



## Section 16 Planning Application

Proposed Temporary Shop and Services (Local Provision Store) for a Period of Three Years

Lot 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories

### *Planning Statement*

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December 2024

## EXECUTIVE SUMMARY

*(In case of discrepancy between English and Chinese versions, English shall prevail)*

This Planning Statement is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) for **Proposed Shop and Services (Local Provision Store) for a Period of Three Years** (hereinafter referred to as “the proposed use”) at Lot 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories (hereinafter referred to “the application site”). The application site has a total area of about 338.8m<sup>2</sup>. The Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate the consideration by the Board.

The application site falls within an area zoned “Agriculture” (“AGR”) on the approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2, which was gazetted on 13.05.2016 (hereinafter referred to as “the Current OZP”). Temporary use of the application site not exceeding a period of three years requires planning permission from the Board. As detailed throughout this Planning Statement, the proposed use is well justified on the grounds that: -

- (a) The proposed use can help the Tsung Yuen Ha Village (the Village) to tap into the opportunity brought by the development in the surrounding areas and support the development of the Village;*
- (b) The proposed use at the application site meets the unique needs of the villagers for development of the Village, which would enhance their living condition;*
- (c) The application site is already land-locked by the Lin Ma Hang Road and two public carparks. In the absence of river and, stream, the chance for re-inhabitation of agricultural activities is very slim;*
- (d) The application site located in the close proximity of the Heung Yuen Wai Control Point (HYW BCP), Lin Ma Hang Road and two public carparks. It has a prime location and is ideal for the proposed use in serving the neighbourhood as well as the passengers crossing the HYW BCP;*
- (e) The temporary nature would not jeopardize the planning intention of “AGR” zone;*
- (f) The proposed use at the application site is not incompatible with the surrounding area in terms of land uses; and*
- (g) No adverse traffic, landscape and drainage impact is anticipated from the proposed use, as of its small scale.*

In view of the above and the list of detailed planning justifications in the Planning Statement, it is sincerely hoped that members of the Board will give favourable consideration to approve the current application for the proposed use for a temporary period of 3 years.

## 行政摘要

此規劃報告書在支持一宗遞交予城市規劃委員會（以下簡稱「城規會」）的規劃申請（以下簡稱「該申請」），作擬議臨時商店及服務行業（士多）（為期三年）（以下簡稱「擬議用途」）。該申請所涉及地點位於新界北區打鼓嶺松園下丈量約份第 78 約地段第 390 號餘段及毗連政府土地（以下簡稱「申請地點」）。申請地點的面積約為 338.8 平方米。此規劃報告書提供該申請的背景資料及規劃理據以支持擬議用途供城規會考慮。

申請地點於 2016 年 5 月 13 日刊憲公佈的打鼓嶺北分區計劃大綱核准圖（編號：S/NE-TKLN/2）內被劃為「農業」用途地帶。臨時性質的用途不超過三年須向城規會提出申請。此規劃報告書內詳細闡述擬建用途的規劃理據，當中包括：-

- (一) 擬議用途有助松園下村善用周遭地區發展的機遇，支持松園下村發展；
- (二) 申請地點的擬議用途符合松園下村村民及發展的需要，能提升他們的居住環境；
- (三) 申請地點已經被蓮麻坑路及兩個公眾停車場包圍。欠缺小河或溪流；能夠恢復作為農業活動的機會不大；
- (四) 申請地點座落位於有毗連的香園圍邊境管制站，蓮麻坑路及兩個公眾停車場。因此是一個最理想及最適當地點提供擬議地用途給與附近村民及利用香園圍邊境管制站出入境的旅客；
- (五) 擬議用途的臨時性質不會妨礙落實大綱核准圖中「農業」地帶的長遠規劃意向；
- (六) 申請地點的擬議用途與鄰近的鄉郊環境特質及附近土地用途並非不協調；
- (七) 因為申請地點的面積較小故此擬議用途不會對交通、景觀及排水構成重大負面影響。

鑑於以上及此規劃報告書所提供的詳細規劃理據，懇請城規會各委員批准該申請作為期三年擬議用途。

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# 1 INTRODUCTION

## 1.1 Purpose

1.1.1 Pursuant to section 16 of the Town Planning Ordinance (TPO) (Cap. 131), this *Planning Statement* is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) for **Proposed Temporary Shop and Services (Local Provision Store) for a Period of Three Years** (hereinafter referred to as “the proposed use”) at Lot 390 RP (Part) in D.D.78 and adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling, North, New Territories (hereinafter referred to “the application site”). The Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate the consideration by the Board.

1.1.2 The application site with a site area of about 338.8m<sup>2</sup> falls within an area zoned “Agriculture” (“AGR”) on the approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2 gazetted on 13.05.2016 (hereinafter referred to as “the Current OZP”). As stipulated in (11)(b) of the covering Notes of the Current OZP, “...*temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years...*”. In this connection, the Applicants wish to seek planning permission from the Board for the proposed use on a temporary basis of three years.

1.1.3 Prepared on behalf of the registered owners of the application site (hereafter referred to as “the Applicants”), Man Chi Consultants and Construction Limited have been commissioned to prepare and submit the current application.

## 1.2 Background

1.2.1 The application site is located in Tsung Yuen Ha, Ta Kwu Ling North, a Recognised Village under the Lands Department. Since the area was previously restricted under the Frontier Closed Area (FCA), villagers are living in a remote area with a lack of local retail and community facilities to cater their daily needs. In order to improve their living conditions, villagers from Heung Yuen Wai area, in particular the elderly, have long been requesting for the provision of local retail and community facilities in the area to support their daily needs.

1.2.2 According to the Applicants, the population of Tsung Yuen Ha Village (the Village) is mainly formed by indigenous villagers from the 7 Tsos of about 800 residents, including about 200 usual residents living in the Village (equivalent to about 60

households) and about 600 mobile residents living in other areas in Hong Kong or overseas. Among the 600 mobile residents, around 100 of them are living in Tai Po, Sheung Shui, Fanling and other areas in North District and frequently return to the Village for family and social gatherings. As anticipated by the Applicants, more non-indigenous villagers may move in the area as well as more mobile residents may relocate to the Village or visit the area more often after the FCA reduction in 2016 and the resume of service of the HYW BCP in the current post-COVID era. As such, the Applicants wish to utilise his own vacant land to offer a proper site for the provision of local retail and community facilities in order to provide support to the local communities.

