

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/605

Applicant : Man Sing Taxi and Public Light Bus Company Limited

Site : Lot 972 (Part) in D.D. 116, Yuen Long, New Territories

Site Area : 715 m² (about)

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19

Zoning : “Agriculture” (“AGR”)

Application : Temporary Office and Private Vehicle Park for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary office and private vehicle park for a period of three years at the application site (the Site) (**Plan A-1**). According to the covering 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). The Site is currently formed and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the current application is to facilitate the relocation of the business based in Tin Liu Tsuen, Yuen Long which is affected by the land resumption and clearance exercise under the Yuen Long South (YLS) Development. There is an imminent need for the applicant to secure a relocation site to continue the affected operation.
- 1.3 The Site is accessible via a local track leading from Long Ho Road with the ingress/egress at the north of the Site. According to the applicant, the applied use is mainly used as office and parking of company vehicles. Plan showing the site layout submitted by the applicant is at **Drawing A-1**.
- 1.4 The major development parameters of the application are summarised as follows:

Site Area	About 715 m ²
Total Floor Area	About 383.2 m ²

-No. of Structures	7 (5 structures under 2 rain shelters)
Height of Structures	Not exceeding 6m (1-2storeys)
No. of Car parking Space	2 (for private car) 1 (for taxi) 1 (for minibus)
No. of L/UL Space	Nil
Operation Hours	10:00 a.m. to 8:00 p.m. daily

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

- (a) Application Form received on 4.8.2023 (Appendix I)
- (b) Supplementary Information received on 14.8.2023 (Appendix Ia)
- (c) Further Information (FI) received on 12.10.2023* (Appendix Ib)
- (d) FI received on 17.10.2023* (Appendix Ic)
- (e) FI received on 4.12.2023* (Appendix Id)
[*exempted from publication and recounting requirements]

1.6 On 22.9.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed 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 and supplementary information (Appendices I, Ia and Id). They can be summarised as follows:

The applicant has been providing light bus service in Yuen Long area. The original site is affected by the YLS Development and there is a need to secure a relocation site to continue the operations. The Site is considered suitable for relocation as it is proximate to the service area and is highly accessible to the staff of the company. The Site is similar in size (about 715m²) to the previous operation in Tin Liu Tsuen (i.e. about 1,146m²).

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is currently not subject to any planning enforcement action.

5. **Previous Application**

There is no previous application at the Site.

6. Similar Application

There is no similar application within the subject “AGR” zone in the past five years.

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

7.1 The Site is:

- (a) accessible via a local track from Long Ho Road; and
- (b) formed and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).

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

- (a) mixed in character with open storage/storage yards, parking of vehicles, shop and services, agricultural land, residential structures and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 30m to its west; and
- (c) the open storage/storage yards, parking of vehicles and shop and services uses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 below, other 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 II and III** respectively.

9.2 The following government bureau supports the application.

Policy Aspect

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of private vehicle park for taxis and minibuses in Yuen Long, which was displaced by the YLS Development. According to the applicant, a site search has been conducted with a view to identifying suitable site for re-

establishment of its business affected by the site clearance under the project, and the site under the current application is the one considered suitable and practicable after the site search. The application site is of similar size as the site cleared by the Government; and

- (b) according to the concerned departments, the applied use is not incompatible with surrounding land uses and would not create insurmountable impacts in technical terms subject to imposition of appropriate approval conditions. To facilitate smooth implementation of the project and provide operating space for displaced brownfield operations still needed by the community, the application is supported from the policy perspective.

9.3 The following government department has adverse comments on the application.

Agriculture

9.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Site falls within the “AGR” zone and is generally occupied by some structures. Agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective. Nevertheless, he has no comment from nature conservation point of view.

10. Public Comments Received During the Statutory Publication Period

On 15.8.2023, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals objecting to the application on the grounds that the applied use would adversely affect the vegetation and the soil quality of the Site (**Appendix IV-1**) and cause traffic congestion to the surrounding areas (**Appendix IV-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary office and private vehicle park for a period of three years at the Site zoned “AGR” on the OZP. According to the applicant, the application is to facilitate relocation of a business operation affected by the YLS Development. The applicant has conducted a site search with a view to identifying suitable site for re-establishment of its operation. The size of the Site (i.e. about 715m²) is comparable to its previous operation (i.e. about 1,146m²). To facilitate smooth clearance for the project and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from the policy perspective.
- 11.2 The applied use is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective mainly on the consideration that the Site possesses potential for agricultural rehabilitation.

Taking into account the planning assessments below and policy support from SDEV, approval of the application on a temporary basis for a period of three years could be tolerated.

- 11.3 The Site is situated in an area mixed in character with open storage/storage yards, parking of vehicles, shop and services, agricultural land, residential structures and vacant land/structures (**Plan A-2**). The applied use is considered not entirely incompatible with the surrounding environment.
- 11.4 The Site is in close proximity to the planned public housing site of Shap Pat Heung (SPH). The proposed widening of existing bridge across Yuen Long Bypass Floodway connecting SPH site and Long Ho Road under the housing project might have possible interface issue with the Site (**Plan A-2**). In this regards, the Project Team Leader/Housing Projects 1 Unit, Civil Engineering Office, Civil Engineering and Development Department has no adverse comment on the application.
- 11.5 Relevant government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. 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” to minimise potential environmental nuisance on the surrounding areas.
- 11.6 There are two public comments objecting to the application received during the statutory publication period 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 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the temporary office and private vehicle park for a period of three years could be tolerated.
- 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 8.12.2026. 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 8.6.2024;
- (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 8.9.2024;

- (c) in relation to (b) above, the implemented drainage facilities on the Site 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 8.6.2024;
- (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 8.9.2024;
- (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 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 "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 received on 4.8.2023
Appendix Ia	Supplementary Information received on 14.8.2023
Appendix Ib	FI received on 12.10.2023

Appendix Ic	FI received on 17.10.2023
Appendix Id	FI received on 4.12.2023
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendices IV-1 and IV-2	Public Comments
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**