

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/TWW/120

- Applicant** : Sham Tseng Chan Kee Roasted Goose Company Limited represented by Toco Planning Consultants Ltd.
- Site** : Lots 100 (Part), 101 RP and 110 RP in D.D. 390, 42 Castle Peak Road – Sham Tseng, Sham Tseng, Tsuen Wan
- Site Area** : About 427.3m²
- Lease** : Lot 100 in D.D. 390:
Building lot governed by Building License No. 0569 dated 8.5.1956 with permitted building area of 4,775ft² (or 443.6m²)
- Lots 101 RP and 110 RP in D.D. 390:
Old schedule agricultural lots held under Block Government Lease
- Plan** : Approved Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/19
- Zoning** : “Government, Institution or Community” (“G/IC”)
- [Restricted to a maximum building height (BH) of two storeys, or the height of the existing building, whichever is the greater]
- Application** : Renewal of Planning Approval for Temporary Shop and Services (Retail Shop) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of the planning approval under Application No. A/TWW/113 for temporary shop and services (retail shop) for a period of 3 years at the application site (the Site) (**Plans A-1 and A-2**). The Site falls within an area zoned “G/IC” on the approved Tsuen Wan West OZP No. S/TWW/19. According to the Notes of the OZP, ‘Shop and Services’ in the “G/IC” zone requires planning permission from the Town Planning Board (the Board).

- 1.2 The Site is the subject of four approved planning applications for the same temporary use. On 7.4.2017, the latest Application No. A/TWW/113 for renewal of the planning approval for temporary shop and services (retail shop) for a period of 3 years was approved by the Metro Planning Committee (the Committee) with a validity period up to 27.5.2020. There is no change in the development scheme compared with the latest previous permission.
- 1.3 The development comprises an existing single-storey commercial building with eight retail shops. Plans showing the layout of the existing development are at **Drawings A-1** and **A-2**. Major development parameters are summarised as follows:

Development Parameters	Current Application
Site area (about)	427.3m ²
GFA	Not exceeding 304.07 m ²
PR (about)	0.71
Site Coverage (about)	71.16%
No. of building	1
Maximum BH	Not more than 4.5m
No. of storey	Not more than 1

- 1.4 In view of the small scale of the development and the consideration that the Site is well-served by public transport facilities, no car parking spaces will be provided for the proposed development. There are two pedestrian entrances at southern and eastern sides of the Site and there is no existing tree within the Site.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Cover letter and application form received on **(Appendix I)**
6.3.2020
 - (b) Planning Statement (PS) **(Appendix Ia)**
 - (c) Further Information (FI) received on 31.3.2020* **(Appendix Ib)**

Remarks:

* FI accepted and 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 PS at **Appendix Ia**, which are summarised as follows:-

Demand for Commercial Uses in Sham Tseng

- (a) With a substantial number of residents and continual growing of tourists visiting the area, there is demand for a wider variety of commercial facilities in Sham Tseng. The temporary commercial use will serve to provide commercial facilities to meet the increasing demand.

Suitable Location and Land Use Compatibility

- (b) The shopping mall is located at central part of Sham Tseng serving the local conveniently. The existing low-rise and low-density commercial building is compatible with the surrounding which are predominately residential, commercial and communal in character, and will not adversely affect the view and visual quality of the adjacent development.

Justification for Renewal of Approval

- (c) The applicant has submitted a rezoning application for composite commercial/residential development at the Site for the consideration of the Board (i.e. Y/TWW/5) (**Plan 3**). In view of the time required for processing the rezoning application, the renewal of the current application for extension of 3-year temporary use would allow continual operation of the existing commercial uses to serve the local residents.

No Adverse Impact on Government, Institution and Community (GIC) Facility Provision

- (d) The Site is considered not suitable for GIC facilities development due to its private ownership and small size. There has not been designation for any specific GIC use for the past decade. It is considered that there is adequate provision of major GIC facilities in Tsuen Wan West area as well as regional and district facilities in Tsuen Wan area. Substantial growth of population in Tsuen Wan West area and hence increase in demand for GIC facilities is not anticipated in near future.

Minimum Technical Impacts

- (e) The existing development is small in nature and will not result in any significant impact on local traffic. In addition, the application will not generate significant drainage, environmental, landscape and visual impacts on the locality.

