

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

APPLICATION NO. A/YL-TT/632

<u>Applicant</u>	: Cheung Kwong Un Tso represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lot 1607 RP (Part) in D.D. 119, Muk Kiu Tau Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 910 m ² (about)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
<u>Zoning</u>	: “Village Type Development” (“V”) <i>[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]</i>
<u>Application</u>	: Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for 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, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by building materials with valid planning permission under application No. A/YL-TT/516 until 26.3.2024 (**Plan A-4**).
- 1.2 The Site is abutting Kiu Hing Road (**Plan A-2**). According to the applicant, the applied use is mainly for selling of building materials. Adequate manoeuvring space is proposed within the Site and no vehicles queuing outside the Site will be resulted. Plans showing the layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are shown at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is the subject of two previous applications for same use which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively (details at paragraph 6 below). Compared with the last approved application (No. A/YL-TT/516), the current application is submitted by a different applicant who is the owner of the Site for the same use with the same development parameters and site layout. The major development parameters are summarised as follows:

Site Area	910 m ² (about)
Total Floor Area (non-domestic)	about 390 m ²
No. of Structures	5 (1 site office, 1 guard room, 1 toilet with open shed, 1 open shed and 1 rain shelter)
Height of Structures	Not more than 3.5m (1 storey)
No. of Parking Spaces	3 - two for private car (5m x 2.5m each) - one for light goods vehicle (LGV) (7m x 3.5m each)
Operation Hours	9:00 a.m. to 8:00 p.m. daily

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

- (a) Application Form received on 11.1.2024 **(Appendix I)**
- (b) Further Information (FI) received on 25.1.2024* **(Appendix Ia)**
- (c) FI received on 19.2.2024* **(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 at the Application Form and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied use would serve and meet the demand of residents in the vicinity for building materials.
- (b) The Site has been the subject of two previously approved planning applications for shop and services since 2008. The applied use and layout under application are identical to those under the previously approved application No. A/YL-TT/516, and all approval conditions of the previously approved application have been complied with. Similar planning applications have been approval by the Board.
- (c) The applied use is compatible with the surrounding environment. Traffic and environmental impacts arising from the applied use are insignificant.

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. **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**

5.1 Areas to the immediate west of the Site fall within the Yuen Long South (YLS) Second Phase Development and developments proposed are tentatively scheduled to commence in 2025.

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

6. **Previous Applications**

The Site is the subject of two previous applications (No. A/YL-TT/440 and 516) for the same use as the current application, which were approved with conditions by the Committee on temporary basis for a period of three years in 2018 and 2021 respectively mainly on the considerations that the proposed use was not incompatible with the surrounding uses; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing relevant approval conditions. All the time-limited approval conditions under the last approved application No. A/YL-TT/516 have been complied with and the planning permission is valid until 26.3.2024. Details of the applications are at **Appendix III** and the boundary of the sites is shown on **Plan A-1**.

7. **Similar Applications**

There are three similar applications (No. A/YL-TT/522, 554 and 592) for shop and services on temporary basis for a period of three years, being either entirely or partly within the same “V” zone on the OZP, in the past five years. They were approved with conditions by the Committee between 2021 and 2023 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-4)**

8.1 The Site is:

- (a) paved and currently occupied by building materials; and

(b) accessible from Kiu Hing Road to its west.

- 8.2 The surrounding areas are rural residential in nature comprising predominantly village houses intermixed with car services, warehouses, parking of vehicles and vacant land/structures. The car services, warehouses and parking of vehicles in the vicinity are suspected unauthorized 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 an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. **Comments from Relevant Government Departments**

- 10.1 Apart from the government department as set out in paragraph 10.2 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 IV and V** respectively.

- 10.2 The following government department has grave concern to the application:

Land Administration

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

- (a) the subject lot 1607 RP is separated by public roads into two portions. There are unauthorized structures and/or uses within the subject lot both covered and/or not covered by the Site. The lot owner(s) should immediately rectify/apply for regularization on the lease breaches and LandsD reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (b) according to his office’s site inspection, one of the unauthorized structures was suspected being used for domestic purposes. According to LandsD’s policy, no Short Term Waiver (STW) application will be considered for domestic use. Therefore, LandsD reserves the right to take enforcement action against such domestic purpose structure within the subject lot;

- (c) the lot owner(s)/applicant shall (i) remove the unauthorized structure(s) not covered by the subject planning application immediately; or (ii) include the unauthorized structure(s) in the subject planning application for the further consideration by the relevant departments or (iii) subdivide the subject lot to separate the western portion of the lot outside the Site (**Plan A-2**) and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, the applicant shall apply to his office for an STW to permit the structure(s) erected. The application for STW will be considered by LandsD in its capacity as landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future; and
- (d) his detailed advisory comments are at **Appendix V**.

11. Public Comments Received During the Statutory Publication Period

On 19.1.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from a Yuen Long District Council's Member who offered no comment on the application (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning approval for temporary shop and services for a period of three years at the Site zoned "V" on the OZP. Although the applied use is not entirely in line with the planning intention of the "V" zone, it could meet the demand for shop and services in the area. According to the DLO/YL, LandsD, there is currently no Small House application approved/under processing for the Site. As such, approval of the renewal application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the zone.
- 12.2 The Site is located in an area predominantly occupied by village houses intermixed with car services, warehouses, parking of vehicles and vacant land/structures (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.
- 12.3 The renewal application is 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 have 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 The Site falls within the eastern portion of the subject lot 1607 RP in D.D. 119 (**Plan A-2**). Regarding DLO/YL, LandsD's concerns on the unauthorized buildings and/or uses on the subject lot, the issue can be dealt separately under the land administration regime as the applicant indicates in the application (**Appendix Ib**) that he is willing to subdivide the subject lot to separate the Site from the western portion of the lot and after the subdivision of land, the applicant will apply for STW to cover the existing structures at the Site.
- 12.6 Given that two previous approvals for the same applied use at the Site have been granted by the Committee and three similar applications were approved in the past five years, approval of the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department has no objection to the temporary 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 27.3.2024 until 26.3.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site should be maintained 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 **27.6.2024**;
- (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 requirements.]

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 11.1.2024
Appendix Ia	FI received on 25.1.2024
Appendix Ib	FI received on 19.2.2024
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	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**