

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

**APPLICATION NO. A/NE-TK/742**

<b><u>Applicant</u></b>	: Ms. TING Tze Yan Betty represented by Mr. HUI Kwan Yee
<b><u>Site</u></b>	: Lot 1652 S.A in D.D. 17, Lo Tsz Tin, Tai Po, New Territories
<b><u>Site Area</u></b>	: About 70.2 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural purpose)
<b><u>Plan</u></b>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zoning</u></b>	: “Recreation” (“REC”)
<b><u>Application</u></b>	: Proposed Temporary Shop and Services (Store) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a temporary shop and services (store) use for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ use in “REC” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied by a single-storey structure with an open area used for car parking.
- 1.2 According to the applicant’s submission, the proposed use will be accommodated in three single-storey structures with a total GFA of about 39.52 m<sup>2</sup> and a height of 3.35 m for reception/kiosk, storage and shelter uses. The operation hours are from 8:00 a.m. to 8:00 p.m. daily (including public holidays). The Site is accessible via a local track leading to Ting Kok Road. A layout plan of the proposed use is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the application form with attachments and supplementary information (**Appendix I**) received on 17.1.2022 and 20.1.2022 respectively.

**2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the application form at **Appendix I**, as summarized below:

- (a) the proposed use could revitalize the Site which has been left vacant. It could also serve the visitors in the vicinity and support tourism activities; and
- (b) the applicant will comply with all approval conditions to be imposed if the application is approved by the Board.

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

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

**4. Previous Application**

There is no previous application at the Site.

**5. Similar Applications**

- 5.1 There are 16 similar applications for temporary shop and services use within the same “REC” zone in the vicinity of the Site (**Plan A-1**), of which 15 were approved and one was rejected.
- 5.2 Applications No. A/NE-TK/403, 442, 457, 549, 564, 592, 614, 639, 652, 655, 666, 675, 683, 713 and 732 were approved with conditions for a period of 3 years by the Committee between 2012 and 2021, mainly for reasons that the proposal(s) would not jeopardize the long-term planning intention of the “REC” zone; not be incompatible with the surrounding environment; and would not cause significant adverse impacts on the surrounding areas. The remaining application (No. A/NE-TK/523) involving a proposal of temporary restaurant and convenience store was rejected by the Committee in 2014 mainly for reason that it failed to demonstrate no adverse environmental and landscape impacts on the surrounding areas.
- 5.3 Details of the applications are shown in **Appendix II** and their locations are shown on **Plan A-1**.

**6. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4)**

- 6.1 The Site is :
  - (a) currently occupied by a single-storey structure with an open area used for car parking;
  - (b) situated near the southeastern fringe of Lo Tsz Tin Village; and
  - (c) accessible via a local track leading to Ting Kok Road.

- 6.2 The surrounding areas are predominantly rural in character with barbecue areas, eating place, car parks, temporary structures, village houses, scattered tree groups and vacant land. To the immediate south of the Site is a temporary real estate agency with valid planning permission (under Application No. A/NE-TK/713 as mentioned in paragraph 5.2). About 30m to the northwest of the Site is the village proper of Lo Tsz Tin. Further south on the opposite side of Ting Kok Road is Lung Mei Bathing Beach.

## **7. 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.

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

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

### Land Administration

- 8.1.1 Comments of District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site falls on Lot 1652 S.A in D.D.17 which is held under the Block Government Lease demised for agricultural purpose. No structure shall be erected on the lot without prior approval from LandsD;
- (c) a recent inspection revealed that a temporary structure was found erected on the Site without LandsD’s prior approval. The lot owner is required to clear the unauthorized structure immediately. Otherwise, appropriate enforcement action would be taken in due course;
- (d) should the Board approve the application, the lot owner is required to submit an application for Short Term Waiver (STW) to LandsD if he wishes to erect structures on the lot. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as imposed by LandsD where appropriate, including payment of waiver fee and administrative fee;

- (e) the applicant will likely make use of the unallocated government land for access to the Site. As such, no trees thereon shall be interfered with unless prior approval is obtained from LandsD. The maintenance and management responsibility of the said government land and any other government land leading to the Site should be sorted out with the relevant government departments, prior to making use of them for access purpose. Neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD; and
- (f) there is no guarantee to the grant of right of way to the Site or approval of the emergency vehicular access (EVA) thereto.

