

Planning Application
Under Section 16
of the Town Planning Ordinance
(Cap. 131)

**Planning Application for
Temporary Shop and Services and Associated Filling of Land
for a Period of Three Years
Lot Nos. 410SBss2 and 410SBRP in D.D. 78
Tsung Yuen Ha, Ta Kwu Ling, New Territories**



Prepared by

LANBASE Surveyors Limited

March 2025

EXECUTIVE SUMMARY

The Application Site ('the Site') comprises Lot Nos. 410SBss2 and 410SBRP in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories. It directly abuts Lin Ma Hang Road at its south. The Site is applied for the use of "Temporary Shop and Services" and "Associated Filling of Land" for a period of 3 years. The Site occupies a site area of about 465m². In accordance with the Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2 dated 13.5.2016, the Site falls within an area zoned "Green Belt" ("GB").

A planning permission is sought to use the Site as "Temporary Shop and Services". Since the Site is small in scale, no adverse traffic and environmental impacts are anticipated.

The subject application for the planning permission is justified on the following grounds: 1) No Contravention to the Long Term Planning Intention; 2) Recent Planning Permissions for Similar Use near the Site; 3) Compatible with the Surrounding Land Uses; 4) In Support of Plant Nursery on Site; 5) Making Efficient Use of Vacant Land; 6) No Adverse Environmental Impact; and 7) No Adverse Traffic Impact.

申請摘要

申請場地乃新界打鼓嶺松園下丈量約份第78約地段第410號B段第2小分段及第410號B段餘段。申請場地南面前臨蓮麻坑路。現作三年臨時許可申請作「臨時商店及服務行業」用途及「相關的填土工程」。申請地段佔地共465平方米。是項申請地段位於打鼓嶺北分區計劃大綱核准圖編號S/NE-TKLN/2(發表於2016年5月13日)內之「綠化」地帶。

是項臨時許可申請把場地申請用作「臨時商店及服務行業」。由於場地規模細小，相信並不會引致不良的交通、渠務及環境影響。

是項申請的理由如下：1) 沒有違反長遠之規劃意向； 2) 在場地附近已有相類似用途的規劃申請獲批准； 3) 與附近的土地用途相容； 4) 支援申請場地的植物苗圃； 5) 善用空置土地；6)沒有不良的環境影響；及7)沒有不良的交通影響。

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1. INTRODUCTION

- 1.1 The Application Site ('the Site') comprises Lot Nos. 410SBss2 and 410SBRP in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories. It directly abuts Lin Ma Hang Road at its south. The Site is applied for the use of "Temporary Shop and Services" and "Associated Filling of Land". The Site occupies a site area of about 465m². According to the Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2 dated 13.5.2016, the Site falls within an area zoned "Green Belt" ("GB"). Please refer to an extract of the OZP and its relevant notes at **Appendix 1**, Location Plan at **Appendix 3** and Site Plan at **Appendix 4**.
- 1.2 The current application is submitted for the use of "Temporary Shop and Services" and "Associated Filling of Land" for a period of 3 years. According to the Notes of the OZP, planning permission is required by the Town Planning Board ("the Board") for the subject temporary use.
- 1.3 The Applicant has commissioned Lanbase Surveyors Limited on his behalf to submit a planning application for the use of "Temporary Shop and Services" and "Associated Filling of Land" for a period of 3 years, or a period as considered appropriate by the Board under Section 16 of the Town Planning Ordinance (Cap. 131).
- 1.4 The Planning Statement serves to describe the existing conditions of the Site and its surrounding land uses, to give details of the proposed development, and to provide justifications for the Board's consideration.

2. SITE CONTEXT

2.1 Application Site

The Application Site ('the Site') comprises Lot Nos. 410SBss2 and 410SBRP in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories. The Site occupies a site area of about 465m². Please refer to Location Plan at **Appendix 3** and Site Plan at **Appendix 4**.

2.2 Lease Particulars

The subject lots are held under Block Crown Lease and demised as agricultural land. The lease is virtually unrestricted, apart from offensive trade clause and will expire on 30th June 2047.