- 1.2.3 In view of the Heung Yuen Wai Control Point (HYW BCP) has fully commissioned in February 2023 and a clear aspiration of developing New Territories North (NTN) was demonstrated under the Preliminary Feasibility Study on Developing the NTN (the Study) in 2017, the application site, which fell within Heung Yuen Wai Potential Development Area under the Study, could be utilized for the proposed use to help the nearby villages/villagers to tap into the opportunity brought by the development in the surrounding areas and support the development of the villages.
- 1.2.4 The bus terminus of KMB 79 K (Sheung Shui to Tsung Yuen Ha and a Green Mini-bus 53K stop are located at the opposite site of the application site. To provide a local provision store in the application site will definitely help the villagers/residents to purchase the local retails/daily needs. Moreover, the passengers get off from the KMB-79K and Green Mini-bus also have a chance to buy daily supplies, such, drinks, snacks or any other small stuffs before crossing the Heung Yuen Wai Control Point (HYW BCP).

### 1.3 Objectives

- 1.3.1 The current application strives to achieve the following objectives:

- (a) *To give an opportunity to the Applicants to utilise the application site to serve the needs of the villagers and in support of village development;*
- (b) *To tap into the opportunity brought by the future development in the surrounding areas and support the development of the villages;*
- (c) *To maximize land utilization in an area with great locational advantage in terms of the proximity to the Village; and*
- (d) *To induce no adverse traffic, environmental, drainage nor infrastructural impacts on its surroundings.*

### 1.4 Structure of the Planning Statement

- 1.4.1 This Planning Statement is divided into 6 chapters. **Chapter 1** is the above introduction outlining the purpose and background of the current application.

**Chapter 2** gives background details of the application site in terms of the current land-use characteristics and neighbouring developments. Planning context of the application site is reviewed in **Chapter 3** whilst **Chapter 4** provides details of the proposed use as well as its design. A full list of planning justifications is given in **Chapter 5** whilst **Chapter 6** summarizes the concluding remarks for the proposed use.



## 2 SITE PROFILE

### 2.1 Location and Current Condition of the Application Site

- 2.1.1 The application site has an area of about 338.8m<sup>2</sup> comprising about 213.8m<sup>2</sup> of private land and about 125m<sup>2</sup> of Government land. The location of the application site is shown in **Figure 1** whilst **Figure 2** indicates the relevant private lots and Government land which the application site involves.
- 2.1.2 As shown in **Figure 1**, the application site is located to the north of the major village cluster of Tsung Yuen Ha in Ta Kwu Ling North, and adjacent to the HYW BCP. This area, including the application site and the Village, has been released from the FCA since 2016 but still in a rather remote location. The Village is benefited by the commission of HYW BCP, which is now accessible via franchised bus and Green Minibus.
- 2.1.3 The application site is abutting a local track connecting Lin Ma Hang Road. It joins Ping Che Road in the south and Man Kam To Road in the west. Lin Ma Hang Road also links with Heung Yuen Wai Highway (HYWH) which commenced operation on 26.5.2019.
- 2.1.4 The application site currently is flat, hard paved and largely vacant. Illustration 1 indicates the current conditions of the application site and its surrounding areas.
- 2.1.5 The application is already hard-paved. More importantly, the application site is land-locked by the Lin Ma Hang Road and two public carparks. In the absence of river and stream, the chance for re-inhabitation of agricultural activities is very slim;

### 2.2 Surrounding Land-use Characteristics

- 2.2.1 The application site is predominantly semi-rural in character. To the north of the application site are single-storey temporary structures occupied by shops, canteens and offices with valid planning permission under approved planning application Nos. A/NE-TKLN/22 and 39. To the further north is the FCA. To the immediate east of the application site is a temporary public vehicle park owned and managed by the Applicants with valid planning permission under approved planning application No. A/NE-TKL/37. A nullah, known as the Heung Yuen Wai Stream (Kong You Stream), is situated to the further east. To the south is a piece of land covered by vegetation. To the further southeast across the nullah is a residential cluster of the village, i.e. Tsung Yuen Ha Tsuen. To the immediate west is the Ta Kwu Ling (Tsung Yuen Ha) Bus Terminus offering bus service to and from Sheung Shui with a pedestrian subway connecting the Passenger Terminal Building and Public Transport Interchange of the HYW BCP. To the further west across Lin Ma Hang Road is the HYW BCP.
- 2.2.2 Given that similar uses are found in the surrounding areas and the application site is in close proximity to the existing village houses, the proposed use is considered not incompatible with the surrounding semi-rural environment. The application site is

within walking distance from the village cluster of Tsung Yun Ha and is thus at an advantageous location to serve villagers.

## **2.3 Heung Yuen Wai Boundary Control Point**

- 2.3.1 HYW BCP is a key boundary control infrastructure between Hong Kong and Mainland China providing direct access for both cargo and passenger. The HYW BCP is designed to strengthen the cross-boundary transport connectivity by handling a daily capacity of 30,000 passengers and 17,850 vehicles to and from the Liangtang Port of Shenzhen. Since the fully commission of HYW BCP in February 2023, alternative accesses including new public transport routes, motorists travelling via Heung Yuen Wai Highway and pedestrian subway via Lin Ma Hang Road are provided within the area for public accessing the HYW BCP. The development of the HYW BCP and its associated improvement in access arrangement in particular the traffic improvement/management measures have brought significant changes to the character of the area.
- 2.3.2 Taking account of the close proximity to the HYW BCP, it is anticipated that the Village will be largely benefited from the opportunities brought by the development of HYW BCP. With a view in improving and upgrading the area, there is a robust need for setting up of a local provision store in the area to benefit the villagers as well as the passengers crossing the HYW BCP.

### **3 PLANNING CONTEXT**

#### **3.1 The Current OZP**

3.1.1 The application site falls within an area zoned “AGR” on the Current OZP (please refer to **Figure 3**). According to the Notes of the Current OZP, the planning intention of the “AGR” zone is *“primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.”*

3.1.2 According to the Definition of Terms endorsed by the Board and the Notes of the Current OZP, local provision store is regarded as ‘Shop and Services’ and neither of the uses is a Column 1 nor Column 2 use in the “AGR” zone of the Current OZP. As stipulated in (11)(b) of the Notes of the Current OZP, *“...temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years...”*. In this connection, the current application is herewith made to the Board for consideration of the proposed use on a temporary basis for a period of three years.

