

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/170

- Applicant** : Priscilla Investment Limited represented by Lanbase Surveyors Limited
- Site** : Lots No. 66 (Part), 67, 68, 69 and 72 (Part) in D.D. 316L and Adjoining Government Land, Pui O, Lantau Island
- Site Area** : About 752.4m² (including about 60m² of Government Land)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/21
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Temporary Shop and Services for a Period of Six Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services mainly for retail shop of agricultural products and related commercial activities for a period of six years (**Plan A-1**). The Site falls within an area zoned “Village Type Development” (“V”) on the approved South Lantau Coast Outline Zoning Plan No. S/SLC/21 (the OZP). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within the “V” zone which requires permission from the Town Planning Board (the Board).
- 1.2 The Site is mainly a piece of vacant land covered by sparse vegetation and grass. Currently, there is a dilapidated single-storey structure on the Site. The Site is only accessible by a local footpath connecting to Pui O Lo Wai Tsuen and South Lantau Road (**Plan A-2**). According to the applicant, there will be three one-storey temporary structures on the Site, including two proposed structures (a container structured retail shop and an open shed for open market area) and an existing structure which will be retained for storage use, with a total floor area of about 104.53m². A temporary wooden walking platform would be provided on the government land portion between Lots No. 66 and 67 in D.D. 316L for connection with the local footpath adjoining Pui O Lo Wai Tsuen (**Drawing A-1**).
- 1.3 According to the applicant, the proposed operation hours will be 8:00 a.m. to

11:00 p.m. daily. Given the small scale of the proposed use and absence of vehicular access, loading and unloading activities will only take place with the use of light goods vehicles at the parking drop-off area in Pui O Lo Wai Tsuen (**Plan A-2**). The goods will then be transported by trolleys from the parking drop-off area to the Site via the local footpath near Pui O Lo Wai Tsuen with a distance of about 550m. There will be only one to two times of goods delivery by light goods vehicles per week.

1.4 According to the Tree Preservation Proposal, eight existing trees found on the Site, which are common species, will all be preserved (**Drawing A-3**). The applicant has submitted a Drainage Impact Assessment (DIA) and a Geotechnical Planning Review Report (GPRR) (**Appendix 2 of Appendix Id and Appendix 3 of Appendix Ib**) respectively to demonstrate the technical feasibility of the proposed use on the drainage and natural terrain hazard aspects. According to the GPRR, as the Site is overlooked by steep natural terrain, no-build zones will be designated where no major facilities will be erected therein. The layout plan and site formation plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

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| (a) | Application form and supplementary planning statement | (Appendix I) |
| (b) | Supplementary Information received on 22.10.2021 | (Appendix Ia) |
| (c) | Further Information (FI) received on 18.1.2022 [@] | (Appendix Ib) |
| (d) | FI received on 1.3.2022 [@] | (Appendix Ic) |
| (e) | FI received on 7.4.2022 | (Appendix Id) |
| (f) | FI received on 11.5.2022 | (Appendix Ie) |

[@] not exempted from publication and recounting requirements

1.6 On 10.12.2021 and 22.4.2022, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's requests to defer making a decision on the application each for two months to allow more time for the applicant to address departmental comments. With the FI received on 11.5.2022, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the supplementary planning statement at **Appendix I** and FIs at **Appendices Ib, Id and Ie** and summarised as follows:

- (a) the proposed temporary 'Shop and Services' use is considered not contravening the planning intention of the "V" zone, since 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 (NTEH), while other commercial, community and recreational uses may be permitted on application to the Board. The temporary use would

not prejudice the future long-term planning of the area;

- (b) the proposed use, with only three single-storey temporary structures of a total gross floor area of about 104.53m², is similar to the scale of a ground floor shop of a NTEH;
- (c) approval of the proposed use would upgrade the site condition in terms of neatness and land use;
- (d) the proposed use is compatible with the surrounding land uses (e.g. local shops and eating places) in Pui O Lo Wai Tsuen and Pui O San Wai Tsuen. Local residents could be provided with one more choice for daily necessities;
- (e) all the eight existing trees identified within the Site will be retained and unaffected by the proposal;
- (f) with limited scale of site formation works and the delineation of no-build zone where no part of the proposed temporary structures will be erected thereon (**Drawing A-2**), the impact from and to the natural terrain and natural stream would be minimal;
- (g) the southern side of the Site will be fenced off to avoid direct impact on the watercourse. During construction of the temporary wooden walking platform, construction materials will be transported by hand. No filling of the existing watercourses will be undertaken during construction or operation. Sandbags will be put between the bank of the watercourse and the concrete footings of the walking platform during construction to prevent any materials from falling into the watercourse. No concreting works will be carried out during heavy rainfall. Hence, no adverse impact from drainage perspective would be anticipated; and
- (h) no adverse impact from visual, environmental and traffic perspectives would be anticipated, given the small scale and temporary nature of the proposed use.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. 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. 31A) are not applicable to the government land portion.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

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

6. The Site and Its Surrounding Areas (Plans A-1 to A-4d)

6.1 The Site is:

- (a) accessible from South Lantau Road via a footpath to its east. There is no vehicular access to the Site;
- (b) lying on a sloping area and mainly covered by sparse vegetation and grass. There is currently a dilapidated single-storey structure on one of the two formed platforms at the western portion of the Site (**Plans A-3 and A-4a**); and
- (c) partly located within the ‘village environs’ shared by three villages, namely Pui O Lo Wai Tsuen, Pui O San Wai Tsuen and Lo Uk Tsuen (**Plan A-2**).

