

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/571

- Applicant** : Ms. KONG Yee Ka
- Site** : Lots 1213 S.A and 1213 S.B RP in D.D. 118, Tai Tong, Yuen Long
- Site Area** : 557.9 m² (About)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Other Specified Uses” annotated “Rural Use” (“OU(RU)”)
[Restricted to a maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
- 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 three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “OU(RU)” zone, ‘Shop and Services’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied by open storage of construction materials without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposal is for a florist or similar types of shop. Plans showing the vehicular access leading to the Site, site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	557.9 m ² (about)
Total Floor Area (Non-domestic)	258 m ² (about)
No. and Height of Structures	2 • for shop, showroom, ancillary office and storage (7.5m, 1-2 storey(s))

No. of Parking Space(s)	2 • one for private car (5m x 2.5m) • one for light goods vehicle (7m x 3.5m)
No. of Loading/ Unloading Space	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 Attachments received on 6.9.2022 (Appendix I)
- (b) Further Information (FI) received on 20.10.2022 (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 annex to the Application Form and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the proposal could optimise the use of land resources, meet the needs of the residents living in the vicinity and generate job opportunities; and
- (b) the proposal would not affect the adjoining watercourse.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members' inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38) are relevant to the application. The relevant extract of the Guidelines is attached at **Appendix II**.

5. **Background**

The Site is currently not subject to planning enforcement action.

6. **Previous Application**

The Site involves one rejected previous application (No. A/YL-TT/21) for open storage use which is not relevant to the current application. Details of the application are summarised in **Appendix III** and the boundary of the site is shown on **Plan A-1**.

7. **Similar Applications**

There are 11 similar applications for various temporary shop and services uses within/straddling the subject “OU(RU)” zone considered by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2022. All 11 applications were approved by the Committee each for a period of three years mainly on similar considerations that the temporary proposals would not jeopardise the long-term planning intention; the proposals were not incompatible with the surrounding uses; and the applications were generally in line with TPB PG-No. 38. However, the planning permissions for four of them were subsequently revoked 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. **Planning Intention**

The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

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

9.1 The Site is:

- (a) accessible from Tai Shu Ha Road West to its northeast via a local track (**Plan A-2**); and
- (b) currently paved, fenced off and occupied by open storage of construction materials without valid planning permission (**Plans A-4a and A-4b**).

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

- (a) mixed in character with predominantly open storage/storage yards and residential structures with scattered parking of vehicles, graves, site offices, agricultural land, an electricity pylon and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest ones located about 25m to its west (**Plan A-2**); and
- (c) except for an open storage yard in the nearby “Open Storage” zone, the other open storage/storage yards, parking of vehicles and site offices in the vicinity are suspected unauthorised developments subject to planning enforcement action.

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 Comments Received During the Statutory Publication Period

On 13.9.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received. The village representative of Nam Hang Tsuen supports the application on the grounds that there is no impact to the nearby village, the proposal would optimise land resources and will provide job opportunities (**Appendix VI-1**). One individual objects to the application on the grounds that the proposed use will generate adverse environmental and fire safety impacts on the surrounding area (**Appendix VI-2**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “OU(RU)” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “OU(RU)” zone, it could meet any such demand for shop and services in the area. As there is no known development proposal for the Site, approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the area.
- 12.2 The proposed use is generally not incompatible with the surrounding uses, which mainly comprise scattered residential structures and agricultural land with some open storage/storage yards and parking of vehicles uses (**Plan A-2**).
- 12.3 Concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. The application is also generally in line with TPB PG-No. 38 in that the proposal would not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings, nor would it overstrain the capacity of existing and planned infrastructure. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments.
- 12.4 As 11 similar approvals within/straddling the subject “OU(RU)” zone have been approved, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.5 There are two public comments supporting/objecting to the application received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments 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 three years until 28.10.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 28.4.2023;
- (b) in relation to (a) above, the implementation of the revised 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 28.7.2023;
- (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 28.4.2023;
- (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 28.7.2023;
- (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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the proposed use is not in line with the planning intention of the "OU(RU)" zone, which is primarily for the preservation of the character of the rural area. 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 Attachments received on 6.9.2022
Appendix Ia	FI received on 20.10.2022
Appendix II	Relevant extract of TPB PG-No. 38
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 and VI-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2022**