

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

**APPLICATION NO. A/YL-TT/660**

**Applicant** : Mr. WONG Yat Ho represented by Goldrich Planners and Surveyors Ltd.

**Site** : Lot 3131 RP in D.D. 116, Tai Tong, Yuen Long, New Territories

**Site Area** : 137.2 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** : “Open Space” (“O”)

**Application** : Proposed Temporary Shop and Services for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of five years at the application site (the Site) zoned “O” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “O” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is paved, fenced off, currently largely vacant and occupied by a temporary structure (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading from Tai Shu Ha Road East with an ingress/egress point in the north (**Drawing A-1** and **Plan A-2**). According to the applicant, the proposal would provide car beauty services including car washing, polishing and waxing services to the local residents and the general public. No workshop activities including car dismantling, spraying, repairing or maintaining would be carried out at the Site. Plans showing the vehicular route, site layout, drainage, sewerage and fire service installations (FSIs) proposals submitted by the applicant are at **Drawings A-1 to A-5 respectively**.

- 1.3 The Site is the subject of a previously approved application (No. A/YL-TT/529) for the same use which was subsequently revoked due to non-compliance of time-limited approval conditions as detailed in paragraph 5 below. Compared with the last approved application No. A/YL-TT/529, the current application is submitted by the same applicant for the same use at the same Site with similar layout and development parameters. The major development parameters of the application are summarised as follows:

Site Area	About 137.2 m <sup>2</sup>
Total Floor Area	About 230 m <sup>2</sup>
No. of Structure	1 - for works area, office, multi-function room and toilet
Height of Structure	2 storeys (7.4 m)
No. of Parking Space	1 for private car (5m x 2.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. daily

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

- (a) Application Form with attachments received on 20.6.2024 (**Appendices I and Ia**)
- (b) Further Information (FI) received on 24.7.2024 (**Appendix Ib**)  
*[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 and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed use could serve the local needs for car beauty services and create employment opportunities;
- (b) the proposal is compatible with the surrounding environment. Similar applications have been approved in the vicinity of the subject “O” zone;
- (c) no adverse, landscape, drainage, sewerage, fire safety impacts on the surrounding areas are anticipated; and
- (d) a previous application (No. A/YL-TT/529) was approved for the same use in November 2021. The applicant has complied with two of the approval conditions regarding the submission of drainage and FSI proposals. However, the application

was revoked on 27.8.2023. As such, a fresh s.16 application for the proposed use is required.

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

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

**4. Background**

The Site is currently not subject to planning enforcement action.

**5. Previous Application**

The Site is involved in a previous application (No. A/YL-TT/529) for temporary shop and services uses (car beauty services) for a period of three years and excavation of land. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in November 2021, mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “O” zone; the proposal was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission was subsequently revoked on 27.8.2023 due to non-compliance with time-limited approval conditions regarding implementation of drainage and FSIs proposals. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1b**.

**6. Similar Application**

There is a similar application (No. A/YL-TT/546) for temporary shop and services use for a period of five years within the same “O” zone in the past five years. The application was approved with conditions by the Committee in 2022 based on the similar considerations as mentioned in paragraph 5 above. Details of the application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1a**.

**7. Planning Intention**

The planning intention of the “O” zone is primarily for provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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

8.1 The Site is:

- (a) paved, fenced off, currently largely vacant and occupied by a temporary structure without planning permission; and
- (b) accessible via a local track leading from Tai Shu Ha Road East to its west.

8.2 The surrounding area is rural in character predominantly comprising temporary structures and open storage/storage yards intermixed with vacant land, farmland and tree groups. Some open storage/storage yards in the vicinity are suspected unauthorized developments 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 28.6.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from local villagers (**Appendix V**) objecting to the application was received mainly on the ground that the proposal would cause adverse traffic, environmental and fire safety impacts on the surrounding areas, pose risk on pedestrian safety, affect electricity supply and the living quality of villagers. The Site should be resumed for open space.

**11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary shop and services for a period of five years at the Site zoned “O” on the OZP. Although the proposed use is not in line with the planning intention of the “O” zone, it could meet the local needs for shop and services (car beauty services) in the area. Furthermore, the Director of Leisure and Cultural Services advises that there is no plan to develop the Site into public open space in the next five years and he has no objection to the application. In this regards, approval of the application on a temporary basis of five years would not jeopardise the long-term planning intention of the area.

11.2 The proposed use is generally not incompatible with the surrounding areas which are rural in character predominantly comprising temporary structures and open storage/storage yards intermixed with farmland, vacant land and tree groups (**Plan A-2**).

11.3 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, 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 a previous application No. A/YL-TT/529 for the same use which was approved by the Committee on 26.11.2021. However, that planning permission was subsequently revoked due to non-compliance with time-limited approval conditions on implementation of drainage and FSIs proposals. The current applicant is submitted by the same applicant with similar layout and development parameters as compared with the last application. The applicant has submitted drainage and FSIs proposals for the current application to which CE/MSN of DSD and D of FS have no in-principle objection. Should the applicant 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 A similar application was approved by the Committee in 2022. Approval of the current application is generally in line with the previous decision of the Committee.
- 11.6 There is one public comment objecting to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. As regard the concern on electricity supply, the Director of Electrical and Mechanical Services has no adverse comment on the application.

## **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 five years until 16.8.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no workshop activities including car dismantling, spraying, repairing or maintaining are allowed, as proposed by the applicant, during the planning approval period;
- (b) 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 16.5.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (d) the implementation of the accepted 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;
- (e) if any of the above planning condition (a) or (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
- (f) if any of the above planning condition (b) 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 Member's reference:

the proposed use is not in line with the planning intention of the "Open Space" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. 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 applicant.

**14. Attachments**

<b>Appendices I and Ia</b>	Application Form with attachments received on 20.6.2024
<b>Appendix Ib</b>	FI received on 24.7.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Drawing A-4</b>	Proposed Sewerage Plan

<b>Drawing A-5</b>	Proposed FSIs Plan
<b>Plan A-1a</b>	Location Plan with Similar Application
<b>Plan A-1b</b>	Previous Application 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**