

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/565

- Applicant** : Ms. LAI Ming Sze Erica
- Site** : Lots 1259 S.C ss.1 (Part), 1299 S.B (Part) and 1300 RP (Part) in D.D. 117 and Adjoining Government Land (GL), Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories
- Site Area** : 589 m² (about) (including GL of about 92 m² or 15.6%)
- 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** : Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of three 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 which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the applied use is a shop for trading of second-hand cars and motor vehicle showroom to serve the nearby residents. A plan showing the site layout submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/YL-TT/27) (details at paragraph 5 below).
- 1.4 The major development parameters of the application are summarised as follows:

Site Area	About 589 m ²
Total Floor Area (Non-domestic)	About 221.25 m ²
No. of Structures	4 for motor vehicle showroom, ancillary office, open sheds and storage
Height of Structures	2.44 to 3.55m, 1 storey
No. of Loading/ Unloading Space	1 for light goods vehicle (LGV) (7m x 3.5m)
No. of Parking Spaces	2 for private car (5m x 2.5m each)
Operation Hours	10:00 a.m. to 8:00 p.m. daily

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

- (a) Application Form with Attachments received on 21.7.2022 **(Appendix I)**
- (b) Further Information (FI) received on 8.11.2022* **(Appendix Ia)**
- (c) FI received on 10.11.2022* **(Appendix Ib)**
**exempted from publication and recounting requirements*

1.6 On 9.9.2022, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the applied use can meet the local demand for trading of private cars and LGVs as there is currently no similar services in the vicinity;
- (b) a number of shop and services uses have been approved by the Board in the subject “V” zone. The applied use is compatible with the surrounding environment; and
- (c) there will be minimal traffic, environmental, drainage, sewerage and visual impacts arising from the applied use.

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. For the GL portion, the requirements under the TPB PG-No. 31A are not applicable.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Application**

The Site involves one rejected previous application for open storage use (No. A/YL-TT/27), which is not relevant to the current application. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. **Similar Applications**

There are 11 similar applications for various shop and services uses within the subject “V” zone considered by the Committee between 2012 and 2022. All 11 applications were approved by the Committee each for a period of three or five years mainly on similar 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 for two of them 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. **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.

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

8.1 The Site is:

- (a) abutting Tai Tong Shan Road to its north; and
- (b) paved and occupied by the applied use without valid planning permission (**Plan A-4**).

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 eating places, storage yards,

warehouses, parking of vehicles, an animal farm, burial urns, a real estate agency, construction sites and vacant land/structures;

- (b) there are residential structures in the vicinity with the nearest one located about 30m to its south; and
- (c) except for the real estate agency and eating places covered by valid planning permissions (No. A/YL-TT/475, 497 and 502), as well as a storage yard to the northwest of the Site, the other storage yards and parking of vehicles within the “V” zone in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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

- 10.1 On 29.7.2022, the application was published for public inspection. During the statutory public inspection period, a total of 135 public comments were received. Of which, 134 express support and one raises objection. A full set of public comments will be deposited at the meeting for Members’ inspection.

Supporting Comments (134 comments)

- 10.2 134 supporting comments were received from local residents and individuals, which are based on five sets of standard templates (extracted at **Appendices V-1 to V-5**). The comments support the application mainly on the grounds that the shop under application is a reputable shop; and the applied use could meet the increasing local demand for second-hand cars, provide job opportunities for nearby villagers, promote the local economy and will not general adverse traffic and environmental impacts on the surrounding area.

Objection (1 comment)

- 10.3 One individual objects to the application on the grounds that the applied use will generate adverse environmental and fire safety impacts on the surrounding area (**Appendix V-6**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services for a period of three years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it 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. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The applied use is generally not incompatible with the surrounding uses, which comprise predominantly village houses and residential structures intermixed with eating places and storage yards (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department. 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 below to address the technical requirements of concerned government departments.
- 11.4 Given that 11 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.
- 11.5 There are 134 public supporting comments and one objecting comment on 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 above 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 three years until 23.12.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 23.6.2023;
- (b) in relation to (a) above, the implementation of the 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 23.9.2023;
- (c) in relation to (b) above, the implemented drainage facilities 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 23.6.2023;

- (e) in relation to (d) 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 23.9.2023;
- (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 Member's 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.

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 21.7.2022
Appendix Ia	FI received on 8.11.2022
Appendix Ib	FI received on 10.11.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-6	Public Comments (extracted)
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan

Plan A-2

Site Plan

Plan A-3

Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
DECEMBER 2022**