#### **3.2 Development Strategy on Developing the New Territories North**

3.2.1 A clear aspiration of developing NTN was demonstrated under the Preliminary Feasibility Study on Developing the NTN in 2017. Further in 2021, it is proposed under the Northern Metropolis Development Strategy that the Heung Yuen Wai area will be a part of the NTN New Town and a railway station along the Northern Link Eastward Extension is envisaged near the HYW BCP to further enhance the transport connection with other development nodes in NTN. The Northern Metropolis Development Strategy has also proposed to study the feasibility of relocating the fresh food boundary-crossing and inspection facilities at the Man Kam To Control Point and the Sheung Shui Slaughterhouse to land adjacent to HYW BCP. In view of all these upcoming proposals, the character of the Heung Yuen Wai area is anticipated to change significantly in the future.

#### **3.3 Previous Planning Applications**

3.3.1 The application site is not subject to any previous planning applications.

### 3.4 Similar Planning Applications

3.4.1 There is no similar application within the “AGR” zone on the Current OZP.

3.4.2 The Board in recent years has approved numerous s.16 planning applications for proposed temporary office and/or shop and services in “AGR” zones in New Territories which carry similar nature as that of the proposed use under the current application. Details of the 9 similar approved applications are listed in **Table 1** below. Considering all the similar applications in New Territories, approval of the current application would not set an undesirable precedent to other similar applications.

*Table 1: Similar Approved s.16 Applications for Temporary Office and/or Shop and Services in “AGR” Zones in New Territories since 2021*

Planning Application No.	Proposed Use	OZP	Zoning	Decision Date
A/YL-KTN/760	Proposed Temporary Office for Permitted Agricultural Use for a Period of 3 Years and Filling of Land	S/YL-KTN/9	“Agriculture”	14/05/2021
A/YL-KTS/900	Temporary Shop and Services for a Period of 3 Years and Filling of Land	S/YL-KTS/15	“Agriculture”	24/09/2021
A/YL-SK/318	Proposed Temporary Shop and Services for a Period of 3 Years and Land Filling	S/YL-SK/9	“Agriculture”	26/11/2021
A/NE-TK/743	Proposed Temporary Shop and Services (Store) for a Period of 3 Years	S/NE-TK/19	“Agriculture”	20/05/2022
A/NE-MUP/167	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	S/NE-MUP/11	“Agriculture”	24/06/2022
A/NE-LT/728	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) with Ancillary Car Park for a Period of 3 Years	S/NE-LT/11	“Agriculture”	12/08/2022
A/YL-KTS/938	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	S/YL-KTS/15	“Agriculture”	14/10/2022
A/YL-KTS/931	Proposed Temporary Vehicle Repair Workshop and Shop and Services (Motorvehicle Showroom) with Ancillary Office for a Period of 3 Years	S/YL-KTS/15	“Agriculture”	11/11/2022
A/NE-LT/734	Temporary Shop and Services with Ancillary Office for a Period of 3 Years	S/NE-LT/11	“Agriculture”	23/12/2022

## 4 THE DEVELOPMENT PROPOSAL

### 4.1 Site Configuration, Layout and Operation

- 4.1.1 It is proposed to utilise the application site for the proposed use (i.e. Proposed Temporary Shop and Services (Local Provision Store) for a Period of Three Years) in order to cater the needs of villagers living nearby as well as the passengers using the KMB 79 K (Sheung Shui to Tsung Yuen Ha) and Green Mini-bus 53K in the close vicinity. The application site has a site area of about 338.8m<sup>2</sup>.
- 4.1.2 The proposed use comprises two single-storey structures with a total Gross Floor Area (GFA) of about 178.1m<sup>2</sup> and a height of 2.6m for the local provision store uses. A 5m-wide entrance/exit point is proposed along the eastern boundary of the application site. The proposed use aims to serve the villages/villagers of the Heung Yuen Wai area, including Tsung Yuen Ha, Heung Yuen Wai, Chuk Yuen Village, Kaw Liu Village, Ta Ku Ling Village and Kan Tau Wai, by providing local retail and community services.
- 4.1.3 The proposed local provision store aims to provide convenience for the nearby villagers to obtain certain range of necessities without travelling far to Sheung Shui or Fanling Town Centre. The local provision store will only be operating in a small scale, selling dry goods (i.e. drinks, canned food and other local convenience goods) without cooked food, poultry and wet goods. In order to ensure all retail activities of the proposed use will be confined in the application site, a 77m<sup>2</sup> waiting area is reserved at the shop front of the local provision store for customers to queue up and for loading and unloading activities.
- 4.1.4 The operation hour of the proposed use will be from 8:00 a.m. to 8:00 p.m. daily (including public holidays).
- 4.1.5 The Indicative Layout Plan is shown in **Figure 4** whilst the key development parameters for the proposed use are detailed in **Table 1**.

Table 1: Proposed Key Development Parameters

Items	Development Parameter(s)
<b>Total Site Area</b>	About 338.8m <sup>2</sup> (including about 125m <sup>2</sup> Government and)
<b>Uncovered Area</b>	About 160.7m <sup>2</sup> (47.4%) (including 77m <sup>2</sup> waiting area)
<b>Covered Area</b>	About 178.1m <sup>2</sup> (52.6%)
<b>Operation Hours</b>	From 8:00 a.m. to 8:00 p.m. daily (including public holidays)
<b>Structures</b>	
1	Local Provision Store (12.2m x 7.3m x 2.6m)
2	Local Provision Store (12.2m x 7.3m x 2.6m)
<b>Total GFA</b>	About 178.1m <sup>2</sup>
Local Provision Store	About 89.05m <sup>2</sup>
Local Provision Store	About 89.05m <sup>2</sup>
<b>No. of Storey</b>	1
<b>Building Height</b>	Not more than 2.6m

