

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

**APPLICATION NO. A/SK-HC/347**

- Applicant** : Miss LAI Ka Ki Forenza represented by Allgain Land Planning Limited
- Site** : Lots 463 RP in D.D. 210 and 1297 RP in D.D. 244, Ho Chung, Sai Kung, New Territories
- Site Area** : About 400m<sup>2</sup>
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
- Zoning** : “Residential (Group E)” (“R(E)”)  
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 9m with 2 storeys over one storey of carport]
- 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). The Site falls within an area zoned “R(E)” on the approved Ho Chung OZP No. S/SK-HC/11 (**Plan A-1**). According to the Notes of the OZP, temporary use or development for a period not exceeding three years requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and fenced off.
- 1.2 The Site is abutting from Ho Chung Road. According to the applicant, the proposed shop and services include retail and grocery stores, and services such as clinic and parcel distribution centre, which mainly serve nearby residents. The layout plan and the landscape proposal submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 400 m <sup>2</sup>
Total Floor Area	About 350 m <sup>2</sup>
Site Coverage	About 43.75%
Plot Ratio	About 0.875
No. of Structures	2
Height of Structures	Not more than 7 m (2 storeys)
No. of Loading/Unloading Space	1 for light goods vehicles
Operation Hours	9:00 a.m. to 9:00 p.m. including public holidays

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

- (a) Application Form with Attachments received on 12.12.2023 (**Appendix I**)
- (b) Further Information (FI) received on 8.1.2024 # (**Appendix Ia**)
- (c) FI received on 17.1.2024 \* (**Appendix Ib**)
- (d) FI received on 8.2.2024 \* (**Appendix Ic**)

# not exempted from publication and recounting requirements

\* 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 attachments to the Application Form and FIs at **Appendices I, Ia, Ib** and **Ic** and summarised below:

- (a) the proposed development is not warehouse or open storage use but shop and services aiming to serve the nearby residents;
- (b) as it is temporary in nature, it would not frustrate the planning intention of the “R(E)” zone and is not incompatible with the land use in the surroundings;
- (c) the proposed development would only involve temporary structures converted from containers without large-scale works and would not create impact or nuisance to the surrounding area; and
- (d) the applicant undertakes to comply with regulations as imposed by the government, and reinstate the site upon expiry of the planning permission.

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 not subject to planning enforcement action.

5. **Previous Application**

The Site is the subject of a previous application No. A/SK-HC/90 for a low-density residential development submitted by a different applicant. The application was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 2.3.2001. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plans A-1** and **A-2**. The previous application for a different use is not relevant to the current application.

6. **Similar Application**

There is no similar application for shop and services within the “R(E)” zones on the OZP.

7. **Planning Intention**

The planning intention of “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

8. **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)

8.1 The Site is abutting from Ho Chung Road and currently vacant and fenced off.

8.2 The surrounding areas are rural in character comprising mainly village settlements. The Site is immediately adjoined by Asia Television Limited (ATV) production centre now defunct to the north, Che Kung Temple, Ho Chung which is a Grade I historic building to the east fronting a vegetated knoll, villages houses of Ho Chung New Village to the south across Ho Chung River. To the further west is village houses of Ho Chung and further north is Luk Mei Tsuen which is a cluster of temporary structures for residential dwellings intermixed with some industrial workshops and storage uses.

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

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

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

- 10.1 On 19.12.2023 and 16.1.2024, the application and FI were published for public inspection. During the statutory public inspection period, seven public comments were received, including one supporting (**Appendix Va**) and six opposing public comments (**Appendix Vb**).
- 10.2 The supporting comment was submitted by a villager of Ho Chung expressing that the proposed development would bring convenience to the neighbourhood. Six individuals oppose the application based on the grounds that there is no demand from the residents in justifying the need of the proposed development; the proposed development would aggravate the traffic problem, create adverse environmental, noise, drainage and sewage impacts to the surrounding.

## **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 zoned “R(E)” on the OZP. The planning intention of “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. While the proposed use is not entirely in line with the planning intention of the “R(E)” zone, there is no known proposal for permanent residential development at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.
- 11.2 The proposed use, only comprises two small-scale 2-storey structures, is not incompatible with the surrounding uses, which comprise mainly low-rise residential dwellings intermixed with industrial workshops and storage uses. The Chief Town Planner/Urban Design and Landscape, Planning Department considers the proposed use is not incompatible with the surrounding village setting and landscape character.
- 11.3 Concerned government departments, including the Commissioner for Transport, the Chief Highway Engineer/New Territories East of Highways Department, the Director of Environmental Protection, the Director of Fire Services and the Chief Engineer/Mainland South, Drainage Services Department have no objection to / adverse comments on the application from traffic, environmental, fire safety and drainage aspects. Relevant

approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.

- 11.4 Regarding the opposing public comments mainly on traffic and environmental concerns, the comments of government departments 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 considers that the temporary shop and services could be tolerated for a period of three years.
- 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 1.3.2027. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.9.2024;
- (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 1.12.2024;
- (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 1.9.2024;
- (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 1.12.2024;
- (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 at **Appendix IV**.

- 12.3 Alternatively, should the Committee 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 "R(E)" zone, which is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. 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**

<b>Appendix I</b>	Application Form with Attachments received on 12.12.2023
<b>Appendix Ia</b>	FI received on 8.1.2024
<b>Appendix Ib</b>	FI received on 17.1.2024
<b>Appendix Ic</b>	FI received on 8.2.2024
<b>Appendix II</b>	Previous application
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendices Va and Vb</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape Proposal
<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  
MARCH 2024**