

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-STK/31

- Applicant** : 吳佳芳女士
- Site** : Lot 338 in D.D. 41, Sha Tau Kok
- Site Area** : About 140m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
- Zoning** : “Recreation (1)” (“REC(1)”)
- Application** : Proposed Temporary Shop and Services (Real Estate Agency and Renovation Services) for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (real estate agency and renovation services) for a period of five years at the application site (the Site) falling within an area zoned “REC(1)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “REC(1)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is largely vacant with a ruin erected at its northern portion.
- 1.2 The Site is about 10m from Sha Tau Kok Road – Shek Chung Au and is not served by direct vehicular access (**Plan A-2**). The proposed use involves a two-storey structure (not more than 5.4m in height) and a single-storey structure (not more than 2.7m in height) with a total floor area of about 54m² for real estate agency and renovation services. No car parking space within the Site is proposed, and there will be no vehicles parking or entering the Site. The existing ruin within the Site will be left vacant and does not constitute part of the proposed use. A pedestrian access is proposed to connect the Site and Sha Tau Kok Road – Shek Chung Au via the adjacent Lot 333 S.B RP which is also owned by the applicant. The operation hours of the proposed use are between 10:00 a.m. to 6:00 p.m. from Mondays to Sundays, including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

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

- (a) Application Form with attachment received on 14.1.2026 (Appendix I)
- (b) Further Information (FI) received on 26.2.2026* (Appendix Ia)
- (c) FI received on 19.3.2026* (Appendix Ib)

* *accepted and exempted from publication and recounting requirements*

1.4 On 13.3.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at the Application Form and FIs at **Appendices I to Ib**, as summarised below:

- (a) the Site is located at San Tsuen which is relatively remote. The proposed use aims to serve the villagers, who are predominantly elderly;
- (b) the proposed structures are for holding meetings with clients, and there will be no storage of heavy machineries or bulky construction materials at the Site; and
- (c) the proposed use would not induce adverse environmental, traffic, drainage, landscape and visual impacts on the surroundings.

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 currently not subject to active planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application for shop and services use within the same “REC(1)” zone in the past five years.

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

7.1 The Site is:

- (a) largely vacant with a ruin erected at its northern portion; and
- (b) about 10m from Sha Tau Kok Road – Shek Chung Au and is not served by direct vehicular access.

7.2 The surrounding areas are rural in character mainly comprising village houses in the nearby villages including San Tsuen, vacant land, fallow agricultural land and storage yards.

8. Planning Intention

The planning intention of the “REC(1)” zone is primarily for low-intensity recreational developments to promote agri-tourism and eco-tourism. Major recreational facilities and uses in support of the recreational developments may be permitted subject to planning permission.

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 clauses are provided at **Appendices II** and **III** respectively.

10. Public Comments Received During Statutory Publication Period

On 23.1.2026, the application was published for public inspection. During the statutory public inspection period, five comments were received (**Appendix IV**). Three comments from the Indigenous Inhabitant Representative (IIR) of San Tsuen, the Village Office of San Tsuen and an individual object to the application mainly on the grounds that the proposed use would induce adverse traffic, environmental, landscape, fire safety and security impacts; and there is lacking justification for the proposed use. One comment from an individual raises concern that the proposed use would infringe his rights associated with the lot under his ownership. The remaining comment from the Chairman of Lung Shan Area Committee indicates no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services (real estate agency and renovation services) for a period of five years at the Site falling within an area zoned “REC(1)” on the OZP (**Plan A-1**). While the proposed use is not in line with the planning intention of the “REC(1)” zone, there is no known proposal for recreational development at the Site. According to the applicant, the proposed use aims to provide real estate agency and renovation services to the villagers

nearby. 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 five years.

- 11.2 The Site, which is largely vacant, is situated in an area of rural character mainly comprising village houses, vacant land, fallow agricultural land and storage yards. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from the landscape planning perspective, and advises that the proposed use is not entirely incompatible with the surrounding environment, and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services 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” and to meet the statutory requirements under relevant pollution control ordinances.
- 11.4 Regarding the public comments as detailed in paragraph 10, the government departments’ comments 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 in paragraph 10 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 27.3.2031. 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 27.9.2026;
- (b) in relation to (a) above, the implementation of the 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 27.12.2026;
- (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 27.9.2026;

- (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 27.12.2026;
- (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 III**.

- 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 "REC(1)" zone which is primarily for low-intensity recreational developments to promote agri-tourism and eco-tourism. 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 14.1.2026
Appendix Ia	FI received on 26.2.2026
Appendix Ib	FI received on 19.3.2026
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments

Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2026**