

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

**APPLICATION NO. A/YL-TT/668**

- Applicant** : 曾善東先生 represented by 海願規劃發展公司
- Site** : Lot 1207 RP (Part) in D.D. 118, Tai Tong, Yuen Long, New Territories
- Site Area** : 307 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
- Zonings** : (i) “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) (about 193m<sup>2</sup>) (63%)  
*[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]*
- (ii) “Open Storage” (“OS”) (about 114m<sup>2</sup>) (37%)
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) for a period of three years at the application site (the Site) mainly zoned “OU(RU)” and partly zoned “OS” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ is always permitted within the “OS” zone, while it is neither Column 1 nor Column 2 use within the “OU(RU)” zone. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is formed and currently occupied by a vehicle repair workshop without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is abutting Tai Shu Ha Road West with an ingress/ egress point in the north (**Drawing A-1** and **Plan A-2**). According to the applicant, the proposal consists of two two-storey warehouses (8.23m in height) with a total floor area of about 420 m<sup>2</sup> for storage of construction materials. No dangerous goods will be stored within the Site and no workshop activities will be carried out thereat. Plans showing

the proposed site layout with vehicle route, drainage and fire service installations (FSIs) proposals submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The major development parameters of the current application are summarised as follows:

<b>Site Area</b>	307 m <sup>2</sup> (about)
<b>Total Floor Area (Non-domestic)</b>	420 m <sup>2</sup> (about)
<b>No. of Structures (Height)</b>	2 (two storeys, 8.23m) - for warehouses and site offices, including one with washroom
<b>No. of Parking Spaces</b>	2 for private cars (2.5m x 5m)
<b>Operation Hours</b>	9:00 a.m. to 6:00 p.m. Mondays to Saturdays (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 24.7.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 29.7.2024 (**Appendix Ia**)
- (c) Further Information (FI) received on 29.8.2024 (**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, SI and FI at **Appendices I to Ib** respectively. They can be summarised as follows:

- (a) the proposal would better utilise land resources in the New Territories;
- (b) similar applications for the same use were approved in 2024. The proposed use would not frustrate the long-term planning of the “OU(RU)” zone;
- (c) the applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and relevant environmental protection/pollution control ordinances; and
- (d) traffic generated and attracted by the proposal is minimal. Adverse traffic impact on the nearby road network is not anticipated.

**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. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Designation of “Other Specified Uses” Annotated “Rural Use” (“OU(RU)”) Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 38) are relevant to this application. The relevant extract of the Guidelines is attached at **Appendix II**.

**6. Previous Applications**

The Site is involved in two previous applications (No. A/YL-TT/466 and 537) for temporary shop and services for a period of three years. The applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2022. Considerations of these applications are not relevant to the current application which involves a different use. The two planning permissions were revoked in 2021 and 2023 respectively due to non-compliance with time-limited approval conditions regarding submission/implementation of drainage and FSIs proposals. Details of the applications are summarised at **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

**7. Similar Applications**

There are two similar applications (No. A/YL-TT/615 and 619) for temporary warehouse and open storage uses for a period of three years involving the same “OU(RU)” zone on the OZP in the past five years, which were approved with conditions by the Committee in 2024 mainly on the considerations that the proposed use would not frustrate the long-term planning intention of the “OU(RU)” zone; not being incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) formed and currently occupied by a vehicle repair workshop without valid planning permission; and

(b) abutting Tai Shu Ha Road West.

- 8.2 The surrounding areas are rural in character comprising predominantly open storage/storage yards, parking of vehicles, workshops, warehouses intermixed with vacant/unused land. Some of the storage/storage yards, parking of vehicles, workshops and warehouses are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intentions**

- 9.1 The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.
- 9.2 The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

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

- 10.1 Apart from the government department as set out in paragraphs 10.2 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 IV and V** respectively.

- 10.2 The following government department has adverse comments on the application:

### **Land Administration**

- 10.2.1 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; and

(c) his detailed advisory comments are at **Appendix V**.

## **11. Public Comment Received During the Statutory Publication Period**

On 2.8.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VI**) objecting to the application on the ground that the approval conditions of the previous planning application No. A/YL-TT/537 have not been complied.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary warehouse for a period of three years at the Site mainly zoned “OU(RU)” and partly zone “OS” on the OZP. The proposed use is always permitted within the “OS” zone. Although the proposed use is not in line with the planning intention of the “OU(RU)” zone, there is at present no known development proposed at the Site. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “OU(RU)” zone.
- 12.2 The proposed use is considered not incompatible with the surrounding areas comprising predominantly open storage/storage yards, parking of vehicles, workshops, warehouses intermixed with vacant/unused land (**Plan A-2**).
- 12.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application on traffic, environmental, drainage and fire safety aspects respectively. The Chief Town Planner/Urban Design and Landscape of Planning Department considers that no significant landscape impact arising from the proposed use is anticipated. In light of the above, the application is considered generally in line with TPB PG-No. 38 in that the proposal would not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings, nor would it overstrain the capacity of existing and planned infrastructure. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of the concerned government departments. Should the application be approved, 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 potential environmental nuisance on the surrounding areas.
- 12.4 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 under the land administration regime.

- 12.5 Although the Site is involved in two previous applications, considerations of these applications are not relevant to the current application as it involves a different use. There are two similar applications within the same “OU(RU)” zone approved by the Committee in 2024. Approval of the current application is generally in line with the Committee’s previous decisions.
- 12.6 One public comment received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

### **13. Planning Department’s Views**

- 13.1 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 considers that the proposed use for a period of three years could be tolerated.
- 13.2 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 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 20.6.2025;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 20.6.2025;
- (d) 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
- (e) if any of the above planning condition (a) or (c) 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 V**.

- 13.3 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 “Other Specified Uses” annotated “Rural Use” zone which is primarily for the preservation of the character of the rural area. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

#### **15. Attachments**

<b>Appendix I</b>	Application Form with attachment received on 24.7.2024
<b>Appendix Ia</b>	SI received on 29.7.2024
<b>Appendix Ib</b>	FI received on 29.8.2024
<b>Appendix II</b>	Relevant extract of TPB PG-No. 38
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments’ General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access and Site Layout Plan
<b>Drawing A-2</b>	Drainage Proposal
<b>Drawing A-3</b>	FSIs 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
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2024**