

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

APPLICATION NO. A/I-CC/23

- Applicant** : Miss CHU Po Kwan Dora represented by Harvest Surveyors Limited
- Site** : 83 San Hing Street and Adjoining Government Land, Cheung Chau
- Site Area** : 94 m² (Includes Government Land of about 23.2 m²)
- Lease** : (a) Lot No. 225 S.A RP in D.D. Cheung Chau is an Old Schedule House Lot governed by Block Government Lease
(b) Extension to Cheung Chau Lot No. 225 and 2nd Extension to Cheung Chau Lot No. 225 are New Grant Lots held under New Grant 1588 and 1589 respectively for building purposes subject to a height of not exceeding two storeys
- Plan** : Approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/7
- Zoning** : “Village Type Development” (“V”)
[maximum building height of 3 storeys (8.23m), or the height of the existing building, whichever is the greater]
- Application** : Proposed Redevelopment of a 3-storey Building for Eating Place, Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed redevelopment of an existing building into a 3-storey (8.23m) building for eating place, shop and services at the application site (the Site) (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Eating Place’ and ‘Shop and Services’ uses other than those located on the ground floor of a New Territories Exempted House (NTEH) are Column 2 uses within “V” zone, which may be permitted with or without conditions on application to the Town Planning Board (the Board).
- 1.2 This application involves a redevelopment of an existing building into a 3-storey building (8.23m) for eating place, shop and services uses. The proposed building height (BH) complies with the BH restriction of the “V” zone which the Site falls within.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 11.4.2018 (Appendix I)
- (b) Further Information (FI) including clarification on the existing conditions of the building erected at the Site and information of the floor plans received on 25.5.2018 (Appendix Ia)
[Accepted and exempted from publication and recounting requirements]

1.4 Part of the Site is the subject of a previous application (No. A/I-CC/19) for change of use of the ground floor of the existing building at the Site for eating place use, with a GFA of 72.5 m². The application was approved by the Rural and New Town Planning Committee (the Committee) with condition on the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Board.

1.5 The major development parameters of the proposed redevelopment are set out as follows:

Site Area:	94m ²
Total Floor Area:	269.7m ² (non-domestic)
Site Coverage (SC):	95.63%
Plot Ratio (PR):	2.87
No. Storeys:	3
BH:	8.23m

1.6 Plans showing the floor plans of the proposed eating place, shop and services submitted by the applicant are in **Drawings A-1 and A-2**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Appendix 6 of the application form at **Appendix I** and summarised as follows:

- (a) the Site (proposed Lot No. 1865 in D.D. Cheung Chau) is under a proposed land exchange and the proposed development parameters are based on the Basic Term Offer issued by Lands Department (LandsD) on 2.2.2016;
- (b) the proposed redevelopment tallies with the existing building which is in a form of one village house and has been erected at the Site for about 100 years, i.e. before the publication of the first OZP in 18.6.2004;
- (c) the proposed redevelopment in the form of one building will enhance design flexibility and it is more preferable in terms of installation of fire services, water supplies for firefighting as well as provision of means of escape via two frontages (i.e. San Hing Praya Street and San Hing Street);
- (d) there is a genuine need from the market to provide eating place to local residents as well as tourists. The proposed uses are considered compatible with land uses in the vicinity as there are many eating places and shops; and

- (e) given such a small area, additional traffic generated should be minimal. Villagers can shorten their walking distance from San Hing Street to San Hing Praya Street, and vice versa, via the Site.

3. Compliance with the “Owner’s Consent/Notification” Requirements

- 3.1 The applicant is the sole “current land owner” for 83 San Hing Street. Detailed information would be deposited at the meeting for Members’ inspection.
- 3.2 Part of the Site involves government land, the ‘owner’s concern/notification’ 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. 31) are not applicable.

