

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

**APPLICATION NO. A/TM-SKW/132**

<b><u>Applicant</u></b>	: Mr. WU Chi Man (胡志文) represented by Goldrich Planners and Surveyors Limited
<b><u>Site</u></b>	: Lots 263 S.B (Part) and 268 (Part) in D.D. 385, Tai Lam Chung, Tuen Mun, New Territories
<b><u>Site Area</u></b>	: About 2,170m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/15
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [Restricted to a maximum building height of 3 storeys (8.23m), except for those developments / uses specified in the Notes]
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Barbecue Area for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary barbecue area for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1a**). 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 occupied by the applied use with valid planning permission under application No. A/TM-SKW/114 until 31.5.2025 (**Plans A-2 and A-4a to A-4c**).
- 1.2 The Site is accessible via a local track from Tai Lam Chung Road (**Plan A-2**). According to the applicant, a total of 11 one-storey temporary structures (not exceeding 3.6m in height) with a total floor area of about 739.07m<sup>2</sup> for uses of a reception, a lounge, a kiosk, kitchen, portable toilets and pump room are proposed to be erected. One loading/unloading space for light goods vehicles is provided at the Site. The operation hours are from 7 a.m. to 11 p.m. daily (including public holidays). The location plan with vehicular access, layout plan and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is the subject of 10 previous applications for the same temporary use (details at paragraph 6). The last application No. A/TM-SKW/114 submitted by the same applicant as the current application was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 20.5.2022 and all time-limited approval conditions have been complied with. Compared to the last application, the

current application is submitted by the same applicant with reduced number of structures and slight change in site layout at the same site.

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

- (a) Application Form and Planning Statement received on 18.3.2025 **(Appendix I)**
- (b) Further Information (FI) received on 15.4.2025 **(Appendix Ia)**  
*[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 Planning Statement at **Appendix I**. They can be summarised as follows:

- (a) the applied use would provide a barbecue area for gathering of family and friends and provide employment opportunities in the local area;
- (b) the applied use is not incompatible with the surrounding land uses and will not generate significant environmental, traffic, drainage and fire safety impacts; and
- (c) the applicant has complied with all the approved conditions imposed under the last approved Application No. A/TM-SKW/114.

## **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 publishing notices in local newspapers and sending notice to the Tuen Mun Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

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

## **5. Background**

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

## **6. Previous Applications**

- 6.1 The Site is the subject of 10 previous applications (No. A/TM-SKW/42, 48, 54, 57, 61, 67, 90, 93, 101 and 114) for temporary barbecue area for a period of three years. Details of these previous applications are at **Appendix III** and their boundaries are shown on **Plan A-1b**.

### *Approved Application*

- 6.2 Eight of the applications (No. A/TM-SKW/42, 48, 54, 57, 67, 93, 101 and 114) were approved with conditions each for a period of one year or three years by the Committee or the Board upon review between 2004 and 2022, mainly on the considerations that the applied use was not incompatible with the surrounding areas; approval of the application on a temporary basis would not frustrate the planning intention of the “V” zone; and concerned departments had no adverse comment on the application. For the last application No. A/TM-SKW/114, all time-limited approval conditions have been complied with and the planning permission is valid until 31.5.2025.

### *Rejected Application*

- 6.3 Application No. A/TM-SKW/61 covering a larger site area was rejected by the Committee on 8.5.2009 on the grounds that the applied use was not in line with the planning intention of “V” zone; it was not compatible with the surrounding areas; there was insufficient information to demonstrate no adverse environmental and drainage impacts; and setting an undesirable precedent. Application No. A/TM-SKW/90 was rejected by the Committee on 19.6.2015 on the ground that the applicant failed to demonstrate that the wastewater generated from the development could be properly treated and disposed of.

