

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/682

- Applicant** : Simon Chong Design Consultants Limited represented by Ever United Planning and Development Limited
- Site** : Lots 21 S.B and 21 RP in D.D. 118 and Adjoining Government Land (GL), Tai Tong Road, Yuen Long, New Territories
- Site Area** : 265 m² (about) (including GL of about 80 m² (about 30%))
- 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 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services 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 and currently vacant (**Plan A-4**).
- 1.2 The Site is accessible from Tai Tong Road via a local track road with an ingress/egress point in the east (**Plan A-2**). According to the applicant, the proposal consists of a two-storey structure (7m in height) with a total floor area of 130 m² for shops and services providing interior and landscape design services. Plan showing the site layout with vehicle access submitted by the applicant is shown on **Drawing A-1**.
- 1.3 The major development parameters of the current application are summarised as follows:

Site Area	About 265 m ²
Total Floor Area (Non-domestic)	Not more than 130 m ²
No. of Structure	1 (for shop and services)
Height of Structure	2 storeys (7 m)
Operation Hours	9:00 a.m. to 8:00 p.m. daily (including Sundays and public holidays)

- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 20.11.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the proposed use could provide interior and landscape design services to the nearby residents and local villagers;
- (b) the nature of the proposal is temporary in nature and would not jeopardize the planning intention of “V” zone in the long run;
- (c) similar cases were approved by the Rural and New Town Planning Committee (the Committee). The proposed use is not incompatible with the surrounding environment; and
- (d) no significant adverse impacts would be generated to the surroundings.

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

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 seven similar applications (No. A/YL-TT/517, 533, 547, 557, 602, 656 and 662) for temporary shop and services use for a period of three/five years within the same “V” zone in the past five years, all of which were approved with conditions by the Committee between 2021 and 2024 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 concerns could be addressed by imposing suitable approval conditions. Details of the applications are at **Appendix II** and the locations of the sites are shown on **Plan A-1**.

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-1 to A-4)

8.1 The Site is:

- (a) paved and currently vacant; and
- (b) accessible from Tai Tong Road via a local track road.

8.2 The surrounding area is rural residential in nature predominantly occupied by village houses and temporary structures intermixed with vehicle repair workshops and storage/open storage yards. Some of them are suspected unauthorized developments subject to planning enforcement action.

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 29.11.2024, 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 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 serve the nearby residents and villagers. According to the District Lands Officer/Yuen Long of Lands Department, although a Small House application was approved within the Site, building license has not been executed. 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 area which is rural residential in nature predominantly occupied by village houses and temporary structures intermixed with vehicle repair workshops 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 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.
- 11.4 There are seven similar applications approved by the Committee between 2021 and 2024 as mentioned in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decisions.

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 10.1.2030. 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 10.7.2025;
- (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 10.10.2025;
- (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 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 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 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

Appendix I	Application Form with attachments received on 20.11.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site 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
JANUARY 2025**