

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/YL-TYST/1156 AND 1157

- Applicant** : Blessline Company Limited represented by Metro Planning and Development Company Limited
- Sites** : Lots 2526 (Part), 2530 (Part), 2531 (Application No. A/YL-TYST/1156) (Part) and 2532 RP (Part) in D.D. 124, Hung Shui Kiu, Yuen Long, New Territories
Lots 2526 (Part), 2530 (Part), 2531 (Application No. A/YL-TYST/1157) (Part), 2532 RP (Part) and 2533 (Part) in D.D. 124, Hung Shui Kiu, Yuen Long, New Territories
- Site Areas** : 310 m² (about) (Application No. A/YL-TYST/1156)
610 m² (about) (Application No. A/YL-TYST/1157)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Government, Institution or Community” (“G/IC”)
- Applications** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permissions for proposed temporary shop and services for a period of 3 years at two adjoining application sites (the Sites) (**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 which requires planning permission from the Town Planning Board (the Board). For A/YL-TYST/1156, the Site is currently largely occupied by storage of miscellaneous items without valid planning permission (**Plans A-2, A-4a and A-4b**). For A/YL-TYST/1157, the Site is currently occupied by warehouse without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Sites are accessible from Hung Shun Road via a local track (**Plan A-2**). According to the applicant, the proposals are for shops selling vegetables (application No. A/YL-TYST/1156) and household products (application No. A/YL-TYST/1157) (including floor wipers, buckets, scourers, rubber cloths and

window wipers, etc.) to serve the nearby residents. Only light goods vehicles are allowed to enter/park at the Sites for operation needs, while customers will use the car parks in the vicinity. Plans showing the vehicular access leading to the Sites, site layout and drainage proposals for the two applications submitted by the applicant are at **Drawings A-1a to A-3b** respectively.

- 1.3 The major development parameters of the current applications are summarised as follows:

Major Development Parameters	Application No. A/YL-TYST/1156	Application No. A/YL-TYST/1157
Proposed Use	Proposed Temporary Shop and Services for a Period of 3 Years	
Site Area	About 310 m ²	About 610 m ²
Total Floor Area (non-domestic)	About 140 m ²	About 450 m ²
No. and Height of Structures	2 • for shop and services and toilet (3-5.2m, 1 storey)	2 • for shop and services and toilet (5.2m, 1 storey)
No. of Parking Space	Nil	
No. of Loading/Unloading (L/UL) Space	1 each (7m x 3.5m) (for light goods vehicles)	
Operation Hours	9:00 a.m. to 7:00 p.m. daily	

- 1.4 The Sites are the subject of a previous application (No. A/YL-TYST/455) (details at paragraph 5 below).

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

- (a) Application Form with annexes and plans received on 11.4.2022 (application No. A/YL-TYST/1156) **(Appendix I)**
 - (b) Application Form with annexes and plans received on 11.4.2022 (application No. A/YL-TYST/1157) **(Appendix Ia)**
 - (c) Further Information (FI) received on 27.5.2022 (application No. A/YL-TYST/1156) **(Appendix Ib)**
 - (d) FI received on 27.5.2022 (application No. A/YL-TYST/1157) **(Appendix Ic)**
- [(c) and (d) exempted from publication and recounting requirements]*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the applications are detailed in the Application Forms (**Appendices I and Ia**). They can be summarised as follows:

- (a) The temporary proposals would not jeopardise the long-term planning intention.

- (b) The proposed use is not incompatible with the surrounding environment. Moreover, similar applications for shop and services have been approved.
- (c) There will be minimal environmental, drainage or traffic impacts arising from the proposed use.

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 notices and sending the notices to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Majority of the Sites is subject to planning enforcement action against unauthorised development (UD) involving storage use (**Plan A-2**). Enforcement Notice (EN) was issued on 25.1.2022 requiring discontinuation of the UD. Upon expiry of the EN, the UD at the Sites has not been discontinued. Further enforcement action is being considered.

5. **Previous Application**

- 5.1 Portions of the Sites were involved in a previous application (No. A/YL-TYST/455) for temporary warehouse with ancillary office and workshop use, though not relevant to the current applications for shop and services use. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.
- 5.2 Compared with the last application (No. A/YL-TYST/455), the current applications are submitted by a different applicant for a different use on larger sites with different site layouts and development parameters.