4. Town Planning Board Guidelines

TPB-PG No. 15A for ‘Application for Eating Place within “Village Type Development” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (**Appendix II**) is relevant to this application. The relevant assessment criteria are extracted as follows:

- (a) the eating place use should not create any environmental nuisance or cause inconvenience to the residents nearby. Such use should preferably be located at the fringe of a village area, e.g. area abutting the main road;
- (b) the eating place use should not have any adverse traffic impacts on its surrounding areas nor should it affect any pedestrian circulation in the area;
- (c) sympathetic consideration may also be given to any application which would not have adverse impacts on drainage, sewage disposal facilities or fire safety aspects;
- (d) for any application on open ground as an extension to ground floor eating place in a NTEH or as a free-standing development, the eating place use should not adversely affect the land availability for village type development;
- (e) for a village located adjacent to recreational use or tourist attraction spots, favourable consideration may be given to eating place use which will provide catering facilities to serve the visitors and tourists; and
- (f) all other statutory or non-statutory requirements of relevant government departments should be met.

5. Previous Application

There is one previous planning application at the Site (No. A/I-CC/19) for eating place use on G/F of the existing building. The application was approved with condition by the Committee on 4.9.2015 mainly on the grounds that the proposed development was considered not incompatible with the land uses in the vicinity and it was not anticipated to cause significant adverse impacts on building safety, pedestrian flow, drainage, sewerage and fire safety aspects. Details of the application are summarised at **Appendix**

III and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are four similar applications (No. A/I-CC/4, A/I-CC/5, A/I-CC/6 and A/I-CC/7) involving the same site for eating place within the same “V” zone of the OZP. Details of the applications are summarised at **Appendix III** and their location is shown on **Plan A-1**.
- 6.2 All applications except Application No. A/I-CC/6 were approved with condition by the Committee in 2008 mainly on consideration that the proposed use was compatible with the general commercial cum residential uses along San Hing Praya Street near the Cheung Chau Ferry Pier which were in existence before the gazettal of first Cheung Chau OZP. Also, the proposed development was small in scale and would not create any adverse traffic and environmental impact. Application No. A/I-CC/6 for proposed eating place (four storeys) with minor relaxation of the BH to 14m was rejected by the Committee on 19.9.2008 on the grounds that there was insufficient information or merits to justify a relaxation of the BH restriction, and that the approval would set an undesirable precedent for future development with alternative building height that might affect the 3-storey village housing character of Cheung Chau.

7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4 to A-5)

- 7.1 The Site is:
- (a) rectangular and elongated in shape and bounded by 3-storey village houses;
 - (b) accessible from both San Hing Street and San Hing Praya Street;
 - (c) currently occupied by a 3-storey building with the ground floor being used as a restaurant and the upper floors vacant.
- 7.2 The surrounding areas have the following characteristics:
- (a) the surrounding area is predominately occupied by 2 to 3-storey village houses, most of which with shop and services or eating place uses on the ground floor; and
 - (b) Cheung Chau Ferry Pier is about 45m to the southwest of the Site.

8. Planning Intention

The planning intention of the “V” zone is primarily for the provision of land for the retention of the existing village areas. 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 a NTEH. Other commercial, community and recreational uses

may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) the Site falls on Cheung Chau Lot No. 225 S.A RP, Extension to Cheung Chau Lot No. 225, 2nd Extension to Cheung Chau Lot No. 225 and a piece of government land (**Plan A-2**) in the western side of 2nd Extension to Cheung Chau Lot No. 225. According to his records, the concerned government land is not covered by any licence/ Short Term Tenancy (STT). No STT application has ever been received thereof;
- (b) Cheung Chau Lot No. 225 S.A RP is an Old Schedule House Lot governed by Block Government Lease. Extension to Cheung Chau Lot No. 225 and 2nd Extension to Cheung Chau Lot No.225 are New Grant Lots held under New Grant 1588 and 1589 respectively for building purpose subject to a height of not exceeding two storeys;
- (c) his office has once issued an initial offer letter to the applicant for a proposed land exchange for the redevelopment of a maximum of two NTEHs (with the maximum roofed-over area of each building not exceeding 65.03m²). However, his office could not proceed further the proposed land exchange at this moment because no reply to his office/ his solicitor regarding some legal issues from the applicant has been received so far; and
- (d) this application is not supported from lands point of view at this point in time.

