

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/661

- Applicant** : Hang Shun Refrigeration Equipment Company Limited represented by Top Bright Consultants Limited
- Site** : Lots 4915 S.A (Part), 4915 S.B (Part), 4916 S.A & S.B (Part), 4917 RP (Part) and 4918 RP (Part) in D.D. 116 and Adjoining Government Land (GL), Tai Tong Road, Yuen Long, New Territories
- Site Area** : 2,455 m² (about) (including GL of about 172 m²) (7%)
- Lease** : Block Government Lease (demised for agricultural uses)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Residential (Group D)” (“R(D)”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]
- Application** : Temporary Shop and Services with Ancillary Office for a Period of 3 Years¹

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services with ancillary office for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “R(D)” zone, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with the planning permission under application No. A/YL-TT/523, which lapsed on 10.9.2024 (**Plans A-4a to A-4b**).
- 1.2 The Site is abutting Tai Tong Road with ingress/egress point in the east (**Plans A-2 and A-3**). According to the applicant, the applied use is for retail shops and showrooms for refrigeration equipment/parts with ancillary office. No workshop activities will be conducted at the Site and no medium or heavy goods vehicles will be allowed to access the Site. Plans showing the site layout, landscape and tree preservation proposal, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1** to

¹ The applicant seeks renewal of the planning permission under application No. A/YL-TT/523. However, as that permission lapsed on 10.9.2024, the application is being processed as a fresh section 16 planning application.

A-4 respectively.

- 1.3 Compared with the last approved application (No. A/YL-TT/523), the current application is submitted by the same applicant for the same applied use with the same layout and development parameters. The major development parameters are summarised as follows:

Site Area	2,455 m ² (about) (including about 172 m ² of GL)
Total Floor Area (non-domestic)	914 m ² (about)
No. of Structures (Height)	7 - 4 for retail shops and showrooms (3m to 7m, 1-2 storeys) - 1 for ancillary site office and storage (5m, 2 storeys) - 1 for open-sided canopy for ancillary storage (3m, 1 storey) - 1 for washroom (2.5m, 1 storey)
No. of Parking Spaces	10 (for private cars) (5m x 2.5m each)
No. of Loading and Unloading Spaces	2 (for light goods vehicles) (7m x 3.5m each)
Operation Hours	9:00 a.m. to 7:00 p.m. on Mondays to Saturdays with no operation on Sundays and public holidays

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

- (a) Application Form with attachments received on 9.7.2024 **(Appendices I and Ia)**
- (b) Supplementary Information (SI) received on 15.7.2024 **(Appendix Ib)**
- (c) Further Information (FI) received on 9.8.2024 **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]

- 1.5 In light of 'gale/storm signal No. 8' announced by the Government on 5.9.2024, the Rural and New Town Planning Committee (the Committee) agreed on 8.9.2024 to defer considering of the application to this meeting.

2. Justifications from the Applicant

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

- (a) The applied use would meet the local demand for refrigeration equipment/parts and better utilise scarce land resources. The Site is the subject of a previously approved case. All approval conditions of the last application No. A/YL-TT/623 have been complied with.
- (b) Adverse traffic, environmental and drainage impacts to the surrounding areas are not anticipated and the applied use is compatible with the surrounding areas.

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 through registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Background

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

5. Previous Applications

- 5.1 The Site is the subject of four previous applications (No. A/YL-TT/126, 238, 360 and 523) for extension of school building, temporary recyclable collection and the applied use respectively. Details of the applications are at **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 The considerations of applications No. A/YL-TT/126 and 238 are not relevant to the current application which involves a different use. Applications No. A/YL-TT/360 (covering the eastern portion of the Site) and No. A/YL-TT/523 for the same applied use for a period of three years were approved with conditions by the Committee of the Board in 2015 and 2021 respectively, mainly on the considerations that the proposed use was not incompatible with the surrounding uses; approval of the application on a temporary basis would not frustrate the long-term development of the “R(D)” zone; and the concerns of relevant government departments could be addressed by imposing relevant approval conditions. All the time-limited approval conditions under the last approved application No. A/YL-TT/523 for the same applied use have been complied with and the planning permission lapsed on 10.9.2024.

6. Similar Application

There is a similar application (No. A/YL-TT/581) for temporary shop and service use within the same “R(D)” zone in the past five years. The application was approved with conditions by the Committee in 2023 based on similar considerations as mentioned in paragraph 6.2 above. Details of the application are at **Appendix II** and the location of the site is shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) occupied by the applied use; and
- (b) abutting Tai Tong Road.

7.2 The surrounding area is rural residential in nature predominantly occupied by village houses and temporary structures intermixed with open storage/storage yards and parking of vehicles which are suspected unauthorized development subject to planning enforcement action.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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 16.7.2024, 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 applied temporary shop and services with ancillary office for a period of three years at the Site zoned “R(D)” on the OZP. Although the applied use is not entirely in line with the planning intention of the “R(D)” zone, the applied use could meet the demand for shop and services in the area. Besides, there is no known programme for long-term development on the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(D)” zone.

- 11.2 The Site is rural residential in nature predominantly occupied by village houses and temporary structures intermixed with open storage/storage yards and parking of vehicles (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.
- 11.3 The current application is the same as the last approved application No. A/YL-TT/523 in terms of the applied use, site area/boundary, layout and major development parameters; all the approval conditions had been complied with; the planning approval period sought is of the same time frame as the previous approval; and there has been no material change in planning circumstances since the granting of the previous approval.
- 11.4 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 the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.5 Two previous applications for the same use and a similar application have been approved by the Committee within the same “R(D)” zone. Approval of the current application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 12, 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 20.9.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.12.2024;
- (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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

12.3 There is no strong reason to recommend 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

Appendices I to Ia	Application Form with attachments received on 9.7.2024
Appendix Ib	SI received on 15.7.2024
Appendix Ic	FI received on 9.8.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Landscape and Tree Preservation Proposal
Drawing A-3	As-built Drainage Plan
Drawing A-4	As-built FSIs Plan
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**