

Timothy Wai Pui WU/PLAND

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寄件者: YC Lit <[REDACTED]>  
寄件日期: 2025年04月24日星期四 22:01  
收件者: tpbpd/PLAND  
副本: Brian Ching Hong CHAN/PLAND; Timothy Wai Pui WU/PLAND  
主旨: S.16 Application -A/NE-TKLN/95 (Lot 390 (Part) in DD 78  
附件: Replacement Pages for S.16 III Application Form Lot 390 RP( Part) in DD 78 TPB A NE TKLN 95\_0001\_0001.pdf; Replacement Pages for Planning Statement Lot 390 RP( Part) in DD 78 TPB A NE TKLN 95\_0001\_0001.pdf; Figure 2 Extract of Lot Index Plan and existing Local Footpath TKLN 95 Lot 390 RP in DD 78\_0001\_0001\_0001\_0001.pdf; Replacement Pages for Figure 4 (Rev.) Lot 390 RP( Part) in DD 78 TPB A NE TKLN 95\_0001\_0001\_0001\_0001.pdf; Figure 5 Land Filling Plan TKLN 95 Lot 390 RP in DD 78\_0001\_0001\_0001\_0001.pdf; Illustration I Aerial photo showing the local footpath and pedestrian pavement TKLN 95 Lot 390 RP in DD 78\_0001\_0001\_0001\_0001.pdf; Illustration II -Showing the Entrance A of the Local Footpath TKLN 95\_0001\_0001\_0001\_0001.pdf; Illustration III showing the Entrance B of the Local Footpath TKLN 95\_0001\_0001\_0001\_0001.pdf; Response to Comments Lot 390 RP (Part) in DD 79 TPB A NE-TKLN 95.pdf; Letter dd 24.4.2025 to TPB Lot 390 (Part) in DDE 78 TKLN 95\_0001.pdf  
  
類別: Internet Email

Dear Sir/Madam

We refer to the captioned application and would like to provide further information to facilitate considerations by the TPB. Enclosed a self-explanatory letter and the following documents for your onward processing please:

- (i) Replacement Pages of the S.16 III Application Form ;
- (2) Replacement Page of our Planning Statement;
- (3) Replacement Fig. 2, 4 and 5;
- (4) Illustration I, II & III; and
- (5) Response-To-Comments Table.

The hard copy of the above-mentioned document will be posted to TPB and District Planning Office accordingly.

For enquiry, please contact the undersigned at Tel: [REDACTED].

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy ☐Confidential  
Best regards

LIT Ying Cheung Edward

Should you have any queries, please do not hesitate to contact us. Thank you.

敏志顧問及建築工程有限公司



Your Ref: TPB/A/NE-TKLN/95  
Our Reference: (2) in MCCACL 95/24  
The Secretary,  
Town Planning Board,  
15/F., North Point Government Office,  
333, Java Road, North Point, Hong Kong.

Date 24.04.2025

**By Emails & Post**

Dear Sir/Madam,

**Re: Application No. TPB/A/NE-TKLN/95**


**Section 16 Application for Proposed Temporary Shop and Services (Local Provision Store) for a Period of 3 Years at Lots no. 390 RP in D.D. 78 and the adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling, North, N.T.**

We refer to the departmental comments from the Transport Department, Agricultural, Fisheries and Conservation Department and Lands Department regarding the subject application and would like to provide several replacement pages of the Planning Statement and S.16 Application Form together with a Response-to-Comments Table and clarifications to address the aforesaid departmental comments and facilitate consideration by the Board.

Thank you for your kind attention and should you have any enquiry, please feel free to contact the undersigned at Tel: [REDACTED]

Yours faithfully,

For and on behalf of  
MAN CHI CONSULTANTS AND CONSTRUCTION LIMITED  
敏志顧問及建築工程有限公司

  
(LIT Ying-cheung, Edward) Signature(s)

Director

Encl.

c.c. By Emails- District Planning Officer, Shatin, Tai Po & North (Attn: Mr. WU Wai Pui, Timothy)

Man Chi Consultants And Construction Limited  
敏志顧問及建築工程有限公司





## 6. Type(s) of Application 申請類別

**(A) Temporary Use/Development of Land and/or Building Not Exceeding 3 Years in Rural Areas or Regulated Areas**

位於鄉郊地區或受規管地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展

(For Renewal of Permission for Temporary Use or Development in Rural Areas or Regulated Areas, please proceed to Part (B))

