

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/590

- Applicant** : Edge Industrial Limited represented by R-riches Property Consultants Limited
- Site** : Lot 820 RP in D.D. 132, Tuen Mun, New Territories
- Site Area** : About 691m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/39
(*currently in force*)
- Draft Tuen Mun OZP No. S/TM/38
(*in force at the time of submission*)
- [no change to zoning and development restrictions for the application site]*
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services and Eating Place for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and eating place 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 “V” zone, ‘Shop and Services’ and ‘Eating Place’ other than those on the ground floor of a New Territories Exempted House are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by parking of vehicles (**Plan A-2**).
- 1.2 The Site is accessible from Tong Hang Road via Yan Po Road with ingress/egress in the northern point of the Site (**Plans A-2 and A-3**). According to the applicant, 12 single-storey structures (about 3m in height) with a total gross floor area (GFA) of 241m² will be provided at the Site for fast food booths, restaurant, washroom and meter room (**Drawing A-1**). One loading/unloading bay for light goods vehicle (LGV) is proposed. No on-site parking will be provided for visitors and no public

announcement system or audio amplification system will be used. The proposed layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The major development parameters of the application are as follows:

Site Area	About 691m ²
Total GFA	About 241m ²
No. of Structures	12 Including: - Shop and Services (fast food booths): 9 - Eating Place (restaurant)*: 1 - Ancillary facilities (washroom and meter room): 2
Maximum Building Height	1 storey (about 3m)
No. of Loading/Unloading Space	1 for LGV
Operation Hours	12:00 to 23:00, daily

*According to the applicant, the roof of the restaurant will be uncovered and used as an observation deck for visitors.

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

- (a) Application Form received on 8.2.2024 (Appendix I)
- (b) Supplementary Statement received on 8.2.2024 (Appendix Ia)
- (c) Further Information (FI) received on 16.4.2024* (Appendix Ib)
- (d) FI received on 2.7.2024@ (Appendix Ic)
- (e) FI received on 7.8.2024* (Appendix Id)

**accepted and exempted from publication and recounting requirements*

@accepted but not exempted from publication and recounting requirements

1.5 On 5.4.2024 and 7.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Statement and FIs at **Appendices Ia to Id**. They are summarised as follows:

- (a) the proposed use will echo the “Night Vibes Hong Kong” campaign and alleviate the pressing demand for shop and services and eating place from the nearby residents;
- (b) the temporary nature of the proposed use will not jeopardise the long-term planning of the “V” zone. The proposed building height is not incompatible with the surroundings;

- (c) there are fee-paying vehicle parks in the vicinity of the Site to meet the parking demand in case visitors commute to the Site by vehicles;
- (d) the applicant undertakes to provide relevant control and mitigation measures from odour, noise, wastewater management, waste disposal and lighting aspects, and will apply for a wastewater discharge license under the Water Pollution Control Ordinance (Cap. 358) to mitigate any potential environmental and pests nuisances caused by the proposed use; and
- (e) the proposed use will not generate significant nuisances to the surrounding areas. The applicant also undertakes to submit a drainage proposal and a fire services installations proposal to mitigate any adverse impacts should the application be approved by the Board. Application for licence/permit from the Food and Environmental Hygiene Department will also be made where appropriate.

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 posting site notice and sending notice to the Tuen Mun Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

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

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

6.1 The Site is:

- (a) located at the southwestern fringe of Siu Hang Tsuen (**Plan A-1**);
- (b) paved and currently occupied by parking of vehicles (**Plans A-2 and A-4**); and
- (c) accessible via Tong Hang Road (**Plan A-2**).

6.2 The surrounding areas are predominated by open-air vehicle parks, village houses and low-rise residential developments (i.e. Po Wah Garden Phase 2 and Ming Wong Garden). Several high-rise residential developments (i.e. Wo Tin Estate, Po Tin Estate, Ching Tin Estate and NOVO LAND) are located to the further north, southwest and south of the Site respectively (**Plan A-3**).

7. 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 New Territories Exempted House. 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 are provided in **Appendices II** and **III** respectively.

