

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1218

- Applicant** : Well Vision Holdings Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 1034 S.A RP (Part) in D.D. 121 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 130 m² (about) (including GL of about 37 m² (28.5%))
- 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 B) 1” (“R(B)1”)
[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]
- Application** : Renewal of Planning Approval for Temporary Place of Recreation and Sports (Martial Arts Training Venue) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary place of recreation and sports (martial arts training venue) for a period of five years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “R(B)1” 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 paved, vacant and occupied by a canopy covered by a valid planning permission under application No. A/YL-TYST/900 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Tong Yan San Tsuen Road and Sha Tseng Road via a local track (**Plans A-2 and A-3**). According to the applicant, the current application will have no change to the applied use and operation nature of the previous application (No. A/YL-TYST/900), which aims to provide an indoor practice venue for followers of Lung Ying Fist (龍形正宗趙宗國術同學會). The maximum capacity of the practice venue will be limited to 20 persons. The practice of martial arts will be carried out within the proposed structure to avoid any potential nuisance to the surroundings. The operation hours are between 9:00 a.m. and 10:00 p.m.

daily. Plans showing the vehicular access leading to the Site, site layout, boundary fencing and landscape proposal, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site is the subject of a previous application (No. A/YL-TYST/900) for the same use approved by the Rural and New Town Planning Committee (the Committee) of the Board on 6.7.2018 (details at paragraph 6 below). Compared with the last application, the current application is submitted by the same applicant for the same use at the same site with the same layout and minor increase in building height. The major development parameters of the current application and the last previously approved application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/900 (a)	Current Application No. A/YL-TYST/1218 (b)	Difference (b) – (a)
Applied Use	Temporary Place of Recreation and Sports (Martial Arts Training Venue) for a Period of 5 Years		---
Site Area	About 130 m ²		---
Total Floor Area (Non-domestic)	Not more than 100 m ²		---
No. and Height of Structure	1 • for practice area, storage and toilet (3 – 4m, 1 storey)	1 • for practice area, storage and toilet (4.8m, 1 storey)	+0.8m
No. of Parking Space	Nil		---
No. of Loading/ Unloading Space	Nil		---
Operation Hours	9:00 a.m. to 10:00 p.m. daily		---

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

- (a) Application Form with attachments received on 11.5.2023 (**Appendix I**)
 - (b) Further Information (FI) received on 8.6.2023* (**Appendix Ia**)
 - (c) FI received on 14.6.2023* (**Appendix Ib**)
 - (d) FI received on 20.6.2023* (**Appendix Ic**)
- * *accepted and exempted from publication requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs (**Appendices I to Ic**). They can be summarised as follows:

- (a) the Site was the subject of a previous planning permission (No. A/YL-TYST/900). Approval of the application would not set an undesirable precedent for other similar applications;
- (b) the current proposal is the same as the last application albeit with taller height of structure and all the time-limited approval conditions of the last application had

been complied with. The applicant also pledges to maintain the existing boundary fence, landscape treatments, drainage facilities and FSIs in good conditions;

- (c) the temporary use would not jeopardise the long-term planning intention of the area. No complaint against the applied use had been received and there will be minimal environmental impacts arising from the applied use; and
- (d) certain delays have been encountered in the implementation of the development due to the previous situation of COVID-19 and special adjustments in the business market. The applicant will actively implement the applied use upon approval of this renewal application.

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

The applicant is one of the “current land owners”. In respect of the other “current land owner(s)”, the applicant 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 obtaining consent from the other “current land owner(s)”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Application

The Site is the subject of a previous application (No. A/YL-TYST/900) for the same use as the current application covering the same site. The application was approved with conditions for a period of five years by the Committee on 6.7.2018 mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. All the time-limited approval conditions under the last approved application No. A/YL-TYST/900 have been complied with and the planning permission is valid until 6.7.2023. Details of the application are summarised in **Appendix III** and the location of the site is shown on **Plan A-1**.

7. Similar Application

There is no similar application within the same “R(B)1” zone on the OZP.

8. 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.

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

9.1 The Site is:

- (a) accessible from Tong Yan San Tsuen Road and Sha Tseng Road to its north via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, vacant and occupied by a canopy with valid planning permission under application No. A/YL-TYST/900 (**Plans A-2 to A-4**).

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

- (a) comprise predominantly residential developments/structures with open storage/storage yards, warehouses, car park/parking of vehicles, ruin, unused land and vacant land/structures;
- (b) to its north across Tong Yan San Tsuen Road are residential developments, including Windsor Villa and Greenville Residence;
- (c) to its east are a vacant structure covered with valid planning permission for temporary shop and services use, parking of vehicles and warehouse which are suspected unauthorized developments (UD);
- (d) to its south are residential dwellings, ruin, vacant structures and open storage of construction materials which are suspected UD; and
- (e) to its west are car park, residential development named The Parkhill, residential dwellings in temporary structures and unused land.

10. Comments from Relevant Government Bureau and 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 IV and V** respectively.

11. Public Comments Received During the Statutory Publication Period

On 19.5.2023, the application was published for public inspection. During the statutory public inspection period, six public comments were received from individuals, including

five supporting comments and a comment advising that the applicant should avoid causing noise and environmental impacts on the surrounding areas (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary place of recreation and sports (martial arts training venue) for a period of five years at the Site zoned “R(B)1” on the OZP. Although the applied use is not entirely in line with the planning intention of the “R(B)1” zone, there is no known development proposal for the Site. The applied use can provide a sports venue to meet such demand for the local residents and the Commissioner for Sports has no objection to the proposal. The Site falls within an area zoned “Residential – Zone 5” under Stage 4 of the YLS Development according to the Revised Recommended Outline Development Plan of YLS, 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 five years would not jeopardise the long-term development of the area.
- 12.2 The applied use, which is housed within a single-storey structure, is considered not incompatible with the surrounding environment which comprises a mix of residential structures/developments, open storage/ storage yards, warehouses, car park/parking of vehicles, ruin, unused land and vacant land/structures (**Plan A-2**).
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/900; all the time-limited approval conditions under the previous approval had been complied with; and the five-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 Concerned 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. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. There has been no environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. 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”.
- 12.5 Given that one previous approval for the same use as the current application has been granted to the Site in 2018 (**Plan A-1**), approval of the current application is generally in line with the Committee’s previous decision.
- 12.6 There are six public comments supporting to/indicating no objection to the application received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessment in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the applied use for a further period of five years.
- 13.2 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 and be renewed from 7.7.2023 to 6.7.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.10.2023;
- (c) the implementation of the accepted sewerage drainage proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.4.2024;
- (d) in relation to (c) above, the implemented sewerage facilities shall be maintained at all times during the planning approval period;
- (e) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (f) if any of the above planning condition (a), (c) 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
- (g) if any of the above planning condition (b) or (c) 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 condition (a) is the same as that under the permission for application No. A/YL-TYST/900; conditions (b), (c) and (d) are imposed as per Drainage Services Department's comment; condition (e) has been updated as per the current application; requirements for submission and implementation of landscape proposals, provision of boundary fence, as well as restrictions on operation hours have been removed as per the departments' latest requirement; and restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

- 13.3 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(B)1" zone which is primarily intended for sub-urban medium-density residential developments in rural areas. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 11.5.2023
Appendix Ia	FI received on 8.6.2023
Appendix Ib	FI received on 14.6.2023
Appendix Ic	FI received on 20.6.2023
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	As-built Boundary Fence and Landscape Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	FSIs Proposal
Plan A-1	Location Plan with Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2023**