

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-LYT/854**

- Applicant** : Sze Hop Hing Wood Yard represented by Lanbase Surveyors Limited
- Site** : Lots 578 RP (Part), 579 RP (Part) and 580 RP in D.D. 83 and adjoining Government Land (GL), Kwan Tei, Fanling, New Territories
- Site Area** : About 3,131m<sup>2</sup> (including GL of about 569m<sup>2</sup>, or 18% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
- Zonings** : (i) “Agriculture” (“AGR”) (about 51%); and  
(ii) “Village Type Development” (“V”) (about 49%)
- Application** : Renewal of Planning Approval for Temporary Shop and Services (Retail Shop for Building Materials and Metalwares) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary shop and services (retail shop for building materials and metalwares) for a further period of three years. The Site falls within an area partly zoned “AGR” (about 51%) and partly zoned “V” (about 49%) on the OZP (**Plan A-1a**). Whilst ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use within “V” zone, it is neither a Column 1 nor Column 2 use within “AGR” zone. 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 currently used for the applied use with valid planning permission until 9.9.2025 (**Plans A-4a to A-4c**).
- 1.2 The Site abuts Sha Tau Kok Road – Lung Yeuk Tau to the north (**Plan A-2**). According to the applicant, the applied use involves an existing two-storey building (or 6m in height) with gross floor area (GFA) of about 736m<sup>2</sup> in the northwestern part of the Site and three single-storey temporary structures/containers (or ranging from 2.6m to 8m in height) with a total of GFA of 1,003m<sup>2</sup> in the southern and eastern parts of the Site for retail shop, storage and

office uses (**Drawing A-1**). The operation hours of the applied use are from 7:00 a.m. and 9:00 p.m. daily, including Sundays and public holidays. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted on-site. Two parking spaces for private cars (5m (L) × 2.5m (W) each) and one loading/unloading space for medium goods vehicle (11m (L) × 3.5m (W)) are provided at the eastern part of the Site. No vehicle without valid licenses issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations will be allowed to be parked/stored at the Site.

- 1.3 Environmental mitigation measures<sup>1</sup>, including (i) provision of 2m hoarding and acoustic enclosure to reduce operational noise impact on nearby village houses/domestic structures; (ii) provision of curbs along the site boundary adjacent to Kwai Tei River to prevent water pollution due to site run-off; and (iii) provision of plastic sheet cover for sand stockpile and regular water spraying for moistening the surface to reduce dust impact, have been implemented and maintained within the Site. The existing trees and landscape resources within the Site will be retained and properly managed. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.4 The Site, in part or in a whole, is the subject of 17 previous applications, including 10 approved applications (No. A/NE-LYT/31, 138, 189, 303, 345, 388, 490, 576, 684 and 767) for the same use as the current application (**Plan A-1b**). Details of the previous applications are set out in paragraph 6 below. The last application (No. A/NE-LYT/767) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 9.9.2022 with validity up to 9.9.2025. All the approval conditions have been complied with. Compared with the last approved application, the applied use, site area/boundary, layout and major development parameters of the current application remain the same.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form received on 9.7.2025 (**Appendix I**)
  - (b) Planning Statement received on 9.7.2025 (**Appendix Ia**)
  - (c) Further Information (FI) received on 23.7.2025<sup>^</sup> (**Appendix Ib**)
  - (d) FI received on 20.8.2025<sup>^</sup> (**Appendix Ic**)

<sup>^</sup> *accepted and exempted from the 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, Planning Statement and FIs at **Appendices I to Ic**, as summarised below:

- (a) the applicant has been operating the retail shop for building materials and metalwares serving the locality for many years. The temporary retail shop could serve the local community and meet the local demands for building materials and metalwares given that there are limited similar retail shops in the neighbourhood;

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<sup>1</sup> The environmental mitigation measures as stated in the revised environment assessment under approval condition (c) of application No. A/NE-LYT/388 are accepted by the Environmental Protection Department.

- (b) the applied use is located in an area with warehouses, open storages and repairing workshops to the north of the Site across Sha Tau Kok Road – Lung Yeuk Tau, and is compatible with the surrounding areas;
- (c) the applied use would not induce adverse traffic, environmental, drainage, sewage and landscape impacts on the surroundings. To minimise the environment nuisance during operation, environmental mitigation measures as detailed in paragraph 1.3 above have been provided on the Site;
- (d) the Site is the subject of a previously approved application (No. A/NE-LYT/767) for the same use submitted by the same applicant. There is no change in the layout and major development parameters as compared with the last application. As there is no major change in planning circumstances, it is considered that Site could be used for the applied use for a further period of three years; and
- (e) the applicant has fully complied with the approval conditions under the last application. In support of the current application, run-in/out, drainage and fire service installations (FSIs) proposals with corresponding condition records or certificate of fire service installations and equipment (FS 251) are submitted. Should the application be approved, the applicant would continue to maintain those existing on-site facilities well.

