

RNTPC Paper No. A/YL-PH/946
For Consideration by
the Rural and New Town
Planning Committee
on 19.5.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/946

Applicant : Chief Force Limited

Site : Lots 1956 S.A RP (Part) and 1956 S.B RP (Part) in D.D. 111,
Lueng Uk Tsuen, Pat Heung, Yuen Long

Site Area : About 507 m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Pat Heung Outline Zoning Plan (OZP) No.
S/YL-PH/11

Zoning : “Village Type Development” (“V”)

Application : Proposed Temporary Shop and Services (Provision Store) and
School (Baking Studio) 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 (provision store) and school (baking studio) for a period of 3 years. The Site falls within an area zoned “V” on the OZP. According to the Notes of the OZP, both ‘Shop and Services’ and ‘School’ are Column 2 uses within the “V” zone, which require planning permission from the Town Planning Board (the Board). The Site is vacant, paved, and erected with a structure (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed development involves two 1-storey temporary structures with building height of about 4m and a total floor area of not more than 189m² for provision store, baking studio, ancillary storage, children resting room and toilet uses. No car parking space nor loading/unloading space is provided within the Site. The operation hours will be from 9:00 a.m. to 7:00 p.m. from Mondays to Thursdays, Saturdays and Sundays, including public holidays. The Site is accessible from Kam Tin Road via a local track. The site 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 supplementary information (**Appendix I**) received on 27.3.2023 and 31.3.2023
- (b) Further Information (FI) received on 5.5.2023 and (**Appendix Ia**) 10.5.2023 *

** exempted from publication and recounting requirements*

2. Justifications from the Applicant

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

- (a) The proposed development is on a temporary basis which will not jeopardise the long-term planning intention of the “V” zone.
- (b) The development for shop and services is intended to provide goods and services to nearby residents. The applicant undertakes to regularise the temporary structure at the Site.
- (c) The proposed development would not generate adverse traffic, environmental and drainage impacts to the surrounding areas.

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

The applicant is not the “current land owner” of the Site but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending notification letter to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

There is no previous application covering the Site.

6. Similar Applications

- 6.1 There are two similar applications (No. A/YL-PH/870 and 888), covering the same site, within the same “V” zone for various shop and services uses in the vicinity of the Site in the past five years. The applications were approved by the

Committee in January 2021 and September 2021 respectively mainly on the grounds that the applied uses were not incompatible with the surrounding land uses, and temporary planning permission would not frustrate the long-term planning intention. However, application No. A/YL-PH/870 was revoked in January 2022 due to non-compliance with approval conditions.

- 6.2 There is no similar planning application for school (baking studio) use within the same “V” zone on the OZP.
- 6.3 Details of the applications are summarised in **Appendix II** and the location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4)

- 7.1 The Site is:
 - (a) vacant, paved, and erected with a structure; and
 - (b) accessible from Kam Tin Road via a local track.
- 7.2 The surrounding areas have the following characteristics:
 - (a) the surrounding areas are generally rural in character intermixed with residential structures / dwellings, open storage yards, plant nursery, active farmland and vacant land (**Plan A-2**). Most of the open storage yards nearby are suspected unauthorised developments subject to enforcement action by the Planning Authority;
 - (b) to its north, east and south are residential dwellings / structures, open storage yards and a plant nursery; and
 - (c) to its west and southwest across the local track are temporary public vehicle park (excluding container vehicle) (with valid planning permission under Application No. A/YL-PH/938), residential structures/ dwellings, vacant land deposited with ruins and open storage yards. To its further west and northwest are grassland and a vacant chicken shed.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses 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 New Territories Exempted House. Other commercial, community and recreational uses 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 adverse comments on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- he has grave concerns given that there are unauthorised building works (UBW) and/or uses on Lot No. 1956 S.B RP in D.D 111 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD; and
- no small house application approved or under processing within the Site.

10. Public Comment Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (provision store) and school (baking studio) for a period of 3 years in the “V” zone. The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. The applied use is not entirely in line with the planning intention of “V” zone. Nevertheless, DLO/YL of LandsD advises that there is no Small House application approved or under processing within the Site. It is considered that approval of the application on a temporary basis of 3 years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The development is considered not incompatible with the surrounding land uses which are rural in character predominated by residential structures/dwellings, open storage yards, parking of vehicles and vacant/unused land.
- 11.3 According to the applicant, the development intends to serve the local villagers. Taking into account the nature and small scale of the applied use, the application would unlikely cause significant adverse traffic, landscape, environmental and

drainage impacts to the surrounding areas. Relevant departments consulted including the Commissioner for Transport, Chief Town Planner/Urban Design and Landscape of Planning Department, Director of Environmental Protection (DEP) and Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application. The applicant will be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimise the possible environmental nuisance generated by the proposed use. Regarding the existing UBW and/or uses on part of the Site as advised by the DLO/YL of LandsD, the applicant states that he will take follow-up actions for regularisation of the temporary structure at the Site. Relevant advisory clause on need for application to LandsD for regularisation for UBW is recommended. Besides, any use or development which is always permitted or may be permitted in accordance with the OZP must also conform to any other relevant legislation, the conditions of the Government Lease concerned, and any other government requirements, as may be applicable.

- 11.4 There are two similar applications for various temporary shop and services uses in the vicinity of the Site which were approved by the Committee in January 2021 and September 2021 respectively (paragraph 6 and **Plan A-1** refer). Approval of this application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the applied use.
- 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 19.5.2026. 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 19.11.2023;
- (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 19.2.2024;
- (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 implementation of the accepted 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 19.11.2023;

- (e) if 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
- (f) if any of the above planning condition (a), (b) or (d) 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 development is not in line with the planning intention of the "V" zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 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 with supplementary information received on 27.3.2023 and 31.3.2023
Appendix Ia	FI received on 5.5.2023 and 10.5.2023
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan

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**