

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/630

<u>Applicant</u>	: Tung Tak Investment (HK) Limited represented by Goldrich Planners and Surveyors Ltd.
<u>Site</u>	: Lot 626 RP in D.D. 9, Nam Wa Po, Tai Po, New Territories
<u>Site Area</u>	: About 181m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
<u>Zoning</u>	: “Open Storage” (“OS”)
<u>Application</u>	: Proposed Temporary Shop and Services with Ancillary Facilities for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities for a period of five years at the application site (the Site) falling within an area zoned “OS” (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use within “OS” zone which requires planning permission from the Town Planning Board (the Board). The Site is largely vacant with a single-storey structure (**Plans A-4a and A-4b**).
- 1.2 According to the applicant, the proposed development involves the erection of a two-storey (about 5m to 8m high) temporary structure with a total floor area of about 111m² for a convenience store and ancillary facilities including a store room and a toilet (**Drawing A-2**). The applicant proposes preventive, control and mitigation measures mainly including the provision of sewerage connection to collect and discharge the sewage to the public sewers and no chemicals including fertilisers and oil will be allowed at the Site to safeguard the water quality in Water Gathering Ground (WGG) (**Appendices Ib and Ic**). The proposed operation hours are between 9:00 a.m. and 7:00 p.m. daily (including public holidays and Sundays). No parking space and loading/unloading bay is proposed within the Site. The Site is directly accessible via Tai Wo Service Road West (**Plan A-2**). The site layout plan, vehicular access plan and lavatory plan with drainage and sewerage connections submitted by the applicant are at **Drawings A-2 to A-5**.

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

- (a) Application Form with attachments received on 28.6.2023 (Appendix I)
 - (b) Further information (FI) received on 8.8.2023[^] (Appendix Ia)
 - (c) FI received on 15.8.2023[^] (Appendix Ib)
 - (d) FI received on 11.9.2023[^] (Appendix Ic)
- [^] accepted and exempted from publication and recounting requirements

1.4 On 25.8.2023, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer making a decision on the application for two months to allow more time for the applicant to address departmental comments.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI submissions at **Appendices I to Ic** and summarized as follows:

- (a) the proposed development would serve the nearby residents, workers and visitors by providing basic necessities and commodities including grocery, food and beverage, houseware, etc.;
- (b) while vehicular access is not required at the Site, its access would be utilized as the vehicular access to the adjoining site under the application No. A/NE-KLH/629 ¹ (**Drawing A-2** and **Plan A-2**). No parking space and loading/unloading bay is proposed at the Site and loading/unloading activities will be carried out at the nearby lay-by on Tai Wo Service Road West (**Drawing A-2**);
- (c) the proposed development is compatible with the surroundings which are predominated by open storage yards and warehouses. Taking into account its temporary nature, it would not frustrate the long-term planning intention of the "OS" zone. It would also not cause adverse traffic, visual and landscape impacts to the surrounding areas; and
- (d) lavatory plans with sewerage connections to the existing public sewer are submitted, and relevant preventive/mitigation measures are proposed in FI submissions at **Appendices Ib** and **Ic** in order to safeguard the water quality in WGG.

¹ Application No. A/NE-KLH/629 for temporary warehouse with ancillary office was approved by the Committee with conditions on 22.9.2023 for a period of three years.

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.

4. Background

The Site is not subject to any planning enforcement action.

5. Previous Application

There is no previous application for the same use at the Site.

6. Similar Application

There is no similar application for the same use within the same “OS” zone.

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

7.1 The Site is:

- (a) hard-paved, largely vacant with a single-storey structure;
- (b) directly accessible to Tai Wo Service Road West; and
- (c) within upper indirect WGG.

7.2 The surrounding areas are predominantly rural in character, comprising open storage/storage, workshops and warehouses and plant nursery.

8. Planning Intention

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

9. Comments from Relevant Government Departments

All departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices II** and **III** respectively.

10. Public Comment Received During Statutory Publication Period

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

11. Planning Considerations and Assessment

- 11.1 This application is for a proposed temporary shop and services with ancillary facilities at the Site falling within the “OS” zone for a period of five years. The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. Although the proposed development is not entirely in line with the planning intention, it is considered that temporary approval of the application for a period of five years would not jeopardize the long-term planning intention of the “OS” zone.
- 11.2 The proposed development involves a two-storey temporary structure for a convenience store with an ancillary store room and toilet. It is considered not incompatible with the surrounding land uses which are rural in character intermixed with open storage/storage, workshops and warehouses and plant nursery. Given the location of the Site abutting Tai Wo Service Road West and the proposed retail use which is small in scale, it is unlikely to cause adverse impacts on the surrounding areas.
- 11.3 The Site is located within the upper indirect WGG. The applicant has proposed prevention/mitigation measures mainly including the provision of sewerage connection to collect and discharge the sewage to the public sewers and no chemicals including fertilisers and oil will be allowed at the Site under FI submissions (**Appendix Ib** and **Ic**) to demonstrate that there will be no material increase in pollution effect arising from the proposed use. Having reviewed the FI submissions, CE/C, WSD has no comment on the application. Other government departments consulted, including CHE/NTE, HyD, C for T and DEP have no objection to or no adverse comment on the application. Relevant approval conditions are recommended in paragraph 12.2 below to address technical comments of CE/MN of DSD, CE/C of WSD and D of FS.

12. Planning Department’s Views

- 12.1 Based on the assessment 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 5 years until **10.11.2028**. 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 10.5.2024;

- (b) in relation to (a) above, the provision of drainage facilities 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 10.8.2024;
- (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 sewerage 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 10.5.2024;
- (e) in relation to (d) above, the implementation of the sewerage 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 10.8.2024;
- (f) the submission of proposal for water supplies for fire-fighting and fire service installations 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 10.5.2024;
- (g) in relation to (f) above, the provision of water supplies for fire-fighting and fire service installations 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 10.8.2024;
- (h) the implementation of preventive, control and mitigation measures on pollution or contamination to the Water Gathering Ground as identified by the applicant within **9** months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 10.8.2024;
- (i) 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
- (j) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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 III**.

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

- the proposed development is not in line with the planning intention of the "OS" which is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. No strong planning justification has 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 the 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 and Attachments received on 28.6.2023
Appendix Ia	FI received on 8.8.2023
Appendix Ib	FI received on 15.8.2023
Appendix Ic	FI received on 11.9.2023
Appendix II	Government Department's General Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	Vehicular Access Plan
Drawings A-4 & A-5	Lavatory Plan with Sewerage Connections
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2023**