Benefits to Locality

- (f) The existing shop and services could continuously provide employment, serve the local residents and tourists and improve the townscape. Besides, some areas within the Site have been used as public pedestrian circulation purpose.

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

The applicant is the sole ‘current land owner’. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site, together with its adjoining land, has been zoned “G/IC” since the first Tsuen Wan West OZP gazetted on 3.2.1989¹, which was originally reserved for an ambulance depot. However, as a fire station cum ambulance depot, Sham Tseng Fire Station cum Ambulance Depot, was subsequently built at another “G/IC” site at the junction of Tuen Mun Road and Castle Peak Road – Sham Tseng (**Plan A-1**), the Site was no longer required for the ambulance depot. Since then, the Site has not been designated for any GIC use.
- 4.2 After obtaining the first temporary planning approval for a proposed temporary shop and services (retail use) in 2005 (i.e. A/TWW/79), a single-storey commercial building was built at the Site, and has been in operation since then. Subsequently, renewal of the planning approval was approved by the Committee three times (see paragraph 6.4 below).
- 4.3 The Site is also the subject of two section 12A applications (No. Y/TWW/4 and Y/TWW/5) (**Plan A-3**). Y/TWW/4 was for rezoning from “G/IC” zone to “Other Specified Uses” annotated “Hotel” zone for a proposed hotel development at a PR or 5.68. The application was withdrawn on 2.12.2013. Y/TWW/5 is for rezoning from “G/IC” to “Residential(Group A)5” for a composite commercial/residential development. The application is tentatively scheduled to be considered by the Committee on 29.5.2020.

5. Town Planning Board Guidelines

- 5.1 Town Planning Board Guidelines for Application for Development/ Redevelopment within “G/IC” Zone for Uses other than “G/IC” Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 16) (**Appendix II**) is relevant to the application. The relevant assessment criteria are extracted as follows:
- (a) In general, sites zoned “G/IC” are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned Government departments have no objection to releasing a particular “G/IC” site or a certain part of it for non-GIC uses. For applications for development/redevelopment for non-GIC uses within a “G/IC” site, the applicant should satisfactorily demonstrate the following:
- (i) in the case of an undesignated “G/IC” site, the application site is no longer required to be reserved for any GIC uses; and
- (ii) the proposed development/redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.

¹ On 22.9.1989, the Board decided not to uphold the objection against the “G/IC” zoning lodged by the previous land owner as the objection site had been reserved for an ambulance depot, which was the only available site that could meet the development programme.

- (b) The proposed development should be compatible in land use terms with the GIC uses on the site, if any, and with the surrounding areas;
- (c) The scale and intensity of the proposed development should be in keeping with that of the adjacent area and have regard to the character and massing of the building in the surrounding area;
- (d) The proposed development should not cause adverse traffic and environmental impact, and should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas; and
- (e) The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.

5.2 Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use for Development (TPB PG-No. 34C) (**Appendix III**) is also relevant. The relevant assessment criteria are extracted as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development); and
- (c) whether the approval period sought is reasonable.

6. Previous Applications

- 6.1 The Site is the subject of seven previous applications (**Plan A-3**). Details of the previous applications are at **Appendix IV**.
- 6.2 Application No. A/TWW/9 and A/TWW/14 covering the Site and adjoining area for proposed commercial development were rejected by the Board on 5.10.1990 and 6.9.1991 respectively and 31.1.1992 on review on the latter, mainly on the ground that the application site was reserved for an ambulance depot.
- 6.3 Application No. A/TWW/45 for proposed commercial development was approved with conditions by the Committee on 14.2.1997. However, the proposed development was not implemented and the permission lapsed.
- 6.4 Application No. A/TWW/79 for proposed temporary commercial development for a period of 6 years was approved by the Committee on 27.5.2005 after taking into account that the Site was no longer required for an ambulance depot and not suitable for other GIC facilities due to the small size². Renewal of the planning

² There were other planning considerations including that the proposed development was compatible with the

approval for a period of 3 years was approved with conditions by the Committee three times on 6.5.2011 (Application No. A/TWW/102)³, 21.3.2014 (Application No. A/TWW/108) and 7.4.2017 (Application No. A/TWW/113).

