

RNTPC Paper No. A/YL-TT/603
For Consideration by
the Rural and New Town
Planning Committee
on 8.9.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/603

Applicant : Top Ease Creation Limited represented by Pinnacle Surveyors Limited

Site : Lot 3578 RP in D.D. 116, Tong Tau Po, Yuen Long

Site Area : About 1,710.1 m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19

Zoning : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]

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-1a**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently formed, fenced and used for open storage without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed use is a shop for selling construction materials and metalware and providing interior design and decoration services to serve the nearby residents and building contractors. The Site is abutting Tai Shu Ha Road East. No medium or heavy goods vehicles, including container tractor/trailer will be allowed to access the Site. No workshop activities will be carried out at the Site. Plans showing the site layout and vehicular access 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	About 1,710.1 m ²
Total Non-domestic Gross Floor Area	About 839.8 m ²

No. of Structures	5 for shop and services, office and meter room
Height of Structures	3-5.5m (1 storey)
No. of Parking Spaces	3 for private cars (5m x 2.5m)
No. of Loading/ Unloading Space	1 for light goods vehicles/private cars (7m x 3.5m)
Operation Hours	8:00 a.m. to 8:00 p.m. (Monday to Saturday) No operation on Sundays and public holidays

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

- (a) Application Form received on 21.7.2023 (Appendix I)
- (b) Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 4.9.2023 (Appendix Ib)
[accepted and exempted from recounting requirements]

2. **Justifications from the Applicant**

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

- (a) the proposed development would serve the nearby residents by supporting their needs and providing one-stop services to building contractors;
- (b) there is no Small House application at the Site. The temporary nature of the proposal would not frustrate the long-term planning intention of the “V” zone;
- (c) the proposed use is not incompatible with the surrounding environment. It helps eradicate the unplanned open storage activities at the Site; and
- (d) no significant adverse traffic, environmental, landscape and drainage impacts will be caused.

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 Applications**

The Site is involved three previous applications (No. A/YL-TT/29, 148 and 409) for temporary open storage, vehicle park, workshop and warehouse uses, the consideration

of which are not relevant to the current application. Details of the application are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

6. Similar Application

There is no similar application within the subject “V” zone.

7. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this 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 New Territories Exempted House. 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 Shu Ha Road East; and
- (b) is currently formed, fenced and used as open storage 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 village houses and residential dwellings intermixed with car parks/parking of vehicles, real estate agency, eating place, open storage/storage yards, warehouses, an orchard and vacant land/structures;
- (b) the village cluster of Tong Tau Po Tsuen is located to its north with the nearest village house located about 20m to its north; and
- (c) except for a warehouse in its southwest, the car parks/parking for vehicles, real estate agency, eating place, open storage/storage yards, warehouse 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

On 28.7.2023, the application was published for public inspection. During the statutory public inspection period, four public comments were received from individuals. Of which, three individuals support the application mainly on the grounds that the proposal could eradicate open storage activities at the Site; meet such demand in the vicinity; and provide job opportunities (**Appendices V-1 to V-3**). The other individual questions the proposed use would be of similar nature to the rejected application for workshop and warehouse uses at the Site (**Appendix V-4**).

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 “V” on the OZP. Although the proposed 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 no Small House application approved/under processing within the Site. As such, 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 proposed use is generally not incompatible with the surrounding uses, which comprise predominantly village houses and residential dwellings intermixed with car parks/parking of vehicles, real estate agency, eating place, open storage/storage yards and warehouses (**Plan A-2**).
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/adverse comments on the application. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 There are four public comments received on the application during the statutory publication period supporting/providing views to the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 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

8.9.2026. 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 8.3.2024;
- (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 8.6.2024;
- (c) in relation to (b) above, the implemented 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 8.3.2024;
- (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 8.6.2024;
- (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 proposed 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 received on 21.7.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 4.9.2023
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-4	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Vehicular Access Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**