6. **Similar Application**

There is no similar application within the subject “G/IC” zone.

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

7.1 The Sites are:

- (a) accessible via a local track leading from Hung Shun Road to its northwest (**Plan A-3**);
- (b) paved and largely occupied by storage of miscellaneous items without valid planning permission (for application No. A/YL-TYST/1156) (**Plans A-4a and A-4b**); and

- (c) paved and occupied by warehouse without valid planning permission (for application No. A/YL-TYST/1157) (**Plans A-4a and A-4b**).

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

- (a) mixed in character, comprising predominantly residential developments/structures and warehouses, intermixed with car parks, two schools, L/UL area, an eating place, a workshop, sitting-out area, open storage/storage yards and vacant land/structures;
- (b) there are residences and residential developments (namely The Woodsville, Ming Wai Court and Symphony Garden) in the vicinity of the Sites, and the nearest residence is located about 10m to its southeast; and
- (c) except for an eating place operating with valid planning permission (No. A/YL-TYST/1110), as well as a warehouse to the southeast, the remaining warehouses, open storage/storage yards, workshop and car parks in the vicinity are suspected UD's 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

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the public comment received and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 19.4.2022, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, one public comment on application No. A/YL-TYST/1156 was received from a resident of Symphony Garden (**Plan A-2**) objecting to the application on the grounds that the alleged wholesale trade use at the Sites has generated noise nuisance to the surrounding area and that approval of the proposed use would exacerbate the noise impacts, disturb the tranquillity of the area and affect property prices (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The applications are for proposed temporary shop and services at sites zoned "G/IC" on the OZP. The planning intention of the "G/IC" zone is primarily for the provision of GIC facilities. Although the proposed use is not in line with the

planning intention of the “G/IC” zone, it could serve any demand for shop and services in the area. There is currently no known development proposal and programme concerning the Sites. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.

- 11.2 The proposal is generally not incompatible with the surrounding area, which comprises predominantly residential developments and other rural uses (**Plan A-2**).
- 11.3 There is no adverse comment on the applications from concerned government departments, including Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and Director of Environmental Protection. Adverse traffic, drainage and environmental impacts arising from the proposed use are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to minimise any potential environmental nuisances or 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 Sites will be subject to enforcement action by the Planning Authority. Should the planning applications be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” to minimise any potential environmental impact on the surrounding areas and that the planning permissions do not condone any other development/use found on the Sites (i.e. storage and warehouse uses) but not covered by the applications.
- 11.4 There is one public comment objecting to the application received during the publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 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 two applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis each for a period of 3 years until 10.6.2025. The following conditions of approval and advisory clauses for the two applications are also suggested for Members’ reference:

Approval conditions for application No. A/YL-TYST/1156

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 10.12.2022;
- (c) in relation to (b) 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 10.3.2023;

- (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 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 10.12.2022;
- (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 10.3.2023;
- (g) if any of the above planning condition (a) 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 condition (b), (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.

Approval conditions for application No. A/YL-TYST/1157

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the implementation of the accepted 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 10.3.2023;
- (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 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 10.12.2022;
- (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 10.3.2023;
- (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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the applications, 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 Government, institution or community facilities. No strong planning justification has been given in the submissions to justify a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the period of which the permissions should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the applications, 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 11.4.2022 (application No. A/YL-TYST/1156)
- Appendix Ia** Application Form with annexes and plans received on 11.4.2022 (application No. A/YL-TYST/1157)
- Appendix Ib** FI received on 27.5.2022 (application No. A/YL-TYST/1156)
- Appendix Ic** FI received on 27.5.2022 (application No. A/YL-TYST/1157)
- Appendix II** Previous Application covering the Sites
- Appendix III** Government Departments' General Comments
- Appendix IV** Recommended Advisory Clauses
- Appendix V** Public Comment received during the Statutory Publication Period
- Drawings A-1a** Vehicular Access Plans
and A-1b
- Drawing A-2a** Site Layout Plans
and A-2b
- Drawing A-3a** Drainage Proposals
and A-3b
- Plan A-1** Location Plan with Previous Application
- Plan A-2** Site Plan
- Plan A-3** Aerial Photo
- Plans A-4a and A-4b** Site Photos

**PLANNING DEPARTMENT
JUNE 2022**