

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTY Y/500

- Applicant** : Chun Kai Property Development Company Limited represented by PlanPlus Consultancy Limited
- Site** : Lot 491 RP (Part) in D.D. 130 and Adjoining Government Land (GL), Lam Tei, Tuen Mun
- Site Area** : About 2,378.5m² (Includes GL of about 131.9m² or 5.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/14 (*currently in force*)

Draft Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/13 (*at the time of submission*)

[No change to the zoning and development restrictions of the application site (the Site)]
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services (Metalware and Construction Materials and Equipment) and Public Utility Installation (PUI) (Solar Photovoltaic (SPV) System) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (metalware and construction materials and equipment) and PUI (SPV system) with ancillary facilities for a period of three years at the Site falling 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’ other than those on the ground floor of a New Territories Exempted House (NTEH) and ‘Public Utility Installation’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by temporary structures mainly for storage use and a SPV system installed atop the structure without valid planning permission (**Plans A-4a and A-4b**).

- 1.2 The Site is accessible from Ng Lau Road via a strip of GL (**Plan A-2**). According to the applicant, the proposed shop and services use is for the sale of metalware, construction materials and equipment. A total of 21 structures with a total floor area of about 1,393m² (**Drawing A-1**) are proposed at the Site, including seven single-storey structures¹ (not more than 7.4m in height) (Structures A to G for proposed shop and services and ancillary facilities (i.e. office, storage and toilet)), three shelters (Structures H, J and K)², two structures for fire safety facilities (i.e. sprinkler and F.S. pump room and water tank) and nine ancillary structures in support of the operation of the SPV system³. Two private car parking spaces (5m x 2.5m) and one loading/unloading space for light goods vehicle (7m x 3.5m) are proposed 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 applicant claims that the Site will not be used as warehouse. No dismantling, maintenance, repair, cleaning, and workshop-related activities will be conducted at the Site.
- 1.3 The application also applies for regularisation of PUI (SPV system) installed atop the structure at the Site. The SPV system involves a total of 291 solar panels (each with a dimension of about 2.108m(L) x 1.048m(W) x 0.3m(H)) with a total coverage area of about 642.9m² mounted on Structure K (**Drawings A-1 to A-3**). The applicant has obtained the 'Completion Letter' from the CLP Power Hong Kong Limited (CLP Power). The SPV system has been connected to the existing electrical power network of the CLP Power under the 'Renewable Energy (RE) Feed-in Tariff Scheme' (the FiT Scheme) since April 2020, with a generation capacity of about 121kW. All the electricity generated is sold to the CLP Power via the FiT Scheme. The plans showing the site layout and the SPV system submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|------------------------|
| (a) | Application Form received on 16.9.2025 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) received on 16.9.2025 | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 19.9.2025 | (Appendix Ib) |
| (d) | Further Information (FI) received on 6.1.2026 [#] | (Appendix Ic) |
| (e) | FI received on 2.3.2026* | (Appendix Id) |
| (f) | FI received on 24.3.2026* | (Appendix Ie) |

¹ According to the applicant, the interior 2-3 storeys containers/structures within the current Structure A (**Plan A-4a**) will be removed and demolished upon the consideration of the application by the Board.

² According to the layout plan (**Drawing A-1**), the three shelters (Structures H, J and K) are overlapping with other structures (Structures A to G, except B) within the Site.

³ Nine ancillary structures to the SPV system (viz. transformers, inverters and DC boxes) are located along the northwestern boundary of the Site (**Drawing A-1**).

(g) FI received on 10.4.2026*

(Appendix If)

accepted but not exempted from publication and recounting requirements

* *accepted and exempted from publication and recounting requirements*

1.5 On 7.11.2025 and 27.2.2026, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months each as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SPS, SI and FIs at **Appendices I to If**. They can be summarised as follows:

- (a) the proposed shop and services use will serve local demand for retail shop of metalware and construction materials and equipment. The applicant intends to use the current structure, with a high headroom which allows a more spacious floor height, to accommodate metalware, construction materials and equipment as a display area for customers. Such use is compatible with the surrounding land areas;
- (b) the SPV system is in line with the prevailing Government's policy in promoting the use of RE through community participation. The system is technically functional and acceptable to the requirements set by the Buildings Department, which ensures that the installation methods, scale, fire safety of the system are in compliance with relevant regulations;
- (c) approval of the application on a temporary basis for a period of three years will not jeopardise the planning intention of the "V" zone and there were similar applications approved by the Board within the same "V" zone of the OZP;
- (d) the applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise adverse environmental impacts and nuisances to the surrounding areas; and
- (e) adverse traffic, environmental, drainage, fire safety and visual impacts on the surrounding areas are not anticipated.

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

For the private land portion, 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 publishing notices in local newspapers and sending notice to the Tuen Mun Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the requirements as set out in TPB PG-No.31B are not applicable.

