

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/568

- Applicant** : Kan Shing Farm Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 1631 S.A RP (Part) in D.D. 119, Yuen Long, New Territories
- Site Area** : 940 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19 (currently in force)

Approved Tai Tong OZP No. S/YL-TT/18 (at the time of submission)
[No change to the zoning of the application site on the OZP]
- 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 three 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 vacant (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed use is for a shop selling building materials (including uPVC pipes, sanitary ware, tiles, etc.). Only light goods vehicle (LGV) not exceeding 5.5 tonnes will be allowed to enter/park at the Site. Plans showing the site layout and drainage proposal submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 940 m ²
Total Floor Area	Not more than 490 m ²

(Non-domestic)	
No. and Height of Structures	3 for shop, site office and toilet (not exceeding 4.5m, 1 storey)
No. of Parking Space	1 for private cars (5m x 2.5m)
No. of Loading/ Unloading Space	1 for LGV (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 attachments received on 3.8.2022 **(Appendix I)**
- (b) Further Information (FI) received on 21.11.2022 **(Appendix Ia)**
[exempted from publication and recounting requirements]

1.5 On 23.9.2022, the Committee of the Board decided to defer making a decision on the application for two months as requested by the applicant.

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) The Site will be resumed by Government in the coming few years. The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “G/IC(1)” zone.
- (b) The nature and form of the proposal is not incompatible with the surrounding environment and would help phase out the open storage uses in the vicinity. Similar shop and services have been approved by the Board in the subject “G/IC(1)” zone.
- (c) There will be minimal traffic, drainage and environmental impacts arising from the proposal. Planning conditions attached to the 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 by 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 six similar applications for various shop and services uses (No. A/YL-TT/518, 526, 527, 528, 532 and 540) within the subject “G/IC(1)” zone approved by the Committee between 2021 and 2022, each for a period of three years 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. 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.

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

8.1 The Site is:

- (a) abutting Kiu Hing Road to its west (**Plan A-2**); and
- (b) fenced off, paved and vacant (**Plans A-2 and A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) rural fringe in character comprising predominately open storage/storage yards, warehouses and residential structures, with scattered vehicle repair workshops, cultivated agricultural land, shrubland and vacant land/structures;
- (b) there are residential structures in the vicinity with the nearest ones located to its immediate east and south; and
- (c) the open storage/storage yards, warehouses and vehicle repair workshops in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

All 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 the Statutory Publication Period

On 12.8.2022, 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 on the grounds that the proposed use would generate adverse environmental and fire safety impacts on the surrounding area (**Appendix V-1**). Another individual opines that questions should be asked on the implementation programme of the long-term development of the Site (**Appendix V-2**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services for a period of three 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 “Education” and partly within an area zoned “Local Open Space” on the Revised Recommended Outline Development Plan of Yuen Long South (YLS) Development, Project Manager (West), Civil Engineering and Development Department has no objection to 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. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.

11.2 The surrounding area comprises predominantly warehouses and open storage/storage yards. While there are residential structures in the vicinity, the proposed use is generally not incompatible with the surrounding uses (**Plan A-2**).

11.3 There is no adverse comment from concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.

- 11.4 The Site is not involved in any previous application. Given that six similar applications have been approved within the subject “G/IC(1)” zone, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There are two public comments objecting/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 above and having taken into account the public comments mentioned in paragraph 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 three years until 13.1.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 13.7.2023;
- (b) in relation to (a) above, the implementation of the revised 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 13.10.2023;
- (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 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 13.7.2023;
- (e) 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 13.10.2023;
- (f) if the above 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
- (g) if any of the above planning condition (a), (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 IV**.

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

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. 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 attachments received on 3.8.2022
Appendix Ia	FI received on 21.11.2022
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2023**