

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-TT/686

- Applicant** : Eastford (China) Development Limited
- Site** : Lot 4888 RP (Part) in D.D. 116 and adjoining Government Land (GL),
Tai Tong Road, Yuen Long, New Territories
- Site Area** : 44.77 m² (about) (including about 4 m² of GL or about 8.9%)
- 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** : Renewal of Planning Approval for Temporary Shop and Services for a
Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services for a further 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 currently occupied by the applied use with valid planning permission under application No. A/YL-TT/541 until 15.3.2025 (**Plans A-2 and A-4**).
- 1.2 The Site is abutting Sham Chung Road with an ingress/egress point in the south (**Plans A-2 to A-4**). According to the applicant, the applied use is for a real estate agency. Plans showing the site layout 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 five previous applications including four applications for the same applied use which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2013 and 2022 (details at paragraph 6). Compared with the last approved application (No. A/YL-TT/541), the current application is submitted by the same applicant for the same applied use with the same layout and development parameters. The major development parameters are summarised as follows:

Site Area	44.77 m ²
Total Floor Area (non-domestic)	43.77 m ² (about)
No. of Structures (Height)	1 (4.07m) - for real estate services
Operation Hours	8:00 a.m. to 10:00 p.m. daily (including Sundays and public holidays)
No. of Loading/Unloading Space and Parking Space	Nil

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

- (a) Application Form with attachments received on 12.12.2024 **(Appendix I)**
- (b) Further Information (FI) received on 8.1.2025* **(Appendix Ia)**
- (c) FI received on 14.1.2025* **(Appendix Ib)**
- (d) FI received on 15.1.2025* **(Appendix Ic)**
**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 at the Application Form with attachments and FIs at **Appendices I to Ic**. They can be summarised as follows:

the applied use and site layout remain unchanged. No parking spaces are required as all staff and customers are expected to take public transport to/from the Site. All approval conditions of the previous approved application have been complied with.

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. For the GL portion, 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) are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No.34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to any planning enforcement action.

6. Previous Applications

6.1 The Site is the subject of five previous applications (No. A/YL-TT/298, 310, 371, 455 and 541) for various temporary uses. Details of these previous applications are at **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Application

6.2 Application No. A/YL-TT/298 covering a larger site for temporary open storage of site tools and materials with site office for a period of three years was rejected by the Committee in 2012. Considerations of the rejected application are not relevant to the current application which involves a different use.

Approved Applications

6.3 Applications No. A/YL-TT/310, 371, 455 and 541 for the same applied use were approved with conditions each for a period of three years by the Committee between 2013 and 2022, mainly on the considerations that the applied use was not incompatible with the surrounding uses; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing relevant approval conditions. All the time-limited approval conditions under the last approved application No. A/YL-TT/541 have been complied with and the planning permission is valid until 15.3.2025.

7. Similar Application

There is no similar application within the same “V” zone on the OZP in the past five years.

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

8.1 The Site is:

- (a) abutting Sham Chung Road; and

- (b) currently occupied by the applied use with valid planning permission under application No. A/YL-TT/541 until 15.3.2025.

8.2 The surrounding areas are predominantly rural in character comprising village houses/residential dwellings intermixed with shop and services, storage/open storage yards, vehicle parks and unused/vacant land. Except for the temporary shop and services (for real estate agency) approved under application No. A/YL-TT/656, the storage/open storage yards and vehicle parks in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. 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.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 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) Lot 4888 RP in D.D. 116 is covered by Short Term Waiver (STW) No. 3932 for the purpose of “Temporary Shop and Services (Real Estate Agency)” while the GL within the Site is covered by Short Term Tenancy (STT) No. 2784 for the purpose of “Temporary Shop and Services (Real Estate Agency)”;
- (b) there is unauthorized structure within the private lot not covered by the planning application. 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;
- (c) there is unlawful occupation of GL not covered by the planning

application. The GL adjoining the private lot has been unlawfully occupied with unauthorised structure(s) without permission. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;

- (d) the lot owner(s)/applicant shall either (i) remove the unauthorized structure(s) and cease the unlawful occupation of the GL not covered by the planning application immediately; or (ii) include the unauthorized structure(s) and the adjoining GL being unlawfully occupied in the planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to LandsD for modification of the STW and STT conditions to permit the structure(s) erected within the said private lot and the occupation of the GL. The application(s) for STW and STT will be considered by LandsD in the capacity as a landlord and there is no guarantee that they 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 to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL;
- (e) there is no Small House application under processing/approved at the Site; and
- (f) his detailed advisory comments are at **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 20.12.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for renewal of the planning approval for temporary shop and services for a period of three years at the Site zoned "V" on the OZP. Although the applied 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 DLO/YL, LandsD, there is no Small House application under processing/approved at the Site. Approval of the renewal application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the zone.

12.2 The Site is located in an area predominantly rural in character comprising

village houses/residential dwellings intermixed with shop and services, storage/open storage yards and vehicle parks and unused/vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.

- 12.3 The renewal application is in line with TPB PG-No. 34D in that there has been no material change in planning circumstances; adverse implications arising from the renewal of the planning approval are not envisaged; all the time-limited approval conditions under previous application have been complied with; and the three-year approval period sought is the same time-frame as the previous approval and is considered reasonable.
- 12.4 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 on the application from environmental, traffic, fire safety and drainage aspects respectively. Regarding DLO/YL, LandsD's concern on the unauthorized structure(s) and/or uses and the illegal occupation of GL outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 Given that four previous approvals for the same use have been granted between 2013 and 2022, approval of the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department has no objection to the application.
- 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, and be renewed from 16.3.2025 until 15.3.2028. The advisory clauses at **Appendix V** are suggested for Members' reference.
- 13.3 There is no strong reason to recommend for rejection of the application.

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

Appendix I	Application Form with attachments received on 12.12.2024
Appendix Ia	FI received on 8.1.2025
Appendix Ib	FI received on 14.1.2025
Appendix Ic	FI received on 15.1.2025
Appendix II	Relevant Extracts of TPB PG-No.34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	FSIs Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**