

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/475

- Applicant** : Regent Wealthy Limited represented by R-riches Property Consultants Limited
- Site** : Lot 1580 RP (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 93m²
- 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 with Ancillary Facilities for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities for a period of five 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 office, storage and restroom without valid planning permission.
- 1.2 The Site is accessible from Tin Ha Road, and the ingress/egress point is at the southern part of the Site (**Plans A-2 and A-3**). According to the applicant, there will be three temporary structures with a total floor area of 99m² (one to two storeys, about 3m to 6m high) for shop and services, office and washroom uses. No parking space will be provided at the Site (**Drawing A-2**). The proposed operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Sundays including public holidays. The location plan and layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (Appendix I)
30.6.2023
- (b) Further Information (FI) received on 14.8.2023 (Appendix Ia)
[accepted and exempted from publication and recounting requirements]

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 and Ia**. They can be summarised as follows:

- (a) The proposed use is to provide real estate services to serve the nearby residents and business operators. 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. No parking spaces and loading/unloading bays will be provided at the Site. The Site is accessible via footpath.
- (d) The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental impact.

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 Application

There is a similar application (No. A/HSK/425) for proposed temporary shop and services for a period of five years within the subject “V” zone in the past five years. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 13.1.2023 on the considerations that the

proposed use was not incompatible with the surrounding areas and no major adverse comments from concerned government departments. Details of this 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 A-4b)

7.1 The Site is:

- (a) abutting Tin Ha Road which can be accessed via a local track; and
- (b) currently used for office, storage and restroom without valid planning permission.

7.2 The surrounding areas are predominately occupied by vehicle workshops, open storage yards, storage facilities, shops, residential dwellings and a cluster of village houses in San Uk Tsuen.

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 Lot 1580 RP 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, no SH application approved/under processing 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 IV**.

10. Public Comment Received During Statutory Publication Period

On 7.7.2023, 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 with ancillary facilities for a period of five 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 real estate agency service in the area. DLO/YL, LandsD advises that no SH application has been approved or under processing at the Site. In this regard, approval of the application on a temporary basis of five 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, vehicle workshop and open storage yards with some of them covered by valid planning permissions (**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. Regarding DLO/YL, LandsD’s comments on unauthorized building works and/or uses on Lot 1580 RP in D.D. 125, should the application be approved, the applicant will be advised to remedy the lease breaches or to regularise any irregularities at the Site with LandsD.
- 11.4 While there is no previous application at the Site, there is a similar application approved by the Committee in 2023 for proposed temporary shop and services within the subject “V” zone on the OZP (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decision.

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 with ancillary facilities for a period of five 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 five years until **25.8.2028**. 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 **25.2.2024**;
- (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 **25.5.2024**;
- (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 **25.2.2024**;
- (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 **25.5.2024**; 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 30.6.2023
Appendix Ia	FI received on 14.8.2023
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	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**