

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

APPLICATION NO. A/YL-LFS/379

- Applicant** : Mr. WONG Yiu Wing represented by R-riches Property Consultants Limited
- Site** : Lots 2570 (Part), 2571 (Part), 2572 (Part), 2573 (Part), 2574 (Part), 2575 (Part), 2576 S.A (Part), 2576 S.B (Part), 2577 (Part), 2578 (Part) and 2579 RP (Part) in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 947.7 m² (includes GL of about 24.3 m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23 m)]
- Application** : Renewal of Planning Approval for Temporary Place of Recreation, Sports or Culture (Venue for Villager Ceremony) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary place of recreation, sports or culture (venue for villager ceremony) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “V” and the applied use is neither a Column 1 nor Column 2 use in the “V” zone. According to the covering Notes of the OZP, temporary use or development for festival celebrations or religious functions not exceeding a period of two months is always permitted. However, the application for a period of 3 years by the applicant requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by a steel-framed open shed. A converted container for resting use and parking of vehicles are observed on site (**Plans A-4a and A-4b**).

- 1.2 The Site is the subject of a previous planning application (No. A/YL-LFS/305) for temporary place of recreation, sports or culture (venue for villager ceremony) for a period of 3 years until 26.1.2021, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 26.1.2018. The applicant has complied with all the time-limited approval conditions of the last application.
- 1.3 The Site is accessible from Tin Wah Road via Man Tak Road and a local track (**Drawing A-2, Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-3**, one single-storey open shed (not exceeding 8.6 m high with a gross floor area of about 947.7 m²) for temporary place of recreation, sports and culture (venue for villager ceremony) is proposed. The applicant indicates that the Site will be opened 24 hours every day as open space. No vehicles are allowed to be parked/stored at the Site. The land status plan, access plan, layout plan, fire services installations (FSI) proposal and as-built drainage plan are at **Drawings A-1 to A-5** respectively.
- 1.4 As compared with the last approved planning application No. A/YL-LFS/305, the current application was submitted by the same applicant on the same site with the same layout and development parameters.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 9.11.2020 (**Appendix I**)
 - (b) Further Information (FI) received on 24.12.2020 (**Appendix Ia**)
clarifying the access and food delivery arrangements
(*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 at **Appendix I** and FI at **Appendix Ia**. They can be summarized as follows:

- (a) The applicant, who is a Village Representative of Ngau Hom Tsuen, submits the planning application on behalf of the residents of the village. The proposed venue is mainly for holding celebrations and festivals, such as Tin Hau Festival (天后誕), Lantern Festival (元宵節) and “poon choi” feasts (盤菜宴) and also serves as recreation area for villagers. The venue can accommodate a maximum of 200 people (about 20 tables for “poon choi” feasts). Food will be delivered to nearby of the venue by catering service and then carried by the villagers to the Site. No cooking will be carried out at the Site. The Site will be opened 24 hours every day as open space.
- (b) Due to the long rainy season in Hong Kong, the applicant proposes to construct an open-shed structure at the Site so that the venue would be covered. The applied use will not frustrate the long-term planning intention of the “V” zone.
- (c) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’)

promulgated by the Environmental Protection Department (EPD) to minimize all possible environmental impacts to the nearby sensitive receivers.

- (d) No vehicular access is proposed to the Site. The applied use will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Adequate mitigation measures will be provided by the applicant to mitigate any adverse impact arising from the applied use.
- (e) The applicant has complied with all the planning conditions of the previous approved planning application for the same use at the Site.
- (f) All the existing structures will be remained for the current application.

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

The applicant is not a “current land owner” 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 posting site notice and sending notice to the Ping Shan Rural Committee by a registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31A is not applicable.

4. Background

The Site is not subject to any active enforcement action.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

6. Previous Application

6.1 The Site involves one previous application (No. A/YL-LFS/305) (**Plans A-1 and A-2**) for temporary place of recreation, sports or culture (venue for villager ceremony) use. It was approved with conditions by the Committee on 26.1.2018 until 26.1.2021 on the considerations of not frustrating the long-term planning intention of the “V” zone, not incompatible with the surrounding uses and no objection from concerned Government departments. All the time-limited approval conditions have been complied with. Details of the previous application are summarized at **Appendix III** and the location is shown on **Plans A-1 and A-2**.

6.2 Compared with the last application No. A/YL-LFS/305, the current application was submitted by the same applicant on the same site with the same layout and development parameters.

7. Similar Application

There is no similar application for temporary place of recreation, sports or culture (venue for villager ceremony) use within the same “V” zone.

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

8.1 The Site is:

- (a) situated in Ngau Hom, Lau Fau Shan;
- (b) currently hard-paved and occupied by a steel-framed open shed (**Plans A-4a and A-4b**); and
- (c) accessible from Tin Wah Road via Man Tak Road and a local track (**Drawing A-2, Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas are predominated by residential dwellings/ structures intermixed with some areas occupied for parking of vehicles, trailers and vehicle repair workshop which are suspected unauthorized developments (UD), fallow agricultural land and grassland;
- (b) to its north are the village cluster of Ngau Hom Tsuen, grassland, parking of vehicles/trailers and vehicle repair workshop, which are suspected UD;
- (c) to its east are residential dwellings, a shrine, grassland and parking of vehicles which is suspected UD;
- (d) to its south are the residential development of Flowery Villa and parking of vehicles which is suspected UD; and
- (e) to its west are residential dwellings, vacant land and fallow agricultural land.

