

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

**APPLICATION NO. A/NE-TK/830**

<b><u>Applicant</u></b>	Friends Mini Market represented by Mr. LAU Chee Sing
<b><u>Site</u></b>	Lot 392 S.E RP (Part) in D.D. 23, San Tau Kok, Tai Po, New Territories
<b><u>Site Area</u></b>	About 27.3m <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>	“Village Type Development” (“V”)
<b><u>Application</u></b>	Temporary Shop and Services (Convenience Store) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services (convenience store) for a period of three years at the application site (the Site) falling within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use within the “V” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site abuts the footpath and cycle track along Ting Kok Road with no proper vehicular access. According to the applicant, the applied use is mainly to accommodate two storage cabinets (with a height of 2.45m), which are covered by a retractable canopy extending from the existing convenience store on the ground floor of the adjoining NTEH located in Lot 392 S.E RP in D.D. 23 (**Plan A-2**). The operation hours of the convenience store are from 12:00 p.m. to 12:00 a.m. daily. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of a previous application No. A/NE-TK/707 submitted by the same applicant for the same use for a period of three years, which was approved with conditions by the Rural and New Town Planning Committee

(the Committee) of the Board on 9.7.2021 (**Plans A-1 and A-2**). Details of the previous application are set out in paragraph 5.1 below. Compared with the previous application, there is no change in the major development parameters under the current application. All approval conditions under the previous application have been complied with, and the planning permission lapsed on 10.7.2024.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (**Appendix I**)  
27.11.2024
- (b) Further Information (FI) received on 30.12.2024\* (**Appendix Ia**)

*\*accepted and exempted from publication and recounting requirements*

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

The justifications put forth by the applicant in support of the application are detailed in Application Form and FI at **Appendices I and Ia**, as summarised below:

- (a) the applicant seeks to use the Site to accommodate two storage cabinets covered by a retractable canopy as an extension of the existing convenience store on the ground floor of the adjoining NTEH; and
- (b) the convenience store will serve the needs of local residents and visitors for basic groceries.

## **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. 31B) by obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

Recent site inspection revealed that the Site was used for shop and services. Warning poster has been posted on site and warning letters have been issued to the landowners to remind that unauthorised development would be subject to enforcement/prosecution actions.

## 5. **Previous Application**

- 5.1 The Site is the subject of a previous application No. A/NE-TK/707 submitted by the same applicant for the same use for a period of three years (**Plans A-1 and A-2**), which was approved with conditions by the Committee on 9.7.2021 mainly on considerations of not frustrating the long-term planning intention of the “V” zone; not being incompatible with the surrounding environment; not being anticipated to cause significant adverse impacts on the surrounding areas; and similar planning circumstances with the approved similar applications. Compared with the previous application, there is no change in the major development parameters under the current application. All approval conditions under the previous application in relation to the submission and implementation of drainage proposal have been complied with, and the planning permission lapsed on 10.7.2024.
- 5.2 Details of the previous application is summarised at **Appendix II** and its location is shown on **Plans A-1 and A-2**.

## 6. **Similar Applications**

- 6.1 There are two similar applications No. A/NE-TK/761 and 798 for temporary shop and services in the vicinity of the Site within the same “V” zone in the past five years (**Plans A-1 and A-2**), which were approved with conditions by the Committee between 2022 and 2024 mainly on similar considerations as stated in paragraph 5.1 above.
- 6.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plans A-1 and A-2**.

## 7. **The Site and Its Surrounding Areas** (**Plans A-1 to A-4**)

- 7.1 The Site is :
- (a) occupied by the applied use without valid planning permission; and
  - (b) abutting the footpath and cycle track along Ting Kok Road with no proper vehicular access.
- 7.2 The surrounding areas are predominantly rural in character with village houses (**Plans A-1 to A-3**). To its north and west are the village proper of Po Sam Pai and San Tau Kok (**Plans A-1 and A-2**). To its northeast across Ting Kok Road is an area zoned “Coastal Protection Area” on the OZP (**Plans A-1 to A-3**). To its southeast across Ting Kok Road are fallow agricultural land and unused land (**Plan A-2**). To its further southwest is a plant nursery (**Plan A-2**).

## 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 Board.

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

All government departments consulted have no objection to or no comment on the application. Their general comments on the application and advisory comments in Recommended Advisory Clauses are provided at **Appendices IV** and **V** respectively.

## 10. **Public Comments Received During Statutory Publication Period**

On 10.12.2024, the application was published for public inspection. During the statutory public inspection period, six public comments were received. All comments from individuals and local residents (**Appendix VI**) object to the application for the reasons that it is an illegal operation with unauthorised structures not complying with statutory requirements; footpath and vehicular road/emergency vehicular access are obstructed, leading to concerns on road and fire safety; no emergency exit is provided at the enclosed convenience store; as well as there are environmental, noise, visual, landscape and air ventilation impacts caused by the operation.

## 11. **Planning Considerations and Assessments**

11.1 The application is for temporary shop and services (convenience store) for a period of three years at the Site within “V” zone on the OZP (**Plan A-1**). The applied use is not entirely in line with the planning intention of the “V” zone, which is primarily intended for development of Small Houses by indigenous villagers. As advised by the District Lands Officer/Tai Po of Lands Department, there is no Small House application at the Site received so far. According to the applicant, the applied use serves as an extension of the existing convenience store on the ground floor of the adjoining NTEH, which intends to serve the needs of the local residents and visitors for basic groceries. Approval of the application on a temporary basis for a period of three years would neither frustrate the long-term planning intention of the “V” zone nor adversely affect the land availability for village type development.

11.2 The applied use at the Site with a site area of about 27.3m<sup>2</sup>, mainly involving accommodation of two storage cabinets with a height of 2.45m covered by a

retractable canopy, is considered small in scale and not incompatible with the surrounding areas which are predominantly rural in character with village houses (**Plans A-1 to A-3**). Significant adverse traffic, environmental and drainage impacts arising from the applied use on the surrounding areas are not anticipated. Relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.

- 11.3 The Site is the subject of a previous application No. A/NE-TK/707 submitted by the same applicant for the same use for a period of three years (**Plans A-1 and A-2**), which was approved with conditions by the Committee in 2021 mainly on the considerations as stated in paragraph 5.1 above. Compared with the previous application, there is no change in the major development parameters under the current application. Approval of the current application is generally in line with the Committee's previous decision.
- 11.4 There are two similar applications No. A/NE-TK/761 and 798 for temporary shop and services in the vicinity of the Site within the same "V" zone in the past five years (**Plans A-1 and A-2**), which were approved with conditions by the Committee between 2022 and 2024 mainly on similar considerations as stated in paragraph 5.1 above. The planning circumstances of the similar applications are similar to those of the current application.
- 11.5 Regarding the public comments as detailed in paragraph 10, the government departments' comments and planning assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 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 permission shall be valid on a temporary basis for a period of three years until 24.1.2028. The following conditions of approval and advisory clauses are also suggested for Member's 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 24.7.2025;

- (b) in relation to (a) above, the implementation of the 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 24.10.2025;
- (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 fire service installations proposal 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 24.7.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal 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 24.10.2025;
- (f) if any of the above planning condition (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 at **Appendix V**.

- 12.3 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 "V" zone, which is to provide land primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

### **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 clause(s) to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

- 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 I</b>	Application Form with attachments received on 27.11.2024
<b>Appendix Ia</b>	FI received on 30.12.2024
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan submitted by the 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  
JANUARY 2025**