

S.16 Planning Application

The Renewal of Planning Approval for Temporary Shop and
Services (Real Estate Agency) for a Period of 3 Years
at Lots 1028 S.A ss.1 (Part) and 1030 S.D
in D.D. 125, Sik Kong Tsuen, Yuen Long, N.T.

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Executive Summary
Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years at Lots 1028 S.A ss.1 (Part) & 1030 S.D in D.D. 125,
Sik Kong Tsuen, Yuen Long, N.T.

The application site is subject to four previous planning permissions No. A/YL-HT/889, No. A/YL-HT/1069, No. A/HSK/212 and No. A/HSK/431 for temporary shop and services (real estate agency). The applicant had complied with all the planning conditions imposed to all four previous planning permissions. Since the existing planning permission No. A/HSK/431 will be expired on 21.3.2026, the applicant submits the current application to renew the planning permission for another period of 3 years.

The size of the application site is about 98m². It is currently zoned 'Village Type Development' ("V") according to the Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/2.

The proposed development meets the planning intention of the "V" zone which is to serve the daily need of the residents.

The proposed development is temporary in nature and it would not jeopardize the building of New Territories Exempted House in the long run.

The operation hour of the proposed development is 9:00 a.m. to 8:00 p.m. daily (including Sundays and public holidays) to match the surrounding environment.

The nature, form and layout of the proposed development are compatible with the surrounding environment. It would not affect the character of the indigenous village. Even so, the applicant has provided some mitigation measures to further minimize any potential impact to the nearby residents. In view of the proposed development is compatible with the surrounding environment and no significant impacts will be generated, preferential treatment should be given to the current planning application.

Town Planning Board has approved a good number of similar real estate agencies at "V" zone all over rural Yuen Long and Tuen Mun. Similar preferential treatment should be granted to this application.

The Board is hereby respectfully requested to approve the application site for temporary shop and services (real estate agency) for a period of 3 years on sympathetic grounds.

行政摘要

在新界元朗錫降村丈量約份第 125 約地段第 1028 號 A 分段第 1 小分段(部份)及第 1030 號 D 分段作臨時商店及服務行業(地產代理)用途的規劃許可續期三年

申請地點涉及四個先前的規劃許可編號 A/YL-HT/889，A/YL-HT/1069，A/HSK/212 及 A/HSK/431 批准作臨時商店及服務行業(地產代理)用途。申請人已為四個先前的規劃規劃許可履行所有附帶的規劃條件。由於現行的規劃許可編號 A/HSK/431 將於 2026 年 3 月 21 日屆滿，申請人提文本申請以延續為期三年的規劃許可。

申請地點的面積約為 98 平方米。根據洪水橋及厦村分區計劃大綱核准圖編號 S/HSK/2 中所示，申請地點現時被規劃作「鄉村式發展」地帶。

本擬議發展切合村民的日常需要，因此符合「鄉村式發展」地帶的規劃意向。

本擬議發展為臨時性質，因此不會影響申請地點長遠作新界豁免管制屋宇的發展。

為配合周邊的環境，申請用途的營業時間為每日上午九時至晚上八時(包括星期日及公眾假期)。

本擬議發展的性質、形式及佈局與周邊的環境協調，因此不會影響原居民鄉村的風貌。即便如此，申請人提供一些緩解措施，以進一步減少對附近居民的任何潛在影響。由於本申請用途與四周環境協調及不會產生明顯影響，所以本申請理應獲得城市規劃委員會從優考慮。

城市規劃委員會近年多次批准元朗及屯門鄉郊的「鄉村式發展」地帶作地產代理的規劃申請，因此申請人希望城市規劃委員會對本申請作出相同的對待。

根據以上各點，申請人誠意懇求城市規劃委員會寬大批准申請地點作為期三年的臨時商店及服務行業(地產代理)用途。

**Supplementary Planning Statement for Renewal of Planning Approval for
Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years
at Lots 1028 S.A ss.1 (Part) & 1030 S.D in D.D. 125, Sik Kong Tsuen, Yuen Long, N.T.**

