

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTY/489

- Applicants** : Mr. CHAN Hok Hei Nelson, Mr. CHAN Hok Yee Vincent, Mr. CHAN Wing Kin and Ms. TIN Oi Ngor represented by Gender Consultants Limited
- Site** : Lots 795 S.C ss.3, 795 S.C ss.4, 795 S.C RP and 795 S.D in D.D. 130, Tuen Mun, New Territories
- Site Area** : 844m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY/13 (the OZP)
- Zoning** : “Comprehensive Development Area” (“CDA”)
[Restricted to a maximum domestic plot ratio (PR) of 2.0, a maximum non-domestic PR of 0.11, and a maximum building height of 15 storeys excluding car park (45m)]
- Application** : Temporary Shop and Services with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary shop and services with ancillary office for a period of three years at the application site (the Site) zoned “CDA” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently formed and occupied by temporary structures for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Fuk Hang Tsuen Road (**Plan A-2**). According to the applicants, the applied use is for selling beverages and groceries and providing courier pick-up services at the Site. The applied use comprises four one to two-storey temporary structures (not exceeding 5.73m in height) for shops, courier pick-up station, grocery store and ancillary storage, office and toilet, with a total floor area of 377.2m². Two private car parking spaces (5m x 2.5m) and one loading/unloading space for light goods vehicle (7m x 3.5m) would be provided at the Site. The daily operation hours are from 8:00 a.m. to 10:00 p.m. (i.e. including Sundays and public holidays). The layout plans with respective swept path analysis submitted by the applicants are at **Drawings A-1a** and **A-1b**.

1.3 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 13.6.2025 **(Appendix I)**
- (b) Supplementary Information (SI) received on 18.6.2025 **(Appendix Ia)**
- (c) Further Information (FI) received on 9.7.2025* **(Appendix Ib)**
- (d) FI received on 16.7.2025* **(Appendix Ic)**
- (e) FI received on 21.7.2025* **(Appendix Id)**
*[*accepted and exempted from publication and recounting requirements]*

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Id** respectively. They can be summarised as follows:

- (a) the applied use would meet local demands by providing convenient services and daily necessities to residents nearby;
- (b) the temporary nature of the applied use would not jeopardise the long-term planning intention of the “CDA” zone;
- (c) adverse drainage, traffic, fire safety and environmental impacts on the surrounding areas are not anticipated;
- (d) the applicants would follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”) and “Professional Persons Environmental Consultative Committee Practice Notes” issued by the Environmental Protection Department and relevant ordinances to minimise environmental nuisance arising from the applied use; and
- (e) the applicants are committed to comply with the approval conditions should the application be approved by the Board.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. **Previous Application**

There is no previous application within the Site.

6. **Similar Applications**

There are two similar applications (No. A/TM-LTTY/436 and 469) for temporary shop and services and school (tutorial school) both for a period of five years involving the same “CDA” zone in the past five years¹. Both applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 and 2024 respectively mainly on the considerations that approval of the applications on a temporary basis would not jeopardise the long-term planning intention of the area; the applied uses were not incompatible with the surrounding land uses; and concerned government departments had no objection to or no adverse comment on the applications or their technical concerns could be addressed by relevant approval conditions. Details of both 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-4)

7.1 The Site is:

- (a) currently formed and occupied by temporary structures for the applied use without valid planning permission (**Plan A-4**); and
- (b) accessible from Fuk Hang Tsuen Road (**Plan A-2**).

7.2 The surrounding areas are sub-urban in nature predominantly occupied by medium-density residential development (i.e. The Sherwood) and rural settlements intermixed with storage yards and parking of vehicles (**Plans A-2 and A-3**).

