

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

**APPLICATION NO. A/I-TCV/20**

- Applicants** : 長盛興業有限公司 represented by M&D Planning and Surveyors Consultant Limited
- Site** : Lots 1386 R.P., 1387 and 1395 R.P. in D.D.1 TC, Tung Chung Valley, Lantau Island
- Site Area** : About 695.48m<sup>2</sup>
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tung Chung Valley Outline Zoning Plan No. S/I-TCV/2
- Zonings** : “Village Type Development”  
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services (Vegetable and Grocery Store) with Ancillary Office and Storage Use for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (vegetable and grocery store) with ancillary office and storage use for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “Village Type Development” (“V”) on the approved Tung Chung Valley Outline Zoning Plan No. S/I-TCV/2 (the OZP). According to the Notes of the OZP, ‘Shop and Services’ use is a Column 2 use within “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently paved and vacant.
- 1.2 According to the applicant’s proposal, part of the Site (about 424.4m<sup>2</sup>) will be covered by containers and metal frame shelters which will be used for retail of vegetables and groceries, vegetable storage, office, staff room and portable toilet. All structures are of one storey with heights ranging from 2.62m to 5m. A septic tank and soakaway system is proposed at the southwestern part of the Site. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 According to the applicant, the proposed operation hours would be from 8:00 a.m. to 6:00 p.m. daily (including public holidays). While no car parking or loading/unloading space will be provided and no vehicles would be allowed to enter the Site, vegetables and groceries will be unloaded at the public carpark in Mun Tung Estate (about 500m from the Site) and transported to the Site via trolleys (**Plan A-1**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 23.8.2022 (Appendix I)
  - (b) Further Information (FI) received on 19.9.2022<sup>#</sup> (Appendix Ia)
  - (c) FI received on 27.9.2022<sup>#</sup> (Appendix Ib)
- <sup>#</sup> *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 **Appendices I, Ia and Ib** and summarised as follows:

- (a) as the land at the current temporary shop and services for retail of vegetables and groceries approved under application No. A/I-TCV/17 will be acquired for residential development by end of 2022 (**Plan A-1**), the current operators have to find another location to run their business. Should the subject application be approved, the applicant will lease the Site to the current operators of application No. A/I-TCV/17 with rent concession to continue their business at a better location to serve the needs of villagers in Shek Lau Po, Wong Ka Wai and Lung Tseng Tau;
- (b) as the operators will not have to pay expensive rents for a shop in shopping mall, they could sell their food/goods to local villagers at a more economical price;
- (c) the nature of the proposed uses and the layout of the development are compatible with the surrounding environment. There would be no adverse impact on the local environment and character;
- (d) vegetables and groceries would be transported by trolleys to the Site upon unloading at the public carpark in Mun Tung Estate. Hence, no vehicles would be required for access to the Site or its adjacent area for loading/unloading. The operation would not cause adverse traffic impact. Loudspeakers would not be used in order to minimise noise impacts on the surroundings;
- (e) septic tank and soakaway system would be provided within the Site to handle wastewater generated from the business at the Site. Adverse sewerage impacts would not be caused; and

- (f) fire service installations would be provided at the Site and hence firefighting would not be affected.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Background**

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

### 5. **Previous Application**

There is no previous application at the Site.

### 6. **Similar Application**

There is one similar application (No. A/I-TCV/17) with a site area of about 231.08m<sup>2</sup> for temporary shop and services (vegetable and grocery store) with ancillary office and storage uses for a period of three years partly within “V” zone (about 70%) and partly “Residential (Group C)2” zone (about 30%), which was approved with conditions by the Rural and New Town Planning Committee (Committee) of the Board on 26.2.2021 (**Appendix II**) mainly on the considerations that approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the area; and the applied use would not cause adverse environmental, visual and landscape impacts were not anticipated. Its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tung Chung Road via an informal local track to its east; and
- (b) currently paved and vacant.

7.2 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) the Site is located within a rural area with a mixture of uses including village houses, orchard, containers and containers storage, open storage, vehicle parking areas, temporary works areas and vacant land;
- (b) to the east and northeast is the planned Road L29 which is currently under construction;

- (c) a cluster of village houses within Shek Lau Po Village is located about 30m to its further south and southeast, whereas the village clusters of Wong Ka Wai and Lung Tseng Tau are located at about 400m to 500m to its further northeast (**Plan A-1**); and
- (d) Mun Tung Market within Mun Tung Estate is located about 370m to the northeast of the Site.

## **8. Planning Intention**

The planning intention of “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 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 Board.

## **9. Comments from Relevant Government Departments**

All government 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 30.8.2022, the application was published for public inspection. During the first three weeks of 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 (vegetable and grocery store) with ancillary office and storage use for a period of three years within an area zoned “V” on the TCV OZP. The applicant will lease the Site to the current operators of the temporary vegetable and grocery store approved under application No. A/I-TCV/17 to continue their business at a better location to provide retail of vegetable and groceries for local villagers of Shek Lau Po, Wong Ka Wai and Lung Tseng Tau. Although the proposed use is not entirely in line with the planning intention of “V” zone, it is considered not incompatible with the surrounding environment and land uses. It could serve the needs of local villagers and residential neighbourhood by providing a

convenient retail outlet for vegetables and grocery. According to the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD), there is no outstanding or approved Small House application at the Site which would be affected by the applied use. As such, approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the area.

- 11.2 The Site is situated within a rural area with a mixture of land uses including container storage, open storage and village houses in Shek Lau Po. No existing tree is found within the Site. According to the applicant's proposal, all proposed temporary structures are one storey in height (2.62m to 5m) which would be provided for retail and ancillary office and storage uses. In this regard, the Chief Town Planner/Urban Design & Landscape, Planning Department advises that significant adverse visual and landscape impacts are not anticipated.
- 11.3 According to the applicant's proposal, whilst there is no public sewer connection available in the vicinity of the Site, septic tank and soakaway system would be provided within the Site in accordance with ProPECC PN 5/93 to handle the wastewater generated from the proposed uses. Portable toilets would also be provided. Besides, trolleys would be used for transporting vegetables and groceries to the Site upon unloading at the public carpark in Mun Tung Estate and no goods vehicles would be required for unloading and delivery of goods at the Site. Relevant government departments including the Director of Environment Protection, Director of Agriculture, Conservation and Fisheries, and Commissioner for Transport have no adverse comment on the application from the environmental and traffic perspectives. Other government departments also have no objection to/adverse comment on the application.
- 11.4 There is a similar application (No. A/I-TCV/17) for the same temporary uses partly within the same "V" zone, which was approved with conditions by the Committee on 26.2.2021. Approval of the current application is in line with the previous decision of the Committee.
- 11.5 No public comment on the application was received.

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

- 12.1 Based on the assessments made in paragraph 11, 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 three 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 drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Board by **14.4.2023**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Board by **14.7.2022**;
- (c) in relation to (b) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (d) the submission of a fire service installations and water supplies proposal for firefighting within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Board by **14.4.2023**;
- (e) in relation to (d) above, the implementation of the fire service installations and water supplies proposal for firefighting within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Board by **14.7.2023**;
- (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 specified date, the planning 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 with the planning intention of "V" zone which is primarily for development of Small Houses by indigenous villagers. 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 conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.
- 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 23.8.2022
<b>Appendix Ia</b>	FI received on 19.9.2022
<b>Appendix Ib</b>	FI received on 27.9.2022
<b>Appendix II</b>	Similar s.16 Application for Temporary Shop and Service wholly/partly within “Village Type Development” Zone in the vicinity of the Application Site
<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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2022**