be resumed by the Government in the coming few years, the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “G/IC” zone.
- (b) The nature and form of the proposal is not incompatible with the surrounding environment. Approval of the proposal would curb the proliferation of open storage and warehouse uses in the “G/IC(1)” zone. Similar shop and services uses have been approved in other “G/IC” zones in Yuen Long district.
- (c) There will be minimal impacts arising from the proposal. Planning conditions attached to the planning permission will be complied with.

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 and sending the notice to the Shap Pat Heung Rural Committee through registered post. 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

- 6.1 There is one similar application (No. A/YL-TT/518) for the same use as the current application within the subject “G/IC(1)” zone, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years in 2021, mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “G/IC(1)” zone; the proposal was not entirely incompatible with the surrounding areas; and departmental concerns could be addressed by imposing approval conditions. Details of the application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.
- 6.2 For Members’ information, applications No. A/YL-TT/527 and 528 for the same use as the current application within the subject “G/IC(1)” zone on the OZP will also be considered at this meeting (**Plan A-1**).

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

- 7.1 The Site is:
- (a) accessible from Kiu Hing Road to its west via a local track (**Plans A-2 and A-3**);
 - (b) paved and fenced-off; and
 - (c) currently occupied by a site office cum staff quarter without valid planning permission (**Plans A-2 to A-4**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-2 to A-4**):
- (a) rural fringe in character comprising predominately open storage/storage yards, warehouses and residential structures, with scattered car service, agricultural land, shrubland and vacant land/structures;
 - (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate south;
 - (c) to the further north, east and south of the Site are areas zoned “Village Type Development”, “Agriculture” and “Residential (Group D)” respectively on the OZP;
 - (d) to the northwest across a nullah bisected by Kiu Hing Road and Kung Um Road is another area zoned “G/IC(1)” on the approved Tong Yan San Tsuen OZP No. S/YL-TYST/14; and
 - (e) except for one warehouse to its northwest, the other open storage/storage yards, warehouses and car service in the vicinity of the Site are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and public comments, 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) Should planning approval be given to the application, the lot owner(s) will need to apply to her office to permit the structures to be erected or to regularise any irregularities on site, if any. 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 rent or fee, as may be imposed by her department.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/ path/ track/ run-in/out leading to the Site from Kiu Hing Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (b) The access road connecting to the Site with Kiu Hing Road is not and will not be maintained by his Office. His Office should not be responsible for maintaining any access connecting the Site with Kiu Hing Road.

Environment

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

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 Use” (Code of Practice) to minimise any potential environmental nuisances on the surrounding areas.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) He has no adverse comment on the submitted drainage proposal (**Drawing A-3**). Nevertheless, the applicant should be reminded of the detailed comments at **Appendix IV**.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring implementation and maintenance of the agreed drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

9.1.6 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 IV**.

Building Matters

9.1.7 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 IV**.

Long-Term Development

9.1.8 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls within an area zoned “Education” (“E”).
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

9.1.9 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) The Site falls within the boundary of YLS Development – Stage 2 Phase 2 (the project). The land resumption and clearance programme of the project is subject to Executive Council’s authorisation on land resumption and Finance Committee’s funding approval of the project. Land clearance operation is tentatively targeted to commence in 2024. Thus, the applicant shall be reminded that extension of the planning permission may not be supported in future and shall be advised not to carry out any substantial works in view of the planned YLS Development – Stage 2 Phase 2.

District Officer’s Comments

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

His office has received an adverse comment from the village representative (VR) of Muk Kiu Tau Tsuen (identical to the public comment at **Appendix III-1** and summarised in paragraph 10 below).

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

- (a) Secretary for Education (SED);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (d) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 7.9.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four comments were received from a VR of Muk Kiu Tau Tsuen and three individuals. The VR of Muk Kiu Tau Tsuen and two individuals object to the application mainly on the grounds that the application will cause adverse environmental, environmental hygiene, traffic, drainage, water supply, sewerage and fire safety impacts on the surrounding area; the proposal may affect the safety and living quality of the villagers; and the overnight stay of people at the Site may have violated relevant regulations (**Appendices III-1 to III-3**). The remaining individual opines that the current use of the Site is not subject to planning approval and raises concerns that approval of the application would encourage brownfield uses that are incompatible with the intended land use (**Appendix III-4**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of 3 years at the Site zoned “G/IC(1)” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “G/IC” zone, which is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory, the proposal could meet any such demand for shop and services in the area. Whilst the Site falls within an area zoned “E” on the Revised RODP of YLS, PM(W), CEDD and SED have no objection to/no comment on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Nevertheless, should the application be approved, the applicant shall be reminded that extension of the planning permission may not be supported in future and shall be advised not to carry out any substantial works in view of the planned YLS Development – Stage 2 Phase 2.
- 11.2 The surrounding area comprises predominantly warehouses and open storage/storage yards (**Plan A-2**). While there are residential structures in the vicinity, the development 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, D of FS, CE/C, WSD and CE/MN, DSD. Significant adverse traffic, environmental, sewerage, fire safety, water supply and drainage impacts on the surrounding area are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 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, and to note that the planning permission does not condone any other development/use currently existing at the Site but not covered by the application.

- 11.4 Given that one similar application within the subject “G/IC(1)” zone has been approved, approval of the current application is generally in line with the Committee’s previous decision.
- 11.5 There were four public comments objecting to/providing views on the application as summarised in paragraph 10 above. 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 comments mentioned in paragraphs 9.1.10 (relayed by DO(YL), HAD) and 10 above, 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 29.10.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no light, medium or heavy goods vehicles, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) the implementation of the accepted 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 29.4.2022;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times 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 29.4.2022;
- (f) in relation to (e) 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 29.7.2022;
- (g) if any of the above planning conditions (a), (b) 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

- (h) if any of the above planning conditions (c), (e) or (f) 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 "G/IC" zone which is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. 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 annexes and plans received on 31.8.2021
Appendix Ia	FI received on 8.10.2021
Appendix Ib	FI received on 22.10.2021
Appendix II	Similar Application within the Subject "G/IC(1)" Zone on the OZP
Appendices III-1 to III-4	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
OCTOBER 2021**