

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

**APPLICATION NO. A/TM-LTTY/493**

- Applicant** : Plan Leong Limited represented by Man Chi Consultants and Construction Limited
- Site** : Lots 515 and 516 RP in D.D.130 and Adjoining Government Land (GL), San Hing Tsuen, Lam Tei, Tuen Mun, New Territories
- Site Area** : About 1,650m<sup>2</sup> (including GL of about 173m<sup>2</sup> or 10.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTTY/13 (the OZP)
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Proposed Temporary Shop and Services and Eating Place for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and eating place for a period of five years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ and ‘Eating Place’ other than those on the ground floor of a New Territories Exempted House (NTEH) are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently fenced off, formed and vacant (**Plan A-4**).
- 1.2 The Site is accessible from Ng Lau Road (**Plan A-2**). According to the applicant, the ‘Shop and Services’ will include uses such as barber shop, clinic, retail shop, and health centre, and other uses as stated under the ‘Definition of Terms’ promulgated by the Board. Five structures with a total floor area of 1,057.7m<sup>2</sup> are proposed, including four two-storey structures (maximum 8.2m in height) connected by an open deck proposed for shop and services, eating place and one single-storey structure for plant room. The proposed layout plans submitted by the applicant are at **Drawings A-1a** and **A-1b** respectively.

- 1.3 The Site was involved in a previous application (No. A/TM-LTYT/427) for proposed temporary shop and services submitted by the same applicant, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022. Details of the previous application are summarised in paragraph 6 below and **Appendix III**. However, the planning permission was revoked due to non-compliance with time-limited approval conditions. To support the current application, the applicant has also submitted drainage and fire service installations (FSIs) proposal. A comparison of the major development parameters between the previous application and the current application is as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/TM-LTYT/427 (a)</b>	<b>Current Application No. A/TM-LTYT/493 (b)</b>	<b>Difference (b) - (a)</b>
Proposed Use(s)	Temporary Shop and Services for a Period of 5 Years	Temporary Shop and Services and Eating Place for a Period of 5 Years	+ Eating Place
Application Site Area (About)	1,696m <sup>2</sup> (including GL of about 213m <sup>2</sup> or 12.6%)	1,650m <sup>2</sup> (including GL of about 173m <sup>2</sup> or 10.5%)	-46m <sup>2</sup>
Development Site Area <sup>1</sup> (About)	1,696m <sup>2</sup>	1,636.8m <sup>2</sup>	-59.2m <sup>2</sup>
Total Floor Area (About)	834.1m <sup>2</sup>	1,057.7m <sup>2</sup>	+223.6m <sup>2</sup>
No. of Structures	7 (4 for shop and services; 1 for fire services water tank and panel; 1 for guard room; and 1 for meter room)	5 (3 for shop and services; 1 for eating place; and 1 for plant room)	-2
Height of Structures	Maximum 7.5m (1-2 storeys)	Maximum 8.2m (1-2 storeys)	+0.7m
No. of Parking Space(s)	2 for private cars (2.5m x 5m)		--
No. of Loading/unloading Space(s)	1 for light goods vehicle (3.5m x 7m)	2 for light goods vehicles (3.5m x 7m)	+1
Operation Hours	9:00 a.m. to 6:00 p.m. daily (i.e. including Sundays and public holidays)	8:00 a.m. to 8:00 p.m. daily (i.e. including Sundays and public holidays)	--

<sup>1</sup> The development site area is about 1,638.8m<sup>2</sup> (i.e. 99.3% of the Site). According to the applicant, a minor portion (about 12m<sup>2</sup>, or 0.7%) along the north-eastern boundary of the Site will remain undeveloped (**Plan A-2**).