4. Assessment Criteria

The set of Assessment Criteria for Considering Applications for SPV System made under Section 16 of the Town Planning Ordinance (Assessment Criteria) was first promulgated on 21.7.2020. The latest set of Assessment Criteria which was promulgated on 7.10.2022 is at **Appendix II**.

5. Background

5.1 The storage use at the Site would be subject to planning enforcement action.

The FiT Scheme

5.2 The FiT Scheme is an initiative introduced by the Government under the post 2018 Scheme of Control Agreements with the two power companies for promoting the development of distributed RE. It aims to encourage the private sector to consider investing in RE as the power generated could be sold to the power companies at a rate higher than the normal electricity tariff to help recover the costs of investment in the RE systems and generation.

5.3 Any non-governmental bodies or individuals, as customers of the relevant power company planning to install distributed RE systems at their premises in the respective power company's supply area, are eligible for prescribed FiT rates from that power company if they have been connected to the latter's grid. An applicant for the Scheme may make submission direct to the relevant power company with the required documents including the preliminary layout diagram and other information of the proposed RE system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will proceed with installing a smart meter in the applicant's premises to facilitate connection the proposed RE system to the power grid. Successful applicant would be offered the FiT rate throughout the project life of the RE system until end 2033. The applicant shall ensure that the design, installation, operation and maintenance of the RE system comply with the applicable laws, guidelines and safety and technical guidelines.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

7.1 There are three similar applications (No. A/TM-LTY/419, 427 and 493) for temporary shop and services with or without eating place within the same "V" zone in the past five years. These applications were approved with conditions by the Committee between 2021 and 2025 mainly on the considerations that approval of the applications on a temporary basis would not jeopardise the long-term planning intention of the "V" zone; the proposed use(s) were not incompatible with the surrounding land uses; and concerned government departments consulted had no objection to or adverse comment on the applications or their technical concerns could be addressed by implementation of approval conditions. Details

of these applications are at **Appendix III** and their locations are shown on **Plan A-1**.

7.2 There is no similar application for SPV system within the same “V” zone.

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

8.1 The Site is:

- (a) currently occupied by temporary structures mainly for storage use and a SPV system installed atop the structure without valid planning permission; and
- (b) accessible from Ng Lau Road via a strip of GL (**Plan A-2**).

8.2 The surrounding areas are predominantly occupied by village settlements (i.e. San Hing Tsuen), intermixed with warehouses, open storage yard, parking of vehicles and vacant land (**Plans A-2 and A-3**).

9. 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 re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses (SHs) 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.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau/department as set out in paragraphs 10.2 and 10.3 below, other 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 IV and V** respectively.

10.2 The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) the Government has set net-zero electricity generation as one of the major decarbonisation strategies in Hong Kong’s Climate Action Plan 2050 promulgated in October 2021. To achieve the long-term carbon neutrality target before 2050, it needs to increase zero-carbon electricity supply through RE development as far as possible;

- (b) the policy is for the Government to take the lead in developing RE at various buildings and facilities where technically and financially feasible, and to create conditions that are conducive to community participation. For the private sector, his office and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed RE. His office has also introduced a series of measures to facilitate and support members of the public in developing RE;
- (c) he supports the development of RE systems, including the temporary PUI under the application, involving the installation of 291 solar panels with a capacity of approximately 121kW, which is sufficient to fulfil the annual electricity demand of about 36 households. The application, if approved, could make good use of the land for solar energy generation while achieving his office's carbon neutrality target; and
- (d) his advisory comments are at **Appendix V**.

10.3 The following government department objects to the application:

Land Administration

10.3.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) he objects to the application from land administration point of view;
- (b) the Site comprises Old Schedule Agricultural Lot 491 RP in D.D. 130 ("the Lot") held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government and GL;
- (c) the following irregularities covered by the application have been detected by his office during the site inspection conducted in October 2025:

unauthorised structures within the Lot covered by the application

- (i) LandsD has reservation on the application since there are unauthorised structures within the Lot which are already subject to lease enforcement actions according to case priority. The Lot owner should rectify/regularise the lease breaches as demanded by LandsD; and

unlawful occupation of GL adjoining the Lot with unauthorised structure covered by the application

- (ii) the GL within the Site (about 131.9m² as mentioned in the Application Form (**Appendix I**)) has been fenced off and illegally occupied with unauthorised structure without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL

without further notice;

