

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-TT/625

- Applicant** : Mr. TAM Kwok Chu represented by 海願規劃發展公司
- Site** : Lot 3307 in D.D. 120 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : About 710 m² (including GL of about 60 m² (about 8.5%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20 (currently in force)
- Draft Tai Tong Outline Zoning Plan OZP No. S/YL-TT/19
(at the time of submission)
[No change to the zoning of the application site]
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Private Vehicle Park and Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for private vehicle park and shop and services at the application site (the Site) for a period of three years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ and ‘Shop and Services’ (other than on the ground floor of a New Territories Exempted House (NTEH)) are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is largely vacant and subject to valid planning permission under application No. A/YL-TT/509 for the same applied uses until 26.2.2024 (**Plan A-4**).
- 1.2 The Site is accessible from Sham Chung Road (**Plan A-2**). According to the applicant, no workshop activities will be carried out at the Site. The layout, as-built drainage facilities and fire service installations (FSIs) proposals submitted by the applicant are shown on **Drawings A-1 to A-3** respectively.
- 1.3 The Site is the subject of one previous application (No. A/YL-TT/509) for the same applied uses as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee)

of the Board in 2021. Compared with the previously approved application (No. A/YL-TT/509), the current application is submitted by the same applicant for the same uses with the same development parameters and site layout. The major development parameters are summarised as follows:

Site Area	710 m ² (about) (including GL of about 60 m ² or 8.5%)
Total Floor Area	About 72 m ²
No. and Height of Structure	1 for ticket office and shop (not exceeding 2 storey (6m))
No. of Parking Space	19 - for private car and goods van (2.5m x 5.5m each)
Operation Hours	24 hours daily

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

- (a) Application Form received on 27.11.2023 **(Appendix I)**
- (b) Supplementation Information (SI) received on 30.11.2023 **(Appendix Ia)**
- (c) Further Information (FI) received on 29.12.2023* **(Appendix Ib)**
- (d) FI received on 11.1.2024* **(Appendix Ic)**

**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 at the Application Form, SI and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The applied uses are on paved land and temporary in nature.
- (b) The applied uses and layout are identical to those under the previously approved application No. A/YL-TT/509, and all approval conditions of the previously approved application have been complied with.
- (c) No pond filling and tree felling are involved. Adverse ecological and environmental impacts arising from the application are not envisaged.

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. 31B) by posting site notices 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. 31B are not applicable.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No.34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. **Background**

The Site is currently not subject to any planning enforcement action.

6. **Previous Application**

The Site is the subject of a previous application (No. A/YL-TT/509) for private vehicle park and shop and services approved by the Committee on 26.2.2021 for a period of three years mainly on the considerations that the proposed uses were not incompatible with the surrounding land uses; approval of the application on temporary nature would not jeopardise the long-term planning intention of “V” zone; and no adverse comments were received from relevant government departments. All the time-limited approval conditions of previous application (No. A/YL-TT/509) had been complied with. Details of the application are at **Appendix III** and the location of the Site is shown at **Plan A-1**.

7. **Similar Applications**

There are two similar applications (No. A/YL-TT/455 and 541) for proposed temporary shop and services for a period of three years within the same “V” zone on the OZP in the past five years. They were approved with conditions by the Committee in 2019 and 2022 respectively mainly on similar grounds as those mentioned in paragraph 6 above. Details of the similar applications are summarised at **Appendix III** and the locations of the Sites are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) paved and largely vacant with a temporary structure; and

(b) abutting Sham Chung Road.

8.2 The surrounding areas are rural residential in nature comprising village houses, shop and services and car parks. Except for a storage yard to the south of the Site as well as some shop and services uses operating with valid planning permissions (No. A/YL-TT/541), the other open storage yard and car parks in the vicinity are suspected unauthorised developments subject to planning enforcement action.

9. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised 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.

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 5.12.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual expressing views on the application that the previous approval conditions had not been fulfilled and should be revoked (**Appendix VI**).

12. **Planning Considerations and Assessments**

12.1 The application is for renewal of the planning approval for temporary private vehicle park and shop and services for a period of three year at the Site zoned “V” on the OZP. Although the applied uses are not entirely in line with the planning intention of the “V” zone, they could meet the demand for private vehicle park and shop and services in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is currently no Small House application approved/ under processing for the Site. 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.

12.2 The Site is located in an area predominantly occupied by village houses (**Plan A-2**). The applied uses are considered not incompatible with the surrounding

areas.

- 12.3 The renewal application is in line with TPB PG-No. 34D in that there has been no material change in planning circumstances; adverse implications arising from the renewal of the planning approval are not envisaged; all the time-limited approval conditions under previous application had been complied with; and the three-year approval period sought is the same time-frame as the previous approval and is considered reasonable.
- 12.4 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from environmental, traffic, fire safety and drainage aspects. To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below should the Committee approve the application.
- 12.5 Besides, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise possible environmental nuisance on the surrounding areas.
- 12.6 Given that a previous approval for the same proposed uses at the Site was granted by the Committee in 2021 and two similar applications for shops and services were approved in 2019 and 2022 respectively, approval of the current application is in line with the Committee's previous decision.
- 12.7 There is one public expressing view on the application received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment summarised in paragraph 11, the Planning Department has no objection to the temporary private vehicle park and shop and services for a further period of three years.
- 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, and be renewed from 27.2.2024 until 26.2.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) to maintain the drainage facilities implemented under the application No. A/YL-TT/509 at all times during the planning approval period;
- (b) the submission of a condition record of existing drainage facilities within 3 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.5.2024;

- (c) the existing fire service installations implemented on the site shall be maintained in an efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (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
- (e) if the above planning condition (b) 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.

[Approval conditions have been updated or removed as per latest departmental comments and Planning Department's latest requirement.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the application.

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 27.11.2023
Appendix Ia	SI received on 30.11.2023
Appendix Ib	FI received on 29.12.2023
Appendix Ic	FI received on 11.1.2024
Appendix II	Relevant Extracts of TPB PG-No.34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	As-built Drainage Facilities
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3

Plan A-4

Aerial Photo

Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**