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

- (a) Application Form received on 25.6.2025 (Appendix I)
- (b) Supplementary Planning Statement (SPS) received on 25.6.2025 (Appendix Ia)
- (c) Supplementary Information (SI) received on 2.7.2025 (Appendix Ib)
- (d) Further Information (FI) received on 30.7.2025\* (Appendix Ic)
- (e) FI received on 5.8.2025\* (Appendix Id)  
*\*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, SI and FIs at **Appendices I to Id** respectively. They can be summarised as follows:

- (a) the proposed uses can meet local demand and enhance local vitality by providing additional amenities and catering services for surrounding villagers and residents;
- (b) the proposed uses are in line with the planning intention of the “V” zone, which is to serve the needs of local villagers and residents. Approval of the application on a temporary basis for a period of five years would not jeopardise the planning intention of the “V” zone;
- (c) the proposed uses are compatible with the land uses and characters of the locality;
- (d) there were similar applications approved by the Board, and approval of the current application would not set an undesirable precedent;
- (e) adverse traffic, infrastructural, landscape, drainage, visual and environmental impacts on the surrounding areas are not anticipated; and
- (f) the applicant is committed to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department and submit and implement relevant technical proposals and measures if required.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

#### 4. **Background**

The Site is currently not subject to planning enforcement action.

#### 5. **Town Planning Board Guidelines**

The TPB PG-No. 15A for ‘Application for Eating Place within “Village Type Development” Zone in Rural Areas under section 16 of the Town Planning Ordinance’ is relevant to the application. The relevant planning criteria are summarised in **Appendix II**.

#### 6. **Previous Application**

The Site was involved in a previous application (No. A/TM-LTTY/427) submitted by the same applicant of the current application for temporary shop and services for a period of five years. The application was approved with conditions by the Committee in 2022 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 use was not incompatible with the surrounding land uses; and concerned government departments consulted had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. However, the planning permission was revoked in January 2025 due to non-compliance with time-limited approval conditions regarding the implementation of drainage and FSIs proposals. Compared with the previous application, the current application has similar layout and includes eating place with slightly different development parameters as stated in paragraph 1.3 above. Details of this previous application are at **Appendix III** and its location is shown on **Plan A-1**.

#### 7. **Similar Application**

7.1 There is one similar application (No. A/TM-LTTY/419) for temporary shop and services (real estate agency) for a period of five years within the same “V” zone on the OZP in the past five years. The application was approved with conditions by the Committee in 2021 mainly on similar considerations as those mentioned in paragraph 6 above. Details of this similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7.2 There is no similar application for temporary eating place within the same “V” zone.

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

8.1 The Site is:

- (a) currently fenced off, formed and vacant (**Plan A-4**); and
- (b) accessible from Ng Lau Road (**Plan A-2**).

8.2 The surrounding areas are sub-rural in nature predominantly occupied by rural settlements and village houses (i.e. San Hing Tsuen), intermixed with warehouses,

vehicle repair workshop, open storage, storage yards and parking of vehicles (**Plans A-2 and A-3**).

## **9. 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.

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

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

10.2 The following government department objects to 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 515 and 516 RP 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) Lot 515 in D.D. 130 is covered by Short Term Waiver (“STW”) No. 512 for the purposes of “marble workshop and plastic factory”. Part of the GL in the Site is covered by Short Term Tenancy (“STT”) No. 858 for the purpose of “plastic factory”;
- (d) the following irregularities covered by the application have been detected by LandsD during site inspection in July 2025:

#### **unauthorised structures within the Lots and STT No. 858 covered by the application**

- (i) there are unauthorised structures (i.e. electric meters) on the Lots and STT No. 858. The Lots owner and the tenant should immediately rectify/regularise the breaches and LandsD reserves

the rights to take necessary enforcement action against the breaches without further notice; and

unlawful occupation of GL adjoining the Lots covered by the application

- (ii) the GL to the southwestern end of the Site has been fenced off/illegally occupied without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. LandsD reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- (e) the following irregularities not covered by the application have been detected by LandsD during site inspection in July 2025:

unlawful occupation of GL not covered by the application

- (i) the GL to the north of the Site has been fenced off/illegally occupied without permission. The GL being illegally occupied is not included in the application. Please clarify the extent of the Site with the applicant. Any occupation of GL without Government's prior approval is any offence under Cap. 28. LandsD reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- (f) the Lot owner/applicant should either (i) remove the unauthorised structures on the Site covered by the application and cease the illegal occupation of GL covered and not covered by the application immediately; or (ii) include the unauthorised structures on the Site and the 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 STW and STT to permit the structures erected and the occupation of the GL. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and 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. Given the proposed uses are temporary in nature, only erection of temporary structures will be considered. In addition, LandsD reserves the right to take enforcement action against the Lots owner/applicant for any breach of the lease and tenancy agreement conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL;
- (g) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the Lots owner/applicant 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;

