

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

**APPLICATION NO. A/YL/315**

- Applicant** : Mr. CHU Kit Wing
- Site** : Lot 2086 RP in D.D.116 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 144.6m<sup>2</sup> (including GL of about 72m<sup>2</sup> or 49.8%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/27
- Zoning** : “Open Space” (“O”)
- Application** : Proposed Temporary Shop and Services and Ancillary Office 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 and ancillary office for a period of six years (**Plan A-1**). According to the Notes of the OZP for the “O” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plan A-2**).
- 1.2 The Site is accessible via a local track leading from Yau Tin West Road (**Plans A-2 and A-3**). According to the applicant, the proposed use comprises a two-storey (not more than 8m high) temporary structure with a total floor area of not more than 230m<sup>2</sup> for ‘Shop and Services’ use on the ground floor with ancillary office on the first floor. The proposed operation hours are between 10:00 a.m. and 8:00 p.m. daily, including public holidays. One private car parking space and one loading/unloading (L/UL) space for light goods vehicle (LGV) would be provided within the Site. The proposed vehicular access plan and proposed floor plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 18.1.2024 **(Appendix I)**
- (b) Further Information (FI) received on 7.3.2024\* **(Appendix Ia)**
- (c) FI received on 10.5.2024\* **(Appendix Ib)**

*\*accepted but not exempted from publication requirements*

1.4 On 19.4.2024, the Rural and New Town Planning Committee (the Committee) of the Board 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 FI at **Appendix Ib**. They can be summarised as follows:

- (a) the applicant intends to use the Site as temporary shop and services use with ancillary office to provide daily services to local residents in nearby villages and create job opportunities; and
- (b) the proposed use is temporary in nature and will not generate significant visual, drainage, traffic or landscape impacts.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, the requirements under Town Planning Board Guidelines on Satisfying “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (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 within the same “O” zone.

## **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 Yau Tin West Road; and
- (b) currently vacant.

- 6.2 The surrounding areas of the Site are predominantly residential dwellings in Sheung Yau Tin Tsuen intermixed with warehouses, storage yards, vehicle parks, a refuse collection point and some vacant/unused land. The Yuen Long Highway is located to its southeast.

## **7. Planning Intention**

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.

## **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 Statutory Publication Period**

On 26.1.2024, 12.3.2024 and 24.5.2024, the application was published for public inspection. During the first three weeks of the statutory public inspection periods, one public comment was received from an individual (**Appendix IV**) who objects to the application mainly on the grounds that the importance of the Site being a buffer zone between the high-density residential area and the Yuen Long Highway should not be underestimated; more recreational spaces should be provided; no urgent need for ‘Shop and Services’ use at the Site; a substantial portion of the Site is GL and there is no previous approval; and setting an undesirable precedent.

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

- 10.1 The application is for proposed temporary shop and services and ancillary office for a period of six years at the Site zoned “O” on the OZP. Although the proposed use is not in line with the planning intention of the “O” zone, the Director of Leisure and Cultural Services advises that there is no plan to develop the Site into public open space at present (**Appendix II**). The proposed use is on a temporary basis and can meet any such demand for shop and services from locals. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “O” zone.
- 10.2 The proposed use comprises a two-storey temporary structure (not more than 8m high) with a total floor area of not more than 230m<sup>2</sup>. The proposed scale and use are considered not incompatible with the surrounding areas, which are mainly residential dwellings in Sheung Yau Tin Tsuen intermixed with warehouses, storage yards, vehicle parks and some vacant/unused land (**Plan A-2**).
- 10.3 There is no objection to/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 from traffic, environmental, fire safety and drainage perspectives respectively. There has been no substantiated environmental complaint concerning

the Site received in the past three years. 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 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 There was one public comment received objecting to the application during the statutory publication periods as summarised in paragraph 9 above. The planning considerations and assessments in the above paragraphs are relevant. Should the application be approved, the lot owner(s) will need to apply to the District Lands Officer/Yuen Long, Lands Department for a Short Term Tenancy and Short Term Waiver to permit the structures erected within the Site.

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

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment as 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 related 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 attached 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 intention of the "O" zone which 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. There is no strong planning justification in the submission for a departure from such 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 reasons for rejection should be given to the applicant.

**13. Attachments**

<b>Appendix I</b>	Application Form with plans received on 18.1.2024
<b>Appendix Ia</b>	FI received on 7.3.2024
<b>Appendix Ib</b>	FI received on 10.5.2024
<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>	Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Floor Plan
<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  
JULY 2024**