

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/295

- Applicant** : Mr. TANG Wai Hon represented by Metro Planning & Development Company Limited
- Site** : Lot 71 RP (Part) in D.D. 115, Yuen Long Kau Hui Road, Yuen Long, New Territories
- Site Area** : 90 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/25
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of 6 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently partly vacant and partly occupied by parking of vehicles (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Yuen Long Kau Hui Road to its north via a local track (**Plan A-2**). According to the applicant, the proposed use is for a convenient store to serve the nearby residents. Only light goods vehicles (LGVs) will be allowed to enter/park at the Site. Plans showing the vehicular access 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	90 m ² (about)
Total Floor Area (Non-domestic)	Not more than 40 m ²
No. and Height of Structure	1 • for shop and toilet (4m, 1 storey)
No. of Loading/ Unloading Space	1 • for LGV (7m x 3.5m each)
No. of Parking Space	Nil
Operation Hours	9:00 a.m. to 7:00 p.m. daily

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

- (a) Application Form with annexes and plans received on 2.8.2022 **(Appendix I)**
- (b) Further Information (FI) received on 19.9.2022 **(Appendix Ia)**
[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) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone. Similar shop and services have been approved by the Board in another “V” zone of the OZP. The proposed use is compatible with the surrounding environment and would benefit the nearby villagers.
- (b) There will be minimal traffic and drainage 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. **Previous Application**

The Site is not involved in any previous application.

5. **Similar Application**

There is no similar application within the subject “V” zone.

6. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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

7.1 The Site is:

- (a) accessible from Yuen Long Kau Hui Road to its north via a local track (**Plan A-2 and Drawing A-1**); and
- (b) paved, partly vacant and partly occupied by parking of vehicles.

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

- (a) rural residential in character comprising predominately village houses and residential structures, intermixed with car park/parking of vehicles, shop and services, refuse collection point, toilet, school, ruins and vacant land/structures;
- (b) the main clusters of village houses of Yuen Long Kau Hui and Nam Pin Wai are located to the immediate west and further southwest of the Site respectively; and
- (c) to the north and to the east across Yuen Long Kau Hui Road are Chung Sing School and village cluster of Tung Tau Tsuen respectively.

8. 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 II and III** respectively.

9. Public Comment Received During the Statutory Publication Period

On 9.8.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed temporary shop and services for a period of 6 years at the Site zoned “V” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone, which is primarily for development of Small House by indigenous villagers, the proposal could meet any such demand for shop and services in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is currently no Small House application approved/under processing at the Site. As such, approval of the application on a temporary basis for a period of 6 years would not frustrate the long-term planning intention of the “V” zone.
- 10.2 The proposed use is generally not incompatible with the surrounding uses, which comprise predominantly village houses and residential structures intermixed with car park/parking of vehicles and shop and services (**Plan A-2**).
- 10.3 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, fire safety and drainage impacts on the surrounding areas are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 11.2 below to address the technical requirements of concerned government departments.
- 10.4 There is no public comment on the application received during the statutory publication period.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 above, 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 23.9.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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;

- (d) in relation to (c) 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;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 III**.

- 11.3 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 "V" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the 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

Appendix I	Application Form with annexes and plans received on 2.8.2022
Appendix Ia	FI received on 19.9.2022
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**