

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

**APPLICATION NO. A/SK-PK/294**

<b><u>Applicant</u></b>	:	Mr. LAI Ho Yin represented by Allgain Land Planning Limited
<b><u>Site</u></b>	:	Lots 767, 769 and 770 (Part) in D.D. 217, Tai Chung Hau Road Track, Sai Kung, New Territories
<b><u>Site Area</u></b>	:	About 420m <sup>2</sup>
<b><u>Lease</u></b>	:	Old Schedule Agricultural Lots held under Block Government Lease
<b><u>Plan</u></b>	:	Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
<b><u>Zoning</u></b>	:	“Recreation” (“REC”)
<b><u>Application</u></b>	:	Proposed Temporary Shop and Services with Ancillary Office for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary office for a period of three years at the application site (the Site). The Site falls within an area zoned “REC” on the approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is currently vacant and hard-paved (**Plans A-4a and A-4b**). It is accessible via a local footpath connected to Tai Chung Hau Road to its northeast (**Plans A-2 and A-3**). According to the applicant, the proposed shops and services include a convenience store/grocery store and an ancillary site office and storage which mainly serve the nearby residents. No parking space is proposed. The location plan, site plan and layout plan submitted by the applicant are at **Drawings A-1 to A-3**.

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

Site Area	About 420m <sup>2</sup>
Total Floor Area	About 200m <sup>2</sup>
No. of Structures	2
Building Height / No. of Storeys	About 6m / 2 storeys
Operation Hours	9:00am to 8:00pm including public holidays

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

- (a) Application form received on 6.2.2024 **(Appendix I)**
- (b) Further Information (FI) received on 15.3.2024\* **(Appendix Ia)**
- (c) FI received on 27.3.2024\* **(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 application form and FI at **Appendices I** to **Ib** respectively. They can be summarised as follows:

- (a) the proposed development is temporary in nature and would not frustrate the long-term planning intention of the “REC” zone. It aims to provide services to the nearby residents;
- (b) the proposed temporary structures would be converted from container structures without large-scale works at the Site;
- (c) the proposed uses would not cause any adverse impact or nuisance to the surrounding areas in environmental, drainage, traffic, geotechnical, landscape and visual terms. The applicant is committed to observe relevant regulations as imposed by the Government and to reinstate the Site upon expiry of the planning permission. Loading and unloading activities will be carried out at the public carpark nearby and will not cause any traffic impact; and
- (d) while no toilet facility would be provided within the Site, visitors and staff can make use of the public toilet at Tai Chung Hau Road.

## **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 posting site notice and sending notice to relevant rural committee. 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 for 'Shop and Services' within the same "REC" zone on the same OZP in the past five years.

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

7.1 The Site is currently vacant and hard-paved. It can be accessed via a local footpath connected to Tai Chung Hau Road to the northeast.

7.2 The surrounding areas are in rural fringe character predominated by temporary structures for domestic, plant nursery and storage uses intermixed with village houses to the immediate north and east, and scrublands to the immediate south and west of the Site. To the further north across Tai Chung Hau Road is Hong Kong Golf and Tennis Academy within the same "REC" zone. Hiram's Highway is about 120m to the east of the Site.

**8. 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.

**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 Comment Received During Statutory Publication Period**

During the statutory public inspection period, one public comment from an individual opposing to the application was received mainly on the grounds that the purpose of the proposed convenience store is not justified as there are no residences nearby; and the proposed development without any toilet facilities would cause environmental and

hygiene problems (**Appendix IV**).

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

- 11.1 The application is for proposed temporary shop and services with ancillary office for a period of three years at the Site which falls within an area zoned “REC” zone on the OZP. The planning intention of “REC” zone is primarily for recreational developments for the use of the general public. While the proposed use is not entirely in line with the planning intention of the “REC” zone, there is no known proposal for permanent recreational 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 development only comprises two two-storey (6m) temporary structures with GFA of 200m<sup>2</sup> as a convenience store/grocery store and ancillary office serving the nearby residents. The surrounding areas are in rural fringe character predominated by temporary structures for domestics, plant nursery and storage uses intermixed with village houses and scrublands. The Chief Town Planner/Urban Design and Landscape, Planning Department considers that the applied use is not incompatible with the surrounding temporary setting and landscape character.
- 11.3 There is no objection to/adverse comment on the application from 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, the Chief Engineer/Mainland South, Drainage Services Department, Head of Geotechnical Engineering Office, Civil Engineering and Development Department, and the Director of Food, Environmental and Hygiene. Adverse traffic, environmental, fire safety, drainage, geotechnical and hygiene impacts are not envisaged. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 Regarding the public comment received objecting to the application on the grounds as summarised in paragraph 10 above, the comments of government departments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.3 above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment 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 5.4.2027. 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 5.10.2024;
- (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 5.1.2025;
- (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 5.10.2024;
- (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 5.1.2025;
- (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.

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

12.4 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 "REC" zone, which is primarily for recreational developments for the use of the general public. 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 received on 6.2.2024
<b>Appendix Ia</b>	FI received on 15.3.2024
<b>Appendix Ib</b>	FI received on 27.3.2024
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comment
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**