## 4.2 Vehicular Access and Parking Arrangement

- 4.2.1 No parking space will be provided within the application site due to its small scale. Occasional visitor parking and loading and unloading activities are proposed to take place at the adjacent 24-hour public vehicle park (excluding container vehicle) at Lots 388 S.A, 388 S.B, 388 RP (Part) and 390 RP (Part) in D.D. 78 and adjoining Government land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories, which is also owned and managed by the Applicants. All traffics are expected to access the adjacent public vehicle park via Lin Ma Hang Road branching off the HYWH (**Figure 1** refers). According to the Applicants, the estimated trip generation and attraction of the proposed use would be 2-4 trips per day for visitors and 2-4 trips per week for loading and unloading activities, which would be fully under the capacity of the adjacent public vehicle park and traffic capacity in the area.
- 4.2.2 There is an existing 3.5m-wide local footpath connecting the application site with the local track abutting Lin Ma Hang Road. It is expected most of the visitors from the Village will access the proposed use on foot via the local footpath. Manpower will be used for the transportation of goods from the adjacent public vehicle park onto the application site via the existing footpath by trolley.
- 4.2.3 Visitors from other villages or districts are encouraged to access the application site via public transport. The Ta Kwu Ling (Tsung Yuen Ha) Bus Terminus serving with bus route No.79K is located at about 30m away the application site along Lin Ma Hang Road. Green Minibus route No. 59K connecting Sheung Shui Station and Lin Ma Hang is available along Lin Ma Hang Road (**Figure 1** refers). Given that application site is currently more accessible via public transport, it is not unreasonable to believe that majority of the visitors will access the application site by public transport. As such, no adverse traffic impact is anticipated from the proposed development.

### **4.3 Landscape Concern**

4.3.1 Given that the application site is currently an existing hard paved concrete platform and there is no existing tree within the application site. The application site has very low agricultural value at present and the proposed development would induce no significant landscape impact.

### **4.4 Provision of Drainage Facilities**

4.4.1 There is currently an existing nullah with a width of about 8m, locating about 60m to the southeast of the application site via Lot 388 RP in D.D. 78 and Government land. If it is further required and considered essential, the Applicants will submit a drainage proposal and further implement additional drainage facilities to the satisfaction of Drainage Services Department by way of compliance of approval condition(s).



## **5 PLANNING JUSTIFICATIONS**

### **5.1 Untapping the Opportunities Brought by Current and Future Development in the Surrounding Areas**

- 5.1.1 The HYW BCP, located in vicinity of the application site and the Tsung Yuen Ha Village, is expected to bring opportunities with a view to improve and upgrade the Heung Yuen Wai area. The connectivity, accessibility and mobility in the area have gradually enhanced due to the improvement in access arrangement since the fully commission of the HYW BCP in February 2023. Given that the application site is highly accessible by villagers nearby, it is considered to be the ideal and most suitable site for the provision of local retail and community services.
- 5.1.2 The application site, as a prime location for the proposed local provision store, would provide convenience for the nearby villagers as well as the passengers using the KMB 79 K (Sheung Shui to Tsung Yuen Ha) and Green Mini-bus 53K in the close vicinity. Moreover, the passengers crossing the HYW BCP may also be purchasing small daily needs from the proposed use on the application site. The application site is abutting a local track connecting Lin Ma Hang Road. It joins Ping Che Road in the south and Man Kam To Road in the west. Lin Ma Hang Road also links with Heung Yuen Wai Highway (HYWH) which commenced operation on 26.5.2019.
- 5.1.3 The application site currently is flat, hard paved and largely vacant. Illustration 1 indicates the current conditions of the application site and its surrounding areas.
- 5.1.4 The application is already hard-paved. More importantly, the application site is already land-locked by the Lin Ma Hang Road and two public carparks. In the absence of river and, stream, the chance for re-inhabitation of agricultural activities is very slim.
- 5.1.5 The provision local retail and community services would help the nearby villages/villagers to tap into the opportunity brought by the development in the surrounding areas and support the development of the Village. In addition, it would also help the villager/ resident to purchase certain range of basic goods without travelling far to Sheung Shui or Fanling Town Centre.
- 5.1.6 In view of the development of HYW BCP and the aspiration of developing NTN by the Government, despite the application site being rather remote at the moment, it is considered as an opportunity to utilise the application site for the proposed use to boost the local economy.

### **5.2 Meeting the Needs of the Community**

- 5.2.1 The proposed use at the application site, comprising a provision store, aims to provide local retail and community services at the neighbourhood to cater and support villagers' daily needs and livings.

- 5.2.2 The area has long been lacking local retail and community facilities to cater for villagers' daily needs. The proposed local provision store will offer an alternative in the area to serve not only the villagers of Tsung Yuen Ha, but also villagers of other villages in the Heung Yuen Wai area. Considering that most of the villagers of Tsung Yuen Ha are elderly, a local provision store operating near the main village cluster will be more convenient and accessible for them to purchase certain range of basic goods without travelling far to Sheung Shui or Fanling Town Centre.

### **5.3 Optimization of Valuable Land Resources**

- 5.3.1 The proposed use would take full advantage of the location and the exceptional physical state of the application site i.e. being vacant and platformed and within walking distance to the Village, to serve the villagers nearby. While the Applicants, i.e. the registered owners of the application site, has no long-term planned development for his own private land currently, it is considered a good opportunity to utilise his private land along with the idle adjacent Government land, which is land-locked, small, irregular, lacking access and incapable for separate development, for the proposed use.
- 5.3.2 The inclusion of the idle adjacent Government land in the current scheme would achieve public benefits in two ways. Firstly, for the purpose of preventing occupation and disturbance to the existing footpath encompassing the application site, the utilisation of Government land would help providing an ample of open area at the shop front of the local provision store as dedicated as waiting area for customers to queue up and for loading and unloading activities. The inclusion of the idle vacant Government land in the application site can help to achieve the aforesaid arrangement to serve the public without disturbance to the surroundings. Secondly, the scheme would also achieve public benefits in reducing management and control costs for unlawful occupation on unallocated Government land. The inclusion of idle adjacent Government land under the proposed scheme would be conducted by the way of land exchange exercise once the application is approved.

### **5.4 Temporary Nature Would Not Jeopardise the Planning Intention of “AGR” Zone**

- 5.4.1 Notwithstanding that the application site falls within an area zoned “AGR” on the Current OZP and the proposed use is intended only to utilise the application site to serve the needs of the villagers/residents and in support of the village development, the temporary nature of the current application will by no means jeopardize the long-term planning intention of “AGR” zone.
- 5.4.2 The application site is currently hard paved and has no agricultural value at present. The application site is already land-locked by the Lin Ma Hang Road and two public carparks. In the absence of river and, stream, the chance for re-inhabitation of agricultural activities is very slim. Having considered the fact that the application site shares similar identity to the adjoining Ta Kwu Ling (Tsung Yuen Ha) Bus Terminus, bringing forward the planning intention of “AGR” zone can hardly be materialised in short term until the surrounding characteristics are entirely and compulsorily acquired to be utilised for agricultural activities.

