

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

APPLICATION NO. A/YL-TT/558

- Applicant** : Mr. WONG Hon Wing
- Site** : Lot 1293 RP (Part) in D.D. 117, Kiu Hing Road, Tai Tong, Yuen Long, New Territories
- Site Area** : 272 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** : Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (real estate agency) for a period of 3 years at the application site (the Site) (**Plan A-1**). 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 requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission No. A/YL-TT/475 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Kiu Hing Road via a short local track (**Plan A-2**). According to the applicant, the proposal is for a real estate agency serving the local community. Plans showing the site layout, landscape proposal, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of three previous applications (details at paragraph 6 below).
- 1.4 The major development parameters of the previously approved application No. A/YL-TT/475 are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/475 (a)	Current Application No. A/YL-TT/558 (b)	Difference (b)-(a)
Applied Use	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years		---
Site Area	About 272 m ²		---
Total Floor Area (non-domestic)	About 72.6 m ²		---
No. and Height of Structures	5 • for real estate agency (3.5m, 1storey)		---
No. of Parking Space(s)	1 • for private car (5m x 2.5m)	2 • for private car (5m x 2.5m each)	+1 (+100%)
No. of Loading/ Unloading (L/UL) Space	---	1 • for light goods vehicle	+1
Operation Hours	9:00 a.m. to 8:00 p.m. daily	10:00 a.m. to 6:00 p.m. daily	Shorter Operation Hours

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

- (a) Application Form with appendix and plans received on 9.6.2022 (**Appendix I**)
- (b) Further Information (FI) received on 4.7.2022 (**Appendix Ia**)
- (c) FI received on 26.7.2022 (**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 FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) With the increasing number of village house (re)developments, there is a genuine need for a real estate agency in the area where such service is currently not available.
- (b) The Site is the subject of previous planning permission No. A/YL-TT/472.
- (c) The proposal is in line with the planning intention and compatible with the surrounding land uses. There will be no adverse traffic, drainage, sewerage, environmental and visual impacts arising from the proposal.

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. 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) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Applications

6.1 The Site involves three previous applications (No. A/YL-TT/300, 370 and 475) for the same use as the current application submitted by the same applicant, 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 2019, mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposal was not incompatible with the surrounding environment; and the concerns of departments could be addressed by imposing approval conditions. For the last application (No. A/YL-TT/475), all the time-limited approval conditions had been complied with and the planning permission is valid until 16.8.2022. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

6.2 Compared with the last application, the current application is submitted by the same applicant for the same use at the same site with the same development parameters albeit with slight increases in parking and L/UL spaces.

7. Similar Applications

There are six similar applications (No. A/YL-TT/320, 342, 496, 539, 549 and 555) for various temporary shop and services uses within the subject “V” zone, which were all approved with conditions by the Committee each for a period of 3 or 5 years between 2014 and 2022 mainly on similar considerations as those specified in paragraph 6.1 above. However, the planning permissions under applications No. A/YL-TT/320 and 342 were revoked in 2016 and 2015 respectively due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible via a short local track leading from Kiu Hing Road to its west (**Drawing A-1 and Plan A-3**);
- (b) hard-paved; and
- (c) currently occupied by the applied use with valid planning permission No. A/YL-TT/475 (**Plans A-2 to A-4b**).

8.2 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 open storage/storage yards, eating places, carpark/parking of vehicles, plant nursery, ruins and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate northeast; and
- (c) except for the eating places covered by valid planning permissions (No. A/YL-TT/497 and 502), the other eating place, open storage/storage yards and parking of vehicles/car park in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

9. **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.

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 are provided in **Appendices IV and V** respectively.

11. **Public Comment Received During the Statutory Publication Period**

On 17.6.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the proposal will cause environmental pollution and fire risk, thereby compromising the safety and living quality of the villagers (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary shop and services (real estate agency) for a period of 3 years at the Site zoned “V”. Although the applied use is not entirely in line with the planning intention of the “V” zone, which is primarily for development of Small Houses by indigenous villagers, it could meet any such demand for shop and services in the area. According to 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 three years would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The surrounding areas comprise predominantly village houses and residential structures intermixed with eating places, carpark/parking of vehicle and open storage/storage yards (**Plan A-2**). The development is generally not incompatible with the surrounding uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TT/475; all the time-limited approval conditions under the previous application No. A/YL-TT/475 had been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 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. Significant adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 13.2 to address the technical requirements of other concerned government departments.
- 12.5 Given that three previous approvals for shop and services use have been granted to the Site and six similar applications have been approved within the subject “V” zone, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.6 There was one public comment objecting to the application received during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department 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 3 years and be renewed from 17.8.2022 to 16.8.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.11.2022;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (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
- (e) if the above planning condition (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.

[Approval conditions (a) and (b) are the same as those under the permission for application No. A/YL-TT/475; condition (c) has been updated as per the current application; restriction on operation hours has been removed as per the department's latest requirement; and restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

The recommended advisory clauses are 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 "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.

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 with appendix and plans received on 9.6.2022
Appendix Ia	FI received on 4.7.2022
Appendix Ib	FI received on 26.7.2022
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Site Layout Plan
Drawing A-2	Landscape Proposal
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2022**