

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/656**

- Applicant** : 林燊德
- Site** : Lots 4891 RP (Part), 4892 S.A, 4892 RP (Part) and 4893 (Part) in D.D. 116 and Adjoining Government Land (GL), Tai Tong Road, Yuen Long, New Territories
- Site Area** : 502 m<sup>2</sup> (about) (including GL of about 52m<sup>2</sup> (10%))
- 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** : Temporary Shop and Services and Public Vehicle Park for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services and public vehicle park for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) and ‘Public Vehicle Park’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied uses without valid planning permission (**Plan A-4**).
- 1.2 The Site abuts Tai Tong Road (**Plan A-2**) with the ingress/egress in the western part (**Drawing A-1 and Plan A-2**). According to the applicant, a single-storey structure (2.5m in height) with a total floor area of 73.2m<sup>2</sup> at the Site will be used as real estate agency and the uncovered area will be used as a public vehicle park with 14 parking spaces for private cars. The operation hours of the real estate agency are 10:00 a.m. to 8:00 p.m. daily whilst the public vehicle park would operate 24 hours daily. Plan showing the site layout submitted by the applicant is shown on **Drawing A-1**.

1.3 The Site is involved in five previous applications including four applications for temporary shop and services uses which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2012 and 2021 (**Plan A-1b**) (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TT/517), the current application is submitted by the same applicant for the same use with the same layout and development parameters.

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

- (a) Application Form with attachments received on 18.6.2024 (**Appendix I**)
- (b) Further Information (FI) received on 2.8.2024 (**Appendix Ia**)  
*[accepted and 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 in the Application Form with attachments at **Appendices I and Ia**. They can be summarised as follows:

- The Site is the subject of a previously approved planning application (No. A/YL-TT/517). As the permission expired on 26.3.2024, a fresh planning application is required.

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

The applicant is one of the “current land owners”. The applicant 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 obtaining consents from the remaining “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under the TPB PG-No. 31B are not applicable.

## **4. Background**

The Site is currently not subject to planning enforcement action.

## **5. Previous Applications**

5.1 The Site is the subject of five previous applications (No. A/YL-TT/296, 301, 343, 418, 517). Details of the applications are at **Appendix II** and the boundaries of these applications are shown on **Plan A-1b**.

### ***Rejected Application***

- 5.2 Application No. A/YL-TT/296 for temporary vehicles trading (open storage of used vehicles for sale with ancillary office) was rejected by the Committee in 2012. Considerations of this application are not relevant to the current application which involves different uses.

### ***Approved Applications***

- 5.3 Four applications (No. A/YL-TT/301, 343, 418 and 517) for temporary shop and services for a period of three years were approved with conditions by the Committee between 2012 and 2021, mainly on considerations that the proposed use would not jeopardise the long-term planning intention of the “V” zone and was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions.
- 5.4 For the last approved application (No. A/YL-TT/517), all approval conditions had been complied with.

## **6. Similar Applications**

There are four similar applications (No. A/YL-TT/533, 547, 557 and 602) for temporary shop and services use within the same “V” zone in the past five years. They were all approved with conditions by the Committee for a period of three or five years between 2022 and 2023 mainly on considerations that the temporary use would not jeopardise the long-term planning intention of the area; being not incompatible with the surrounding uses and the departmental concerns could be addressed by imposing approval conditions. Details of the applications are at **Appendix II** and the boundaries of these applications are shown on **Plan A-1a**.

## **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 an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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

- 8.1 The Site is:

- (a) paved and currently occupied by the applied uses without valid planning permission; and

(b) abutting Tai Tong Road to the west.

8.2 The surrounding area is rural residential in nature predominantly occupied by village houses and temporary structures intermixed with shops, car parks, workshops and vacant land. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

## **9. Comments from Relevant Government Departments**

All 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 25.6.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The application is for temporary shop and services and public vehicle park for a period of three years at the Site zoned “V” on the OZP. Although the applied uses are not entirely in line with the planning intention of the “V” zone, they could help serve the local villagers and meet their parking needs. According to the District Lands Officer/Yuen Long of Lands Department, there is no Small House application approved ~~or under processing~~ for the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone.

11.2 The applied uses are generally not incompatible with the surrounding area which is rural residential in nature predominantly occupied by village houses and temporary structures intermixed with shops, car parks, workshops and vacant land (**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 from environmental, traffic, fire safety and drainage perspectives respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments. The applicant will also 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 Four previous applications for temporary shop and services uses as well as four similar applications have been approved. Approval of the current application is in line with the Committee’s previous decisions.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 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 16.8.2027. 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 16.2.2025;
- (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 16.5.2025;
- (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 16.2.2025;
- (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 16.5.2025;
- (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 There is no strong reason to recommend for rejection of the application.

## **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 applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 18.6.2024
<b>Appendix Ia</b>	FI received on 2.8.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1a</b>	Location Plan with Similar applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2024**