

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1178

- Applicant** : Rising Step Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1314, 1315, 1316 and 1317 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 3,120 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
- Zoning** : “Residential (Group C)” (“R(C)”)
[Restricted to a maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Indoor Recreation Centre) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (indoor recreation centre) for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “R(C)” zone, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently largely vacant and fenced off (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kung Um Road via a local track (**Plan A-3**). According to the applicant, the proposal will provide four indoor badminton courts to serve nearby residents. A toilet and changing room will also be provided. 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 Parts of the Site is the subject of two previous applications (No. A/YL-TYST/28 and 764) (details at paragraph 5 below).

1.4 The major development parameters of the application are summarised as follows:

Site Area	About 3,120 m ²
Total Floor Area (non-domestic)	Not more than 1,615 m ²
No. and Height of Structures	2 • for indoor recreation centre, toilet and changing room (3 – 9m, 1 storey)
No. of Loading/Unloading Space(s)	Nil
No. of Parking Space(s)	7 (for private cars) (5m x 2.5m each)
Operation Hours	9:00 a.m. to 5:00 p.m. daily

1.5 In support of the application, the applicant has submitted an Application Form with annexes and plans received on 5.8.2022 (**Appendix I**).

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 proposal will provide a recreation outlet for the nearby residents and will benefit the community. The proposal is in line with the planning intention and similar proposals have been approved within the same “R(C)” zone. The height of the proposal (i.e. 9m) is reasonable for badminton games. The nature, form and layout of the proposal is compatible with the surrounding environment.
- (b) There will be minimal traffic and environmental impacts arising from the proposal.

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 Applications**

Parts of the Site involves two previous applications (No. A/YL-TYST/28 and 764) for temporary open storage and public vehicle park uses not relevant to the current

application. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

6. Similar Applications

There are two similar applications for proposed temporary place of recreation, sports or culture (indoor recreation centre) (No. A/YL-TYST/1103 and 1121) within/straddling the subject “R(C)” zone, which were approved with conditions each for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 27.8.2021 and 26.11.2021 respectively, mainly on the considerations that the proposals would not frustrate the long-term development of the area; the proposals were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. Details of the applications are summarised at **Appendix II** and the location of the sites are shown on **Plan A-1**.

7. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

8.1 The Site is:

- (a) accessible from Kung Um Road to its east via a local track; and
- (b) currently largely vacant, paved and fenced off.

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

- (a) comprise predominately warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, a plant nursery, agricultural land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate northeast; and
- (c) the warehouses, open storage/storage yards and vehicle repair workshops in the vicinity are suspected unauthorised developments 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 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 12.8.2022, 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 questioning the authenticity and scale of the proposed indoor recreation centre and alleging that there are brownfield use at the Site (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary place of recreation, sports or culture (indoor recreation centre) for a period of 3 years at the Site zoned “R(C)” on the OZP. The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments. Although the proposed use is not in line with the aforesaid planning intention, the proposal is intended to serve the recreational needs of nearby residents. The Site falls within the possible expansion of Yuen Long South (YLS) Development Area which would be 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. As such, 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 indoor recreation centre would be provided within a 9m-high structure, in which the high headroom is to comply with the relevant operational standards for badminton courts under the Hong Kong Planning Standards and Guidelines. Given the nature and scale of the proposal, the proposed indoor recreation centre is considered not incompatible with the intended low-rise, low-density residential uses in the “R(C)” zone, which is subject to a maximum building height of 3 storeys (9m).
- 11.3 There is no adverse comment from concerned government departments, including the 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. There has been no substantiated environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 Two similar applications (No. A/YL-TYST/1103 and 1121) have been approved within/straddling the subject “R(C)” zone. Approval of the current application is generally in line with the Committee’s previous decision.
- 11.5 There is one public comment raising concerns on the application as summarised in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the concerns on the current use of the Site, it is noted that the Site is currently largely vacant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 3 years until 23.9.2025. 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 23.3.2023;
- (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 23.6.2023;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all time 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 23.3.2023;
- (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 23.6.2023;
- (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 Members' reference:

the proposed development is not in line with the planning intention of the "R(C)" zone, which is primarily for low-rise and low-density residential developments.

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 annexes and plans received on 5.8.2022
Appendix II	Previous and 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
Drawing A-3	Proposed Drainage 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
SEPTEMBER 2022**