

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

**APPLICATION NO. A/HSK/589**

**Applicant** : Fairoy Limited represented by R-riches Planning Limited

**Site** : Lot 1583 RP (Part) in D.D. 125, Tin Ha Road, Hung Shui Kiu, Yuen Long, New Territories

**Site Area** : About 121m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2

**Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*

**Application** : Temporary Shop and Services for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services 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 “V” zone, ‘Shop and Services’ (not being on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Tin Ha Road via a footpath (**Plans A-1 and A-2**) with the ingress/egress points at the southwestern part of the Site. According to the applicant, a single-storey temporary structure (about 3.5m in height) with a floor area of about 81m<sup>2</sup> is used for shop and services and washroom uses while no parking space or loading/unloading space is provided (**Drawing A-2**). The operation hours are from 9:00 a.m. to 7:00 p.m. daily including public holidays. Plans showing the access to the Site, site layout, drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site was involved in a previous planning application (No. A/HSK/425) for proposed temporary shop and services for a period of five years which was approved by the Rural and New Town Planning Committee (the Committee) of the

Board 13.1.2023 (details at paragraph 5 below). Compared with the last approved application, the current application is submitted by the same applicant for the same use with a similar layout covering a slightly larger area (+28m<sup>2</sup>).

- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 10.11.2025 (**Appendix I**).

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the applied use is to provide plumbing and engineering services for nearby locals and businesses. A previous application for the same use at the Site was approved by the Committee in 2023. Compared with the previous application No. A/HSK/425, the Site is slightly larger to reflect the current lot boundary;
- (b) Under the previous application, all approval conditions except the implementation of the drainage proposal have been complied with. Due to the adverse weather conditions in July and August 2025, the applicant was unable to carry out the implementation of the drainage works as scheduled. The applicant has submitted the drainage and FSIs proposals to support the current application;
- (c) the applied use is not incompatible with the surrounding areas which are mainly occupied by residential dwellings, warehouses, workshops and open storage yards. Similar planning applications for shop and services have been approved by the Committee in the adjoining areas;
- (d) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone; and
- (e) the applied use will not generate nuisance to the surrounding areas as adequate mitigation measures will be provided. Traffic impact would be minimal as the Site is accessible via a footpath and the staff and visitors will access the Site by public transport. The applicant pledges to strictly comply with relevant environmental ordinances and follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“CoP”) to minimise the potential environmental nuisance.

## **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 posting site notice and sending notice to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

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

## 5. **Previous Application**

The Site is involved in a previous application (No. A/HSK/425) for proposed temporary shop and services for a period of five years which was approved by the Committee on 13.1.2023 on the considerations that the proposed use was not incompatible with the surrounding areas and there were no major adverse comments from concerned government departments. However, the planning permission was subsequently revoked on 13.10.2025 due to non-compliance with time-limited approval condition regarding the implementation of drainage proposal. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

## 6. **Similar Application**

There is a similar application for shop and services use within the same “V” zone in the past five years. The application was approved with conditions by the Committee in 2023 on similar considerations as stated in paragraph 5 above. Details of the application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tin Ha Road via a footpath; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas are predominantly occupied by residential dwellings intermixed with open storage yards, storage facilities, vehicle repair workshop, car servicing and parking of vehicles.

## 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 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 advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

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

On 18.11.2025, 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 temporary shop and services for a period of five years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the proposal could help meet the demand for shop and services in the area. The District Lands Officer/Yuen Long, Lands Department advises that no Small House application has been approved or is under processing for the Site. Approval of the application on a temporary basis of five years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 The applied use is considered not incompatible with the surrounding areas which are predominantly residential dwellings intermixed with open storage yards, storage facilities, vehicle repair workshop, car servicing and parking of vehicles (**Plan A-2**).
- 11.3 Relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment from environmental, traffic, fire safety and drainage perspectives respectively. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the latest “CoP” to minimise any potential environmental nuisance on the surrounding areas.
- 11.4 The Site is involved in a previous application submitted by the same applicant for the same use at the Site which was approved by the Committee in 2023 and the planning permission was revoked due to non-compliance with the approval condition on implementation of drainage proposal. In support of the current application, the applicant has submitted a drainage proposal and CE/MN, DSD has no objection to the application. Sympathetic consideration may be given to the current application.
- 11.5 A similar application was approved by the Committee in 2023. Approval of the current application is in line with the Committee’s previous decision.

## **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 five years until **9.1.2031**. 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 **9.7.2026**;
- (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 **9.10.2026**;
- (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 **9.10.2026**;
- (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 condition (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 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 applied use is not in line with the planning intention of the "V" zone which is 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 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 Attachments received on 10.11.2025

<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan showing Site Access
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Drawing A-4</b>	FSIs 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**  
**JANUARY 2026**