

RNTPC Paper No. A/YL-NTM/480
For Consideration by
the Rural and New Town
Planning Committee
on 14.3.2025

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-NTM/480

- Applicant** : Chow Tim Sing represented by Chow Kwok Shu
- Site** : Lot 2158 RP in D.D. 104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
- Site Area** : About 693.1m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/14
- Zoning** : “Village Type Development” (“V”)
[*restricted to maximum building height of 3 storeys (8.23m)*]
- Application** : Renewal of Planning Approval for Temporary Private Swimming Pool for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary private swimming pool for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of 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). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-NTM/436 until 21.4.2025 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from a local access leading to San Tam Road (**Plan A-2**). The applied use involves a temporary private swimming pool of about 312.5m² with dimensions of 25m (length) x 12.5m (width) x 1.5m (depth). A filtration plant and balance tank are at the north-western corner of the Site. According to the applicant, the temporary private swimming pool is open for the use of the applicant’s relatives and neighbours free of charge. The applied use is covered by a Short Term Waiver granted by the Lands Department (LandsD) and a swimming pool licence issued by the Director of Food and Environmental Hygiene (DFEH). The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of six previous applications for same temporary private swimming pool use, which were all approved with conditions by the Rural and New

Town Planning Committee (the Committee) of the Board each for a period of three years between 2007 and 2022 (details at paragraph 6 below). The last application No. A/YL-NTM/436 was approved by the Committee on 22.4.2022 for a period of three years until 21.4.2025, and all time-limited approval conditions have been complied with. Compared with the last application, the current application is submitted by the same applicant for the same applied use at the same site with the same layout and development parameters.

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

- (a) Application Form received on 17.1.2025 and **(Appendix I)**
Supplementary Information (SI) received on 22.1.2025
- (b) Further Information (FI) received on 24.2.2025* **(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, SI and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The Site is the subject of six previously approved planning applications (No. A/YL-NTM/213, 246, 286, 332, 384 and 436) for the same applied use with the same layout. All time-limited approval conditions under the last application (No. A/YL-NTM/436) had been satisfactorily complied with. The applicant will continue to maintain the existing drainage facilities on the Site.
- (b) The temporary private swimming pool is an ancillary facility for the applicant's Small House (SH) at the adjacent Lot 2306 S.C in D.D 104 (**Drawing A-1** and **Plan A-2**). However, it is also open for the use by the applicant's relatives and neighbours free of charge for recreational use.
- (c) The temporary private swimming pool will not impose adverse traffic and environmental impacts on the surrounding areas. The applicant has also provided landscape works at the Site and is committed to maintain the existing facilities and be responsible for any maintenance works of the swimming pool.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" of the Site 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. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is relevant to the application. Relevant extract of the Guidelines is at **Appendix II**.

5. Background

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

6. Previous Applications

6.1 The Site is the subject of six previous applications (No. A/YL-NTM/213, 246, 286, 332, 384 and 436) for the same temporary private swimming pool use submitted by the same applicant at the same site, which were all approved by the Committee each for a period of three years between 2007 and 2022 mainly on the considerations that the swimming pool was not incompatible with the surrounding land uses and there was no adverse comment from concerned government departments or their concerns could be addressed by imposing relevant approval conditions. For the last application No. A/YL-NTM/436, all time-limited approval conditions have been complied with and the planning permission is valid until 21.4.2025.

6.2 Details of the previous applications are summarised at **Appendix III** and their location are shown on **Plan A-1**.

7. Similar Application

There is no similar application within the subject “V” zone on the OZP.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission (No. A/YL-NTM/436) until 21.4.2025; and
- (b) accessible from a local access leading to San Tam Road.

8.2 The surrounding areas are rural in character predominated mainly by residential structures and village houses. Open storage of construction materials, vehicle repair workshop and grassland are located at the further area of the Site.

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of SH 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 a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

10. 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, if any, are provided in **Appendices IV and V** respectively.

11. Public Comment Received During 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 the Chairman of the Yuen Long Town Centre & Rural East Area Committee without providing comment on the application (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary private swimming pool for a period of three years at the Site zoned “V” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “V” zone, the applicant states that the applied use is open for the use of the applicant’s relatives and neighbours which could help meet the recreational needs of the neighbourhood. Besides, the District Lands Officer/Yuen Long of LandsD advises that there is no SH application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. 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.
- 12.2 The Site is currently used for the applied use, which is the same as that approved under the last application No. A/YL-NTM/436. Given its small scale and the nature, the applied use is considered not incompatible with the surrounding land uses which are rural in character predominated mainly by residential structures and village houses. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and advises that no significant landscape impact arising from the applied use is anticipated.
- 12.3 In support of the current application, the applicant has submitted records of the as-built drainage facilities, as-built swimming pool piping layout plan and as-built filtration plant room layout plan which were considered acceptable by the Chief Engineer/Mainland North of Drainage Services Department and the Director of Environmental Protection. Other relevant government departments consulted, including the Director of Fire Services, Commissioner for Transport and DFEH, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to comply with the requirements stipulated in relevant ordinances and regulations to minimise any potential environmental impacts caused by the proposed use on the surrounding areas.
- 12.4 The application is considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal application is anticipated; all the time-limited approval conditions under the last application (No.

A/YL-NTM/436) had been complied with; and the three-year approval period sought which is same as the previous planning application is reasonable.

- 12.5 The Site is the subject of six previously approved applications for same use of the current application as detailed in paragraph 6 above. As there has been no major change in planning circumstances, approval of the current application is in line with the Committee's previous decisions.

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, PlanD 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 three years and be renewed from 22.4.2025 to 21.4.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the swimming pool should not be open to members of the public;
- (b) the drainage facilities implemented on the site should be maintained at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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

the applied use is not in line with the planning intention of the "Village Type Development" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion and 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 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

Appendix I	Application Form received on 17.1.2025 and SI received on 22.1.2025
Appendix Ia	FI received on 24.2.2025
Appendix II	Relevant Extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**