

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/705**

- Applicant** : Ms. KONG Yee Ka represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 1213 S.A and 1213 S.B RP in D.D. 118, Tai Tong, Yuen Long, New Territories
- Site Area** : 558 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Other Specified Uses” annotated “Rural Use” (“OU(RU)”)  
*[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]*
- Application** : Proposed Temporary Shop and Services with Ancillary Office for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary office for a period of five years at the application site (the Site) zoned “OU(RU)” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP for the “OU(RU)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by open storage of construction materials and parking of vehicles without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Tai Shu Ha Road West via a local track with an ingress/egress point in the north (**Drawing A-2** and **Plan A-1**). According to the applicant, the proposal is for display of flowers and plants for sale. The vehicular access, site layout, drainage proposal, swept path analysis and fire service installations (FSIs) proposal submitted by the applicant are shown on **Drawings A-1 to A-6** respectively.

- 1.3 The Site was involved in a previous application No. A/YL-TT/571 for the same use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 (details at paragraph 6.3 below). Compared with the last approved application, the current application is submitted by the same applicant for the same use with a similar layout and development parameters. The major development parameters of the current application are summarised as follows:

Site Area	558 m <sup>2</sup>
Total Floor Area (non-domestic)	225 m <sup>2</sup>
No. of Structures (Height)	2 (1 storey, 7.5m) - for shop, showroom, ancillary office and storage
No. of Parking/ Loading/Unloading Space	2 - 1 for private car (5m x 2.5m) - 1 for light goods vehicle (7m x 3.5m)
Operation Hours	10:00 a.m. to 6:00 p.m. (Mondays to Saturdays) (no operation on Sundays and Public Holidays)

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

- (a) Application Form with attachments received on 17.3.2025 (Appendix I)
  - (b) Further Information (FI) received on 14.4.2025\* (Appendix Ia)
  - (c) FI received on 24.4.2025\* (Appendix Ib)
- [\*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 FIs at **Appendices I to Ib** respectively. They can be summarised as follows:

- (a) the proposed use is considered not incompatible with the surrounding land uses which comprise warehouses, open storage yards and shop and services;
- (b) no vegetation clearance and tree felling will be carried out at the Site. Adverse visual and landscape impacts to the surrounding areas are not anticipated;
- (c) the proposed use is temporary in nature and would not frustrate the long-term planning of the “OU(RU)” zone; and
- (d) previous application and similar applications were approved by the Committee.

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

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

### 4. **Background**

The Site is currently not subject to planning enforcement action.

### 5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Designation of “Other Specified Uses” Annotated “Rural Use” (“OU(RU)”) Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 38) are relevant to this application. The relevant extract of the Guidelines is attached at **Appendix II**.

### 6. **Previous Applications**

6.1 The Site is involved in two previous applications (No. A/YL-TT/21 and 571). Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

#### *Rejected Application*

6.2 Application No. A/YL-TT/21 for temporary open storage of construction materials for a period of 12 months was rejected by the Board upon review in 1998. Considerations of this application are not relevant to the current application which involves a different use.

#### *Approved Application*

6.3 Application No. A/YL-TT/571 for temporary shop and services for a period of three years was approved with conditions by the Committee on 28.10.2022 mainly on the considerations that the proposed use would not jeopardise the planning intention of the “OU(RU)” zone; being not incompatible with the surrounding uses; and the departmental concerns could be addressed by imposing relevant approval conditions. However, the planning permission was subsequently revoked in 2024 due to non-compliance with time-limited approval conditions regarding the implementation of the drainage and FSIs proposals.

### 7. **Similar Applications**

There are six similar applications (No. A/YL-TT/494, 495, 507, 537, 561 and 587) for temporary shop and services within/straddling the same “OU(RU)” zone in the past five years. They were all approved with conditions by the Committee for a period of three years between 2020 and 2023 mainly on similar considerations as those mentioned in

paragraph 6.3 above. Details of these similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently occupied by open storage of construction materials and parking of vehicles without valid planning permission; and
- (b) accessible from Tai Shu Ha Road West via a local track.

8.2 The surrounding areas are rural in character predominantly comprising open storage/storage yards, parking of vehicles intermixed with temporary structures and vacant/unused land. The storage/storage yards and parking of vehicles in the vicinity are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intention**

The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

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

10.1 Apart from the government department as set out in paragraph in 10.2 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.

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

### **Land Administration**

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

- (a) his office has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on the private lots 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 V**.

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

On 25.3.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VI**) objecting to the application mainly on the grounds that the planning permission under previous application was revoked due to non-compliance of the time-limited approval conditions.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary shop and services for a period of five years at the Site zoned “OU(RU)” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “OU(RU)” zone, it could meet any such demand for shop and services in the area. As there is no known development proposal for the Site, approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “OU(RU)” zone.
- 12.2 The proposed use, which involves two single-storey structures (7.5m high) is considered not incompatible with the surrounding areas which are rural in character predominantly comprising open storage/storage yards, parking of vehicles intermixed with temporary structures and vacant/unused land (**Plan A-2**).
- 12.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to/no adverse comment on the application on traffic, environmental, fire safety and drainage aspects respectively. The Chief Town Planner/Urban Design and Landscape of PlanD states that the Site falls within a non-landscape sensitive zoning and no significant landscape impact arising from the propose use is anticipated. In light of the above, the application is considered generally in line with TPB PG-No. 38 in that the proposal would not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings, nor would it cause unacceptable environment impacts and overstrain the capacity of existing and planned infrastructure. Should the application be approved, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of the concerned government departments. 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 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.

- 12.4 The Site is the subject of a previous application No. A/YL-TT/571 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 implementation of drainage and FSIs proposals. The current application is submitted by the same applicant with a similar layout and development parameters as compared with the last application. Regarding the non-compliance of the previous approval conditions, the applicant explained that they attempted to implement the drainage proposal, but there was not enough time to rectify the defects in accordance with comments received from CE/MN, DSD and relevant STW had not been granted from LandsD for implementation of the accepted FSIs proposal. In support of current application, the applicant has submitted drainage and FSIs proposals and both CE/MN, DSD and D of FS have no objection to the application. As such, sympathetic consideration may be given to the applicant. 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.
- 12.5 Six similar applications were approved by the Committee between 2020 and 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/571. Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 five years until 2.5.2030. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) the implementation of the accepted 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;

- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (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 2.11.2025;
- (d) in relation to (c) 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;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c), (d) 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 V**.

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

the proposed uses are not in line with the planning intention of the "Other Specified Uses" annotated "Rural Use" zone which is primarily for the preservation of the character of the rural area. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

### **15. Attachments**

<b>Appendix I</b>	Application Form with attachment received on 17.3.2025
<b>Appendix Ia</b>	FI received on 14.4.2025
<b>Appendix Ib</b>	FI received on 24.4.2025

<b>Appendix II</b>	Relevant extract of TPB PG-No. 38
<b>Appendix III</b>	Previous and Similar 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>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawings A-3 and A-4</b>	Drainage Proposals
<b>Drawing A-5</b>	Swept Path Analysis
<b>Drawing A-6</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2025**