

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/379

- Applicant** : Chan Chi Hung represented by Wong Sun Wo William
- Site** : Lots 3097 S.A RP, 3102, 3107 S.A, 3107 S.B, 3107 S.C, 3107 S.D, 3107 S.E, 3107 S.F, 3107 S.G and 3107 RP in D.D. 104 and Adjoining Government Land (GL), Mai Po, Yuen Long
- Site Area** : About 3,165m² (including GL of about 66m² (about 2%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
- Zoning** : “Village Type Development” (“V”) (about 97%)
[restricted to maximum building height (BH) of 3 storeys (8.23m)]

“Residential (Group D)” (“R(D)”) (about 3%)
[restricted to maximum plot ratio of 0.2 and BH of 2 storeys (6m)]
- Application** : Proposed Temporary Shop and Services (Hardware Groceries and Construction Materials) with Ancillary Facilities for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (hardware groceries and construction materials) with ancillary facilities for a period of five years at the application site (the Site), which is mainly zoned “V” with minor portion zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use within the “V” and “R(D)” zones respectively which requires planning permission from the Town Planning Board (the Board). The Site is hard paved and vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from its southeast with a 10m-wide ingress/egress leading to Ha Chuk Yuen Road (**Plan A-2**). According to the applicant, the proposed use comprises four single-storey structures (about 3m to 8m in height) for shop and services, toilet and meter room with a total floor area of about 480m². Five parking spaces for private cars and two loading/unloading bays for light goods vehicles will be provided at the Site. The

proposed operation hours are from 8 a.m. to 6 p.m. daily, excluding Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 9.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 6.2.2025[#] (**Appendix Ia**)
[#]accepted and exempted from the publication and recounting requirements

1.4 On 6.12.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The proposed shop and services use could serve the nearby residents and villagers.
- (b) Adverse environmental, landscape, drainage and traffic impacts on the surrounding areas are not anticipated. In support of the application, a drainage proposal has been submitted.

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

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

4. **Town Planning Board Guidelines**

The Site is located in the Wetland Buffer Area (WBA) (**Plan A-1**) in Deep Bay Area. The Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) is relevant to the application and relevant extracts of which are at **Appendix II**.

5. **Background**

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

6. **Previous Application**

There was no previous application at the Site.

7. Similar Applications

There are five similar applications (No. A/YL-MP/318, 320, 340, 354 and 370) for temporary shop and services (three with public vehicle park use) within the same “R(D)” zone and/or the other “V” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee for a period of three or five years between 2021 and 2024 mainly on the considerations that the temporary approval would not jeopardise the long-term planning intentions of the “R(D)” and/or “V” zones; the proposed use was not incompatible with the surrounding areas; and the concerned government departments consulted in general had no adverse comment or their concerns could be addressed by imposing relevant approval conditions. Details of the similar applications are summarised at **Appendix III** and their locations 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) hard paved and vacant;
- (b) accessible via an ingress/egress leading to Ha Chuk Yuen Road; and
- (c) located within the WBA in Deep Bay Area.

8.2 The surrounding areas are rural fringe in character predominated by village houses/residential dwellings with some community facilities (including a home for elderly and a field study centre and organic farm), agricultural land, grassland and vacant land.

9. Planning Intentions

9.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion, and land within this zone is primarily intended for development of Small Houses (SHs) 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.

9.2 The planning intention of the “R(D)” zone is 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, if any, are provided in **Appendices IV and V** respectively.

11. Public Comment Received During Statutory Publication Period

On 18.10.2024, the application was published for public comment. During the statutory publication period, one public comment was received from an individual mainly raising concerns that the proposed use is incompatible with the surrounding areas (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary shop and services (hardware groceries and construction materials) with ancillary facilities for a period of five years at the Site mainly zoned “V” (about 97%) with minor portion zoned “R(D)” (about 3%) (**Plan A-1**). Although the proposed use is not entirely in line with the planning intention of the “V” zone, it could provide shop and services for the nearby villagers/residents as the applicant claims. According to the District Lands Officer/Yuen Long, Lands Department, there is no SH application being processed/approved at the Site. The proposed use of temporary nature would not adversely affect the land availability for NTEH within the “V” zone in the long term. Besides, whilst the proposed use is not in line with the “R(D)” zone, there is no committed long-term development 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 intentions of the “V” and “R(D)” zones. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of five years.
- 12.2 The proposed use is considered not incompatible with the surrounding areas which are predominated by village houses/residential dwellings with some community facilities, agricultural land, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application as no significant landscape impact arising from the proposed use at the Site is anticipated.
- 12.3 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.4 Other concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any potential environmental impacts caused by the proposed use on the surrounding areas.
- 12.5 As detailed in paragraph 7 above, there were five similar applications within the same “R(D)” zone and/or the other “V” zone in the vicinity of the Site approved by the Committee in the past five years. Approving the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, PlanD has no objection to the application.
- 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 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 within 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 V**.

- 13.3 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 intentions of the "Village Type Development" and "Residential (Group D)" zones which are primarily intended for development of Small Houses by indigenous villagers and for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis.

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 received on 9.10.2024
Appendix Ia	FI received on 6.2.2025
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**