

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

**APPLICATION NO. A/TM-LTTY/498**

- Applicant** : Mr. TSE Kam Kuen represented by FiBi International Project Consultancy Co. Limited
- Site** : Lot 1038 S.A. (Part) in D.D. 130, Fuk Hang Tsuen, Tuen Mun, New Territories
- Site Area** : About 494m<sup>2</sup>
- 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** : “Residential (Group D)” (“R(D)”)  
*[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]*
- Application** : Proposed Temporary Shop and Services with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary office for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(D)” zone, ‘Shop and Services’ other than those on the ground floor of a New Territories Exempted House is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced and occupied by open storage of construction materials without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Fuk Hang Tsuen Road via a local track (**Plan A-2**). According to the applicant, the proposed use is for selling hardware accessories products to serve the local community. Three two-storey structures (maximum 7.5m in height) with a total floor area of 414.4m<sup>2</sup> are proposed for shop and services, ancillary office, staff lounge, and toilet. The staff lounge would be used as resting space only and no domestic use would be involved. One private car parking space (2.5m x 5m) and one loading/unloading space for light goods vehicle (3.5m x 7m) would be provided at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays (i.e. no operation on Sundays and public holidays). The proposed layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site was involved in a previous application (No. A/TM-LTTY/461) submitted by the same applicant of the current application for the same use with the same layout and development parameters, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (details in paragraph 5 below). 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 run-in/out, drainage, and fire service installations (FSIs) proposals.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 1.8.2025 (Appendix I)
  - (b) Supplementary Information (SI) received on 7.8.2025 (Appendix Ia)
  - (c) Further Information (FI) received on 1.9.2025 (Appendix Ib)  
*[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 FI at **Appendices I** to **Ib** respectively. They can be summarised as follows:

- (a) the proposed use would serve the local demand for hardware accessories products;
- (b) the non-compliance of approval conditions of the last planning permission (No. A/TM-LTTY/461) was mainly due to time constraints in obtaining Short Term Waivers from the Lands Department for the implementation of FSIs proposal. There is no change to the proposal and the approval conditions regarding submission of proposals have been complied with;
- (c) the proposed use is temporary in nature and would not frustrate the long-term planning intention of the “R(D)” zone;
- (d) there were similar applications approved by the Board; and
- (e) adverse traffic, noise, drainage and environmental impacts on the surrounding areas are not anticipated.

## **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.

## **4. Background**

The Site is currently not subject to planning enforcement action.

## 5. Previous Application

The Site was involved in a previous application (No. A/TM-LTYT/461) submitted by the same applicant of the current application for the same use with the same layout and development parameters. The application was approved with conditions for a period of three years by the Committee in 2023 mainly on the considerations that approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “R(D)” zone; the proposed use was not incompatible with the surrounding land uses; and concerned government departments consulted had no objection to or no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. However, the planning permission was revoked in July 2025 due to non-compliance with time-limited approval conditions regarding the implementation of run-in/out, drainage, and FSIs proposals. Details of this previous application are at **Appendix II** and its location is shown on **Plan A-1**.

## 6. Similar Applications

There are three similar applications (No. A/TM-LTYT/430, 454 and 481) for temporary shop and services for a period of three years within the same “R(D)” zone on the OZP in the past five years. These applications were approved with conditions by the Committee between 2022 and 2024 mainly on similar considerations as those mentioned in paragraph 5 above. Details of these applications are 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 paved, fenced and occupied by open storage of construction materials without valid planning permission (**Plan A-4**); and
- (b) accessible from Fuk Hang Tsuen Road via a local track (**Plan A-2**).

7.2 The surrounding areas are sub-urban in nature predominantly occupied by low to medium density residential developments, village houses, and temporary structures intermixed with storage yards, warehouses, open storage, electricity sub-station, church, vehicle parks, cultivated agricultural land and vacant land.

## 8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

## 9. Comments from Relevant Government Departments

All government 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.

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

On 12.8.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix V**) expressing concern on the non-compliance with approval conditions of the previous application.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services with ancillary office for a period of three years at the Site zoned “R(D)” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “R(D)” zone, it could meet local demand for shop and services in the area. Besides, there is no known development proposal at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(D)” zone.
- 11.2 The proposed use is generally not incompatible with the surrounding areas which are sub-urban in nature predominantly occupied by low to medium density residential developments, village houses, and temporary structures intermixed with storage yards, warehouses, open storage, electricity sub-station, church, vehicle parks, cultivated agricultural land and vacant land (**Plan A-2**).
- 11.3 Concerned government departments consulted, including the Commissioner for Transport (C for T), Chief Highway Engineer/New Territories West of Highways Department (CHE/NTW of HyD), Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), and Director of Fire Services (D of FS) 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 applicant will be advised to observe and comply with relevant environmental protection and pollution control ordinances.
- 11.4 The Site was involved in a previous application (No. A/TM-LTY/461) submitted by the same applicant of the current application for the same use with the same layout and development parameters, which was approved with conditions for a period of three years by the Committee in 2023. However, the planning permission was subsequently revoked in July 2025 due to non-compliance with time-limited approval conditions. Nevertheless, the applicant has submitted run-in/out, drainage, and FSIs proposals in support of the current application, and C for T, CHE/NTW of HyD, CE/MN of DSD and D of FS have no comment or accepted the submitted proposals. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he 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.
- 11.5 There are three similar approved applications for temporary shop and services use within the same “R(D)” zone on the OZP in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.6 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and taking into account the public comment 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 **19.9.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the implementation of the accepted run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by **19.6.2026**;
- (b) 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 **19.6.2026**;
- (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 implementation of the accepted fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.6.2026**;
- (e) 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
- (f) if any of the above planning conditions (a), (b) 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 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 "Residential (Group D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. 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 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 with attachments received on 1.8.2025
<b>Appendix Ia</b>	SI received on 7.8.2025
<b>Appendix Ib</b>	FI received on 1.9.2025
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Proposed Layout Plan
<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  
SEPTEMBER 2025**