

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL/318**

<b><u>Applicant</u></b>	: Bo Fat (Hong Kong) Development Limited represented by Goldrich Planners and Surveyors Ltd.
<b><u>Site</u></b>	: Lot 1890 S.C RP (Part) in D.D. 120 and adjoining Government Land (GL), Kung Um Road, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 72.9m <sup>2</sup> (including GL of about 11m <sup>2</sup> or 15%)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/27
<b><u>Zoning</u></b>	: “Residential (Group A)1” (“R(A)1”) <i>[restricted to a maximum domestic plot ratio of 5 or a maximum non-domestic plot ratio of 9.5 and a maximum building height of 25 storeys excluding basement(s)]</i>
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 6 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (real estate agency) at the application site (the Site) for a period of six years (**Plan A-1a**). According to the Notes of the OZP for the “R(A)1” zone, ‘Shop and Services’ use is a Column 2 use which 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/242 until 6.4.2024 (**Plan A-4**).
- 1.2 The Site is abutting Kung Um Road (**Plan A-2**). According to the applicant, the applied use is for a real estate agency to serve the nearby residents. The applied use comprises one single-storey temporary structure (not more than 4m high) with a floor area of 72.9m<sup>2</sup> which is used as reception area, meeting room and office to support the real estate agency operation. The operation hours of the real estate agency is from 9:00 a.m. to 8:00 p.m. daily including Sundays and public holidays. The layout plans showing the pedestrian access to the Site, site layout, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are shown in **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of two previous applications No. A/YL/230 and A/YL/242 for

the same temporary use which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 7.4.2017 and 6.4.2018 each for a period of six years respectively (details at paragraph 5 below). Compared with the last application (No. A/YL/242), except for a change in GL area<sup>1</sup> from 9.5m<sup>2</sup> to 11m<sup>2</sup>, there is no change in the applied use, total site area, total floor area and the site layout.

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

- (a) Application Form with attachments received on 6.2.2024 (Appendix I)
- (b) Further information (FI) received on 8.3.2024\* (Appendix Ia)
- (c) FI received on 18.3.2024\* (Appendix Ib)
- (d) FI received on 27.3.2024\* (Appendix Ic)  
*[\*accepted and exempted from 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 justification statement attached to the Application Form and FI at **Appendices I and Ic**. They are summarised as follows:

- (a) The Site is the subject of a previous planning application No. A/YL/242 for the same temporary use, which all approval conditions have been complied with. There is no change to the use and layout as compared with the approved application. The planning context of the surroundings has not altered since the last approval.
- (b) The Site falls within the “R(A)1” zone on the approved Yuen Long OZP. The planning intention of the zone is 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.
- (c) The temporary real estate agency can provide services to local residents in nearby villages and high-density development in the “R(A)1” zone. Temporary in nature, the applied development would not hinder the long-term high-density residential development in the “R(A)1” zone.
- (d) The development will not generate significant visual, drainage, landscape and traffic impacts. Target customers are mainly local residents and would visit the real estate agency on foot. No vehicular trip generation is anticipated.
- (e) The applicant is applying Short Term Waiver (STW) and Short Term Tenancy (STT) applications to regularise the structure erected at the Site.

## **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

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<sup>1</sup> According to the latest clarification from the applicant (**Appendix Ic**), a minor portion of GL is being included and subject to further confirmation by Survey and Mapping Office while the total site area remains unchanged.

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. Town Planning Board Guidelines**

The Town Planning Board Guideline for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

#### **5. Previous Applications**

- 5.1 The Site is involved in two previous applications (No. A/YL/230 and A/YL/242) for temporary shop and services (real estate agency). No. A/YL/230 was approved with conditions by the Committee on 7.4.2017 for a period of six years and the permission was subsequently revoked on 7.1.2018 due to non-compliance with approval conditions.
- 5.2 The latest application (No. A/YL/242) was approved with conditions by the Committee on 6.4.2018, mainly on the considerations that the applied use on a temporary basis would not jeopardise the long-term development of Site and was not incompatible with the surrounding land uses. All the time-limited approval conditions under the approved application No. A/YL/242 have been complied with and the planning permission is valid until 6.4.2024. Details of the previous applications are summarised at **Appendix III** and their boundaries is shown on **Plan A-1**.

