

RNTPC Paper No. A/YL-SK/415  
For Consideration by the  
Rural and New Town  
Planning Committee  
on 18.7.2025

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-SK/415**

<b><u>Applicant</u></b>	:	Daren Real Estate Agency Limited
<b><u>Site</u></b>	:	Lots 839 (Part) and 840 in D.D. 114 and Adjoining Government Land (GL), Shek Kong, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	About 1,215m <sup>2</sup> (including GL of about 338m <sup>2</sup> (27.8%))
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Residential (Group D)” (“R(D)”) <i>[Maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]</i>
<b><u>Application</u></b>	:	Proposed Temporary Shop and Services for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(D)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, partly fenced-off and occupied by some vacant structures (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed use involves eight single-storey structures with heights of 4.5m and a total floor area of about 445.15m<sup>2</sup> for retail, healthcare services, pet grooming and products display, bakery, real estate agency and shelter sheds. Eight parking spaces for private car, one loading/unloading space for light goods vehicle, and two septic tanks will be provided at the Site (**Drawing A-1**). The operation hours will be between 9:00 a.m. and 9:00 p.m. daily including public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

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

- (a) Application Form with attachments received on 11.4.2025 and 23.4.2025 (Appendix I)
- (b) Further Information (FI) received on 27.5.2025<sup>#</sup> (Appendix Ia)
- (c) FI received on 11.6.2025\* (Appendix Ib)

<sup>#</sup> *accepted but not exempted from publication and recounting requirements*

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## 2. **Justifications from the Applicant**

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

- (a) The proposed use will serve the nearby residents and its temporary nature would not jeopardise the long-term planning intention of the “R(D)” zone. It is also not incompatible with the surrounding land uses. Similar applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board in the vicinity of the Site.
- (b) The proposed use will make use of the existing structures at the Site thereby reducing construction wastes. Sewage will be processed by the two septic tanks at the Site. The proposed use would not induce significant adverse traffic, drainage or environmental impacts on the surrounding areas. In support of the current application, the applicant has submitted a drainage proposal.

## 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 Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the ‘Owner’s Consent/Notification’ requirements are not applicable.

## 4. **Background**

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

## 5. **Previous Applications**

The Site is involved in two previous applications (No. A/YL-SK/323 and 358) for temporary eating place approved with conditions by the Committee in 2022 and 2024 respectively. Considerations of these applications are not relevant to the current

application due to different use involved. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

## 6. **Similar Applications**

There are seven similar applications, covering five sites, involving temporary shop and services (including one also involving eating place use) within the same “R(D)” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2021 and 2025 mainly on the considerations that temporary approval would not jeopardise the long-term planning intention of the “R(D)” zone; the proposed/applied use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently hard-paved, partly fenced-off and occupied by some vacant structures; and
- (b) accessible from Kam Sheung Road via a local track.

7.2 The surrounding areas are rural in character with an intermix of workshops, open storage/storage yards/warehouse, eating places, shop and services and residential structures. There is a watercourse to the south of the Site across the local track connecting to the Site (**Plan A-2**). To the further north across Kam Sheung Road are settlements of villages including Sheung Tsuen within the “Village Type Development” zone (**Plan A-1**).

## 8. **Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement 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.

## 9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in 9.2 below, other 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 III** and **IV** respectively.

9.2 The following government department objects to the application:

**Land Administration**

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises GL and Old Schedule Agricultural Lots No. 839 and 840 both in D.D. 114 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;
- (b) the following irregularities covered by the application have been detected by his office:

unauthorised structure(s) within the said private lot(s) covered by the application

LandsD has reservation on the application since there is/are unauthorised structure(s) and use(s) on the said private lot(s) covered by the application which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;

unlawful occupation of GL adjoining the said private lot(s) with unauthorised structure(s) covered by the application

the GL covered by the application (about 338m<sup>2</sup> as mentioned in the application) has been fenced-off/unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;

if the application is approved, the lot owners(s) shall apply to his office for a Short Term Waiver (STW) and/or Short Term Tenancy (STT) to permit the structure(s) erected within the said private lot(s) and the occupation of the GL. The application(s) for STW and/or STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it/they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;

- (c) the following irregularities not covered by the application have been detected by his office:

unauthorised structure(s) within the said private lot(s) not covered by the application

there is/are unauthorised structure(s) within Lot No. 839 in D.D. 114 not covered by the subject application. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

the lot owner(s)/applicant shall either (i) remove the unauthorised structure(s) not covered by the subject application immediately; or (ii) include the unauthorised structure(s) in the subject application for the further consideration by the relevant departments and subject to the approval of the Board to the application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a STW to permit the structure(s) erected. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future; and

unless and until the abovementioned unauthorised structure(s) are duly rectified by the lot owner(s)/applicant or entirely included in the application, his office has objection to the application which must be brought to the attention of the Board.

## **10. Public Comments Received During Statutory Publication Periods**

On 25.4.2025 and 3.6.2025, the application was published for public inspection. During the statutory public inspection periods, 34 public comments were received, including 27 comments from village representative and villagers of Sheung Tsuen with 26 of them in standard letters; one comment from Pat Heung Rural Committee; and six comments from various individuals, all objecting to the application mainly on the grounds that the proposed use would induce adverse environmental, ecological, drainage, traffic and pedestrian safety impacts and there are unauthorized developments at the Site (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the Site zoned “R(D)” (**Plan A-1**). Whilst

the proposed use is not entirely in line with the planning intention of the “R(D)” zone, according to the applicant, the proposed use will serve the nearby residents. Besides, there is no known development proposal at the Site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. 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.

- 11.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of workshops, open storage/storage yards/warehouse, eating places, shop and services and residential structures. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the proposed use is not anticipated.
- 11.3 Other relevant 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 no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate 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’ to minimise any potential environmental nuisance caused by the proposed use. Regarding DLO/YL, LandsD’s concern on the unauthorised structures erected within and outside the Site and the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are seven approved similar applications involving shop and services use within the same “R(D)” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Moreover, any unauthorized development on the Site would be subject to planning enforcement action.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, 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 18.7.2028. The following conditions of approval and advisory clauses are 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 18.1.2026;
- (b) in relation to (a) above, the implementation of the 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 18.4.2026;
- (c) in relation with (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 18.1.2026;
- (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 18.4.2026;
- (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**.

- 12.3 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 "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments. There is no strong planning justification 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**

<b>Appendix I</b>	Application Form with attachments received on 11.4.2025 and 23.4.2025
<b>Appendix Ia</b>	FI received on 27.5.2025
<b>Appendix Ib</b>	FI received on 11.6.2025
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Detailed Comments from Government Departments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2025**