(如屬位於鄉郊地區或受規管地區臨時用途/發展的規劃許可續期，請填寫(B)部分)

<p>(a) Proposed use(s)/development 擬議用途/發展</p>	<p>Proposed Temporary Shop and Services ( Local Provision Store ) and Associated Filling of Land for a period of 3 Years</p> <p>(Please illustrate the details of the proposal on a layout plan) (請用平面圖說明擬議詳情)</p>
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(b) Effective period of permission applied for 申請的許可有效期	<input checked="" type="checkbox"/> year(s) 年 <input type="checkbox"/> month(s) 個月	3..... .....
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(c) Development Schedule 發展細節表

Proposed uncovered land area 擬議露天土地面積	160.7	sq.m	<input checked="" type="checkbox"/> About 約
Proposed covered land area 擬議有上蓋土地面積	178.1	sq.m	<input checked="" type="checkbox"/> About 約
Proposed number of buildings/structures 擬議建築物／構築物數目	2		
Proposed domestic floor area 擬議住用樓面面積	N/A.	sq.m	<input checked="" type="checkbox"/> About 約
Proposed non-domestic floor area 擬議非住用樓面面積	178.1	sq.m	<input checked="" type="checkbox"/> About 約
Proposed gross floor area 擬議總樓面面積	178.1	sq.m	<input checked="" type="checkbox"/> About 約

Proposed height and use(s) of different floors of buildings/structures (if applicable) 建築物/構築物的擬議高度及不同樓層的擬議用途 (如適用) (Please use separate sheets if the space below is insufficient) (如以下空間不足, 請另頁說明)

Two Local Provision Store( 1 storey not more than 2.6.m in Height)

Proposed number of car parking spaces by types 不同種類停車位的擬議數目	
Private Car Parking Spaces 私家車車位	N/A.
Motorcycle Parking Spaces 電單車車位	N/A.
Light Goods Vehicle Parking Spaces 輕型貨車泊車位	N/A.
Medium Goods Vehicle Parking Spaces 中型貨車泊車位	N/A.
Heavy Goods Vehicle Parking Spaces 重型貨車泊車位	N/A.
Others (Please Specify) 其他 (請列明)	N/A.

Proposed number of loading/unloading spaces 上落客貨車位的擬議數目	
Taxi Spaces 的士車位	N/A.
Coach Spaces 旅遊巴車位	N/A.
Light Goods Vehicle Spaces 輕型貨車車位	N/A.
Medium Goods Vehicle Spaces 中型貨車車位	N/A.
Heavy Goods Vehicle Spaces 重型貨車車位	N/A.
Others (Please Specify) 其他 (請列明)	N/A.



Proposed operating hours 擬議營運時間 From 8:00 am to 8:00 pm daily (including public holidays)..... .....			
(d) Any vehicular access to the site/subject building? 是否有車路通往地盤/ 有關建築物?	Yes 是	<input checked="" type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) <b>Lin Ma Hang Road</b>	
	No 否	<input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度) <input type="checkbox"/>	
(e) Impacts of Development Proposal 擬議發展計劃的影響 (If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures. 如需要的話, 請另頁註明可盡量減少可能出現不良影響的措施, 否則請提供理據/理由。)			
(i) Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?	Yes 是	<input type="checkbox"/> Please provide details 請提供詳情 ..... ..... .....	
	No 否	<input checked="" type="checkbox"/>	
(ii) Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程?	Yes 是	<input checked="" type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地/池塘界線, 以及河道改道、填塘、填土及/或挖土的細節及/或範圍) <input type="checkbox"/> Diversion of stream 河道改道 <input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 ..... sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 ..... m 米 <input type="checkbox"/> About 約 <input checked="" type="checkbox"/> Filling of land 填土 Area of filling 填土面積 ..... 338.8 ..... sq.m 平方米 <input checked="" type="checkbox"/> About 約 Depth of filling 填土厚度 ..... 0.15 ..... m 米 <input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 ..... sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 ..... m 米 <input type="checkbox"/> About 約	
	No 否	<input type="checkbox"/>	
(iii) Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?	On environment 對環境 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> On traffic 對交通 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> On water supply 對供水 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> On drainage 對排水 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> On slopes 對斜坡 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Affected by slopes 受斜坡影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Landscape Impact 構成景觀影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Tree Felling 砍伐樹木 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Visual Impact 構成視覺影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Others (Please Specify) 其他 (請列明) Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> ..... .....		