- (d) the following irregularities not covered by the application have been detected by his office during the site inspection conducted in October 2025:

unauthorised structures within the Lot not covered by the application

- (i) there are unauthorised structures (e.g. a post box and a portion of carport canopy extending from Lot 495 D.D. 130) within the Lot not covered by the application. The Lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

unlawful occupation of GL not covered by the application

- (ii) the GL next to the proposed ingress/egress point has been illegally occupied without permission by an electric meter. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- (e) the Lot owner/applicant shall either (i) remove the unauthorised structures within the Lot covered and not covered by the application and cease the illegal occupation of the GL covered and not covered by the application immediately; or (ii) include the unauthorised structures and the adjoining GL being illegally occupied in the application for the further consideration by the relevant departments and, subject to the approval of the Board to the application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for Short Term Waiver ("STW") and Short Term Tenancy ("STT") to permit the structures erected and the occupation of the GL. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fees as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the Lot owner/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL;
- (f) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the Lot owner/applicant or entirely included in the application, his office's objection to the application must be brought to the attention of the Board when they consider the application;
- (g) the Site is accessible via Ng Lau Road via a strip of GL. His office does not carry out maintenance works for the said GL nor guarantee that any

right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement;

- (h) there is no SH application approved or under processing at the Site; and
- (i) his advisory comments as detailed in **Appendix V**.

11. Public Comments Received During the Statutory Publication Periods

On 23.9.2025 and 13.1.2026, the application and relevant FI were published for public inspection. During the statutory public inspection periods, two public comments submitted by the same individual were received (**Appendix VI**) expressing views that the SPV system does not align with the original intention of the FiT Scheme; the proposed shop and services should be considered as a warehouse which should not be allowed in “V” zone; whether any enforcement action was taken against unauthorized development at the Site; and whether there are adequate provision of drainage and fire equipment facilities at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary shop and services (metalware and construction materials and equipment) and PUI (SPV system) with ancillary facilities for a period of three years at the Site zoned “V” on the OZP. Whilst the proposed/applied uses are not in line with the planning intention of the “V” zone, the proposed shop and services for sale and display of metalware, construction materials and equipments can serve the demand for such use in the locality. DLO/TM, LandsD advises that there is currently no SH application approved or under processing at the Site. Taking into account the planning assessments below, there is no objection to the application on a temporary basis for a period of three years.
- 12.2 The applicant also applies for regularisation of the existing PUI (SPV system) installed atop the structure at the Site. According to the applicant, all the electricity generated by the SPV system is sold to the CLP Power via the FiT Scheme, which is jointly introduced by the Government and the two power companies for encouraging the private sector to invest in the RE until the end of 2033. In this regard, SEE supports the application for the temporary SPV system and considers approval of the application could make good use of the Site for solar energy generation while achieving the carbon neutrality target.
- 12.3 The surrounding areas are predominantly occupied by village settlements (i.e. San Hing Tsuen), intermixed with warehouses, open storage yard, parking of vehicles and vacant land (**Plans A-2 and A-3**). Noting that the proposal is low-rise (not more than 7.4m) in nature and no workshop activities will be involved, the proposed shop and services use and applied PUI are considered not incompatible with the surrounding areas.
- 12.4 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Electrical and Mechanical Services have no objection to or no adverse comment on the application from traffic, environmental, drainage, fire safety and electrical supply safety aspects respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.

Should the application be approved, the applicant will be advised to comply with relevant environmental protection and pollution control ordinances to minimise environmental nuisance on the surrounding areas.

- 12.5 The applied temporary PUI (SPV system) is generally in line with the Assessment Criteria (**Appendix II**) for considering applications for SPV system in that the applicant has obtained 'Completion Letter' from the CLP Power to demonstrate the technical feasibility of the SPV system; the height of the SPV system (i.e. 0.3m in height mounted on Structure K) is in keeping with the surrounding areas and commensurate with the function it performs; relevant departments consulted have no adverse comment from various technical perspectives; and the long-term planning intention of the "V" zone would not be frustrated.
- 12.6 Regarding the concerns of DLO/TM, LandsD on the unauthorised structures within the Lot and unlawful occupation of GL covered/not covered by the application, the applicant will be advised to liaise with LandsD on land administration matters should the Committee approve the application.
- 12.7 There are three similar applications involving temporary shop and services use approved within the same "V" 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.
- 12.8 Regarding the public comments as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and taking into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 **17.4.2029**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 **17.1.2027**;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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 **17.10.2026**;

- (d) in relation to (c) above, the implementation of the revised 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 **17.1.2027**;
- (e) if the above planning condition (b) 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), (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 at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed shop and service and applied public utility installation (solar photovoltaic system) uses are not in line with the planning intention of the "Village Type Development" zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 16.9.2025
Appendix Ia	SPS received on 16.9.2025
Appendix Ib	SI received on 19.9.2025
Appendix Ic	FI received on 6.1.2026
Appendix Id	FI received on 2.3.2026
Appendix Ie	FI received on 24.3.2026
Appendix If	FI received on 10.4.2026
Appendix II	Assessment Criteria for Considering Applications for SPV System made under Section 16 of the Town Planning Ordinance
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Layout Plan of the SPV System
Drawing A-3	Section Plan of the SPV System
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2026**