

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/514

- Applicants** : Messrs. Li Kin Sun, Lee Kin Chung and Lee Kin Hong represented by Metro Planning & Development Company Limited
- Site** : Lot 1315 RP (Part) in D.D. 124 and Adjoining Government Land (GL), San Sang San Tsuen, Yuen Long, New Territories
- Site Area** : About 330 m² (includes GL of about 25 m² or 7.58%)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Open Space” (“O”)
- Application** : Renewal of Planning Approval for Temporary Shop and Services (Fresh Provision Shop) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek renewal of planning approval to continue using the application site (the Site) for temporary shop and services (fresh provision shop) for a further period of three years (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ in “O” 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 with valid planning permission until 6.7.2024.
- 1.2 The Site is accessible from Tin Ha Road via a local track and the ingress/egress point is at its east (**Drawing A-1 and Plan A-2**). According to the applicants, the applied use comprises one single-storey temporary open-shed structure (not exceeding 6.5m in height) as fresh provision shop with three sub-structures underneath with a total floor area of about 310m². A loading/unloading bay for light goods vehicle is provided at the Site. The operation hours are from 9:00 a.m. to 8:00 p.m. daily including Sundays and public holidays. The location plan with vehicular access, proposed layout plan, as-built drainage plan and fire service installations (FSIs) plan submitted by the applicants are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is subject to two previous applications for the same applied use which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively (**Plan A-1**) (details at paragraph 6 below). Compared with the last previous application No. A/HSK/300, the current application

is submitted by the same applicants for the same applied use at the same site, with the same development parameters and layout.

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 8.4.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 9.4.2024 (Appendix Ia)
- (c) Further Information (FI) received on 18.4.2024* (Appendix Ib)

**Accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form with attachments at **Appendix I**. They can be summarised as follows:

- (a) the applied use is temporary in nature which would not jeopardise the long-term planning intention of the “O” zone;
- (b) the applied use and development parameters of the current application are the same as the previous application No. A/HSK/300. All the approval conditions of the last previous application have been complied with;
- (c) the Site is subject to two planning permissions since 2018 and there are similar applications approved in the surroundings; and
- (d) the applied use is not incompatible with the surrounding environment and the shop would benefit the residents in the vicinity by providing fresh provision. The applied use has minimal environmental, traffic and drainage impacts to the surrounding areas.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are also relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in two previous applications (No. A/HSK/51 and 300) for the same applied use. They were approved by the Committee for a period of three years in 2018 and 2021 respectively mainly on considerations that temporary use would not frustrate the long term planning intention for the site; the applied use was not incompatible with the surrounding uses and no adverse comments from concerned Government departments. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 The last application No. A/HSK/300 was approved with conditions by the Committee on 14.5.2021 with validity up to 6.7.2024. All time-limited approval conditions have been complied with.

7. Similar Applications

There are four similar applications (No. A/HSK/301, 351, 422 and 442) for temporary shop and services use within/partly within the same “O” zone in the past five years. All of them were approved with conditions by the Committee between 2021 and 2023 based on similar considerations as mentioned in paragraph 6.1 above. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) fenced, hard-paved and occupied by the applied use with valid planning permission; and
 - (b) accessible from Tin Ha Road via a local track.
- 8.2 The surrounding areas are predominantly occupied by warehouses, storage/open storage yards, shop and services, rural workshops and parking of vehicles intermixed with unused land and residential dwellings. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government departments as set out in paragraph 10.2 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 IV** and **V** respectively.
- 10.2 The following government department has adverse comment on the application.

Land Administration

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

- (a) he has reservation on the application since there is unauthorized structure(s) on the private Lot 1315 RP in D.D. 124 which is already subject to lease enforcement actions according to case priority. The lot owner should apply for regularisation of the lease breaches as demanded by LandsD;
- (b) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing; and
- (c) his advisory comments are at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 12.4.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary shop and services (fresh provision shop) for a period of three years at the Site zoned “O” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “O” zone, the Director of Leisure and Cultural Services and the Project Manager (West), Civil Engineering and Development Department have no adverse comment on the application. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Notwithstanding this, 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.
- 12.2 The applied use is generally not incompatible with the surrounding land uses which are predominantly occupied by warehouses, storage/open storage yards, shop and services, rural workshops and parking of vehicles (**Plan A-2**).
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval; all the time-limited conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/ no adverse comment on the application from environmental, traffic, drainage and fire safety perspectives respectively. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2

below.

- 12.5 DLO/YL, LandsD has reservation on the application as there is unauthorized structure(s) at the Site which is already subject to lease enforcement actions. In this regard, the applicants will be advised to regularise the lease breaches with LandsD should this application be approved.
- 12.6 Two previous approvals had been granted in 2018 and 2021 for the same applied use, and there are four similar approvals within/partly within the subject “O” zone in the past five years. Approval of the current application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the renewal of planning approval for temporary shop and services (fresh provision shop) for a further period of three years.
- 13.2 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 **from 7.7.2024 to 6.7.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.10.2024**;
- (d) if any of the above planning condition (a) or (b) 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
- (e) if the above planning condition (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

[Approval conditions (a), (b) and (c) are the same as those under the permission for application No. A/HSK/300; and the restrictions on queuing back and reversing of vehicles onto public road and operation hours have been removed as per the latest practice.]

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 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.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. Attachments

Appendix I	Application Form with attachments received on 8.4.2024
Appendix Ia	SI received on 9.4.2024
Appendix Ib	FI received on 18.4.2024
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**