

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

**APPLICATION NO. A/YL-TT/609**

- Applicant** : Wah Mei Development (HK) Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 3578 S.D in D.D. 116 and Lots 1029 S.A and 2378 S.F in D.D. 118, Tong Tau Po Tsuen, Yuen Long, New Territories
- Site Area** : About 737 m<sup>2</sup>
- 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 vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track from Tai Shu Ha Road East to its northwest. According to the applicant, the proposed use is a shop for selling grocery and bean products to serve the nearby residents. Plans showing vehicular access, site layout, 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	About 737 m <sup>2</sup>
Total Floor Area	About 400 m <sup>2</sup>
No. of Structures	3 for shop and services and toilet

Height of Structures	3-4.5m (1 storey)
No. of Parking Spaces	4 for private cars (5m x 2.5m)
No. of Loading/ Unloading Space	1 for light goods vehicles (7m x 3.5m)
Operation Hours	9:00 a.m. to 9:00 p.m. daily

1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 23.8.2023 (**Appendix I**).

## **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 proposed use would serve the nearby residents. It is temporary in nature and would not frustrate the long-term planning intention of the “V” zone;
- (b) the proposed use is not incompatible with the surrounding environment; and
- (c) 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 in two previous applications (No. A/YL-TT/29 and 409) for temporary open storage, and workshop and warehouse uses respectively, the considerations of which are not relevant to the current application. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

## **6. Similar Application**

There is a similar application (No. A/YL-TT/603) for temporary shop and services use within the same “V” zone on the OZP which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 11.9.2023 mainly on the considerations that the temporary proposal would not jeopardise the long-term planning

intention; and the proposed use was not incompatible with the surrounding uses. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

## **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) accessible from Tai Shu Ha Road East via a local track; and
- (b) is currently formed, fenced and vacant (**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, open storage/storage yards, warehouses, vehicle repair workshops, an eating place, orchards and vacant land/structures;
- (b) the village cluster of Tong Tau Po Tsuen is located to its north and the nearest residential structures are located about 30m to its southwest; and
- (c) except for a warehouse in its southwest and a carpark in its northwest operating with valid planning permission (No. A/YL-TT/511), the car parks/parking for vehicles, open storage/storage yards, warehouse and eating place 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 Comment Received During the Statutory Publication Period**

On 1.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual questioning the nature of the proposed shop use and compatibility with the surrounding village environment.

## **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, open storage/storage yards, warehouses and eating place (**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 Given a similar application within the same “V” zone was approved by the Committee in 2023, approval of the current application is generally in line with the Committee’s previous decision.
- 11.5 There is one public comment on the application received during the statutory publication period providing views on the application 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 13.10.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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 13.7.2024;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) 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 13.4.2024;
- (d) in relation to (c) 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 13.7.2024;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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**

<b>Appendix I</b>	Application Form with attachments received on 23.8.2023
<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>	Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**