

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

APPLICATION NO. A/HSK/364

- Applicant** : Mr. TANG Kwok Sun (鄧國新)
- Site** : Lot 977RP (Part) in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 119m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Village Type Development” (“V”)
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (real estate agency) for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the approved HSK and HT OZP. According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with previous planning permission lapsed on 3.5.2022 (**Plan A-4**).
- 1.2 The Site is accessible from San Sik Road via a local footpath (**Plan A-2**). There is no vehicle access to the Site. As shown on the layout plan at **Drawing A-1**, the applied use comprises a 2-storey structure of about 92m² (7m high) for real estate agency and two 1-storey structures with about 2m² each respectively for pump room and water tank (2m and 1.5 high). The as-built drainage plan submitted by the applicant is at **Drawing A-2**.
- 1.3 The Site is involved in 2 previous planning applications (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 17.2.2022 with drawings (Appendix I)
- (b) Further Information (FI) received on 24.3.2022 (Appendix Ia)
- (c) FI received on 3.5.2022 (Appendix Ib)

[(b) and (c) are exempted from the publication and recounting requirements]

1.5 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 1.4.2022 for consideration of the application has been rescheduled, and the Board agreed to defer consideration of this application (the previous planning permission was valid up to 3.5.2022). The application is now scheduled for consideration by the Rural and New Town Planning Committee (the Committee) at this meeting.

2. Justification from the Applicant

No justification is put forth by the applicant.

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. 31A) by posting site notice and sending notice to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

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 the application. The relevant assessment criteria are 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 involved in 2 previous applications (No. A/YL-HT/1013 and No. A/HSK/143) for temporary shop and services (real estate agency), which were approved by the Committee in 2016 and 2019 respectively on similar considerations that approval of the applications would not jeopardize the long-term development of the Site; significant adverse environmental, visual, traffic or drainage impacts were not envisaged given its small scale; and relevant approval conditions were recommended to address the technical concerns of relevant government departments. However, the planning permission for application No. A/YL-HT/1013 was subsequently revoked due to non-compliance with time-limited condition. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

- 6.2 The last application No. A/HSK/143, which was submitted by the same applicant for the same applied use at the same site, was approved with conditions by the Committee for a period of 3 years on 3.5.2019 with validity up to 3.5.2022. All the approval conditions had been complied with. The layout and development parameters of the current application are same with the last planning approval. The current application is a renewal application.

7. Similar Applications

There are 16 similar applications (No. A/HSK/13, 58, 62, 97, 111, 120, 130, 205, 212, 244, 248, 290, 292, 335, 343 and 350) within the same “V” zone on the OZP for various temporary shop and services in the past 5 years. They were all approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. However, the permission under the application No. A/HSK/111 was subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) being used for the applied use without valid planning permission; and
- (b) accessible from San Sik Road via a local footpath.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are some village houses, a village office and a woodland while to its further north is a cluster of village houses at San Wai. To its northwest are a latrine and a carpark;
- (b) to its immediate east is a cluster of village houses of Sik Kong Tsuen. To its further southeast is a car park;
- (c) to its immediate south is a vegetated area. To its west and southwest across San Sik Road are a pavilion, a refuse collection point, and a convenient store and two real estate agencies under valid planning permissions (Nos. A/HSK/212, 343 and 349); and
- (d) to its further south across San Sik Road and the nullah are floodwater ponds and a pump house.

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 Houses (SH) 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. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

All government 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 V and VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 25.2.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received (**Appendix IV**) expressing concerns about the previous approved cases at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary shop and services (real estate agency) for a period of 3 years at the Site within “V” zone. Whilst the applied use is not entirely in line with the planning intention of the “V” zone which is primarily for development of SH by indigenous villagers, the applied use can meet the demand of real estate services in the area. The District Lands Officer/Yuen Long of LandsD also advises that there is no SH application being processed or approved at the Site. Approval of the application on a temporary basis of 3 years would not frustrate the planning intention of the “V” zone and jeopardise the long-term development of the Site.
- 12.2 The applied use is not incompatible with the surrounding land use, which mainly comprises residential dwellings of recognized villages (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application (No. A/HSK/143) for a period of 3 years. There has been no major change in planning circumstances of the Site and the surrounding areas since the last approval. The approval of the application on a temporary basis would not jeopardise the implementation of the zoned use, and all the approval conditions under the last approved application have been complied with. Compared with the last approved application, the current application is for the same use at the same site for the same approval period and the development parameters and layout remain unchanged. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34D.
- 12.4 Concerned government departments including DEP, C for T, D of FS and CE/MN, DSD have no objection to or no adverse comment on the application. As the applied use is of small scale, it is anticipated that the applied use would not cause any significant environmental, traffic, fire safety and drainage impacts to the surroundings. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised development on the Site would be subject to enforcement action by the Planning Authority. Should the

application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the possible environmental impacts on the surrounding areas.

- 12.5 In addition to the two previous planning approvals for the same use at the Site, there are 16 similar approvals for shop and services within the same "V" zone on the OZP (**Plan A-1**). Approval of the subject application is in line with the Committee's previous decisions.
- 12.6 One public comment was received expressing concerns on the application during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in the above paragraphs 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 mentioned on paragraph 11, the Planning Department considers that the temporary shop and services (real estate agency) could be tolerated for a further period of 3 years.
- 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 3 years and be renewed from up to **1.6.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (b) the existing trees and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **1.9.2022**;
- (d) the submission of a fire service installations proposal 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 **1.12.2022**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal 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 **1.3.2023**;
- (f) if any of the above planning condition (a) or (b) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (c), (d) or (e) is not complied with by

the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

[Conditions (a) to (e) are all the same as the previous Application No. A/HSK/143]

Advisory clauses

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

- 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 Houses by indigenous villagers. There is no strong planning justification 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

Appendix I	Application Form received on 17.2.2022
Appendix Ia	FI received on 24.3.2022
Appendix Ib	FI received on 3.5.2022
Appendix II	Relevant Extracts of 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)
Appendix III	Previous and Similar Applications
Appendix IV	Public Comment
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	As-built Drainage Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**