

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

**APPLICATIONS NO. A/NE-LCW/5 AND 6**

- Applicant** : The Hong Kong Countryside Foundation Limited represented by KC Surveyors Limited
- Premises** : Ground Floor, 153 and 155 Lai Chi Wo Village (Portion), Taxlord Lot 232 (Part) and Lot 233 (Part) in D.D. 145, Sha Tau Kok, New Territories (Application No. A/NE-LCW/5)
- Ground Floor, 93 Lai Chi Wo Village, Lot 282 (Part) in D.D. 145, Sha Tau Kok, New Territories (Application No. A/NE-LCW/6)
- Total Floor Area of the Premises** : About 66.4 m<sup>2</sup> (Application No. A/NE-LCW/5)
- About 36.2 m<sup>2</sup> (Application No. A/NE-LCW/6)
- Land Status** : Block Government Lease (demised for house use)
- Plan** : Approved Lai Chi Wo, Siu Tan, Sam A Tsuen Outline Zoning Plan (OZP) No. S/NE-LCW/2
- Zoning** : “Village Type Development” (“V”)  
[maximum building height of 3 storeys (8.23m), or the height of the existing building, whichever is the greater]
- Application** : Proposed Shop and Services

**1. The Proposals**

- 1.1 The applicant seeks planning permission for proposed shop and services on ground floor of 153 and 155 Lai Chi Wo Village (portion) (Application No. A/NE-LCW/5) and ground Floor of 93 Lai Chi Wo Village (Application No. A/NE-LCW/6) (the Premises). According to the Notes of the OZP, ‘Shop and Services’ use other than those located on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use within “V” zone which requires planning permission from the Town Planning Board (the Board). According to District Lands Officer/North, Lands Department (DLO/N, LandsD), the subject buildings are not NTEHs. The Premises are currently for domestic use.

- 1.2 The Premises occupy the ground floor of two existing two-storey village houses and major development parameters of the applications are summarized as follows:

	<b>A/NE-LCW/5</b>	<b>A/NE-LCW/6</b>
<b>Gross Floor Area</b>	66.4 m <sup>2</sup>	36.3 m <sup>2</sup>
<b>Involved Uses</b>	Toilet, store rooms and kitchen	Toilet and kitchen
<b>Operation Hours</b>	11:00 a.m. to 3:00 p.m. on Saturdays, Sundays and public holidays	

- 1.3 According to the applicant, the proposed use would provide catering services without seating accommodation and mainly focuses on serving visitors and villagers. Traditional Hakka style cooked food would be prepared and sold as take-away.
- 1.4 The applicant advises that existing septic tank and soakaway pit system would be used for drainage and sewage disposal. Septic tank, drainage system and fire services installations would be upgraded subject to Food and Environmental Hygiene Department (FEHD)'s licensing requirements. Should the applications be approved, the applicant will assist future operators to apply for relevant food business licence. The floor plans submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.5 In support of the applications, the applicant has submitted the following documents:
- (a) Application forms received on 11.7.2022 (Appendices Ia and Ib)
  - (b) Supplementary information (SI) received on 8.8.2022 (Appendices Ic and Id)
  - (c) Further information (FI) received on 29.8.2022 (Appendices Ie and If) providing responses to public comments
  - (d) FI received on 1.9.2022 clarifying the (Appendix Ig) proposed use

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the applications are detailed in the application forms, SI and FI (**Appendices Ia to Ig**) and summarized as follows:

- (a) the Government calls for adopting a flexible approach in supporting and promoting the revitalization of remote rural areas in the Policy Address 2015 and 2017. The

current projects are in response to the initiative and serve as showcases of how food business licensing at rural community could be achieved;

- (b) the current projects are related to a feasibility study of licensed food business in remote old villages funded by the Countryside Conservation Funding Scheme (CCFS) commissioned by the Countryside Conservation Office (CCO) under the Environmental Protection Department (EPD) as an initiative for revitalization of remote rural areas;
- (c) the proposals are compatible with the surrounding areas which is rural and natural in character. They also complements with the operation of guesthouses in Lai Chi Wo Village to benefit the revitalization of the village;
- (d) the proposed use does not deviate from the planning intention of the “V” zone as the current proposals are serving commercial and community needs of Lai Chi Wo villagers and in support of other revitalization initiatives in Lai Chi Wo Village;
- (e) the proposed food business would be operated in accordance with the Public Health and Municipal Services Ordinance (Cap.132) and other relevant legislations. The applicant will assist future operators to apply the relevant licence upon granting of planning permission;
- (f) the proposal would not result in adverse environmental, drainage and sewerage impacts; and
- (g) the applicant received positive feedback and support from some local villagers.

