

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/446

- Applicant** : TSANG Man Ching represented by R-riches Planning Limited
- Site** : Lot 1136 RP (Part) in D.D. 114, Chung Sum Tsuen, Shek Kong, Yuen Long, New Territories
- Site Area** : About 597 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/10
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services and Associated Filling of Land for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and associated filling of land for a period of five years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)), which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved, largely vacant with some overgrown vegetation at the northern part and two vacant temporary structures erected (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Nam Hing West Road leading from Kam Sheung Road (**Plans A-2 and A-3**). According to the applicant, the proposed use involves two single-storey structures with height of about 4.2m and a total floor area of about 99m² for shop and services (for selling daily necessities, such as groceries, packaged snacks/ drinks, home supplies) and an ancillary meter room. Two private car parking spaces and one loading/unloading (L/UL) space for light goods vehicles will be provided at the Site. A soft landscaping area of about 47m² will be provided at the northern part of the Site to serve as a buffer area between the proposed use and the adjacent village houses (**Drawing A-2**). No public announcement system, whistle blowing, portable loud speaker and any form of audio amplification system will be allowed at the Site at all times. Besides, no medium or heavy goods vehicles

exceeding 5.5 tonnes, including container tractor/trailer are allowed to enter and/or exit the Site at any time during the planning approval period. Sufficient space will be also provided for vehicles to manoeuvre smoothly within the Site ensuring that there is no queuing and turning back outside the Site. The operation hours will be between 9:00 a.m. and 7:00 p.m. daily, including public holidays.

- 1.3 The applicant also applies for regularisation of filling of land for about 550m² (about 92% of the Site) with concrete in a depth of not more than 0.2m, raising the site level to not more than +27.1mPD, for site formation of temporary structures and provision of parking, L/UL and circulation spaces. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.4 The Site is the subject of a previous application No. A/YL-SK/295 for the same use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 and the planning permission lapsed on 5.2.2026 (**Plan A-1**) (details in paragraph 5 below). Compared with the previous application, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on **(Appendix I)** 8.1.2026; and
 - (b) Further Information (FI) received on 13.2.2026* **(Appendix Ia)**
 - (c) FI received on 23.2.2026* **(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 and the attachments at **Appendix I**. They can be summarised as follows:

- (a) The proposed use is intended for retail of daily necessities, such as groceries, packaged snacks/ drinks, home supplies, etc., to serve the nearby area, benefitting the nearby residents. The temporary nature of the application would not frustrate the long-term planning intention of the “V” zone.
- (b) The proposed use is considered not incompatible with the surroundings, which are predominantly rural in character with domestic dwellings, village houses, active/fallow farmland and sitting-out area.
- (c) The previous approved application No. A/YL-SK/295 for the same use was submitted by the same applicant as the current application. All the approval conditions imposed were complied with and the said approval lapsed on 6.2.2026. Compared with this previous approved application, all development parameters remain unchanged under the current application. The applicant also applies for regularisation of the existing land filling at the Site. In support of the current application, the applicant has submitted the accepted drainage proposal, drainage condition records, fire service installations (FSIs)

proposal, and the FSI and Equipment Certificates (F.S. 251). The applicant commits to submitting updated F.S. 251 and drainage condition records upon approval of the current application.

- (d) While the proposed use would not cause adverse traffic, environmental, landscape and drainage impacts on the surrounding areas, mitigation measures will be provided to minimise nuisance to the surrounding neighbourhood. A soft landscaping area of about 47m² will be provided at the northern part of the Site to serve as a buffer area between the proposed use and the adjacent village houses. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site to avoid queuing and turning back outside the Site, and no medium or heavy vehicles exceeding 5.5 tonnes will be allowed to enter/exit the Site at any times. The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP') and the relevant Professional Persons Environmental Consultative Committee Practice Notes to minimise possible environmental nuisance.

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

The applicant is not a "current land owner" of the Site 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 Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

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

5. **Previous Application**

The Site is the subject of a previous application No. A/YL-SK/295 submitted by the same applicant for the same use with the same layout and development parameters as the current application. This previous application was approved with conditions by the Committee on 5.2.2021 for a period of five years mainly on the considerations that the planning permission on temporary basis will not jeopardise the long-term planning intention of "V" zone; the proposed use was not incompatible with the surroundings; relevant government departments consulted generally had no adverse comments on the application or their concerns could be addressed by approval conditions. All the conditions under the previous planning approval had been complied with and the approval lapsed on 6.2.2026. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

There are five similar applications (No. A/YL-SK/316, 331, 352, 370 and 385) for temporary shop and services within the same "V" zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2021 and 2025 mainly on the similar considerations as mentioned in paragraph 5 above. The planning permissions for applications No. A/YL-SK/316 and 331 were subsequently revoked. Details

of the previous applications are summarised in **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) accessible from Kam Sheung Road via Nam Hing West Road;
- (b) currently fenced-off, hard-paved, largely vacant with some overgrown vegetation along the northern boundary and occupied by two vacant temporary structures; and
- (c) located within the Railway Reserve of the existing Express Rail Link.

7.2 The surrounding areas are rural in character comprising predominantly village settlements of Nam Hing Lei and Chung Sum Tsuen, a residential development named Benz Court, cultivated and fallow agricultural land, plant nursery, parking of vehicles, a sitting-out area, a shunt neck staircase, as well as vacant land. A nullah is located at the south of the Site across Nam Hing West Road.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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.

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 in the Recommended Advisory Clauses, if any, are provided in **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 16.1.2026, 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 proposed temporary shop and services with associated filling of land for a period of five years at the Site which is zoned “V” (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, according to the applicant, it is intended for retail of daily necessities to serve the needs of the nearby residents. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advises that there is no Small House application approved or under processing at the Site. The proposed use of temporary nature would not adversely affect the land availability for NTEH/Small House within the “V” zone in the long term. Taking into account the above and the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of five years.
- 11.2 Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly village settlements in Nam Hing Lei and Chung Sum Tsuen, a residential development, cultivated and fallow agricultural land, plant nursery, parking of vehicles, a sitting-out area and a shunt neck staircase, vacant and unused land and a nullah. The applicant has also committed to providing a soft landscaping area of about 47m² at the northern part of the Site to serve as a buffer area between the proposed use and the adjacent village houses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is not entirely incompatible with the surrounding landscape character and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Railway Development 1-1 of Highways Department, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 There is one approved previous application for the same use at the Site and five approved similar applications within the same “V” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5 and 6 above respectively. Approving the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, 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 five years until 27.2.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.5.2026;
- (c) the submission of a revised 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 27.8.2026;
- (d) in relation to (c) above, the implementation of the revised 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 27.11.2026;
- (e) if the above planning condition (a) 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 (b), (c), 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 proposed use with associated filling of land 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 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 8.1.2026
Appendix Ia	FI received on 13.2.2026
Appendix Ib	FI received on 23.2.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**