

RNTPC Paper No. A/YL-TT/633A
For Consideration by
the Rural and New Town
Planning Committee
on 10.5.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/633

- Applicants** : Ms Yeung Pik Yuk and Mr Cheung Yee Sang represented by Metro Planning & Development Company Limited
- Site** : Lots 4073 (Part), 4074 (Part), 4075 (Part), 4076RP (Part) and 4087 (Part) in D.D. 116, Tai Kei Leng, Yuen Long, New Territories
- Site Area** : 660 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Residential (Group D)” (“R(D)”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height (BH) of 3 storeys (9m)]
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek 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 “R(D)” zone, ‘Shop and Services’ being not on the ground floor of a New Territories Exempted House is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently a vacant warehouse (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local track leading from Tai Shu Ha Road East (**Drawing A-2 and Plan A-2**). According to the applicants, the proposal is a shop for selling building materials including pipes, corrugated metal sheets and handy tools. Plans showing site layout, vehicular access and drainage proposal submitted by the applicants are at **Drawings A-1 to A-3**.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 660 m ²
Total Floor Area	Not more than 620 m ²
No. of Structure	1
Height of Structure	1 storey (not exceeding 5 m)
No. of Loading/ Unloading Space	1 for light goods vehicle (7m x 3.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. daily

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form received on 11.1.2024 **(Appendix I)**
- (b) Further Information (FI) received on 21.3.2024* **(Appendix Ia)**
*[*exempted from publication and recounting requirements]*

1.5 On 1.3.2024, 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 applicants.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Part 7 of the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the proposed use would benefit the residents in the vicinity to meet their demand for building materials;
- (b) the proposed use is not incompatible with the surrounding areas;
- (c) the proposed use is a temporary use for a period of three years, which would not jeopardise the long-term planning intention of the current zoning; and
- (d) insignificant traffic, drainage and environmental impacts are anticipated.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is the subject of a planning enforcement case (No. E/YL-TT/701) against an unauthorized development (UD) involving storage use. Enforcement Notice (EN) was

issued on 28.11.2023 requiring discontinuation of the UD by 28.1.2024. The latest site inspection reveals that the UD has been discontinued.

5. Previous Applications

The Site is involved in two previous applications (No. A/YL-TT/209 and 305) for temporary warehouse for storage of recyclable materials or exhibition materials each for a period of three years. Both applications were rejected by the Committee in 2007 and 2012 respectively. Considerations of these applications are not relevant to the current application which involves a different use. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

6. Similar Applications

There are two similar applications (No. A/YL-TT/586 and 598) for temporary shop and services use within the same “R(D)” zone in the past five years which were approved with conditions by the Committee each for a period of three years in 2023 mainly on considerations that the temporary use could not jeopardise the long-term planning intention of the area; it was not incompatible with the surrounding uses and the departmental concerns could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.

7. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

8.1 The Site is:

- (a) currently a vacant warehouse; and
- (b) accessible via a local track leading from Tai Shu Ha Road East.

8.2 The surrounding areas are rural residential in nature predominantly occupied by village houses intermixed with shop, warehouses, workshops and open storage yards which are suspected UDs 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 19.1.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from a member of the Yuen Long District Council who indicates no comment on the application (**Appendix V**).

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 “R(D)” on the OZP. Although the proposed use is not in line with the planning intention of the “R(D)” zone, it could meet the demand for shop and services in the area. As there is no known development proposal for the Site, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the area.
- 11.2 The proposed use is generally not incompatible with the surrounding uses, which are rural residential in nature predominantly occupied by village houses intermixed with shop, warehouses, workshops and open storage yards (**Plan A-2**).
- 11.3 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 respectively. Should the application be approved, relevant approval conditions have been recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments and the applicants will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisances on the surrounding areas.
- 11.4 Given that two similar applications were approved by the Committee in 2023, approval of the current application is generally in line with the previous decisions of the Committee.

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 10.5.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 revised 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 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 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 "Residential (Group D)" zone which is primarily for improvement and upgrading of existing temporary structures into permanent buildings and for low-rise, low density residential development. 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 applicants.

14. Attachments

Appendix I	Application Form received on 11.1.2024
Appendix Ia	FI received on 21.3.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2024**