

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-STK/29

<u>Applicant</u>	:	Hope Link Investment Limited
<u>Site</u>	:	Lot 172 S.B ss.2 (Part) in D.D. 40, Ha Tam Shui Hang, Sha Tau Kok, New Territories
<u>Site Area</u>	:	About 276m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
<u>Zoning</u>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Proposed Temporary Shop and Services (Retail Shop) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (retail shop) for a period of three years at the application site (the Site) falling within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use within “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site adjoins an existing NTEH and is hard-paved and partly fenced off.
- 1.2 The Site is accessible via Sha Tau Kok Road – Shek Chung Au (**Plan A-2**). According to the applicant, the proposed use involves a single-storey structure (about 2.75m in height) with a total floor area of about 184m², and an uncovered area of about 92m². The applicant advises that the Site together with the ground floor of the adjoining NTEH will be operating for retail shop use¹. The proposed retail shop will be selling daily necessities, drinks, agricultural products of Sha Tau Kok and souvenirs in relation to Sha Tau Kok. Vending machines and self-pickup smart lockers as well as tables and chairs for visitors to rest will be provided at the uncovered area. No eating or drinking will be allowed at the Site. No parking space or loading/ unloading (L/UL) space will be provided at the Site. The operation hours of the proposed use are between 10:00 a.m. to 9:00 p.m. from Mondays to Sundays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

¹ According to the Notes of the OZP, ‘Shop and Services’ on the ground floor of a NTEH is a Column 1 use which is always permitted within the “V” zone.

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

- (a) Application Form with attachments received on 30.7.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 1.8.2025 and 6.8.2025 (Appendix Ia)
- (c) Further Information (FI) received on 25.8.2025[#] (Appendix Ib)
- (d) FI received on 4.9.2025 and 5.9.2025[#] (Appendix Ic)
- (e) FI received on 9.9.2025[#] (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** and summarised below:

- (a) the ground floor of the adjoining NTEH is proposed for retail shop use, but due to its limited size, the Site which adjoins the NTEH is proposed to operate as a retail shop;
- (b) shopping at Sha Tau Kok Town, which is within the Frontier Closed Area and requires a Closed Area Permit to access, is inconvenient for nearby residents. The proposed use provides a convenient shopping spot for the nearby residents and visitors of Robin's Nest Country Park;
- (c) there is a public vehicle park at about 100m from the Site. Adverse traffic impact on Sha Tau Kok Road is not anticipated; and
- (d) the proposed use is a Column 2 use of the "V" zone and is in line with its planning intention.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site is not subject to active planning enforcement action.

5. **Previous Application**

- 5.1 The Site is the subject of a previous application No. A/NE-STK/7 for temporary eating place (restaurant) with ancillary vehicle park submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 19.2.2016. The planning approval was subsequently revoked on 19.11.2017 due to non-compliance with approval conditions. The planning considerations of the previous application are not applicable to the current application which involves a different use.

5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is no similar application for the same use within the same “V” zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) hard-paved and partly fenced off;
- (b) adjoining an existing NTEH and situated at the fringe of the village proper of Ha Tam Shui Hang; and
- (c) accessible via Sha Tau Kok Road – Shek Chung Au.

7.2 The surrounding areas are rural in character mainly comprising village houses and vacant land. Tam Shui Hang Village public toilet and a pavilion are located to the east of the Site.

8. Planning Intention

The planning intention of “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 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 the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

All 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 III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 8.8.2025, the application was published for public inspection. During the statutory public inspection period, 11 comments were received (**Appendix V**). Nine comments from the Sha Tau Kok Inhabitants Association, nearby residents and individuals support the application mainly on the considerations that the proposed retail shop supports tourism development of Sha Tau Kok Town and is able to serve Robin’s Nest Country Park’s visitors; the Site situating outside the Frontier Closed Area will provide a convenient shopping spot for the nearby residents and visitors without Closed Area Permit; and no adverse traffic or environmental impacts are

anticipated. The remaining two comments from a member of the North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (retail shop) for a period of three years at the Site zoned “V” on the OZP. While the proposed use is not entirely in line with the planning intention of the “V” zone, the applicant advises that the proposed retail shop provides a convenient shopping spot for the nearby residents and visitors of Robin’s Nest Country Park. Also, the District Lands Officer/North, LandsD advises that there is no Small House application received at the Site. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use on temporary basis of three years.
- 11.2 The Site adjoins an existing NTEH, where its ground floor is proposed to be operating as a retail shop, as permitted under the OZP, together with the Site. It abuts Sha Tau Kok Road – Shek Chung Au and is situated at the fringe of the village proper of Ha Tam Shui Hang. The proposed use is considered not incompatible with the surrounding areas which are rural in character mainly comprising village houses.
- 11.3 Government departments consulted, including the Chief Engineer/Mainland North, Drainage Services Department, Director of Fire Services, Commissioner for Transport and Director of Environmental Protection have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental nuisance on the surround area.
- 11.4 The nine 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 having taken into account the public comments 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 19.9.2028. The following conditions of approval and advisory clauses are 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 19.3.2026;
- (b) in relation to (a) above, the provision of drainage facilities 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 19.6.2026;

- (c) in relation to (b) above, the implemented drainage facilities 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 19.3.2026;
- (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 19.6.2026;
- (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 V**.

- 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 "V" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification 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 the 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

Appendix I	Application Form with Attachment received on 30.7.2025
Appendix Ia	SI received on 1.8.2025 and 6.8.2025
Appendix Ib	FI received on 25.8.2025

Appendix Ic	FI received on 4.9.2025 and 5.9.2025
Appendix Id	FI received on 9.9.2025
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
SEPTEMBER 2025