

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/594

- Applicant** : Lam Kwok Lung represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 1655 S.C, 1655 S.D, 1655 S.E, 1655 RP and 1677 (Part) in D.D. 119, Yuen Long, New Territories
- Site Area** : 2,723 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
- 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 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of five 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 fenced off, formed and vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kiu Hing Road to its west via a local track (**Plan A-2**). According to the applicant, the proposed use is for a shop selling hardware groceries and construction materials. The two container structures are for storage of the hardware groceries and construction materials. No workshop activity (including cutting of metal) will be carried out at the Site. For vehicle access, customers are required to make prior appointment to reserve a parking space and not allowed to enter the Site after 5:00p.m. Plans showing the vehicular access to the Site and site layout 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 2,723 m ²
Total Floor Area (Non-domestic)	Not more than 873 m ²

No. of Structures	5 for shop, storage, reception and ancillary office
Height of Structures	4.5 to 9m (1-2 storeys)
No. of Parking Space	3 for private cars (5m x 2.5m) 2 for light goods vehicles (7m x 3.5m) 2 for heavy goods vehicles (HGVs) (11m x 3.5m)
No. of Loading/ Unloading Space	Nil
Operation Hours	8:30 a.m. to 6:30 p.m. daily (no customer allowed to enter the Site after 5 p.m.)

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

- (a) Application Form with attachments received on 26.4.2023 (Appendix I)
 - (b) Further Information (FI) received on 2.6.2023* (Appendix Ia)
 - (c) FI received on 7.6.2023* (Appendix Ib)
 - (d) FI received on 9.6.2023* (Appendix Ic)
 - (e) FI received on 16.6.2023* (Appendix Id)
- *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) the proposed use will serve the needs of local residents to save time and cost for travelling to Yuen Long town. Similar applications have been approved by the Board in the vicinity;
- (b) as the hardware groceries and construction materials are heavy and bulky, HGVs are required for delivery; and
- (c) the applicant pledges to comply with the approval conditions should the application be approved.

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 seven similar applications for various shop and services uses (No. A/YL-TT/518, 526, 527, 528, 532, 540 and 568) within the subject “G/IC(1)” zone approved by the Committee between 2021 and 2023, 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) accessible from Kiu Hing Road to its west via a local track (**Plan A-2**); and
- (b) fenced off, formed 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 warehouses, open storage/storage yards and agricultural land intermixed with vehicle repair workshops, an animal boarding establishment, shrubland and vacant land/structures;
- (b) there are residential structures in the vicinity with the nearest ones located to its immediate north and southeast respectively; and
- (c) except two vehicle repair workshops and an open storage/storage yard, the other open storage/storage yards, warehouses, vehicle repair workshop and

animal boarding establishment in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other department 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.

9.2 The following government department has objection to the application.

Environment

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

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located to its immediate north and southeast of the Site) (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles; environmental nuisance is expected; and
- (b) no environmental complaint concerning the Site has been received in the past three years.

10. Public Comment Received During the Statutory Publication Period

On 5.5.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds that the Site is covered with trees while no information is provided on the removal of trees; the “G/IC” zone is to serve the planned community; and the natural surroundings should not be destroyed (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services for a period of five 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. The Site falls within an area zoned “Education”, “Amenity” and shown as ‘Road’ on the Revised Recommended Outline Development Plan of Yuen Long South (YLS) Development, with a minor western portion included in the possible expansion of YLS Development Area which is currently reviewed together with YLS Third Phase Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department have

no objection to the application. Approval of the application on a temporary basis of five years would not jeopardise the long-term development of the Site. Nevertheless, 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 DEP does not support the proposed warehouse use as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest ones located to its immediate north and southeast) (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles, thus environmental nuisance is expected. In response, the applicant undertakes that no workshop activities will be carried out at the Site and no entry of the Site is allowed after 5 p.m. so as to minimise potential environmental impacts on the surrounding areas. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 11.4 Other relevant government departments, including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application. Adverse traffic, 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.
- 11.5 The Site is not involved in any previous application. Given that seven similar applications have been approved by the Committee within the subject “G/IC(1)” zone between 2021 and 2023, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 There is one public comment objecting to the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 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 comment 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 five years until 23.6.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 23.12.2023;
- (b) in relation to (a) above, 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 23.3.2024;
- (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 23.12.2023;
- (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 23.3.2024;
- (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 26.4.2023
Appendix Ia	FI received on 2.6.2023
Appendix Ib	FI received on 7.6.2023
Appendix Ic	FI received on 9.6.2023
Appendix Id	FI received on 16.6.2023
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	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
JUNE 2023**