<b>Gist of Application 申請摘要</b> (Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and available at the Planning Enquiry Counters of the Planning Department for general information.) (請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及於規劃署規劃資料查詢處供一般參閱。)	
Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)
Location/address 位置/地址	Lot 390 RP ( Part) in DD 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories 新界北區打鼓嶺松園下丈量約份第78約地段第390號餘段(部份)及毗連政府土地
Site area 地盤面積	338.8 sq. m 平方米 <input checked="" type="checkbox"/> About 約 (includes Government land of 包括政府土地 125 sq. m 平方米 <input checked="" type="checkbox"/> About 約)
Plan 圖則	Approved Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/2 打鼓嶺北分區計劃大綱核准圖(編號:S/NE-TKLN/2)
Zoning 地帶	"Agricultural" ("AGR") 「農業」地帶
Type of Application 申請類別	<input checked="" type="checkbox"/> Temporary Use/Development in Rural Areas or Regulated Areas for a Period of 位於鄉郊地區或受規管地區的臨時用途/發展為期 <input checked="" type="checkbox"/> Year(s) 年 <u>3</u> <input type="checkbox"/> Month(s) 月 _____ <input type="checkbox"/> Renewal of Planning Approval for Temporary Use/Development in Rural Areas or Regulated Areas for a Period of 位於鄉郊地區或受規管地區臨時用途/發展的規劃許可續期為期 <input type="checkbox"/> Year(s) 年 _____ <input type="checkbox"/> Month(s) 月 _____
Applied use/ development 申請用途/發展	Proposed Temporary Shop and Services ( Local Provision Store ) and Associated Filling of Land for a period of 3 Years 擬議臨時商店及服務行業(士多)及相關填土(為期三年)

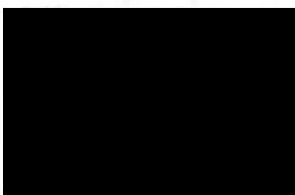


## **Section 16 Planning Application**

Proposed Temporary Shop and  
Services (Local Provision Store) and  
Associated Filling of Land 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*



Prepared by  
**Man Chi Consultants And Construction Limited**

December 2024



### **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. For inclusion of idle adjacent Government land under the proposed scheme, the applicant would apply to District Lands Office, North for regularization by way of Short Term Tenancy (STT) 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



## 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) with Associated Filling of Land 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 as “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 car parks. 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 car parks. 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）及相關填土（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。



# 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) with Associated Filling of Land 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



