

S.16 Planning Application

The Renewal of Planning Approval for Temporary Shop and
Services (Real Estate Agency) for a Period of 3 Years
at Lot 1149 RP (Part) in D.D. 125, Tseung Kong Wai,
Ha 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 Lot 1149 RP (Part) in D.D. 125,
Tseung Kong Wai, Ha Tsuen, Yuen Long, N.T.

The application site is subject to the existing planning permission No. A/HSK/479 for temporary shop and services (real estate agency) for a period of 3 years. The applicant had complied with all the approval conditions imposed to the previous permissions. Since the existing permission will be expired on 9.10.2026, 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 460m². It is currently zoned 'Village Type Development' ("V") according to the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/3.

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 applicant had complied with all the planning conditions imposed to the existing planning permission No. A/HSK/479. It shows that the applicant is sincere to comply with town planning regulations.

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

擬在新界元朗廈村祥降圍丈量約份第 125 約地段第 1149 號餘段(部份) 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

申請地點涉及現行的規劃許可編號 A/HSK/479 批准作為期三年的臨時商店及服務行業(地產代理)用途。申請人已為先前的規劃許可履行所有附帶的規劃條件。由於現行的規劃許可將於 2026 年 10 月 9 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 460 平方米。根據洪水橋及廈村分區計劃大綱草圖編號 S/HSK/3 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。

申請人已為現行的規劃許可編號 A/HSK/479 履行所有附帶的規劃條件。這顯示申請人是真誠地遵守城市規劃規定。

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 Lot 1149 RP (Part) in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long, N.T.**

Section 1 – Background of the Application Site

1.1 Introduction

- 1.1.1 This planning application is submitted by Ever United Planning and Development Limited (恒滙規劃發展有限公司) on behalf of Smart Happiness Limited (駿熹有限公司) who is the occupier of Lot 1149 RP (Part) in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long, N.T. **(Figure 1)**.
- 1.1.2 The application site is subject to two previous planning permissions No. A/HSK/248 & A/HSK/479 for the same use [i.e. temporary shop and services (real estate agency)] for a period of 3 years approved in 2020 & 2023 respectively. All planning approval conditions of the previous permissions have been complied. Since the planning permission No. A/HSK/479 will be expired on 9.10.2026, the applicant submits the current application to renew the planning permission for another period of 3 years.
- 1.1.3 By way of this S.16 planning application, the applicant intends to demonstrate to the Board that the proposed development is compatible with the surrounding environment and it would not generate undesirable impact 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 possesses an area of approximately 460m². 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 2)**.
- 1.2.3 The application site is zoned for ‘Village Type Development’. Some village houses were found to the north, east and west of the application site. An existing open drain is found to the south of the application site **(Figure 1)**.

1.3 Proposed Use of the Application Site

- 1.3.1 The application site is applied for temporary shop and services (real estate agency) for a period of 3 years. Due to the close proximity to Tseung Kong Wai, it targets to serve the nearby residents and villagers.

- 1.3.2 The operation hours of the proposed development is 9:00a.m. to 8:00p.m. at all days including Sundays and public holidays to match the surrounding environment.

1.4 Lease Conditions

- 1.4.1 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.
- 1.4.2 The applicant approached the Lands Department after the approval of previous planning permissions. Short Term Waivers are granted to regularize the temporary structures at the application site.

1.5 Planning Context and Previous Planning Permission

- 1.5.1 The application site is zoned ‘Village Type Development’ (“V”) according to the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/3 (**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.
- 1.5.2 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.
- 1.5.3 Actually, the application site is subject to two previous planning permissions for the same use since 2020 (TPB Ref.: A/HSK/248 & A/HSK/479). The proposed development is not a new development. The applicant would like to continue the same use at the site by submitting the current planning application which has the same nature to the previous planning permissions.

Section 2 – Development Proposal

2.1 Site Planning and Vehicular Access Arrangement

- 2.1.1 The application site occupies an area of about 460m². The entire site boundary has been erected with site fencing to differentiate the site from adjacent land lots.
- 2.1.2 The site ingress/egress is located at the eastern part of the site. The application site is served by a vehicular track leading from San Sik Road (**Figure 2**).
- 2.1.3 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. Therefore, the proposed development is deemed to have no significant impact on the traffic condition of Ha Tsuen area.
- 2.1.4 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 layout of the proposed development and the details of the structure are shown in the proposed layout plan (**Figure 3**).
- 2.1.5 The application site is generally surrounded by New Territories Exempted Houses at all directions except to the south which is vacant. Given the nature and the layout of the proposed development, the proposed development is in general considered compatible to the surrounding development.

