

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HSK/555

- Applicant** : Mr TANG Kwok Sun
- Site** : Lot 977 RP (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 119m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (real estate agency) for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Shop and Services (not being on the ground floor of a New Territories Exempted House (NTEH))’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/HSK/364 until 3.5.2025 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from San Sik Road via a local footpath (**Plan A-2**). There is no vehicular access to the Site. According to the applicant, a two-storey structure (not more than 7m high) with a total floor area of about 92m² is used for real estate agency while the other two one-storey structures (not more than 2m high) with a floor area of about 4m² are used for pump room and water tank (**Drawing A-1**). No parking space or loading/unloading space is provided. The operation hours are from 9:00 a.m. to 8:00 p.m. daily including Sundays and public holidays. Plans showing the site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site was involved in three previous applications for temporary shop and services (real estate agency) approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2016 and 2022 (details at paragraph 6 below).

Compared with the last application No. A/HSK/364 approved by the Committee on 1.6.2022, the current application is submitted by the same applicant for the same use with the same layout and development parameters at the same site.

1.4 In support of the application, the applicant has submitted the following documents:

(a) Application Form with attachments received on 10.3.2025 (Appendix I)

(b) Further Information (FI) received on 24.3.2025 (Appendix Ia)

[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are detailed in the FI at **Appendix Ia** and summarised as follows:

- there is no change in the applied use and layout compared with the last approved application.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is one of the “current land owners” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner's Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to Ha Tsuen Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to any planning enforcement action.

6. Previous Applications

The Site was involved in three previous applications (No. A/YL-HT/1013 and No. A/HSK/143 and 364) for temporary shop and services (real estate agency). All three applications were approved with conditions by the Committee from 2016 to 2022 mainly on the considerations that the temporary use was not incompatible with the surrounding areas and there were no major adverse comments from concerned government departments. However, one of the planning permissions (No. A/YL-HT/1013) was subsequently revoked due to non-compliance with time-limited approval condition

regarding implementation of approved FSIs proposal. As for the last application No. A/HSK/364, all the approval conditions have been complied with and the planning permission is valid until 3.5.2025. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1**.

7. Similar Applications

7.1 There are 19 similar applications involving shop and services use within the same “V” zone in the past five years. All of them were approved with conditions by the Committee between 2020 and 2025 on similar considerations as stated in paragraph 6 above. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7.2 For Members’ information, application No. A/HSK/556 for temporary shop and services (real estate agency) within the same “V” zone will be considered at the same meeting (**Plan A-1**).

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site is:

- (a) accessible from San Sik Road via a local footpath; and
- (b) currently occupied by the applied use with valid planning permission under application No. A/HSK/364.

8.2 The surrounding areas are predominantly occupied by residential dwellings intermixed with car parks, real estate agencies, store and vacant land, some of which are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The planning intention of the “V” zone is 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 development within this zone for a more orderly development pattern, efficient use of land and 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

All departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

11. Public Comment Received During Statutory Publication Period

On 18.3.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary shop and services (real estate agency) for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the proposal could help meet the demand for services of real estate agency in the area. The District Lands Officer/Yuen Long, Lands Department advises that no Small House application has been approved or is under processing for the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone.
- 12.2 The applied use is considered not incompatible with the surrounding areas which are predominantly residential dwellings intermixed with car parks, real estate agencies, store and vacant land (**Plan A-2**).
- 12.3 The application complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/HSK/364; all approval conditions under the previous approval have been complied with; there is no adverse departmental comment on the renewal application; and the three-year approval period sought which is the same as the last approval granted by the Committee is considered reasonable.
- 12.4 Relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment from environmental, traffic, fire safety and drainage perspectives respectively. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisances on the surrounding areas.
- 12.5 The Committee has approved three previous applications for temporary shop and services (real estate agency) at the Site between 2016 and 2022 and 19 similar applications within the same “V” zone in the past five years. Approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years, and be renewed **from 4.5.2025 to 3.5.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.8.2025**;
- (c) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.11.2025**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.2.2026**;
- (e) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) if any of the above planning condition (b), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 10.3.2025
Appendix Ia	FI received on 24.3.2025
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses

Drawing A-1	Proposed Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

PLANNING DEPARTMENT
MAY 2025