Section 1 – Background of the Application Site

1.1 Introduction

- 1.1.1 This planning application is submitted by Sum Kwan Villa Limited (森群軒有限公司) who is the occupier of Lots 1028 S.A ss.1 (Part) & 1030 S.D in D.D. 125, Sik Kong Tsuen, Yuen Long, N.T. **(Figure 1)**.
- 1.1.2 The application site is subject to four previous planning permissions No. A/YL-HT/889, No. A/YL-HT/1069, No. A/HSK/212 and No. A/HSK/431 for temporary shop and services (real estate agency) for a period of 3 years respectively. All planning approval conditions imposed to the previous planning permissions have been complied. The existing planning permission No. A/HSK/431 will be expired on 21.3.2026. As such, the applicant submits the current application to renew the planning permission for another period of 3 years.
- 1.1.3 The booming of real estate agency in the recent decades results in the increasing property transaction. In order to serve the need of the villagers, the applicant intends to occupy the application site for real estate agency.
- 1.1.4 The applicant intends to demonstrate to the Board that the renewal of planning approval is compatible with the surrounding environment and it would not generate undesirable impacts to the vicinity. The applicant wishes that Town Planning Board could give favourable consideration to his planning application.

1.2 Site Particulars

- 1.2.1 The application site is situated at Sik Kong Tsuen **(Figure 1)**. It possesses an area of approximately 98m². The surface of the application site is hard paved.
- 1.2.2 The application site is accessible via a vehicular track leading from San Sik Road **(Figure 3)**.
- 1.2.3 The application site is zoned for ‘Village Type Development’. Some village houses were found to all directions of the application site. A nullah is found to the south of the application site **(Figure 1)**.

1.3 Lease Conditions

- 1.3.1 The application site is situated on an Old Schedule agriculture lot held under Block Government Lease. The lease was issued in 1906 to be executed from 1898 with a

term of 75 years which was renewable for another term of 24 years less three days. The first term of the lease expired in 1973 and was then statutorily renewed. With reference to the New Territories Lease (Extension) Ordinance 1988, the lease would be further renewed to 2047.

- 1.3.2 Referring to the previous planning permissions, the applicant has obtained the Short Term Waiver (STW) from the District Lands Office/Yuen Long to regularize the temporary structures at the application site. It shows that the applicant is sincere to comply with the regulations by the Government.

1.4 Planning Context

- 1.4.1 The application site is zoned ‘Village Type Development’ (“V”) according to the Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2 (**Figure 2**). Referring to the OZP, the “V” zone is intended 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 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 Town Planning Board.
- 1.4.2 The applied use is belonged to column 2 of the “V” zone and temporary use not exceeding a period of 3 years may be regularized through the application of planning permission from the Town Planning Board in accordance with the Notes of the aforesaid Outline Zoning Plan. As such, it is the applicant’s intention to submit this application to request the Board’s favour to this proposed use.

1.5 Previous Planning Permissions

- 1.5.1 The application site is subject to four previous planning permissions since 2014. On 21.3.2014, Town Planning Board approved the application site for temporary shop and services (real estate agency) for a period of 3 years (TPB Ref.: A/YL-HT/889).
- 1.5.2 To continue the same use at the site, the applicant submits other three applications in 2017, 2020 and 2023. Town Planning Board approved the applications on 17.3.2017, 6.3.2020 and 17.3.2023 for the same use (TPB Ref.: A/YL-HT/1069, A/HSK/212 and A/HSK/431).
- 1.5.3 The above information shows that the application site has been occupied for temporary shop and services (real estate agency) uses for about twelve years. The proposed development is not a new development. The applicant would like to continue his business and services by submitting the current planning application.

Section 2 – Development Proposal

2.1 Site Planning

- 2.1.1 The application site is applied for temporary shop and services (real estate agency) for a period of 3 years to serve the nearby residents and villagers.
- 2.1.2 The operation hours of the proposed development is 9:00a.m. to 8:00p.m. at all days including Sundays and public holidays.
- 2.1.3 The application site occupies an area of about 98m² and is served by San Sik Road via a vehicular track. Due to the limited size of the site and the proposed development is target for the nearby residents and villagers, no parking space is proposed for the proposed development.
- 2.1.4 In view of that the site is adjacent to two small houses, no site fencing is proposed.
- 2.1.5 A temporary structure is proposed to serve the proposed development. It is a 1-storey structure for real estate agency and conference room uses. The details of the structure are shown in the proposed layout plan (**Figure 3**).
- 2.1.6 The layout of the proposed development is also illustrated in **Figure 3**.