## **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-4c)**

- 8.1 The Site is:
- (a) paved and fenced off;
  - (b) occupied by the applied use with valid planning permission; and
  - (c) accessible via a local track from Tai Lam Chung Road.
- 8.2 The surrounding areas are rural in character predominated by village houses and intermixed with parking of vehicles, open storage/storage yards and a retail shop. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small House by indigenous villagers. It is also intended to concentrate village type development within this 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 a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

## **10. Comments from Relevant Government Bureau/Departments**

10.1 Apart from the government department as set out in paragraph in 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 are provided in **Appendices IV and V** respectively.

10.2 The following government department has adverse comment on the application.

### **Land Administration**

10.2.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots, namely Lots 263 S.B (Portion) and 268 (Portion) in D.D. 385 (“the Lots”) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) his office’s recent site inspection revealed that there are unauthorized structures erected on the Lots in which an unauthorized structure straddled on the Lots is not covered by this planning application. The Lot owner(s) should immediately rectify/regularize the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (c) Short Term Waiver (“STW”) application to permit erection of structures with a total built-over area not exceeding 739.07m<sup>2</sup> and structure height not exceeding one storey and 3.6m above ground level on Lot 263 S.B in D.D. 385 for temporary barbecue was approved in principle by his office subject to compliance with the Town Planning Ordinance and the Block Government Lease and the applicant has been reminded that before any new building works, site formation works and/or drainage works (not being a NTEH) are to be carried out on land held under the subject waiver, prior approval and consent from the Building Authority should be obtained, otherwise they are considered as unauthorized building works. In the event that the planning permission is not given by the Board, his department may not further consider the STW Application. The Lots owner(s) are required to rectify the lease

breaches immediately and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (d) the Site is accessible via a strip of Government land leading from Tai Lam Chung Road. His office does not carry out maintenance works for the said access nor guarantee that any right-of-way to the Site will be given. The Applicant shall be responsible for his own access arrangement;
- (e) there is no Small House application approved or under processing at the Site; and
- (f) his detailed advisory comments are at **Appendix V**.

## **11. Public Comment Received During Statutory Publication Period**

On 25.3.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received (**Appendix VI**). An individual provided views that it is questionable whether all the approved conditions imposed under the last approved application No. A/TM-SKW/114 have been complied with.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary barbecue area for a period of three years at the Site zoned “V” on the OZP. Although the applied use is not in line with the planning intention of the “V” zone, it could provide a recreational outlet to serve the local residents and the public. According to DLO/TM, LandsD, there is currently no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The applied use is considered not incompatible with the surrounding areas which are rural in character predominated by village houses and intermixed with parking of vehicles, open storage/storage yards and a retail shop.
- 12.3 The application complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/TM-SKW/114; adverse planning implications arising from the renewal of the planning approval are not envisaged; all the time-limited conditions under previous approval have been complied with; and the three-year approval period sought is the same timeframe as the previous approval and is considered reasonable.
- 12.4 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Food and Environment Hygiene have no objection to/no adverse comment on the application from traffic, environmental, drainage, fire safety and food and environmental hygiene aspects respectively. Relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the application be approved, 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 potential environmental nuisances on the surrounding areas. Regarding DLO/TM, LandsD’s concern on the unauthorized structure(s) within the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.

- 12.5 The Site is the subject of eight previously approved applications for temporary barbecue area approved between 2004 and 2022 as detailed in paragraph 6.1 above. While there are two other previous applications for the same use rejected in 2009 and 2015, the planning circumstances of the current application are different in that the scale of operation is smaller and no adverse environmental and drainage impacts are envisaged. Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment as mentioned in paragraph 11 above, 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 1.6.2025 until 31.5.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### *Approval conditions*

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a fire service installations proposal within **6 months** from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **1.12.2025**;
- (c) in relation to (b) above, the implementation of the fire service installations proposal within **9 months** from date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **1.3.2026**;
- (d) if the above planning condition (a) 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
- (e) if any of the above planning condition (b) or (c) 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 attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "Village Type Development" zone which is primarily for development of Small House by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

**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**

<b>Appendix I</b>	Application Form and Planning Statement received on 18.3.2025
<b>Appendix Ia</b>	FI received on 15.4.2025
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2025**