

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

APPLICATION NO. A/TM-LTYT/485

- Applicant** : Mr. Muhammad Yasir Urfat represented by Metro Planning and Development Company Limited
- Site** : Lots 3839 RP (Part) and 3840 RP (Part) in D.D. 124, Shun Tat Street, Tuen Mun, New Territories
- Site Area** : About 800m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12
- Zoning** : “Residential (Group D)” (“R(D)”) *[restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]*
- Application** : Renewal of Planning Approval for Temporary Shop and Services (Retail Shop for Apparel and Potted Plants) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (retail shop for apparel and potted plants) for a period of three years at the application site (the Site) (**Plan A-1**) zoned “R(D)” on the OZP. According to the Notes for the “R(D)” zone on the OZP, ‘Shop and Services’ not on the ground floor of a New Territories Exempted House 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/TM-LTYT/424) until 17.5.2025 (**Plan A-4**).
- 1.2 The Site is abutting and accessible from Shun Tat Street (**Plan A-2**). According to the applicant, there are four single-storey structures (not exceeding 7.5m in height) within the Site for the applied use and ancillary facilities including toilet, and pump room and water tank for fire services. The site layout and as-built drainage plans submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site was involved in three previous applications (No. A/TM-LTYT/317, 368 and 424) (**Plan A-1**) for temporary shop and services uses approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2016, 2019 and 2022 respectively. Details of the previous applications are summarised in paragraph 6 below and **Appendix III**.
- 1.4 Compared with the last approved application (No. A/TM-LTYT/424), the current application is submitted by the same applicant for the same use with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

Major Development Parameters	Current Application No. A/TM-LTYT/485
Applied Use	Renewal of Planning Approval for Temporary Shop and Services (Retail Shop for Apparel and Potted Plants) for a Period of 3 Years
Site Area	About 800m ²
Total Floor Area	Not more than 348m ²
No. of structures	4 (2 for retail shops; 1 for pump room for fire services; and 1 for water tank for fire services)
Height of structures	1 storey (not exceeding 7.5m)
No. of Loading/Unloading (L/UL) Space	L/UL for Private Cars/Light Goods Vehicle: 2 (7m x 3.5m)
Operation Hours	9:00 a.m. to 8:00 p.m. daily (including public holidays)

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (Appendix I) 10.3.2025
 - (b) Further Information (FI) received on 10.4.2025* (Appendix Ia)
 - (c) FI received on 25.4.2025* (Appendix Ib)

**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 Application Form at **Appendix I**. They can be summarised as follows:

- (a) the applied use would support the residents in the vicinity;

- (b) the nature and form of the applied use are not incompatible with the surrounding environment. No adverse traffic impact is anticipated and the drainage and environmental impacts are considered minimal; and
- (c) the Site was involved in three previous planning permissions (No. A/TM-LTYT/317, 368 and 424) for shop and services uses, and one similar application (No. A/TM-LTYT/416) was approved by the Board in the proximity to the Site.

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

The applicant is one of the “current land owners”. The applicant 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 obtaining consents from the remaining “current land owners”. 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) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

The Site was involved in three previous applications (No. A/TM-LTYT/317, 368 and 424) for temporary shop and services uses. The first application was submitted by a different applicant, while the last two applications were submitted by the same applicant of the current application. These three applications were approved with conditions by the Committee for a period of three years in 2016, 2019 and 2022 respectively mainly on the considerations that approval of the applications on a temporary basis would not jeopardise the long-term planning intention of the “R(D)” zone; the proposals were not incompatible with the surrounding areas; and no objection and adverse comment from concerned government departments. For the latest approved application (No. A/TM-LTYT/424), all the time-limited approval conditions had been complied with and the planning permission is valid until 17.5.2025. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Application

There is one similar application (No. A/TM-LTYT/416) for proposed temporary shop and services for a period of three years within the same “R(D)” zone in the past five years. The application was approved by the Committee on 24.9.2021 on similar considerations

as those mentioned in paragraph 6 above. Details of this application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission under application (No. A/TM-LTYT/424) (**Plan A-4**); and
- (b) abutting and accessible from Shun Tat Street (**Plan A-2**).