2.2 Vehicular Access Arrangement

- 2.2.1 The application site is accessible via a vehicular track leading from San Sik Road.
- 2.2.2 As mentioned in para. 2.1.3 above, no parking space is proposed for the proposed development. Therefore, the proposed development is deemed to have no significant impact on the traffic condition of Ha Tsuen area.

2.3 Environmental Commitments

- 2.3.1 Being a temporary use, the applicant would like to propose the following additional ameliorative measures in accordance with the '*Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites*' (August 2005) to seek the Environmental Protection Department's consent:

Air

The application site, the access area at the site frontage and 5m strip of the area beyond the access gate has been hard paved to avoid any fugitive dust impact;

Noise

No operation will be held in sensitive hours, i.e. from 8:00p.m. to 9:00a.m.

2.4 Visual Commitments

- 2.4.1 In brief, the application site is generally surrounded by New Territories Exempted Houses at all directions except to the south which is a nullah and road. Given the nature and the layout of the proposed development, the proposed development is in general considered compatible to the surrounding development.
- 2.4.2 Three trees were found within the site visit. All of them were in good condition and will be preserved. The proposed landscape plan is illustrated in **Figure 4**.
- 2.4.3 The applicant will provide and maintain the existing trees at his own expense.

2.5 Drainage Commitments

- 2.5.1 The application site is subject to four previous planning permissions No. A/YL-HT/889, No. A/YL-HT/1069, A/HSK/212 and A/HSK/431. First, The applicant had implemented the approved drainage proposal to comply with planning conditions (b) and (c) imposed to the planning permission No. A/YL-HT/889. After that, the applicant has regularly cleaned and duly maintained the existing drainage facilities in order to comply with planning conditions (c) and (d) imposed to the planning permission No. A/YL-HT/1069. Similarly, planning conditions (c) and (d) relating to drainage facilities of the planning permission No. A/HSK/212 are duly complied. And planning conditions (a) and (c) relating to drainage facilities of the planning permission No. A/HSK/431 are also duly complied.
- 2.5.2 According to the recent site visit, 150mm surface U-channel was found along the site boundary to intercept the surface runoff. All the storm water is then discharged to the public drain to the east of the application site. The as-built drainage plan showing the existing drainage facilities is shown in **Figure 5**.
- 2.5.3 The applicant will take whole responsibility to maintain the implemented drainage facilities at his own expense.

2.6 Fire Safety Commitments

- 2.6.1 The application site is subject to four previous planning permissions No. A/YL-HT/889, No. A/YL-HT/1069, No. A/HSK/212 and No. A/HSK/431. The applicant had implemented the approved fire service installations proposal to comply with planning conditions (e) and (f) imposed to the planning permission No. A/YL-HT/889. After that, the approval conditions relating to fire service installations imposed to the following planning permissions No. A/YL-HT/1069, No. A/HSK/212 and No. A/HSK/431 have all been duly complied.
- 2.6.2 The existing fire service installations plan approved in the latest planning permission No. A/HSK/431 is attached in **Figure 6**. The latest certificate of FS251

No. A9732600 covering the FSIs installed at the application site is also attached in this planning statement for reference. It is hereby confirmed that there is no change in layout and use from the latest planning permission No. A/HSK/431 and there is no storage of combustibles within the application site.

Section 3 – Planning Justifications

3.1 The Current Application is for Renewal of the Existing Planning Permission

- 3.1.1 The application site related to four previous planning permissions No. A/YL-HT/889, No. A/YL-HT/1069, A/HSK/212 and A/HSK/431 which were applied by the same applicant. The application site was occupied for temporary shop and services (real estate agency) use since 2014.
- 3.1.2 The applied use and the other planning parameters such as total floor area and number of structure are exactly the same as the previous planning permissions.
- 3.1.3 The operation of the proposed temporary development demonstrated that the actual impact is minimal to the surrounding environment. In addition, the applicant had complied with all the planning conditions imposed to the previous planning permissions. The applicant solicits the Town Planning Board's sympathetic consideration to approve the current planning application.