9. Public Comments Received During the Statutory Publication Periods

9.1 On 20.2.2024 and 5.7.2024, the application and the FIs were published for public inspection. During the statutory public inspection periods, a total of 68 public comments were received, including 42 supporting comments from individuals and the Village Representatives of Siu Hang Tsuen and Po Tong Ha Tsuen (counted as one comment) (**Appendix IVa**), 18 objecting comments from individuals (one with six signatures) and a nearby resident (**Appendix IVb**), and eight providing views from individuals and a nearby resident (with five signatures) (**Appendix IVc**). The major grounds of the comments and views are summarised as follows:

Supporting (42 comments)

- (a) the proposed use will create more job opportunities and contribute to the economic development of Tuen Mun and Hong Kong as a whole;
- (b) the proposed use will provide a new dining option serving the needs of the nearby residents; and
- (c) the Site will become a new attraction and focal point of Tuen Mun.

Objecting (18 comments)

- (a) there are already new shops and restaurants in the surrounding residential developments such as Wo Tin Estate, Ching Tin Estate and NOVO LAND (**Plan A-3**);
- (b) the proposed use will affect the ingress and egress of the existing car parks nearby;
- (c) the proposed use will aggravate the traffic, noise, environmental, hygienic and security problems of the surrounding area and will cause nuisance to the nearby

residents, particularly those living in Po Wah Garden Phase 2 (**Plans A-3 and A-4**); and

- (d) it is not justified to apply for approval for a period of six years.

Providing Views (eight comments)

- (a) the applicant should provide noise mitigation measures; designate smoking and non-smoking areas; maintain good hygiene and ensure the proper disposal of waste; provide bicycle parking and adequate parking guidance; and maintain sufficient lighting and good ventilation within the Site; and
- (b) concerns over the design and types of restaurants, the potential security problems, the provision of market stalls and allowance of pets on the Site.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed temporary shop and services and eating place for a period of six years at the Site zoned “V” on the OZP. Although the proposed use is not in line with the planning intention of the “V” zone, which is primarily for the development of Small House by indigenous villagers, the proposed use could meet the demand for shop and services and eating place in the nearby area. According to the District Lands Officer/Tuen Mun of Lands Department, there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for a period of six years would not jeopardise the long-term planning intention of the “V” zone.
- 10.2 The proposed use comprises 12 single-storey temporary structures (about 3m in height) with a total floor area of about 241m². In view of the nature of operations and scale of the proposed use, it is considered not incompatible with the surrounding areas, which are predominantly occupied by open-air vehicle parks, village houses, and low-rise and high-rise residential developments (**Plan A-2**).
- 10.3 There is no objection to or no adverse comment on the application from concerned government departments, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services from traffic, drainage, environmental and fire safety perspectives respectively. Appropriate approval conditions set out in paragraphs 11.2 are proposed to address the technical requirements of the concerned departments. Should the application be approved, the applicant will be advised to strictly follow the committed environmental control and mitigation measures proposed in order to minimise any potential environmental nuisances.
- 10.4 There were 68 public comments with 42 supporting, 18 objecting and eight providing views on the application as summarised in paragraph 9 above. The planning considerations and assessments in paragraphs 10.1 to 10.3 above are relevant. Regarding the objecting comments concerning the potential hygienic nuisance, the Director of Food and Environmental Hygiene has no adverse comment on the application. Should the application be approved, the applicant will be advised to conduct pest control measures to avoid infestation of pests including mosquitos and

rodents at the Site and its surroundings by all practical means. Regarding the security issue, the Commissioner of Police has no comment on the application.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 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 16.8.2030. 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 **16.2.2025**;
- (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 **16.5.2025**;
- (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 implementation of the mitigation measures identified in the accepted sewerage impact assessment within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection and Director of Drainage Services or of the Town Planning Board by **16.5.2025**;
- (e) 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 **16.2.2025**;
- (f) in relation to (e) 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 **16.5.2025**;
- (g) 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
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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 III**.

- 11.3 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 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. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

12. Decision Sought

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

13. Attachments

Appendix I	Application Form received on 8.2.2024
Appendix Ia	Supplementary Statement received on 8.2.2024
Appendix Ib	FI received on 16.4.2024
Appendix Ic	FI received on 2.7.2024
Appendix Id	FI received on 7.8.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendices IVa to IVc	Public Comments
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**