8. **Planning Intention**

The “CDA” zone is intended for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the

¹ The two applications (No. A/TM-LTTY/436 and 469) cover the same site which falls within an area mainly zoned “Village Type Development” (about 96.3%) with a minor portion within the same “CDA” zone on the OZP (about 3.7%).

application. Their general comments on the application and advisory comments 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/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 795 S.C ss.3, 795 S.C ss.4, 795 S.C RP and 795 S.D all in D.D. 130 (“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) each of the Lots are covered by individual Short Term Waivers (“STWs”), all of which are for the purpose of metal smelting workshop only;
- (d) the following irregularities not covered by the application have been detected by his office:

unauthorised structure(s) within private lots and unlawful occupation of Government land (GL) not covered by the application

his site inspections in December 2024 and June 2025 revealed that:

- (i) the built-over area of Structures 2, 3 and 4 indicated in the attachments to the Application Form (**Appendix I**) were different from the on-site situation;
- (ii) Structure 1 was extended to encroach onto Short Term Tenancy (STT) No. 799 which was for metal smelting workshop only;
- (iii) canopy of Structure 2 was not included to count for the covered area of the structure;
- (iv) canopy of Structure 3 was not included to count for the covered area of the structure and a piece of GL to the south of Structure 3 was fenced off/illegally occupied without permission;
- (v) Structure 4 was extended to encroach onto Lots 795 RP and 795 S.B RP both in D.D. 130; and
- (vi) all the items mentioned above were not covered by the application. Please clarify the extent of the Site with the applicants. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. LandsD reserves the

right to take necessary land control action against the illegal occupation of GL without further notice. The Lots owners should immediately rectify/regularise the lease breaches and LandsD reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (e) the Lots owner(s)/applicants should either (i) remove the unauthorised structures and cease the illegal occupation of the GL not covered by the application immediately; or (ii) include the unauthorised structures and the adjoining GL being illegally occupied in the 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 LandsD for a modification of STWs and/or STT to permit the structures erected and the occupation of the GL. The application(s) for modification of STWs 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 modification of STWs 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. In addition, LandsD reserves the right to take enforcement action against the lots owners/applicants 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 land control action for any unlawful occupation of GL;
- (f) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the Lots owners/applicants or entirely included in the application, 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; and
- (g) the Site is accessible via a local access on GL leading from Fuk Hang Tsuen Road. LandsD does not carry out maintenance works for the said GL nor guarantee that any right-of-way to the Site will be given. The applicants shall be responsible for their own access arrangement.

10. Public Comments Received During the Statutory Publication Period

On 20.6.2025, the application was published for public inspection. During the statutory public inspection period, four supporting comments from individuals were received (**Appendix V**) mainly on the grounds that the applied use would meet local demand for retail and courier pick-up services; increase local job opportunities; and would not have adverse traffic and environmental impacts on the surrounding areas.

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services with ancillary office for a period of three years at the Site zoned "CDA" on the OZP. Although the applied use is

not in line with the planning intention of the “CDA” zone, the Site is adjoining a comprehensive residential development (i.e. The Sherwood) and there is no known development programme for the Site. According to the applicants, the applied use would meet any such local demand for the shop and services. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “CDA” zone.

- 11.2 The applied use comprises four one to two-storey temporary structures (not exceeding 5.73m in height) with a total floor area of 377.2m². The nature and scale are considered not incompatible with the surrounding land uses which are sub-urban in nature predominantly occupied by medium-density residential development (i.e. The Sherwood) and rural settlements intermixed with storage yards and parking of vehicles (**Plans A-2 and A-3**).
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Chief Highway Engineer/New Territories West of Highways Department, 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 from traffic, environmental, drainage, and fire safety aspects respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicants will be advised to follow the latest “COP” to minimise the possible environmental nuisance on the surrounding land uses.
- 11.4 Regarding DLO/TM, LandsD’s concerns on the unauthorised structures within private lots and unlawful occupation of GL not covered by the application, the applicants will be advised to liaise with LandsD on land administration matters should the Committee approve the application.
- 11.5 There are two similar applications for temporary shop and services approved by the Committee in 2022 and 2024 respectively as mentioned in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 The four public comments supporting the application as summarised in paragraph 10 above are noted.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and taking into account the public comments mentioned in paragraph 10 above, the Planning Department 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 **1.8.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 **1.2.2026**;
- (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 **1.5.2026**;
- (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 **1.2.2026**;
- (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 **1.5.2026**;
- (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 applied use is not in line with the planning intention of the "Comprehensive Development Area" zone which is for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. 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 applicants.

14. Attachments

Appendix I	Application Form with attachments received on 13.6.2025
Appendix Ia	SI received on 18.6.2025
Appendix Ib	FI received on 9.7.2025
Appendix Ic	FI received on 16.7.2025
Appendix Id	FI received on 21.7.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawings A-1a and A-1b	Layout Plans with Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**