

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/416

<u>Applicant</u>	: Mr. LEE Kwong Ho represented by R-riches Property Consultants Limited
<u>Site</u>	: Lot 2049 RP in D.D. 124, Tin Sam Tsuen, Hung Shui Kiu, Yuen Long, New Territories
<u>Site Area</u>	: About 1,110m 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>Zoning</u>	: “Village Type Development” (“V”) <i>[Restricted to maximum building height (BH) of 3 storeys (8.23m)]</i>
<u>Application</u>	: Temporary Shop and Services with Ancillary Office for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (convenience store, vehicle showroom and real estate agency) with ancillary office for a period of five 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 used for the applied use without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Ha Road (**Plans A-2 and A-3**) with the ingress/egress points at the eastern part of the Site. As shown on the submitted layout plan at **Drawing A-1**, there are 10 temporary structures (with a total floor area of about 916m²; including three single-storey rain shelters (3m to 3.5m in height) for parking, three two-storey structure (7m in height) as real estate agency, convenience store and ancillary office uses; and four single-storey structures (3m to 3.5m in height) for storage of goods, vehicle showroom, and shop and services with office for vehicle showroom uses. Five parking spaces for private car and one for light goods vehicle

(LGV) are also provided within the Site for staff, visitors and delivery uses. The operation hours are from 9:00 a.m. to 9:00 p.m. daily (including public holidays). The layout plan with vehicular access is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 7.10.2022 (**Appendix I**)
- (b) Supplementary Information (SI) received on 13.10.2022 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendices I and Ia**. 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 is mainly occupied by New Territories Exempted Houses (NTEHs). It is temporary in nature and would not affect the long-term zoned use.
- (b) The applied use is primarily to provide different types of daily services to nearby residents. The traffic impact of the applied use would be minimal as the Site would serve at most five private cars and one light goods vehicle for staffs, visitors and delivery uses. No dismantling, repairing, car washing, cleansing, paint-spraying or other workshop activities will be carried out at the Site.

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 any active planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is a similar application (No. A/HSK/376) for temporary shop and services and eating place with ancillary facilities within the same “V” zone on the OZP. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee)

in 2022 on the considerations that the applied use would not jeopardise the long-term planning intention of the zoned uses; being not incompatible with the surrounding areas; in line with Town Planning Board Guideline (TPB PG-No.15A); and no major adverse comments from concerned government departments. Details of the application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tin Ha Road; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are some residential dwellings of Tin Sam, a vehicle repair workshop and a refuse collection point; and to its northeast across Tin Ha Road is a warehouse which is a suspected unauthorized development (UD), a latrine and some unused land;
- (b) to its east and southeast across Tin Ha Road are vacant land, some residential dwellings, vacant land and some warehouses, car washing use and an open storage yard which are suspected UD's;
- (c) to its south are some residential dwellings; and to its southwest are some unused land, 香光精舍 (a religious institution) and a warehouse which is a suspected UD; and
- (d) to its west and northwest are residential dwellings of Tin Sam.

8. 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 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 Comment Received During Statutory Publication Period

On 14.10.2022, 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 V**) objecting to the application on the grounds that the applied use will generate environmental nuisances, pose fire safety hazards to the villagers and adversely affect their living quality.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (convenience store, vehicle showroom and real estate agency) with ancillary office for a period of five years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone which is primarily intended for the development of SH by indigenous villagers, it could provide retail services to meet any such demand in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is currently no SH application approved or under processing at the Site. Approval of the application on a temporary basis of five years would not frustrate the planning intention of the “V” zone and will not jeopardise the long-term development of the Site.
- 11.2 The applied use is not incompatible with the surrounding land uses, which mainly comprise residential dwellings of the recognized villages (**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 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 The Committee has approved a similar application (No. A/HSK/376) for temporary shop and services use in the same “V” zone in June 2022 (**Plan A-1**). Approval of the subject application is in line with the Committee’s previous decision.
- 11.5 One public comment objecting to the application was received during the statutory publication period as summarized in paragraph 10. The planning considerations and assessments in the above paragraphs 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 five years until 25.10.202725.11.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

~~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 five years until 25.11.2027. 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 25.5.2023;
- (b) in relation to (a) above, the implementation of the 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 25.8.2023;
- (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 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 25.5.2023;
- (e) in relation to (d) 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 25.5.2023 25.8.2023;
- (f) if any of 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
- (g) if any of the above planning condition (a), (b), (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.

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 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

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~~

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 7.10.2022
Appendix Ia	SI received on 13.10.2022
Appendix II	Similar Application within the same “V” zone
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo Site
Plans A-4a and A-4b	Photos

**PLANNING DEPARTMENT
 NOVEMBER 2022**