

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/761

<u>Applicant</u>	: Mr. YIP Tat Man
<u>Site</u>	: Lot 719 S.B RP in D.D. 23, Po Sam Pai Village, Tai Po
<u>Site Area</u>	: About 94m 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>	: “Village Type Development” (“V”)
<u>Application</u>	: Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services 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 within the “V” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered with overgrown.
- 1.2 According to the applicant, the proposed development comprises two structures with a total floor area of about 90m² and height ranging 3m to 5m (i.e. 1 to 2 storeys) for retail shop, real estate agency, pet supplies/pet salon and ancillary storage uses. The operation hours of the retail shop are from 9:00 a.m. to 7:00 p.m. daily, and from 10:00 a.m. to 7:00 p.m. daily for the real estate agency and pet supplies/pet salon, both including public holidays. The Site is accessible via Ting Kok Road. No car parking spaces will be provided. The layout plan of the proposed development submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form and Supplementary Information (SI) (**Appendix I**) received on 31.8.2022 and 7.9.2022
 - (b) Further Information (FI) received on 3.10.2022 (**Appendix Ia**)

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, SI and FI at **Appendices I and Ia**, as summarized below:

- (a) the Site is located adjacent to an existing cycle track. Due to its small site area, it is difficult to put the Site into other large-scale uses; and
- (b) the proposed development with retail shop, real estate agency, pet supplies/pet salon uses will provide convenience to local residents and visitors in the vicinity.

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 two similar applications (No. A/NE-TK/662 and 707) for temporary shop and services use in the vicinity of the Site within the same “V” zone over the past 5 years (**Plan A-1**). Both of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2019 and 2021, mainly on consideration of not frustrating the long-term planning intention of the “V” 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 **Plan A-1**.

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

- 6.1 The Site is :
 - (a) is currently vacant and covered with overgrown;
 - (b) situated at the eastern fringe of Po Sam Pai Village and adjacent to the footpath and cycle track of Ting Kok Road; and
 - (c) accessible via Ting Kok Road to its south.
- 6.2 The surrounding areas are predominantly rural in character comprising village houses and vacant lands. To the north and west is the village proper of Po Sam Pai.

7. 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.

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 Comments Received During Statutory Publication Period (Appendix V)

During the statutory public inspection period, 4 public comments were received from individuals objecting to the application mainly for concerns on privacy issues, fire and electricity supply safety as well as adverse traffic, drainage and sewerage impacts.

10. Planning Considerations and Assessments

10.1 This application is for proposed temporary shop and services use for a period of 3 years at the Site zoned “V” on the OZP. Although the proposed development is not entirely in line with the planning intention of the “V” zone which is primarily for development of Small Houses by indigenous villagers, it could serve the needs of local villagers, visitors and residential neighbourhood by providing retail shop, real estate agency and pet salon/pet supplies. According to DLO/TP, LandsD, no Small House application has been received in respect of the Site. As such, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone.

10.2 The proposed development comprises two temporary structures with a total floor area of about 90m² and height ranging from 3m to 5m (i.e. 1 to 2 storeys). Given its small scale and being not incompatible with the surrounding rural character predominated by village houses and vacant lands (**Plans A-2 and A-3**), the proposed development is not anticipated to cause significant adverse traffic, environmental, sewerage, drainage and electricity supply impacts on the surrounding areas. Relevant government departments consulted including C for T, DEP, CE/MN of DSD and DEMS have no objection to/adverse comment on the application from technical aspects.

10.3 There are two similar applications for temporary shop and services use within the same “V” zone in the vicinity of the Site over the past 5 years. Both applications were approved with conditions on consideration as stated in paragraph 5.1 above. The planning circumstances of the current application are similar to the approved ones.

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

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10, and having taken into account the public comments 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 28.10.2025. 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 Town Planning Board by 28.4.2023;
- (b) in relation to (a) above, the implementation of drainage facilities 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 28.7.2023;
- (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 28.4.2023;
- (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 28.7.2023;
- (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 "V" zone which is primarily for development of Small Houses by indigenous villagers. There is no strong justification in the 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 SI received on 31.8.2022 and 7.9.2022
Appendix Ia	FI received on 3.10.2022
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
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
OCTOBER 2022**