

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

**APPLICATION NO. A/I-MWF/33**

- Applicants** : Mr. YUEN Oi Chi and Mr. YUEN Chit Chi represented by Participatory Professional Services Limited
- Site** : Remaining Portion of Lot 563 (Part) in D.D. 4 MW, Mui Wo, Lantau
- Site Area** : 15m<sup>2</sup> (about)
- Lease** : New Grant Lot No. 1608 (for agricultural purpose only)
- Plan** : Approved Mui Wo Fringe Outline Zoning Plan (OZP) No. S/I-MWF/10
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Shop and Services (Food Kiosk) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for proposed temporary shop and services use (food kiosk) for a period of three years at the application site (the Site) which falls within an area zoned “REC” on the approved Mui Wo Fringe OZP No. S/I-MWF/10 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ use in the “REC” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by a single-storey converted container.
- 1.2 The proposed food kiosk will be accommodated in the converted container within an existing active farm which is an always permitted use in the “REC” zone (**Plans A-4a and A-4b**). According to the applicants’ proposal, the container will have a total gross floor area (GFA) of about 15m<sup>2</sup> and a height of 2.59m. The proposed food kiosk will serve the farm and the nearby hobby farm users by selling snacks, light refreshments and beverages. The operation hours are from 9:00 a.m. to 8:00 p.m. daily (including public holidays). The Site is accessible via a local track connecting to Ngan Kwong Wan Road (**Plan A-2**) and emergency vehicles can gain access to the Site in case of emergency. No car parking spaces will be provided. No filling of land/pond will be involved. A location plan, site plan and site photos submitted by the applicants are shown on **Drawings A-1 and A-2**.
- 1.3 In support of the application, the applicants have submitted the following documents:
- (a) Application form received on 22.8.2022 (**Appendix I**)
  - (b) Letter dated 12.7.2022 together with Planning Statement (**Appendix Ia**)

- (c) Further Information (FI) received on 27.9.2022\*  
*\* accepted and exempted from publication and  
recounting requirements*

**(Appendix Ib)**

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Section 6 of the Planning Statement and FI at **Appendices Ia** and **Ib** and summarised as follows:

- (a) the proposed use will provide snacks, light refreshments and beverages to encourage farming activities in the surrounding areas and thus is in line with the planning intention of the “REC” zone;
- (b) the proposed use is small in scale and is a separate operation from the Mui Wo Lychee Hill Holiday Farm (**Plan A-2**). It will adhere to current environmental protection practices and guidelines and would not result in adverse environmental impacts on the surrounding areas;
- (c) there is no food and beverages provision in the immediate vicinity and the closest selling spot is in Silver View Centre (**Plan A-2**) which is about 300m away from the Site. The proposed use could bring convenience to the farm and the nearby hobby farm users;
- (d) the proposed use would facilitate better utilisation of the vacant land; and
- (e) the proposed use will not set an undesirable precedent as it is in support of the farm and the nearby hobby farm.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is currently not subject to planning enforcement action.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Application**

There is no similar application for temporary shop and services within the “REC” zone on the same OZP.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4a and A-4b)**

**7.1 The Site is:**

- (a) formed, paved and occupied by a single-storey converted container; and
- (b) accessible via a local track connecting to Ngan Kwong Wan Road (**Plan A-2**).

**7.2 The surrounding areas have the following characteristics:**

- (a) surrounding the Site is a farm at Lot 563 RP which is shielded by fencing and planted with vegetation along the perimeter;
- (b) to the immediate south is a pond and the Mui Wo Lychee Hill Holiday Farm;
- (c) to the northwest and southwest are mainly farms, ponds and some fallow agricultural land;
- (d) to the northeast and southeast are vacant/unused land and woodland; and
- (e) to the further north are Ngan Wan Estate, Ngan Ho Court, Mui Wo Fire Station and Silver View Centre (**Plans A-2, A-3 and A-4a**).

**8. Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

**9. Comments from Relevant Government Departments**

All departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices II and III** respectively.

**10. Public Comment Received During Statutory Publication Period**

On 30.8.2022, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual, objecting to the application on environmental concerns, including noise, air, sewage and ecological impacts on the surrounding areas (**Appendix IV**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services use (food kiosk) for a period of three years in an area zoned “REC” on the OZP. The planning intention of “REC” zone is primarily for recreational developments for the use of the general public and development of active and/or passive recreation and tourism/eco-tourism. Although the proposed use is not entirely in line with the planning intention of the “REC” zone, the proposal can serve the users/visitors of the farms and the nearby hobby farm in the surrounding areas. As the proposed use is on a temporary basis for three years and there is no known development proposal for recreational use at the Site, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “REC” zone.
- 11.2 The proposed food kiosk involving a single-storey structure with a total GFA of about 15m<sup>2</sup> and a height of 2.59m, which is small in scale and is considered not incompatible with the surrounding rural character comprising farms/hobby farm, ponds, woodland and some fallow agricultural land. No filling of land/pond will be involved. Significant adverse environmental, drainage, sewerage and traffic impacts on the surrounding areas generated from the proposed use are not anticipated. Relevant government departments including the Director of Food and Environmental Hygiene, Director of Environment, Chief Engineer/Hong Kong & Islands, Drainage Services Department and Commissioner for Transport have no objection to or no adverse comment on the application on technical aspects. The technical requirements of the Director of Fire Services could be addressed by incorporation of approval conditions in paragraphs 12.2 (a) and (b).
- 11.3 Regarding the public comment objecting to the application as detailed in paragraph 10, the government departments’ comments and planning assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, 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 3 years until 14.10.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) the submission of a proposal for fire service installations (FSIs) and water supplies for fire-fighting 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 14.4.2023;
- (b) in relation to (a) above, the implementation of FSIs and water supplies for fire-fighting within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.7.2023; and

- (c) if any of the above planning condition (a) or (b) 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.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix III**.

- 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 with the planning intention of the "Recreation" zone which is primarily for recreation developments for the use of the general public and encourage the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the current 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 the 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 applicants.

### **14. Attachments**

<b>Appendix I</b>	Application Form received on 22.8.2022
<b>Appendix Ia</b>	Letter dated 12.7.2022 together with Planning Statement
<b>Appendix Ib</b>	FI received on 27.9.2022
<b>Appendix II</b>	Government departments' general comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Appendix IV</b>	Public comment
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Plan with Site Photos
<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