

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/723

- Applicant** : Miss 李小燕
- Site** : Lot 1562 S.B ss.2 S.E RP in D.D. 119, Tai Tong, Yuen Long, New Territories
- Site Area** : 69.6 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’ other than those on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently paved and occupied by temporary structures for storage use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kiu Hing Road with a pedestrian access point in the west (**Drawing A-1** and **Plan A-2**). According to the applicant, the proposal is for a convenience store. It consists of four structures, including three single-storey structures (not exceeding 3m in height) for shop and services with ancillary storage use and a rain shelter (not exceeding 3.6m in height), with a total floor area of not more than 53.9 m². No parking space or loading/unloading space is proposed and the operation hours are from 10:00 a.m. to 9:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Plans showing the access and site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 21.7.2025 (Appendix I)
- (b) Further Information (FI) received on 22.8.2025* (Appendix Ia)
- (c) FI received on 6.10.2025* (Appendix Ib)
- (d) FI received on 19.11.2025* (Appendix Ic)
*[*accepted and exempted from publication and recounting requirements]*

1.4 On 19.9.2025, the Rural and New Town Planning Committee (the Committee) of the Board 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 and FIs at **Appendix I to Ic**. They can be summarised as follows:

- (i) the proposed use would serve the nearby residents and construction workers;
- (ii) the proposed use is not incompatible with the surrounding environment; and
- (iii) the proposed use is temporary in nature and small in scale. Adverse impacts to 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 obtaining consent from the 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. Previous Application

There is a previous application No. A/YL-TT/205 covering a larger area including the Site for temporary open storage of machinery for a period of two years which was rejected by the Committee in 2007. Considerations of this previous application are not relevant to the current application which involves a different use. Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1b**.

6. Similar Applications

There are twelve similar applications (No. A/YL-TT/539, 549, 555, 558, 565, 566, 591, 624, 678, 679, 690 and 693) involving 10 sites for temporary shop and services for a period of three or five years within/straddling the same “V” zone in the past five years. All the applications were approved with conditions by the Committee between 2022 and 2025 mainly on considerations that the temporary use would not jeopardise the long-term planning intention of the area; being not incompatible with the surrounding uses; and the departmental concerns could be addressed by implementation of approval conditions. Details of these similar applications are summarised in **Appendix II** and their locations are 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-1a to A-4)

8.1 The Site is:

- (a) currently paved and occupied by temporary structures for storage use without valid planning permission; and
- (b) accessible from Kiu Hing Road.

8.2 The surrounding areas are predominantly rural in character comprising village houses/residential dwellings intermixed with parking of vehicles, open storage/storage yards, animal boarding establishment and vacant/unused land.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 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 on the application:

Land Administration

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

- (a) his office has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot 1562 S.B ss.2 S.E RP in D.D. 119 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) his office has detected irregularities on the application that there are unauthorized structures and uses on Lot 1562 S.B ss.2 S.E RP in D.D. 119. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (d) 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) erected with the said private lot(s). The application(s) for STW will be considered by LandsD in its capacity as a landlord and there is no guarantee that such 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 the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) there is no Small House application approved or under processing at the Site; and
- (f) his detailed advisory comments are at **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 29.7.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received (**Appendix V**) from an individual supporting the application mainly on the grounds that the proposed use would provide convenience to the local residents and would have no adverse environmental impact on the surrounding areas.

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 entirely in line with the planning intention of the “V” zone, it could serve the needs of the local residents. According to the DLO/YL, LandsD, 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 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, open storage/storage yards, animal boarding establishment 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 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 the potential environmental nuisances on the surrounding areas. Regarding DLO/YL, LandsD’s concern on the unauthorized structures and uses on the private lot within the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 11.4 There are 12 similar applications approved by the Committee within/straddling the same “V” zone between 2022 and 2025. Approval of the application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking 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 5.12.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 5.6.2026;
- (b) in relation to (a) above, the implementation of the 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 5.9.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (d) 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 5.6.2026;
- (e) in relation to (d) 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 5.9.2026;
- (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 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 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 21.7.2025
Appendix Ia	FI received on 22.8.2025
Appendix Ib	FI received on 6.10.2025
Appendix Ic	FI received on 19.11.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments

Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Access Plan
Drawing A-2	Site Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**