

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/586

- Applicant** : Demeanor Trading Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 4080 in D.D. 116, Tai Kei Leng, Yuen Long, New Territories
- Site Area** : 1,000 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong (TT) Outline Zoning Plan (OZP) No. S/YL-TT/19
- Zoning** : “Residential (Group D)”
[restricted to a maximum plot ratio 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 paved and vacant with a temporary structure (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible via a local track leading from Tai Shu Ha Road East to its west (**Drawing A-2 and Plan A-2**). According to the applicant, the proposal is for a shop selling groceries (such as canned food and packed drinks) and building materials (such as pipes, handy tools, screws, nails and bearings). Plans showing site layout, vehicular access and drainage proposals submitted by the applicant are at **Drawings A-1 to A-3**.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 1,000 m ²
Total Non-domestic GFA	Not more than 380 m ²
No. of Structures	4 (for convenient store, shops and toilet)

Building Height (BH) of Structures	1 storey (not exceeding 4.5 m)
No. of Car Park Spaces	2 for private cars (5m x 2.5m)
No. of Loading/ Unloading Space	1 for light goods vehicle (7m x 3.5m)
Operation Hours	9:00 a.m. to 5:00 p.m. daily

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

- | | | |
|-----|---|----------------------|
| (a) | Application Form received on 16.1.2023 | (Appendix I) |
| (b) | Further Information (FI) received on 14.2.2023* | (Appendix Ia) |
| (c) | FI received on 21.2.2023* | (Appendix Ib) |

*[*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 Part 7 of the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the proposed development would benefit the residents in the vicinity by catering their demand for groceries and building materials;
- (b) the proposed development is not incompatible with the surrounding environment;
- (c) the proposed development is a temporary use for a period of three years, which would not jeopardise the long-term planning intention of the current zoning; and
- (d) insignificant traffic, drainage and environmental impacts are anticipated and no business operation will be carried out during the sensitive hours.

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. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application for temporary shop and services use within the same “R(D)” zone in the past five years.

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-4b)

8.1 The Site is:

- (a) accessible via a local track leading from Tai Shu Ha Road East to its west (**Plan A-2**); and
- (b) currently paved and vacant with a temporary structure (**Plans A-2 to A-4b**).

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

- (a) mixed in nature with predominantly residential structures intermixed with temporary structures, warehouses, some fallow/cultivated farmlands, open storage and unused land in the subject “R(D)” zone;
- (b) to its immediate south to northwest are some warehouses, residential structures, open storage, a vehicle repair workshop and car washing service;
- (c) to its immediate north to southeast are some residential structures, open storage, fallow/cultivated farmlands and unused land; and
- (d) except for an open storage of construction materials to the immediate north of the Site, the open storage, warehouses, store and workshops in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 II and III** respectively.

9.2 The following government department has comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has adverse comment on the application; and
- (b) according to his office's site inspection in February 2023, one temporary structure was detected in the Site. It was suspected that the temporary structure was used for domestic purposes. According to their prevailing policy, no Short Term Wavier application will be considered for domestic use. Therefore, his department reserves the right to take enforcement action against such domestic purpose structure in the Site.

10. Public Comment Received During the Statutory Publication Period

On 27.1.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

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 jeopardise the long-term planning intention of the area.
- 11.2 The proposed use is generally not incompatible with the surrounding uses, which comprise predominantly residential structures intermixed with open storage, warehouses, fallow/cultivated farmlands and vacant lands (**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. The applicant is also advised on the comments of DLO/YL, LandsD regarding the suspected temporary domestic structure.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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

3.3.2026. 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 3.9.2023;
- (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 3.12.2023;
- (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 3.9.2023;
- (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 3.12.2023;
- (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 III**.

- 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

Appendix I	Application Form received on 16.1.2023
Appendix Ia	FI received on 14.2.2023
Appendix Ib	FI received on 21.2.2023
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**