### **5.5 Not Incompatible with Surrounding Land Uses**

- 5.5.1 Given that similar uses, including the temporary shop and services, canteen and office uses, are found in the surrounding areas and the proposed use is solely to be used to serve the needs of the local villagers, it is considered not incompatible with the surrounding semi-rural environment and village settings, in terms of its geographical

location and land use.

- 5.5.2 In view of that the proposed use is small scale in nature, with a total GFA of 178.1m<sup>2</sup> and a building height of not more than 2.6m, it is anticipated that no visual obstruction nor incompatible landscape will be created to the area. The proposed development should be considered not incompatible with the surrounding area comprising of low rises village houses and temporary structures.

## **5.6 No Adverse Traffic, Landscape and Drainage Impacts**

- 5.6.1 As the proposed use is in small-scale, the traffic generation and attraction are anticipated to be very minimal. The proposed use provides no parking spaces. Instead, occasional visitor parking and loading and unloading activities are proposed to take place at the adjacent 24-hour public vehicle park (excluding container vehicle) which is also owned and managed by the Applicants. Manpower will be used for the transportation of goods from the adjacent public vehicle park onto the application site via the existing footpath by trolley. Regular visitors are recommended to access the proposed use by public transport or on foot via the existing footpath. Since the estimated trip generation and attraction of the proposed use is fully under the capacity of the adjacent public vehicle park and traffic capacity in the area, it is not anticipated that the proposed use will generate any significant additional and adverse traffic impacts on the area.
- 5.6.2 Given that the application site is currently an existing hard paved concrete platform and there is no existing tree within the application site. The application site has very low agricultural value at present and the proposed development would induce no significant landscape impact.
- 5.6.3 No adverse drainage impact is anticipated from the proposed use. The application site is generally paved with gravel. There is an existing U-channel is located in about 60m to the southeast of the application site, and in particular, no flooding or relevant complaints have received in recent years. If it is further required and considered essential, the Applicants will submit a drainage proposal and further implement additional drainage facilities to the satisfaction of Drainage Services Department by way of compliance of approval condition(s).

## 6 CONCLUSION

6.1.1 This Planning Statement is submitted to the Board in support of a planning application for **Proposed Temporary Shop and Services (Local Provision Store) for a Period of Three Years** at Lot 390 RP (Part) in D.D.78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories. The application site has a total area of about 338.8m<sup>2</sup>. The Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate the consideration by the Board.

6.1.2 In planning context, the application site falls within an area zoned “AGR” on the Current OZP (i.e. approved Ta Kwu Ling North OZP No. S/NE-TKLN/2) which was gazetted on 13.05.2016. Temporary use of the application site not exceeding a period of three years requires planning permission from the Board. As detailed throughout this Planning Statement, the proposed use is well justified on the grounds that:

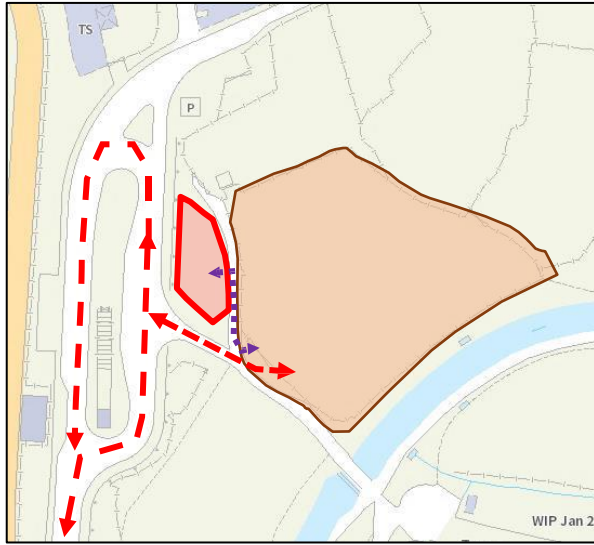
- (a) The proposed use can help the Tsung Yuen Ha Village (the Village) to tap into the opportunity brought by the development in the surrounding areas and support the development of the Village;*
- (b) The proposed use at the application site meets the unique needs of the villagers for development of the Village, which would enhance their living condition;*
- (c) The application site is already land-locked by the Lin Ma Hang Road and two public carparks. In the absence of river and, stream, the chance for re-inhabitation of agricultural activities is very slim;*
- (d) The application site located in the close proximity of the Heung Yuen Wai Control Point (HYW BCP), Lin Ma Hang Road and two public carparks. It has a prime location and is ideal for the proposed use in serving the neighbourhood as well as the passengers crossing the HYW BCP;*
- (e) The temporary nature would not jeopardize the planning intention of “AGR” zone;*
- (f) The proposed use at the application site is not incompatible with the surrounding area in terms of land uses; and*
- (g) No adverse traffic, landscape and drainage impact is anticipated from the proposed use, as of its small scale.*

6.1.3 In view of the above and the list of detailed planning justifications in the Planning Statement, it is sincerely hoped that members of the Board will give favourable consideration to approve the current application for the proposed use for a temporary period of 3 years.

