

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/370

- Applicant** : 463 RP Limited represented by Allgain Land Planning Limited
- Site** : Lots 463 RP in D.D. 210 and 1297 RP in D.D. 244, Ho Chung, Sai Kung, New Territories
- Site Area** : About 400m²
- Lease** : Old Schedule Agricultural Lots held under Block Government Lease
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/13
- Zoning** : “Residential (Group E)” (“R(E)”)
[restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 9m with 2 storeys over one storey of carport]
- Application** : Proposed Temporary Shop and Services for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site). The Site falls within an area zoned “R(E)” on the approved Ho Chung OZP No. S/SK-HC/13 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within “R(E)” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and fenced off.
- 1.2 The Site abuts Ho Chung Road which is directly accessible through ingress/ egress at its southern boundary (**Drawing A-1** and **Plan A-2**). According to the applicant, the proposed shop and services involves two 2-storey temporary structures (both not exceeding 7m in height) with a total gross floor area (GFA) of about 350m² (**Drawing A-1**), which are for convenience stores offering daily necessities, grocery and real estate agency services mainly serving the nearby residents. One loading/unloading (L/UL) space for light goods vehicle (LGV) is proposed within the Site. The operation hours will be from 9:00 a.m. to 9:00 p.m. daily. The layout plan and landscape proposal submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of one previous application (No. A/SK-HC/347) for the same proposed use as the current application submitted by a different applicant, which was approved by the Rural and New Town Planning Committee (the Committee) on 1.3.2024. The planning permission was revoked on 2.12.2025. The layout and development parameters of the current proposal are largely the same as this previous application. Details of the previous applications are set out in paragraph 5 below and at **Appendix II**.
- 1.4 The major development parameters of the proposed development are summarised as follows:

Site Area	About 400m ²
GFA	About 350m ²
Site Coverage	About 45%
PR	About 0.875
No. of Structures	2
BH/No. of Storey	Not more than 7m/2 storeys
No. of L/UL Space	1 (LGV) (7m x 3.5m)

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

- (a) Application Form received on 25.11.2025 **(Appendix I)**
(b) Further Information (FI) received on 6.1.2026[#] **(Appendix Ia)**

[#] *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 FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) the Site was covered by a previous planning approval (No. A/SK-HC/347) for the same use. The approval of Short Term Waiver (STW) by the Lands Department (LandsD) is pending. While the approval conditions related to submission of fire service installations (FSIs) and drainage proposals had been complied with, the approval was revoked due to the non-compliance of approval conditions regarding implementation of drainage and FSIs proposals within a specified period. The applicant commits to discharge all relevant approval conditions upon obtaining the planning approval from the Board;
- (b) the proposed use is temporary in nature and would not frustrate the long-term planning intention of the “R(E)” zone. It aims to provide shop and services to meet the daily needs of nearby residents;
- (c) the proposed temporary structures would be converted from container structures without large-scale works at the Site;

- (d) the proposed use would not cause any impact or nuisance to the surrounding areas. L/UL activities will be carried out at the Site and will not cause any traffic impact;
- (e) while no toilet facility would be provided within the Site, visitors and staff can make use of the public toilet at Ho Chung Village; and
- (f) relevant regulations as imposed by the Government would be observed and the Site would be reinstated upon expiry of the planning permission.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the one of the “current land owners” of the lots of the Site and 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. 31A) by obtaining consent from another current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/SK-HC/90 and 347). Application No. A/SK-HC/90 for proposed low-density residential development submitted by a different applicant was rejected by the Committee on 2.3.2001. As the proposed use of the current application is different, the considerations of this previous application are not relevant to the current application.
- 5.2 Application No. A/SK-HC/347 for the same proposed use as the current application submitted by a different applicant was approved by the Committee on 1.3.2024 mainly on the considerations that the approval of the application on a temporary basis would not jeopardise the long-term development of the area; the proposed use was not incompatible with the surrounding village setting and landscape character; and the technical concerns of departments could be addressed by relevant approval conditions and adverse impacts were not envisaged. Since the time-limited approval conditions regarding implementation of FSIs and drainage proposals have not been complied with by the specified date, the planning permission was revoked on 2.12.2025.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for shop and services use within the “R(E)” zone on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photo on Plan A-4)

7.1 The Site is currently vacant and fenced off. It can be directly accessed from Ho Chung Road to its south.

7.2 The surrounding areas are rural in character comprising mainly village settlements. The currently defunct Asia Television Limited production centre and Che Kung Temple are immediately adjoining the Site to its north and east respectively. The village cluster of Ho Chung Village is about 120m to its west. Across Ho Chung River is Ho Chung New Village and a comprehensive residential development in “Comprehensive Development Area” zone under construction.

8. Planning Intention

The planning intention of the “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

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 recommended advisory comments are provided in **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 2.12.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received, in which two individuals object to the application mainly on the grounds that the proposed use with L/UL space at the Site would cause traffic and pedestrian safety issues; the proposed shop and service use is not justified as there is already a supermarket in the vicinity of the Site; and the proposed use would cause adverse drainage, fire safety, environmental, public order and heritage preservation impacts. The remaining comment from an individual raises concern about the compliance of approval conditions and suggests shorter approval period of one year instead of three years sought (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of three years at the Site which falls within an area zoned “R(E)” on the OZP. While the proposed use is not in line with the planning intention of the “R(E)” zone, there is no known proposal for permanent residential development at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.
- 11.2 The Site is currently vacant and fenced off and directly accessible from Ho Chung Road. The surrounding areas are in rural character predominated by village settlements. The proposed development only comprises two 2-storey (not exceeding 7m in height) temporary structures with GFA of 350m² for convenience stores offering daily necessities, grocery and real estate agency services serving the nearby residents. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considers that the proposed development is not incompatible with the landscape character of the surrounding areas.
- 11.3 Concerned government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland South, Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. Adverse traffic, environmental, drainage and fire safety impacts are not envisaged. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 The Site is involved in two previous applications with the last application (No. A/SK-HC/347) for the same proposed use as the current application approved by the Committee in 2024 as stated in paragraph 5 above. While the planning permission of the last application was revoked, the applicant of the current application commits to discharge all relevant approval conditions upon obtaining the planning approval from the Board. Should the applicant be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission. Approval of the current application is generally in line with the Committee’s previous decision.
- 11.5 Regarding the public comments received on the application as summarised in paragraph 10 above, the comments of government departments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, PlanD 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 23.1.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.7.2026;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.10.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the application 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 the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.7.2026;
- (e) in relation to (d) above, the implementation of the 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 23.10.2026;
- (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 be 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 "Residential (Group E)" zone which is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board respectively. 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 received on 25.11.2025
Appendix Ia	FI received on 6.1.2026
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
JANUARY 2026**