

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

APPLICATION NO. A/HSK/382

<u>Applicant</u>	: Mr. Lee Kwok Ming represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lot 1798 RP in D.D. 125, Ha Tsuen, Yuen Long
<u>Site Area</u>	: About 132m ²
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
<u>Zonings</u>	: “Village Type Development” (“V”) <i>[Restricted to maximum building height (BH) of 3 storeys (8.23m)]</i>
<u>Application</u>	: Proposed Temporary Shop and Services (Convenience Store) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (convenience store) 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 OZP. According to the Notes of the OZP, ‘Shop and Services’ in “V” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off and partly occupied by a vacant converted-container structure (**Plan A-4**).
- 1.2 The Site is accessible from Ping Ha Road via a local track (**Plans A-2 and A-3**) with the ingress/egress point at the eastern part of the Site. As shown on the proposed layout plan at **Drawing A-1**, a 4.5m high single-storey structure (with a floor area of 120m²) is proposed for shop and services use (convenience store). According to the applicant, the customers are mainly from nearby villages and they will come to the store on foot. No parking facility will be provided on Site. The operation hours are from 7 a.m. to 9 p.m. daily, including public holidays. The proposed layout plan and drainage plan submitted by the applicant are shown on **Drawings A-1 and A-2**.
- 1.3 The Site is involved in a previous planning application (details at paragraph 5 below).

- 1.4 In support of the application, the applicant has submitted the Application Form (received on 13.6.2022) with a drainage proposal and an estimated trip generation (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The applied use, being a Column 2 use in “V” zone, is not incompatible with the surrounding environment which are mainly occupied by village houses. It is temporary in nature and would not affect the long-term zoned use.
- (b) A previous application (No. A/HSK/205) for similar shop and services use was approved by the Board at the same site. Similar treatment is requested.
- (c) The applied use is primarily to serve the residents in the vicinity and the size of the proposed development is small.
- (d) The traffic impact of the applied use would be minimal as the Site would primarily serve the villagers in the vicinity. Given the nature of the proposed development, the environmental and drainage impacts of the applied use would be insignificant.

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 the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

The Site is involved in a previous application (No. A/HSK/205) for proposed temporary shop and services for a period of 3 years. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 17.1.2020 mainly on the considerations that the approval of the application would not jeopardize the long-term development of the site; the applied use was not incompatible with the surrounding land uses; and no adverse comments from the concerned government departments. All the approval conditions have been complied with. Compared with the last approved application, the current application is submitted by the same applicant for similar shop and services use at the same site with a smaller site area (**Plan A-2**).

6. Similar Applications

There are 19 similar applications (No. A/HSK/13, 58, 62, 97, 111, 120, 129, 130, 143, 212, 244, 248, 290, 292, 332, 335, 343, 349 and 350) for various temporary shop and services uses within the same “V” zone on the OZP in the past 5 years. All of these applications were approved by the Committee on similar considerations as mentioned in paragraph 5 above. One of these planning approvals (No. A/HSK/111) was subsequently revoked due to the non-compliance with time-limited approval conditions. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Ping Ha Road via a local track; and
- (b) currently fenced-off and partly occupied by a vacant single-storey converted-container structure.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are some village houses while to its further north across a nullah are the Ha Tsuen Rural Committee building, Ha Tsuen Soccer Pitch, a car park under valid planning permission and a toilet;
- (b) to its east across Ping Ha Road are a parking yard of container vehicles and trailers and an open storage yard of construction materials and machinery under valid planning permissions, a storage facility and 4 open storage yards for construction machinery, recycled materials, construction materials and vehicles, which are suspected unauthorized developments (UD); and
- (c) to its south and west are the residential dwellings of Greenlake Garden and Yan Wu Garden and some amenity areas.

8. Planning Intentions

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 New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

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 advisory comments in the

Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 21.6.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (convenience store) for a period of 3 years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily for development of SH by indigenous villagers. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, it could provide retail services to meet any such demand in the area. The District Lands Officer/Yuen Long, Lands Department has no objection to the application and advises that there is no SH application approved/under processing within the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site.
- 11.2 The Site is located at the fringe of Sik Kong Wai. The proposed temporary use of shops and services (convenience store) is considered not incompatible with the surrounding land use, which is predominantly occupied by village houses/residential dwellings of Sik Kong Wai.
- 11.3 There is no adverse comment from the concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application. The applied use would unlikely create significant adverse traffic, environmental, fire safety and drainage impacts to the surrounding area. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 12.2 below.
- 11.4 In addition to a previous planning approval for similar shop and services use at the Site, there are 19 similar approvals for temporary shop and services uses within the same “V” zone on the OZP (**Plan A-1**). Approval of the subject application is generally in line with the Committee’s previous decisions.
- 11.5 No public comments on the application was received during the statutory publication period.

12. Planning Department’s Views

- 12.1 Based on the assessments 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 3 years until **12.8.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted drainage 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 **12.5.2023**;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) 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 **12.2.2023**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.5.2023**;
- (e) if the above planning condition (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
- (f) if any of the above planning condition (a), (c) or (d) 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.

Advisory clauses

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

- 12.3 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 "V" zone, which is primarily for development of Small House by indigenous villagers. There is no strong planning justification 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 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 received on 13.6.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**