

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

**APPLICATION NO. A/NE-LCW/7**

- Applicant** : The Hong Kong Countryside Foundation Limited represented by Property Conservation Company Limited
- Premises** : Ground Floor, Nos. 49A and 49B Lai Chi Wo Village, Taxlord Lot 286 S.B (Part) in D.D. 145, Sha Tau Kok, New Territories
- Total Floor Area of the Premises** : About 66.7m<sup>2</sup>
- Lease** : Block Government Lease (demised for house and agricultural use)
- Plan** : Approved Lai Chi Wo, Siu Tan and 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 Proposal**

- 1.1 The applicant seeks planning permission for proposed shop and services on the ground floor of Nos. 49A and 49B Lai Chi Wo Village (the Premises), which falls within an area zoned “V” on the approved Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/2 (**Plan A-1**). 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 the “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 two Premises were built in 1945 and are not NTEHs. The Premises were used for residential purpose and are currently abandoned.
- 1.2 The Premises occupy the ground floor of two existing two-storey village houses with total gross floor area of about 66.7m<sup>2</sup>, each has individual means of escape (**Drawing A-1**). According to the applicant, the Premises will be converted to

‘Shop and Services’ use (with two ancillary toilets and one storeroom) to support the community farming and distribution of eco-friendly produce/products under the project “Management Agreement Scheme at Lai Chi Wo Enclave” in partnership with Conservancy Association.

- 1.3 The applicant advises that septic tank and soakaway system which complies with LandsD requirements will be provided. The floor plan submitted by the applicant is at **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on (**Appendix Ia**) 10.5.2023
  - (b) Supplementary Information (SI) received on 15.5.2023 (**Appendix Ib**)

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form and the SI (**Appendices Ia and Ib**) and summarised as follows:

- (a) to dovetail with the Government’s plan to support and promote revitalization of remote rural areas in the Policy Address 2015 and 2017, various revitalization projects and minor improvement works have been carried out to rehabilitate the ecological, cultural and architectural environment in Lai Chi Wo Village. The current project is in line with the said policy directives;
- (b) the Premises are intended to be restored and revitalized for ‘Shop and Services’ use with approved funding from the Countryside Conservation Funding Scheme (CCFS) commissioned by the Countryside Conservation Office (CCO) under the Environment and Ecology Bureau (EEB);
- (c) the ‘Shop and Services’ use is in line with the planning intention of “V” zone, and is essential in supporting the continuous revitalization of Lai Chi Wo Village and would provide convenience to villagers, visitors and researchers in the vicinity;
- (d) the location of the Premises is carefully selected with easy accessibility and reasonable distance from the village houses. The proposed use is also compatible to the adjoining uses which are mainly agricultural and residential uses; and
- (e) similar applications have been approved in Lai Chi Wo Village under the same OZP.

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

The applicant is not the “current land owner” of the Site 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 obtaining the consent of current land owners. 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 the then EPD<sup>1</sup> 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’ use in support of the village revitalization project, namely Hakka Life Experience Village@Lai Chi Wo (HLEV@LCW) Project, were approved 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 the then 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.
- 4.3 Another two applications No. A/NE-LCW/5 and 6 for ‘Shop and Services’ uses in relation 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 were approved by the Committee on 9.9.2022. Under this proposal, two premises would be refurbished to provide take-away services of traditional Hakka-style food to serve visitors and tourists in Lai Chi Wo.

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<sup>1</sup> CCO has been transferred to the Environment Branch of the EEB since 1.1.2023.

## 5. Previous Application

One of the two premises (i.e. No. 49B Lai Chi Wo Village) overlaps with a previous application (No. A/NE-LCW/3) submitted by the same applicant for Proposed ‘Hotel (Holiday House)’ use. The previous application was approved by the Rural and New Town Planning Committee (the Committee) on 1.2.2019 mainly on the grounds that the proposal will not jeopardize the planning intention of “V” zone, can showcase an innovative approach of village revitalization and will not cause any adverse impacts. Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-2**.

## 6. Similar Applications

There are two similar applications (No. A/NE-LCW/5 and 6) for Proposed ‘Shop and Services’ use within the same “V” zone and within the Lai Chi Wo Village both approved by the Committee on 9.9.2022 mainly on the grounds that the proposal is not in conflict with the planning intention of allowing relevant commercial uses on ground floor of village houses in “V” zone; it is considered not incompatible with the surrounding areas which are rural in character and predominated by typical Hakka village houses; and will not cause any adverse environmental impacts. Details of the similar applications are summarized at **Appendix III** and the locations of the subject Premises are shown on **Plans A-1 and A-2**.

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

### 7.1 The Premises are:

- (a) located on ground floor of two existing two-storey houses which were used for residential purpose and are currently abandoned (**Plans A-4c and A-4d**);
- (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) and Yau Chau Tong Marine Park (**Plan A-1**).
- 7.3 The Lai Chi Wo area is only accessible by boat via a small pier to its northeast (**Plan A-1**), 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 Saturdays, 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 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 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 planning application from lease point of view;
  - (b) the application Site is held under Block Government Lease demised for house and agricultural use;
  - (c) the lease of the lot contains the restriction that no structures are

allowed to be erected without the prior approval of the government;

- (d) LandsD has no approval record of the houses erected on the subject lot. According to the aerial photos of Year 1945, houses were observed on the subject lot. They do not meet the general reference of NTEH pursuant to BD's web page; and
- (e) it is noted that the toilets with septic tank and soakaway system will be provided. The applicant should note that any drainage works should meet the current health requirement.

