

RNTPC Paper No. A/YL-NTM/463
For Consideration by the
Rural and New Town
Planning Committee
on 11.8.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/463

<u>Applicant</u>	: Big Firm Investment Limited represented by Leon Design Engineering Limited
<u>Site</u>	: Lots 1762 RP and 1768 in D.D. 105 and Adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: About 730 m ² (including 165 m ² (about 22.6%) of GL)
<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 Shop and Services (Retail Shop of Automated Home Accessories) 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 (retail shop of automated home accessories) for a period of 3 years. The Site falls within an area zoned “R(C)” on the approved Ngau Tam Mei OZP No. S/YL-NTM/12 (**Plan A-1**). According to the Notes for the “R(C)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for open storage of vehicles without planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the layout plan (**Drawing A-1**) submitted by the applicant, an ingress/egress (6m wide) of the Site is located at its northeastern boundary, which is accessible to San Tam Road through a local access (**Plan A-2**). Five structures

of 1 to 2 storeys (3.5m to 6m in height) with a total floor area of about 735m² are proposed at the Site (including one structure for retail shop, one structure for site office, two structures for water tank/pump room for fire service installations (FSIs) and a toilet). Besides, two parking spaces (5m x 2.5m) for private car and a loading/unloading space (7m x 3.5m) for light goods vehicle will be provided with vehicle manoeuvring space next to the ingress/egress of the Site. The operation hours will be from 9:00 a.m. to 7:00 p.m. daily (including public holidays).

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

(a) Application form with attachments received on 23.6.2023 (Appendix I)

(b) Further Information (FI) received on 7.8.2023 [#] (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 **Appendix I**. They can be summarised as follows:

- (a) The proposed development is a Column 2 use of the “R(C)” zone. It is a temporary use for a period of three years which would not jeopardise the long term planning intention the “R(C)” zone. The proposed temporary retail shop would benefit the nearby residents by providing automated home accessories. It is also not incompatible with the surrounding environment including residential developments.
- (b) The proposed use will be housed within an enclosed structure and no operation will be held during sensitive hours. Besides, it will not generate significant amount of traffic. Surface U-channel will be provided at the Site. No significant traffic, noise, environmental and drainage impacts are therefore anticipated.
- (c) Similar planning application (No. A/YL-NTM/369) for shop and services in the “R(C)” zone was granted with planning permission. Similar treatment should be granted to the current application. The applicant will comply with the approval conditions should the application be approved by the Board.

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. For the GL portion of the Site, the “Owner’s Consent/ Notification” requirements are not applicable.

4. **Background**

The Site is currently not subject to active planning enforcement action. Should there be sufficient evidence that the current use at the Site constitutes an unauthorised development under the Town Planning Ordinance, appropriate enforcement action would be considered.

5. **Previous Application**

The Site (in part or in whole) is the subject of a previous application (No. A/YL-NTM/422) submitted by a different applicant for the same proposed use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 11.6.2021 (**Plan A-1**) mainly on the considerations that the proposed development would not frustrate the long-term planning intention of the “R(C)” zone; the proposed use was considered not incompatible with the surrounding land uses; and concerned government departments had no objection to or no adverse comments on the application. The application was subsequently revoked on 11.6.2022 due to the non-compliance of approval conditions in relation to the submission of drainage and fire service installations proposals. Details of the application is summarised at **Appendix II**.

6. **Similar Applications**

- 6.1 During the past five years, there are 11 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), 381, 423, 438, 441, 442, 450 and 457 for temporary shop and services for sales of building materials/ metalware/ gardening materials/ convenience store/ retail shop were approved by the Committee between 2018 and 2023 mainly on similar considerations as stated in paragraph 5. 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) accessible from San Tam Road via a local access; and
 - (b) is currently used for open storage of vehicles without planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north and northwest are storage yards; to its further north across the local access are grassland and San Tin Highway;
- (b) to its east and southeast is a storage structure, local access and grassland;
- (c) to its immediate south are open storage yard of vehicles, fallow agricultural land, ruin and woodland; and
- (d) to its immediate west are residential dwellings, storage yards and an open storage yard of construction materials.

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 30.6.2023, the application was published for public comment. During the first three weeks of the statutory public inspection period, two public comments were received (**Appendix V**) from the Chairman of Mai Po Village Ko Hang Region Residents’ Association and residents of the village as well as 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 fencing of the residential dwellings adjoining to the Site would be damaged; the proposed development may generate noise nuisance which affect local residents; and previous application at the Site was revoked due to non-compliance of approval conditions related to drainage and fire aspects.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (retail shop of automated home accessories) for a period of three years at the Site zoned “R(C)” on 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, it could serve the local residents nearby and there is no immediate permanent development proposal for the Site. Approval of the application on a temporary basis for a period of 3 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 with access connected to San Tam Road. The proposed development is not incompatible with the surrounding land uses with scattered residential dwellings, storage, grassland/woodland and fallow agricultural land.
- 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 Environmental Protection (DEP), Commissioner for Transport, Chief Town Planner/Urban Design and Landscape of Planning Department, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) on environmental, traffic, landscape, drainage and fire safety aspects. Should the application be approved, technical requirements of CE/MN, 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 paragraphs 5 and 6 above, the Committee has approved a previous application and 11 similar applications for temporary shop and services uses at the Site and within the same “R(C)” zone in the past five years. The Committee’s considerations on the previous application as stated in paragraph 5 are generally applicable to the current application. Approval of the current application is in line with the previous decisions 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 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 11.8.2026. 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 11.2.2024;
- (b) 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 11.5.2024;
- (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 11.2.2024;
- (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 11.5.2024;
- (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 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

Appendix I	Application form received on 23.6.2023
Appendix Ia	FI received on 7.8.2023
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout plan
Plan A-1	Location plan with previous and similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4b	Site photos

**PLANNING DEPARTMENT
AUGUST 2023**