### **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 publishing notices in local newspapers and sending a notice to Fanling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” requirements are not applicable.

### **4. Town Planning Board Guidelines**

Town Planning Board Guidelines No. 34D on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

### **5. Background**

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

### **6. Previous Applications**

- 6.1 The Site, in part or in a whole, is the subject of 17 previous applications (**Plan A-1b**). 10 of these applications (No. A/NE-LYT/31, 138, 189, 303, 345, 388, 490, 576, 684 and 767) for the same applied use were approved with conditions by the

Committee or by the Board on review between 1995 and 2022 mainly on the considerations that the applied use would not frustrate the long-term planning intentions of the area; it was not incompatible with the surrounding areas; the applied use was unlikely to induce significant traffic, environmental, drainage, sewage and landscape impacts on the surrounding areas; and/or it generally complied with the relevant Town Planning Board Guidelines for renewal of planning approval for temporary use or development.

- 6.2 Three previous applications (No. A/DPA/NE-LYT/8 and 34 and A/NE-LYT/14) for similar retail shop use, covering part of the Site only, were rejected by the Committee between 1992 and 1994 mainly on the grounds that the proposed use was not in line with the planning intentions of the area and there was no strong planning justification for a departure from the planning intention even on a temporary basis, the proposed use was not incompatible with the developments in the nearby area; the applicant failed to demonstrate that the proposed use would not cause adverse traffic, environmental, drainage, sewerage and landscape impacts on the surrounding areas.
- 6.3 The remaining four previous applications for temporary open storage use (No. A/NE-LYT/141, 168, 174 and 350) were rejected by the Committee between 1997 and 2007. The planning considerations of these previous applications are not relevant to the current application which involves a different use.
- 6.4 Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

## **7. Similar Application**

- 7.1 There is a similar application (No. A/NE-LYT/839) for temporary shop and service within another “V” zone in the vicinity of the Site in the past five years (**Plan A-1a**). The application was approved with conditions by the Committee on 2.5.2025 mainly on the similar considerations as detailed in paragraph 6.1 above.
- 7.2 Details of the application are summarised at **Appendix IV** and its location is shown on **Plan A-1a**.

## **8. The Site and Its Surrounding Areas (Plans A-1a, A-2 to A-4c)**

- 8.1 The Site:
  - (a) is hard-paved<sup>2</sup>, fenced off and currently used for the applied use with valid planning permission;
  - (b) is erected with a two-storey existing building in the northwestern part, and occupied by three single-storey temporary structures/containers in the southern and eastern parts; and

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<sup>2</sup> According to record, the Site zoned “AGR” has been largely hard-paved before the date of imposing a land filling clause pertaining to the zone under the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/10 gazetted on 29.4.2005.

(c) abuts Sha Tau Kok Road – Lung Yeuk Tau to the north.

- 8.2 The surrounding areas mainly comprise village houses/domestic structures, warehouses, active/fallow farmlands and vacant/unused land covered by tree groups or vegetation. To the east across Kwan Tei River is a sewage pumping station. To the further south is the ex-Kwan Tei Public School zoned “Government, Institution or Community” which is currently vacant. To the further north across Sha Tau Kok Road – Lung Yeuk Tau is a vehicle repair workshop within the “Open Storage” zone on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14.

## **9. Planning Intentions**

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses 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 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 departments as set out in paragraphs 10.2 and 10.3, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and Recommended Advisory Clauses are provided at **Appendices V and VI** respectively.

- 10.2 The following government department has adverse comments on the application:

### **Land Administration**

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural 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) Lots 579 RP (Part) and 580 RP both in D.D. 83 are covered by Short Term Waiver (STW) No. 1110 for the purpose of retail shop and storage of

building materials and the total site coverage of structures on the lots shall not exceed 445m<sup>2</sup>. Right of way via GL is granted under the STW. The built-over area of the structures erected on-site does not tally with those permitted under the STW and the proposal of the planning application. His office reserves the rights to take enforcement action for breaches of the terms imposed on the STW;

- (d) the following irregularities covered by the planning application have been detected:

Unauthorised structures within the said private lots covered by the planning application

There are unauthorised structures on Lots 578 RP, 579 RP and 580 RP in D.D. 83. The lot owners/applicant should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

Unlawful occupation of GL adjoining the said private lots covered with unauthorised structure by the planning application

The GL within the Site (about 569m<sup>2</sup>) has been fenced off and illegal occupied with unauthorised structure 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 illegal occupation of GL without further notice