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**

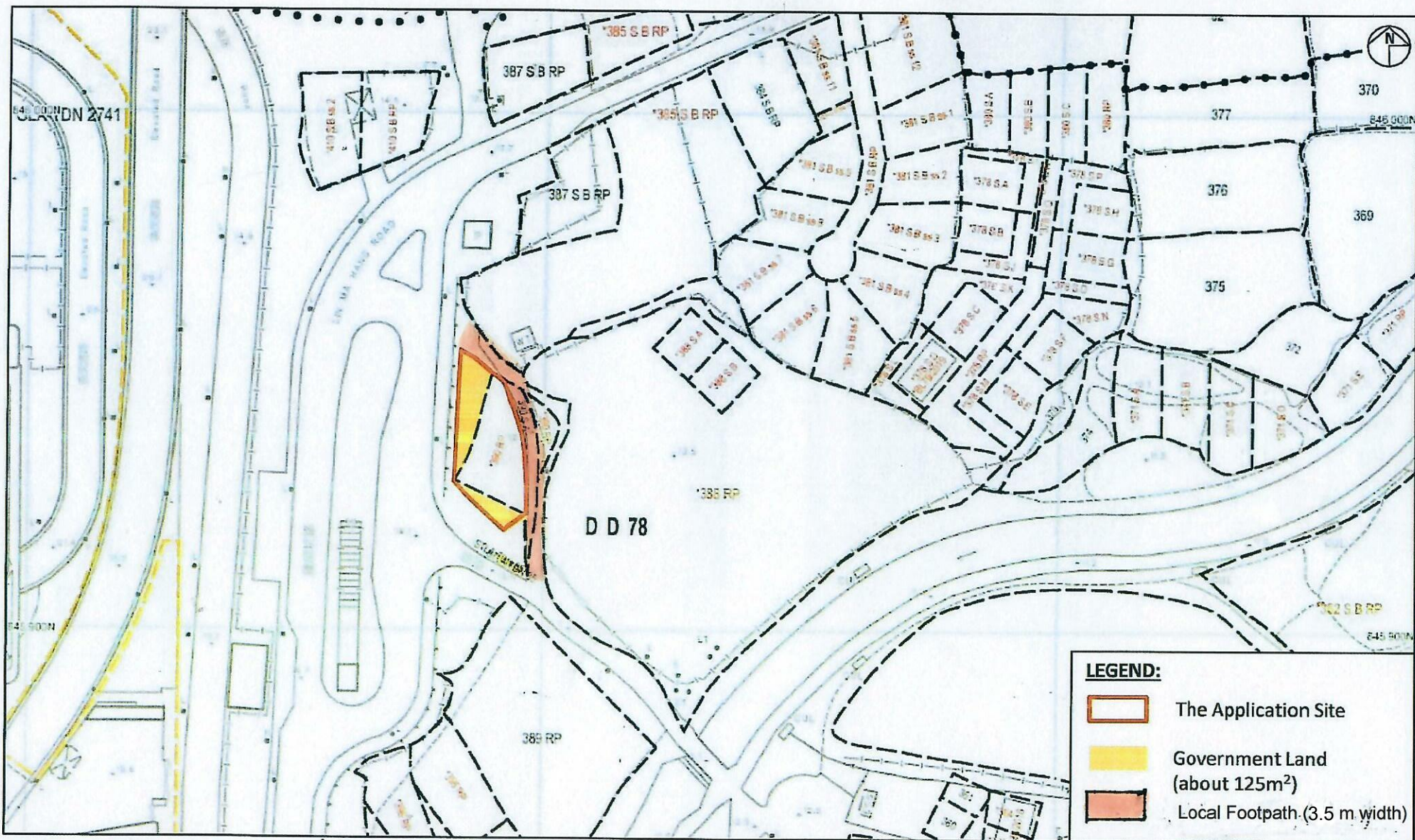
- 5.6.1 As the proposed use is in small-scale, the traffic generation and attraction are anticipated to be very minimal. The proposed use provides no parking spaces. Instead, occasional visitor parking and loading and unloading activities are proposed to take place at the adjacent 24-hour public vehicle 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 of 0.15 m thick which was formed during the site formation works 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 concrete. 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) and Associated Filling of Land 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.





**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\_500000106671\_0001)  
& Local Footpath

For Identification Only

Ref.: MCCL-0079/24

**Figure:**

2

**Scale:**

Not to Scale

**Date:**

Dec., 2024

**MC Man Chi**  
Consultants And Construction Limited





**Project:**

Proposed Temporary Shop and Services ( Local Provision Store ) and Associated Filling of Land for a period of 3 Years at Lot No. 390 RP (Part) in DD 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling, North, New Territories

**Title:**

Indicative Layout Plan

**Figure:**

4 (Rev)

