

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/TM-LTYT/464

- Applicant** : Senior Plan Development Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 3040 (Part) in D.D. 124 and Adjoining Government Land (GL), Chung Uk Tsuen, Tuen Mun, New Territories
- Site Area** : About 320 m² (including GL of about 250 m² or 78%)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYT/12 (LTYT OZP) and
Approved Tong Yan San Tsuen OZP No. S/YL-TYST/14 (TYST OZP)
- Zonings** : “Village Type Development” (“V”) (about 85%) on LTYT OZP and
[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]
“Residential (Group D)” (“R(D)”) (about 15%) on TYST OZP
[Restricted to a maximum plot ratio of 0.2 and a maximum BH of 2 storeys (6m)]
- Application** : Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for shop and services at the application site (the Site) for a period of three years (**Plan A-1**). According to the Notes for “V” and “R(D)” zones on the respective LTYT and TYST OZPs, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is largely vacant and subject to valid planning permission until 8.1.2024 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Castle Peak Road – Hung Shui Kiu via Tin Tei Yan Road (**Plan A-2**). According to the applicant, the Site will be used for real estate agency. No vehicle will be allowed to enter or parked at the Site. The layout plan, as-built drainage facilities, landscape and fire service installations (FSIs) proposals submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of two previous applications (No. A/TM-LTYT/345 and 408) for the same use as the current application which were approved by the

Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively. Compared with the last approved application (No. A/TM-LTTY/408), the current application is submitted by the same applicant for the same use with the same development parameters and site layout. The major development parameters are summarised as follows:

Site Area	320 m ² (about) (including GL of about 250 m ² or 78%)
Total Floor Area	Not more than 103m ²
No. of Structures	1 for real estate agency and toilet (not exceeding 1 storey (6m))
Operation Hours	9:00 a.m. to 8:00 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 10.10.2023 (Appendix I)
- (b) Supplementation Information (SI) received on 12.10.2023 (Appendix Ia)
- (c) Further Information (FI) received on 24.10.2023* (Appendix Ib)
- (d) FI received on 9.11.2023* (Appendix Ic)
- (e) FI received on 17.11.2023* (Appendix Id)
- (f) FI received on 24.11.2023* (Appendix Ie)

**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 Application Form, SI and FIs at **Appendices I to Id**. They can be summarised as follows:

- (a) The proposed use is in line with the planning intentions of the “V” and “R(D)” zones and compatible with the surrounding environment.
- (b) The proposed use and layout are identical to those under the last approved application No. A/TM-LTTY/408.
- (c) All approval conditions of the last approved application has been complied with.
- (d) Adverse noise and environmental impacts are not envisaged.

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

The application is the “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” requirements as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No.34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to any planning enforcement action.

6. Previous Applications

6.1 The Site is the subject of two previous applications (No. A/TM-LTYT/345 and 408) approved by the Committee in 2018 and 2021 respectively each for a period of three years mainly on the considerations that the proposed use was not incompatible with the surrounding land uses; approval of the application on temporary nature would not jeopardise the long-term planning intention of “V” and “R(D)” zones; and no adverse comments were received from relevant government departments. The planning permission for application No. A/TM-LTYT/345 was revoked on 16.8.2020 due to non-compliance with approval conditions on the implementation of drainage, landscape and FSIs proposals. For the last application (No. A/TM-LTYT/408), all the time-limited approval conditions have been complied with. Details of the applications are at **Appendix III** and their locations are shown at **Plan A-1**.

7. Similar Application

There is no similar application within the subject “V” and “R(D)” zones on the OZPs in the past five years.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site is:

- (a) located at the fringe of the “V” zone of Chung Uk Tsuen;
- (b) currently vacant; and
- (c) accessible from Castle Peak Road – Hung Shui Kiu via Tin Tei Yan Road.

8.2 The surrounding areas have the following characterises (**Plan A-2**):

- (a) predominated by residential dwellings intermixed with warehouses, open storage/ storage yards and parking of vehicles; and
- (b) the warehouses, open storage/ storage yards and parking of vehicles in the vicinity of the Site are suspected unauthorized developments subject to planning enforcement action.

9. **Planning Intention**

9.1 The planning intention of the “V” zone on the LTY Y OZP is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9.2 The “R(D)” zone on the TYST OZP is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. **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 IV** and **V** respectively.

11. **Public Comments Received During the Statutory Publication Period**

On 17.10.2023, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals. One comment supports the application without reason while the other provides views that the Site is largely on GL and subject to repeated non-compliance of approval conditions.

12. **Planning Considerations and Assessments**

12.1 The application is for renewal of the planning approval for temporary shop and services for a period of three year at the Site zoned “V” and “R(D)” on the respective LTY Y and TYST OZPs. Although the proposed use is not entirely

in line with the planning intentions of the “V” and “R(D)” zones, it 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 for the “V” zone on LTYO OZP at the Site. As for the “R(D)” zone on TYST OZP at the Site, there is no known development proposal. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intentions of the zones.

- 12.2 The Site is at the fringe of the “V” zone of Chung Uk Tsuen and in an area predominantly occupied by residential dwellings intermixed with warehouses and open storage/ storage yards (**Plan A-2**). The proposed use is considered not incompatible with the surrounding land uses.
- 12.3 The application complies with TPB PG-No. 34D in that there is no material change in planning circumstances; adverse implications arising from the renewal of the planning approval are not envisaged; all the time-limited approval conditions under previous application have been complied with; concerned government departments have no objection to or no adverse comments on the applications; and the three-year approval period sought is the same time-frame as the previous approval and is considered reasonable.
- 12.4 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to or no adverse comment on the application from environmental, traffic, fire safety and drainage aspects. To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.5 Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise possible environmental nuisance.
- 12.6 Given that two previous approvals for the same temporary shop and services use at the Site have been granted by the Committee in 2018 and 2021, approval of the current application is in line with the Committee’s previous decisions.
- 12.7 There are two public comments received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraph 12.1 to 12.5 are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments summarised in paragraph 11, the Planning Department has no objection to the temporary shop and services for a further period of three years.
- 13.2 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, and be renewed from 9.1.2024 until 8.1.2027. The following conditions of approval

and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (b) the existing fire service installations implemented on the site shall be maintained in an efficient working order at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (b) 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.

[Approval conditions have been updated or removed as per latest departmental comments and Planning Department's latest requirement.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 10.10.2023
Appendix Ia	SI received on 12.10.2023
Appendix Ib	FI received on 24.10.2023
Appendix Ic	FI received on 9.11.2023
Appendix Id	FI received on 17.11.2023
Appendix Ie	FI received on 24.11.2023
Appendix II	Relevant Extracts of TPB PG-No.34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments

Drawing A-1	Layout Plan
Drawing A-2	As-built Drainage Facilities
Drawing A-3	Landscape Proposal
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**