

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/480

- Applicant** : Mr. CHAN Chong Kwan represented by Mr. WONG Sun Wo William
- Site** : Lot 3047 (Part) in D.D.124, Yuen Long, New Territories
- Site Area** : About 140m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP)
No. S/TM-LTYT/12
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (convenience store) for a period of five years at the application site (the Site) (**Plan A-1**) zoned “V” on the OZP. 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 a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved and mainly used for storage use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via Tin Tei Yan Road (**Plan A-2**). According to the applicant, one single-storey structure (about 4.5m high) with a floor area of 140m² is proposed for convenience store use. Plans showing the layout and stormwater drainage proposal of the Site submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.3 According to the applicant, the operation hours are 8:00 a.m. to 8:00 p.m. daily. No on-site car parking, loading/unloading space and toilet are proposed within the Site.

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

- (a) Application Form with attachments received on 6.8.2024 (Appendix I)
- (b) Further Information (FI) received on 5.9.2024* (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 at **Appendix I**. They can be summarised as follows:

- (a) the proposed use is under Column 2 of the “V” zone of the OZP;
- (b) there is currently no convenience store in the vicinity. The provision of such facility can serve the needs of local villagers and the elderly; and
- (c) it facilitates the interaction among villagers at the center point of the village.

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 consents of the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is currently not subject to any active planning enforcement action.

5. **Previous Application**

The Site was involved in one previous application (No. A/TM-LTYT/36) for proposed temporary open storage of construction materials which was rejected by the Committee on 5.6.1998. The considerations are not relevant to the current application which involves a different use. Details of the previous application are at **Appendix II** and the location is shown on **Plan A-1**.

6. **Similar Applications**

There are six similar applications (No. A/TM-LTYT/401, 408, 437, 450, 464 and 473) for temporary shop and services use within/straddling the same “V” zone in the past five years. All the applications were approved with conditions by the Committee between 2021 and 2024 mainly on the considerations that the temporary uses would not jeopardise the long-term planning intention of the “V” zone; being not incompatible with the surrounding uses

and the departmental concerns could be addressed by imposing approval conditions. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently paved and mainly used for storage use without valid planning permission; and
- (b) accessible via Tin Tei Yan Road.

7.2 The surrounding areas are predominantly occupied by rural settlements and a medium-density residential development (i.e. Bauhinia Garden) intermixed with parking of vehicles and temporary structures for storage and warehouse uses. Some of these uses are suspected unauthorised developments subject to planning enforcement action.

8. Planning Intention

The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this 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.

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 Statutory Publication Period

On 16.8.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services for a period of five 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 meet the demand for daily necessities from locals. As advised by the District Lands Officer/Tuen Mun of Lands Department, there is no Small House application approved/under processing for the Site and he has no adverse comment on the application. Approval of the application on a temporary basis of five years would not jeopardise the long-term planning intention of the “V” zone.

- 11.2 The Site is located on Tin Tei Yan Road which is predominantly occupied by rural settlements and medium-density residential development intermixed with parking of vehicles and temporary structures for storage and warehouse uses (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department 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 There are six similar applications for shop and services use within/straddling the same “V” zone approved in the past five years. Approval of the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, 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 five years until **4.10.2029**. 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 **4.4.2025**;
- (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 **4.7.2025**;
- (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 **4.4.2025**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.7.2025**;
- (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 Members' reference:

the proposed use is not in line with the planning intention of the "Village Type Development" zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify the proposed use 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 6.8.2024
Appendix Ia	FI received on 5.9.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Stormwater Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**