2.3 Surrounding Land Uses

2.3.1 It directly abuts Lin Ma Hang Road at its south.

2.3.2 It is situated at a boundary location with the Shenzhen City to its north and mainly surrounded by the works areas / construction sites of a number of major Government projects.

2.3.3 To the west of the Site is the works area of the LT/HYW BCP.

2.3.4 To the immediate north is vacant land.

2.3.5 To the east is an access road and across the road are temporary structures for retail shop and office.

2.4 Accessibility

2.4.1 The Site is accessible from Lin Ma Hang Road to its south.

2.4.2 The subject area is served by various modes of public transport, including buses, minibuses and taxis.

3. TOWN PLANNING

- 3.1 The Site falls within an area zoned “Green Belt” (“GB”) on the Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKL/2 dated 13.5.2016. Extract of the OZP are attached at **Appendix 1**.
- 3.2 The planning intention of the subject “GB” zone is primarily for defining the limited of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- 3.3 As stipulated in the Notes of the OZP, a planning permission is required by the Town Planning Board (the “Board”) for “Temporary Shop and Services” in the “GB” zone.
- 3.4 The Site is the subject of two previous planning applications including:
 - a) Planning Application No. A/NE-TKLN/4 was approved on 14.9.2016 for “Temporary Canteen and Ancillary Office” for a period of 3 Years; and
 - b) Planning Application No. A/NE-TKLN/22 was approved on 6.9.2019 for “Temporary Canteen and Ancillary Office” for a period of 3 Years.

4. PROPOSED DEVELOPMENT

4.1 Applied Use

4.1.1 The subject application is submitted for the use of “Temporary Shop and Services” and “Associated Filling of Land” on site for a period of 3 years.

4.1.2 The proposed “Temporary Shop and Services” is mainly a florist shop of the nursery planting on site for serving the local community.

4.2 Site Area

The Site has an area of about 465m².

4.3 Ancillary Facilities

There are two double-storey converted container structures for shop and services use, a single-storey open-sided metal structure being a shelter of the god’s throne, and 1 private car loading/unloading space for mini-van use for good delivery.

4.4 Operation Hours

The proposed “Temporary Shop and Services” would be operated from 8am to 8pm daily (from Monday to Sunday and Public Holidays).

4.5 Traffic

4.5.1 Due to small scale of the Site and provision of loading / unloading area, no heavy traffic flow would be generated.

4.5.2 There would be some traffic arrangement, as listed below:

- (a) a loading/unloading area for private car (mainly mini-van) would be provided;
- (b) there would be only 1 to 2 times of good delivery by private car (mainly mini-van) per day;
- (c) the private car (mainly mini-van) would be driven out from the Site after delivering goods;
- (d) adequate manoeuvring space would be reserved within the Site in order to avoid any reverse driving out from the Site; and
- (e) the proposed access would also serve as pedestrian access due to limited vehicular trip.

4.5.3 In addition, the Site is mainly to serve local community so that the main customers

can reach the Site by walking. Therefore, no adverse traffic impact is anticipated.

4.6 Landscape

As there are existing trees on the ground, they would be well preserved and maintained on site.

4.7 Drainage

The Applicant will provide proper drainage facilities at the Site. Approval condition for provision of drainage facilities is acceptable.

4.8 Fire Precaution Measures

The Applicant will provide proper fire service installations at the Site. Approval condition for provision of the fire service installations is acceptable.

5. JUSTIFICATIONS

5.1 No Contravention to the Long Term Planning Intention

The subject “GB” zone is intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Basically, approval of the proposed use on a temporary basis that will not prejudice the future long term planning of the area. Therefore, the proposed development is considered not contravene to the long-term planning intention.

5.2 Recent Permissions for Similar Use Near the Site

There is one similar planning application No. A/NE-TKLN/87 approved on 20.9.2024 for “Proposed Temporary Retail Shop, Canteen and Ancillary Office” falling within “REC” and “GB” zones next to the Site. Therefore, the proposed “Temporary Shop and Services” is considered acceptable.

5.3 Compatible with the Surrounding Land Uses

Temporary uses including retail shops, site office and public vehicle parks are located in the surroundings. Therefore, the proposed “Temporary Shop and Services” is considered compatible with the surrounding uses.