Building Matters

9.1.2 Comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department (CBS/NTE1&L, BD):

- (a) there is no record of approval by the Building Authority (BA) for the structures existed at the Site;
- (b) before any new building works are to be carried out on the Site, the prior approval and consent from the BA should be obtained, otherwise they are unauthorized building works. If the Site abuts on a specified street under Building (Planning) Regulation (B(P)R) 18A(3) of not less than 4.5m wide, i.e. Class A site, the

proposed PR of 2.87 and the proposed SC of 95.63%, which would be in compliance with Regulation 20 of the B(P)R. Otherwise, its development intensity should be determined by the BA under B(P)R 19(3);

- (c) detailed comments under the Building Ordinance (BO) on permissible PR, SC, emergency vehicular access, private streets and/or access roads, barrier free access and facilities, etc. will be formulated at the building plan submission stage; and
- (d) if the proposed use under application is subject to the issuance of a license, the applicant should be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied with.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

since the proposed development only consists one 3-storey building and the pedestrian flow generated would be limited, he considers that the application can be tolerated from traffic engineering point of view.

Fire Safety

9.1.4 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department;
- (b) detailed fire safety requirement will be formulated upon receipt of formal submission of general building plans; and
- (c) the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administrated by BD.

Urban Design and Visual

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

the application involves redevelopment of an existing building on the Site for 'Eating Place' and 'Shop and Services' uses. Given the rural character comprising of low-rise village houses in the surroundings, the proposed development is considered not incompatible with the surrounding land uses. Nevertheless, the applicant is advised to adopt aesthetic design for frontages facing San Hing Praya Street and San Hing Street to enhance the visual quality of the streetscape.

Licensing Matters

9.1.6 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) there is a valid Light Refreshment Restaurant Licence (GFA: 54.71m²) covering the ground floor of the 3-storey village house at the Site, which does not include the first and the second floors of the village house; and
- (b) as part of the procedures for applying for a food business licence, the applicant should submit, along with a duly completed application form, a self-declaration stating that the operation of food business at the premise concerned is in compliance with Government lease conditions. Upon receipt of the documents, the Licensing Office will then refer the application to the Planning Department (PlanD) for comments on compliance with the statutory plan restrictions. An application will not be processed in the event that a self-declaration is not submitted at the time of application or that PlanD confirms that the proposed food premises violate the statutory plan restrictions.

Drainage

9.1.7 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) no comments on the subject application from drainage perspective; and
- (b) drainage connections are available in the vicinity of the premises.

Heritage

9.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

no objection to the captioned application provided that Antiquities and Monuments Office (AMO) will be notified two weeks prior to the commencement of ground excavation works for the arrangement of site inspection.

9.2 The following government departments have no objection to/no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Commissioner of Police (C of P);
- (d) Director of Environmental Protection (DEP);
- (e) District Officer/Islands, Home Affairs Department; and
- (f) Head of the Sustainable Lantau Office, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 20.4.2018, the application was published for public inspection. During the first 3-week statutory public inspection period, which ended on 11.5.2018, 13 public comments objecting to the application were received from local residents and individuals (**Appendix IV**).
- 10.2 The objecting comments are summarised as follows:
- (a) the proposed development may block the access, the means of escape and some of the windows of residents living in 81 San Hing Street, Cheung Chau, which may cause inconvenience and fire safety problems to the residents;
 - (b) there are many restaurants surrounding the Site and it is considered not suitable to accommodate more restaurants and shops in regard to the narrow streets nearby and insufficient supporting facilities. There is no need for a new site for restaurants/shops, as the current provision of restaurants and shops in Cheung Chau is considered adequate.
 - (c) the area along San Hing Praya Street and near Cheung Chau Ferry Pier is very crowded during festivals and public holidays. The operation of fire services appliances and ambulances may be affected due to the overcrowded situation around the Cheung Chau Ferry Pier area; and
 - (d) the proposed development may cause fire hazards to the surrounding residential areas and may also affect the existing street environment at Cheung Chau.