9. Planning Intention

The planning intention of “V” zone is to designate both existing recognized 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. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots (OSALs) and GL. The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of GL (about 24.3m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed.
- (c) There is no Small House (SH) approved or under processing within the Site.
- (d) Should planning approval be given to the planning application, the lot owner(s) of the lots will need to apply to his office for permitting the structures to be erected or to regularize any irregularity on site, if any. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the above GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

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

Since no vehicular access/parking is involved, he has no comment on the application from traffic engineering point of view.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by the Transport Department.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Man Tak Road.

Environment

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no adverse comment on the application.
- (b) No environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'COP'.

Landscaping

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

- (a) She has no adverse comment on the application.
- (b) With reference to the aerial photo of 2020, the Site, situated in an area of village landscape character, is entirely covered by an existing temporary structure. Significant change to the landscape character and the landscape resources arising from the continued use of the development is not envisaged.

Drainage

10.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from drainage point of view.
- (b) Should the application be approved, a condition should be stipulated requiring the applicant to maintain the existing drainage facilities and to submit condition record of the existing drainage facilities to the satisfaction of his department.

Fire Safety

10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) The FSIs proposal is considered acceptable to his department. The applicant should be advised that the installation/maintenance/modification/repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans

Building Matters

10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) The applicant should be reminded of his detailed comments at **Appendix V**.

Geotechnical

10.1.9 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) She has no adverse comment on the application.
- (b) The applicant should be reminded to submit the proposed building works to BD for approval as required under the provisions of the BO.

Other Aspects

10.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) Proper licence / permit issued by his department is required if

there is any catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other legislation for the public.

- (b) The applicant should be reminded of his detailed comments at **Appendix V**.

10.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). The developer shall bear the cost of any necessary diversion works affected by the applied use.
- (c) The applicant should be reminded of his detailed comments at **Appendix V**.

District Officer's Comments

10.1.12 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West), CEDD (PM(W), CEDD);
- (c) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Leisure and Cultural Services (DLCS); and
- (f) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Periods

On 17.11.2020, the application was published for public inspection. During the statutory public inspection period, 1 public comment was received from an individual raising concern on the possible loss of the open air recreational facility and the frequency of the ceremonies at the Site (**Appendix IV**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of the planning permission under previous Application No. A/YL-LFS/305 for temporary place of recreation, sports or culture (venue for villager ceremony) at the Site zoned "V" on the OZP. The planning intention of the "V" zone is to designate both existing recognized 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. Although the applied use is considered not entirely in line with the planning intention of the “V” zone, the applicant indicates that the proposed venue is mainly for holding celebrations and festivals as well as serving as recreation area for villagers. Moreover, according to DLO/YL of LandsD, there is no Small House approved or under processing within the Site. As such, approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone.

- 12.2 The Site is considered not incompatible with the surrounding uses within the “V” zone which are predominantly occupied by rural residential dwellings (**Plan A-2**).
- 12.3 The application is generally in line with the TPB PG-No. 34C in that there has been no material change in planning circumstances since the granting of the previous approval under Application No. A/YL-LFS/305, the applicant has complied with all the approval conditions, and the 3-year approval period sought is of the same time frame as the previous approval.
- 12.4 There is no adverse comment from the concerned Government departments, including DEP, C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS. The applied use will unlikely create significant adverse environmental, traffic, landscape, drainage and fire safety impacts to the surrounding areas. To minimise any possible environmental nuisances generated by the applied use or to address the technical requirements of concerned government departments, relevant approval conditions are also recommended in paragraph 13.2 below. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 12.5 The Committee has approved 1 previous application (No. A/YL-LFS/305) for the same use at the same site in 2018 (**Plan A-2**). Approval of the application is in line with the Committee’s previous decision.
- 12.6 There is 1 public comment raising concern on the application as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary place of recreation, sports or culture (venue for villager ceremony) could be tolerated for a further period of 3 years.
- 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 3 years, and be renewed from 27.1.2021 until 26.1.2024. The following conditions of approval

and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicles as defined in the Road Traffic Ordinance are allowed to be parked/stored at the Site at any time during the planning approval period;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of existing drainage facilities within **3 months** from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.4.2021;
- (d) the implementation of the accepted fire services installations proposal within **6 months** from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.7.2021;
- (e) if any of the above planning conditions (a) or (b) 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 conditions (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.

[Condition (a) is the same as that under the permission for the previous Application No. A/YL-LFS/305 while other conditions on drainage and fire safety aspects are updated and reinstatement clause is deleted to accord departments' latest requirements.]

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 applied use is not in line with the planning intention of the "V" zone which is to designate both existing recognized 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. There is no strong planning justification in the submission for a departure from such 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 received on 9.11.2020
Appendix Ia	Further Information received on 24.12.2020
Appendix II	Relevant Extracts of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)
Appendix III	Previous Application covering the Site
Appendix IV	Public Comment
Appendix V	Advisory Clauses
Drawing A-1	Land Status Plan
Drawing A-2	Access Plan
Drawing A-3	Layout Plan
Drawing A-4	FSIs Plan
Drawing A-5	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2021**