8.2 The surrounding areas are sub-rural in nature predominantly occupied by rural settlements, intermixed with parking of vehicles, vehicle repair workshop, open storage, fallow/cultivated agricultural land, and vacant land. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The planning intention of the “R(D)” zone is primarily for improving and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other government 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.

10.2 The following government department does not support the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) he objects to the application from land administration point of view;
- (b) the Site comprises Old Schedule Agricultural Lots 3839 RP (Portion) and 3840 RP (Portion) in D.D. 124 (“the Lots”) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) Lot 3839 RP in D.D.124 is covered by Short Term Waiver No.

MR17003 (“the STW”) for the purposes of temporary shop and services (retail shop for pet food and potted plants), which permits erection of structures not exceeding a built-over area (“B.O.A.”) of 340m² and a building/structure height of 7.5m;

- (d) the total B.O.A. of the structures (i.e. 348m²) and the user (i.e. temporary shop and services (retail shop for apparel and potted plants) as submitted in the renewal application do not tally with the STW [i.e. the B.O.A. not exceeding 340m² and the user of temporary shop and services (retail shop for pet food and potted plants)]. If planning permission is given to this renewal application, the STW holder will need to apply to his office for modification of the STW terms and conditions (i.e. the B.O.A. and the user) where appropriate. Such application will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The modification of the STW conditions, if approved, will be subject to such terms and conditions including the payment of administrative fee and revised waiver fee as considered appropriate by LandsD;
- (e) the following irregularities not covered by the planning application have been detected by his office:

unauthorised structure(s) within the Lot not covered by the planning application

- (i) there are unauthorised structures at the northern portion of Lot 3840 RP in D.D.124 not covered by the planning application. The Lot owner(s) should immediately rectify/regularise the irregularities and his office reserves the rights to take necessary enforcement action against the irregularities without further notice;

unlawful occupation of Government land (GL) not covered by the planning application

- (ii) a parcel of GL adjoining the northern portion of Lot 3840 RP in D.D.124 has been fenced off/illegally occupied with unauthorised structure(s) without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice; and
- (iii) unless and until the unauthorised structure(s) and the unlawful occupation of GL are duly rectified by the Lot owner(s)/applicant, please take it as his office’s objection to the application which must be brought to the attention of the Board when they consider the application;

- (f) the Site is accessible via a strip of GL leading from Shun Tat Street. His office does not carry out maintenance works for the said access nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement; and
- (g) to note his advisory comments as detailed in **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 18.3.2025, the application was published for 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 (retail shop for apparel and potted plants) for a period of three years at the Site zoned “R(D)” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “R(D)” zone, it can meet local demand for shop and services in the area. In this regard, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(D)” zone.
- 12.2 The surrounding areas are sub-rural in nature predominantly occupied by rural settlements, intermixed with parking of vehicles, vehicle repair workshop, open storage, fallow/cultivated agricultural land, and vacant land (**Plans A-2 and A-3**). The applied use is considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all the time-limited approval conditions under the previous approval have been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or adverse comment on the application from traffic, environmental, drainage and fire safety aspects respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible nuisance on the surrounding areas.
- 12.5 Regarding DLO/TM, LandsD’s concerns that the applied use and B.O.A of the existing structures do not tally with the existing STW, and there are unauthorised structures erected within the Site and illegal occupation of GL not covered by

the planning application, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.

- 12.6 Given that three previous approvals have been granted to the Site, and one similar approval was given within the same “R(D)” 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 assessment made in paragraph 12, 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 from **18.5.2025** to **17.5.2028**. 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) 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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 There is no strong reason to recommend rejection of the renewal 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 10.4.2025
Appendix Ib	FI received on 25.4.2025
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	Site Layout Plan
Drawing A-2	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**