## List of Figures

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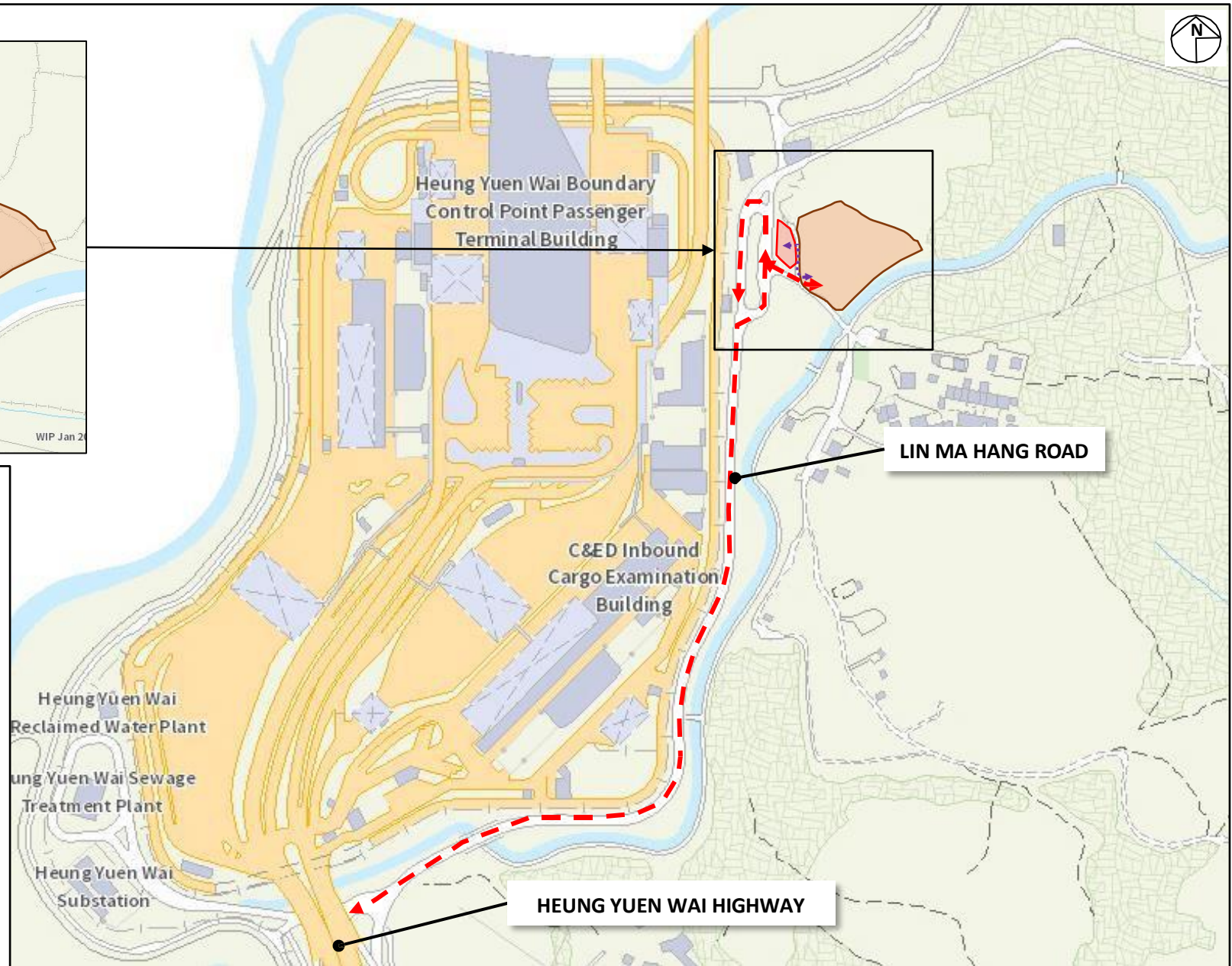
Figure 1	Location Plan
Figure 2	Extract of Lot Index Plan (No. ags_S00000106671_0001)
Figure 3	Extract of the Approved Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/2
Figure 4	Indicative Layout Plan



**LEGEND:**

- The Application Site
- Public Vehicle Park owned and managed by the Applicants (No. A/NE-TKLN/37)
- Vehicular Access to/from the Public Vehicle Park
- Pedestrian Access between the Application Site and the Public Vehicle Park

*(For Identification Only)*



**Project:**  
 Section 16 Planning Application for Proposed Temporary Shop and Services (Local Provision Store) for a Period of 3 Years at Lot 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories

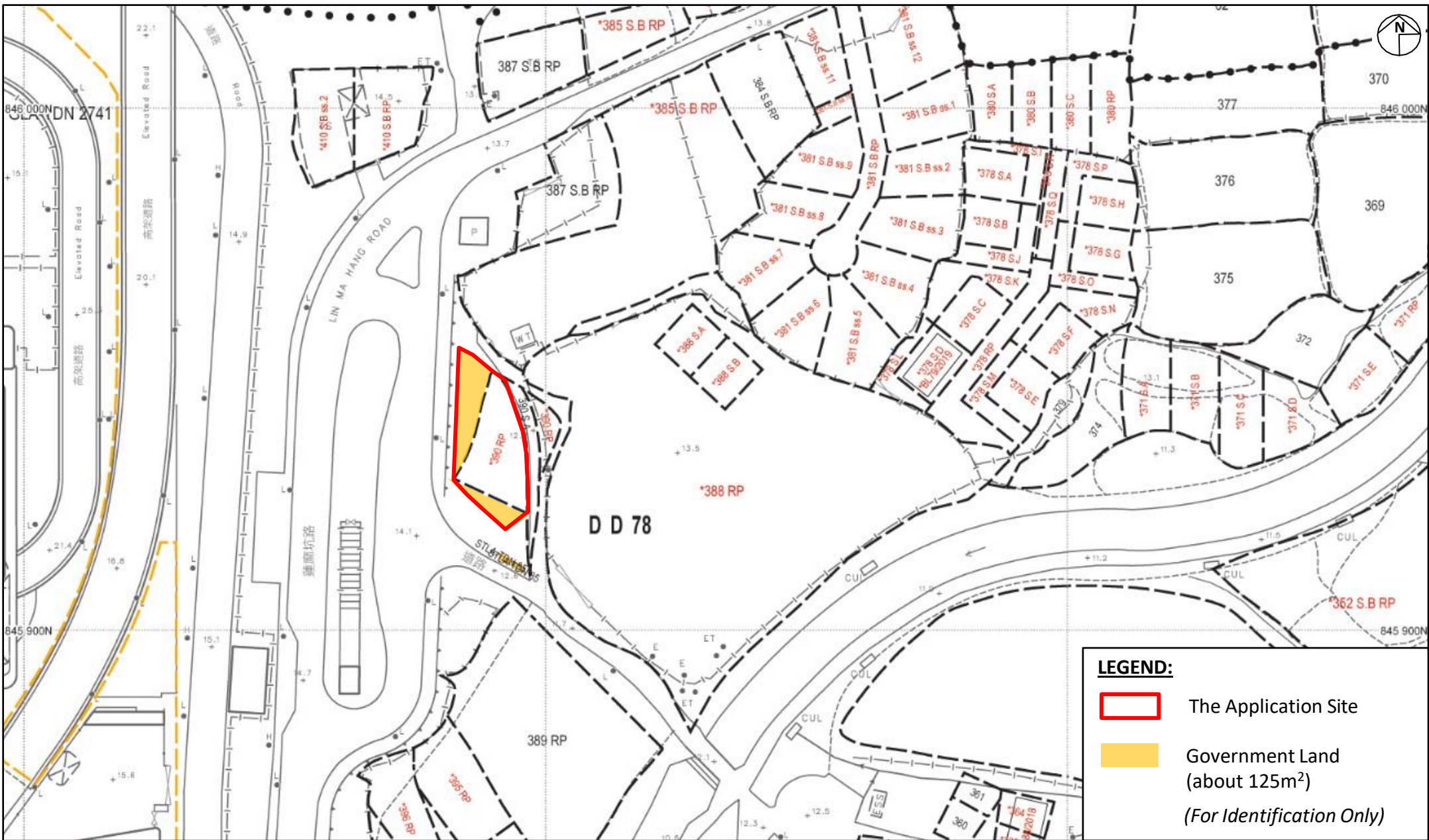
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 Dec., 2024