5.4 In Support of Plant Nursery on Site

The “Proposed Temporary Shop and Services” will form part of the plant nursery operation on site. It will provide product outlet of the plant nursery on site. Approval of the proposed temporary use with a temporary structures and ancillary shop and services use would definitely support the operation of the plant nursery on site.

5.5 Making Efficient Use of Vacant Land

The Site is now being a vacant. The proposed “Temporary Shop and Services” would make efficient use of the vacant land for supporting local needs in the surrounding area.

5.6 No Adverse Environmental Impact

It is considered that the proposed “Temporary Shop and Services” use is a less environmental sensitive use, and there would be appropriate drainage facilities

provided within the Site. Therefore, no adverse environmental impact is anticipated.

5.7 No Adverse Traffic Impact

5.7.1 Due to small scale of the Site and provision of loading / unloading area, no heavy traffic flow would be generated.

5.7.2 There would be some traffic arrangement, as listed below:

- (a) a loading/unloading area for private car (mainly mini-van) would be provided;
- (b) there would be only 1 to 2 times of good delivery by private car (mainly mini-van) per day;
- (c) the private car (mainly mini-van) would be driven out from the Site after delivering goods;
- (d) adequate manoeuvring space would be reserved within the Site in order to avoid any reverse driving out from the Site; and
- (e) the proposed access would also serve as pedestrian access due to limited vehicular trip.

5.7.3 In addition, the Site is mainly to serve local community so that the main customers can reach the Site by walking. Therefore, no adverse traffic impact is anticipated.

6. CONCLUSION

6.1 The Applicant seeks the Board's permission to approve planning application for the applied use under S.16 of the Town Planning Ordinance.

6.2 With regard to the followings:

- no contravention to the long term planning intention;
- recent planning permissions for similar use near the Site;
- compatible with the surrounding land uses;
- in support of plant nursery on site;
- make efficient use of vacant land;
- no adverse environmental impact; and
- no adverse traffic impacts,

the Board is requested to approve the planning application for the use of "Temporary Shop and Services" and "Associated Filling of Land" on the Site for 3 years or a period considered appropriate.

APPENDIX 1

**Extract of Approved Ta Kwu Ling North Outline Zoning
Plan (OZP) No. S/NE-TKLN/2 dated 13.5.2016 and its
Relevant Notes**



GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Firing Range Flat Golf Course Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for Private Project Zoo

(Please see next page)

GREEN BELT (cont'd)

