

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/296

- Applicant** : Dragon Value Investments Limited represented by Llewelyn-Davies Hong Kong Limited
- Premises** : G/F (Part) and M/F, Transport Plaza, 2-6 Fung Cheung Road, Yuen Long, New Territories
- Total Floor Area of Premises** : About 4,044m²
- Lease** : (a) Under New Grant No. 3071
(b) The lot shall not be used for any purpose other than the following:
(i) a multi-storey car park consisting of not less than 765 spaces
(ii) a petrol filling station
(iii) remaining floor area for non-industrial purpose only, excluding residential
- Plan** : Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/26 (currently in force)

Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/25 (at the time of submission)
[no change to zoning of the application premises]
- Zoning** : “Other Specified Uses” annotated “Public Car Park and Petrol Filling Station with Ground Floor Retail Shops” (“OU(PCP and PFS with G/F Retail Shops)”) *[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 25 storeys excluding basement(s)]*
- Application** : Proposed Eating Place, Shop and Services and School (Tutorial School)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed eating place, shop and services and tutorial school at the application premises (the Premises) (**Plan A-**

- 1). According to the Notes of the OZP, ‘Eating Place’, ‘School’ and ‘Shop and Services (not elsewhere specified)’¹ are Column 2 uses in the “OU(PCP and PFS with G/F Retail Shops)” zone, which require planning permission from the Town Planning Board (the Board). The Premises is located on parts of G/F and the M/F of an existing building, namely Transport Plaza (the subject building). The Premises, as well as the partial exterior of the subject building, is currently under renovation (**Plans A-2 to A-4b**).
- 1.2 According to the submission, the proposal is to convert and re-configure part of G/F and the M/F to enhance the flexibility of proposed uses. Under the proposed scheme, the proposed conversion at the Premises will not affect the existing development parameters of the subject building. Other parts of the subject building, including the PCP portion at 1/F to 10/F and PFS at G/F will remain unchanged. The floor plans submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Premises is the subject of two previous applications No. A/YL/5 for restaurant (i.e. ‘Eating Place’ use) involving parts of G/F and the M/F, and No. A/YL/292 for ‘School (tutorial school)’ use involving part of G/F of the subject building. The applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board on 4.12.1992 and 10.6.2022 respectively. (**Plan A-1**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 13.10.2022 (**Appendix I**)
 - (b) Supplementary Planning Statement (PS) (**Appendix Ia**)
 - (c) Further Information (FI) received on 25.11.2022 (**Appendix Ib**)
(not exempted from the publication and recounting requirements)
 - (d) FI received on 5.1.2023 (**Appendix Ic**)
(exempted from the 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 PS at **Appendix Ia**. They can be summarised as follows:

- (a) According to the Notes of the OZP for “OU (PCP and PFS with G/F Retail Shops)” zone, ‘Shop & Services’ use is always permitted at G/F of the Premises. Part of the Premises is the subject of previous approved applications for proposed ‘Eating Place’ and ‘School (tutorial school)’ uses. There is no change to other portions of the subject building (i.e. the PFS and PCP). The proposed uses are therefore in line with the planning intention and the previous approvals.

¹ ‘Shop and Services (ground floor only)’ is always permitted in the “OU(PCP and PFS with G/F Retail Shops)” zone.

- (b) The proposed development is a showcase of applying the “Single Site, Multiple Use” principle in privately owned premises by allowing greater flexibility and widen variety of uses at the lower floors of the subject building.
- (c) The proposed development could enhance the existing shopping arcade at the subject building and could meet the changing needs of the neighbourhood.
- (d) The proposed use will not cause any adverse environmental, traffic and sewerage impacts to the surrounding. No visual impact is envisaged as the application only involves internal conversion without any change in building bulk.

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

The applicant is the sole “current land owner” of the Premises. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The site covering the Premises has been zoned “OU (PCP and PFS with G/F Retail Shops)” since the exhibition of the first draft Yuen Long OZP No. S/YL/1 on 12.4.1991. There has been no change to the zoning since then.

5. Previous Applications

The Premises is the subject of two previous planning applications (No. A/YL/5 and 292) involving various portions of G/F and M/F of the subject building for restaurant (i.e. ‘Eating Place’) and ‘School (tutorial school)’ uses. The applications were approved by the Committee on 4.12.1992 and 10.6.2022 respectively mainly on the grounds that the proposed uses were not incompatible with the existing uses of the surrounding premises. Details of these applications are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the same “OU(PCP and PFS with G/F Retail Shops)” zone on the OZP.

7. The Premises and Its Surrounding Areas (Drawings A-1 and A-2, Plans A-1 to A-4b)

7.1 The Premises is:

- (a) located on the G/F and M/F of an existing 12-storey purpose-built car park building with PFS and retail shops, namely Transport Plaza, at the junction of Kin Lok Street and Fung Cheung Road (**Plan A-2**); and

(b) currently under renovation (**Plan A-4a**).

7.2 The subject building, with a total non-domestic GFA of 28,709m² (i.e. plot ratio (PR) of 9.5), was completed with occupation permit (OP) issued in 1988. The current uses of the subject building are summarised below:

Floor	Current Uses
G/F	The Premises (under renovation) and PFS
M/F	The Premises (under renovation)
1/F to 10/F	Public car parking spaces ²

7.3 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) the locality is mainly occupied by residential buildings with lower floors for non-domestic uses on land zoned “Residential (Group A)” (“R(A)”);
- (b) to the northeast of the subject building across Fung Cheung Road is Fung Cheung Road Garden on land zoned “Open Space”. The subject building is accessible via the elevated walkways connecting to the areas across Fung Cheung Road and Castle Peak Road-Yuen Long;
- (c) to the south of the subject building across Kin Lok Street is Kin Yip Street Cooked Food Market on land zoned “Government, Institution or Community”; and
- (d) the area is well-served by various modes of public transport including railway, bus and minibus.