- (h) the Site is accessible via a local access on GL leading from Ng Lau 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 applicant shall be responsible for his own access arrangement; and
- (i) there is no SH application approved or under processing at the Site.

## **11. Public Comment Received During the Statutory Publication Period**

On 4.7.2025, the application was published for public inspection. During the statutory public inspection period, one objecting comment from an individual was received (**Appendix VI**) mainly on the grounds that in view of the non-compliance of approval conditions of the previous application regarding drainage and fire services aspects, the current application should not be approved.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary shop and services and eating place for a period of five years at the Site zoned “V” on the OZP. Whilst the proposed uses are not entirely in line with the planning intention of the “V” zone, as advised by DLO/TM, LandsD, there is currently no SH application approved or under processing at the Site. Approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “V” zone.
- 12.2 The surrounding areas are sub-rural in nature predominantly occupied by rural settlements and village houses, intermixed with warehouses, vehicle repair workshop, open storage, storage yards and parking of vehicles. The proposed uses are considered not incompatible with the surrounding areas (**Plan A-2**).
- 12.3 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 (CE/MN, DSD), Director of Fire Services (D of FS) and Director of Food and Environmental Hygiene have no objection to or no adverse comment on the application from traffic, environmental, sewerage, drainage, fire safety and food and environmental hygiene aspects respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.4 In view of the above, the application is generally in line with TPB PG-No. 15A in that the Site is accessible from Ng Lau Road and no adverse impacts from traffic, environmental, sewage disposal facilities, drainage, and fire safety aspects are anticipated. Should the application be approved, the applicant will be advised to observe and comply with relevant environmental protection and pollution control ordinances during construction and operation to follow relevant recommendations as stated in the “Control of Oily Fume and Cooking Odour from Restaurants and Food Business” to minimise the possible environmental nuisance on the surrounding land uses.

- 12.5 The Site was involved in a previous application (No. A/TM-LTTY/427) submitted by the same applicant of the current application for temporary shop and services with similar layout, which was approved with conditions for a period of five years by the Committee in 2022. However, the planning permission was subsequently revoked in January 2025 due to non-compliance with time-limited approval conditions. Nevertheless, the applicant has submitted drainage and FSIs proposals in support of the current application and CE/MN, DSD has no comment on the drainage proposal. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should it fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to further applications.
- 12.6 For the concerns of DLO/TM, LandsD on the unauthorised structures within the Lots and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on land administration matters should the Committee approve the application.
- 12.7 There is one similar approved application for temporary shop and services use within the same “V” zone on the OZP in the past five years. Approval of the current application is in line with the Committee’s previous decision.
- 12.8 Regarding the public comment objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and taking into account the public comment mentioned in paragraph 11 above, 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 five years until **15.8.2030**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### **Approval conditions**

- (a) the implementation of the accepted 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 **15.5.2026**;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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 **15.2.2026**;
- (d) in relation to (c) above, the implementation of the revised 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 **15.5.2026**;

- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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**.

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

the proposed uses are 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.

**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 applicants.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 25.6.2025
<b>Appendix Ia</b>	SPS received on 25.6.2025
<b>Appendix Ib</b>	SI received on 2.7.2025
<b>Appendix Ic</b>	FI received on 30.7.2025
<b>Appendix Id</b>	FI received on 5.8.2025
<b>Appendix II</b>	Extract of the TPB PG-No. 15A
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawings A-1a and A-1b</b>	Proposed Layout Plans
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2025**