### **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 taking reasonable steps to posting site notice within the application sites and sending notice to the Sha Tau Kok District Rural Committee by local registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

- 4.1 Following the announcement in the 2017 Policy Address, CCO was established under EPD to protect the natural ecology of the remote countryside, revitalize the architectural environment of villages and conserve cultural as well as heritage resources. Countryside revitalization in Lai Chi Wo is identified as one of the priority areas of the CCO. The Government has deployed funding to provide

financial support to local non-profit-making organizations and villagers through the CCFS for organizing diverse and innovative conservation activities or projects in the remote countryside based on an interactive and co-operative approach. Currently, there are a number of CCFS funded projects in Lai Chi Wo for nature conservation, restoration of built heritage, cultural rehabilitation/revitalization and countryside conservation and revitalization.

- 4.2 Two applications No. A/NE-LCW/2 and 3 for holiday houses in support of the village revitalization project, namely Hakka Life Experience Village@Lai Chi Wo (HLEV@LCW) Project, were approved on by the Committee on 11.8.2017 and 1.2.2019 respectively. The HLEV@LCW Project is a Chief Executive's Community Project sponsored by the Hong Kong Jockey Club under the policy support of Environment Bureau to revitalize the ecological, architectural and cultural environment in Lai Chi Wo. Under this project, a total of 25 village houses have been selected for the proposed restoration for holiday houses use. Among which, 11 of them have already obtained the relevant licences and are operating as holiday houses.

## 5. **Previous Application**

There is no previous application at the Premises.

## 6. **Similar Application**

There is no similar application within the same "V" zone.

## 7. **The Premises and Its Surrounding Areas** (Plans A-1 and A-2 and photos on Plans A-3, A-4a to A-4e)

7.1 The Premises are:

- (a) located on ground floor of two existing two-storey houses which are currently used for residential purpose (**Plans A-4c and A-4e**);
- (b) located within the village cluster of Lai Chi Wo Village, which is a typical Hakka walled village comprising about 210 houses with the majority in traditional style (one to two storey(s) with pitched roof) (**Plans A-3 and A-4a**);
- (c) accessible via a concrete paved footpath (about 1.3m to 2m wide) within a walking distance of around 500m from the pier to its northeast (**Plans A-1 and A-4b**); and

(d) other existing village houses in the vicinity are mainly for domestic purposes with some of them being abandoned and became ruins.

- 7.2 The surrounding areas are predominantly rural in character and are rich of natural, cultural heritage and recreation/tourism-related resources (e.g. Lai Chi Wo Nature Trail), which render the Lai Chi Wo area a popular destination for hikers and tourists. In a wider context, the Lai Chi Wo area is surrounded by the Plover Cove Country Park (which also partly falls within the Hong Kong UNESCO Global Geopark) (**Plan A-1**).
- 7.3 The Lai Chi Wo area is only accessible by boat via a small pier to its northeast, and by hiking the country trails leading from Wu Kau Tang and Luk Keng. The public ferry from Ma Liu Shui provides a round trip service on Sundays and public holidays. There is also a pilot scheme for water bus travelling from Sam Mun Tsai to Lai Chi Wo and nearby villages on Tuesdays and Thursdays.

## **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

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

- 9.1 The following government departments have been consulted and their views on the application are summarized as follows:.

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) no specific comment on the applications from land lease point of view ;
- (b) the application sites are held under Block Government Lease demised for house use;

- (c) according to the aerial photos, the occupations on the application sites were clearly identified in 1952. The existing buildings are not NTEH; and
- (d) it is noted that the existing septic tank and soakage pit system would be upgraded if required. The applicant should note that any sewage works should meet the current health requirements.

