

Previous S.16 Application

Approved Application

	Application No.	Uses/ Development	Date of Consideration
1.	A/NE-MUP/205	Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries and Construction Materials) for a Period of 3 Years	6.12.2024 (Revoked on 6.9.2026)

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- no objection to the application;
- a Short Term Waiver application for shop and services and ancillary facilities on Lots 147 S.A and 176 S.B ss.2 both in D.D. 38 is under processing; and
- his advisory comments are at **Appendix IV**.

2. Traffic

Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- no in-principle objection to the application; and
- his advisory comments are at **Appendix IV**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no objection to the application from public drainage viewpoint;
- she has no comment on the submitted drainage proposal as it is the same as that accepted under planning application No. A/NE-MUP/205. Hence, approval condition on the submission of drainage proposal is not required for the current application;
- should the application be approved, approval condition should be included to request the applicant to implement the drainage proposal accepted under planning application No. A/NE-MUP/205 for the application site (the Site) to ensure that it will not cause adverse drainage impact on the adjacent areas. The drainage facilities should be properly maintained at all times during the planning approval period;
- the Site is in an area where public sewerage connection is available; and
- her advisory comments are at **Appendix IV**.

4. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application from environmental planning perspective since no heavy vehicles or dusty operation is involved;
- no substantiated environmental complaint against the Site was received in the past three years; and

- his advisory comments are at **Appendix IV**.

5. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the proposal subject to fire service installations (FSIs) and water supplies for firefighting being provided to his satisfaction; and
- his advisory comments are at **Appendix IV**.

6. **Landscape**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- no adverse comments on the application from the landscape planning perspective;
- based on the aerial photo taken in 2024, the Site was located in an area of rural inland plain landscape character comprising warehouses, temporary structures, vegetated areas and tree clusters. The proposed temporary use is considered compatible with the surrounding environment;
- with reference to the above aerial photo and site photos taken on 8.9.2026, the Site was fenced-off and largely formed. Some fruit trees were observed on it. As stated in the Application Form, no tree felling will be involved;
- in view of the above, significant adverse landscape impact arising from the application is not anticipated; and
- her advisory comments are at **Appendix IV**.

7. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application;
- there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site;
- it is noted that two structures are proposed on the Site. Before any new building works are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and
- his advisory comments are at **Appendix VI**.

8. **Other Departments**

The following government departments have no objection to/no comments on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);

- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (North), CEDD (PM(N), CEDD); and
- (e) District Officer (North), Home Affairs Department (DO(N), HAD).

Recommended Advisory Clauses

- (a) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (b) to resolve any land issues relating to the proposed use with the concerned owner(s) of the application site (the Site);
- (c) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that the Site comprises old schedule agricultural lots of Lots 147 S.A, 175 RP (Part) and 176 S.B ss.2 all in D.D. 83 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. No right of access via Government land (GL) is granted to the Site;
- (d) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) sufficient manoeuvring space within the Site shall be provided; and
 - (ii) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) the proposed access arrangement of the Site should be commented and approved by the Transport Department (TD);
 - (ii) if the proposed access on Sha Tau Kok Road – Wo Hang is approved by TD, the applicant should ensure a run-in/out is constructed in accordance with the latest version of HyD Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the drainage facilities should be rectified if they are found inadequate/ineffective during operation;
 - (ii) the applicant should construct and maintain the proposed drainage facilities whether within or outside the Site at his own expense; and
 - (iii) the Site is in an area where public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the proposed use;
- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’;
- (h) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) his comments on the submitted fire service installations (FSIs) proposal are as follows:
 - the provision for respective structure shall be in accordance with the revised Fire Safety Requirements (FSRs) for temporary storage and structures under planning

application took effect on 2.7.2025 and have been published on the Fire Services Department's website;

