

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/566

- Applicant** : Merrily Development and Investment Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 1200 RP (Part) in D.D. 117, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,100 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** : 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 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 which requires planning permission from the Town Planning Board (the Board). The Site is currently partly vacant and partly occupied by the applied use with valid planning permission under application No. A/YL-TT/496 (**Plans A-2 and A-4**).
- 1.2 The Site is abutting Tai Tong Shan Road to its north (**Plan A-2**). According to the applicant, the applied use is for a shop selling hardware accessories to serve the nearby residents. Only private cars and light goods vehicles (LGVs) will be allowed to enter/park at the Site. Plans showing the site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site is the subject of a previous application (No. A/YL-TT/496) (details at paragraph 5 below). The major development parameters of the previously approved application and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/496 (a)	Current Application No. A/YL-TT/566 (b)	Difference (b) – (a)
Proposed/Applied Use	Temporary Shop and Services for a Period of 3 Years		---
Site Area	1,100 m ² (about)		---
Total Floor Area (Non-domestic)	268 m ² (about)	Not more than 302 m ²	+34m ² (+12.6%)
No. and Height of Structures	3 • for shop, site office and toilet (3-6m, 1 storey)	5 • for shop, site office, store room, toilet and electricity meter room (3-6m, 1-2 storey(s))	+2 (+66.7%)
No. of Loading/ Unloading Spaces	2 • for LGV (7m x 3.5m each)		---
No. of Parking Spaces	Nil	2 • for private cars (5m x 2.5m each)	+2
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 annex and plans received on (Appendix I) 22.7.2022
- (b) Further Information (FI) received on 22.8.2022 (Appendix Ia) *[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 (Appendix I). They can be summarised as follows:

- (a) The Site is subject of a previous planning permission for the same use as the current application. As there is slight change of temporary structures, a fresh application is submitted. For the outstanding approval condition to the previous planning approval (No. A/YL-TT/496), a run-in/out had been built albeit not up to standard. The applicant pledges to find a contractor to rectify the run-in/out accordingly.
- (b) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone. Similar shop and services have been approved by the Board in the subject “V” zone. The applied use is compatible with the surrounding environment and would benefit the nearby villagers.
- (c) There will be minimal traffic and drainage 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. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Application**

- 5.1 The Site involves a previous application (No. A/YL-TT/496) for the same use as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years in 2020, 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 uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Most of the time-limited approval conditions had been complied with except for the provision of run-in/out proposal and the planning permission is valid until 29.5.2023. Details of the application is summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.
- 5.2 Compared with the last application, the current application is submitted by the same applicant for the same use at the same site with slightly different development parameters and site layout.

6. **Similar Applications**

- 6.1 There are nine similar applications for various shop and services uses within the subject “V” zone approved by the Committee between 2012 and 2022, each for a period of 3 or 5 years mainly on similar considerations as paragraph 5.1 above. 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**.
- 6.2 For Members’ information, application No. A/YL-TT/565 (for temporary shop and services for a period of 3 years) within the same “V” zone will also be considered at this meeting (**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 (**Plan A-3**);
- (b) fenced off and partly paved; and
- (c) partly vacant and partly occupied by the applied use with valid planning permission (**Plans A-2 and A-4**).

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

- (a) rural residential in character comprising predominately village houses and residential structures, intermixed with storage yards, eating places, car parks/parking of vehicles, real estate agency, warehouse, plant nursery, motor showroom, office, construction sites and vacant land/structures;
- (b) there are residential structures in the vicinity with the nearest ones located to its immediate south; and
- (c) except for a real estate agency and two eating places covered by valid planning permissions (No. A/YL-TT/497, 502 and 558), as well as a storage yard and a warehouse to the northeast and southeast of the Site, the other storage yards, car parks/parking of vehicles, motor showroom and office in the vicinity are suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

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 first three weeks of the statutory public inspection period, 52 public comments were received. Of which, 50 express support, one raises objection and one provides views on the application. A full set of public comments will be deposited at the meeting for Members' inspection.

Supporting Views (50 comments)

- 10.2 50 comments, based on three sets of standard templates (extracted at **Appendices V-1 to V-3**), were received from individuals and nearby residents supporting the application on the grounds that the applied use could enhance the choice in meeting the local demand for hardware accessories; provide job opportunities for nearby villagers; and enhance the local economy.

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-4**).

Providing Views (1 comment)

- 10.4 One individual opines that the approval conditions of the previous planning permission have not been fulfilled (**Appendix V-5**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services for a period of 3 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, 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 3 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 storage yards and eating places (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments, including 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 one previous approval for the same use has been granted to the Site and nine 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 52 public comments supporting/objecting/providing views on 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 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 3 years until 9.9.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the provision of a proper road connection or run-in/out within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 9.6.2023;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.12.2022;
- (c) in relation to (b) above, the existing drainage facilities on the Site 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 9.3.2023;
- (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 9.6.2023;
- (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 annex and plans received on 22.7.2022
Appendix Ia	FI received on 22.8.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices	Public Comments (extracted)
V-1 to V-5	
Drawing A-1	Site Layout Plan
Drawing A-2	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**