Ref.: MCCL/0079/24







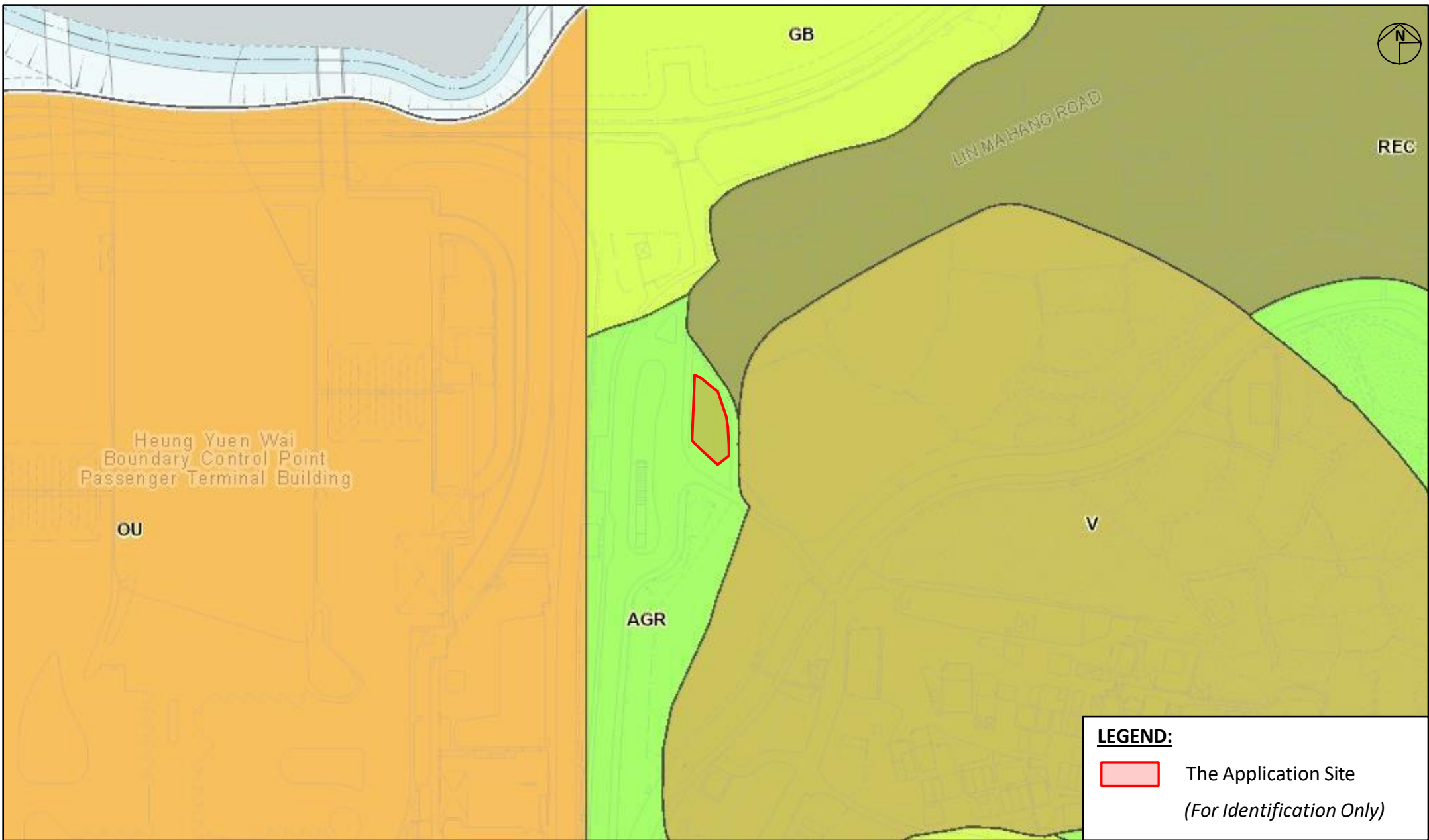
**Project:**  
 Section 16 Planning Application for Proposed Temporary Shop and Services (Local Provision Store) for a Period of 3 Years at Lot 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories

**Title:**  
 Extract of Lot Index Plan  
 (No. ags\_S00000106671\_0001)

**Figure:**  
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**Scale:**  
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**Date:**  
 Dec., 2024



