

RNTPC Paper No. A/YL-NTM/458A  
For Consideration by the  
Rural and New Town  
Planning Committee  
on 8.9.2023

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**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NTM/458**

<b><u>Applicant</u></b>	: On Grand Development Limited represented by FiBi International Project Consultancy Co. Limited
<b><u>Site</u></b>	: Lot 1699 in D.D. 105, Ngau Tam Mei, Yuen Long
<b><u>Site Area</u></b>	: About 346 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
<b><u>Zoning</u></b>	: 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]
<b><u>Application</u></b>	: Proposed Temporary Shop and Services and ancillary Site Office 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 shop and services and ancillary site office for a period of 3 years (**Plan A-1**). According to the Notes of “R(C)” zone of the OZP, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant. (**Plans A-2 and A-4**)
- 1.2 The Site is accessible from San Tam Road via a local access. According to the layout plan (**Drawing A-1**), a structure (2 storeys and not more than 7m in height) with a total gross floor area of about 103m<sup>2</sup> for shop and services with site office for project engineering and design services, restroom, toilet and staircase are proposed at the Site. The operation hours will be from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and from 9:00 a.m. to 9:00 p.m. on Sundays and public holidays.

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

- (a) Application form with attachments received on 13.3.2023 (Appendix I)
- (b) Further Information (FI) received on 18.7.2023<sup>#</sup> (Appendix Ia)
- (c) FI received on 29.8.2023<sup>#</sup> (Appendix Ib)

*Remarks:*

*<sup>#</sup> accepted and exempted from publication and recounting requirements*

1.4 On 5.5.2023, 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 to allow more time for the applicants to prepare FI in support of the application.

## **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 FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed temporary shop and services and ancillary site office use is for providing development engineering and design services. 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 Application**

There is no previous application at the Site.

## 6. **Similar Applications**

- 6.1 During the past five years, there are 13 similar applications for temporary shop and services use 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), A/YL-NTM/422 and 463 (covering same site), 381, 422, 423, 438, 441, 450 and 457 for temporary shop and services for sales of building materials/metalware/automated home accessories/gardening materials/convenience store were approved by the Committee between 2018 and 2023 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) currently 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 are residential dwelling/storage and a temporary metalware shop with valid planning permission (No. A/YL-NTM/425); to its further north across the watercourse and local access is cycling track and San Tin Highway;
  - (b) to its east are ruin and open storage yards for vehicles;
  - (c) to its south are grassland and the site for proposed transitional housing development with valid planning permission (No. A/YL-NTM/431); and
  - (d) to its west are storage use, grassland, residential dwelling/storage and a pavilion; to its further west across the watercourse is the San Tam Road.

## 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**

- 9.1 Apart from the Government department as set out in paragraph 9.2 below, other 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.
- 9.2 The following Government department has following comments on the application and their views on the application are summarised as follows:

### **Project Interface**

- 9.2.1 Comments from the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD):

The Site is within the proposed boundary of San Tin Technopole (STLMC DN). According to the latest tentative development programme of STLMC DN, the construction work and land resumption will commence after the Financial Committee funding approval tentatively by 2024. Thus, the Site, within the boundary of STLMC DN, will probably be required for timely clearance and construction.

## 10. **Public Comments Received During Statutory Publication Period**

On 24.3.2023, the application was published for public comment. During the first three weeks of the statutory public inspection period, one public comment was received (**Appendix V**) from the Chairman of Mai Po Village Ko Hang Region Residents' Association and residents of the village 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; and the proposed development may generate noise nuisance and security concerns which affect local residents.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services and ancillary site office 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 shop and services and ancillary site office could provide services to local residents and 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, open storage yards and residential dwellings/storage.
- 11.3 PM(N), CEDD advises that as the Site falls within the boundary of San Tin Technopole, it will be required for timely clearance and construction upon approval of funding for land resumption tentatively by 2024. Should the application be approved by the Board, relevant advisory clause will be recommended to remind the applicant that the Site may be resumed by the Government and that the proposed use may be terminated at any time during the planning approval period for implementation of imminent government projects.
- 11.4 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 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.
- 11.5 As detailed in paragraph 6, the Committee has approved 13 similar applications for temporary shop and services 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.

- 11.6 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 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 8.9.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no vehicle is allowed to access the Site 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 8.3.2024;
- (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 8.6.2024;
- (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 8.3.2024;
- (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 8.6.2024;
- (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.

**14. Attachments**

<b>Appendix I</b>	Application form received on 13.3.2023
<b>Appendix Ia</b>	FI received on 19.7.2023
<b>Appendix Ib</b>	FI received on 29.8.2023
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
SEPTEMBER 2023**