**Scale:**

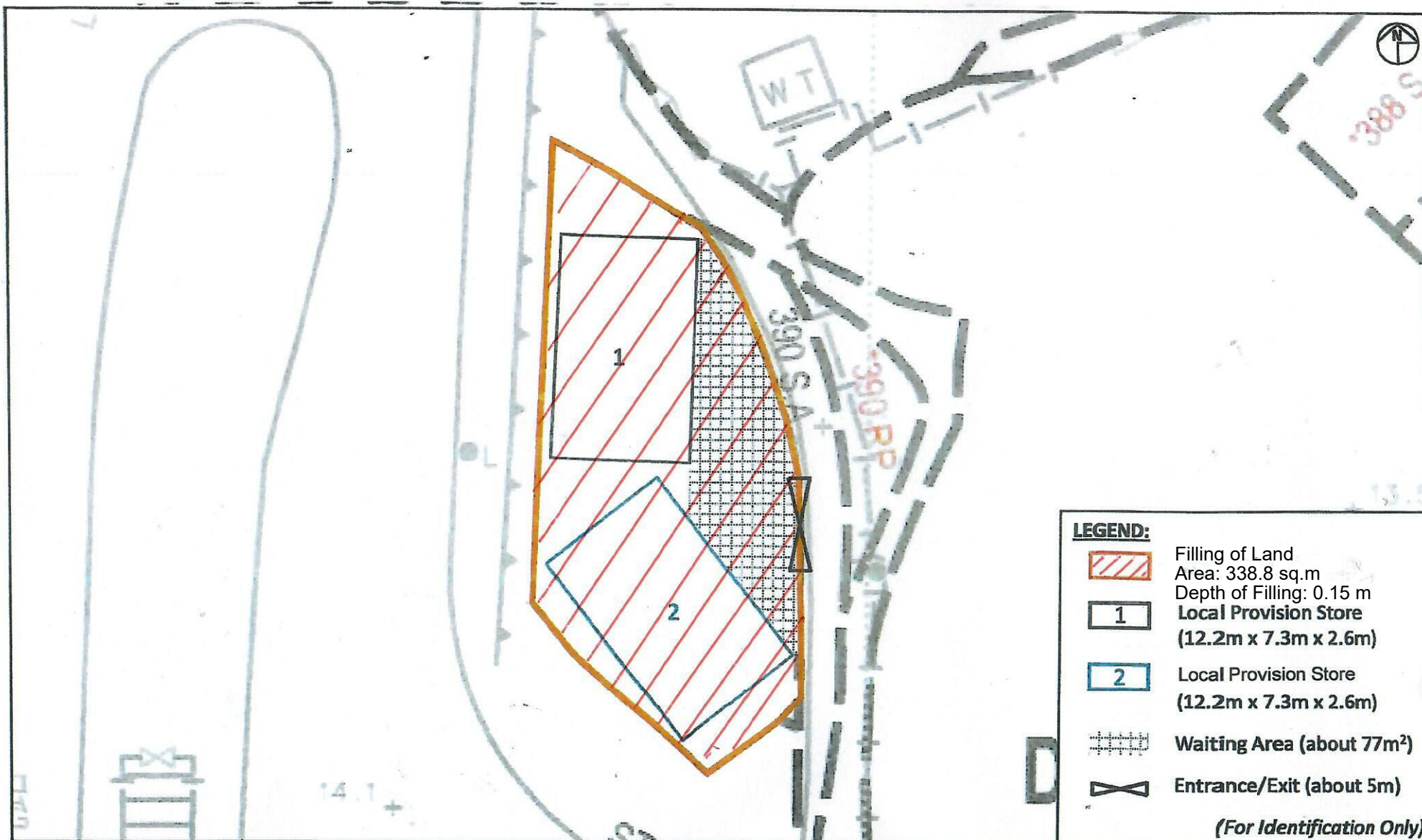
Not to Scale

**Date:**

Dec 2024

**MC Man Chi**  
Consultants And Construction Limited





**Project:**  
Proposed Temporary Shop and Services ( Local Provision Store ) and Associated Filling of Land for a period of 3 Years at Lot No. 390 RP (Part) in DD 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling, North, New Territories

**Title:**  
Filling of Land Plan

**Figure:** 5

**Scale:**  
Not to Scale

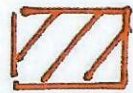
**Date:**  
Apr. 2025

**MC Man Chi**  
Consultants And Construction Limited



TPB/A/NE/-TKLN/95

## Illustration I



Application Site



Local Track footpath of about 3.5 m-wide





PK-A' ⇄

Illustration II -Showing the Entrance A of the Local Footpath







Pl. B →

Illustration III- Showing the Entrance B of the Local Footpath



Proposed Temporary Shop and Services (Local Provision Store) for a period of 3 Years at Lot 390 RP(Part) in DD 78 and the adjoining Government land, Tsung Yuen Ha, Ta Kwu Ling North, New Territories (Application No. A/NE-TKLN/95)

Comments From Transport Department	Responses
(a) The applicant should advise the loading/unloading arrangement for the proposed development-	<p>Due to the site constraint (i.e. 338.8 sq. m), No vehicle could be entering the application site. As such, loading and unloading space would also NOT be provided at the application site. The goods delivery will be by way of on-street delivery and only not more than twice per week. The delivery hours will be from 10:00 am to 11:00 am so as to avoid the peak traffic hours. It will only take about 10-15 minutes and the LGV delivering goods will only park/unload goods at the side track along the application site. They will leave the site immediately after delivery of goods so it would not cause any traffic problem to the subject area. This practice of goods delivery had been used by the previous approved development at Lot No. 410 S.B ss.2 and 410 S. B RP in DD 78 (i.e. temporary canteen and ancillary office under Planning Permission A/NE-TKLN/4 and A/NE-TKLN/22) for more than 6 years and it is anticipated that no additional traffic impact will be created.</p> <p>Moreover, the goods delivery LGV could simply enter into the nearby public carpark at Lot 388 A, 388 RP, 388 RP (Pt.) and 390 RP (Pt.) in DD 78 held under Planning Permission TPB/A/NE-TLN/75 which is also owned and managed by the applicant. The goods can easily be delivered to the application site by small trolley. it is anticipated that the application use would not create any additional traffic generation and attraction from and to the site nor incur any traffic impact to the nearby road links and junctions.</p>



