

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

**APPLICATION NO. A/YL/274**

<b><u>Applicant</u></b>	: 4399 Limited represented by Metro Planning & Development Company Limited
<b><u>Site</u></b>	: Lot 4399 RP in D.D. 116 and adjoining Government Land (GL), Fung Ki Road, Yuen Long, New Territories
<b><u>Site Area</u></b>	: 114m <sup>2</sup> (about) (including about 9m <sup>2</sup> of GL (about 7.9%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/24 (currently in force)  Approved Yuen Long OZP No. S/YL/23 (at the time of submission)
<b><u>Zoning</u></b>	: "Residential (Group B)" ("R(B)") <i>[restricted to a maximum plot ratio (PR) of 3.5, a maximum site coverage (SC) of 50% and a maximum building height of 25 storeys (excluding basement car park)]</i>
<b><u>Application</u></b>	: Proposed Temporary Shop and Services and Minor Relaxation of Site Coverage Restriction for a Period of 6 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary shop and services with relaxation of site coverage restriction from 50% to 92.11% (i.e. + 84%) for a period of 6 years (**Plan A-1**). 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). For temporary uses of any land or building expected to be over 5 years, the uses must conform to the zoned use. Besides, according to the Notes of the OZP, based on individual merits of a development or redevelopment proposal, minor relaxation of the site coverage restriction stated on OZP may be considered by the Board. The Site is currently vacant and is not involved in any previous application (**Plans A-1 to A-4**).

- 1.2 According to the applicant, the proposed use comprises a two-storey (8m high) temporary structure for real estate agency offices and self-service laundry with a total gross floor area (GFA) of about 210m<sup>2</sup>, PR of about 1.84 and SC of 92.11%. The operation hours of the proposed temporary shop and services is 9:00 a.m. to 11:00 p.m. daily. No vehicle will be allowed to enter or park on the Site. The proposed layout plan and as-built drainage plan submitted by the applicant are shown in **Drawings A-1 and A-2**.
- 1.3 In support of the application, the applicant has submitted the following document:
- (a) Application Form with attachments received on 21.1.2021 **(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 at **Appendix I**. They can be summarised as follows:

- (a) The proposed use is temporary in nature and would not jeopardize the long-term planning intention of the “R(B)” zone as the proposed use is a Column 2 use within the “R(B)” zone.
- (b) The proposed shop and services use would benefit the residents in the vicinity.
- (c) In view of the nature, scale and form of the proposed development, it is considered not incompatible with the surrounding environment.
- (d) The proposed use would not generate adverse impact to the surrounding environment.
- (e) The Site can be accessed only by pedestrians and is not connected to any vehicular road. No vehicular access, parking space and loading/unloading bay are proposed.
- (f) The Site is currently a vacant site. The approval of the application would be a prudent use of the precious land resources. Also, the Site is not viable for residential development because of the limited size and it is isolated from the adjacent residential development. Therefore, the proposal is the best use for the Site.
- (g) Given the size of the Site is very small, a minor relaxation of SC from 50% to 92.11% is a prudent use of land. A structure of more than 2-storey may block the view of adjoining residential development.

## **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. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the GL portion.

**4. Previous Application**

The Site is not subject to any previous application.

**5. Similar Application**

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

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

6.1 The Site is:

- (a) located in the southern fringe of Yuen Long New Town;
- (b) accessible from Fung Ki Road and required to enter the Site on foot via the ramp along the footpath (**Plans A-2 and A-4**); and
- (c) currently vacant.

6.2 The surrounding areas have the following characteristics:

- (a) generally residential in nature intermixed with vacant sites;
- (b) to its east are electricity substation and high-rise residential buildings namely Residence 88 (Tower 2) and Grand Del Sol;
- (c) to its immediate north is a vacant site, and to its further north is a high-rise residential building namely Residence 88 (Tower 1);
- (d) to its west across Fung Ki Road are residential uses and a barbecue site; and
- (e) to its south are mainly residential uses.

**7. Planning Intention**

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

**8. Comments from Relevant Government Departments**

8.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

#### **8.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):**

- (a) The Site comprises GL and an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of GL (about 9m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to exclude the GL portion from the Site or apply to his office for a Short Term Tenancy to occupy the GL. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

### **Traffic**

#### **8.1.2 Comments of the Commissioner for Transport (C for T):**

The applicant is reminded that no parking of vehicle on public road is allowed. In addition, loading/unloading is also prohibited from 7 a.m. to midnight presently at Fung Ki Road.

