

RNTPC Paper No. A/YL-TT/540
For Consideration by
the Rural and New Town
Planning Committee
on 18.2.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/540

- Applicant** : Mr. LEE King Chok represented by Metro Planning and Development Company Limited
- Site** : Lots 1631 S.B ss.1 (Part) and 1631 S.C (Part) in D.D. 119, Yuen Long, New Territories
- Site Area** : 330 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 for proposed temporary shop and services for a period of 3 years at the application site (the Site) (**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 vacant structure (**Plans A-2 and A-4**) and not involved in any previous application.
- 1.2 According to the applicant, the proposal is for a retail shop selling building materials such as PVC pipes, sanitary ware and tiles. No medium or heavy goods vehicles, including container trailer/tractor, will be allowed to access the Site and no workshop activities will be carried out at 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 330 m ² |
| Total Floor Area (Non-domestic) | About 320 m ² |
| No. and Height of Structure | 1 • for shop and toilet (5m, 1 storey) |

| | |
|--|--|
| No. of Parking Space | 1 • for private car (5m x 2.5m) |
| No. of Loading/ Unloading Space | 1 • for light goods vehicle (7m x 3.5m) |
| 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 **(Appendix I)**
24.12.2021
- (b) Supplementary Information received on 29.12.2021 **(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 (**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 are 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 use has been approved in the same “G/IC(1)” zone.
- (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 Applications

There are five similar applications (No. A/YL-TT/518, 526, 527, 528 and 532) for ‘shop and services’ use within the subject “G/IC(1)” zone. The applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of 3 years in 2021 and 2022, mainly on the considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “G/IC” zone; the proposals were not entirely incompatible with the surrounding areas; and the departmental concerns could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites 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) 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 vacant structure (**Plans A-2 and 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, village houses and residential structures, with scattered car services, ruins, 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 west;
- (c) to the north, east/immediate south and southwest of the Site are areas zoned “Village Type Development”, “Agriculture” and “Residential (Group D)” respectively on the OZP; and
- (d) except for a warehouse to its further northwest, the other open storage/storage yards, warehouses and car services in the vicinity 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 Old Schedule Agricultural Lots 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):

The local track leading to the Site is not under her purview. The applicant should be reminded of the detailed comments at **Appendix V**.

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

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

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 and no adverse comment on the submitted drainage proposal (**Drawing A-3**). Nevertheless, the applicant should be reminded of the detailed comments at **Appendix V**.
- (b) 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 water supply for firefighting, i.e. fire hydrant system with adequate flow and pressure at a location that is within 500m from the Site, and fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, water supply for firefighting and FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed water supply for firefighting and FSIs to his department for approval. In addition, the applicant should be reminded of the detailed comments at **Appendix V**.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority for the existing structure at the Site, he is not in a position to offer comments on its suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

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 partly within an area zoned “Education” (“E”) and partly within an area shown as ‘Road’.

- (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 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 one comment from the village representative of Muk Kiu Tau Tsuen objecting to the application mainly on the grounds that the application may cause adverse hygiene, traffic, environmental and drainage impacts and attract vice activities to the area (**Appendix III**).

9.2 The following government bureau/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 31.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objects to the application mainly on the grounds that the

application will cause adverse environmental and fire safety impacts on the surrounding area, thereby affecting the safety and living quality of the villagers (**Appendix IV-1**). The other individual raises concerns that approval of the application may hinder more compatible uses within the “G/IC(1)” zone. The commenter also questions the motive behind the recent rise in similar applications in the area and suspects that a developer would eventually submit an application to rezone the “G/IC(1)” zone for residential use (**Appendix IV-2**).

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 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 partly zoned “E” and partly shown as ‘Road’ 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 and CE/MN, DSD. Adverse traffic, environmental, fire safety 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 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 The Site is not involved in any previous application. Given that five similar applications within the subject “G/IC(1)” zone have been approved, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There are three public comments objecting to/providing views on the application as summarised in paragraphs 9.1.10 and 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 18.2.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no 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;
- (b) 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 18.8.2022;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a proposal for water supply for firefighting and fire service installations 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 18.8.2022;
- (e) in relation to (d) above, the implementation of the proposal for water supply for firefighting and fire service installations 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 18.11.2022;
- (f) if any of the above planning condition (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 immediately without further notice; and
- (g) if any of the above planning condition (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 V**.

- 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 24.12.2021 |
| Appendix Ia | Supplementary Information received on 29.12.2021 |
| Appendix II | Similar Applications within the Subject “G/IC(1)” Zone on the OZP |
| Appendix III | Public Comment relayed by DO(YL), HAD |
| Appendices IV-1 and IV-2 | Public Comments received during the Statutory Publication Period |
| Appendix V | 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 with Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
FEBURARY 2022**