

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

**APPLICATION NO. A/YL-TT/644**

- Applicant** : Mr. Lung Man Kuen
- Site** : Lots 3314 S.A and 3314 RP in D.D. 120, Sham Chung Tsuen, Yuen Long, New Territories
- Site Area** : 680 m<sup>2</sup> (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 (BH) of 3 storeys (8.23m)]*
- Application** : Renewal of Planning Approval for Temporary Private Swimming Pool for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary private swimming pool at the application site (the Site) for a period of three years (**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 currently occupied by the applied use which is covered by a valid planning permission under application No. A/YL-TT/521 and two New Territories Exempted Houses (NTEHs) which are always permitted within the “V” zone (**Plan A-4**).
- 1.2 The Site is accessible via a local track connecting to Sham Chung Road (**Plan A-2**). According to the applicant, the applied use comprises a swimming pool and a filtration plant room with a total floor area of 173.5m<sup>2</sup>. The private swimming pool is for his family’s use only. A plan showing the layout of the swimming pool submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of nine previous applications for same use which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2002 and 2021 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-TT/521), the current

application is submitted by a different applicant, who is one of the owners of the Site, for the same use with the same development parameters and site layout.

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

- (a) Application Form received on 5.4.2024 (Appendix I)
- (b) Further Information (FI) received on 30.4.2024\* (Appendix Ia)

*\*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 FI at **Appendices I and Ia**. They can be summarised as follows:

The private swimming pool could beautify the living environment and provide a sports and leisure place for his family members.

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

The applicant is one of two “current land owners” and 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 notifying the other “current land owner” through registered post. 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**

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

## 6. **Previous Applications**

The Site is the subject of nine previous applications (No. A/YL-TT/138, 147, 188, 233, 291, 337, 351, 427 and 521) 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 between 2002 and 2021 mainly on the considerations that the applied use would not adversely affect the village character of the area and not incompatible with the

surrounding uses; and the concerns of relevant government departments could be addressed by imposing relevant approval conditions. However, two of the planning permissions had been revoked in 2004 and 2015 respectively due to non-compliance with the time-limited approval conditions regarding implementation of tree preservation proposals, provision of drainage facilities and submission of drainage record. As for the last approved application No. A/YL-TT/521, the time-limited approval conditions have been complied with and the planning permission is valid until 17.7.2024. Details of the applications are at **Appendix III**.

**7. Similar Application**

There is no similar application within the subject “V” zone.

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

8.1 The Site is:

- (a) paved and fenced off, currently occupied by the applied use and two NTEHs; and
- (b) accessible via a local track connecting to Sham Chung Road.

8.2 The Site is located within the village cluster of Shum Chung Tsuen. The surrounding areas are rural residential in nature comprising predominantly village houses.

**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**

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.

**11. Public Comments Received During the Statutory Publication Period**

On 12.4.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of the planning approval for temporary private swimming pool 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 is intended to serve the residents of two residences within Sam Chung Village. According to the District Lands Officer/Yuen Long, LandsD, there is currently no Small House application approved/ under processing for the site of the swimming pool. 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 “V” zone.
- 12.2 The Site is located within the village cluster of Sham Chung Tsuen. The surrounding areas are rural residential in nature comprising predominantly village houses (**Plan A-2**). The applied use is generally 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 respectively. 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 Given that nine previous approvals for the same applied use at the Site have been granted by the Committee, approval of the current application is generally in line with the Committee’s previous decisions.

## **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considered that the temporary private swimming pool could be tolerated 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 18.7.2024 until 17.7.2027. 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 **18.10.2024**;
- (c) if the above planning condition (a) 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
- (d) 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 for the rejection of the renewal 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**

<b>Appendix I</b>	Application Form with attachments received on 5.4.2024
<b>Appendix Ia</b>	FI received on 30.4.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No.34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2024**