6.2 The surrounding areas have the following characteristics:

- (a) to the immediate north of the Site is a piece of vacant land, and to the further north are some vegetated slopes within the “Green Belt” (“GB”) zone;
- (b) the Site is bounded by two existing streams to its immediate east and west (**Plan A-2**), which merge into a major watercourse running southwards to the wetlands in lowland and then to Pui O Wan;
- (c) to the southeast and southwest are the village clusters of Pui O Lo Wai Tsuen and Pui O San Wai Tsuen respectively; and
- (d) to the further south is South Lantau Road where village houses and various types of local services and facilities (e.g. village office, restaurants and grocery stores) could be found.

7. 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.

8. Comments from Relevant Government Departments

All relevant 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.

9. Public Comments Received During Statutory Publication Periods

On 29.10.2021, 25.1.2022 and 11.3.2022, the application and FIs were published for public inspection. During the statutory publication periods, a total of 21 public comments, with two supporting and 19 opposing comments, were received (**Appendix IV**). Two supporting comments from Indigenous Inhabitant Representatives of Pui O Lo Wai and Pui O San Wai are mainly on the grounds that the proposed use could provide additional choice of daily necessities for local residents and promote local agricultural businesses. 19 opposing comments from Kadoorie Farm and Botanic Garden Corporation, Eco-Environment Conservation and Education Association, Save Lantau Alliance and individuals are mainly on the grounds that the proposed use would cause adverse environmental impacts on the surrounding natural environment (e.g. the adjoining areas within the “GB” zone, Lantau South Country Park, streams and tributaries draining into Pui O Wan and wetlands in Pui O); there were environmental vandalism activities in the vicinity of the Site; local vehicular and pedestrian access of limited capacity would be overloaded; and local residents would be disturbed by the customers travelling to Site which is on the periphery of the village area.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed temporary shop and services mainly for retail shop of agricultural products and related commercial activities for a period of six years at the Site zoned “V” on the OZP. Although the proposed 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, the proposal could meet any such demand for shop and services in the area. According to the District Lands Officer/Islands of Lands Department, there is currently no Small House development approved or under processing at the Site. As such, approval of the application on a temporary basis for a period of six years would not frustrate the long-term planning intention of the “V” zone.
- 10.2 The surrounding area comprises mainly village houses and some vegetated areas. The Site is accessible by a local footpath for general commuting purpose shared by local residents in Pui O Lo Wai Tsuen. According to the applicant’s proposal, the goods will be transported by trolleys from the parking drop-off area near South Lantau Road up to the Site via the local footpath with a distance of about 550m. Whilst there are two streams located to the immediate east and west of the Site (**Plan A-2**), the Director of Agriculture, Fisheries and Conservation (DAFC) has no adverse comment on the application given the implementation of precautionary measures for the construction of the temporary walking platform across the stream (e.g. putting sandbags between the bank of the watercourse and the concrete footings of the

temporary walking platform to prevent any materials falling into the watercourse during construction) proposed by the applicant. The Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&Is, DSD) has no adverse comment on the application as the applicant undertakes to implement the relevant mitigation measures in the DIA. The proposed use is generally not incompatible with the surrounding area.

- 10.3 The Site is overlooked by steep natural terrain and meet the alert criteria for a natural terrain hazard study. Given the temporary nature of the proposed use and the designation of no-build zones as stated in the GPRR, the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD) has no in-principle geotechnical objection to the application.
- 10.4 Other relevant government departments consulted, including the District Officer (Islands) of Home Affairs Department, the Chief Town Planner/Urban Design and Landscape of Planning Department and the Head of Sustainable Lantau Office of CEDD, have no objection to or no adverse comment on the application.
- 10.5 Regarding the opposing public comments as detailed in paragraph 9 above, the planning assessment in paragraphs 10.1 to 10.4 above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and taking into account the public comments in paragraph 9, the Planning Department has no objection to the application.
- 11.2 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 six years until 24.6.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a fire service installations and water supplies proposal for firefighting within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Board by 24.12.2022;
- (b) in relation to (a) above, the implementation of the fire service installations and water supplies proposal for firefighting within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Board by 24.3.2023; and
- (c) if any of the above planning condition (a) or (b) 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 III**.

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

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13. Attachments

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| Appendix I | Application form and supplementary planning statement received on 22.10.2021 |
| Appendix Ia | Supplementary Information received on 22.10.2021 |
| Appendix Ib | Further Information (FI) received on 18.1.2022 |
| Appendix Ic | FI received on 1.3.2022 |
| Appendix Id | FI received on 7.4.2022 |
| Appendix Ie | FI received on 11.5.2022 |
| Appendix II | Government departments' general comments |
| Appendix III | Recommended advisory clauses |
| Appendix IV | Public comments |
| Drawing A-1 | Layout plan submitted by the applicant |
| Drawing A-2 | Schematic site formation plan submitted by the applicant |
| Drawing A-3 | Tree survey plan submitted by the applicant |
| Plan A-1 | Location plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plans A-4a and A-4b | Site photos |