

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

**APPLICATION NO. A/TM-LTYT/427**

<b><u>Applicant</u></b>	: Plan Leong Limited represented by Man Chi Consultants and Construction Limited
<b><u>Site</u></b>	: Lots 515 and 516 (Part) in D.D.130 and Adjoining Government Land (GL), San Hing Tsuen, Lam Tei, Tuen Mun, New Territories
<b><u>Site Area</u></b>	: About 1,696 m <sup>2</sup> (including GL of about 213 m <sup>2</sup> or 12.6%)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/11
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) [Restricted to a maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	: Proposed Temporary Shop and Services for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of 5 years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) within the “V” zone requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off and occupied by several temporary structures for warehouse use without valid planning application (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Ng Lau Road (**Drawing A-1 and Plan A-2**). According to the applicant, the applied use mainly serves the villagers and surrounding residential communities. It only includes uses for ‘Shops and Services’ as defined under the Definition of Terms used in Statutory Plans promulgated by the Board (**Appendix Ib**). All existing structures on the Site will be demolished. The vehicular access plan, indicative layout plan, and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 1,696 m <sup>2</sup> (including GL of about 213 m <sup>2</sup> or 12.6%)
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Total Floor Area (Non-domestic)	Not more than 834.1 m <sup>2</sup>
No. and Height of Structures	7 (4 2-storey structures for shop and services; 1 single-storey structure for fire services water tank and panel; 1 single-storey structure for guard room; and 1 single-storey structure for meter room)
No. of Loading/Unloading Spaces	1 for light goods vehicle (3.5 m x 7 m)
No. of Parking Spaces	2 for private car (2.5 m x 5 m)
Operation Hours	9:00 a.m. to 6:00 p.m. daily (including Sundays and public holidays)

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

- (a) Application Form received on 24.5.2022 (Appendix I)
  - (b) Supplementary Planning Statement (SPS) attached to Appendix I (Appendix Ia)
  - (c) Supplementary Information (SI) received on 26.5.2022 (Appendix Ib)
  - (d) Further Information (FI) received on 4.7.2022 (Appendix Ic)
  - (e) FI received on 5.7.2022 (Appendix Id)
  - (f) FI received on 8.7.2022 (Appendix Ie)
- ((d) to (f) 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 **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed use provides additional amenities and services alternatives to villagers and local residents and would bring convenience and vitality to the existing village and neighbourhood;
- (b) the proposed use at the Site is in line with the planning intention of the “V” zone, that its purpose is to serve the needs of the villagers and residents and in support of the development of traditional villages; temporary nature of the proposed use should not jeopardize the planning intention of the “V” zone should it be considered essential to be implemented by the Board in the future;
- (c) the proposed use is compatible with surrounding land uses and characters of the locality;
- (d) the proposed use will phase out existing incompatible use and resolve current interface issue, which would improve the overall living condition of the village;

- (e) considered the small scale of the proposed use, no adverse traffic, environmental infrastructural, landscape or visual impacts are anticipated from the proposed use; and
- (f) there are numerous applications in the OZP with similar nature and merits approved by the Board, approving the application would not set an undesirable precedent.

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

The applicant is the sole “current land owner” for the private land portion of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion of the Site, the requirements as set out in TPB PG-No. 31A are not applicable.

### **4. Background**

The storage use on the Site would be subject to planning enforcement action.

### **5. Previous Application**

There is no previous application covering the Site.

### **6. Similar Applications**

There are four similar applications (No. A/TM-LTTY/246, 276, 323 and 419) for temporary shop and services within the same “V” zone, which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2013 and 2021, mainly on the considerations that the approval of the applications on a temporary basis would not jeopardize the long-term planning intention of the “V” zone; the proposed development was not incompatible with the surrounding land uses; and the use was unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. However, the planning permission for application No. A/TM-LTTY/246 was subsequently revoked due to non-compliance with approval condition. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

### **7. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

7.1 The Site is:

- (a) currently fenced off and occupied by several temporary structures for warehouse use without valid planning permission (**Plan A-2 and A-4**); and
- (b) accessible from Ng Lau Road (**Drawing A-1 and Plan A-2**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to the east are residential dwellings intermixed with motor car services and storage uses which are suspected unauthorised developments (UDs);

- (b) to the south are a public toilet and a electricity substation. To the further south is land for parking of long vehicles, residential dwellings and Home for the Elderly;
- (c) to the west are residential dwellings. To the further west across Ng Lau Road are parking of vehicles and warehouse which are suspected UD; and
- (d) to the north and northwest are residential dwellings and a warehouse which is a suspected UD.

## 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 NTEH. 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 III and IV** respectively.

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

10.1 On 31.5.2022, the application was published for public inspection. During the statutory public inspection period, 18 public comments from individuals were received (**Appendices V-1 to V-18**), including 15 supporting comments or expressing no objection to the application, one objecting comment and two comments providing views.

### ***Supporting Comments / No objection (15 Comments)***

10.2 15 comments (**Appendices V-1 to V-15**) supporting or expressing no objection to the application mainly on grounds that the proposed use could meet any such demand for shop and services in the area; the proposed use help fade out the incompatible storage use and help improve nearby residents’ quality of life; the proposed use is temporary in nature and would not frustrate the long-term planning intention of the “V” zone; and it is anticipated that the proposed use will unlikely create adverse traffic, visual and environmental impacts to the surrounding area.

### ***Objecting Comment (1 Comment)***

10.3 One comment (**Appendix V-16**) objects to the application and raises concerns on pollution and fire safety grounds which would have adverse effects on villagers’ safety and quality of life.

***Other Comments (2 Comments)***

- 10.4 Two comments provide views on the application (**Appendices V-17 to V-18**). One of them expresses that the Government should ensure the operation hours of the proposed use so as to avoid potential nuisance to the nearby residents. Another one raises concerns whether there is sufficient land for small house developments and is of the view that approval of the application would encourage similar applications in the subject “V” zone.

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services for a period of 5 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 for development of Small House by indigenous villagers, the proposal could meet any such demand for shop and services in the area. According to the District Lands Officer/Tuen Mun, Lands Department, there is currently no Small House application approved/under processing at the Site. As such, approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The surrounding area comprises predominately residential dwellings intermixed with warehouses, motor car services and parking of vehicles (**Plan A-2**). The applied use is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment on the application from concerned government departments, including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape of Planning Department. The applied use will unlikely create significant adverse traffic, environmental, drainage, fire safety and landscape impacts to the surrounding area. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address the technical requirements of concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 11.4 There is no previous application at the Site. Four similar applications for shop and services have been approved within the subject “V” zone. Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There are 18 public comments received during the statutory publication period, including 15 supporting/no objection, one objecting and two providing views on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessment 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 5 years until 15.7.2027. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.1.2023;
- (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 15.4.2023;
- (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 15.1.2023;
- (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 15.4.2023;
- (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 "V" zone which is primarily 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**

<b>Appendix I</b>	Application Form received on 24.5.2022
<b>Appendix Ia</b>	SPS attached to <b>Appendix I</b>
<b>Appendix Ib</b>	SI received on 26.5.2022
<b>Appendix Ic</b>	FI received on 4.7.2022
<b>Appendix Id</b>	FI received on 5.7.2022
<b>Appendix Ie</b>	FI received on 8.7.2022
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-18</b>	Public Comments Received During Statutory Publication Periods
<b>Drawing A-1</b>	Proposed Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Drainage 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  
JULY 2022**