(b) The applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety-	The local footpath along the south-east side of the application site is about 3.5m width which is well enough to cater the villagers travelling thereat. If the application is approved, iron-bar or fencing will be erected to separate the application site from its nearby local footpath.
(c) The pedestrian access route should be illustrated on the layout plan.	Noted. Shown on Figure 2 and Illustration I, II & III.
(d) The indicative layout plan (figure 4) is unclear, please revise and resubmit; and.	Noted. Revised Figure 4 is resubmitted.
(e) The indicative layout plan (Figure 4) presents the structure 2 is for District Councillor's office, please review and resubmitted.	Noted. The two structures under application are of Local Provision Store Use. Revised Figure 4 resubmitted.
Comments from AFCD:	
The subject site falls within the "AGR" zone and is generally vacant. Agricultural infrastructures such as road access and water sources are available. The subject site can be used for agricultural activities such as open-field cultivation, greenhouse, plant nurseries, etc. As the subject site possesses potential for agricultural rehabilitation, the proposed development is not support from agricultural perspective.	The location of application site is quite unique when compared with other normal agricultural land. It is already surrounded/sandwiched by the Lin Ma Hang Road together with a pedestrian pavement and a well paved local footpath on the right. In addition, a 0.15 m(depth) concrete has been paved on the lot during its site formation period. Th site of which the private land involves in this application is quite small (i.e. 213.8 sq. m.in area (about 2301 sq. ft)). In accordance with the AFCD's prevailing policy, application for erection of agricultural structure/s, such as green house and agricultural storeroom on lot which is less than 3700 sq. ft. in area would normally Not encouraged / supported by AFCD. In view of the aforesaid grounds, the chance for rehabilitation of agricultural actives on the application is quite slim.
Comments from Lands Department	
(1) The application site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the	Noted.



<p>Government. No right of access via Government Land (GL) is granted to the application site.</p>	
<p>(2) In addition to the temporary “local provision store”, a district councillors’ office shown on the indicative layout plan is also proposed. As no information is provided in the applicants’ submission, the applicants should clarify on the proposed use. The proposed land exchange as mentioned in para. 5.3.2 in the submitted Planning Statement, is a permanent nature which is not consistent with the proposed temporary nature for shop and services use for a period of 3 years. The inclusion of adjoining GL as proposed by the applicants will not be considered under LandD’s prevailing policy.</p>	<p>I write to confirm that the proposed use is “Local Provision Store” Only. Indicative layout plan had all been amended. Please see Revised Figure 4.</p> <p>Para. 5.3.2 had been amended. The last sentence of Para. 5.3.2. would be replaced by “For inclusion of idle adjacent Government land under the proposed scheme, the applicant would apply to District Lands Office, North for regularization by way of Short Term Tenancy (STT) once the subject S.16 application is approved.”</p>
<p>(3) I must point out that the following irregularities covered by the subject planning application have been detected by this office:</p> <p><u>(i) Unauthorised Structure within the said private lot covered by the planning application</u></p> <p>There is unauthorised structure on the private lot extended to adjoining GL. The lot owners should immediately rectify the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice.</p> <p><u>(ii) Unlawful occupation of Government land adjoining the said private lot with unauthorised structure covered by the planning application</u></p> <p>No consent is given for inclusion of GL (about 125m<sup>2</sup> as mentioned in the application form) in the application site. Part of the GL within the application site was illegally occupied with an unauthorised structure without any permission. Any occupation of GL without Government’s prior approval is offence under Cap. 28. LandDs objects</p>	<p>Noted</p> <p>Application for regularization of the unauthorised structures by way of Short Term Wavier (STW) would be submitted to District Lands Office, North for consideration as soon as the subject S.16 Application is approved.</p> <p>Noted.</p> <p>In accordance with Para. 1 (2) of Lands Department ‘s press release on 28.03.2017, unlawful occupation of government land that already commenced before 28.03.2017 would be considered by Lands Department if the applicant submits the application. The government land in question has been occupied by the applicant well before 28.03.2017. As such, the applicant will immediately submit to Lands Department for consideration of regularization of this</p>



to the planning application since there is illegal occupation of GL which regularization would not be considered according to the prevailing land policy. The lot owner(a) should immediately cease the illegal occupation of GL and remove	piece of Government land by way of Short Term Tenancy (STT) once the subject S.16 application is approved.
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