

Planning Statement

Introduction

1. This Planning Statement is submitted to the Town Planning Board (“the Board”) on behalf of Mr. LAW Chun Chung (“the Applicant”) in support of the planning application for ‘Temporary Shop and Services for a Period of 5 Years’ (“the Development”) at Lot No. 1375 RP (Part) in D.D. 121 and adjoining Government Land, Tong Yan San Tsuen, Yuen Long, New Territories (“the Site”) under Section 16 of the Town Planning Ordinance.

Application Site (Plans 1 and 2)

2. The Site comprises Lot No. 1375 RP (Part) in D.D. 121 and adjoining Government Land, Tong Yan San Tsuen, Yuen Long, New Territories. The Site is accessible from Tong Yan San Tsuen Road.
3. The site area is about 138 m², including government land of about 12 m²

Application Background

4. The Site is the subject of the previously approved application no. A/YL-TYST/1119 for the same use approved by the Rural New Town Planning Committee (“the Committee”). The previous planning approval was revoked on 13.8.2023 as the Applicant failed to comply with condition (d) on the implementation of the fire service installations proposal satisfactorily. He was unable to apply for an independent water metre and electricity metre within the time limit. The Applicant would like to seek approval from Town Planning Board for the same use on the Site.

Planning Context

5. The Site falls within an area zoned “Residential (Group B)1” (“R(B)1”) on the Approved Tong Yan San Tsuen Outline Zoning Plan (the “OZP”) No. S/YL-TYST/14.
6. The planning intention of the “R(B)” zone is primarily intended for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.
7. According to the Notes of the OZP, the applied use is a Column 2 use within the “R(B)” zone on the OZP requiring planning permission from the Town Planning Board, which may be permitted with or without conditions.
8. Provided that the structure of the Development is temporary in nature, approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the “R(B)1” zone.

Development Parameters (Plan 3)

9. A two-storey structure is provided on site. The following table summarises the details of the structure:

	Floor Area (about)	Height (about)
Ground Floor	70m ²	2.5m
Cockloft Floor	68m ²	<u>2.5m</u>
Covered raised platform	<u>55 m²</u>	
Total	<u>193m²</u>	<u>5m</u>

10. All development parameters remain the same as the previous approval (A/YL-TYST/1119).
11. Operation hours are from 8:30 a.m. to 6:30 p.m. daily, including Sundays and public holidays.
12. The Development is for retail use only. No workshop activity (including cutting of metal) will be carried out on site.
13. There is no parking and/or loading/unloading space provided within the Site. A 5.3 tonnes heavy goods vehicle is used for delivery of materials. No heavy goods vehicle will be used.
14. It is anticipated that the loading/unloading activities is limited to less than 15 minutes once a day and the traffic impact to Tong Yan San Tsuen Road should be minimal. No loading/unloading activities will be carried out along Ma Fung Ling Road.

Previous Applications

15. The Development has been approved since 2003 under 12 planning approvals for a total of 21 years as shown below:

Application No.	Applied Use	Date of Approval	Period of Approval
A/YL-TYST/197	Proposed temporary retail shop for hardware groceries	25.4.2003	3 Years
A/YL-TYST/311	Renewal of planning approval for temporary retail shop for hardware groceries	7.4.2006 (Revoked)	1 Year
A/YL-TYST/371	Temporary retail shop for hardware groceries	4.1.2008 (Revoked)	1 Year
A/YL-TYST/449	Temporary retail shop for hardware groceries	18.12.2009	1 Year
A/YL-TYST/496	Renewal of planning approval for temporary retail shop for hardware groceries	12.11.2010	1 Year
A/YL-TYST/558	Renewal of planning approval for temporary retail shop for hardware groceries	16.12.2011	1 Year

Application No.	Applied Use	Date of Approval	Period of Approval
A/YL-TYST/621	Renewal of planning approval for temporary retail shop for hardware groceries	7.12.2012	1 Year
A/YL-TYST/653	Renewal of planning approval for temporary retail shop for hardware groceries	13.12.2013	1 Year
A/YL-TYST/700	Renewal of planning approval for temporary retail shop for hardware groceries	14.11.2014	1 Year
A/YL-TYST/772	Temporary Retail Shop for Hardware Groceries for a Period of 3 Years	18.12.2015	3 Years
A/YL-TYST/929	Renewal of Planning Approval for Temporary "Retail Shop for Hardware Groceries" for a Period of 3 Years	7.12.2018 (Revoked)	3 Years
A/YL-TYST/1119	Temporary Shop and Services for a Period of 3 Years	12.11.2021 (Revoked)	3 Years

Similar Applications

16. There are 8 similar applications for ‘shop and services’ use approved by the Committee within the “R(B)” zone on the OZP in the past 5 years:

Application No.	Applied Use	Date of Approval
A/YL-TYST/1029	Proposed Temporary Shop and Services for a Period of 3 Years	10.7.2020
A/YL-TYST/1127	Proposed Temporary Shop and Services for a Period of 3 Years	14.1.2022
A/YL-TYST/1143	Renewal of Planning Approval for Temporary Shop and Services (Convenience Store) for a Period of 3 Years	18.2.2022
A/YL-TYST/1186	Proposed Temporary Shop and Services for a Period of 3 Years	11.11.2022
A/YL-TYST/1216	Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years	23.6.2023
A/YL-TYST/1248	Proposed Temporary Shop and Services and Wholesale of Carpet for a Period of 3 Years	12.1.2024
A/YL-TYST/1250	Temporary Shop and Services for a Period of 3 Years	16.2.2024
A/YL-TYST/1277	Proposed Temporary Shop and Services for a Period of 3 Years	20.9.2024

17. The similar applications were approved by the Committee between 2020 and 2024 on considerations that temporary approval would not frustrate the long-term planning intention of the “R(B)” zone; not incompatible with surrounding land uses; and no adverse departmental comments or the concerns could be addressed by relevant approval conditions.

18. Given that the planning context of the adjacent areas has not been significantly altered, it is considered that the planning circumstances of the current application are relevant to the similar approved applications.

No Adverse Impacts to the Surroundings

Visual and Landscape

19. The Development involves the erection of a two-storey temporary structure, the applied use is considered not incompatible with surrounding land uses mainly comprising warehouses, shop and services and residential dwellings. No vegetation clearance and tree felling will be carried out at the Site. As such, adverse visual and landscape impacts to the surrounding areas should not be anticipated.

Traffic

20. Public transport services are available in the vicinity of the Site (about 30 m to the west). The walking time to the nearest Green Minibus Stop is about 1 minute (**Plan 6**).

Drainage

21. The drainage proposal (**Plan 4**) was accepted by the Chief Engineer, Mainland North of the Drainage Services Department. The Applicant would maintain the same drainage facilities as those accepted and implemented under the previous application.
22. The existing drainage facilities have been generally maintained in good conditions throughout the approval period of previous applications.

Fire Safety

23. The Fire Service Installation (FSI) proposal was accepted by the Director of Fire Services (**Plan 5**). The Applicant has installed relevant fire safety equipment and is applying for an independent water metre and electricity metre.

Environment

24. The Applicant undertakes to follow the measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department in order to minimise any possible environmental nuisances, and to comply with all environmental protection/pollution control ordinances.
25. No public announcement systems, whistle blowing or portable loudspeaker will be allowed within the Site. As such, potential adverse noise impacts to the surrounding areas are not anticipated.

Planning Gain

26. The Development serves to meet the demand of local residents in the vicinity for hardware groceries. Nearby residents do not have to travel to Yuen Long Town to obtain such goods. They could save time and cost of travelling.

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