7. Similar Application

There is no similar application for shop and services in “G/IC” zone in the same OZP.

8. The Site and its Surrounding Areas (Plans A-1 to A-6)

8.1 The Site:

- (a) abuts Castle Peak Road – Sham Tseng; and
- (b) is currently occupied by a single-storey commercial building comprising 8 shops with Occupation Permit issued on 25.4.2007.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is another commercial building of Chan Kee Plaza in two storeys high. To the further north is Emmanuel Primary School at a raised platform (**Plan A-2**);
- (b) to the immediate east is Rhine Garden, a high-rise residential development (**Plan A-2**);
- (c) to the south across Castle Peak Road – Sham Tseng is Sham Tseng Catholic Primary School and Bellagio, a comprehensive residential and commercial development (**Plans A-2 and A-6**); and
- (d) to the immediate west is a two-storey telephone exchange building. To the further west across Sham Hong Road is Chan Kee Commercial Centre (**Plan A-2**).

9. Planning Intention

The planning intention of the “G/IC” zone is primary for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of Government, organizations providing social services to meet community needs, and other institutional establishments.

surrounding developments; the application complied with the TPB PG-No. 16 and no adverse comment was received from all Government departments consulted.

³ Application No. A/TWW/102 applied for renewal of the temporary approval for a period of 6 years was approved by the Committee for a period of 3 years only.

10. Comments from Relevant Government Bureaux and Departments

10.1 The following Government bureaux and departments have been consulted and their views are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department:

- (a) The application site comprises three private lots namely Lot Nos. 100 (Part), 101 R.P., and 110 R.P. all in Demarcation District (D.D.) No. 390. According to the recent Land Registry records, the current registered owner of the Lots under concern is “Sham Tseng Chan Kee Roasted Goose Company Limited”. The leases of the Lots contain, inter alia, the following restrictions:
 - (i) Lot No. 100 in D.D. 390 is old schedule lot held under the Block Government Lease dated 24.1.1905 and governed by Building Licence No. 0569 dated 8.5.1956 with permitted area of building of 4,775 ft². Since only a portion of Lot No. 100 in D.D. 390 is covered by the application, the area of which should be verified by the Applicant; and
 - (ii) Lot Nos. 101 RP and 110 RP in D.D. 390 are old schedule lots held under the Block Government Lease dated 24.1.1905 demised for agricultural use;
- (b) According to the consultant’s PS (**Appendix Ia**), the existing building under application is erected entirely on Lot No. 100 in D.D. 390 and the major development parameters thereof (e.g. a single-storey building GFA of 304.07 m²) are the same as those in the last planning approval given by the Board on 7.4.2017 (Application No. A/TWW/113). The application is considered acceptable under the concerned leases and there is no objection to the subject application for renewal of another 3 years from the lease point of view.

Building Aspect

10.1.2 Chief Building Surveyor/New Territories West, Buildings Department:

He has no comment on the renewal of the application for another 3 years.

Traffic

10.1.3 Comments of the Commissioner for Transport (C for T):

He has no comment on the application.

Environmental Protection

10.1.4 Comments of Director of Environmental Protection (DEP):

Given that the present scheme is identically the same as previously approved scheme and there is no significant change in planning circumstance, he has no objection to the renewal from environmental aspect.

Drainage

10.1.5 Comments of Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

He has no objection to the application from drainage maintenance viewpoint given that there is no change from the existing development.

Fire Safety

10.1.6 Comments of the Director of Fire Services (DFS):

He has no objection in principle to the renewal application subject to the existing fire service installations implemented on the site being maintained in efficient working order at all times.

Visual Aspect

10.1.7 Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

It is noted that the proposed renewal of planning approval involves no change in building height and massing. In this regard, he has no comment from architectural and visual impact point of view.

Landscape

10.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the aerial photo of 2018, the Site is situated in an area of residential urban fringe landscape character, dominated by high-rise residential buildings, schools and village houses. No significant landscape resource is observed within the Site. The use is not incompatible with the surrounding environment; and
- (b) He has no objection to the application from the landscape and planning perspective as further landscape impact arising from the continued use for temporary retail shops is not anticipated.

