

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

**APPLICATION NO. A/HSK/463**

- Applicant** : 張玉琴女士 represented by Goldrich Planners & Surveyors Limited
- Site** : Lot 1586 (Part) in D.D. 125, San Uk Tsuen, Yuen Long, New Territories
- Site Area** : About 74m<sup>2</sup>
- 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 a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services (Tea Leaf Shop) with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (tea leaf shop) with ancillary office for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the “V” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 The Site is accessible from Tin Ha Road via a local track, and the ingress/egress point is at the southeastern part of the Site (**Plans A-2 and A-3**). According to the applicant, a temporary two-storey structure (not more than 8m high) with a floor area of 148m<sup>2</sup> for shop, storeroom and ancillary office is proposed. No parking space nor vehicular ingress/egress will be provided (**Drawing A-1**). The operation hours are from 10:00 a.m. to 6:00 p.m. from Mondays to Sundays including public holidays. The layout plan submitted by the applicant 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 31.5.2023 (**Appendix I**)
  - (b) Further Information (FI) received on 27.9.2023 (**Appendix Ia**)  
[accepted and exempted from publication and recounting requirements]

- 1.4 On 28.7.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

## **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 summarised as follows:

- (a) The proposed use is to provide tea leaves for customers' purchase. The proposed use is not incompatible with the surrounding areas which are predominantly occupied by Small Houses, shop and services and open storage uses. Similar planning applications for shop and services have been approved by the Board in the adjoining areas.
- (b) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.
- (c) No adverse traffic impact is anticipated as the Site is accessible from Tin Ha Road via a footpath and no parking space is provided. The applicant will submit a drainage proposal after the application is approved.

## **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. Background**

The Site is currently not subject to any planning enforcement action.

## **5. Previous Application**

There is no previous application covering the Site.

## **6. Similar Applications**

There are 22 similar applications for temporary shop and services uses within the subject "V" zone in the past five years. All of them were approved with conditions by the Committee between 2018 and 2023 on the considerations that the proposed/applied uses were not incompatible with the surrounding areas and no major adverse comments from concerned government departments. However, two of the planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tin Ha Road via a local track; and
- (b) currently vacant.

7.2 The surrounding areas are predominantly occupied by village houses of San Uk Tsuen intermixed with some shop and services uses, open storage yards, vehicle repair workshops, storage facility and vacant/unused land.

**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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning 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 9.6.2023, the application was published for public inspection. During 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 (tea leaf shop) with ancillary office for a period of three years at the Site zoned “V” on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, the proposal can help meet the demand for shop and services in the area. The District Lands Officer/Yuen Long, Lands Department advises that no SH application has been approved/under processing for the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone.

11.2 The proposed use is considered not incompatible with the surrounding land uses which are predominantly village houses of San Uk Tsuen, intermixed with shop and services uses, open storage yards, vehicle repair workshops and storage facility (**Plan A-2**).

- 11.3 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, have no adverse comment on the application. The proposed use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 There are 22 similar applications for shop and services uses within the subject “V” zone on the OZP (**Plan A-1**) approved by the Committee in the past five years. Approval of the current application is in line with the Committee’s previous decisions.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the proposed temporary shop and services (tea leaf shop) with ancillary office for a period of three years.
- 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 three years until **24.11.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) 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 **24.5.2024**;
- (b) in relation to (a) 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 **24.8.2024**; and
- (c) if any of the above planning condition (a) or (b) 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 proposed use is not in line planning intention of the “V” zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. 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**

<b>Appendix I</b>	Application Form received on 31.5.2023
<b>Appendix Ia</b>	FI received on 27.9.2023
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2023**