3.2 The Proposed Development is in Line with the Planning Intention of the 'Village Type Development' ("V") Zone

- 3.2.1 The application site is zoned 'Village Type Development' ("V") according to the Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2. According to the Explanatory Statement of the OZP, the "V" zone is intended 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 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 Town Planning Board.
- 3.2.2 The application site is not approved for any Small House use and temporary use could be therefore considered in the interim. The proposed development which is temporary in nature would not jeopardize the planning intention of the "V" zone in the long run.
- 3.2.3 The proposed development, which is primarily to serve the villagers, is definitely a commercial use serving villager's demand. The nature and the size of the proposed

development would not affect the character of the village. All in all, the proposed development conforms with the planning intention of the “V” zone.

3.3 Shop and Services is a Column Two Use in “V” Zone and Always Permitted at the Ground Floor of a New Territories Exempted House

3.3.1 In accordance with the notes of the Approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2, the application site falls within ‘Village Type Development’ (“V”) zone. Shop and services is a Column Two use in the “V” zone where the subject site falls within.

3.3.2 It is also noted that shop and services are always permitted on the ground floor of a New Territories Exempted House. It shows that shop and services is actually compatible with the nearby village houses and residential units at second and third floor.

3.3.3 In view of that the nature of the proposed development is temporary, clean, tidy and free from nuisance, Town Planning Board is therefore requested to give favourable consideration to the current application.

3.4 The Proposed Development is Compatible with the Surrounding Environment

3.4.1 The application site is zoned “V” according to the Approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2. In view of that the application site is surrounded by a good number of small houses and easily accessible, the proposed location is an ideal location for shops and services to attract business.

3.4.2 The proposed development, which is treated as a shop and service, is clean, tidy and a non-polluting use. It would not generate significant impact to its surrounding. The proposed temporary structure is one storey high and not exceeding 3.5m in height. Considering the scale, nature, layout and form of the proposed development, they are compatible with the surrounding environment and would not affect the character of the village.

3.5 Similar Real Estate Agencies in ‘Village Type Development’ Zone have been Approved by Town Planning Board

3.5.1 The current planning application is not the first of its kind. It is noted that similar real estate agencies in ‘Village Type Development’ Zone are normally approved by Town Planning Board in the vicinity. The details are as follow:

- (i) Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in ‘Village Type Development’ zone at Lots 1119 (Part), 1120 (Part) and 1121RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, N.T. approved on 11.8.2023 (TPB Ref.: A/HSK/469);

- (ii) Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in 'Village Type Development' zone at Lot 1149 (Part) in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long, N.T. approved on 11.9.2023 (TPB Ref.: A/HSK/479);
 - (iii) Temporary Shop and Services (Convenient Store and Real Estate Agency) for a Period of 3 Years in 'Village Type Development' zone at Lot 1046RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, N.T. approved on 14.3.2025 (TPB Ref.: A/HSK/548);
 - (iv) Temporary Shop and Services (Real Estate Agency and Interior Design Company) for a Period of 3 Years in 'Village Type Development' zone at Lot 1046RP (Part) in D.D. 125, Sik Kong Wai, Ha Tsuen, Yuen Long, N.T. approved on 14.3.2025 (TPB Ref.: A/HSK/549);
 - (v) Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in 'Village Type Development' zone at Lot 650RP (Part) in D.D. 125 and Adjoining Government Land, Sik Kong Tsuen, Ha Tsuen, Yuen Long, N.T. approved on 14.3.2025 (TPB Ref.: A/HSK/550);
 - (vi) Temporary Shop and Services (Convenience Store) for a Period of 3 Years in 'Village Type Development' zone at Lot 650RP (Part) in D.D. 125, Ha Tsuen, Yuen Long, N.T. approved on 28.3.2025 (TPB Ref.: A/HSK/551);
 - (vii) Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in 'Village Type Development' zone at Lots 650RP (Part) and 977RP (Part) in D.D. 125, Sik Kong Tsuen, Ha Tsuen, Yuen Long, N.T. approved on 2.5.2025 (TPB Ref.: A/HSK/556); and
 - (viii) Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in 'Village Type Development' zone at Lot 977RP (Part) in D.D. 125, Sik Kong Tsuen, Ha Tsuen, Yuen Long, N.T. approved on 2.5.2025 (TPB Ref.: A/HSK/555);
- 3.5.2 Though the applicant aware and also supports the Board's viewpoint that the Board would assess the individual merits of each application, the four previous planning permissions approved on the application site demonstrated that it would generate no significant adverse impact to the surroundings. Town Planning Board is therefore sincerely requested to deliver similar treatment to the current application.