8. Planning Intention

The planning intention of the “OU(PCP and PFS with G/F Retail Shops)” zone is primarily for PCP and PFS with G/F retail shops.

9. Comments from Relevant Government Bureau/Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, LandsD:

² According to Transport Department’s record, there are a total of 880 public car parking spaces in Transport Plaza, including 779 spaces for private car and 101 spaces for goods vehicle.

- (a) he has no comment on the application provided that the proposed development would not result in exceeding the permitted plot ratio and building height under lease;
- (b) the Premises falls within Yuen Long Town Lot No. 348, which is held under New Grant No. 3071 as modified by three modification letters dated 18.12.1987, 23.11.1988 and 21.2.1994 (the conditions). According to the conditions, it contains, inter alia, the following restrictions:

The lot shall not be used for any purpose other than:

- (i) a multi-storey car park consisting of not less than 765 spaces;
 - (ii) a PFS;
 - (iii) remaining floor area for non-industrial purposes only, excluding residential; and
 - (iv) no non-domestic building erected on the Lot exceeding 36m in height shall have a PR in excess of 9.5.
- (c) his advisory comments are at **Appendix III**.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

Having regard to the revised Traffic Impact Assessment, she has no comment on the application.

Drainage

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

Having regard to the revised Sewerage Impact Assessment (SIA), he has no comment on the application.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) having regard to revised SIA and Environmental Assessment, she has no comment on the application from air quality, sewerage infrastructure and planning perspectives; and
- (b) she has no adverse comment to the application from noise planning point of view, as long as the operation of proposed eating place and shop and services would meet the noise criteria of Noise Control Ordinance and the noise sensitive uses within the proposed tutorial school will not rely on openable window for ventilation by equipping central air-conditioning system.

Fire Safety

9.1.5 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

- (a) it was noted that an OP for PFS, carpark maintenance office and store, shopping area and ancillary accommodation for non-domestic use at G/F, shops and ancillary accommodation for non-domestic use at M/F and car parking area and ancillary accommodation for non-domestic use at 1/F to 10/F was issued on 28.9.1988; and
- (b) her advisory comments are at **Appendix III**.

Other Aspect

9.1.7 Comments from the Director of Food and Environmental Hygiene (DFEH):

She has no adverse comments on the planning application, and her advisory comments are at **Appendix III**.

District Officer's Comments

9.1.8 Comments of the District Officer (Yuen Long), Home Affairs Department:

His office has no departmental comment on the application and the local comments should be submitted to the Board directly, if any.

9.2 The following government bureau/departments have no comment on the application:

- (a) Secretary for Education;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/NT West, Highways Department;
- (d) Project Manager (West)/West Development Office; Civil Engineering and Development Department;
- (e) Director of Electrical and Mechanical Services;

- (f) Director of Leisure and Cultural Services; and
- (g) Commissioner of Police.

10. Public Comment Received During Statutory Publication Period

- 10.1 On 25.10.2022 and 2.12.2022, the application was published for public inspection. During the statutory public inspection periods, 61 public comments were received, with 60 supporting comments from individuals (samples of comments are extracted in **Appendices IV-1 to IV-3**) and one expressing no comment on the application from the Incorporated Owners of Hang Fa Mansion in the vicinity (**Appendix IV-4**). All public comments received are deposited at the Board's Secretariat for Members' reference.
- 10.2 The comments support the application mainly on the grounds that the proposal can enhance the flexibility and variety of uses at the subject building which complements with the surrounding and could meet the needs of the community of Yuen Long. The proposal will not generate adverse traffic, environmental and sewerage impacts on the surroundings and will benefit the long-term development of the locality.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed eating place, shop and services and tutorial school uses at the Premises within the "OU(PCP and PFS with G/F Retail Shops)" zone on the OZP. The planning intention of the zone is primarily for PCP and PFS with G/F retail shops. The proposed uses are not in conflict with the planning intention of the subject "OU" zone as they can provide a greater flexibility and widen variety of uses and services to meet such demand in the area.
- 11.2 The proposed development is located at the G/F and M/F of Transport Plaza, involving a floor area of about 4,044m². Prior to renovation, the Premises was used as shopping arcade of the subject building. According to the applicant, the application is to enhance the flexibility of uses at the Premises and there is no change to the existing development parameters and the building bulk. In a wider context, the proposed uses are generally compatible with the surrounding uses which comprise predominately residential buildings with lower floors for commercial uses on land zoned "R(A)".
- 11.3 Relevant departmental departments consulted, including DEP, C for T, CE/MN, DSD, D of FS and CBS/NTW, BD, have no objection to or no adverse comment on the application. Operation of the proposed eating place will be subject to licensing control by DFEH. Adverse environmental, traffic, drainage, hygiene, fire safety and building safety impacts are not anticipated. To address the technical requirement on fire safety, relevant approval condition is recommended in paragraph 12.2 below.
- 11.4 Approval of the current application is consistent with the previous decisions of Committee in approving the previous applications as stated in paragraph 5 above.

- 11.5 Regarding the public comments received as summarised in paragraph 10 above, the department comments in paragraph 9 and the planning consideration and assessments on paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as 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 until 13.1.2027, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval condition

the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

- 12.3 There is no strong reason to recommend rejection of the application.

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 date when the validity of the permission should expire.
- 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 received on 13.10.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 25.11.2022
Appendix Ic	FI received on 5.1.2023

Appendix II	Previous Applications
Appendix III	Recommended Advisory Clauses
Appendix IV-1 to IV-4	Public Comments
Drawings A-1 and A-2	Floor Plans
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
JANUARY 2023**