

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

**APPLICATION NO. A/TM-LTYT/473**

- Applicant** : Sun Cheong Management Consultant Limited
- Site** : Lot 3674 RP in D.D. 124, Sun Fung Wai, Tuen Mun, New Territories
- Site Area** : About 93 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]*
- 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 for a period of three years at the application site (the Site) which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes for the “V” zone on the OZP, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use (i.e. real estate agency) with valid planning permission under application No. A/TM-LTYT/413 until 23.7.2024 (**Plan A-2**).
- 1.2 The Site is accessible from Castle Peak Road – Hung Shui Kiu (**Plan A-2**). According to the applicant, the applied use is for real estate agency. The operation hours are from 9:00 a.m. to 7:30 p.m. on Mondays to Saturdays with no operation on Sundays and public holidays. Plans showing the layout, pedestrian access, fire service installations and drainage facilities submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.3 The Site was involved in eight previous applications (**Plan A-1**) including three applications for temporary shop and services approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2021 (details at paragraph 6 below). Compared with the last application No. A/TM-LTYT/413, 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:

	<b>Current application A/TM-LTY/473</b>
<b>Site Area</b>	About 93 m <sup>2</sup>
<b>Total Floor Area</b>	About 186 m <sup>2</sup>
<b>No. of Structure</b>	1
<b>Height of Structure</b>	Not more than 6.1m (2 storey(s))
<b>No. of Parking Spaces</b>	Nil
<b>Operation Hours</b>	9:00 a.m. to 7:30 p.m. with no operation on Sundays and public holidays

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

- (a) Application Form with attachments received on 3.5.2024 **(Appendix I)**
- (b) Supplementation Information (SI) received on 8.5.2024 **(Appendix Ia)**
- (c) Further Information (FI) received on 7.6.2024\* **(Appendix Ib)**

*\*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 FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied use is a temporary use which would not jeopardise the long-term planning intention of the “V” zone. The Site is not subject to any land transaction for residential use.
- (b) The nature, form and layout of the proposed development are compatible with surrounding environment. It would not affect the character of the indigenous village.
- (c) No adverse drainage, traffic, environmental impacts on the surroundings are anticipated.

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

The applicant is not the “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 registered post to the Tuen Mun Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

**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 was involved in eight previous applications (No. A/TM-LTYYY/126, 135, 179, 192, 243, 296, 350 and 413). Details of the previous applications are summarised at **Appendix III** and the boundary of the sites is shown on **Plan A-1**.
- 6.2 Applications No. A/TM-LTYYY/296, 350 and 413 for the same applied use were all approved with conditions each for a period of three years by the Committee between 2015 and 2021, mainly on the considerations that the development would not jeopardize the long-term planning intention and was not incompatible with surrounding land uses and no adverse comment from concerned government departments. The other four planning applications (No. A/TM-LTYYY/126, 135, 179 and 192) are not relevant to the current application which involves a different use.
- 6.3 Application No. A/TM-LTYYY/243 for temporary sales of vehicles for a period of three years was rejected by the Committee in 2013 mainly on the ground that the approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent.
- 6.4 For the last application (No. A/TM-LTYYY/413), all the time-limited approval conditions have been complied with and the planning permission is valid until 23.7.2024.

**7. Similar Applications**

- 7.1 There are four similar applications (No. A/TM-LTYYY/382, 387, 401 and 408) for temporary shop and services use in the subject “V” zone in the last five years. All applications were approved with conditions by the Committee in 2019 and 2021 respectively on similar grounds as stated in paragraph 6.2 above. Details of the similar applications are summarised at **Appendix IV** and the locations of the sites are shown on **Plan A-1**.

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

**8.1 The Site is:**

- (a) occupied by a temporary structure being used for the applied use;
- (b) located within the village clusters of Sun Fung Wai and Chung Uk Tsuen; and
- (c) accessible from Castle Peak Road – Hung Shui Kiu.

**8.2** The surrounding areas are rural residential in nature comprising predominantly village houses, temporary structures, intermixed with shops, restaurants, storage, parking of vehicles, vehicle repair services and workshops. Some of the uses are suspected unauthorized developments subject to planning enforcement action.

**9. Planning Intention**

The planning intention of the “V” zone on the 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.

**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 V** and **VI** respectively.

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

On 10.5.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

**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 years at the Site zoned “V” on OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could meet the 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 Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.

- 12.2 The Site is located within the village clusters of Sun Fung Wai and Chung Uk Tsuen. The surrounding areas are rural residential in nature comprising predominantly village houses, temporary structures intermixed with shops, restaurant, storage, parking of vehicles, vehicle repair services and workshops. (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.
- 12.3 The application is in line with the TPB PG-No. 34D in that there has been no major change in planning circumstances; adverse planning implications arising from the renewal of the planning approval are not envisaged; all time-limited approval conditions under the previous approval have been complied with; and the three-year approval period sought is of the same timeframe as the previous approval and is considered reasonable.
- 12.4 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of the concerned government departments and the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.
- 12.5 Three previous applications for the same use and four similar applications have been approved by the Committee within the same “V” zone, approval of the current application is in line with the previous decisions of the Committee.

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

- 13.1 Based on the assessments made in paragraph 12, 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 24.7.2024 until 23.7.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the approval period;
- (b) the submission of condition record of implemented drainage facilities within **3** months from the date of commencement of the renewal

planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.10.2024;

- (c) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning conditions (a) ~~and~~ *or* (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
- (e) if the above planning condition (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.

*[Approval conditions (a) and (b) are the same as the previous application No. A/TM-LTTY/413. Approval conditions on submission and implementation of fire services installations proposal as required under previous application are deleted and replaced by maintenance of the existing fire service installations as per the department's latest requirements. Restrictions on operation for previous application on the Site are removed as per the latest practice.]*

Advisory clauses

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

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**

<b>Appendix I</b>	Application Form with attachments received on 3.5.2024
<b>Appendix Ia</b>	SI received on 8.5.2024
<b>Appendix Ib</b>	FI received on 7.6.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No.34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses

<b>Drawing A-1</b>	1/F Layout Plan
<b>Drawing A-2</b>	G/F Layout Plan
<b>Drawing A-3</b>	Pedestrian Access Plan
<b>Drawings A-4a to A-4c</b>	FSIs Proposal
<b>Drawing A-5</b>	Drainage Plan
<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  
JUNE 2024**