Education

10.1.9 Comments of the Secretary for Education:

The Site is not a reserved school site under the purview of Education Bureau.

Other Aspect

10.1.10 Comments of the Postmaster General:

He has no comment on the application. He has no plan or programme to make use the Site or look for a new site for providing post office services.

10.2 The following Government departments have no comment on/objection to the application:

- (a) Chief Highway Engineer/New Territories West, Highways Department;
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Commissioner of Police;
- (d) Project Manager (West), Civil Engineering and Development Department (CEDD);
- (e) Head of the Geotechnical Engineering Office (H(GEO)), CEDD;
- (f) Chief Engineer/Construction, Water Supply Development;
- (g) Director of Social Welfare;
- (h) Secretary of Home Affairs;
- (i) Director of Leisure and Cultural Services;
- (j) Government Property Administrator;
- (k) Secretary for Food and Health;
- (l) Director of Health;
- (m) District Officer (Tsuen Wan), Home Affairs Department; and
- (n) Director of Electrical and Mechanical Services (DEMS).

11. Public Comments Receiving During Statutory Publication Period

- 11.1 During the first three weeks of the statutory public inspection period, a total of four public comments were received (**Appendix V**), all objected to the application mainly on the grounds that the Site should be used for GIC purpose to serve the community and unexpected emergency situation; the applicant should not use Government land for profit; and objecting the renewal to pave way for rezoning.

12. Planning Considerations and Assessments

- 12.1 The application seeks renewal of the planning approval for temporary shop and services (retail shop) for a period of 3 years. Compared with the latest approved application, the current application has no change in the development scheme. The existing temporary shop and services was first approved on 27.5.2005 with three renewal applications approved in 2011, 2014 and 2017. The latest approval

under Application No. A/TWW/113 is valid until 27.5.2020.

- 12.2 The Site falls within an area zoned “G/IC” without any designated use. The temporary shop and services has been in operation since 2007. In terms of land use and development intensity, the existing one-storey commercial building with retail shops is considered not incompatible with the surrounding residential and commercial developments. On the technical aspects, all Government departments consulted, including DEP, DAFC, C for T, C of P, CTP/UD&L, PlanD, CA/CMD2, ArchSD, H(GEO), CEDD, DFS, CE/C, WSD and CE/MS, DSD and DEMS have no objection to/no comment on the application from environmental/ecological, traffic, visual, landscape, geotechnical, fire safety, and infrastructural provision perspectives. On the provision of GIC facilities, all Government bureaux/departments consulted have no plan or programme to provide any GIC facilities at the Site. In this connection, the application complies with the relevant assessment criteria stated in the Town Planning Board Guidelines for Application for Development/ Redevelopment within “G/IC” Zone for Uses other than “G/IC” Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 16).
- 12.3 The application also complies with the relevant assessment criteria on the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use for Development (TPB PG-No. 34C) in that there has been no material change in planning circumstances since the previous approval granted and no adverse planning implication arising from the renewal. The proposed renewal of further three years is also considered reasonable as it can facilitate continuity in the operation of existing commercial uses while the rezoning application (No. Y/TWW/5), mainly covering the Site and the remaining building of Chan Kee Plaza, is being processed.
- 12.4 Regarding the public comments, the planning assessments above and departmental comments in paragraph 10 are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, 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 further period of three years from 28.5.2020 to 27.5.2023. The following conditions of approval are suggested for Members’ reference:
- (a) the existing fire service installations implemented on the site being maintained in efficient working order at all times; and
 - (b) if the above planning condition (a) 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.

13.3 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 permission for renewal of the planning permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(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 and letter received on 6.3.2020
Appendix Ia	Planning Statement
Appendix Ib	FI received on 31.3.2020
Appendix II	Town Planning Board Guidelines for Application for Development/ Redevelopment within “G/IC” Zone for Uses other than “G/IC” Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 16)
Appendix III	Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use for Development (TPB PG-No. 34C)
Appendix IV	Previous applications
Appendices Va-Vd	Public comments
Drawing A-1	Ground floor plan
Drawing A-2	Roof plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Previous applications
Plans A-4 and A-5	Site photos
Plan A-6	Aerial Photo