

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

**APPLICATION NO. A/ST/1034**

<b><u>Applicant</u></b>	: 218 SA Limited represented by Allgain Land Planning Limited
<b><u>Site</u></b>	: Lots 218 S.A RP, 218 S.A ss.1, 218 S.F RP, 218 S.F ss.1 and 218 S.G in D.D. 185, Ha Wo Che, Sha Tin, New Territories
<b><u>Site Area</u></b>	: 105m <sup>2</sup> (about)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/38
<b><u>Zoning</u></b>	: “Village Type Development” (“V”)
<b><u>Application</u></b>	: Proposed Temporary Shop and Services for a Period of Six Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of six years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Shop and Services’ not on the ground floor of a New Territories Exempted House (NTEH) is under Column 2 use that requires planning permission from the Town Planning Board (the Board). The Site is currently vacant (**Plan A-4b**).
- 1.2 The Site, with a site area of about 105m<sup>2</sup>, is accessible via a footpath along the Mass Transit Railway (MTR) East Rail Line railway track from Pai Tau Street (**Drawing A-1**). According to the applicant, the proposed use comprises a two-storey structure of not more than 7m in height for a real estate shop, a grocery shop and ancillary storage of grocery store with a total gross floor area of about 170m<sup>2</sup>, plot ratio (PR) of about 1.62 and site coverage of 81%. There is no vehicular access and thus no vehicle parking space and loading/unloading space proposed within the Site. The operation hours are between 9:00 a.m. and 8:00 p.m. from Monday to Sundays, including public holidays. The proposed fencing plan, layout plan and floorplans submitted by the applicant are shown in **Drawings A-2, A-3 and A-4** respectively.
- 1.3 In support of the application, the applicant has submitted following documents:
  - (a) Application Form with attachments received on **(Appendix I)** 27.8.2024
  - (b) Supplementary Planning Statement (SPS) **(Appendix Ia)**
  - (c) Further Information (FI) received on 14.1.2025\* **(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 at the SPS and FI at **Appendices Ia and Ib**, as summarised below:

- (a) the proposed use is of temporary nature for a period of 6 years, which would not upset the long-term planning intention of the “V” zone;
- (b) the applicant will adopt mitigation measures in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to relieve the disturbance to the environment;
- (c) there are about 4 to 6 staff members at the Site. No person would stay overnight and the staff would only work during business hours;
- (d) the proposed temporary shop and services can provide convenience to the residents nearby, which is lacking in the vicinity at the moment;
- (e) the proposed use aims to serve the local residents. Customers from outside the vicinity and public safety issue are not anticipated;
- (f) to minimise disturbance to the nearby residents from stocking the proposed shop, the applicant would use hand trolleys instead of pallet trucks, only transfer goods during non-peak hours, and by adopting a shorter route in the vicinity of the village via the elevated walkway nearby connecting to Fung Wo Estate (**Drawing A-5 and Plan A-4b**); and
- (g) the proposed development would not lead to adverse traffic, landscape and visual impacts, and satisfy environmental related legislation and guidelines.

## 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.

## 4. **Previous Application**

There is no previous application covering the Site.

## 5. **Similar Application**

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

## 6. **The Site and its Surrounding Areas (Plans A-1 to A-4b)**

6.1 The Site is:

- (a) currently vacant; and

- (b) accessible via a footpath along the MTR East Rail Line railway track from Pai Tau Street, or a footpath connecting an elevated walkway across the railway track and Tai Po Road – Sha Tin Section from Fung Wo Estate.

6.2 The surrounding areas of the site are predominately low-density residential dwellings mainly of permanent structures with some temporary structures, and intermixed with religious institutes and vacant/unused land.

## **7. Planning Intention**

The planning intention of “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 an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

## **8. 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 at **Appendices II** and **III** respectively.

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

On 17.12.2024, the application was published for public inspection. During the statutory public inspection period, 12 public comments were received. All comments from the Sha Tin Rural Committee, Ha Wo Che Village Indigenous Inhabitant Representative and individuals (**Appendix IV**) object to the application mainly on the grounds that the proposed use may cause nuisance to the nearby residents; there is no genuine need for ‘Shop and Services’ use at the Site; moving of merchandise on the footpath may cause danger to other road users; there are hygiene and fire safety concerns; the proposed use may attract crimes and is not compatible with the tranquil village environment; no direct vehicular access and emergency vehicular access are available; the Site may be used for subdivided flats or religious institutions; and the approval of the application would set an undesirable precedent.

## **10. Planning Considerations and Assessments**

10.1 The application is for proposed temporary shop and services for a period of six years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily for development of Small Houses by indigenous villagers. 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 an NTEH. Although the proposed use is not entirely in line with the planning intention of the “V” zone, it could serve the needs of local villagers, visitors and residential neighbourhood by providing real estate services and grocery store. According to the District Lands Officer/Shi Tin of Lands Department, there is currently no Small House application approved or under processing at the Site. As such, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone.

- 10.2 The proposed development comprises a two-storey temporary structure of not more than 7m in height with a total floor area of about 105m<sup>2</sup>. Given its small scale (**Plans A-2 and A-3**), the proposed use is considered not incompatible with the surrounding areas, which are predominately low-density residential dwellings mainly of permanent structures with some temporary structures and intermixed with some religious institutes and vacant/unused land.
- 10.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland South of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 11.2 below.
- 10.4 Regarding the public comments as detailed in paragraph 9 above, the planning considerations and assessments above are relevant. According to the applicant, as the proposed use aims to serve the local residents, customers from the outside and public safety issue are not anticipated, and measures will be taken to reduce potential nuisance caused by moving of merchandise.

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

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, 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 24.1.2031. The following condition of approval and advisory clauses are also suggested for Members' reference:

### Approval Condition

- (a) the submission of proposal for water supplies for firefighting and fire services installations within **6 months** from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.7.2025;
- (b) in relation to (a) above, the implementation of proposal for water supplies for firefighting and fire services installations within **9 months** from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.10.2025;

- (c) the submission of stormwater drainage proposal within **6 months** from the date of the approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.7.2025;
- (d) in relation to (c) above, the implementation of stormwater drainage proposal within **9 months** from the date of the approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.10.2025;
- (e) if any of the above planning condition (a), (b), (c) or (d) 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

- 11.3 The recommended advisory clauses are at **Appendix II**.
- 11.4 There is no strong reason to recommend rejection of the application.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 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**

<b>Appendix I</b>	Application Form received on 10.12.2024
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Further Information received on 14.1.2025
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comments
<b>Drawing A-1</b>	Location Plan and Walking Path to the Site
<b>Drawing A-2</b>	Fencing Plan
<b>Drawing A-3</b>	Layout Plan
<b>Drawing A-4</b>	Floor Plans
<b>Drawing A-5</b>	Route for Transportation of Stock
<b>Plans 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  
JANUARY 2025**