

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

**APPLICATION NO. A/YL-TT/657**

- Applicant** : 林全耀
- Site** : Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 (Part) in D.D. 116 and Adjoining Government Land (GL), Tai Tong Road, Yuen Long, New Territories
- Site Area** : 540 m<sup>2</sup> (about) (including GL of about 56m<sup>2</sup> or 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) except for those developments/uses specified in the Notes]*
- 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 (**Plans A-4a and 4b**).
- 1.2 The Site abuts Tai Tong Road with an ingress/egress at the west (**Plan A-2**). According to the applicant, four single-storey structures (not more than 3m in height) with a total floor area of not more than 120.96m<sup>2</sup> at the Site will be used as shop for providing interior design and decoration engineering consultation services to customers with toilet and a covered parking area (for parking of four private cars). The uncovered public vehicle park will provide eight parking spaces for private cars. The operation hours of the interior design and decoration engineering company are 9:00 a.m. to 8:00 p.m. daily whilst the public vehicle park would operate 24 hours

daily. Plans showing the site layout, run-in/out cum fire service installation (FSIs) and drainage proposals submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in eight previous applications for temporary shop and services uses including five applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2022 (**Plan A-1b**) (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TT/533), the current application is submitted by the same applicant for the same uses with the same layout and development parameters. The major development parameters of this application are summarised as follows:

Site Area	About 540 m <sup>2</sup>
Total Floor Area	Not more than 120.96 m <sup>2</sup>
No. of Structures	4 - 1 for shop and services - 1 for toilet - 1 for ancillary storage - 1 for a covered parking area
Height of Structures	1 storey (not more than 3m)
No. of Parking Spaces	12 for private cars - eight at uncovered area (5m x 2.5m each) - four at covered area (7m x 2.5m each)
Operation Hours	9:00 a.m. to 8:00 p.m. daily for shop and services (providing interior design and decoration engineering consultation services)  24 hours daily for public vehicle park

- 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 7.8.2024\* (**Appendix Ia**)
- (c) FI received on 16.10.2024\* (**Appendix Ib**)
- (d) FI received on 20.1.2025\* (**Appendix Ic**)  
*[accepted and exempted from publication and recounting requirements]*

- 1.5 On 16.8.2024 and 6.12.2024, the Committee agreed to defer making a decision on the application for two months each as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) the Site was the subject of a previously approved planning application (No. A/YL-TT/533) for the applied use in 2022 but the planning permission was revoked on 18.12.2023;
- (b) regarding the non-compliance of the previous approval conditions, while the applicant has continuously liaised with the relevant departments and made various submissions to meet the requirements, there was insufficient time for the applicant to comply with the time-limited conditions.

## **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 eight previous applications (No. A/YL-TT/289, 302, 327, 344, 357, 421, 445 and 533). Details of these applications are at **Appendix II** and their locations are shown on **Plan A-1b**.

### Rejected Applications

- 5.2 Applications No. A/YL-TT/344, 357 and 421 for temporary shop and services submitted by different applicants were rejected by the Board on review or dismissed by the Appeal Board Panel (Town Planning) (the Appeal Board) on appeal between 2015 and 2018 mainly on the grounds that there were potential adverse traffic/landscape/drainage impacts on the surrounding area; and approval of the applications with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications.

### Approved Applications

- 5.3 Applications (No. A/YL-TT/289, 302 and 327) submitted by different applicants for temporary shop and services uses were approved with conditions by the Committee or allowed by the Appeal Board on appeal for a period of one or three year(s)

between 2011 and 2015, mainly on considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposals were not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by approval conditions. However, all three planning permissions were revoked between 2012 and 2016 due to non-compliance with time-limited approval conditions.

- 5.4 Two applications (No. A/YL-TT/445 and 533) submitted by the same applicant as the current application were approved with conditions by the Committee each for a period of three years in 2019 and 2022 respectively, mainly on similar considerations as those mentioned in paragraph 5.3 above. However, both planning permissions were revoked on 8.8.2021 and 18.12.2023 respectively due to non-compliance with time-limited approval conditions on the implementation of the run-in/out or drainage proposals.

## **6. Similar Applications**

There are six similar applications (No. A/YL-TT/517, 547, 557, 602, 656 and 662) for temporary shop and services uses with or without public vehicle park 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 2021 and 2024 mainly on similar considerations as those mentioned in paragraph 5.3 above. Details of these similar applications are at **Appendix II** and their locations 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 a 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-4b)**

### **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 areas are rural residential in nature predominantly occupied by village houses and temporary structures intermixed with shops, car parks, storage/open storage yard 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, one public comment from an individual was received (**Appendix V**) objecting to the application and expressing concern on the revocation history of the Site.

## **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. Whilst 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. Besides, the District Lands Officer/Yuen Long of Lands Department advises that no Small House application has been approved at 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 areas which are rural residential in nature predominantly occupied by village houses and temporary structures intermixed with shops, car parks, storage/open storage yard and vacant land (**Plan A-2**).
- 11.3 Concerned government departments consulted, including the Director of Environmental Protection, Commissioner for Transport (C for T), Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) 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 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 nuisance on the surrounding areas.
- 11.4 The Site is the subject of two previous applications (No. A/YL-TT/445 and 533) for the same use which were approved by the Committee in 2019 and 2022 respectively. However, both planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions on implementation of run-in/out or drainage proposals. The current application is submitted by the same applicant with same layout and development parameters as compared with the last application. Regarding the non-compliance of the previous approval conditions, while the applicant has continuously liaised with the relevant departments and made various submissions to meet the requirements, there was insufficient time for the applicant to comply with those time-limited conditions. In the current application,

the applicant has submitted drainage proposal which was accepted by the CE/MN of DSD while the run-in/out proposal was implemented and accepted by C for T and Chief Highway Engineer/New Territories West of Highways Department. As such, sympathetic consideration may be given to the applicant. Should the application be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further application.

- 11.5 Five previous applications at the Site were approved by the Committee between 2011 and 2022 and six similar applications were approved by the Committee between 2021 and 2024. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.6 Regarding the adverse public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 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 14.3.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) the implementation of the accepted 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 14.12.2025;
- (b) in relation to (a) above, the implemented drainage facilities at the Site should be maintained at all times during the planning approval period;
- (c) 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 14.9.2025;
- (d) in relation to (c) 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 14.12.2025;
- (e) if the above planning condition (b) 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

- (f) if any of the above planning condition (a), (c) or (d) 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 Members' reference:

the applied uses are 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.

**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 7.8.2024
<b>Appendix Ib</b>	FI received on 16.10.2024
<b>Appendix Ic</b>	FI received on 20.1.2025
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Run-in/out cum FSIs Proposals
<b>Drawing A-3</b>	Drainage Proposal
<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

**Plans A-4a and A-4b** Site Photos

**PLANNING DEPARTMENT  
MARCH 2025**