

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/408

- Applicant** : Mr. LAM Mei Biu represented by Metro Planning & Development Company Limited
- Site** : Lot 1370 S.I in D.D. 112, Shui Tsan Tin, Shek Kong, Yuen Long, New Territories
- Site Area** : 240m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years and Associated Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years and associated filling and excavation of land at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ (not being on the ground floor of a New Territories Exempted House (NTEH)), which is a Column 2 use, as well as filling and excavation of land, require planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved and occupied by a few vacant temporary structures (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local access leading to Kam Sheung Road, with an ingress/egress (about 5m wide) at its south-eastern part (**Drawing A-1 and Plan A-2**). The proposed use comprises three one to two-storey structures (not more than 6.5m in height) with a total floor area of about 124m² for shop and services, toilet and rain shelter. One loading and unloading space for light goods vehicle will be provided at the Site. The proposed operation hours are from 9:00 a.m. to 9:00 p.m. daily, including Sundays and public holidays. The applicant also applies for regularisation of filling of land for the existing concrete paving for the entire Site with a depth of not more than 0.2m (from a level ranging from 17.4mPD to 17.7mPD to a level ranging from 17.6 to 17.9mPD) for site formation and erection of structures (**Drawing A-2**). No further filling of land will

be carried out at the Site. Excavation of land along the periphery of the Site with an area of about 26.25m² and a depth of not more than 0.375m is also proposed for provision of u-shaped surface drainage channel. The layout plan and land filling and excavation plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 Major portion of the Site forms part of a larger site, which is the subject of a previous application (No. A/YL-SK/220) submitted by a different applicant for proposed filling and excavation of land for five permitted houses (New Territories Exempted Houses) (NTEHs) (**Plans A-1 and A-2**). The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 23.12.2016 and the planning permission lapsed on 24.12.2020 (detailed at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments and Supplementary (**Appendix I**) Information (SI) received on 24.1.2025 and 28.1.2025 respectively
 - (b) Further Information (FI) received on 13.5.2025* (**Appendix Ia**)
* accepted and exempted from the publication and recounting requirements
- 1.5 On 14.3.2025, the Committee of the Board agreed to defer making a decision in the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ia** and can be summarised as follows:

- (a) The Site is located in the “V” zone, where ‘Shop and Services’ is a Column 2 use. The applicant intends to operate a grocery store at the Site to serve the daily needs of nearby residents. Temporary approval of the application for a period of three years will not jeopardise the long-term planning intention of the “V” zone.
- (b) The proposed use is considered not incompatible with the surrounding land uses including low-rise residential structures, village houses and a grocery store approved under application No. A/YL-SK/351. Approval of the current application is in line with the Committee’s previous decision.
- (c) The associated filling and excavation of land are for site formation and provision of drainage channel purposes respectively. A drainage proposal has been submitted to demonstrate that the proposed use would not induce significant adverse drainage impact to the surrounding areas.
- (d) In order to minimise potential environmental and noise impacts to the surrounding areas, the proposed use will be accommodated within enclosed structures. There will also be no operation during sensitive hours to minimise nuisances to nearby residents.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be

deposited at the meeting for Members' inspection.

4. Background

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

5. Previous Application

5.1 Major portion of the Site forms part of a larger site, which is the subject of a previous application (No. A/YL-SK/220) submitted by a different applicant for proposed filling and excavation of land for five permitted NTEHs. The application was approved with conditions by the Committee on 23.12.2016 mainly on the considerations that the proposed filling and excavation of land were in line with the planning intention of the "V" zone; no adverse impact on conservation, environment and drainage aspects were anticipated; and relevant departments consulted in general had no objection to or adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. According to District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), no SH grant and Building Licence in relation to the previous application have subsequently been granted for the proposed NTEH(s) at the site, hence the planning permission of the previous application lapsed on 24.12.2020.

5.2 Details of the previous application are summarised in **Appendix II** and the location is shown on **Plans A-1 to A-2**.

6. Similar Applications

6.1 During the past five years, there are four similar applications (No. A/YL-SK/319, 333, 343 and 351) involving two sites for temporary shop and services, with application No. A/YL-SK/319 also including filling of land, within the same "V" zone in the vicinity of the Site. The applications were approved with conditions by the Committee between 2021 and 2023 mainly on the considerations that the proposed/applied use would not frustrate the planning intention of the "V" zone; the proposed/applied use could provide shop and services use to the local community and there was no SH application under processing; it was considered not incompatible with the surrounding land uses; and relevant government departments had no objection to or no adverse comment on the application.

6.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently fenced-off, hard-paved and occupied by a few vacant temporary structures; and
- (b) accessible via a local access leading to Kam Sheung Road.

- 7.2 The surrounding areas are rural in character and predominated by low-rise residential developments and village houses, intermixing with a grocery store (which is located to the southwest of the Site), a plant nursery, parking of vehicles, fallow agricultural land and vacant/unused land.

8. Planning Intention

- 8.1 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 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.
- 8.2 According to the Explanatory Statement of the OZP for the “V” zone, filling of land and excavation of land require planning permission from the Board.

9. Comments from Relevant Government Departments

All 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, if any, are provided in **Appendices IV and V** respectively.

10. Public Comment Received During the Statutory Publication Period

On 4.2.2025, the application was publish for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of three years and associated filling and excavation of land at the Site zoned “V” (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “V” zone, the applicant claims that the proposed use could serve the nearby residents. Besides, according to DLO/YL of LandsD, there is currently no SH application approved or under processing at the Site. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years with associated filling and excavation of land.
- 11.2 Filling and excavation of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no in-principle objection to the application from public drainage and environmental planning perspectives respectively.

- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character and predominated by low-rise residential structures, village houses, a grocery store, a plant nursery, parking of vehicles, fallow agricultural land and vacant/unused land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as significant landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 There is one previous application involving filling and excavation of land at the Site, as well as four similar applications for temporary shop and services use (including one with filling of land) within the same "V" zone in the vicinity of the Site approved in the past five years as mentioned in paragraphs 5 and 6 above respectively. Approving the current application is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, PlanD has no objection to the application.
- 12.2 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 until 4.7.2028. 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 a 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 V**.

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

the proposed use with associated filling and excavation of land 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 for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form with attachments and SI received on 24.1.2025 and 28.1.2025 respectively
Appendix Ia	FI received on 13.5.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan

Drawing A-2

Plan A-1

Plan A-2

Plan A-3

Plan A-4

Land Filling and Excavation Plan

Location Plan with Previous and Similar Applications

Site Plan

Aerial Photo

Site Photos

PLANNING DEPARTMENT

JULY 2025