

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-CWBS/49

- Applicant** : Visual Lead Limited represented by Allgain Land Planning Limited
- Site** : Lot 132 (Part) in D.D. 236, Tai Wan Tau, Clear Water Bay, Sai Kung, New Territories
- Site Area** : About 180m²
- Lease** : Old Schedule Agricultural Lot held under Block Government Lease
- Plan** : Approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site), which falls within an area zoned “V” on the approved Clear Water Bay Peninsula South OZP No. S/SK-CWBS/2 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ use is a Column 2 use of the “V” zone which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site, located to the immediate southeast of the village cluster of Tai Wan Tau across a streamcourse, is currently covered by weeds and fenced off by wire nets (**Plan A-4**). The proposed shop and services use comprises one single-storey temporary structure (not exceeding 4m in height) with a total floor area of about 40m² to serve as a convenience store for the nearby residents (**Drawing A-1**). The open area outside the temporary structure will be used for temporary goods handling space and stop-off for customers. The proposed operation hours are between 9:00 a.m. and 7:00 p.m. daily, including public holidays. The Site is accessible via a footpath which connects to a village track extended from Tai Wan Tau Road (**Plan A-2**). No parking and loading/unloading (L/UL) space is proposed at the Site and L/UL activities will be carried out in the temporary L/UL

area nearby (**Plan A-2**). The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form received on 27.5.2024 (Appendix I)
- (b) Supplementary Planning Statement (SPS) received on 27.5.2024 (Appendix Ia)
- (c) Further Information (FI) received on 27.6.2024* (Appendix Ib)

**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 the SPS and FI at **Appendices Ia** and **Ib** as summarised below:

- (a) the proposed convenience store is to serve the nearby residents for local needs for daily necessities and groceries. The proposed use involving only one single-storey temporary structure is considered in a small-scale which does not contravene the planning intention of the “V” zone and is considered not incompatible with the surrounding environment;
- (b) consent has been obtained from the relevant land owner for carrying out L/UL activities by the use of a light goods vehicle in a village area located within a three-minute walking distance from the Site (**Plan A-2**). Daily delivery of goods would be scheduled between 11:00 a.m. to 2:00 p.m. to avoid peak hours and subject to the availability of parking space. The proposed delivery arrangement is not expected to generate traffic impacts on the surrounding areas;
- (c) no neon signboards would be installed and no audio broadcasting would be carried out at night. Light pollution or excessive noise impacts arising from the proposed use are not anticipated;
- (d) the open area outside the temporary structure would only be used for temporary goods handling space and stop-off for customers. The proposed use would not involve open storage or warehouse uses and no employee would reside on the Site;
- (e) the applicant would comply with relevant statutory requirements to construct drainage channels and fire service installations. The applicant would also adopt mitigation measures as stipulated on the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible adverse impacts and environmental nuisance; and
- (f) should the planning application be approved by the Board, the applicant would submit Short Term Waiver (STW) application to the Lands Department (LandsD). The Site would be reinstated upon expiry of the planning approval.

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

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

4. Background

The Site is currently not subject to any active enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application within the same “V” zone.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plan A-4)

7.1 The Site is currently covered by weeds and fenced off with wire nets. It is located to the immediate southeast of village cluster of Tai Wan Tau across a streamcourse within the village ‘environs’ of Tai Wan Tau and is accessible via a footpath leading to the village cluster with a village track extended from Tai Wan Tau Road.

7.2 The surrounding areas are predominantly rural in character comprising mainly village houses and woodland. Village houses of Tai Wan Tau and Tai Au Mun are found to the northwest along Tai Wan Tau Road. To the further north, east and south of the Site are dense woodland zoned “Green Belt” and “Conservation Area”, while to the further west is the coastline of Clear Water Bay zoned “Coastal Protection Area”.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 New Territories Exempted House. 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 adverse comment on the application. Their general comments on the application and advisory comments in the recommended advisory clauses are provided in **Appendices II** and **III** respectively.

10. Public Comments Received During Statutory Publication Period

On 4.6.2024, the application was published for public inspection. During the statutory publication period, a total of three public comments were received. One public comment was received from the Chairman of the Hang Hau Rural Committee expressing concern on the application and the need for consultation with the village representative (VR) and villagers of Tai Wan Tau in view of the potential impacts of the proposed commercial operation on the local community. The two public comments objecting to the application were received from individuals mainly on the grounds that the proposed use would induce adverse noise, hygienic, traffic and drainage impacts on the village environment (**Appendix IV**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services for a period of three years at the Site which falls within an area zoned “V” on the OZP (**Plan A-1**). The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. According to the applicant, the proposed shop and services will be operated as a convenience store serving the nearby residents, which is considered not in conflict with the planning intention of the “V” zone. The District Lands Officer/Sai Kung, LandsD has no adverse comment on the application and advises that there is no Small House application approved or under processing within the Site. The applicant also proposes to reinstate the Site upon expiry of the planning approval should the application be approved by the Board. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.

11.2 The Site is currently covered by weeds and no existing tree is found at the Site (**Plans A-3** and **A-4**). The proposed use only involves one single-storey temporary structure of not more than 4m in height with a total floor area of about 40m² (**Drawing A-1**) while the open area will be used for temporary goods handling space and stop-off for customers. The proposed convenience store would be confined within the private lot in the “V” zone while no vegetation on Government land would be affected and no direct encroachment onto the nearby streamcourse (**Plan A-2**) is anticipated. The Director of Agriculture and Fisheries has no comment on the application from nature conservation perspective. The Chief Town Planner/Urban Design and Landscape, Planning Department advises that the Site is not within landscape sensitive zoning and significant impact to the existing landscape resources is not anticipated. The proposed use is not incompatible with

the surrounding areas which are predominantly rural in character comprising mainly village houses and woodland.

- 11.3 Other relevant government departments consulted including the Commissioner for Transport, the Director of Environmental Protection, the Chief Engineer/Mainland South, Drainage Services Department, the Head of Geotechnical Engineering Office, Civil Engineering and Development Department, the Director of Fire Services and the Director of Food, Environmental and Hygiene have no objection to/adverse comments on the application. Adverse traffic, environmental, drainage, sewerage, geotechnical, fire safety and environmental hygiene impacts are not envisaged. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. To minimise any potential environmental nuisance, the applicant will also be advised to follow relevant requirements and appropriate pollution control measures imposed by concerned government departments.
- 11.4 Regarding the public comments received objecting to and expressing concern on the application on the grounds as summarised in paragraph 10 above, the applicant clarifies that the VR of Tai Wan Tau has been informed of the application submission (**Appendix Ib**). The departmental comments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.3 above are also 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 above, 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 19.7.2027. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.1.2025;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.4.2025;
- (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 the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.1.2025;

- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.4.2025;
- (f) 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; and
- (g) 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.

Advisory Clauses

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

- 12.3 Alternatively, should the Board decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "Village Type Development" zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given 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), if any, 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

Appendix I	Application Form received on 27.5.2024
Appendix Ia	Supplementary Planning Statement received on 27.5.2024
Appendix Ib	FI received on 27.6.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments

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 2024