#### **8.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):**

He noted that no vehicular access is proposed or to be granted under the application. He has no comment from the highway maintenance point of view. If the planning application is approved, the applicant is reminded that the application is approved on the understanding that there is and will be no vehicular access to/from the Site.

## **Environment**

### 8.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) The proposed development would not involve operation of heavy vehicles nor dusty operations, while there is sensitive receiver within 100m from the site boundary. Should the application be approved, the applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“CoP”) issued by DEP to minimise potential environmental nuisance to the surrounding area.

## **Urban Design and Landscape**

### 8.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

#### **Urban Design**

- (a) The application involves a new 2-storey temporary structure with 8m high (including a 1m high rooftop signboard) to accommodate the proposed shop and services (i.e. real estate agency and self-service laundry). Given the low-rise nature and small scale of the temporary structure, significant visual impact is not anticipated.

#### **Landscape**

- (b) With reference to the aerial photo of 2020, the Site is vacant with no tree observed within the boundary. The Site is situated in an area of miscellaneous rural fringe landscape character. Significant change to the character arising from the application is not anticipated.

## **Drainage**

### 8.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from the drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring the applicant to (i) submit a drainage proposal and (ii) implement and maintain the drainage proposal for the development to his/the Board’s satisfaction.

- (c) The applicant should be reminded of the detailed comments at **Appendix III.**

### **Fire Safety**

#### 8.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The applicant should be reminded of the detailed comments at **Appendix III.**

### **Building Matters**

#### 8.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The applicant should be reminded of the detailed comments at **Appendix III.**

### **Others**

#### 8.1.9 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) He has no comment on the planning application.
- (b) Other detailed comments are at **Appendix III.**

#### 8.2 The following government departments have no comment on the application:

- (a) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (b) Project Manager (West) (PM(W)), CEDD;
- (c) Commissioner of Police (C of P); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **9. Public Comments Received During Statutory Publication Period**

On 29.1.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 3 public comments were received from 2 individuals and a Yuen Long District Councilor. All public comments opposed

to the application (**Appendix II**). The commenters object to the application on grounds that the Site occupies government land, is not in line with the planning intention of the “R(B)” zone, anticipated commercial activities within the proposed development may affect the rural lifestyle and environment, result in noise pollution, light pollution, worsen the traffic congestion problem, as well as create security problem in the area.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for temporary shop and services for a period of 6 years with minor relaxation of SC restriction within the “R(B)” zone on the OZP. The planning intention of the “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Although the proposed use is not entirely in line with the planning intention of the “R(B)” zone, the proposed temporary shop and services could provide retail services to meet the needs of the local community, and there is no known development proposal at the Site. As such, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “R(B)” zone.
- 10.2 The current application involves a proposed use comprising a two-storey temporary structure (8m high) with a total GFA of about 210m<sup>2</sup> (PR of about 1.84) and SC of 92.11%. It is considered that the proposed use and its development scale is not incompatible with the surrounding uses which are predominantly residential uses intermixed with vacant land.
- 10.3 Although the proposed relaxation of SC restriction from 50% to 92.11% (+84%) may not be considered as minor per se, given the low-rise character, small scale (about 105m<sup>2</sup> covered area) and temporary nature of the proposed development, sympathetic consideration can be given to the application. In relation to this, CTP/UD&L, PlanD considers significant visual impact from the proposed use is not anticipated.
- 10.4 Relevant government departments consulted, including C for T, DEP, CE/MN, DSD and CTP/UD&L, PlanD have no objection to or adverse comment on the application. Significant adverse traffic, environmental, drainage, sewerage and landscape impacts on the surrounding areas are not envisaged. Appropriate approval conditions are suggested in paragraph 11.2 below to minimize any possible environmental nuisances on the surrounding areas or to address the technical requirements of the concerned government departments.
- 10.5 There are 3 public comments received on the application during the statutory publication period as summarized in paragraph 9 above. The planning considerations and assessments in the above paragraphs are relevant.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 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 6 years until 12.3.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 11:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) 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 12.9.2021;
- (d) in relation to (c) 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 12.12.2021;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 12.9.2021;
- (g) in relation to (f) 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 12.12.2021;
- (h) if any of the above planning conditions (a), (b) or (e) 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
- (i) if any of the above planning conditions (c), (d), (f) or (g) 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 attached at **Appendix III**.

- 11.3 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)" zone, which is primarily for medium-density residential developments. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

## **13. Attachments**

<b>Appendix I</b>	Application form with attachments received on 21.1.2021
<b>Appendix II</b>	Public comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Proposed layout plan
<b>Drawing A-2</b>	As-built drainage plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MARCH 2021**