### **Environmental and Countryside Revitalization**

#### 9.1.2 Comments of the Director of Environmental Protection (DEP):

- (a) no comment on the applications from environmental planning perspective;
- (b) Lai Chi Wo is currently not served by public sewers. The applicant should design, construct and maintain the septic tank and soakaway systems in accordance with the relevant requirements of Professional Persons Environmental Consultative Committee Practice Notes no. 5/93 and Guidance Notes on Discharge from Village House issued by Environmental Protection Department (EPD); and
- (c) the applicant is advised to control the oily fume and cooking odour emissions from the shop. The applicant should follow “Control of Oily Fume and Cooking Odour from Restaurant and Food Business” issued by EPD and meet the statutory requirements under relevant pollution control ordinances.

#### 9.1.3 Comments of the Head of CCO, EPD:

- (a) he supports the applications from the perspective of countryside conservation and revitalization; and
- (b) the applications are related to a feasibility study of licensed food business under the current administrative framework in the setting of the remote countryside funded by the CCFS.

### **Drainage**

#### 9.1.4 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the applications from the public drainage viewpoint;
- (b) the application sites are in an area where no public sewerage connection is available;
- (c) should the applications be approved, a condition requiring the submission and implementation of drainage proposal should be imposed to ensure that the proposed use will not cause adverse drainage impact to the adjacent area; and
- (d) the applicant is advised to take note of the general requirements on the drainage proposal as stated in **Appendix III**.

### **Food and Environment Hygiene**

#### 9.1.5 Comments of Director of Food and Environmental Hygiene (DEFH):

- (a) no FEHD facilities will be affected;
- (b) proper licence / permit issued by this Department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence should be obtained from this department for food business which involves the preparation of food for sale for human consumption off the premises. The application for food business licences under Cap.132, if acceptable by FEHD, will be referred to relevant government departments for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements; and
- (c) his advisory comments are at **Appendix III**.

### **Fire Safety**

#### 9.1.6 Comments of the Director of Fire Services (DFS):

- (a) he has no in-principle objection to the applications subject to the fire service installations and water supplies for firefighting being

provided to the satisfaction of his Department; and

- (b) detailed fire services requirements will be formulated upon referral from relevant licensing authority. In addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department.

### **Building Matters**

9.1.7 Comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) he has no objection to the application;
- (b) there is no record of approval by the Building Authority for the buildings/structures existing at the application sites and BD is not in a position to offer comments on their suitability for the use related to the applications; and
- (c) his advisory comments are at **Appendix III**.

### **District Officer's Comments**

9.1.8 Comments of the District Officer (North), HAD (DO(N), HAD):

DO(N), HAD consulted the locals from 21.7.2022 to 4.8.2022. The Chairman of the Sha Tau Kok District Rural Committee, the incumbent North District member, the Chairman of Lung Shan Area Committee and the Indigenous Inhabitant Representative (IIR) of Lai Chi Wo had no comment.

9.2 The following government departments have no comment on the applications:

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/ New Territories West, Highways Department (CHE/NTW, HyD);
- (c) Chief Engineer/ Construction, Water Supplies Department (CE/C, WSD); and
- (d) Director of Agriculture, Fisheries and Conservation (DAFC).



## 10. **Public Comments Received During Statutory Publication Period (Appendix II)**

- 10.1 On 19.7.2022, the applications were published for public inspection. During the statutory public inspection period, a total of 42 (for Application No. A/NE-LCW/5) and 35 (for Application No. A/NE-LCW/6) public comments were received respectively. A full set of public comments will be deposited at the meeting for the Members' inspection.

### *Supporting Comments*

- 10.2 33 supporting comments in respect of both applications were received from Heung Yee Kuk (**Appendix II-1**), IIRs of Lai Chi Wo Village (**Appendices II-2 to 3**), IIR of Mui Tsz Lam Village (**Appendix II-4**), Lai Chi Wo villagers and individuals (largely based on three sets of standard template with extracts at **Appendices II-5 to 9**) mainly for reasons that the proposed uses serve as a pilot scheme for establishing food business in and facilitates sustainable development of remote villages and bring in economic benefit to the village.