- (e) the following irregularity not covered by the planning application has been detected:

Unauthorised structures within the said private lot not covered by the planning application

There are unauthorised structures within Lots 578 RP and 579 RP in D.D. 83 and encroaching upon adjoining Lot 577 in D.D. 83 not covered by the planning application. The lot owners/applicant should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (f) the lot owners/applicant shall neither (i) remove the unauthorised structures not covered by the planning application or (ii) include the unauthorised structures in the planning application for further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for modification of the STW No. 1110, new STW and Short Term Tenancy (STT) to permit the structures erected/to be erected and the occupation of the GL. The modification of the STW No. 1110, new STW and STT applications will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The modification of the STW No. 1110, new STW and STT, if approved, will be on the whole lot basis and

subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date when the unauthorised structures were erected and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners 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. Given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;

- (g) there is no Small House application at the Site; and
- (h) his advisory comments are at **Appendix VI**.

10.3 The following government department conveyed local views on the application:

**Local Views**

Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Chairman of Area Committee (North) – Lung Shan indicate no comment on the application (**Appendix Va**).

**11. Public Comments Received During Statutory Publication Period**

On 22.7.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VII**). Two comments from the Chairman and the First Vice-Chairman of Fanling District Rural Committee object to the application mainly on grounds of potential environmental pollution and hygiene issue; and concern on living quality due to its close proximity to domestic structures. The remaining comment from a member of North District Council indicates no comment on the application.

**12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning permission for temporary shop and services (retail shop for building materials and metalwares) for a further period of three years at the Site partly zoned “AGR” and partly zoned “V” on the OZP (**Plan A-1a**). Whilst the applied use is not in line with the planning intentions of “AGR” and “V” zones, the Director of Agriculture, Fisheries and Conservation has no strong view against the application from agricultural perspective, and DLO/N, LandsD advises that there is no Small House application at the Site. Taking into account the planning assessment below, there is no objection to the applied use on temporary basis for a further period of three years.
- 12.2 The Site is hard-paved, fenced off and currently used for the applied use with valid planning permission (**Plans A-4a to A-4c**). It is considered not incompatible with the surrounding areas which mainly comprising village houses/domestic

structures, warehouses, active/fallow farmlands and vacant/unused land covered by tree groups or vegetation (**Plan A-2 and A-4a**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application as further significant adverse impact on existing landscape resources within the Site is not anticipated. The Director of Environmental Protection has no objection to the application from environmental perspective subject to the proper maintenance of the environmental mitigation measures proposed by the applicant as detailed in paragraph 1.3 above, and advised that no environmental complaint case related to the Site was received over the last three years. Should the application be approved, the applicant will also be advised to follow the requirements of the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental nuisance on the surroundings.

- 12.3 Concerned government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. In support of the current application, the applicant has submitted drainage and FSIs proposals with corresponding condition records of the existing drainage facilities and FS 251. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Besides, as the Site is partly zoned “AGR”, an approval condition requiring the reinstatement of the “AGR” portion of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application. Regarding DLO/N, LandsD’s concern’s on the unauthorised structures within/outside the Site and illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.4 The application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application (No. A/NE-LYT/767); all the time-limited approval conditions under the last application have been complied with; and the approval period sought which is the same as the last approval granted by the Committee is not unreasonable.
- 12.5 The Site, in part or in whole, is the subject of 10 previously approved applications for the same applied use as detailed in paragraph 6.1 above. Besides, there is a similar application within another “V” zone in the vicinity of the Site in the past five year as detailed in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of current application is generally in line with Committee’s previous decisions.
- 12.6 Regarding the adverse public comments as detailed in paragraph 11 above, the government departments’ comments and planning assessments above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the local views as conveyed by DO(N), HAD in paragraph 10.3 and the public comments in paragraph 11 above, PlanD 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 three years and be renewed from 10.9.2025 until 9.9.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the environmental mitigation measures implemented on the Site, as proposed by the applicant, shall be maintained properly at all times during the approval period;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) if the any of the above planning condition (a) or (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
- (d) upon expiry of the planning permission, the reinstatement of the "AGR" portion of the Site, including the removal of fill materials and hard-paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The Recommended Advisory Clauses are at **Appendix VI**.

- 13.3 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 intentions of the "AGR" and "V" zones, which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and for development of Small Houses by indigenous villagers respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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 the 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 applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 9.7.2025
<b>Appendix Ia</b>	Planning Statement received on 9.7.2025
<b>Appendix Ib</b>	FI received on 23.7.2025
<b>Appendix Ic</b>	FI received on 20.8.2025
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Application
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix Va</b>	Local Comment conveyed by HAD
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2025**