

RNTPC Paper No. A/YL-TYST/1277
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2024

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-TYST/1277

- Applicant** : Pun Chun Sauce & Preserved Fruit Factory Limited represented by Allgain Land Planning Limited
- Site** : Lot 3927 S.A (Part) in D.D. 124, Tan Kwai Tsuen, Hung Shui Kiu, Yuen Long
- Site Area** : 360 m² (about)
- Lease** : Tai Po New Grant No. 6364 (for agriculture and chicken farm purposes)
- 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** : 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 three years at the application site (the Site) zoned “R(B)1” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(B)1” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by a two-storey structure for office and storage uses without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the southern part is accessible from Tan Kwai Tsuen Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, a single-storey structure (7m in height) with a floor area of about 220m² is proposed for retail of food products (including sauces) and groceries. There will be three to four staff members at the Site during the operation hours between 9:00 a.m. and 8:00 p.m. every day and no staff will be stationed at the Site overnight. A loading and unloading (L/UL) space for light goods vehicle (LGV) will be provided and L/UL activities will be carried out upon appointment with the staff. Plan showing the vehicular access and proposed layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

Site Area	About 360 m ²
Total Floor Area (Non-domestic)	About 220 m ²
No. and Height of Structure	1 • for shop and services (7m, 2 storeys)
No. of Parking Space	Nil
No. of L/UL Space	1 (for van type LGV) (5m x 2.5m)
Operation Hours	9:00 a.m. to 8:00 p.m. daily

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

- (a) Application Form with attachments received on 16.7.2024 (**Appendix I**)
- (b) Further Information (FI) received on 26.8.2024 (**Appendix Ia**)
[accepted and 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 attachments to the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the proposed development will provide shop for the nearby residents. The development is temporary in nature and would not jeopardise the long-term planning intention of the “R(B)1” zone;
- (b) the proposal only involves a two-storey temporary structure without carrying out major works in terms of infrastructures;
- (c) similar applications for shop and services have been approved in the vicinity of the Site. The proposed use is not incompatible with the surrounding area;
- (d) no neon-light advertising sign will be installed and no broadcasting and advertising activity will be carried out at the Site; and
- (e) there will be no adverse environmental, noise, traffic, landscape and visual 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

There is no previous planning application concerning the Site.

6. Similar Applications

There are five similar planning applications (No. A/YL-TYST/1092, 1160, 1194, 1195 and 1250) for temporary shop and services uses within/straddling the subject “R(B)1” zone in the past five years. All five applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of three years mainly on the considerations that the proposals were not incompatible with the surrounding areas; the proposals would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions for four of them (No. A/YL-TYST/1092, 1160, 1194 and 1195) were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tan Kwai Tsuen Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently occupied by a two-storey structure for office and storage uses without valid planning permission (**Plans A-2 to A-4b**).

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

- (a) comprise predominantly residential developments (including Manor Parc, Domus and Great Garden), factories, a school (i.e. Po Kok Branch School), warehouse, storage yards, parking of truck, vehicle repair workshops and unused land; and
- (b) the storage yards, parking of truck and vehicle repair workshops in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

8. Planning Intention

The planning intention of the “R(B)1” 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. 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 are provided in **Appendices III** and **IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 23.7.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “R(B)1” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “R(B)” zone, it could serve any such demand for shop and services in the area. There are also no known development programme or proposals for residential development at the Site for the time being. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(B)1” zone.
- 11.2 The surrounding area comprises predominantly residential developments, factories, warehouse, a school, storage yards, parking of truck, vehicle repair workshops and unused land (**Plans A-2** and **A-3**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.3 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 from traffic, environmental, fire safety and drainage aspects respectively. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the 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 possible environmental nuisance on the surrounding areas and that the planning permission does not condone any other development/use not covered by the application but currently existing on the Site (i.e. office and storage uses).
- 11.4 Five similar applications for temporary shop and services uses within/straddling the subject “R(B)1” zone have been approved in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 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 three years until 6.9.2027. 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 6.3.2025;
- (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 6.6.2025;
- (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 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 6.3.2025;
- (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 6.6.2025;
- (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 use is not in line with the planning intention of the "R(B)1" zone, which is primarily for sub-urban medium-density residential developments in rural areas. 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 attachments received on 16.7.2024
Appendix Ia	FI received on 26.8.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**