

RNTPC Paper No. A/YL-NTM/457
For Consideration by the
Rural and New Town
Planning Committee
on 5.5.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/457

<u>Applicant</u>	: On Grand Development Limited represented by FiBi International Project Consultancy Co. Limited
<u>Site</u>	: Lot 1689 RP in D.D. 105, Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: About 301 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>	: Residential (Group C)” (“R(C)”) [restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m) including car park]
<u>Application</u>	: Proposed Temporary Eating Place and Shop and Services with ancillary facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary eating place and shop and services with ancillary facilities for a period of 3 years (**Plan A-1**). According to the Notes of “R(C)” zone of the OZP, ‘Eating Place’ and ‘Shop and Services’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently fenced-off and vacant (**Plans A-2 and A-4**).
- 1.2 According to the layout plan (**Drawing A-1**), a 4m-wide ingress/egress is located at the northern side of the Site, which is accessible from San Tam Road via a local access. Three structures (1 to 2 storeys and not more than 7m in height) with a total gross floor area of about 133m² for eating place, shop, toilet, storeroom and staircase are proposed at the Site. Two private car parking spaces will be provided. The operation hours will be from 9:00 a.m. to 9:00 p.m. from

Mondays to Saturdays, and from 9:00 a.m. to 11:00 p.m. on Sundays and public holidays.

- 1.3 In support of the application, the applicant has submitted the Application form with attachments, which was received by the Board on 10.3.2023. (**Appendix I**)

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 temporary eating place and shop and services (for real estate development and project design) uses can serve the local workers and residents nearby. The proposed temporary use for a period of three years will not jeopardise the long-term planning intention of the “R(C)” zone.
- (b) The applicant will comply with approval conditions imposed by the Committee.
- (c) The environmental and noise impacts generated by the development are insignificant as there will be no operation during noise sensitive hours. There will be minimal drainage impact as U-shape drain will be provided.

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

The applicant is the sole “current land owner” of the Site. 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 are 12 similar applications for temporary shop and services/eating place uses within the same “R(C)” zone on the OZP (**Plan A-1**).

- 6.2 Applications No. A/YL-NTM/369 and 419 (covering same site), A/YL-NTM/375 and 425 (covering same site), 381, 422, 423, 438, 441, 442 and 450 for temporary shop and services for sales of building materials/metalware/automated home accessories/gardening materials/convenience store and Application No. A/YL-NTM/407 for temporary eating place (restaurant) were approved by the Committee between 2018 and 2022 mainly on the considerations that the developments would not frustrate the long term planning intention of the “R(C)” zone and were not incompatible with the surrounding land uses; and the developments would unlikely generate any adverse impacts. Details of these applications are summarised at **Appendix II**. 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) hard-paved, currently fenced-off and vacant; and
- (b) accessible from San Tam Road via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its north across the watercourse and local access are a cycling track and San Tin Highway;
- (b) to its east are residential dwelling/storage and a temporary metalware shop with valid planning permission (No. A/YL-NTM/425);
- (c) to its south are grassland, residential dwelling/storage, gardening area and the site for proposed transitional housing development with valid planning permission (No. A/YL-NTM/431); and
- (d) to its immediate west is a pavilion; to its further west across the watercourse and San Tam Road is the Mai Po Electric Substation.

8. **Planning Intention**

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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 Comments Received During Statutory Publication Period**

On 21.3.2023, the application was published for public comment. During the first three weeks of the statutory public inspection period, a total of four public comments were received (**Appendix V**). Two comments were submitted by the Chairman of Mai Po Village Ko Hang Region Residents' Association and residents of the village and an individual objecting to the application on the grounds that the waste generated from the proposed development would be discharged to the rivers and cause adverse environmental and ecological impacts to the surrounding area and Mai Po area; the proposed development may generate noise nuisance and security concerns which affect local residents; and the Site has no access to water supply and drains. The remaining two comments were submitted by individuals indicating no comment on the application.

11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary eating place and shop and services with ancillary facilities for a period of three years at the Site within "R(C)" zone of the OZP. The planning intention of the "R(C)" zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Although the proposed temporary use is not entirely in line with the planning intention of the "R(C)" zone, the proposed temporary eating place and shop and services could provide catering and shop and services to local workers and residents. There is no immediate permanent development proposal 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 "R(C)" zone.
- 11.2 The Site is located at the fringe of the "R(C)" zone and within a short distance from San Tam Road. The proposed use is not incompatible with the surrounding land uses with grassland and residential dwellings/storage.
- 11.3 The proposed use would unlikely cause significant adverse impacts on the area. There are no adverse comments from the concerned Government departments, including Director of Food and Environmental Hygiene, 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 food and environmental hygiene, 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 12 similar applications for temporary shop and services/eating place uses within the same "R(C)" zone in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comments 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 comments 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 3 years until 5.5.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) 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 5.11.2023;
- (c) 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 5.2.2024;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (e) 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 5.11.2023;
- (f) 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 5.2.2024;
- (g) if any of the above planning condition (a) or (d) 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 (b), (c), (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 attached at **Appendix IV**.

12.3 There is no strong reason to recommend rejection of the application

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.

Attachments

Appendix I	Application form received on 10.3.2023
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments

Drawing A-1	Layout plan
Drawing A-2	Lot Plan with proposed vehicular access
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2023**