

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

**APPLICATION NO. A/YL-TT/679**

- Applicant** : Ms. Leung Yuen Yung represented by Leung Ming Kin
- Site** : Lot 1298 RP (Part) in D.D. 117 and Adjoining Government Land (GL), Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories
- Site Area** : 862 m<sup>2</sup> (about) (including GL of about 113 m<sup>2</sup> or about 13%)
- 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** : Proposed Temporary Shop and Services for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services 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)) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is paved and currently occupied by parking of vehicles without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Tai Tong Shan Road with an ingress/egress point at the southwest (**Drawing A-1 and Plan A-2**). According to the applicant, the proposal consists of two 2-storey structures (7m in height) with a total floor area of 314m<sup>2</sup> for shops and services with ancillary office. Plans showing the site layout with vehicle access and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site was involved in three previous applications including one application (No. A/YL-TT/539) for temporary shop and services use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 (**Plan A-1b**) (details at paragraph 5 below). As compared with the last approved application (No. A/YL-TT/539), the current application is submitted by the same

applicant for the same use with similar layout and development parameters. A comparison of the major development parameters between the last approved application and the current application is as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-TT/539) (a)</b>	<b>Current Application (A/YL-TT/679) (b)</b>	<b>Difference (b) – (a)</b>
Proposed Use	Temporary Shop and Services		No change
Site Area	About 862 m <sup>2</sup>		No change
Total Floor Area (Non-domestic)	Not more than 300 m <sup>2</sup>	Not more than 314 m <sup>2</sup>	+ 14 m <sup>2</sup> (+4.46%)
No. of Structures	2 (for shop and services cum office)	2 (for shop and services cum office)	--
Height of Structures	4 m (one-storey)	7 m (two-storeys)	+3 m (+1 storey)
No. of Parking Spaces	3 (for private cars) (5 m x 2.5 m each)		No change
No. of Loading/Unloading Spaces	1 (for light goods vehicle) (7 m x 3.5m)		No change
Operation Hours	8:30 a.m. to 10:00 p.m. daily (including Sundays and Public Holidays)	7:00 a.m. to 10:00 p.m. daily (including Sundays and Public Holidays)	Lengthened Operation Hours

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

- (a) Application Form with attachments received on 25.9.2024 **(Appendix I)**
- (b) Supplementary Information (SI) received on 30.9.2024 **(Appendix Ia)**
- (c) Further Information (FI) received on 3.12.2024 **(Appendix Ib)**
- (d) FI received on 4.12.2024 **(Appendix Ic)**  
*[accepted and exempted from publication and recounting requirements]*

1.5 On 22.11.2024, the Committee of the Board agreed to defer making a decision on the application for two months 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, SI and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) the proposed use could serve the nearby residents, construction workers, local villagers and visitors;
- (b) the nature and form of the proposal is not incompatible with the surrounding environment; and
- (c) the Site is the subject of a previously approved planning application (No. A/YL-TT/539) and other similar cases were approved by the Committee. The applicant commits to fulfil all the planning approval 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 three previous applications (No. A/YL-TT/403, 502 and 539) while two applications No. (A/YL-TT/403 and 502) cover part of the Site. Details of these applications are at **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TT/403 and 502 involving the southern portion of the Site for temporary eating place (outside seating accommodation of a restaurant) for a period of three years were approved by the Committee in 2017 and 2020 respectively. The considerations of these applications are not relevant to the current application which involves a different use.
- 5.3 Application No. A/YL-TT/539 for temporary shop and services for a period of three years at the Site was approved by the Committee in 2022 mainly on the considerations that the temporary use would not jeopardise the long-term planning intention of the area; being not incompatible with the surrounding uses and the departmental concerns could be addressed by imposing approval conditions. However, the planning permission for application No. A/YL-TT/539 was revoked

on 10.3.2024 due to non-compliance with time-limited approval conditions related to implementation of FSIs proposal.

## **6. Similar Applications**

There are nine similar applications (No. A/YL-TT/496, 549, 555, 558, 565, 566, 591, 624 and 678) for temporary shop and services use for a period of three/five years within/straddling the subject “V” zone in the past five years which were approved with conditions by the Committee between 2020 and 2024 mainly on similar considerations mentioned in paragraph 5.3 above. Details of these similar applications are at **Appendix II** and the locations of the sites 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 an 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-4)**

8.1 The Site is:

- (a) paved and currently occupied by parking of vehicles without valid planning permission; and
- (b) accessible from Tai Tong Shan Road.

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

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

9.1 Apart from the government department as set out in paragraph 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) no permission is given for occupation of GL (about 113 m<sup>2</sup> as mentioned in the application form) within the Site. Any occupation of GL without government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (b) there is/are unauthorized structure(s) and/or uses on Lot 1298 RP in D.D. 117 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (c) if the planning application is approved, the lot owner(s) shall apply to LandsD for a Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structure(s) erect within the private lot(s) and the occupation of GL. The application(s) for STW and STT will be considered by Government in its capacity as a landlord and there is no guarantee that the application(s) will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given that the proposal is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) there is no Small House application approved or under processing for the Site; and
- (e) his detailed advisory comments are at **Appendix IV**.

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

10.1 On 4.10.2024, the application was published for public inspection. During the statutory public inspection period, 121 public comments were received. Of which, 120 support the application (**Appendix Va**) while one individual objects to the application (**Appendix Vb**). A full set of public comments will be deposited at the meeting for Members' inspection.

#### **Supporting Comments (120 comments)**

10.2 The supporting comments are in four groups, i.e. residents of Yuen Long South, residents of Shap Pat Heung, Hong Kong citizens and warehouse workers at Tai Tong Shan Road. They support the application mainly on the grounds that the proposal would meet the demands for the local residents, workers nearby and visitors, provide job opportunities and boost the local economy.

#### **Objection (1 comment)**

10.3 One individual objects to the application as the Site involves a previous planning application that failed to comply with the approval conditions.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services for a period of three 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 serve the needs of the nearby residents and villagers. According to DLO/YL, LandsD, there is no Small House application approved or under processing for 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 proposed use is generally not incompatible with the surrounding areas which are rural residential in nature predominantly occupied by village houses and temporary structures intermixed with parking of vehicles and storage/open storage yards (**Plan A-2**).
- 11.3 Concerned government departments consulted 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 have no objection to or no adverse comment from environmental, traffic, fire safety and drainage perspectives 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 nuisances on the surrounding areas. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or uses on the lot within the Site and occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 The Site is the subject of a previous application No. A/YL-TT/539 for the same use which was approved by the Committee in 2022. However, the planning permission of previous application was subsequently revoked due to non-compliance with time-limited approval condition regarding implementation of FSIs proposal. The current application is submitted by the same applicant with similar layout and development parameters as compared with the last application. The applicant has submitted a FSIs proposal for the current application to which D of FS has no in-principle objection. 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 applications.
- 11.5 One previous application for temporary shop and services use as well as nine similar applications have been approved between 2020 and 2024. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the objecting 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 comments 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 24.1.2028. 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 24.7.2025;
- (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 24.10.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 24.7.2025;
- (e) in relation to (d) above, the implementation of the revised 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 24.10.2025;
- (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 Members' 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**

<b>Appendix I</b>	Application Form with attachments received on 25.9.2024
<b>Appendix Ia</b>	SI received on 30.9.2024
<b>Appendix Ib</b>	FI received on 3.12.2024
<b>Appendix Ic</b>	FI received on 4.12.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices Va to Vb</b>	Public Comments
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</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  
JANUARY 2025**