

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/555

- Applicant** : Mr. CHAN Wang Shek
- Site** : Lot 1109 RP in D.D. 117, Wong Nai Tun Tsuen, Yuen Long, New Territories
- Site Area** : 73 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 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of 3 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 used as a private garden of an adjoining house (**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 convenient store mainly to serve the local residents. No vehicles are allowed to enter the Site. A site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The major development parameters of the current application are summarised as follows:

Site Area	About 73 m ²
Total Floor Area (Non-domestic)	About 36 m ²
No. and Height of Structures	2 • for shop and toilet (3m, 1 storey)

No. of Parking and Loading/ Unloading (L/UL) Spaces	Nil
Operation Hours	10:00 a.m. to 6:00 p.m., with no operation on Sundays and public holidays

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

- (a) Application Form with plans received on 26.5.2022 (Appendix I)
- (b) Further Information (FI) received on 28.6.2022 (Appendix Ia)
- (c) FI received on 7.7.2022 (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 proposed temporary shop could optimise utilisation of idle land. Not only can the proposal serve the needs of local residents, it could also stimulate local business activities and provide job opportunities.
- (b) Customers are expected to access the Site on foot. No L/UL facilities are required as the small products can be carried to the Site by hand. Should the operation require usage of vehicles in the future, relevant application or amendment will be made as appropriate.

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 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 any planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

There are eight similar applications (No. A/YL-TT/300, 320, 342, 370, 475, 496, 539 and 549) 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 or 5 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 location 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 via a local track leading from Kiu Hing Road to its west (**Plans A-2 and A-3**);
- (b) hard paved and fenced-off; and
- (c) currently used as a private garden of an adjoining house (**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, a playground, 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; and
- (c) 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 7.6.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objects to the application mainly on the grounds that the proposal will induce environmental pollution and fire risk on the surrounding area (**Appendix V-1**). The other individual also objects to the application mainly on the grounds that the local track leading to the Site is private land and access may therefore be denied by the landowner, and that the outsiders attracted by the proposal will cause nuisance to nearby villagers (**Appendix V-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of 3 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 for a temporary period of three 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 (**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 on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental impact on the surrounding areas.
- 11.4 There is no previous application at the Site. Eight similar applications for shop and services uses 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 two public comments objecting to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are generally relevant. Regarding the public concern on the issue of local track, the applicant will be advised to liaise with the locals to address their concerns.

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 3 years until 15.7.2025. 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 15.1.2023;
- (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 15.4.2023; 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 26.5.2022
Appendix Ia	FI received on 28.6.2022
Appendix Ib	FI received on 7.7.2022
Appendix II	Similar Applications within the Subject “V” Zone on the OZP
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments Received During the Statutory Publication Period
Drawing A-1	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
JULY 2022**