11. Planning Considerations and Assessments

- 11.1 The Site is located within the “V” zone which is primarily for the provision of land for the retention of the existing village areas. The Site is fronting two streets, i.e. San Hing Praya Street and San Hing Street, and near Cheung Chau Ferry Pier. This prime location renders it suitable for commercial development to serve the local community and visitors to Cheung Chau. There are other 2-storey/3-storey restaurants and retail uses along San Hing Praya Street and Praya Street as shown on **Plan A-6** and photos on **Plan A-7**.
- 11.2 The proposed eating place, shop and services uses are considered not incompatible with the general commercial cum residential uses of the neighbourhood in particular the development along San Hing Praya Street and near the Cheung Chau Ferry Pier. The proposed BH of three storeys (8.23m) is also not incompatible with the village houses in the vicinity which are mostly three storeys (8.23m). CTP/UD&L,PlanD advises that given the rural character comprising of low-rise village houses in the surroundings, the proposed development is considered not incompatible with the surrounding land uses.
- 11.3 The proposed redevelopment is generally in line with the planning criteria set out in TPB PG-No. 15A in that the Site is abutting the main street and could provide catering and/or shopping facilities to serve the visitors and tourists; and the

proposed uses would not have any adverse impacts on traffic, drainage, sewage disposal or fire safety aspects. In addition, according to the applicant's submission, part of the Site adjacent to 81 San Hing Street would be reserved for a non-building area (**Drawings A-1 to A-2**) which could provide necessary separation between the proposed redevelopment and the adjacent building (81 San Hing Street) for access and window arrangement. Relevant government departments including C for T, CE/HK&I of DSD, DEP, D of FS and CBS/NTE1&L, BD have no objection to or no adverse comments on the application.

- 11.4 The proposed eating place, shop and services involve redevelopment of an existing building into a 3-storey building (8.23 m). An additional piece of government land (23.2 m²) immediately in front of the western boundary of the Site facing San Hing Praya Street (**Plan A-2**) is involved.
- 11.5 DLO/Is, LandsD advises that his office has once issued an initial offer letter to the applicant for a proposed land exchange for the redevelopment of a maximum of two NTEHs (with the maximum roofed-over area of each building not exceeding 65.03 m²) within the Site and the government land. There is no planned use of the government land involved within the "V" zone and the inclusion of it would not affect the pedestrian traffic and emergency traffic along San Hing Praya Street. C for T and D of FS have no adverse comment on this aspect. Should the application be approved by the Committee, the applicant should resolve with LandsD on land exchange matters.
- 11.6 A total number of 13 public comments have been received objecting to the application mainly on the potential adverse impacts brought by the proposed development as set out in paragraph 10. Detailed assessments as set out in paragraphs 11.1-11.5 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid until 1.6.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

the provision of fire service installations and water supplies for firefighting to the satisfaction of Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

- 12.3 There is no strong reason to recommend rejection of the application.

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 date when the validity of the permission should expire.
- 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 11.4.2018
Appendix Ia	FI including clarification on the existing conditions of the building erected at the Site and information of the floor plans received on 25.5.2018
Appendix II	TPB-PG No. 15A for ‘Application for Eating Place within “Village Type Development” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’
Appendix III	Previous and Similar Applications within the Same “V” Zone on the OZP
Appendix IV	Public Comments received during the Statutory Publication Period from 20.4.2018 to 11.5.2018
Appendix V	Advisory Clauses
Drawing A-1	Floor Plan of the Proposed Eating Place, Shop and Services (Ground Floor)
Drawing A-2	Floor Plan of the Proposed Eating Place, Shop and Services (First Floor and Second Floor)
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos (San Hing Street)
Plan A-5	Site Photos (San Hing Praya Street)
Plans A-6 to A-7	Other 2-storey/3-storey Restaurants and Retail Uses along San Hing Praya Street and Praya Street