

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-SKW/131

<u>Applicant</u>	: WU Chi Man (胡志文) represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lot 271 S.A ss.1 (Part) in D.D. 385, Tuen Mun, New Territories
<u>Site Area</u>	: About 116m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/15
<u>Zoning</u>	: “Village Type Development” (“V”) [Restricted to a maximum building height of 3 storeys (8.23m), except for those developments / uses specified in the Notes]
<u>Application</u>	: 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 five years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ other than those on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved and vacant (**Plan A-2**).
- 1.2 The Site is accessible via a local track leading from Tai Lam Chung Road (**Plan A-2**). According to the applicant, the proposed use will be for selling groceries and daily necessities to serve the local residents. A two-storey temporary structure of 7m in height with a total floor area of about 160m² will be erected at the Site. No vehicle parking space will be provided and the loading/unloading of goods by light goods vehicles will be carried out at Tai Lam Chung Road and goods will be transported to the Site by trolley once every one to two weeks. The operation hours are between 6:00 a.m. and 11:00 p.m. daily. No public announcement systems, whistle or portable

loudspeaker will be used. The location plan and site layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form and Planning Statement received on **(Appendix I)** 7.2.2025
- (b) Further Information (FI) received on 17.3.2025 and **(Appendix Ia)** 19.3.2025*

**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 in the Application Form and Planning Statement at **Appendix I**. They can be summarised as follows:

- (a) the proposed use would serve the needs of the local resident;
- (b) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone;
- (c) the proposed use is not incompatible with the surrounding land uses; and
- (d) no adverse traffic, environmental, visual and landscape impacts will be caused.

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

The applicant is not a ‘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 obtaining consent from the land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Applications

The Site was involved in six previous applications (No. A/DPA-TM-SKW/21, 22 and 24 and A/TM-SKW/3, 6 and 40) covering a larger site for comprehensive residential development with or without village housing, and temporary vehicle park. The considerations of these applications are not relevant to the current application which involves a different use. Details of these previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are three similar applications (No. A/TM-SKW/115, 124 and 129) for temporary shop and services for a period of three years within the same “V” zone in the past five years. They were approved with conditions by the Rural and New Town Planning Committee (the Committee) mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; being not incompatible with the surrounding land uses; and relevant government departments had no adverse comment on/no objection to the application. Details of the applications are summarised in **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 paved and vacant; and
- (b) accessible via a local track leading from Tai Lam Chung Road.

7.2 The surrounding areas are rural in character predominated by village houses intermixed with parking of vehicles, open storage/storage yards, a retail shop, and a barbeque area, an orchard and some vacant land. Some of these uses are suspected unauthorized developments subject to planning enforcement action. To the further southwest are some Government, Institution or Community (GIC) facilities.

8. 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 House 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 Bureau/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 are provided in **Appendices III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 14.2.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of five 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, it could serve the needs of the local residents. According to DLO/TM, LandsD, there is currently no Small House application approved/under processing at the Site. 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 proposed use is generally not incompatible with the surrounding areas which are rural in character predominated by village houses intermixed with parking of vehicles, open storage/storage yards, a retail shop, a barbeque area, and GIC facilities.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, and Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental, drainage, and fire safety aspects respectively. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the application be approved, the applicant will 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.
- 11.4 There are three similar applications within the same “V” zone approved by the Committee in the past five years as mentioned in paragraph 6 above. Approval of the application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 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 five years until 28.3.2030. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 28.9.2025;
- (b) in relation to (a) above, the implementation of the revised 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 28.12.2025;
- (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 **28.9.2025**;
- (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 **28.12.2025**;
- (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 attached 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 "Village Type Development" zone which is primarily for development of Small House 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

Appendix I	Application Form and Planning Statement received on 7.2.2025
Appendix Ia	FI received on 17.3.2025 and 19.3.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan for Loading/Unloading
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan

Plan A-3

Aerial Photo

Plan A-4

Site Photos

PLANNING DEPARTMENT

March 2025