Planning Intention

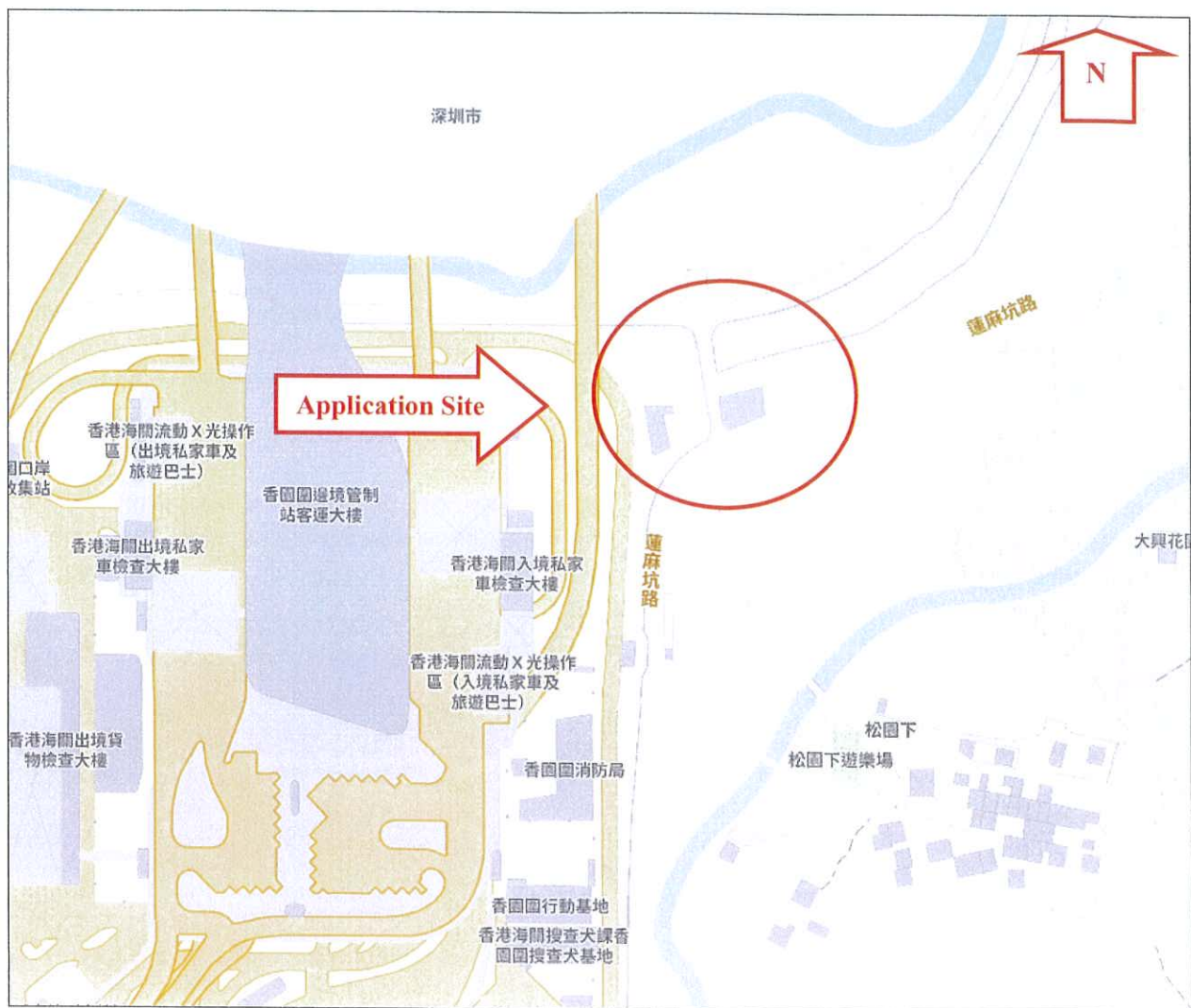
The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

