

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/405

- Applicant** : Chun Lik Construction Engineering Limited represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 2377 RP (Part), 2404 RP (Part), 2405 RP (Part), 2406 RP (Part), 2407 RP (Part), 2408 RP and 2409 (Part) in D.D. 124 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 2,119m² (including GL of 80m² or 3.8%)
- Land Status** : 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** : “Residential (Group A) 4” (“R(A)4”)
[Restricted to a maximum plot ratio of 5 and maximum building height of 140mPD]
- Application** : Proposed Temporary Shop and Services (Household Products and Food Retail Shop) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (household products and food retail shop) for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “R(A)4” on the OZP. According to the Notes of the OZP, ‘Shop and Services (not elsewhere specifies)’ in “R(A)” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for public vehicle park without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Hung Tin Road (**Plans A-2 and A-3**) with the ingress/egress points at the eastern part of the Site. As shown on the proposed layout plan at **Drawing A-2**, there is one single-storey temporary structure (with a total floor area of about 436m²; about 6m high) for household products and food retail shop, and an open-air inspection area for the customers to check and unpack the online ordered items. Two private vehicle parking spaces for staff and two loading / unloading spaces for light goods vehicle (LGV) are also provided within the Site. According to the applicant, the operation hours are from 9:00 a.m. to 7:00 p.m. daily including Sundays and public holidays. The vehicular access and

layout plans submitted by the applicant are at **Drawings A-1 and A-2** respectively.

1.3 The Site is involved in two previous planning applications (No. A/YL-PS/12 and A/HSK/293) approved with conditions by the Rural and New Town Planning Committee (the Committee) in 1997 and 2021 respectively (details at paragraph 6 below).

1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK293) (a)	Current Application (A/HSK/405) (b)	Difference (b) - (a)
Applied Use	Proposed Temporary Shop and Services (Household Products and Food Retail Shop) (3 Years)	Proposed Temporary Shop and Services (Household Products and Food Retail Shop) (3 Years)	--
Site Area	About 1,985m ²	About 2,119m ²	+134 m ² (+6.8%)
Total Floor Area	626m ²	436m ²	-190m ² (-30%)
No. of Structure	2 (one for retail use, another structure for receiving online orders and subsequent pick up by customers)	1 (retail use)	-1
No. of Parking Spaces	2 (private vehicles)		no change
Loading/ Unloading Spaces	2 (LGVs)		no change
Operation Hours	9:00 a.m. to 7:00 p.m. daily including Sundays and public holidays		--

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

(a) Application Form and attachments received on 23.8.2022 **(Appendix I)**

(b) Further Information (FI) received on 19.9.2022 and 21.11.2022 **(Appendices Ia & Ib)**
[exempted from publication and recounting requirements]

1.6 At the request of the applicant, the Committee on 14.10.2022 agreed to defer a decision on the application for two months so as to allow time for the applicant to submit FI 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 at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the area. It is also not incompatible with the surrounding environment.
- (b) The proposed development will only generate a daily traffic flow of about 4 trips of inbound and outbound traffic. Only LGVs will be used for transporting goods to the Site. No adverse traffic impact is envisaged.
- (c) No adverse landscape and visual impacts are anticipated.
- (d) Due to the current epidemic, the applicant could not fulfil the conditions attached to the previous planning approval under Application No. A/HSK/293 for the same applied use. The applicant pledges to comply with the approval conditions in time and to ensure the proposed development will not have adverse environmental impact on the surrounding area.

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 Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the Government land portion.

4. Background

The Site is not the subject of any current planning enforcement action.

5. Previous Applications

The Site is the subject of two previous applications (A/YL-PS/12 and A/HSK/293). Application No. A/YL-PS/12¹ for proposed comprehensive development with minor relaxation on building height is not relevant to the current application. Application No. A/HSK/293 for the same applied use submitted by the same applicant was approved with conditions by the Committee on 26.3.2021 on the considerations that the applied use would not jeopardise the long-term planning intention of the zoned use; being not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. However, the application was revoked on 26.3.2022 due to non-compliance of time-limited conditions. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

¹ The Site was zoned “Comprehensive Development Area)” on the then Ping Shan OZP No. S/YL-PS/1 at the time of consideration of the application.

6. Similar Application

There is no similar application within the same “R(A)4” zone on the OZP.

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

7.1 The Site is:

- (a) accessible from Hung Tin Road;
- (b) fenced and hard-paved; and
- (c) currently used for public vehicle park without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north is a public vehicle park under valid planning permission. To its further north across Hung Shui Kiu Tin Sam Road is Hung Fuk Estate, Hung Fuk Shopping Centre, Hung Fuk Market and a bus terminus;
- (b) to its east across Hung Tin Road is Hung Shui Kiu Vegetable Co-operative Society;
- (c) to its south is MTR Hung Shui Kiu Bus Depot; to its southwest are a storage facility and a workshop which are suspected unauthorized developments (UDs), and residential dwellings (the nearest one is being 9m away); and
- (d) to its west are an office and a retail shop which are suspected UD and a public vehicle park under valid planning permission.

8. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential developments where commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

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 Comment Received During Statutory Publication Period

On 30.8.2022, 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 raising concerns that the Site is subject to a previous planning permission which was revoked due to non-compliance with approval conditions (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (household products and food retail shop) for a period of three years at the Site zoned “R(A)4” on the OZP. The implementation programme for this part of the Hung Shui Kiu / Ha Tsuen New Development Area is still being formulated. The Project Manager (West), Civil Engineering and Development Department has no objection to the proposed temporary use at the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.
- 11.2 The proposed temporary use of shops and services (household products and food retail shop) is considered not incompatible with the surrounding land uses, which are predominantly occupied by residential dwellings, Hung Fuk Market, shopping centre, bus terminus, MTR Hung Shui Kiu Bus Depot and public vehicle parks (**Plan A-2**)
- 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 proposed use would unlikely create significant adverse traffic, environmental, fire safety and drainage impacts on the surrounding area. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 12.2 below. Besides, the applicant will 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.
- 11.4 A previous application (No. A/HSK/293) for the same use was approved by the Committee in 2021 (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 One public comment raising concern on the application was received during the statutory publication period as summarised in paragraph 10 above. Applicant stated that he will comply with all the approval conditions once the application is approved by the Committee and relevant drainage and fire service installations proposals have been also submitted in the current application. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10, 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 **13.1.2026**. The following conditions of approval and advisory clauses are also

suggested for Members' reference:

Approval conditions

- (a) the submission of the revised 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 **13.7.2023**;
- (b) in relation to (a) above, the implementation of the revised 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 **13.10.2023**;
- (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 implementation of the accepted 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 **13.10.2023**;
- (e) if the above planning condition (c) 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), (b) 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 III**.

- 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 "R(A)4" zone, which is primarily for high-density residential developments. 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 with attachments received on 23.8.2022
Appendix Ia	FI received on 19.9.2022
Appendix Ib	FI received on 21.11.2022
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2023**