

RNTPC Paper No. A/YL-NTM/456
For Consideration by the
Rural and New Town
Planning Committee
on 31.3.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/456

<u>Applicant</u>	: Kam Hay Machine Engineering Company Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lot 630 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: About 434 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Proposed Temporary Shop and Services for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services for a period of 5 years (**Plan A-1**). According to the Notes of “REC” zone of the OZP, the ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site has been hard-paved with asphalt and is currently fenced-off and vacant (**Plans A-2 , A-4a and A-4b**).
- 1.2 According to the layout plan (**Drawing A-2**) and information submitted by the applicant, a 6m-wide ingress/egress is located at the northern side of the Site, which is accessible from Ngau Tam Mei Road via a local access. Two structures (2 storeys and about 7m in height) with a total gross floor area of about 288 m² for shop and services (convenience store) with ancillary office are proposed at the Site. One light goods vehicle loading and unloading bay will be provided. The operation hours will be from 9:00 a.m. to 6:00 p.m. from Mondays to Sundays, including public holidays.

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

(a) Application form with attachments received on 3.2.2023 (Appendix I)

(b) Further Information (FI) received on 27.3.2023[#] (Appendix Ia)

[#] *exempted from publication requirement*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form and the FI at **Appendix I**. They can be summarised as follows:

- (a) The proposed development can serve the local demand and support the needs of the nearby residents.
- (b) The proposed temporary use for a period of five years will not jeopardise the long-term planning intention of the “REC” zone, and is not incompatible with the surrounding area.
- (c) No car parking space is proposed at the Site and the loading/unloading space is provided for transportation of goods to support daily operation of the proposed development. Traffic generation and attraction of the proposed development is minimal, adverse traffic impact to the surrounding road network should not be anticipated.
- (d) The applicant will follow relevant Code of Practices and Practice Notes to minimise possible environmental impacts. No public announcement system or any form of audio amplification system will be used at the Site.
- (e) The proposed development will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Adequate mitigation measures will be provided to minimise nuisance to the existing environment upon planning approval has been granted.

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

The applicant is not a “current land owner” of 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. 31A) by posting site notice and sending the notice to relevant owners’ corporation(s)/ owners’ committee(s)/ mutual aid committee(s)/

management office(s) or rural committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

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

5. Previous Applications

There is no previous application at the Site.

6. Similar Applications

- 6.1 During the past five years, there is one similar application for temporary shop and services use within the same "REC" zone on the OZP.
- 6.2 Application No. A/YL-NTM/417 for temporary shop and services (convenience store) was approved by the Committee in 2021 mainly on the considerations that the development would not frustrate the long-term planning intention of the application site and were not incompatible with the surrounding land uses; and the development would unlikely generate significant adverse impacts. Details of the application is summarised at **Appendix II**. Its location is shown on **Plan A-1**.

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

- 7.1 The Site is:
 - (a) hard-paved, currently fenced-off and vacant; and
 - (b) accessible from Ngau Tam Mei Road via a local access.
- 7.2 The surrounding areas have the following characteristics:
 - (a) to its immediate north is a public vehicle park, to its further north across Ngau Tam Mei Road are the Tam Mei Barracks and a village office;
 - (b) to its east are residential dwellings, residential/storage, grassland and a basketball court;
 - (c) to its south are vacant land, residential/storage and temporary animal boarding establishment (dog breeding ground) under application No. A/YL-

NTM/435; to its southeast is the former Yau Tam Mei Primary School which is currently vacant;

- (d) to its immediate west is an open storage yard of construction materials; to its west are vacant land and a residential dwelling; and
- (e) except for a residential/storage and the dog breeding ground to its south and some residential dwelling/storage to its east, the public vehicle park and open storage yard in the vicinity of the Site are mostly suspected unauthorised developments.

8. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. 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 III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 10.2.2023, the application was published for public comment. During the statutory public inspection period, one public comment was received (**Appendix V**) from an individual objecting to/raising concerns on the application on the grounds that the Site was until recently covered with natural vegetation and approval of the application would set a precedent and encourage destruction of the natural environment that is compatible with the “REC” zone.

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 within “REC” zone of the OZP. The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism, and uses in support of the recreational developments may be permitted subject to planning permission. While the proposed use is not

entirely in line with the planning intention of the “REC” zone, there is no known long-term development 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 Site.

- 11.2 According to the applicant, the proposed convenience store is to serve the local demand and support the needs of the nearby residents. The proposed use with two 2-storey structures is not incompatible with the surrounding land uses with vacant land, grassland, scattered residential dwellings and storage uses.
- 11.3 In view of the nature and small-scale of the proposed shop and services, it would unlikely cause significant adverse impacts on the area. It is noted that vegetation clearance within the Site has been taken place. There are no adverse comments from the concerned Government departments, including Director of Environmental Protection (DEP), Commissioner for Transport, Chief Town Planner/Urban Design and Landscape, Planning Department, Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) on environmental, traffic, landscape, drainage and fire safety aspects. Should the application be approved, technical requirement of CE/MN of DSD and D of FS can be addressed by imposing approval conditions recommended in paragraph 12.2 below. The applicant will also be advised to follow the relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP to minimise any potential environmental impacts.
- 11.4 As detailed in paragraph 6, the Committee has approved one similar application for temporary shop and services use within the same “REC” zone in the past five years. Approval of the current application is in line with the previous decision of the Committee.
- 11.5 Regarding the public comment received during the statutory public inspection period of the application as detailed in paragraph 10, the planning assessment and departmental comments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment in paragraph 10, 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 5 years until 31.3.2028. 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 30.9.2023;
- (b) 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 31.12.2023;
- (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 installation 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 30.9.2023;
- (e) 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 31.12.2023;
- (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 development is not in line with the planning intention of the "REC" zone, which is primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. 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 renewal of the planning 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.

15. Attachments

Appendix I	Application form received on 3.2.2023
Appendix Ia	FI received on 27.3.2023
Appendix II	Similar application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Location plan
Drawing A-2	Layout plan
Plan A-1	Location plan with similar application
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
MARCH 2023**