

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/704

- Applicant** : Top Ease Creation Limited represented by Pinnacle Surveyors Limited
- Site** : Lot 3578 RP in D.D. 116, Tong Tau Po, Yuen Long
- Site Area** : 1,701.1 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m) except for those developments/uses specified in the Notes]
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services (being not on the ground floor of a New Territories Exempted House (NTEH))’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard paved, fenced and used for open storage and parking of vehicles without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is abutting Tai Shu Ha Road East with an ingress/egress point at the west (**Drawing A-1** and **Plan A-2**). According to the applicant, the proposed use consists of five single-storey structures (3m to 5.5m in height) with a total floor area of not more than 839.8m². According to the applicant, the proposed shop is for selling construction materials and metalware and providing interior design and decoration services to serve the nearby residents and building contractors. Five structures are proposed, including four for shops and one for electrical meter room (**Drawing A-2**). Three parking spaces for private car (5m x 2.5m), and one loading/unloading (L/UL) space for light goods vehicle (LGV) (7m x 3.5m) will be provided within the Site. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays.

No medium or heavy goods vehicles, including container trailer/tractor will be allowed to access the Site. Plans showing the vehicular access with swept path analysis, site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of a previously approved application (No. A/YL-TT/603) for the same use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 but the permission was subsequently revoked in 2024 (details at paragraph 5.3 below). Compared with the last approved application (No. A/YL-TT/603), 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 11.3.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 23.4.2025* (**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 with attachments at **Appendix I**. They can be summarised as follows:

- (a) the proposed development would serve the nearby residents by supporting their needs and providing one-stop services to building contractors;
- (b) there is no Small House application at the Site. The proposal is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone;
- (c) the Site is the subject of a previously approved application No. A/YL-TT/603 submitted by the same applicant for the same use. The site layout and major development parameters under the current application remain unchanged as compared to the previously approved application;
- (d) the proposed use is not incompatible with the surrounding environment. It helps eradicate the unplanned open storage activities at the Site; and
- (e) no significant adverse traffic, environmental, landscape and drainage impacts are anticipated.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Applications**

- 5.1 The Site is involved in four previous applications (No. A/YL-TT/29, 148, 409 and 603) for various temporary uses. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

Rejected Applications

- 5.2 Applications No. A/YL-TT/29, 148 and 409 for temporary open storage, vehicle park, workshop and warehouse uses for a period of 12 months/3 years were rejected by the Committee/the Board between 1998 and 2017. Considerations for these applications are not relevant to the current application which involves a different use.

Approved Application

- 5.3 Application No. A/YL-TT/603 for shop and services use was approved with conditions by the Committee for a period of three years on 11.9.2023 mainly on the considerations that approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone; the proposal was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission was subsequently revoked on 11.3.2024 due to non-compliance with the time-limited approval conditions regarding the submissions of drainage and fire service installations (FSIs) proposals.

6. **Similar Application**

There is one similar application (No. A/YL-TT/609) for temporary shop and services use within the same “V” zone in the past five years. The application was approved with conditions by the Committee in 2023 on similar considerations as those mentioned in paragraph 5.3 above. Details of the application are summarised in **Appendix II** and its location is shown on **Plan A-1a**.

7. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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

8.1 The Site is:

- (a) currently paved, fenced and used for open storage and parking of vehicles without valid planning permission; and
- (b) abutting Tai Shu Ha Road East.

8.2 The surrounding areas are predominantly rural in character comprising village houses/residential dwellings intermixed with parking of vehicles, vehicle repair workshops, open storage/storage yards, warehouses, eating place, and vacant/unused land. Some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph in 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 III** and **IV** respectively.

9.2 The following government department has adverse comments to the application.

Land Administration

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

- (a) he has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on Lot 3578 RP in D.D. 116 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
- (b) if the planning application is approved, the lot owner(s) shall apply to LandsD for a Short Term Waiver (STW) to permit the structure(s) erect within the Site. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that the application(s) will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given that the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (c) advisory comments as detailed in **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 18.3.2025, the application was published for public inspection. During the statutory public inspection period, seven public comments were received from individuals. Of them, three individuals support the application mainly on the grounds that (i) the proposal could eradicate open storage activities at the Site; (ii) it would meet such demand in the vicinity; and (iii) the proposed use would provide job opportunities and local convenience to the community (**Appendix V-a**). Three individuals and one village representative of Tong Tau Po Tsuen object to the application mainly on the grounds that (i) the proposed use would cause adverse traffic impacts, road safety and waste concerns to the nearby residents; (ii) the Site is at a *fungshui* location, any developments at Site may affect the village; (iii) the approval conditions of the previously approved application have not been compiled with; and (iv) the Site is suspected to be used for brownfield operations (**Appendix V-b**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “V” on the OZP. Although the proposed use is not in line with the planning intention of the “V” zone, it could meet the demand for shop and services in the area. According to DLO/YL, LandsD, there is no Small House application approved or under processing within the Site. As such, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The proposed use is generally not incompatible with the surrounding areas, which are predominately rural in character comprising village houses/residential dwellings intermixed with parking of vehicles, vehicle repair workshops, open storage/storage yards, warehouses, eating place and vacant/ unused land (**Plan A-2**).
- 11.3 Concerned 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 aspects respectively. Should the application be approved, relevant approval conditions have been recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments and the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisances on the surrounding areas. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or uses at the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 The Site is the subject of a previous application (No. A/YL-TT/603) for the same use which was approved by the Committee in 2023. However, its planning permission was subsequently revoked due to non-compliance with time-limited approval conditions on the submissions of drainage and FSIs proposals. The current application is submitted by the same applicant with same layout and development

parameters as compared with the last application. Regarding the non-compliance of the previous approval conditions, the applicant explained that it was due to an oversight of the time-limited conditions and failure to submit an application for Extension of Time for Compliance in time. In the support of current application, the applicant has submitted drainage and FSI proposals. As such, sympathetic consideration may be given to the application. Should the application be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further applications.

- 11.5 One similar application was approved by the Committee in 2023 and there has been no change to the planning circumstances of the Site since the approval of the previous application No. A/YL-TT/603. Approval of the current application is in line with Committee's previous decisions.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. Regarding the concern on using the Site for brownfield operations, any UD on the Site would be subject to planning enforcement action. As for the concern on *fungshui*, it is not a material planning consideration.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and taking into account the public comments mentioned in paragraph 10 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 period of three years until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 2.11.2025;
- (b) in relation to (a) above, the implementation of the revised drainage proposal 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 2.2.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 2.11.2025;
- (e) in relation to (d) above, the implementation of the revised 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 2.2.2026;

- (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 at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the proposed use is not line with the planning intention of the "Village Type Development" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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	Application Form with attachments received on 11.3.2025
Appendix Ia	FI received on 23.4.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V-a and V-b	Public Comments
Drawing A-1	Vehicular Access Plan with Swept Path Analysis
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal
Plan A-1a	Location Plan with Similar Application

Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**