3.6 No Adverse Traffic Impact

- 3.6.1 The application site is accessible via a vehicular track leading from San Sik Road. Due to the limited size of the site and the proposed development is target for the nearby residents and villagers, no parking space is proposed for the proposed development.

- 3.6.2 No vehicular ingress/egress is proposed for the proposed development. In view of that the nature of the proposed development would not generate significant traffic generation, it is concluded that the proposed development would not generate adverse traffic impact.

3.7 No Adverse Environmental Impact

- 3.7.1 Being a shop to provide real estate agency service to the nearby residents, the proposed development is a compatible use with the surrounding environment including the village houses in the proximity. The applied use would generate neither significant environment nor noise disturbance to both the environment and residents in the area.
- 3.7.2 Further, the applicant implemented the following measures with reference to the '*Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites*' (August 2005) to enhance the compatibility with the surrounding environment:
- (i) The surface of the application site and its frontage is hard paved by concrete; and
 - (ii) No operation will be held between 8:00p.m. to 9:00a.m.

3.8 Insignificant Drainage Impact

- 3.8.1 The provision of the drainage facilities was accepted by the Drainage Services Department for the compliance with planning approval condition (b) and (c) of the previous planning permission No. A/YL-HT/889. After that, the applicant has due diligence in maintaining the condition of existing drainage facilities in order to comply with the planning approval conditions in the previous planning permissions No. A/YL-HT/1069, A/HSK 212 and A/HSK/431 respectively.
- 3.8.2 All the accrued runoff would be intercepted by the existing 150mm surface U-channel along the inner site periphery (**Figure 5**). Surface runoff collected at the application site will be discharged to the public drain to the east of the application site via an existing 150mm surface channel.
- 3.8.3 All the implemented drainage facilities will be maintained by the applicant's own expense. Also, surface channel will be cleaned at regular interval to ensure unhindered flow of surface runoff along the channel.

Section 4 – Conclusion

- 4.1 The application site is subject to four previous planning permissions, i.e. No. A/YL-HT/889, No. A/YL-HT/1069, No. A/HSK/212 and No. A/HSK/431, for the same use since 2014. The existing planning permission No. A/HSK/431 will be expired

on 21.3.2026. As such, the applicant submits the current application to renew the planning permission for another period of 3 years.

- 4.2 The application site is currently zoned 'Village Type Development' ("V"). It is a Column 2 use in the "V" zone as well as an as-of-right use at the ground floor of the New Territories Exempted House which is in line with the planning intention to serve the need of the residents without affecting the character of the village.
- 4.3 The proposed development is the same as the approved use of the last planning permission at the application site. The planning circumstance pertaining to the application site remain unchanged since the approval of the last planning permission.
- 4.4 The proposed development is compatible with the surrounding environment. Even so, the applicant has proposed some measures to further minimize any potential impact to the nearby residents.
- 4.5 A number of similar real estate agencies in "V" zone in the vicinity have been approved on temporary basis by Town Planning Board to meet resident's demand. The applicant sincerely requests the Town Planning Board to deliver similar treatment to his application.
- 4.6 Town Planning Board is hereby respectfully requested to renew the planning permission for Lots 1028 S.A ss.1 (Part) & 1030 S.D in D.D. 125, Sik Kong Tsuen, Yuen Long, N.T. for temporary shop and services (real estate agency) for a period of 3 years on sympathetic grounds.