

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-ST/654

<u>Applicant</u>	: Mr. CHEUNG Ching Chau represented by Mr. WONG Sun Wo William
<u>Site</u>	: Lot 76 in D.D. 96, Pun Uk Tsuen, San Tin, Yuen Long
<u>Site Area</u>	: About 138m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Application</u>	: Proposed Temporary Shop and Services (Convenience Store) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (convenience store) for a period of five years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “V” on the approved San Tin OZP No. S/YL-ST/8. According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is hard paved and currently occupied by container structures for storage use.
- 1.2 The proposed development involves two structures (one to two storeys, 3m to 6m in height) with a gross floor area (GFA) of about 115m² for convenience store, store room and washroom uses. No parking space or loading/unloading space will be provided within the Site. The proposed convenience store will be operated from 7:00 a.m. to 9:00 p.m. daily including public holidays. **Drawing A-1** shows the layout plan of the proposed development.
- 1.3 In support of the application, the applicant has submitted an Application Form with attachments and Supplementary Information (SI) received on 27.6.2023 and

28.6.2023 respectively (**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 SI at **Appendix I**, which can be summarised as follows:

- (a) The application is to provide a convenience store to serve the villagers and elderlies in the village.
- (b) The proposed use is a Column 2 use within the “V” zone on the OZP.
- (c) Loading/unloading activities supporting the proposed use will be carried out off-site in the open area neighboring the village office and goods will be transported to the Site by hand-trolleys.

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 obtaining consent of the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Application

The Site is subject to a previous application for proposed widening and strengthening the bund of the ponds and levelling of sites for planting which is not relevant to the current application. Details of the previous application are summarised at **Appendix III**. Its location are shown on **Plan A-1**.

7. Similar Applications

- 7.1 During the past five years, there were eight applications for similar temporary shop and services use within “V” zones on the OZP, of which seven applications

(No. A/YL-ST/521, 556, 574, 585, 605, 634 and 642) were approved by the Rural and New Town Planning Committee (the Committee) mainly on the considerations that the approval of the application on temporary basis would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding land uses; and the concerns of the government departments could be addressed by approval conditions.

7.2 The remaining similar application (No. A/YL-ST/593) was rejected by the Committee on the grounds that the proposed development was not in line with the planning intention of the “V” zone; the scale of the proposed commercial development with a site area and GFA of about 1,546m² and 501.6m² respectively was considered excessive; and it was considered not compatible with the developments in the surrounding areas.

7.3 Details of these similar applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) located at the fringe of Pun Uk Tsuen, hard paved and currently occupied by some container structures for storage use; and
- (b) located within the Wetland Buffer Area (WBA) of the Deep Bay Area.

8.2 The surrounding areas are intermixed with village houses/residential dwellings, grass land and vacant land:

- (a) to its north are vacant land, grassland and graveyards;
- (b) to its east and southeast are a vehicle park, existing village settlements and residential dwelling of Pun Uk Tsuen, a village office and a vacant land which is also the Site of an approved application No. A/YL-ST/642 for proposed temporary public vehicle park (excluding container vehicle) and shop and services;
- (c) to its south and southwest are grassland and graveyards; and
- (d) to its west are some residential dwellings, a tsz tong and agricultural land.

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

10. 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 IV and V** respectively.

11. Public Comment Received During Statutory Publication Period

On 4.7.2023, the application was published for public comment. During the statutory publication period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary shop and services (convenience store) for a period of five years. The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Commercial, community and recreational uses may be permitted on application to the Board. Although the proposed use is not entirely in line with the planning intention of the “V” zone, it could meet the local demand for convenience store in the vicinity. District Lands Officer/Yuen Long, Lands Department has no adverse comment on the application and advises that there is no Small House application being processed/approved at the Site. The proposed development would not adversely affect the land availability for village type development within the “V” zone in the long term. In this regard, it is considered that approval of the application on a temporary basis for five years would not jeopardise the long term planning intention of the “V” zone.

12.2 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of an ecological impact assessment. Director of Agriculture, Fisheries and Conservation has no strong view on the application from nature conservation point of view.

12.3 The proposed use with two one to two storeys structures and a total GFA of about 115m² is considered not incompatible with the surrounding land uses which are intermixed with village houses/residential dwellings, vacant land and grassland (**Plan A-2**).

12.4 Concerned government departments, including Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North,

Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape, Planning Department have no objection to the application and their technical requirements are suggested to be imposed through approval conditions as recommended in paragraph 13.2 below. Besides, the applicant will be advised to follow the revised “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to mitigate any potential environmental impacts on the surrounding areas.

- 12.5 During the past five years, the Committee has approved seven similar applications for shop and services use within “V” zones on the OZP as detailed in paragraph 7 above. Approval of the current application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12, the Planning Department has no objection to the application.
- 13.2 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 five years until 25.8.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 25.2.2024;
- (b) in relation to (a) above, 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 25.5.2024;
- (c) 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 25.2.2024;
- (d) in relation to (c) 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 25.5.2024;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) if the above planning condition (e) 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), (c) 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "V" zone which is primarily intended for development of NTEHs/Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify the proposed use for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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 with attachments and SI received on 27.6.2023 and 28.6.2023 respectively
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Drawing A-1	Layout plan
Plan A-1	Location plan with similar applications and previous application

Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2023**