

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1160

- Applicant** : Mr. LO Hung Pui represented by Metro Planning and Development Company Limited
- Site** : Lot 293 S.B in D.D. 127, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : 104.6 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Residential (Group B)2” (“R(B)2”) (about 87%); and
[Restricted to a maximum plot ratio (PR) of 1.26, maximum site coverage (SC) of 40% and building height (BH) of 6 storeys over single-storey carpark (21m)]

“Residential (Group B)1” (“R(B)1”) (about 13%)
[Restricted to a maximum PR of 1, maximum SC of 40% and BH of 4 storeys over single-storey carpark (15m)]
- 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-1a**). According to the Notes of the OZP for “R(B)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and fenced off (**Plans A-2 and A-4**).
- 1.2 The Site is abutting Hung Shun Road to its west (**Plan A-2**). According to the applicant, the proposal is for providing car beauty services to serve the nearby residents and will serve at most two private cars at the same time. No light, medium or heavy goods vehicles, including container tractors/trailers, are allowed to access the Site. Plans showing the vehicular access leading 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 current application are summarised as follows:

Site Area	About 104.6 m ²
Total Floor Area (Non-domestic)	Not more than 100 m ²
No. and Height of Structure	1 • for shop and services, site office and toilet (5.5m, 2 storeys)
No. of Loading/ Unloading Space	Nil
No. of Parking Spaces	2 (for private car) (5m x 2.5m each)
Operation Hours	9:00 a.m. to 7:00 p.m. daily

- 1.4 A small part of the Site is the subject of one previous application (No. A/YL-TYST/58) (details at paragraph 5 below).

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

- (a) Application Form with annexes and plans received on 4.5.2022 **(Appendix I)**
- (b) Further Information (FI) received on 24.5.2022 **(Appendix Ia)**
- (c) FI received on 16.6.2022 **(Appendix Ib)**
[(b) and (c) 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) Similar shop and services have been approved in the area. The temporary proposal would not jeopardise the long-term planning intention of the “R(B)” zone. The proposal is not incompatible with the surrounding environment.
- (b) The proposal will put the Site into good use and eradicate occurrences of illegal waste disposal at the Site.
- (c) There will be minimal traffic, environmental and drainage impacts arising from the proposal.

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 planning enforcement action.

5. Previous Application

A small southern portion of the Site was involved in one previous application involving a much larger site for temporary public vehicle park use (No. A/YL-TYST/58), which is not relevant to the current application. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There is no similar application within the subject “R(B)2” zone, while there are five similar applications for temporary shop and services uses with/without other uses within/straddling the subject “R(B)1” zone. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.
- 6.2 Four applications (No. A/YL-TYST/569, 755, 824 and 1092) were approved by the Rural and New Town Planning Committee (the Committee) between 2012 and 2021 each for a period of 3 years, mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. However the planning permissions for three of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining application (No. A/YL-TYST/918) straddling the adjacent “Residential (Group D)” (“R(D)”) zone was rejected by the Committee in 2018 on the grounds that the scale of the proposed shop was too large and generally incompatible with the neighbouring church and kindergarten uses, and not in line with the planning intention of the “R(D)” zone.

7. Planning Intention

The planning intention of the “R(B)” zone is for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

8.1 The Site is:

- (a) abutting Hung Shun Road to its west (**Plan A-2**); and
- (b) currently vacant and fenced off (**Plan A-4**).

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

- (a) comprise predominately residential developments (including The Woodside, Uptown and The Woodsville to its north, east and south respectively), with two schools, an electricity substation, car servicing, parking of vehicles, a restaurant and vacant land;
- (b) there are residential buildings in the vicinity of the Site with the nearest one (i.e. Tower 3 of The Woodsville) located about 10m to its south; and
- (c) except for a restaurant and a vehicle park operating with valid planning permissions (No. A/YL-TYST/1110 and 1139), the other car servicing and parking of vehicles in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

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 comments received 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

- 10.1 On 13.5.2022, the application was published for public inspection. During the statutory publication period, a total of 49 public comments were received with all objecting/expressing adverse views on the application. A full set of public comments will be deposited at the meeting for Members' inspection.
- 10.2 The comments were received from the Incorporated Owners of The Woodsville and The Woodside (in the form of petition letters with 164 and 40 signatures respectively, **Appendices V-1 and V-2**) and various residents and individuals (extract examples at **Appendices V-3 to V-8**). The salient issues of the objections and adverse comments are summarised as follows:
 - (a) Hung Shun Road is a cul-de-sac that is prone to traffic congestion with considerable illegal parking taking place. Approval of the proposal would worsen the situation. The proposal will cause adverse traffic impacts to the area, jeopardise road safety and cause inconvenience to students and residents.
 - (b) The proposal will destroy the tranquil living environment, attract crime and generate environmental pollution, environmental hygiene, visual, odour and sewerage impacts and fire safety risks on the surrounding area. The proposal would necessitate tree felling on public road and would encourage others to do the same.
 - (c) There is no demand for another shop in the vicinity.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services at the Site mainly zoned “R(B)2” and partly zoned “R(B)1” on the OZP. The planning intention of the “R(B)” zone is primarily for sub-urban medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Although the applied use is not entirely in line with the aforesaid planning intention, the proposal could serve any such need for shop and services in the area. Given that there is no known development proposal for the Site, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 11.2 The proposed use is small in scale and generally not incompatible with the surrounding area, which comprises predominantly residential developments and schools (**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/sewerage, fire safety and drainage impacts on the surrounding areas 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 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 on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” to minimise any potential environmental impact on the surrounding areas.
- 11.4 Given that four similar applications within the subject “R(B)1” zone have been approved, approval of the current application is generally in line with the Committee’s previous decisions. Although there is one similar application rejected by the Committee, it was mainly located within the adjacent “R(D)” zone and the scale of that proposal was generally not in line with the planning intention of the “R(D)” zone. Such consideration is generally not applicable to the current application as the proposed use is small in scale and the Site is located within an area partly zoned “R(B)2” and “R(B)1” intended for medium density development.
- 11.5 There are 49 public comments objecting to/raising adverse comments on the application received 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 3 years until 24.6.2025.

The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (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 run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.12.2022;
- (c) in relation to (b) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.3.2023;
- (d) 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 24.12.2022;
- (e) in relation to (d) 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 24.3.2023;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) 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 24.12.2022;
- (h) in relation to (g) 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 24.3.2023;
- (i) if any the above planning condition (a) or (f) 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
- (j) if any of the above planning condition (b), (c), (d), (e), (g) or (h) 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 “R(B)” zone which is for sub-urban medium-density residential developments in rural areas. No strong planning justification had been given in the submission 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 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 4.5.2022
Appendix Ia	FI received on 24.5.2022
Appendix Ib	FI received on 16.6.2022
Appendix II	Previous Application covering the Site and Similar Applications within/straddling the subject “R(B)1” Zone on the OZP
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-8	Public Comments received during the Statutory Publication Period (extracted)
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**