

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

**APPLICATION NO. A/YL/309**

- Applicant** : New Style Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 2483 RP in D.D. 120, Yuen Long, New Territories
- Site Area** : About 345m<sup>2</sup>
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/26
- Zoning** : “Residential (Group A)1” (“R(A)1”)  
*[Restricted to a maximum domestic plot ratio (PR) of 5 or a maximum non-domestic PR of 9.5, as the case may be, and a maximum building height of 25 storeys excluding basement(s)]*
- Application** : Proposed Temporary Shop and Services for a Period of 6 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services for a period of six years (**Plan A-1**). According to the Notes of the OZP for the “R(A)1” zone, except on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building, ‘Shop and Services’ use is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and partly covered with vegetation (**Plan A-4**).
- 1.2 The Site is accessible via a local road leading to Shap Pat Heung Road. According to the applicant, the proposed development comprises a single-storey (not more than 4.5m high) temporary structure with a total floor area of not more than 230m<sup>2</sup> for selling hardware accessories, such as handy tools, screw drivers and screws, and with an ancillary toilet. The proposed operation hours are between 9:00 a.m and 7:00 p.m. daily, including public holidays. One loading/unloading bay for light goods vehicle would be provided within the Site. The proposed layout plan, vehicular access plan and drainage proposal submitted by the applicant are shown on **Drawings A-1 to A-3**.

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

- (a) Application Form with attachments received on 23.8.2023 (Appendix I)
- (b) Further Information (FI) received on 5.10.2023 (Appendix Ia)  
*[accepted and exempted from publication 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 development is temporary in nature, which will not jeopardise the long-term planning intention of the “R(A)” zone.
- (b) The nature, form and scale of the proposed development are considered not incompatible with the surroundings.
- (c) The proposed development would benefit the nearby villagers by selling hardware accessories, such as handy tools, screw driver and screws.
- (d) A similar application (No. A/YL/245 in the adjoining “Government, Institution or Community” zone) for temporary shop and services use has been approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board.
- (e) The proposed development would not generate adverse traffic, drainage and environmental impacts to the surrounding area.

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

The applicant is not the ‘current land owners’ 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 notice to Ping Shan Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Previous Application**

There is no previous application covering the Site.

## 5. **Similar Application**

There is no similar application within the same “R(A)1” zone.

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

### **6.1 The Site is:**

- (a) accessible via a local road leading to Shap Pat Heung Road; and
- (b) currently vacant and partly covered by vegetation.

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

- (a) to its north and northeast are some residential dwellings, open storage yards, a hardware store under approved application (No. A/YL/245), a car servicing workshop and a site used for parking of vehicles;
- (b) to its east are some residential dwellings, a site used for parking of vehicles and a nullah. Across the nullah are an open storage yard of construction materials and vacant land;
- (c) to its south and southwest are some residential structures intermixed with a public toilet, a car washing workshop, an open storage yard of containers, a football field and unused land; and
- (d) to its west and northwest acrossing the footpath are two schools, namely Lutheran Academy and Buddhist Chan Wing Kan Memorial School.

## **7. Planning Intention**

The “R(A)” zone is intended primarily for high-density residential development. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

## **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 1.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the village representatives of Lam Hau Tsuen (**Appendix IV**), who object to the application mainly on the grounds that the Site is not suitable for temporary shop and services use and approval of this application would generate adverse traffic impacts to the local road.

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

- 10.1 The application is for proposed temporary shop and services for a period of six years at the Site zoned “R(A)1” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “R(A)” zone, which is primarily for high-density residential development, the proposed development could provide the shop and services to serve the locals and meet any such need in the area. Besides, the Site is currently not subject to any long-term development proposal. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “R(A)” zone.
- 10.2 The proposed development comprises a single-storey temporary structure (not more than 4.5m high) with a total floor area of not more than 230m<sup>2</sup>. It is considered that the proposed scale and use are not incompatible with the surrounding uses, which are mainly residential uses intermixed with schools, open storage yards and car servicing/washing workshops (**Plan A-2**).
- 10.3 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 or no adverse comment on the proposed development. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. Relevant approval conditions are recommended in paragraph 11.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will be reminded that the proposed temporary shop and services will also need to comply with all the relevant requirements for application of a licence as required by the licensing authority and relevant pollution control ordinance so as to minimise any potential environmental nuisance to the surroundings.
- 10.4 Regarding the public comment objecting to the application as summarised in paragraph 9 above, the planning considerations and assessments in paragraphs 10.1 to 10.3 above are relevant.

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

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comment 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 six years until 13.10.2029. 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 13.7.2024;

- (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 13.4.2024;
- (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 13.7.2024;
- (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 III**.

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

**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 23.8.2023
<b>Appendix Ia</b>	FI received 5.10.2023
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Drainage Proposal

<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  
OCTOBER 2023**