

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

**APPLICATION NO. A/YL-TT/697**

- Applicant** : Mr. TAM Kwok Chu represented by 海願規劃發展公司
- Site** : Lot 3307 in D.D. 120 and adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : 710 m<sup>2</sup> (about) (including GL of about 56 m<sup>2</sup> or 7.9%)
- 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 Private Vehicle Park and Shop and Services for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park and shop and services for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ (other than on the ground floor of a New Territories Exempted House (NTEH)) is Column 2 use which also requires planning permission from the Board. The Site is paved and largely vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Sham Chung Road with an ingress/egress point at the south (**Drawing A-1 and Plan A-2**). According to the applicant, the proposal is for sale of drinks and snacks and provision of a private vehicle park with seven parking spaces for private cars. Plans showing the site layout, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site was involved in two previous applications (No. A/YL-TT/509 and 625) for the same uses which were approved by the Rural and New Town Planning

Committee (the Committee) of the Board in 2021 and 2024 respectively (details at paragraph 5 below). As compared with the last approved application (No. A/YL-TT/625), the current application is submitted by the same applicant with similar layout and development parameters. A comparison of the major development parameters between the last approved application and the current application is as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-TT/625) (a)</b>	<b>Current Application (A/YL-TT/697) (b)</b>	<b>Difference (b) – (a)</b>
Proposed Use(s)	Private Vehicle Park and Shop and Services		No change
Site Area	About 710 m <sup>2</sup>		No change
Total Floor Area (Non-domestic)	Not more than 72 m <sup>2</sup>	Not more than 135 m <sup>2</sup>	+ 63 m <sup>2</sup> (+87.5%)
No. of Structure(s)	1 - 1 for shop and services	2 - 1 for shop and services - 1 for toilet	+ 1 structure
Height of Structure(s)	maximum 6m (two-storey)	maximum 7m (one to two-storeys)	+1m
No. of Parking Spaces	19 private cars (5.5m x 2.5m each)	7 private cars (5m x 2.5m each)	-12 cars
Operation Hours	9:00 a.m. to 7:00 p.m. daily for shop and services (sale of drinks and snacks)  24 hours daily for private vehicle park		No change

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

- (a) Application Form received on 17.1.2025 **(Appendix I)**
- (b) Further Information (FI) received on 10.4.2025 **(Appendix Ia)**  
*[accepted and exempted from publication and recounting requirements]*

1.5 On 14.3.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

## **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 uses would serve the nearby residents and minimise illegal on-street parking in the area;

- (b) the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone; and
- (c) no pond filling and tree felling are involved. Adverse environmental and landscape impacts on the surrounding areas are not anticipated.

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

The applicant is not a “current land owner” but 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 posting site notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31B are not applicable.

### **4. Background**

The Site is currently not subject to planning enforcement action.

### **5. Previous Applications**

The Site was the subject of two previously approved applications (No. A/YL-TT/509 and 625) submitted by the same applicant for the same uses as the current application for a period of three years which were approved with conditions by the Committee in 2021 and 2024 respectively mainly on the considerations that the proposed uses were not incompatible with the surrounding land uses; approval of the application on temporary nature would not jeopardise the long-term planning intention of “V” zone; and no adverse comments were received from relevant government departments. However, the planning permission under application No. A/YL-TT/625 was subsequently revoked in 2024 due to the non-compliance with time-limited approval condition on submission of a condition record of existing drainage facilities. Details of these previous applications are at **Appendix II** and their locations are shown on **Plan A-1**.

### **6. Similar Applications**

There are two similar applications (No. A/YL-TT/541 and 686) for temporary shop and services use (real estate agency) involving one site within the same “V” zone on the OZP in the past five years. Both applications were approved with conditions by the Committee each for a period of three years mainly on similar considerations as those mentioned in paragraph 5 above. Details of these similar applications are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

### **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 a 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) paved and largely vacant; and
- (b) accessible from Sham Chung Road.

8.2 The surrounding areas are predominantly rural in character comprising village houses/residential dwellings intermixed with shop and services, storage/open storage yards, vehicle parks and unused/vacant land. The temporary shop and services uses are covered by valid planning permissions while the storage/open storage yards and vehicle parks are suspected unauthorized developments subject to planning enforcement action.

## **9. 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.

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

On 24.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual expressing views that the approval conditions of the previous applications have not been complied with (**Appendix V**).

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary private vehicle park and shop and services for a period of three years at the Site zoned “V” on the OZP. Although the proposed uses are not in line with the planning intention of the “V” zone, they could meet any such demand for private vehicle park and shop and services in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is no Small House application approved or under processing at the Site. 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 uses are not incompatible with the surrounding areas which are predominantly rural in character comprising village houses/residential dwellings intermixed with shop and services, storage/open storage yards, vehicle parks and unused/vacant land (**Plan A-2**).
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 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.
- 11.4 The Site is the subject of two previous applications (No. A/YL-TT/506 and 625) for temporary private vehicle park and shop and services which were approved by the Committee in 2021 and 2024 respectively. However, the planning permission under planning application No. A/YL-TT/625 was subsequently revoked due to non-compliance with time-limited approval conditions on submission of a condition record of existing drainage facilities. The applicant clarified that efforts had been made to provide the existing drainage record, e.g. submission of photographic records of the drainage facilities of the Site but there was insufficient time to meet the compliance requirements. In support of the current application, the applicant has submitted an existing drainage record for the current application on which CE/MN, DSD has no adverse comment. In this regard, 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 Moreover, two similar applications within the subject “V” zone have been approved by the Committee in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.6 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 6.6.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (b) the submission of an updated condition record of existing drainage facilities 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 6.9.2025;
- (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 6.12.2025;
- (d) 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 6.3.2026;
- (e) if the above planning condition (a) 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 (b), (c) or (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 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 uses are not in 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 justification has 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**

<b>Appendix I</b>	Application Form with attachment received on 17.1.2025
<b>Appendix Ia</b>	FI received on 10.4.2025
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	As-built Drainage Facilities
<b>Drawing A-3</b>	FSIs Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2025**