

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/466

- Applicant** : 天銘貿易發展有限公司 represented by Miss HUI Hang Yu
- Site** : Lots 1588 S.B, 1588 S.C (Part), 1588 S.D (Part), 1588 S.E (Part), 1588 RP (Part), 1715 S.B, 1715 S.C, 1715 S.D (Part), 1715 S.E (Part), 1715 S.F and 1715 S.G (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,290m²
- 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 (Grocery Store) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (grocery store) 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 OZP for “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 used for warehouse of edible oil without valid planning permission.
- 1.2 The Site is accessible from Tin Ha Road, and the ingress/egress point is at the northeastern part of the Site (**Plans A-2 and A-3**). According to the applicant, there will be six temporary single-storey structures with a total floor area of 670m² (about 3m to 6m high) for shop, electricity meter room, office, toilets and rain shelter. Two parking spaces for private cars (each of 5m x 2.5m) and two loading/unloading bays for light goods vehicles (LGVs) (each of 7m x 3.5m) will be provided (**Drawing A-1**). The proposed operation hours are from 8:00 a.m. to 8:00 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 an Application Form with

attachments received on 12.6.2023 (**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 summarised as follows:

- (a) The proposed use is to serve the demand for daily goods. The proposed use is not incompatible with the surrounding areas. 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) There will be insignificant traffic impacts arising from the proposed development.
- (d) The impacts to the environment are expected to be insignificant. The proposed development does not involve tree felling, filling of land or any workshop activities.
- (e) The proposed development will put rural land resources under good management. The applicant pledges to provide good management to the Site to avoid mosquito and dumping/littering problems.

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

- 6.1 There are 20 similar applications (No. A/HSK/97, 111, 120, 129, 130, 143, 205, 212, 244, 248, 290, 292, 332, 335, 343, 349, 350, 364, 382 and 431) for temporary shop and services use including real estate agency, interior design sample showroom and convenience store within/straddling the subject “V” zone in the past five years. All of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board 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**.

- 6.2 Application No. A/HSK/469 for renewal of planning approval for temporary shop and services (real estate agency) within the same “V” zone will be considered at the same meeting.

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

7.1 The Site is:

- (a) abutting Tin Ha Road via a local track; and
- (b) currently used for warehouse of edible oil without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast is a cluster of village houses of Ha Tsuen Shi;
- (b) to its east and southeast across Tin Ha Road are two open storage yards and some parking of vehicles which are suspected unauthorized developments (UDs), a cluster of residential dwellings and a toilet;
- (c) to its south across Tin Ha Road are a shop under valid planning permission and two open storage yards and a site for vehicle parking which are suspected UD's and some residential dwellings. To its southwest are a site for gardening and a cluster of village houses of San Uk Tsuen; and
- (d) to its west and northwest are a cluster of village houses, a village hall and 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 III and IV** respectively.

9.2 The following government department has adverse comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has grave concerns on the application since there are unauthorized building works and/or uses on Lots 1588 S.B, 1588 S.C, 1588 S.D, 1588 S.E, 1715 S.B, 1715 S.D, 1715 S.E and 1715 S.G in D.D. 125 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD;
- (b) according to his record, there are six SH applications under processing and none was approved within the Site;
- (c) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing; and
- (d) his advisory comments are at **Appendix III**.

10. Public Comment Received During Statutory Publication Period

On 20.6.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix V**) objecting to the application on the grounds that shop and services in the New Territories should be provided in a planned manner with proper drainage and fire service equipment.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (grocery store) 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. DLO/YL, LandsD advises that no SH application has been approved 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 used for village houses, residential dwellings, shop and open storage yards with some of them covered by valid planning permissions (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments including Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application. The proposed use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding area. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 12.2 below. Regarding DLO/YL, LandsD’s comments on unauthorized building

works and/or uses on Lots 1588 S.B, 1588 S.C, 1588 S.D, 1588 S.E, 1715 S.B, 1715 S.D, 1715 S.E and 1715 S.G in D.D. 125, should the application be approved, the applicant will be advised to remedy the lease breaches or to regularise any irregularities with LandsD.

- 11.4 There are 20 similar applications for temporary shop and services use including real estate agency, interior design sample showroom and convenience store within/straddling the subject “V” zone on the OZP (**Plan A-1**) between 2018 and 2023. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 A public comment objecting to the application was received during the statutory publication period as summarised in paragraph 10 above. 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 proposed temporary shop and services (grocery store) 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 **11.8.2026**. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **11.2.2024**;
- (b) in relation to (a) above, the implementation of drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **11.5.2024**;
- (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 **11.2.2024**;
- (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 **11.5.2024**; and
- (f) if the above planning condition (c) is not complied with during the planning 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 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

Appendix I	Application Form received on 12.6.2023
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**