

RNTPC Paper No. A/YL-TT/662
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2024

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

APPLICATION NO. A/YL-TT/662

- Applicant** : Mr. CHEUNG Chi On represented by R-riches Property Consultants Limited
- Site** : Lot 127 (Part) in D.D. 118, Nam Hang Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : 86 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 Shop and Services with Ancillary Facilities for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities for a period of five years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). 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)) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is paved, fenced off and partly occupied by a temporary structure with storage use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading from Nam Hang Tsuen Road with an ingress/egress point in the north (**Drawing A-1** and **Plan A-2**). According to the applicant, the proposal comprises a two-storey structure (about 7m in height) with a floor area of about 88m² for providing real estate agency service to the local residents. No parking space will be provided on the Site. Plans showing the access route and site layout 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 86 m ²
Total Floor Area	About 88 m ²
No. of Structure	1 - for shop and services, office and toilet
Height of Structure	2 storeys (7 m)
Operation Hours	09:00 to 19:00 daily (including public holidays)

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

- (a) Application Form with attachments received on 10.7.2024 (**Appendix I**)
- (b) Further Information (FI) received on 20.8.2024 (**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 and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) the proposed use could provide real estate agency service in the area within walking distance of nearby villages;
- (b) the proposal is compatible with the surrounding environment. Similar applications have been approved within the same “V” zone; and
- (c) no significant nuisance would be anticipated. The proposed use would not frustrate the long-term planning intention of the “V” zone and better utilise precious land resources in the New Territories.

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

There is no previous application concerning the Site.

6. Similar Applications

There are six similar applications (No. A/YL-TT/517, 533, 547, 557, 602 and 656) for temporary shop and services use for a period of three or five years within the same “V” zone in the past five years. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2024 mainly on the considerations that the temporary use would not jeopardise the long-term planning intention of the “V” zone; being not incompatible with the surrounding uses and the departmental concerns could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) paved, fenced off and partly occupied by a temporary structure with storage use without valid planning permission; and
- (b) accessible via a local track leading from Nam Hang Tsuen Road.

7.2 The surrounding areas are rural residential in nature predominantly occupied by village houses intermixed with parking of vehicles and storage uses. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

8. 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraphs 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 has adverse comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on the private lot which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
- (b) if the planning application is approved, the lot owner(s) shall apply to LandsD for a Short Term Waiver (STW) to permit the structure(s) erected within the lot. The application(s) for STW will be considered by LandsD in its capacity as a landlord and there is no guarantee that the application(s) will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (c) there is no Small House application approved or under processing for the Site; and
- (d) his detailed advisory comments are at **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 19.7.2024, 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 proposed temporary shop and services with ancillary facilities for a period of five years at the Site zoned “V” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone, it could provide real estate agency service to serve the local residents. According to the DLO/YL of LandsD, there is no Small House application approved or under processing for the Site. Approval of the application on a temporary basis of five years would not jeopardise the long-term planning intention of the “V” zone.

11.2 The proposed use is generally not incompatible with the surrounding areas which are rural residential in nature predominantly occupied by village houses intermixed with parking of vehicles and storage uses (**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 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 Regarding DLO/YL of LandsD’s concerns on unauthorized structure(s) and/or uses on the subject lot, should the Committee approve the application, the applicant will be advised to apply STW from LandsD for regularisation and the issue should be dealt separately under the land administration regime.
- 11.5 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.

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 five years until 6.9.2029. 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 6.3.2025;
- (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 6.6.2025;
- (c) in relation to (b) above, the implemented drainage facilities 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 6.3.2025;
- (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 6.6.2025;

- (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 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 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

Appendix I	Application Form with attachments received on 10.7.2024
Appendix Ia	FI received on 20.8.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**