Remarks

Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

APPENDIX 2

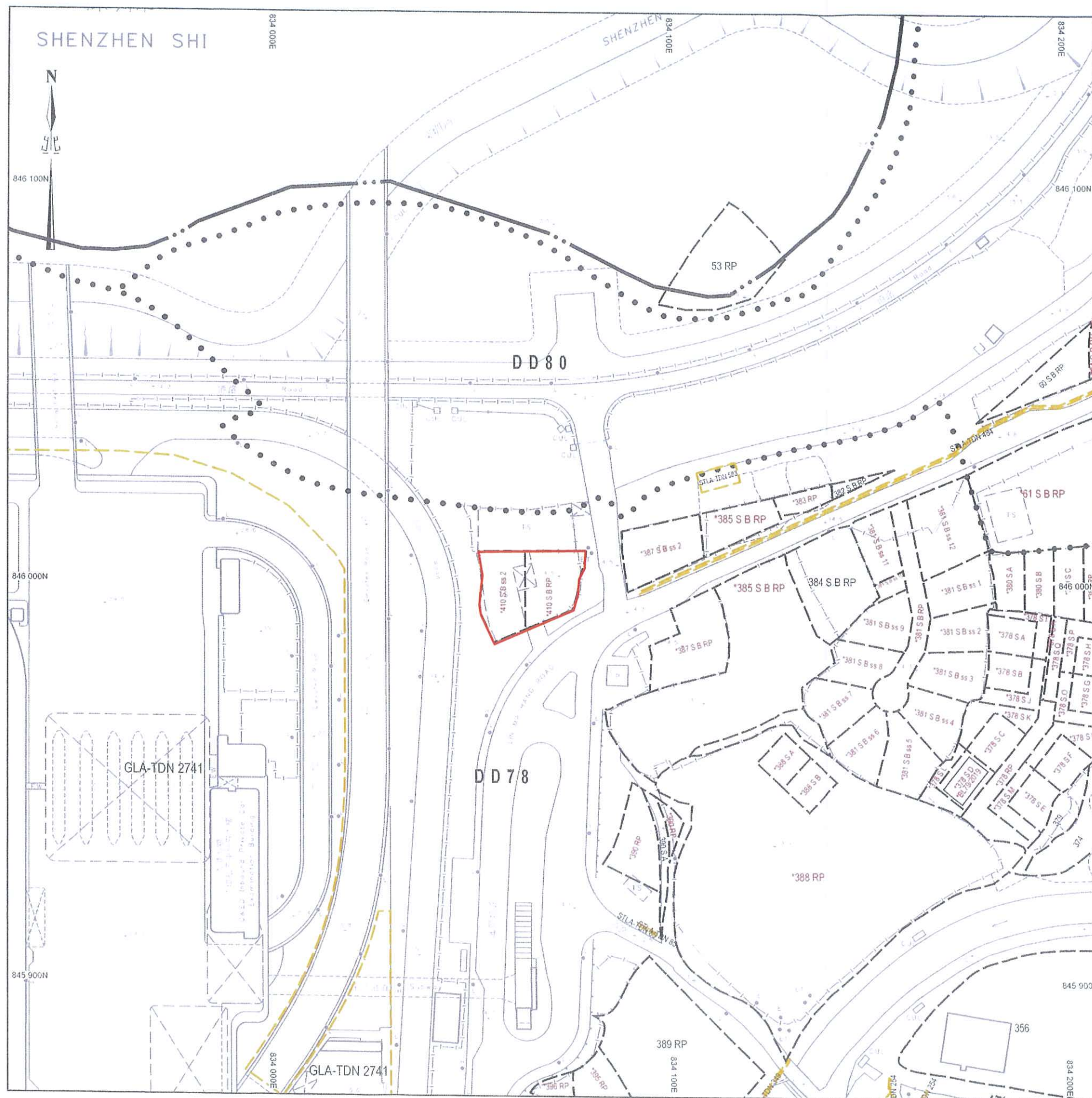
Location Plan



For Identification Only

APPENDIX 3

Site Plan (Lot Index Plan)



地段索引圖 LOT INDEX PLAN

摘要說明：本地段索引圖在其背景的地形圖上標示了各種永久和短期持有的土地的圖像界線。這些土地包括私人地段、政府撥地、短期租約批地，以及其他作核准用途的土地。請注意：(1)本索引圖上的資料會被不時更新而不作事先通知；(2)索引圖的更新或會延後於有關資料的實際變更；以及(3)本索引圖中顯示的界線僅供識別之用，資料是否準確可靠，應徵詢專業土地測量師的意見。

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Explanatory notes: This plan shows the graphical boundaries of different kinds of permanent and temporary land holdings with the topographic map in the backdrop. The land holdings as shown may include private lots, government land allocations, short term tenancies and other permitted uses of land. It must be noted that: (1) the information shown on this plan is subject to update without prior notification; (2) there may be time lag between an update and the related changes taken place; and (3) the graphical boundaries as shown are for identification purpose only and interpretation of their accuracy and reliability requires the advice from professional land surveyor.