### *Objecting Comments*

- 10.3 For Application No. A/NE-LCW/5, seven objecting comments (one was in the form of petition letter with eleven names, Appendix II-10 and other relevant extracts at **Appendices II-11 to 14**) were received from Lai Chi Wo villagers and individuals. Six villagers claiming to be the beneficiaries of Wong Hi Fung Tso (the Tsz Tong is located on Lot 233 of D.D.145<sup>1</sup>) object to the application for reasons that Lot 233 of D.D.145 is occupied by the Tsz Tong to the north of the application site where they perform worshipping ceremonies of their ancestors; the proposed use is considered disrespectful to the ancestors; the applicant did not inform/notify all stakeholders on the application; and the proposed use would induce adverse environmental pollution, drainage and fire safety impacts. An individual (**Appendix II-15**) objects to the application and suggests to provide small-scale retail shops and eating places at the vacant land in front of the Hip Tin Temple and public toilet, and traditional style houses within the village can be used for hostels.
- 10.4 A villager objects both applications (No. A/NE-LCW/5 and 6) (**Appendices II-16 to 17**) on the grounds of setting an undesirable precedent for other land owners as the applicant has not obtained written consent before making the planning applications.

<sup>1</sup> The Tsz Tong is located within Lot 233, but not within the application site of A/NE-LCW/5 (**Plan A-2** and photo 8 of **Plan A-4d**)

Others

- 10.5 One individual (**Appendices II-18 to 19**) indicated no comment on both applications.

**11. Planning Considerations and Assessments**

- 11.1 The applicant seeks planning permissions for proposed shop and services at the Premises falling within the “V” zone, which is primarily intended for development of Small Houses by indigenous villagers. 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 NTEH. Although the buildings of which the two Premises are located are not regarded as NTEHs within which the provision of ‘Shop and Services’ on G/F is always permitted, they are in the form of typical village houses. The proposed use at the Premises is considered not in conflict with the planning intention of allowing relevant commercial uses on G/F of village houses to serve the needs of the villagers. Besides, the applicant claims that the applications are related to a feasibility study of licensed food business in remote old village funded by the CCFS as an initiative for revitalization of remote rural area and would serve as the showcases of how food business licensing in rural community could be achieved. CCO of EPD supports the applications. The applications are considered in line with the government’s initiatives of remote countryside revitalization. Lai Chi Wo area is rich in natural, cultural heritage and recreation/tourism-related resources, which render it a popular destination for hikers and tourists. It is expected that the proposed use could help provide catering services to serve visitors and tourists.
- 11.2 The Premises fall within the village cluster of Lai Chi Wo Village. The proposed use is considered not incompatible with the surrounding areas which are rural in character and predominated by typical Hakka village houses. According to the applicant, no seating accommodation would be provided at the Premises, and traditional Hakka style cooked food would be sold as take-away to serve nearby residents and visitors. Minor upgrading works in drainage, sewerage and fire safety aspects at the Premises may be required to meet relevant licensing requirements.
- 11.3 Given the small scale of the proposed use, it is expected that there would be no adverse impacts on environmental, traffic, drainage, sewerage or fire safety aspects. Relevant government departments consulted including DEP, C for T, CE/MN of DSD, D of FS and DFEH have no objection to or no adverse comments on the applications. The proposed use will also be subject to regulatory controls imposed by the licensing authority.
- 11.4 Regarding the objecting public comments as mentioned in paragraph 10 above, the applicant clarified that the application premises for Application No. A/NE-LCW/5

only forms part of Lot 233 in D.D.145 and is confined within an existing village house which is separated from the Tsz Tong of the Wong family situated to the north of the application site. Nonetheless, the applicant is advised to resolve any land issues with the concerned land owner(s) and liaise with the local to address their concerns. Besides, it should be noted that reasonable steps had been taken by the applicant to give notification to landowner(s). Regarding concerns on potential adverse impacts arising from the proposed use, departmental comments and the 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 comments mentioned in paragraph 10 above, PlanD has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the planning permissions shall be valid until 9.9.2026, and after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are commenced or the permissions are renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of proposals for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

### Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Members' reference:
- the proposed development is not in line with the planning intention of the "Village Type Development" ("V") zone which is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention of "V" zone.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clauses to be attached to the permissions, and the date when the validity of the permissions should expire.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix Ia</b>	Application form and attachments of Application No. A/NE-LCW/5 received on 11.7.2022
<b>Appendix Ib</b>	Application form and attachments of Application No. A/NE-LCW/6 received on 11.7.2022
<b>Appendices Ic to Id</b>	Supplementary information received on 15.7.2022
<b>Appendices Ie to If</b>	Further information (FI) received on 29.8.2022
<b>Appendix Ig</b>	FI received on 1.9.2022
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-2</b>	Floor Plans
<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 to 4e</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2022**