Section 3 – Planning Justifications

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

- 3.1.1 The application site is subject to two previous planning permissions No. A/HSK/248 and A/HSK/479 which were applied by the same applicant. The application site has been occupied for temporary shop and services (real estate agency) use since 2020.
- 3.1.2 The applied use is exactly same as the previous planning permissions. The operation of the proposed temporary development since 2020 has demonstrated that it has no adverse impact to the surrounding environment. In addition, the applicant had complied with all the planning conditions imposed to the latest planning permissions No. A/HSK/248 & A/HSK/479. Therefore, the applicant solicits the Town Planning Board's sympathetic consideration to approve the renewal of planning permission so that the applicant could operate for another period of 3 years.

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 Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/3.
- 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 Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/3, 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 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 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 3.8m 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 (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);
- (ii) 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);
- (iii) 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);
- (iv) 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);
- (v) 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);
- (vi) 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
- (vii) Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in ‘Village Type Development’ zone at Lots 1028 S.A ss.1 (Part) and 1030 S.D in D.D. 125, Sik Kong Tsuen, Yuen Long, N.T. approved on 27.2.2026 (TPB Ref.: A/HSK/594).

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 operation of this development since 2020 has 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 The proposed use would not generate excessive noise because the proposed development is a static use.
- 3.7.3 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 to avoid any fugitive dust impact; and
 - (ii) No operation will be held between 8:00p.m. to 9:00a.m.
- 3.7.4 The applicant is sincerity and conscientious in maintaining the surrounding environmental condition and would like to seek the consent from relevant Departments.

3.8 Insignificant Drainage Impact

- 3.8.1 The provision of the drainage facilities was accepted by relevant Departments for the compliance with planning approval conditions (b) and (c) of the previous planning permission No. A/HSK/248. The applicant has also due diligence in maintaining the condition of existing drainage facilities in order to comply with the planning approval conditions (a) and (b) in the latest planning permission No. A/HSK/479 as well.
- 3.8.2 The as-built drainage plan showing the existing drainage facilities is shown in

Figure 4. All the accrued runoff would be intercepted by the existing 375mm surface U-channel along the inner site periphery. The collected surface runoff would be leaded to the existing open drain at the south of application site and would be discharged to the public nullah at east lastly.

- 3.8.3 All the implemented drainage facilities are 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.

3.9 Fire Service Installations Commitments

- 3.9.1 The applicant had implemented the approved fire service installations proposal to comply with planning approval conditions (e) and (f) imposed to the previous planning permission No. A/HSK/248. After that, the applicant has maintained the fire service installations in order to comply with the planning approval condition (c) of permission No. A/HSK/479 as well. The existing fire service installations plan approved under previous planning permission is shown in the **Figure 5**.
- 3.9.2 The fire service installations being provided would be inspected and maintained regularly at the applicant's own expense to ensure their functionality.
- 3.9.3 It is confirmed that there is no storage of combustibles within the application site. Besides, it is confirmed that the layout, use and development parameters of development on the application site remain the same as that of the previous planning permissions No. A/HSK/248 and A/HSK/479. Besides, the valid FS251 is attached in **Annex I** for consideration by the concerned departments as well.

Section 4 – Conclusion

- 4.1 The application site is subject to the existing planning permission No. A/HSK/479 for the same use. Since the planning permission will be expired on 9.10.2026, the applicant hereby 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 use of proposed development is the same as the approved use of the existing 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 applicant had complied with all the approval conditions imposed to the latest planning permission No. A/HSK/479. It shows that the applicant is sincere to comply with town planning regulations.
- 4.5 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.
- 4.6 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.
- 4.7 Town Planning Board is hereby respectfully requested to approve the renewal of planning permission for the use of temporary shop and services (real estate agency) for a period of 3 years at Lot 1149 RP (Part) in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long, N.T. on sympathetic grounds.