#### **6. Similar Application**

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

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

- 7.1 The Site is:
  - (a) abutting Kung Um Road to its east; and
  - (b) currently used as a real estate agency (**Plan A-4**).
- 7.2 The surrounding areas of the Site are predominantly high-rise residential developments namely La Grove and Park Signature. To the immediate south is vacant land and opposite to Kung Um Road are mainly residential structures and vehicle parks.

## **8. 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.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph ~~9.10~~ 9.2 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 IV and V** respectively.

9.2 The following government department has grave concern on the application.

### **Land Administration**

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

- (a) the GL adjoining the subject Lot 1890 S.C RP has been unlawfully occupied with unauthorised structure without permission and is not included in the current application. Any occupation of GL without Government’s prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Chapter 28). LandsD reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (b) the lot owner(s)/applicant shall (i) remove the unauthorised structure and cease the unlawful occupation of the GL; or (ii) include the unauthorised structure and the adjoining GL being unlawfully occupied in the subject planning application for the further consideration by the relevant departments and, subject to the approval by the Committee to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for modification of the STW and STT conditions to permit the structure erected; and
- (c) his detailed advisory comment is at **Appendix V**.

## **10. Public Comment Received During the Statutory Publication Period**

On 20.2.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (claimed as the representative of the Incorporated Owners of La Grove) was received who raises objection to the application, mainly on the grounds that the real estate agency has not been in operation for a long period of time; the structure at the Site is illegally erected and adverse impact on pedestrian safety (**Appendix VI**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for renewal of the planning approval for temporary shop and services (real estate agency) for a period of six years. Although the applied use is not entirely in line with the planning intention of the “R(A)” zone, the applied use is on a temporary basis and can meet any such demand for shop and services use from locals. Approval of the application would not frustrate the long-term planning intention of the “R(A)” zone.
- 11.2 As compared with the previous approval for the same applied use at the Site, there is no change to the applied use, site area, total floor area and the site layout. As the development comprises one single-storey structure with total floor area of about 72.9m<sup>2</sup>, the applied use and the scale are considered not incompatible with the surrounding land uses which are predominantly residential developments.
- 11.3 Relevant government departments including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application from environmental, traffic, fire safety and drainage perspectives respectively. Regarding the concern of DLO/YL, LandsD on the unauthorized structure occupying adjoining GL, as the applicant has clarified that the concerned GL at the northeastern portion is included in the Site, the actual area will be subject to confirmation by LandsD and the matter will be addressed in the STT application under processing (**Appendix Ic**). To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 12.2 below should the Committee approve the application.
- 11.4 The renewal application is in line with TPB PG-No.34D in that there has been no major change in planning circumstances; adverse planning implications arising from the renewal of the planning approval are not envisaged; all the approval conditions under the previous approval had been complied with; and the approval period sought is considered reasonable and of the same timeframe as the previous approval.
- 11.5 There is one public comment from an individual objecting to the application during the statutory public inspection period as summarised in paragraph 10 above. Regarding the commenter’s concerns on unauthorized structure and pedestrian safety, the applicant has clarified that they are applying STW and STT application to regularise the unauthorized structure and the Site is few metres away from the public road which will not constitute obstruction to the public passageway (**Appendix Ic**). The planning considerations and assessments in paragraphs 11.1 to 11.4 above are also relevant.

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

- 12.1 Based on the assessments made in paragraph 11 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 on a temporary basis for a further period of six years, and be renewed from 7.4.2024 to 6.4.2030. The following conditions of approval and advisory clauses are suggested for Members’ reference:

### Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.7.2024;
- (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 7.10.2024;
- (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 7.1.2025;
- (e) if the above planning condition (a) is not complied with during the 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 (b), (c) or (d) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

*[Approval condition (b) has been updated to accord with the latest comments of CE/MN, DSD; and restriction on operation hours and requirement for reinstatement of the Site to an amenity area have been removed as per the latest practice.]*

### Advisory clauses

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

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 renewal of the planning 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 period of which the permission should be valid on a temporary basis.
- 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**  
**Appendix Ia**  
**Appendix Ib**

Application Form with Attachments received on 6.2.2024  
FI received on 8.3.2024  
FI received on 18.3.2024

<b>Appendix Ic</b>	FI received on 27.3.2024
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**