

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/680

- Applicant** : Demeanor Trading Limited Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 4080 in D.D. 116, Tai Kei Leng, Yuen Long, New Territories
- Site Area** : 1,000 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- 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 (BH) of 3 storeys (9m)]
- 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) (**Plan A-1a**). According to the Notes of the OZP for the “R(D)” zone, ‘Shop and Services’ (being not 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 mostly vacant with a vacant structure in the western part (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Tai Shu Ha Road East via a local track with an ingress/egress at the east (**Plan A-2**). According to the applicant, the proposed shop is for selling grocery such as canned food, packed drinks and building materials including pipes, handy tools, nails and bearings etc. Plans showing site layout, drainage and fire services installation (FSIs) proposals submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site was involved in one previous application (No. A/YL-TT/586) submitted by the same applicant for the same use as the current application, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (details at paragraph 5 below). The layout and development parameters of the current application are the same as the last approved previous application No. A/YL-TT/586.

1.4 The major development parameters of the application are summarised as follows:

Site Area	About 1,000 m ²
Total Floor Area (non-domestic)	Not more than 380 m ²
No. of Structures	4 (2 for shops, 1 for convenient store and 1 for toilet)
Height of Structures	1 storey (3 m - 4.5 m)
No. of Parking Space	2 for private cars (5m x 2.5m each)
No. of Loading/Unloading Space	1 for light goods vehicle (7m x 3.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. daily (including Sundays and public holidays)

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

- (a) Application Form received on 19.11.2024 **(Appendix I)**
- (b) Further Information (FI) received on 28.11.2024* **(Appendix Ia)**
- (c) FI received on 30.12.2024* **(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 and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed use would benefit the residents in the vicinity to meet their demand for grocery and building materials;
- (b) the proposed use is not incompatible with the surrounding areas;
- (c) the proposed use is a temporary use for a period of three years, which would not jeopardise the long-term planning intention of the current zoning;
- (d) insignificant traffic, drainage and environmental impacts are anticipated; and
- (e) a similar application has been approved.

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 was the subject of one previous application No. A/YL-TT/586 submitted by the same applicant for the same use as the current application for a period of three years which was approved with conditions by the Committee in 2023 mainly on 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 comments could be addressed by imposing approval conditions. However, the planning permission was subsequently revoked on 3.9.2024 due to the non-compliance with time-limited approval condition on the submission and/or implementation of drainage and FSIs proposals. Details of the application is summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. **Similar Applications**

There are three similar applications (No. A/YL-TT/598, 633 and 653) for temporary shop and services use within the same “R(D)” zone in the past five years. All of them were approved with conditions by the Committee between 2023 and 2024 mainly on similar considerations stated in paragraph 5 above. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

7. **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.

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

8.1 The Site is:

- (a) mostly vacant with a vacant structure in the western part; and
- (b) accessible from Tai Shu Ha Road East via a local track.

8.2 The surrounding area is rural residential in nature predominantly occupied by village houses and intermixed with temporary structures, storage/open storage yards and warehouse. Some of these use 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 ~~objection~~ *adverse comments* to the application:

Land Administration

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

- (a) there is/are unauthorized structure(s) and/or uses on the private lots. The lot owner(s) should immediately rectify/apply for regularization on the lease breaches and LandsD reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (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 subject private lot. The application(s) for STW will be considered by LandsD in its capacity as a landlord and there is no guarantee that it 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 IV**.

10. Public Comment Received During the Statutory Publication Period

On 26.11.2024, 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 for a period of three years at the Site zoned “R(D)” on the OZP. Although the proposed use is not in line with the planning intention of the “R(D)” zone, it could meet the demand for shop and services in the area. As there is no known development proposal for the Site, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the area.

- 11.2 The proposed use is generally not incompatible with the surrounding area, which is rural residential in nature predominantly occupied by village houses and intermixed with temporary structures, storage/open storage yards and warehouse (**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 (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 have been recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments and the applicant will 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 within the Site, 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/586 for temporary shop and services which was approved by the Committee in 2023. However, the planning permission was subsequently revoked due to the non-compliance with time-limited approval condition on the submission of drainage proposal and implementation of the drainage and FSIs proposals. The applicant clarified that efforts had been made to fulfil the approval conditions, e.g. submissions of drainage and FSI proposals, but the applicant did not have insufficient time to rectify and implement the proposals. In this regard, the applicant has submitted drainage and FSIs proposals for the current application to which CE/MN, DSD and D of FS have no in-principle objection. In this regard, sympathetic consideration may be given to the application. 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 application.
- 11.5 Considering that there has been no major changes in planning circumstances of the Site since approval of the previous application (No. A/YL-TT/586) and that three similar applications were approved by the Committee between 2023 and 2024, 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 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 three years until 10.1.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 10.7.2025;
- (b) in relation to (a) above, the implementation of the revised 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 10.10.2025;
- (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 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 10.7.2025;
- (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 10.10.2025;
- (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 Member's reference:

the proposed use is not in line with the planning intention of the "Residential (Group D)" zone which is primarily for improvement and upgrading of existing temporary structures into permanent buildings and for low-rise, low-density residential development. 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

Appendix I	Application Form received on 19.11.2024
Appendix Ia	FI received on 28.11.2024
Appendix Ib	FI received on 30.12.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**