

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/774

<u>Applicants</u>	: Mr. LAU Hing Cheung and Ms. CHAN Ah Lin represented by Mr. HUI Kwan Yee
<u>Premises</u>	: G/F, No. 103A, Lung Mei, Tai Po, New Territories
<u>Floor Area</u>	: About 65.03m ²
<u>Lease</u>	: Building Licence for non-industrial purpose
<u>Plan</u>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Shop and Services (Fresh Provision Supplier) for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek renewal of planning permission under Application No. A/NE-TK/683 to continue using the application premises (the Premises) for temporary shop and services (fresh provision supplier) for a period of three years until 14.7.2026 (**Plan A-1**). The Premises falls within an area zoned “REC” on the OZP. According to the Notes of the OZP, ‘Shop and Services’ use is a Column 2 use within the “REC” zone which requires planning permission from the Town Planning Board (the Board). The Premises is currently used for the applied use with valid planning permission until 14.7.2023.
- 1.2 According to the applicants, the applied use is within the ground floor of a village house with a floor area of about 65.03m². The operation hours are from 8:00 a.m. to 8:00 p.m. daily (including public holidays). The layout plan submitted by the applicants is shown in **Drawing A-1**.
- 1.3 The Premises is the subject of three previously approved planning applications (No. A/NE-TK/592, 614 and 683) submitted by the same applicants for the same use. Details of the previous applications are set out in paragraph 6.1 below.

- 1.4 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 3.4.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 11.4.2023 (**Appendix Ia**)
 - (c) Further Information (FI) received on 20.6.2023 (**Appendix Ib**)
- 1.5 On 19.5.2023, the Rural and New Town Planning Committee (the Committee) agreed to the applicants' request to defer making a decision on the application for two months.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Part 7 of the Application Form, SI and FI at **Appendices I to Ib**, as summarized below:

- (a) the applicants would like to continue providing retail service of fresh food to visitors in the vicinity and support tourism activities. The Premises would not be used as food factory; and
- (b) all approval conditions under the last approved planning permission (No. A/NE-TK/683) have been complied with. There is no change in layout and applied use under the current application. Existing drainage facilities and fire services installations (FSIs) at the Premises are still applicable to the current application. Should the application be approved by the Board, the applicants are committed to complying with approval conditions to be imposed.

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

The applicants are the “joint current owners” of the Premises. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D (TPB PG-NO. 34D) for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Premises is not subject to any active enforcement action.

6. Previous Applications

- 6.1 The Premises is the subject of three previous applications (No. A/NE-TK/592, 614 and 683) for the same use submitted by the same applicants as the current application. All of them were approved with conditions by the Committee between 2016 and 2020 mainly on consideration of not frustrating the long-term planning intention of the “REC” zone; being small in scale; not incompatible with the surrounding areas; and not causing significant adverse impacts on the surrounding areas. Among which, a previous application (No. A/NE-TK/592) was subsequently revoked due to non-compliance with approval conditions.
- 6.2 The last previous application (No. A/NE-TK/683) was approved by the Committee on 10.7.2020 for a period of three years until 14.7.2023, and all approval conditions have been complied with. The current application remains the same as the previous one in terms of site area, layout, development parameters and operation hours.
- 6.3 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

7. Similar Applications

- 7.1 There are 10 similar applications (No. A/NE-TK/639, 652, 655, 666, 675, 713, 732, 742, 754 and 760) covering six sites for temporary shop and services use within the same “REC” zone over the past five years. All of them were approved with conditions by the Committee between 2018 and 2023 on similar consideration as stated in paragraph 6.1 above.
- 7.2 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

8. The Premises and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Premises is:
- (a) situated on the ground floor of a village house at the western fringe of Lung Mei Village; and
 - (b) abutting a village track leading to Ting Kok Road.
- 8.2 The surrounding areas are predominantly rural in character comprising village houses, a barbecue area, tree groups and vacant land. To the immediate east of the Premises is the village cluster of Lung Mei Village. About 70m to the south across Ting Kok Road is Tai Po Lung Mei Beach.

9. 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.

10. Comments from Relevant Government Departments

All departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 14.4.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessment

12.1 The application is for renewal of planning permission for temporary shop and services use (fresh provision supplier) for a period of three years at the Premises zoned “REC” on the OZP. The applied use is not entirely in line with the planning intention of “REC” zone which is primarily for recreational developments for the use of the general public. Nevertheless, it could help provide retail service to the local residents and visitors. As the applied use is on a temporary basis for three years, approval of the application would not jeopardize the long-term planning intention of the “REC” zone.

12.2 Situated on the ground floor of a village house at the western fringe of Lung Mei Village, the development with a floor area of about 65.03m² is small in scale and is not incompatible with the surrounding areas predominated by village houses, a barbecue area, tree groups and vacant land (**Plans A-2** and **A-3**). It is not anticipated to cause significant adverse environmental, traffic and drainage impacts or fire risks on the surrounding areas. According to Director of Environmental Protection, no environmental complaint related to the Premises was received in the past three years. Other relevant government departments consulted including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application.

12.3 The Premises is the subject of three previously approved applications submitted by the same applicants for the same use, which were all approved by the Committee between 2016 and 2020 mainly on consideration set out in paragraph 6.1 above. The current application remains the same as the last approved one (No. A/NE-TK/683) in terms of site area, layout and development parameters. There are 10 similar applications covering six sites within the same “REC” zone in the vicinity of the Premises have been approved in the past five years.

Approval of the current application is in line with the previous decisions of the Committee.

- 12.4 In view of the above, this application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the previous approval granted under Application No. A/NE-TK/683; there are no major adverse departmental comments on the renewal application; all approval conditions under the previous approval have been complied with; and the three-year approval period sought is the same as the previous approval and is considered reasonable.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, Planning Department has no objection to the application.
- 13.2 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 three years, and be renewed from 15.7.2023 until 14.7.2026. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities at the Premises shall be maintained at all times during the planning approval period;
- (b) the existing fire service installations implemented at the Premises shall be maintained at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (b) 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.

[approval condition restricting operation hours is removed and conditions on drainage and fire safety aspects are revised based on the latest comments from Drainage Services Department and Fire Services Department.]

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- the applied use is not in line with the planning intention of the "Recreation" zone which is intended primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. Attachments

Appendix I	Application Form with attachments received on 3.4.2023
Appendix Ia	SI received on 11.4.2023
Appendix Ib	FI received on 20.6.2023
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2023**