

Detailed Justifications for Temporary Shop and Services on Lot 2612 (Part), D.D. 124

The Application Site and Zoning

1. The Application Site (the Site) is located at the eastern fringe of Tan Kwai Tsuen. It falls within an area zoned “Residential (Group D)” (“R(D)”) on the Tong Yan San Tsuen Outline Zoning Plan (OZP) (**Plan 1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off and hard paved. The adjoining plant nursery to the east within the fenced off area is always permitted and excluded from the application. To the west at the remaining portion of the same lot are temporary structures occupied by others.

The Proposal

2. The applicant, occupier of the Site, seeks planning permission to use the Site for proposed temporary shop and services for selling pot plants and associated products for a period of 3 years. The major development parameters of the current application are as follows:

Applied Use	Proposed Temporary Shop and Services for a Period of 3 Years (selling of pot plants and associated products)
Site Area	About 404m ²
Total Floor Area	About 274m ² (including 10 converted containers under a canopy of about 256m ² and a converted container at the open area. The net floor area composed of the 11 converted containers is about 186.5m ²)
Site Coverage	About 67.82%
No. and Height of Structures	12 (including 11 converted containers and a canopy) <ul style="list-style-type: none">- 4 converted containers for retail shop and pantry (under a canopy of 3.05m, 1 storey)- 3 converted containers for ancillary storage (farm tools, fertilizers and flower pots etc.) (under a canopy of 3.05m, 1 storey)- 2 converted containers for ancillary office (under a canopy of 3.05m, 1 storey)- 1 converted container for toilet (under a canopy of 3.05m, 1 storey)- 1 converted container for changing room and bathroom (2.8m, 1 storey)
No. of Parking Space	1 for private car (5m x 2.5m)
Loading/unloading Bay	1 for van-type LGV (5m x 2.5m)
Operation Hours	10:00 a.m. to 5:00 p.m. Mondays to Saturdays, with no operation on Sundays and public holidays

The vehicular access to the Site is via a local track from Shui Fu Road (**Plan 2**). There will be one parking space for private car and one loading/unloading bay for van-type light goods vehicle, both measured 5m x 2.5m (**Plan 3**). The estimated traffic generation/attraction rate is at **Appendix 1**. 2 nos. of staff will work at the Site. No workshop activities would be carried out.

Compliance with the “Owner’s Consent/Notification Requirements

3. 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/Notifications” requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice on site and sending notice to the Ping Shan Heung Rural Committee by registered mail.

Justifications

4. The justifications are summarized as follows:

Planning Intention

- (a) The proposed shop for plants is small in scale. Moreover, as there is no known development proposal for the Site, approval of the application on a temporary basis of three years would not jeopardize the long-term planning intention of the area. It could also benefit the nearby residents by meeting their demand for ornamental plants.

Compatibility

- (b) The proposed development is generally not incompatible with the surrounding uses, including schools, church, village houses and temporary structures.

Similar Approval case

- (c) Similar application (A/YL-TYST/1254) for temporary shop and services use within the same “R(D)” zone was approved by RNTPC on 15.3.2024.

Traffic

- (d) As the Site is intended for temporary shop use for selling pot plants of small size and associated products to serve residents in the locality, most of the customers would arrive on foot and traffic generated by the proposed development is not significant, as revealed in **Appendix 1**. No adverse traffic impact is envisaged.

No Nuisance Generated

- (e) The proposed use is clean in nature. No advertisement boards with neon light devices would be installed. No night-time operation or workshop activities would take place at the Site.

Sewage

- (f) Sewage discharge from the Site is directed to a proposed septic tank at the northwestern part of the Site, which will be designed and constructed with reference to the Practice Note for Professional Person (ProPECC) PN 1/23 on “Drainage Plans subject to Comment by the Environmental Protection Department”. There will be insignificant environmental, drainage and sewage impacts arising from the development.

No Impact on Infrastructure

- (g) The Site was mainly covered by temporary structures and agricultural use since 2000. It was cleared in early 2024. The proposed development would unlikely affect the rural environment, landscape and character of the area and would not overstrain the capacity of existing and planned traffic, sewerage and water supply infrastructure.

Compliance with Approval Conditions

- (h) To avoid any possible environmental nuisance generated by the development, the applicant would agree to the imposition of approval conditions restricting the operation hours and workshop activities. Any non-compliance with the approval conditions would be subject to revocation of the planning permission. Besides, the applicant would follow the EPD’s Code of Practice.

Landscape

- (i) Peripheral planting at part of the Site would also be provided. 5 Bouganvillea spectabilis are proposed to be planted (**Plans 3 and 4b**). Hence, the visual and landscape amenity of the Site could be enhanced, which represents a planning gain.

Town Gas Safety

- (j) As mentioned above, 2 nos. of staff will work at the Site. The aggregated population including the customers within a particular period is estimated to be about 4, which is less than the population under agricultural use before. The proposal therefore would not result in a significant increase in population. The applicant would liaise with the Hong Kong and China Gas Company Limited in respect of the locations of existing and planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stage of the proposed shop.

Fire Services and Drainage Proposals

- (k) Fire services installation (FSI) and drainage proposals, if necessary, would be submitted and implemented should the application be approved by the Board. The applicant will also apply for a Short Term Waiver for the structures to DLO/YL, LandsD.

5. To conclude, the proposed temporary ‘Shop and Services’ use is compatible with adjoining land uses, and no traffic, environmental, drainage, visual and landscape impacts are envisaged. In view of that it can serve the demand for ornamental plants of the nearby residents and there is **planning gain** in terms of improvement in visual/landscape amenity resulted from the proposed development, favourable consideration may be given to the application.

Estimated Traffic Generation

1. The vehicular access to the Site is via a local track branching off from Shui Fu Road. The ingress/egress point at the adjoining plant nursery within the fenced off area is 5m wide. As the Site is intended for temporary shop use for selling pot plants of small size and associated products to serve residents in the locality, most of the customers would arrive on foot and traffic generated by the proposed development is not significant.
2. The proposed parking space and loading/unloading bay at the Site would only be opened to visitors with prior appointment.
3. There will be one parking space for private car and one loading/unloading bay for van-type light goods vehicle, both measured 5m x 2.5m. As the size of pot plants will be small, they shall be able to be transported by a van-type LGV. The estimated traffic generation/attraction rate is shown as follows:

Type of Vehicle	<u>Average Traffic Generation Rate</u> (pcu/hr)	<u>Average Traffic Attraction Rate</u> (pcu/hr)	<u>Traffic Generation Rate at Peak Hours</u> (pcu/hr)	<u>Traffic Attraction Rate at Peak Hours</u> (pcu/hr)
Private car/Light Goods Vehicle	0.25	0.25	0	0

Note:

- a) The operation hours of the proposed development are revised to 10:00 a.m. to 5:00 p.m. from Mondays to Saturdays, with no operation on public holidays;
 - b) The pcu of private car and van-type light goods vehicle are taken as 1 and 1.5 respectively; and
 - c) Morning peak is defined as 7:00 a.m. to 9:00 a.m. whereas afternoon peak is defined as 5:00 p.m. to 7:00 p.m.
4. In association with the proposed use, adequate space for manoeuvring would be provided at the adjoining plant nursery within the fenced off area such that no queueing up of vehicles would be occurred outside the Site.