

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/301

- Applicant** : Wealthy Grand Limited represented by R-riches Property Consultants Limited
- Site** : Lot 104 RP (Part) in D.D. 115, Yuen Long, New Territories
- Site Area** : 3,222 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/26
- Zonings** : “Village Type Development” (“V”) (about 50.8%) and
[Restricted to a maximum building height of 3 storeys (8.23m)]
“Open Space” (“O”) (about 49.2%)
- Application** : Temporary Shop and Services (Motor-vehicle Showroom) with Ancillary Office for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (motor-vehicle showroom) with ancillary office for a period of six years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “O” and “V” zones, ‘Shop and Services’ is a Column 2 use. According to the covering Notes of the OZP, for temporary uses of any land or building expected to be over five years, the uses must conform to the zoned use or these Notes. As such, the temporary shop and services (motor-vehicle showroom) with ancillary office for a period of six years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL/247 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Long Yat Road to its south via a local track (**Plan A-2**). According to the applicant, the applied use is for a motor-vehicle showroom to serve the nearby residents. About 140 cars will be displayed at the vehicle displaying area. No car beauty, car washing, car repairing, car dismantling or other workshop activities will be carried out and no public announcement system, whistle blowing, portable loud speaker or other form of audio amplification system will be used at

the Site. Plans showing the vehicular access to the Site, site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 Majority of the Site is subject of a previous application (No. A/YL/247) approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and the planning permission is still valid until 17.8.2024 (details at paragraph 4 below (**Plan A-1**)). Compared with the approved previous application, the current application is submitted by the same applicant for the same use at a larger site with adjusted site boundary but similar layout and development parameters, which are summarised as follows:

	Previously Approved Application No. A/YL/247 (a)	Current Application No. A/YL/301 (b)	Difference (b) – (a)
Applied Use	Temporary shop and services (motor-vehicle showroom) with ancillary office for a period of 6 years		---
Site Area	3,200.2 m ² (about)	3,222 m ² (about)	+21.8 m ² (+0.7%)
Total Floor Area (Non-domestic)	454.77 m ² (about)	189 m ² (about)	-265.77 m ² (-58.4%)
No. of Structures	12 for display of vehicles, office, sitting/resting area, open shed and storage	11 for shop and services, office, rain shelter for vehicles	-1 (-8.3%)
Height of Structures	3-6m (1-2 storeys)	3m (1 storey)	-3m (-50%)
No. of Parking Spaces	10 (for private car)		---
Operation Hours	11:00 a.m. to 9:00 p.m. daily	9:00 a.m. to 9:00 p.m. daily	longer operation hours

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

- (a) Application Form received on 13.2.2023 **(Appendix I)**
- (b) Further Information (FI) received on 17.4.2023 **(Appendix Ia)**
*[accepted but not exempted from publication and
recounting requirements]*

- 1.5 On 31.3.2023, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

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 applied use is temporary in nature and would not jeopardise the long-term planning intentions of the “O” and “V” zones. The Site is subject of an approved application and the development parameters and use of the current application are similar; and
- (b) there will be minimal traffic, environmental, landscape and drainage impacts on the surrounding areas. The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”) and relevant statutory requirements and practice notes to minimise adverse impacts.

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 majority of the Site is subject of a planning application (No. A/YL/247) for the same use as the current application, which was approved by the Committee on 17.8.2018 mainly on the considerations that the applied use would not frustrate the long-term planning intentions of the “V” and “O” zones; was not incompatible with the surrounding area; and adverse impact arising from the applied use was not anticipated. All the time-limited approval conditions of the planning permission have been complied with and the permission is valid until 17.8.2024. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

5. Similar Application

There is no similar application within the subject “V” and “O” zones.

6. Planning Intentions

- 6.1 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

- 6.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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

7.1 The Site is:

- (a) accessible from Long Yat Road to its south via a local track (**Plan A-2**); and
- (b) paved and occupied by the applied use with valid planning permission under application No. A/YL/247.

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

- (a) residential in character comprising predominately village houses and residential structures, intermixed with open storage/storage yards, car parks/parking of vehicles, shop and services, refuse collection points, toilets, a temple, ruins and vacant land/structures;
- (b) the main clusters of village houses of Tung Tau Tsuen, Nam Pin Wai and Yuen Long Kau Hui are located to the immediate northeast, further west and northwest of the Site respectively; and
- (c) to the south across Long Yat Road is Yuen Long Station.

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 III and IV** respectively.

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

On 21.2.2023 and 25.4.2023, the application was published for public inspection. During the three weeks of the statutory public inspection periods, four public comments were received from individuals. One individual objects to the application on the grounds that there is insufficient land and the Site shall be reserved for leisure use (**Appendix V-1**). The other three individuals provide adverse comments on the application that approval of the applied use for trading pre-owned cars is not in line with the government’s policy on carbon neutrality; traffic and safety concerns on the surrounding areas due to the applied use; queries related to the implementation of the open space at the Site; and suggestions on alternative uses of the Site such as cycling park, pet garden and temporary housing (**Appendices V-2 to V-4**).

10. Planning Considerations and Assessments

- 10.1 The application is for temporary shop and services (motor-vehicle showroom) with ancillary office for a period of six years at the Site partly zoned “V” and partly zoned “O” on the OZP. Although the applied use is not in line with the planning intentions of both the “V” and “O” zones, which are primarily for development of Small House by indigenous villagers and provision of outdoor open-air public space respectively, 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 “V” portion of the Site. The Director of Leisure and Cultural Services also advises that there is no implementation programme to develop the “O” portion of the Site into public open space at present. In this regard, approval of the application on a temporary basis for a period of six years would not frustrate the long-term planning intentions of both the “V” and “O” zones.
- 10.2 The applied 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 the 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 Majority of the Site is subject of a previous application (No. A/YL/247) for the same use covering a slightly different site boundary approved by the Committee in 2018 and all the time-limited approval conditions have been complied with. Approval of the current application is generally in line with the Committee’s previous decision.
- 10.5 There are four public comments objecting to/providing adverse comments as summarised in paragraph 9 above. The planning considerations and assessments in paragraphs 10.1 to 10.4 above are relevant.

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 six years until 9.6.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.9.2023;
- (b) in relation to (a) above, the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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 9.12.2023;
- (d) in relation to (c) above, the implementation of the revised 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 9.3.2024;
- (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 IV**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the applied use is not in line with the planning intentions of the "V" and "O" zones which are primarily for development of Small Houses by indigenous villagers and provision of outdoor open-air public space respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 Attachments received on 13.2.2023
Appendix Ia	FI received on 17.4.2023
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-4	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2023**