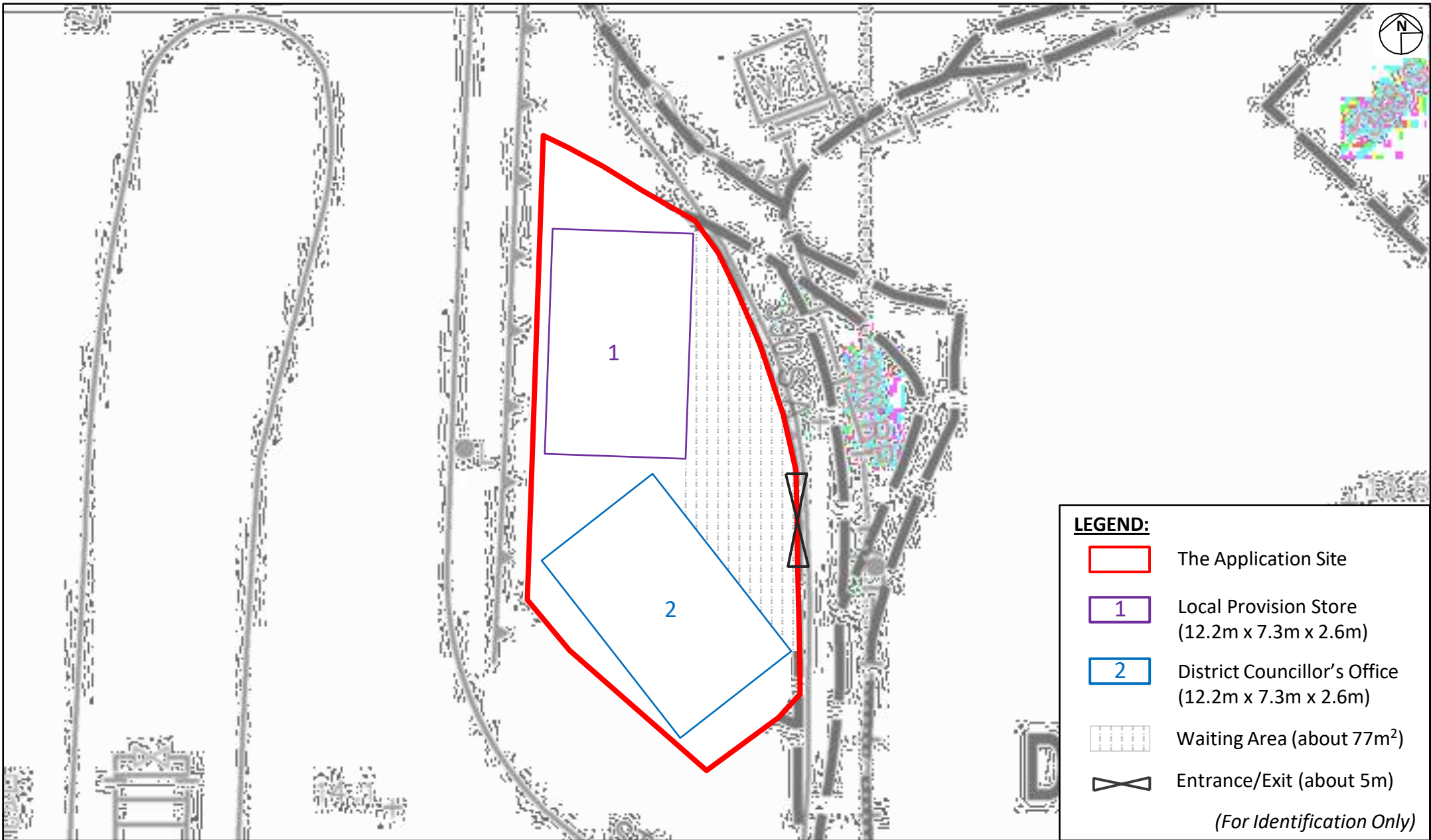




**LEGEND:**

The Application Site  
(For Identification Only)

<p><b>Project:</b> Section 16 Planning Application for Proposed Temporary Shop and Services (Local Provision Store) for a Period of 3 Years at Lot 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories</p>	<p><b>Title:</b> Extract of the Approved Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/2</p> <p style="text-align: center;"><i>Ref.: MMCL-0079/24</i></p>	<p><b>Figure:</b> 3</p> <p><b>Scale:</b> Not to Scale</p> <p><b>Date:</b> Dec.,2024</p>	<p style="text-align: right;"><b>MC Man Chi</b> Consultants And Construction Limited</p>
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**Project:**  
 Section 16 Planning Application for Proposed Temporary Shop and Services (Local Provision Store) for a Period of 3 Years at Lot 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories

**Title:**  
 Indicative Layout Plan

**Figure:**  
 4

**Scale:**  
 Not to Scale

**Date:**  
 Dec., 2024

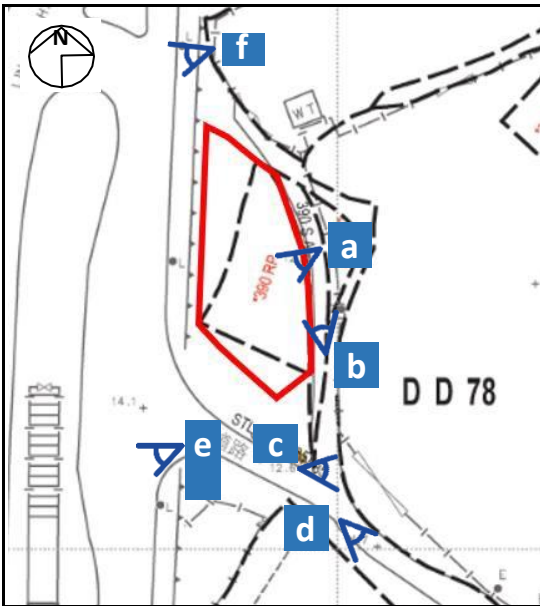


**Illustration 1**

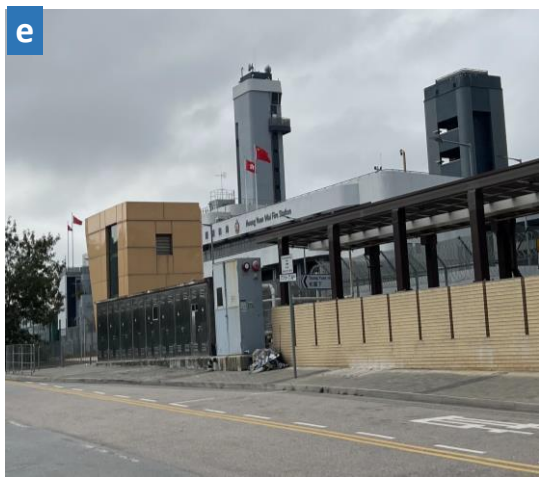
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**Existing Condition of the Application Site and the Surrounding Areas**





**LEGEND:**  
 Site Boundary    Viewpoints  
 (For Identification Only)



**Project:**  
 Section 16 Planning Application for Proposed Temporary Shop and Services (Local Provision Store) for a Period of 3 Years at Lot 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories

**Title:**  
 Existing Condition of the Application Site and the Surrounding Areas

Ref.:MCCL-0079/24

**Illustration:**  
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**Scale:**  
 Not to Scale

**Date:**  
 Dec., 2024