### Environment

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

- (a) no environmental complaint has been received in relation to the Site in the past 3 years; and
- (b) the applicant is advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisance.

### Landscape

#### 8.1.3 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no objection to the application from landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising vacant land, car parks, temporary structures, village houses, scattered tree groups and a dense woodland within “Green Belt” zone about 95m to the northeast of the site. The Site is hard paved with a temporary structure. No existing tree is observed within the Site. Significant adverse landscape impact arising from the proposed use is not anticipated;
- (c) there are several approved planning applications for temporary shop and services use within the same “REC” zone adjacent to the Site. The proposed use is considered not incompatible with the surrounding landscape character; and
- (d) given that there is no major public frontage along the site boundary and no sufficient space for meaningful landscaping within the Site, should the application be approved by the Board, it is considered not necessary to impose any landscape-related condition as its effect on enhancing the quality of public realm is not apparent.

### Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas; and
- (c) advisory comments are provided at paragraph (c) of **Appendix III**.

### Building Matter

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

- advisory comments are provided at paragraph (d) of **Appendix III**.

### Fire Safety

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

- (a) no in-principle objection to the application;
- (b) the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of the proposed FSIs to be installed should be clearly marked; and
- (c) the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### Environmental Hygiene

#### 8.1.7 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) no adverse comments on the application; and
- (b) advisory comments are provided at paragraph (f) of **Appendix III**.

8.2 The following government departments have no objection to or no comment on the application:

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD);
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (f) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

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

On 25.1.2022, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

**10. Planning Considerations and Assessments**

10.1 This application is for a temporary shop and services use (store) for a period of 3 years in an area zoned “REC” on the OZP. The proposed use is not in line with the planning intention of “REC” zone which is primarily for recreational developments for the use of the general public. Nevertheless, as the proposed use is on a temporary basis for 3 years, approval of the application would not jeopardize the long-term planning intention of the “REC” zone.

10.2 The proposed use with a site area of about 70.2 m<sup>2</sup> and three single-storey structures with a total GFA of about 39.52 m<sup>2</sup> and a height of 3.35 m is small in scale and not incompatible with the surrounding rural character comprising barbecue areas, eating place, car parks, temporary structures, village houses, scattered tree groups and vacant land (**Plans A-2 and A-3**). The proposed use is not anticipated to cause significant adverse traffic, sewerage, drainage and landscape impacts on the surrounding areas. Relevant government departments consulted have no objection to/adverse comment on the application from technical aspects.

10.3 There are 16 similar applications for temporary shop and services use within the same “REC” zone in the vicinity of the Site. All applications, except one, were approved on consideration that the proposal(s) would not jeopardize the long-term planning intention of the “REC” zone; not be incompatible with the surrounding environment; and would not cause significant adverse impacts on the surrounding areas. The only rejected application (No. A/NE-TK/523) was for a proposed temporary restaurant and convenience store, which was rejected in 2014 mainly for failing to demonstrate no adverse environmental and landscape impacts on the surrounding areas. The circumstances of the current application are similar to the approved applications.

10.4 No public comment was received during the statutory publication period.

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

- 11.1 Based on the assessment made in paragraph 10, Planning Department has no objection to the application.
- 11.2 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 4.3.2025. The following approval conditions 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 Town Planning Board by 4.9.2022;
- (b) in relation to (a) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.12.2022;
- (c) 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 4.9.2022;
- (d) in relation to (c) 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 4.12.2022; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) 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**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- the proposed development is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of the general public and encourages 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.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application form with attachments and supplementary information received on 17.1.2022 and 20.1.2022
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan submitted by applicant
<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  
MARCH 2022**