

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/649

- Applicant** : Tam Man Shing Victa
- Site** : Lots 1775 S.O (Part), 1775 S.Q, 1775 S.R and 1775 S.S (Part) in D.D. 119, Tai Tong, Yuen Long, New Territories
- Site Area** : 370 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) which falls within an area zoned “V” on the OZP (**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 paved and fully occupied by a temporary structure which is currently used for vehicle repairing/servicing workshop without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible via a local track connecting with Kiu Hing Road with the ingress/egress points in the west and south (**Drawing A-2 and Plan A-2**). According to the applicant, the proposed 1-storey (in height of 5m) structure with a floor area of about 370m² is for storage of vehicle spare parts and accessories. 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 370 m ²
Total Floor Area	About 370 m ²
No. of Structure	1 for warehouse
Height of Structure	Not exceeding 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 an Application Form with attachments received on 23.4.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Application Form with attachments at **Appendix I**. 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 proposed use including the structure would not cause any adverse impact on the area or 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 vehicle repairing/servicing use on the Site would be subject to planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

There are two similar applications (No. A/YL-TT/627 and 631) involving the same use within the same “V” zone in the past five years. They were rejected by the Rural and New Town Planning Committee (the Committee) in May 2024 mainly on considerations that the applied use was not in line with the planning intention of the “V” zone and not compatible with the surrounding residential character and setting an undesirable precedent. Details of the applications are summarised at **Appendix II** and their locations are shown on **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 fully occupied by a temporary structure which is used for vehicle repairing/servicing without valid planning permission; and
- (b) accessible via a local track connecting with Kiu Hing Road.

8.2 The surrounding areas are within the village cluster of Pak Sha Tsuen which is predominantly occupied with village houses and residential structures intermixed with temporary structures and farmland/unused land as well as parking of vehicles and open storage/storage yards which are suspected unauthorized developments (UDs) subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.

9.2 The following government department conveyed local views on the application:

District Officer's Comments

9.2.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office received two objections on 20.5.2024 from the Indigenous Inhabitants of Pak Sha Tsuen against the application on the grounds that the proposed use would induce fire incidents and cause adverse air, environment and hygiene impacts to the village (**Appendix V**).

10. Public Comments Received During the Statutory Publication Period

On 30.4.2024, the application was published for public inspection. During the statutory public inspection period, four public comments were received from two individuals and two indigenous villagers (**Appendix VI**). They object to the application mainly on the grounds that the proposed use is incompatible with the village houses; the risk of fire and flooding would be increased; and there would be adverse environmental, 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 vehicle spare parts and accessories for a period of three years at the Site zoned “V” on the OZP. The proposed 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 application for a departure from the planning intention, even on a temporary basis.
- 11.2 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 proposed 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 are two similar applications within the subject “V” zone which were rejected by the Committee in 2024. Approval of the application would set an undesirable precedent for similar applications within the “V” zone and the cumulative effect of approving such similar applications would induce environmental nuisance to the village environment. As such, rejecting the current application is in line with the Committee’s previous decisions.
- 11.5 There are two objections conveyed by DO(YL), HAD and four public comments objecting to the application received during the statutory publication period as

summarised in paragraphs 9.2.1 and 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 local views conveyed by DO(YL), HAD and the public comments mentioned in paragraphs 9.2.1 and 10 above, the Planning Department does not support the application for the following reasons:

- (a) the proposed 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 proposed 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 21.6.2027. 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 21.12.2024;
- (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 21.3.2025;
- (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 21.12.2024;
- (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 21.3.2025;
- (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**.

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 23.4.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Local Views conveyed by DO(YL), HAD
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Route Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**