

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/581**

- Applicant** : Wo Hing Real Estate Management Limited represented by Top Bright Consultants Limited
- Site** : Lots 4918 S.B RP (Part) and 4918 RP (Part) in D.D. 116 and Adjoining Government Land (GL), Tai Tong Road, Yuen Long, New Territories
- Site Area** : 319 m<sup>2</sup> (about) (including GL of about 105m<sup>2</sup> or 32.9%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong (TT) Outline Zoning Plan (OZP) No. S/YL-TT/19 (currently in force)  
  
Approved TT OZP No. S/YL-TT/18 (at the time of submission)  
[No change to the zoning of the application site on the OZP]
- Zoning** : “Residential (Group D)”  
*[restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) 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 “R(D)” zone, ‘Shop and Services’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently formed, fenced off and vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposal is for a convenience store and real estate agency to provide daily necessities (including snacks, drinks, dairy products, etc.) and real estate service for the neighbourhood. Plans showing the site layout and landscape and tree preservation proposal submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	319 m <sup>2</sup> (about)
Total Floor Area (Non-domestic)	118 m <sup>2</sup> (about)
No. and Height of Structures	2 for convenience store and real estate agency (7 m, 2 storey(s))
No. of Loading/ Unloading Space	1 for light goods vehicle (7m x 3.5m)
Operation Hours	8:00 a.m. to 8:00 p.m. daily

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

- (a) Application Form received on 14.12.2022 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Supplementary Planning Statement (**Appendix Ia**). They can be summarised as follows:

- (a) the proposal can meet the needs of the residents living in the vicinity, create job opportunities and optimise the use of land. It is compatible with the surrounding area and approvals for similar uses have been given within the same “R(D)” zone;
- (b) the local villagers and residents support the proposal; and
- (c) there are no adverse traffic, drainage, environmental impacts on the surrounding area.

## 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 GL, the requirements as set out in TPB PG-No. 31A are not applicable.

## 4. **Background**

The Site is currently not subject to planning enforcement action.

## 5. **Previous Applications**

The Site forms part of the application site of two previous applications (No. A/YL-TT/126 and 238) for extension of school building and temporary recyclable collection centre respectively, which are not relevant to the current application. Details of the application are summarised in **Appendix II** and the site boundaries of the application site are shown on **Plan A-1**.

## 6. **Similar Applications**

Two similar applications (No. A/YL-TT/360 and 523) for temporary shop and services use covering different extents of the same site within the subject “R(D)” zone were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2015 and 2021 separately for a period of three years, mainly on similar considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone; the proposal was not incompatible with surrounding environment; and the concerns of the departments could be addressed by imposing 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 “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low density residential developments subject to planning permission from the Board.

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

8.1 The Site is:

- (a) abutting Tai Tong Road to its east (**Plan A-2**); and
- (b) currently paved, fenced off and vacant (**Plan A-4**).

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

- (a) mixed in nature with predominantly village houses intermixed with shops, an open storage/storage yard, a warehouse, carparks, ruin, unused land and vacant land/structures in the subject “R(D)” zone;
- (b) predominantly village houses and unused/vacant land with carparks, offices, a store and a kindergarten in the adjoining “Village Type Development” zones to the further north and east of the Site;
- (c) there are several residential structures in the vicinity of the Site, with the nearest one located to the immediate north of the Site (**Plan A-2**); and

- (d) except for a shop with valid planning permission (No. A/YL-TT/523), the open storage/ storage yards, warehouse, a store, another shop, car parks and offices in the vicinity are suspected unauthorized developments (UD) 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 Comment Received During the Statutory Publication Period**

On 23.12.2022, 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 on the grounds that the proposed use will generate adverse environmental and fire safety impacts on the surrounding area (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “R(D)” on the OZP. Although the proposed use is not in line with the planning intention of the “R(D)” 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.
- 11.2 The proposed use is generally not incompatible with the surrounding uses, which comprise predominantly village houses intermixed with open storage/storage yards, carparks and warehouse (**Plan A-2**).
- 11.3 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. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 As two similar applications within the subject “R(D)” zone have been approved, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There is one public comment 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 relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment 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 3.2.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 3.8.2023;
- (b) in relation to (a) above, the implementation of run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 3.11.2023;
- (c) 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 3.8.2023;
- (d) in relation to (c) 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 3.11.2023;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 3.8.2023;
- (g) in relation to (f) 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 3.11.2023;
- (h) if the above planning condition (e) 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
- (i) if any of the above planning condition (a), (b), (c), (d), (f) or (g) 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 proposed use is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures into permanent buildings and for low-rise, low density residential development. 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**

<b>Appendix I</b>	Application Form received on 14.12.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Landscape and Tree Preservation Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2023**