

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/323

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| <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 630m 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> | : “Residential (Group B)” (“R(B)”) <i>[restricted to a maximum plot ratio of 3.5, a maximum building height of 25 storeys (excluding basement car park)]</i> |
| <u>Application</u> | : Proposed Temporary Shop and Services for a Period of 6 Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed 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 “R(B)” 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 and partly occupied by vacant temporary structures (**Plan A-4**).
- 1.2 The Site is accessible on foot via Fung Yu Road (**Plan A-2**). According to the applicant, the proposed use comprises of three single-storey temporary structures (not more than 4m high) for convenient store, real estate agency and toilet uses, with a total floor area of 243m². The operation hours of the convenient shop and real estate agency are from 9:00 a.m. to 9:00 p.m. daily including Sundays and public holidays. There is no vehicular access to the Site and the applicant proposed to make use of the cul-de-sac of Fung Yu Road for temporary loading/unloading of goods for delivery to the convenient store. 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 a previous application No. A/YL/246 for the same use which was approved with conditions by the Rural and New Town Planning Committee (the

Committee) of the Board on 6.7.2018 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 same layout and development parameters.

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

- (a) Application Form with attachments received on **(Appendix I)**
18.11.2024
- (b) Further Information (FI) received on 31.12.2024* **(Appendix Ia)**
**(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 Application Form and FI at **Appendices I to Ia**. They are summarised as follows:

- (a) The Site is the subject of a previous planning application No. A/YL/246 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 proposed use can provide services to local residents in the vicinity.
- (d) In view of the nature, scale and form of development, the proposed use will not generate adverse impacts to the surroundings and is not incompatible with the surrounding environment.
- (e) The proposed use is not accessible by vehicle and would not generate significant traffic. The applicant will make use of the cul-de-sac of Fung Yu Road for temporary loading/unloading of daily goods to the Site. The loading/unloading activity will take about 15 minutes per day. Majority of the potential customers will visit the proposed development on foot.

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 Applications

The Site is involved in a previous application (No. A/YL/246) for temporary shop and services (real estate agency and convenient store). The application was approved with

conditions for a period of six years by the Committee on 6.7.2018 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/246 have been complied with and the temporary planning permission lapsed on 7.7.2024. 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 “R(B)” zone on the OZP.

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

6.1 The Site is:

- (a) located at the junction of Fung Yu Road and Shap Pat Heung Road;
- (b) accessible by pedestrian from Fung Yu Road through a ramp at its northeast; and
- (c) paved and occupied by vacant structures (**Plan A-4**).

6.2 The surrounding areas of the Site are predominantly vacant structures/land and unused land, open-air car park and residential structures. To the west across Fung Yu Road is a high-rise residential development namely Emerald Green. To the south across Shap Pat Heung Road are open storage yards, shop and services, refuse collection point and schools.

7. Planning Intention

The “R(B)” zone is intended 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

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 III and IV** respectively.

9. Public Comment Received During the Statutory Publication Period

9.1 On 26.11.2024, the application was published for public inspection. During the statutory public inspection period, a total of 14 public comments (**Appendix V**) raising objection/expressing adverse comments from individuals and the representative of the Incorporated Owners of Emerald Green were received. The comments are summarised as follows:

- (a) There is congestion problem at Shap Pat Heung Road and Fung Yu Road. The proposed use will attract vehicular trips to the already congested road, blocking the only access to adjoining residential development Emerald Green at Fung Yu Road. The proposed use will cause adverse traffic impacts to the surrounding;
- (b) There are concerns on security, hygiene and odour nuisance issues generated by the proposed use; and
- (c) The proposed use will generate adverse visual, light and air ventilation impact affecting the residents of Emerald Green.

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(B)” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “R(B)” zone, approval of the application on a temporary basis can help meet any such demand for shop and services use from locals. Furthermore, there is no known development programme for the Site. Approval of the application on a temporary basis for a period of six years would not frustrate the long-term planning intention of the “R(B)” zone.
- 10.2 The proposal comprises three single-storey structures with total floor area of about 243m². It is considered that its scale is not incompatible with the surrounding land uses which are predominately residential and vacant structures/land.
- 10.3 Relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to or no adverse comment on the application from environmental, traffic, fire safety and drainage perspectives respectively. 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/246) covering the same site for the same use, which was approved with conditions for a period of six years by the Committee on 6.7.2018. 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 Regarding the concerns of the public on traffic impact as summarized in paragraph 9 above, the applicant has clarified that majority of the customers will visit the shop on foot (**Appendix Ia**). Regarding other public comments received, the planning considerations and assessments in paragraphs 10.1 to 10.4 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 comments as mentioned 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 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 proposed use is not in line with the planning intention of the "R(B)" zone which is primarily for medium-density residential development. 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

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| Appendix I | Application form with attachments received on 18.11.2024 |
| Appendix Ia | FI received on 31.12.2024 |
| 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**