

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/549

- Applicant** : Mr. LAW Yat Ping represented by R-riches Property Consultants Limited
- Site** : Lot 643 S.B ss.1 S.A in D.D. 117, Wong Nai Tun Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : 44 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height 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 for a period of 5 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) within the “V” zone requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kiu Hing Road via a local track (**Plan A-2**). According to the applicant, the proposal is for a convenience store to serve the nearby residents of Wong Nai Tun Tsuen. Plans showing the access leading to the Site and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The major development parameters of the current application are summarised as follows:

Site Area	About 44 m ²
Total Floor Area	30 m ² (about)
No. and Height of Structures	1 for shop and services and storage (3.5m, 1 storey)

No. of Loading/Unloading (L/UL) and Parking Spaces	--
Operation Hours	9:00 a.m. to 7:00 p.m. daily

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

- (a) Application Form with plans received on 28.4.2022 (Appendix I)
- (b) Further Information (FI) received on 7.6.2022 (Appendix Ia)
- (c) FI received on 14.6.2022 (Appendix Ib)
[(b) and (c) 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 (**Appendices I to Ib**). They can be summarised as follows:

- (a) The temporary proposal will not jeopardise the long-term planning intention of the “V” zone.
- (b) The site entrance is adjoining private lots (i.e. Lots 643 S.B ss.2 and 643 S.C ss.2 in D.D. 117, **Plans A-2 and A-4**). Consent has been obtained from their owners for using them as access to the Site.
- (c) Since the customers and staff can access the Site on foot, no private car parking space is proposed. In view of the small-scale operation, L/UL activities (less than 10 minutes) will be carried out by a private car at Kiu Hing Road once per day. As such, no L/UL space is proposed within the Site. Similar L/UL arrangements were adopted in a number of approved planning applications in other OZPs.
- (d) The proposal will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Technical proposals and mitigation measures will be implemented after approval of the application. The applicant will strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) and “Professional Persons Environmental Consultative Committee Practice Notes” to minimise environmental impacts and nuisances.

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. 31A) 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.

4. Background

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

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

There are seven similar applications (No. A/YL-TT/300, 320, 342, 370, 475, 496 and 539) for temporary shop and services uses within the subject “V” zone, which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of 3 years between 2012 and 2022, mainly on the considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposals were not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions under applications No. A/YL-TT/320 and 342 were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites 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) accessible from Kiu Hing Road via a local track to its west (**Plans A-2 and A-3**);
- (b) hard-paved and fenced-off; and
- (c) currently vacant (**Plans A-2 and A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) rural residential in character comprising predominantly village houses and residential structures, intermixed with parking of vehicles, orchards, agricultural land and vacant land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate west;
- (c) to the further west of the Site is a nullah flanked by Kiu Hing Road and Wong Nai Tun Tsuen Road; and
- (d) the parking of vehicles in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

8. **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.

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 Comments Received During the Statutory Publication Period**

On 6.5.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, seven public comments were received from residents of Wong Nai Tun Tsuen and other individuals objecting to the application mainly on the grounds that the proposal is incompatible with the nearby residences and will cause security issue, pedestrian safety concern, environmental nuisances (noise and air pollution) and associated health problems; the application is to disguise the unauthorised structure at the Site and approval of the application would encourage others to carry out unauthorised building works (**Appendices V-1 to V-7**).

11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services for a period of 5 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, which is primarily for development of Small House by indigenous villagers, the proposal could meet any such demand for shop and services in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is currently no Small House application approved/under processing at the Site. As such, approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The surrounding area comprises predominantly village houses and residential structures intermixed with parking of vehicles (**Plan A-2**). The proposed use is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment on the application from concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department. In view of the small scale of the proposal, significant adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. Furthermore, relevant approval conditions

are recommended in paragraph 12.2 to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.

- 11.4 Seven similar applications for shop and services have been approved within the subject “V” zone. As such, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There were seven public comments objecting to the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 comments 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 5 years until 24.6.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 24.12.2022;
- (b) in relation to (b) 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 24.3.2023; and
- (c) if any of the above planning condition (a) or (b) 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 “V” 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

Appendix I	Application Form with plans received on 28.4.2022
Appendix Ia	FI received on 7.6.2022
Appendix Ib	FI received on 14.6.2022
Appendix II	Similar Applications within the Subject "V" Zone
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-7	Public Comments Received During the Statutory Publication Period
Drawing A-1	Access Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**