

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/631

Applicant : Kwok Wa Mui

Site : Lot 1758 in D.D. 119, Tai Tong, Yuen Long, New Territories

Site Area : 905 m² (about)

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20

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

Application : Proposed Temporary Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for a period of three years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is partly covered by temporary structures which are used for the applied use and car servicing workshop without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local track connecting with Kiu Hing Road with the ingress/egress point at its southeastern part (**Drawing A-2 and Plan A-2**). According to the applicant, the applied use is for storage of construction materials, vehicle-related equipment and spare parts. Plans showing the layout and the vehicular route leading to the Site 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 905 m ²
Total Floor Area	About 905 m ²
No. of Structure	1 for warehouse
Height of Structure	Not exceed 5.5m (1 storey)
No. of Loading/ Unloading Space	2 for light goods vehicle (LGV) (7m x 3.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. (Mondays to Saturdays) (no operation on Sundays and Public Holidays)

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

- (a) Application Form with attachments received on (**Appendix I**)
21.12.2023
- (b) Further Information (FI) received on 14.3.2024* (**Appendix Ia**)
**exempted from publication and recounting requirements*

1.5 On 16.2.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form with attachments and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) to make good use of land resources for warehouse use in light of the rapid development of northwest New Territories; and
- (b) no tree felling is involved. The applied use including the proposed structure would not affect other users.

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 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.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Application

6.1 There is no similar application within the same “V” zone on the OZP.

6.2 For Members’ information, application No. A/YL-TT/627 for temporary warehouse within the subject “V” zone will be considered by the Committee at the same meeting (**Plan A-1**).

7. 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 the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the 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) paved and partly covered by temporary structures for the applied use and car servicing workshop without a valid planning permission; and
- (b) accessible via a local track connecting with Kiu Hing Road.

8.2 The Site is adjoined by village houses to its immediate north and east. The surrounding areas are within the village cluster of Pak Sha Tsuen which is predominantly occupied with village houses and residential structures intermixed with farmland/vacant/unused land as well as parking of vehicles and open storage/storage yards which 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 II and III** respectively.

10. Public Comments Received During the Statutory Publication Period

On 29.12.2023, the application was published for public inspection. During the statutory public inspection period, three public comments were received from individuals (**Appendix IV**). One individual objects to the application on the grounds that there is no proper road serving the Site directly and the warehouse has been built before obtaining approval while another individual objects on the grounds that the type of goods to be stored is unclear and the approval conditions for similar operations are rarely complied with. The remaining objection is raised by a group of three indigenous residents of Pak Sha Tsuen on the grounds that the applied use would increase the threat of flooding and cause adverse air, noise, drainage and traffic impacts on the surrounding residential area.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of construction materials, vehicle-related equipment and spare parts for a period of three years at the Site zoned “V” on the OZP. The applied 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 justifications have been given in the submission for a departure from the planning intention, even on a temporary basis.
- 11.2 The Site is adjoined by village houses to its immediate north and east. The surrounding areas are within the village cluster of Pak Sha Tsuen which is predominantly occupied with village houses and residential structures (**Plan A-2**). Although there are parking of vehicles and open storage/storage yards in the vicinity, they are suspected UDs subject to planning enforcement action. The applied use is considered not compatible with the surrounding residential character.
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives respectively.
- 11.4 There is neither approved previous application at the Site nor similar application within the subject “V” zone approved by the Committee. Approval of the application would set an undesirable precedent and encourage proliferation of similar warehouse uses within the “V” zone. The cumulative effect of approving such similar applications would induce environmental nuisance to the village environment.
- 11.5 There are three public comments 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 comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:

- (a) the applied use is not in line with the planning intention of the “Village Type Development” zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applied use is not compatible with the surrounding residential character.

12.2 Alternatively, 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 10.5.2027. 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 10.11.2024;
- (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 10.2.2025;
- (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 10.11.2024;
- (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 10.2.2025;
- (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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form with Attachments received on 21.12.2023
Appendix Ia	FI received on 14.3.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Route Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2024**