

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/322

<u>Applicant</u>	: Mr. Tang Chi Hok represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lot 2497 RP (Part) in D.D. 120, Shap Pat Heung Road, Yuen Long, New Territories
<u>Site Area</u>	: About 370m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/27
<u>Zoning</u>	: “Government, Institution or Community” (“G/IC”) <i>[restricted to a maximum building height of 8 storeys excluding basement(s)]</i>
<u>Application</u>	: Temporary Shop and Services for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services at the application site (the Site) for a period of six years (**Plan A-1**). According to the Notes of the OZP for the “G/IC” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved with structures and occupied by the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site with the ingress/egress at the northern part is abutting Shap Pat Heung Road (**Plan A-2**). According to the applicant, the applied use is for retail selling of machinery spare parts including handy tools, nuts and screws at the Site. The applied use comprises two single-storey temporary structures (not more than 4m high) for retail shop and a toilet with a total floor area of 172m². The operation hours of the retail shop is from 9:00 a.m. to 9:00 p.m. daily including Sundays and public holidays. One loading/ unloading space for light goods vehicles is provided. The layout plan and as-built drainage plan submitted by the applicant are shown in **Drawings A-1 to A-2** respectively.
- 1.3 The Site is the subject of one previous application No. A/YL/245 for a similar temporary shop and services use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 15.6.2018 for a period of six years (details at paragraph 4 below). Compared with the last

approved application, the current application is submitted by the same applicant at the same site with similar layout and development parameters. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL/245 (a)	Current Application No. A/YL/322 (b)	Difference (b)-(a)
Applied Use	Proposed Temporary Shop and Services (Convenient Store) for a Period of 6 Years	Temporary Shop and Services for a Period of 6 Years	Change in items sold
Site Area	About 370m ²		---
Total Floor Area (Non-domestic)	Not more than 172m ²		---
No. and Height of Structures	2 (for shop and toilet)(1 storey, 4m))		---
No. of Parking Space	Nil		---
No. of Loading /Unloading Space	Nil	1 (for light goods vehicle) (7m x 3.5m)	+1
Operation Hours	9:00 a.m. to 9:00 p.m. daily		---

1.4 In support of the application, the applicant has submitted the Application Form with attachments received on 18.11.2024 (**Appendix I**).

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They are summarised as follows:

- (a) The Site is the subject of a previous planning application No. A/YL/245 for a similar temporary use, of which all approval conditions have been complied with. The applicant was unable to submit renewal application due to additional time spent on extending the tenancy with the current land owners of the Site.
- (b) The temporary use would not jeopardise the long-term planning intention of the Site.
- (c) The applied use can provide services to local residents in the vicinity.
- (d) In view of the nature, scale and form of development, the applied use will not generate adverse impacts to the surroundings and is not incompatible with the surrounding environment.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant 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 obtaining the consents of the current land owners. Detailed information would be deposited at the meeting for Members' inspection.

4. Previous Application

The Site is involved in a previous application (No. A/YL/245) for temporary shop and services (convenient store). The application was approved with conditions for a period of six years by the Committee on 15.6.2018 mainly on the considerations that the applied use on a temporary basis would not jeopardise the long-term development of the Site and was not incompatible with the surrounding land uses. All the time-limited approval conditions under the approved application No. A/YL/245 have been complied with and the temporary planning permission lapsed on 16.6.2024. Details of the previous application are summarised at **Appendix II** and the boundary of the site is shown on **Plan A-1**.

5. Similar Application

There is no similar application within the same "G/IC" zone on the OZP.

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

6.1 The Site is:

- (a) abutting Shap Pat Heung Road; and
- (b) currently used as a retail shop for selling machinery spare parts without valid planning permission (**Plan A-4**).

6.2 The surrounding areas of the Site are predominantly open storage yards, refuse collection point, residential structures, vacant structures/land and unused land. To the east are schools and opposite to Shap Pat Heung Road is a high-rise residential development namely Emerald Green.

7. Planning Intention

The "G/IC" zone is intended primarily for the provision of GIC 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.

8. Comments from Relevant Government Departments

8.1 Apart from the government departments as set out in paragraphs 8.2 and 8.3 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 III and IV** respectively.

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

Land Administration

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

- (a) Lot 2497 RP in D.D 120 is covered by Short Term Waiver (STW) No. 5174 for the purpose of “Temporary Shop and Services (Real Estate Agency and Convenient Store)”;
- (b) the Government Land (GL) adjoining the subject Lot 2497 RP in D.D 120 has been unlawfully occupied with unauthorised structure(s) without permission. Any occupation of the GL without Government’s prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Chapter 28). LandsD reserves the right to take necessary land control action against the unlawful occupation of GL without further notice;
- (c) the lot owner(s)/applicant shall remove the unauthorised structure and cease the unlawful occupation of GL, 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 Short Term Waiver conditions to permit the structure erected; and
- (d) his detailed advisory comment is at **Appendix IV**.

8.3 The following government department has conveyed local views on the application:

District Officer’s Comments

8.3.1 Comments from the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD)

his office has received one supporting comment (without reason) from the Village Representatives of Lam Hau Tsuen to the application (**Appendix V**). The same view was provided in the public comment received during the statutory public inspection period.

9. Public Comment Received During the Statutory Publication Period

On 26.11.2024, the application was published for public inspection. During the statutory public inspection period, one supporting comment from the Village Representatives of Lam Hau Tsuen (comment identical to **Appendix V**) was received.

10. Planning Considerations and Assessments

10.1 The application is for temporary shop and services for a period of six years at the Site zoned “G/IC” on the OZP. Although the applied use is not entirely in line with the

planning intention of the “G/IC” zone, there is no known development programme for the Site for the time being. Approval of the application on a temporary basis can meet any such demand for shop and services use from the locals and would not frustrate the long-term planning intention of the “G/IC” zone.

- 10.2 The applied shop and services use comprises two single-storey structures with total floor area of about 172m². It is considered that its scale is not incompatible with the surrounding land uses which are predominately residential and school uses intermixed with open storage yards and vacant structures.
- 10.3 Relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from environmental, traffic, fire safety and drainage perspectives respectively. Regarding DLO/YL, LandsD’s concern on the unauthorised structure unlawfully occupying the GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. 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 any potential environmental impacts.
- 10.4 The Site was involved in a previous planning application (No. A/YL/245) covering the same site for a similar shop and services use which was approved with conditions for a period of six years by the Committee on 15.6.2018. All the approval conditions under the previous approval had been complied with. Approving the current application is in line with the Committee’s previous decision.
- 10.5 There is one public comment supporting the application as stated in paragraphs 8.3.1 and 9 above. The support view is noted.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comment conveyed by DO(YL), HAD and received as mentioned in paragraphs 8.3.1 and 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 10.1.2031. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.4.2025;

- (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 10.7.2025;
- (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 10.10.2025;
- (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.

Advisory clauses

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

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

the applied use is not in line with the planning intention of the "G/IC" zone which 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. No strong planning justification has been given in the submission for a departure from the 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 planning 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 18.11.2024
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	As-built Drainage Plan

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**