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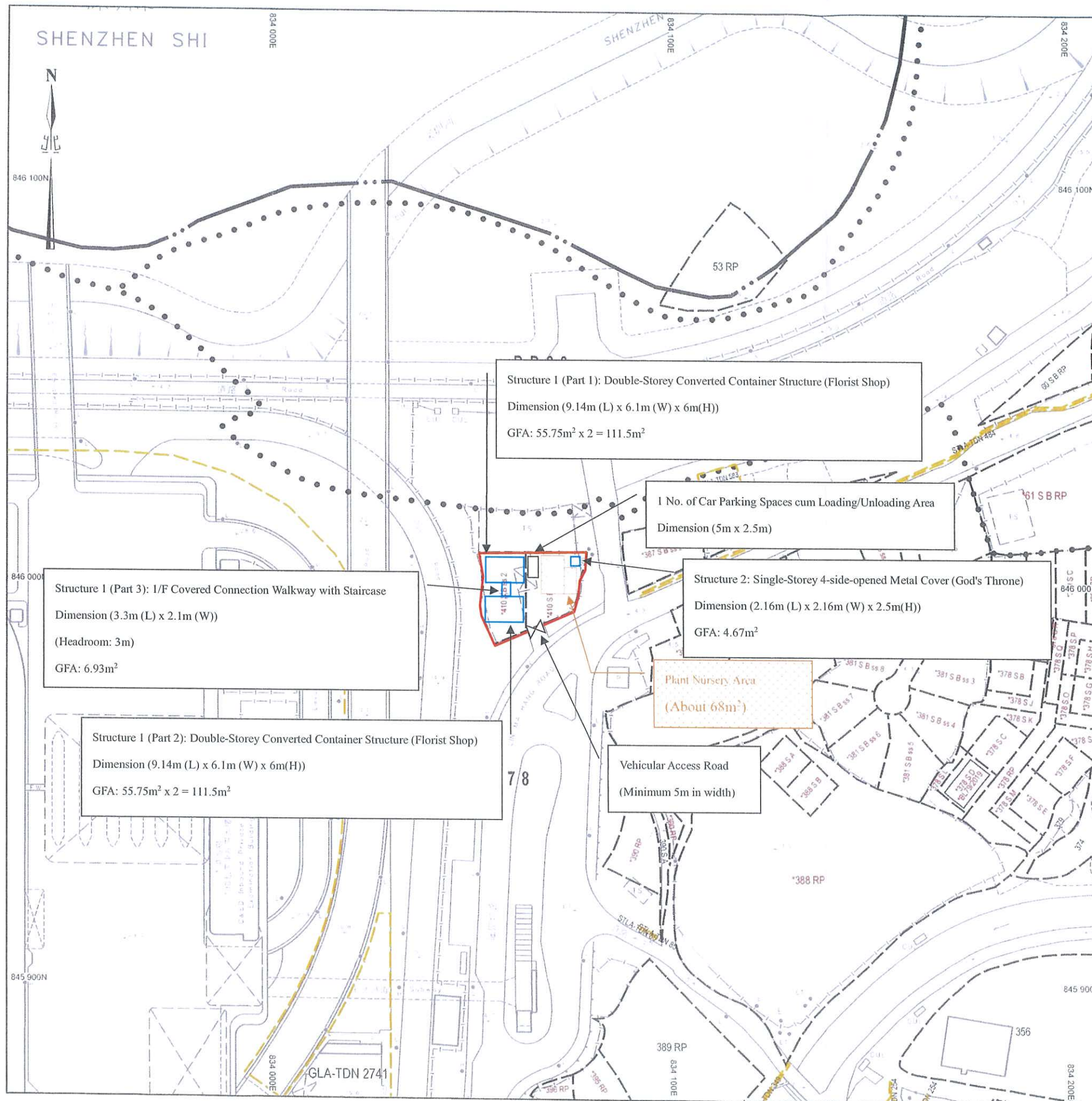
比例尺 SCALE 1:1000
metres 10 0 10 20 30 40 50 metres

Locality :
Lot Index Plan No. : ags_S00000137731_0001
District Survey Office : Lands Information Center
Date : 16-Jan-2025
Reference No. : 3-NW-8D

 Application Site

APPENDIX 4

Proposed Layout Plan



 Application Site

地段索引圖 LOT INDEX PLAN

摘要說明：本地段索引圖在其背景的地形圖上標示了各種永久和短期持有的土地的圖像界線。這些土地包括私人地段、政府撥地、短期租約批地，以及其他作核准用途的土地。請注意：(1)本索引圖上的資料會被不時更新而不作事先通知；(2)索引圖的更新或會延後於有關資料的實際變更；以及(3)本索引圖中顯示的界線僅供識別之用，資料是否準確可靠，應徵詢專業土地測量師的意見。
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Locality :

Lot Index Plan No. : ags_S00000137731_0001

District Survey Office : Lands Information Center

Date : 16-Jan-2025

Reference No. : 3-NW-8D

APPENDIX 5

Site Photo

Site Photo

Application Site

