

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/754

| | |
|---------------------------|---|
| <u>Applicant</u> | : Mr. CHENG Tsun Chung represented by Mr. HUI Kwan Yee |
| <u>Site</u> | : Lots 1651 S.A (Part), 1654 (Part), 1655 (Part) and 1656 (Part) in D.D. 17, Lung Mei, Tai Po, New Territories |
| <u>Site Area</u> | : About 42.4m ² |
| <u>Lease</u> | : Block Government Lease (demised for agricultural purpose) |
| <u>Plan</u> | : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19 |
| <u>Zoning</u> | : “Recreation” (“REC”) |
| <u>Application</u> | : Proposed Temporary Shop and Services (Store) for a Period of 3 Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (store) 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 the “REC” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is occupied by a single-storey structure for storage use (**Plan A-4**).
- 1.2 According to the applicant, the proposed development will be accommodated in a single-storey structure with a total GFA of about 42.4m² and a height of 3.7m for use as a store. 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. No car parking spaces will be provided. A layout plan of the proposed development 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 14.7.2022 and 19.7.2022 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 development could make better use of vacant land and serve the visitors in the vicinity and support tourist activities; and
- (b) the applicant will comply with all approval conditions imposed if the application is approved by the Board.

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 obtaining consent from the “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 10 similar applications covering 6 sites for temporary shop and services use in the vicinity of the Site within the same “REC” zone over the past 5 years (**Plan A-1**). All of them were approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) between 2017 and 2022, mainly on consideration of not jeopardizing the long-term planning intention of the “REC” zone; not incompatible with the surrounding environment; and not causing significant adverse impacts on the surrounding areas.
- 5.2 Details of the applications are at **Appendix II** and their locations are shown on **Plans A-1 and A-2**.

6. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 6.1 The Site is :
 - (a) occupied by a single-storey structure for storage use;
 - (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, car parks, temporary structures, village houses, vacant land and scattered tree groups. About 75m to the northwest of the Site is the village proper of Lo Tsz Tin. To the south across Ting Kok Road is Tai Po Lung Mei 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

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 III** and **IV** respectively.

9. Public Comment Received During Statutory Publication Period (Appendix V)

On 22.7.2022, 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 mainly for concerns on fire safety and adverse environmental impact.

10. Planning Considerations and Assessments

10.1 This application is for a proposed temporary shop and services use (store) for a period of 3 years in an area zoned “REC” on the OZP. The proposed development 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, the proposed development could help provide retail service to locals and visitors. As the proposed development is on a temporary basis for 3 years and there is no known development proposal for subject site within the “REC” zone, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “REC” zone.

10.2 The proposed development involving a single-storey structure with a total GFA of about 42.4m² and a height of 3.7m is small in scale and not incompatible with the surrounding rural character comprising barbecue areas, car parks, temporary structures, village houses, vacant land and scattered tree groups (**Plans A-2** and **A-3**). The proposed development 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 10 similar applications covering 6 sites for temporary shop and services use within the same “REC” zone in the vicinity of the Site over the past 5 years. All applications were approved with conditions for reasons as stated in paragraph 5.1 above. The circumstances of the current application are similar to the approved ones.

- 10.4 Regarding the public comment on the application as detailed in paragraph 9, government departments' comments and the planning assessments in above paragraphs are relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10, and having taken into account the public comment in paragraph 9 above, 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 9.9.2025. 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 Town Planning Board by 9.3.2023;
- (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 9.6.2023;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 9.3.2023;
- (e) in relation to (d) 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 9.6.2023;
- (f) if any of the above planning conditions (a), (b), (d) or (e) 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; and
- (g) 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.

Advisory Clauses

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

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

| | |
|---------------------|--|
| Appendix I | Application form and supplementary information received on 14.7.2022 and 19.7.2022 |
| Appendix II | Similar applications |
| Appendix III | Government departments' general comments |
| Appendix IV | Recommended advisory clauses |
| Appendix V | Public comment |
| Drawing A-1 | Layout plan submitted by the applicant |
| Plan A-1 | Location plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plan A-4 | Site photos |

**PLANNING DEPARTMENT
SEPTEMBER 2022**