

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

**APPLICATION NO. A/TM-SKW/135**

<b><u>Applicant</u></b>	: Mr. Lee Lok Man (李洛文)
<b><u>Site</u></b>	: Lot 966 RP in D.D. 375, So Kwun Wat Tsuen, Tuen Mun, New Territories
<b><u>Site Area</u></b>	: About 230m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/15
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m), except for those developments / uses specified in the Notes]</i>
<b><u>Application</u></b>	: Proposed Temporary Storage (For the Use of Village Office and Ancestral Hall) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary storage (for the use of village office and ancestral hall) for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the 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 paved, fenced and largely vacant (**Plan A-4**).
- 1.2 The Site is accessible via So Kwun Wat Tsuen Road with an ingress/egress point at its south (**Plan A-2**). According to the applicant, five single-storey temporary structures, comprising two containers, two rain shelters and a portable toilet (each with about 2.6m in height) with a total floor area of about 80.8m<sup>2</sup> will be erected. The proposal is mainly for storage of festive supplies, repair tools and miscellaneous items for the village office and ancestral hall of So Kwun Wat Tsuen. One private car parking space and one loading/unloading space will be provided. The operation hours are between 9:00 a.m. and 6:00 p.m. daily. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/TM-SKW/110) for the same use and private vehicle park (private cars only) which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 9.7.2021 (details in paragraph 5 below). Compared to the previous application, the current application

covering the same site is submitted by a different applicant for temporary storage use only and with a different layout.

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

- (a) Application Form received on 19.6.2025 (Appendix I)
- (b) Further Information (FI) received on 10.7.2025 and 15.7.2025\* (Appendix Ia)
- (c) FI received on 17.7.2025\* (Appendix Ib)
- (d) FI received on 30.7.2025 and 4.8.2025\* (Appendix Ic)

*\*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 FIs at **Appendices I to Ic** respectively. They can be summarised as follows:

- (a) there is a need for using the Site for storage of festive supplies and repair tools as the current village office and ancestral hall have run out of storage space; and
- (b) the needs of storage space to serve the villagers are confirmed by the Village Representative (VR) of So Kwun Wat Tsuen.

## **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 obtaining the consent of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

Part of the Site is subject to planning enforcement action (No. E/TM-SKW/135) against unauthorized developments (UDs) involving storage use and use for shop and services (**Plan A-2**). Enforcement Notice (EN) was issued on 6.3.2025 requiring discontinuation of the UD by 6.5.2025. Recent site inspections upon the expiry of EN revealed that the UD has partially discontinued.

## **5. Previous Application**

The Site is the subject of a previous application (No. A/TM-SKW/110) for temporary storage use and private vehicle park (private cars only) submitted by a different applicant as the current application. The application was approved by the Committee on 9.7.2021

mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “V” zone; the temporary storage being not incompatible with the surrounding land uses; and the concerns of relevant government departments could be addressed by implementation of relevant approval conditions. However, the planning permission was subsequently revoked on 9.4.2022 due to non-compliance with time-limited approval conditions regarding the submission and implementation of the drainage proposal and the implementation of the fire service installations (FSIs) proposal. Details of the application is summarised in **Appendix II** and its location is shown on **Plan A-1**.

## **6. Similar Application**

There is no similar application within the same “V” zone on the OZP in the past five years.

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

7.1 The Site is:

- (a) accessible via So Kwun Wat Tsuen Road; and
- (b) paved, fenced off and largely vacant.

7.2 The surrounding areas are rural in character predominated by village houses intermixed with parking of vehicles and open storage/storage yards.

## **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small House 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 New Territories Exempted Houses. Other commercial, community and recreational uses may be permitted on application to the Board.

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

9.1 Apart from the government department as set out in paragraph in 9.2 below, other bureau/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.

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) the Site comprises Old Schedule Agricultural Lot, namely Lot 966 RP in D.D. 375 (the Lot) 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 Lot is covered by a Short Term Waiver (STW) to permit erection of single storey structure with maximum built-over-area not exceeding 14.4m<sup>2</sup> and height not exceeding 2.6m for the purpose of temporary storage (for the use of village office and ancestral hall);
- (c) his office's site inspection conducted in July 2025 revealed that unauthorised structure, i.e. fish tank, was erected within the Lot not covered by the current planning application. The Lot owner(s) should immediately rectify/regularize the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (d) the Lot owner(s)/applicant shall either (i) remove the unauthorised structure not covered by the subject planning application immediately; or (ii) include the unauthorised structure in the planning application for the further consideration by the relevant departments and, subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for modification of STW to permit the structures erected. The application for modification of STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The modification of 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 his department. In addition, his department 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;
- (e) the Site is accessible via a local access on Government land (GL) leading from So Kwun Wat Tsuen 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;
- (f) there is currently no Small House application approved or under processing at the Site; and
- (g) his detailed advisory comments are at **Appendix IV**.

#### **10. Public Comment Received During Statutory Publication Period**

On 27.6.2025, the application was published 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 storage (for the use of village office and ancestral hall) for a period of three years at the Site zoned “V” on the OZP. Although the proposed use is not in line with the planning intention of the “V” zone, it could serve the village office, ancestral hall and local villagers to meet their storage need according to the applicant. In this regard, a supporting letter from the VR of So Kwun Wat Tsuen is provided by the applicant to confirm such need (**Appendix Ia**). According to DLO/TM, LandsD, there is currently no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The proposed use is generally not incompatible with the surrounding areas which are rural in character predominated by village houses intermixed with parking of vehicles and open storage/storage yards.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) 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. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.
- 11.4 Regarding DLO/TM, LandsD’s concern on the unauthorised structure at the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.
- 11.5 The Site is the subject of a previously approved application (No. A/TM-SKW/110) for temporary storage use and private vehicle park (private cars only) which was approved by the Committee in 2021. However, its planning permission was subsequently revoked due to non-compliance with time-limited approval conditions on the submission and implementation of drainage proposal and the implementation of FSIs proposal. The current application is submitted by a different applicant for temporary storage use only and with a different layout. The applicant has also submitted drainage proposal for the current application and CE/MN, DSD has no objection to the application. As such, sympathetic consideration may be given to the current application.

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

- 12.1 Based on the assessments made in paragraph 11 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 15.8.2028. 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 **15.2.2026**;
- (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 **15.5.2026**;
- (c) in related 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 **15.2.2026**;
- (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 **15.5.2026**;
- (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 attached 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 "Village Type Development" zone which is primarily for development of Small House 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**

<b>Appendix I</b>	Application Form received on 19.6.2025
<b>Appendix Ia</b>	FI received on 10.7.2025 and 15.7.2025
<b>Appendix Ib</b>	FI received on 17.7.2025
<b>Appendix Ic</b>	FI received on 30.7.2025 and 4.8.2025
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Government Bureau/Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan with Previous Application
<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**