

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

**APPLICATION NO. A/YL/314**

- Applicant** : Chan Ka Kit represented by FiBi International Project Consultancy Co. Limited
- Site** : Lot 764 RP (Part) in D.D. 120 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 206m<sup>2</sup> (including GL of about 123m<sup>2</sup> or 59.7%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Yuen Long Outline Zoning Plan No. S/YL/27
- Zoning** : “Government, Institution or Community” (“G/IC”) (about 191m<sup>2</sup>) (92.7%); and  
*[Restricted to a maximum building height (BH) of 8 storeys (excluding basement(s))]*  
  
“Residential (Group B)” (“R(B)”) (about 15m<sup>2</sup>) (7.3%)  
*[Restricted to a maximum plot ratio (PR) of 3.5 and a maximum BH of 25 storeys (excluding basement car park)]*
- 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 with ancillary facilities for a period of six years (**Plan A-1**). According to the Notes of the OZP for the “G/IC” and “R(B)” zones, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by a car beauty parlour (**Plan A-2**).
- 1.2 The Site is accessible from a local track leading to Fung Yu Road (**Plans A-2 and A-3**). According to the applicant, the proposed use comprises two single-storey (not more than 3m high) temporary structures under a single-storey (not more than 4m high) canopy with a total floor area of about 158.5m<sup>2</sup> for real estate agency and project services with ancillary facilities (i.e. conference room, staff lounge and toilets). One private car parking space would be provided within the Site. The proposed layout plan, vehicular access plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

- (a) Application Form with attachments received on 13.11.2023 (**Appendix I**)
- (b) Further Information (FI) received on 7.2.2024\* (**Appendix Ia**)
- (c) FI received on 12.3.2024<sup>#</sup> (**Appendix Ib**)
- (d) FI received on 14.5.2024<sup>#</sup> (**Appendix Ic**)
- (e) FI received on 20.6.2024\* (**Appendix Id**)

\* *accepted and exempted from publication and recounting requirements*

<sup>#</sup> *accepted but not exempted from publication and recounting requirements*

1.4 On 12.1.2024 and 10.5.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application each 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 FI at **Appendix Ib**. They can be summarised as follows:

- (a) the proposed use will provide real estate agency and project services, including project planning, design and consultancy services, for the nearby residential neighbourhood; and
- (b) the proposed use is compatible with the surrounding area and would not cause adverse impact on the nearby environment. The applicant is also committed to comply with the approval conditions imposed by the Board.

## **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. 31B) 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. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

## **4. Previous Application**

There is no previous application covering the Site.

## **5. Similar Application**

There is no similar application in the past five years.

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

6.1 The Site is:

- (a) accessible via a local track leading to Fung Yu Road; (**Plans A-2**); and
- (b) paved, fenced off and currently occupied by a car beauty parlour (**Plans A-2 to A-4**).

6.2 The surrounding areas of the Site are predominantly residential developments (including Emerald Green, Covent Garden and Springdale Villas to its west, northwest and north respectively) intermixed with storage yards, vehicle parks and unused/vacant land.

## **7. Planning Intention**

7.1 The planning intention of “G/IC” zone is primarily for the provision of Government, Institution or Community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

7.2 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 Apart from the government department as set out in paragraph 8.2 below, other 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.

8.2 The following government department has adverse comment on the application:

### **Land Administration**

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

He has reservation on the planning application since (i) there is/are unauthorised structure(s) and/or uses on the private lot(s) which is/are already subject to lease enforcement action according to case priority; and (ii) the GL within the Site has been fenced off/unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. He reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice. The lot owner(s) should rectify/apply for regularisation of the lease breaches as demanded by his department.

## **9. Public Comments Received During the Statutory Publication Periods**

On 21.11.2023, 19.3.2024 and 24.5.2024, the application was published for public inspection. During the first three weeks of the statutory public inspection periods, four public comments were received from two individuals (**Appendices IV-1 to IV-4**) who object to the application mainly on the grounds that there is illegal occupation of GL; trees within the Site have been felled; implementation of community facilities would be hindered by the proposed development; potential noise impact; insufficient car parking spaces; potential traffic impact and security problem.

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

- 10.1 The application is for proposed temporary shop and services with ancillary facilities for a period of six years at the Site mainly zoned “G/IC” with a strip of land falling within “R(B)” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “G/IC” and “R(B)” zones, it could serve any such demand for shop and services in the area. Whilst the Site falls within the boundary of the proposed Yuen Long Tai Yuk Road public housing development (TYR Development), the Chief Engineer/Housing Project 3 of the Civil Engineering and Development Department has no adverse comment on the application. Should the application be approved, it is recommended to advise the applicant that the Site might be resumed at any time during the planning approval for implementation of government project(s). Approval of the application on a temporary basis for a period of six years would not jeopardise the long-term development of the area.
- 10.2 The proposed use comprises two single-storey temporary structures (not more than 3m high) under a single-storey (not more than 4m high) canopy with a total floor area of about 158.5m<sup>2</sup>. The proposed scale and use are considered not incompatible with the surrounding areas which comprise predominantly residential neighbourhood with residential developments intermixed with storage yards, vehicle parks and unused/vacant land (**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/no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives respectively. Relevant approval conditions are recommended in paragraph 11.2 below to address the technical requirements of the concerned government departments. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisance on the surrounding areas.
- 10.4 DLO/YL, LandsD has concerns on the application as there is/are unauthorised structure(s) and/or use(s) on the Site and illegal occupation of GL which are already subject to lease enforcement and land control actions. In this regard, the applicant would be advised to rectify or apply for regularisation of the lease breaches as demanded by LandsD upon approval of the current application.
- 10.5 There were four public comments received during the statutory public inspection periods as summarised in paragraph 9 above. Regarding the concern on potential tree felling, there is currently no tree within the Site (**Plan A-4**). For other concerns

expressed in the public comments, the comments of government departments in paragraph 8 and the planning considerations and assessments in paragraphs 10.1 to 10.4 above are also relevant.

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

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 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 5.7.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### *Approval conditions*

- (a) 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 5.1.2025;
- (b) in related to (a) above, the implementation of the drainage proposal for the development 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 5.4.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 5.1.2025;
- (e) in relation to (d) 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 5.4.2025;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 Members' reference:

The proposed use is not in line with the planning intentions of the "G/IC" and "R(B)" zones which are primarily for the provision of Government, Institution or Community facilities serving the needs of the local residents and/or a wider district, region or the territory and for medium-density residential developments respectively. There is no strong planning justification in the submission for a departure from such 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**

<b>Appendix I</b>	Application Form with attachments received on 13.11.2023
<b>Appendix Ia</b>	FI received on 7.2.2024
<b>Appendix Ib</b>	FI received on 12.3.2024
<b>Appendix Ic</b>	FI received on 14.5.2024
<b>Appendix Id</b>	FI received on 20.6.2024
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendices IV-1 to IV-4</b>	Public Comments
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan with Similar Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**