

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/599

- Applicant** : Yau Ching Cheung Manufacturing Limited represented by FiBi International Project Consultancy Co. Limited
- Site** : Lots 248 S.B, 250, 251, 253 and 254 in D.D.132, Tuen Mun, New Territories
- Site Area** : About 2,927m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tuen Mun Outline Zoning Plan No. S/TM/41 (the OZP)
(*currently in force*)
- Draft Tuen Mun OZP No. S/TM/40
(*at the time of submission*)
- [No change to zoning and development restrictions for the application site]*
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services (Retail Shop) with Ancillary Facilities for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (retail shop) with ancillary facilities for a period of six years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP of the “V” zone, ‘Shop and Services’ other than those 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 partly paved and occupied by parking of vehicles (**Plan A-4**).
- 1.2 The Site is accessible from Hong Po Road via a local track with ingress/egress in the western part of the Site (**Plans A-2 and A-3**). According to the applicant, two single-storey structures (not exceeding 8m and 4m in height respectively) with a total gross floor area (GFA) of about 1,814m² will be erected at the Site for retail shop with ancillary office, guard room, water tank for fire services, pump room and washrooms (**Drawing A-1**). Two parking spaces for private cars (5m x 2.5m each) and two loading/unloading spaces for light goods vehicles (7m x 3.5m each) are proposed. The

operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays (i.e. no operation on Sundays and public holidays). The proposed layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 12.5.2025 **(Appendix I)**
- (b) Further Information (FI) received on 9.6.2025 **(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 Application Form and FI at **Appendices I** and **Ia** respectively. They are summarised as follows:

- (a) the temporary nature of the proposed use will not jeopardise the long-term planning intention of the “V” zone;
- (b) the applicant will comply with the approval conditions should the application be approved by the Board; and
- (c) the proposed use will have insignificant traffic, environmental and noise impacts on the surrounding areas.

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

The applicant is not a “current land owner”, but 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 the Tuen Mun Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

There is one similar application (No. A/TM/590) for proposed temporary shop and services and eating place for a period of six years within the same “V” zone in the past five years. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 16.8.2024 mainly on the considerations that approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone; the proposed uses are not incompatible with the surrounding areas;

and concerned government departments have no objection to or no adverse comment on the application. Details of this similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

6.1 The Site is:

- (a) located in the northwestern part of Tsz Tin Tsuen (**Plan A-1**);
- (b) partly paved and currently occupied by parking of vehicles (**Plan A-4**); and
- (c) accessible from Hong Po Road via a local track (**Plans A-2 and A-3**).

6.2 The surrounding areas are sub-rural in nature and predominantly occupied by storage yards, open storage, parking of vehicles, village houses and a low-rise residential development (i.e. Shun King Garden) (**Plans A-2 and A-3**). Several high-rise residential developments (including Yan Tin Estate and Ching Tin Estate) are located to the further south across Yan Po Road (**Plans A-1 and A-4**).

7. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses (SHs) 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.

8. Comments from Relevant Government Departments

8.1 Apart from the government department as set out in paragraph 8.2 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 are provided in **Appendices III and IV** respectively.

8.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) he has adverse comment on the application from land administration point of view;

- (b) the Site comprises Old Schedule Agricultural Lots 248 S.B, 250, 251, 253 and 254 all in D.D.132 (“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) the following irregularity not covered by the current application has been detected by his office during site inspection conducted in May 2025:

unauthorised structure within the Lots not covered by the planning application

- (i) there is an unauthorised structure within the Lots not covered by the planning application. The Lots owners should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and
 - (ii) according to the Land Registry records, the Lots were in different ownerships. If the planning application is approved, the Lots owners shall apply to his office for Short Term Waivers (STWs) to permit the structures erected within the Lots. The application for STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STWs, if approved, will be subject to such terms and conditions including the payment of waiver fees and administrative fees as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered. LandsD reserves the right to take enforcement action against the Lots owners/applicant for any breach(es) of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future;
- (d) the Site is accessible via a local access on Government land (GL) and other private lot leading from Hong Po Road. His office does not carry out maintenance works for the said GL nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement;
 - (e) there is no SH application approved or under processing at the Site; and
 - (f) his advisory comments are detailed in **Appendix IV**.

9. Public Comment Received During the Statutory Publication Period

On 20.5.2025, the application was published for public inspection. During the statutory public inspection period, one objecting comment from an individual was received (**Appendix V**). The objecting grounds are that the nature, scale, and approval period sought for the proposed use were not justified and details on drainage, fire services, and traffic impacts were not provided.

10. **Planning Considerations and Assessments**

- 10.1 The application is for proposed temporary shop and services (retail shop) with ancillary facilities for a period of six years at the Site zoned “V” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone as stated in paragraph 7 above, the proposed use could meet the demand for shop and services in the nearby area. According to DLO/TM, LandsD, there is no SH application approved or under processing at the Site. Approval of the application on a temporary basis for a period of six years would not jeopardise the long-term planning intention of the “V” zone.
- 10.2 The proposed use comprises two single-storey structures with building heights not exceeding 8m and 4m respectively. In view of the nature of operation, it is considered not incompatible with the surrounding areas, which are predominantly occupied by storage yards, open storage, parking of vehicles, village houses and low-rise residential developments (**Plans A-2 and A-3**).
- 10.3 There is no objection to or no adverse comment on the application from concerned government departments consulted, including the Commissioner for Transport, Chief Highway Engineer/New Territories West of Highways Department, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services from traffic, drainage, environmental and fire safety aspects respectively. Appropriate approval conditions set out in paragraphs 11.2 are recommended to address the technical requirements of the concerned departments. Should the application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisance on the surrounding areas. Regarding DLO/TM, LandsD’s concerns on the unauthorised structure within the Site not covered by the current application, the applicant will be advised to liaise with LandsD on land administration matters should the Committee approve the application.
- 10.4 The Committee has approved one similar application within the same “V” zone in the past five years (**Appendix II**). Approval of the current application is in line with the Committee’s previous decision.
- 10.5 Regarding the public comment objecting to the application as summarised in paragraph 9 above, the planning considerations and assessments in paragraphs 10.1 to 10.4 above are relevant.

11. **Planning Department’s Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 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 six years until 4.7.2031. The following conditions of approval and advisory clauses are also suggested for Members’ reference.

Approval Conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.1.2026**;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.4.2026**;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.1.2026**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.4.2026**;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 at **Appendix IV**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "Village Type Development" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.

12.3 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.

13. Attachments

Appendix I	Application Form with attachments received on 12.5.2025
Appendix Ia	FI received on 9.6.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**