### **Environmental and Countryside Revitalization**

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

- (a) no adverse comment on the application from environmental planning perspective; and
- (b) as the subject Premises in Lai Chi Wo Village are currently not served by public sewers, septic tank and soakaway systems will be an acceptable interim measure for sewage treatment and disposal on condition that is able to fulfil Professional Persons Environmental Consultative Committee Practice Notes no. 5/93 and Guidance Notes on Discharge from Village House issued by EPD.

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

- (a) he supports the application with the following considerations:
  - (i) the application arises from an approved CCFS project under CCO to support distribution of eco-friendly produce/products from community farming; and
  - (ii) the application contributes to the government's policy initiative of countryside conservation/revitalization as stated in the 2017 Policy Address and 2020 Policy Address Supplement that would support eco-tourism, better serve visitors and help revitalize desolate villages in remote countryside.

### **Drainage**

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

- (a) he has no objection to the application from the public drainage

viewpoint;

- (b) should the application be approved, a condition requiring the submission and implementation of drainage proposal should be imposed;
- (c) the applicant should ensure that there will be no adverse drainage impact to the adjacent area due to the subject development at the Premises. If the existing drainage system is found to be inadequate or ineffective during operation, the applicant is required to rectify the system to the satisfaction of the relevant government departments and also at his own cost. The drainage system should be properly maintained at all times during the planning approval period and rectify if they are found inadequate/ineffective during operation;
- (d) no public stormwater system in the vicinity of subject Premises. The applicant should construct and maintain the proposed drainage works whether within or outside the lot boundary by lot owner at their own expense; and
- (e) the Premises are in an area where public sewerage connection is not available. EPD should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the proposed development.

### **Fire Safety**

#### 9.1.5 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application;
- (b) in view of the inherent topographical constraints of the proposed Site, applicant and CCO are advised to submit an fire services installation (FSI) proposal at early stage for his consideration; and
- (c) format and information to be incorporated in the FSI proposal are stated in **Appendix V**.

### **Building Matters**

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

- (a) he has no objection to the application; and

- (b) there is no record of approval by the Building Authority for the buildings/structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.

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

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

DO(N), HAD consulted the locals from 22.5.2023 to 5.6.2023. Two Indigenous Inhabitant Representatives (IIRs) and one Resident Representative (RR) of Lai Chi Wo, as well as the Chairman of Sha Tau Kok District Rural Committee supported the application. The Chairman of Lung Shan Area Committee and the incumbent North District Councilor of N16 Constituency had no comment.

#### 9.2 The following government departments have no comment on the application:

- (a) Chief Highway Engineer/ New Territories West, Highways Department (CHE/NTW, HyD);
- (b) Commissioner for Transport (C for T);
- (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**

- 10.1 On 19.5.2023, the application was published for public inspection. During the statutory public inspection period, 6 public comment were received. Of the 6 commenters, one indicates no comment (**Appendix IV-1**) and 5 supporting comments were received from Sha Tau Kok District Rural Committee (**Appendix IV-2**), Lai Chi Wo's Social Enterprise 暖窩有限公司 (**Appendix IV-3**), 荔枝窩村培成堂委員會 (**Appendix IV-4**), IIRs and RR of Lai Chi Wo Village (**Appendix IV-5**), Lai Chi Wo villagers and individuals (**Appendix IV-6**) mainly for reasons that the proposed use is in line with the policy directives, protects the natural environment, promotes biodiversity, nature conservation and community farming, and facilitates continuous revitalization and sustainable development of the village.

## **11. Planning Considerations and Assessment**

- 11.1 The applicant seeks planning permission for proposed ‘shop and services’ use at the Premises falling within the “V” zone on the OZP, 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 ground floor is always permitted, they are in the form of typical Hakka village houses. The proposed use at the Premises is considered not in conflict with the planning intention of allowing relevant commercial uses on ground floor of village houses to serve the needs of the villagers. Besides, the applicant claims that the application is related to the project ‘Management Agreement Scheme at Lai Chi Wo Enclave’ funded by the CCFS as an opportunity to serve as a hub in supporting the community farming and the eco-friendly produce/products. CCO of EEB supports the application. The application is 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. 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 and D of FS have no objection to or no adverse comments on the application.
- 11.3 There are a previous application (No. A/NE-LCW/3) at the Premises and two similar applications (No. A/NE-LCW/5 and 6) within same “V” zone approved by the Committee on the considerations as mentioned in paragraphs 5 and 6 above. The planning circumstance of the previous and similar applications is applicable to the current application.

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

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.

- 12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid until 23.6.2027, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is 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 V**.

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

### **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 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 Ia</b>	Application form and attachments received on 10.5.2023
<b>Appendix Ib</b>	Supplementary information received on 15.5.2023
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Floor Plan

<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 4d</b>	Site Photos

**PLANNING DEPARTMENT**  
**JUNE 2023**