- provision of FSIs shall be demonstrated in form of FS Notes with all relevant standards and specifications provided;
- the layout plan shall be depicted with dimensions and nature of occupancies;
- legends should be provided for better indication;
- for structures not exceeding 230m², stand-alone fire detector and a suitable type of portable fire extinguisher shall be provided for every structure individually; and
- provision of FSIs shall be demonstrated in form of FS Notes with all relevant standards and specifications:
 - appropriate type fire extinguishers shall be provided to every structure within the Site;
 - the stand-alone fire detectors shall be provided in accordance with the 'Stand-alone Fire Detector General Guidelines on Purchase, Installation & Maintenance [Sep 2021]'; and
 - in relation to the provision of stand-alone fire detector, if two or more stand-alone fire detectors are installed in an enclosed structure, all detectors shall be interconnected such that when one of the detectors is triggered, all connected detectors shall sound an alarm simultaneously; and

(ii) the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

(i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works; and

(j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

(i) it is noted that two structures are proposed on the Site. Before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and

(ii) the applicant's attention is drawn to the following points:

- the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
- the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
- if any existing structure is erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use under the application;

- for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R;
- in general there is no requirement under the BO in respect of provision of car parking spaces for a proposed development. However, the applicant's attention is drawn to the provision of accessible car parking spaces designated for the use of persons with a disability as per the requirements under Regulation 72 of the B(P)R and Division 3 of Design Manual: Barrier Free Access 2008;
- the applicant's attention is drawn to the provision under Regulations 40 and 41 of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations in respect of disposal of foul water and surface water respectively; and
- detailed comments under the BO will be provided at building plan submission stage.

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

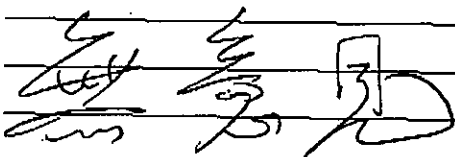
By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-MUP/238

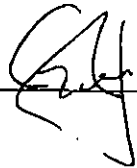
意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)



「提意見人」姓名/名稱 Name of person/company making this comment 侯志強議員

簽署 Signature



日期 Date

2026.9.1

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年09月09日星期三 15:29
收件者: tpbpd/PLAND
副本: Gigi Li
主旨: Town Planning application: A/NE-MUP/238
附件: 20260909 Letter to Town Planning Board.pdf
類別: Internet Email

Dear Sirs,

On behalf of our clients Madam **LEE SIU FAN MICHELLE**, Madam **LEE SUI HAR JESSICA** and Mr. **KAN TSAN HO**, we hereby submit a copy of our Letter of Opposition (in Chinese with enclosure), together with our clients' signed Comments on the captioned Town Planning Application, for your urgent attention.

Best Regards,

Mathew Liu
Partner
Sit, Fung, Kwong & Shum

[REDACTED]

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Best Regards,

Mathew Liu
Partner
Sit, Fung, Kwong & Shum

[REDACTED]

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薛馮鄺岑律師行

SIT, FUNG, KWONG & SHUM

Solicitors, Notaries, Agents for Trademarks & Patents

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郵寄、傳真 (2877 0245) 及電郵 (tpbpd@pland.gov.hk)

城市規劃委員會秘書

2026 年 9 月 9 日

香港北角渣華道 333 號

北角政府合署 15 樓

敬啟者：

有關：根據《城市規劃條例》第 16 條遞交的許可申請之意見及反對

申請編號： A/NE-MUP/238 (「該申請」)

申請人： XIONG JINYING 熊錦英 (「該申請人」)

涉事地段： 新界沙頭角丈量約份第 38 約地段

第 175 號餘段 (部分)、第 147 號 SA 分段及 DBSS2 分段

1. 本行代表客戶李小芬女士 (LEE SIU FAN MICHELLE)、李瑞霞女士 (LEE SUI HAR JESSICA) 及簡贊豪先生 (KAN TSAN HO)，針對該申請人有關該等地段提出的該申請，正式提出嚴正反對。

2. 簡而言之，該申請違反香港區域法院命令，同時違反現存的租約。如 貴會批准該申請，等同直接容許違法及藐視法庭之行為。

違法及藐視法庭

3. 在 DCCJ 4099/2021 一案中，原告人為梁偉福先生 (LEUNG WAI FUK)，本行三名客戶為該案的第一、第二及第三名被告人。本行獲指示，梁偉福先生的妻子，正是該申請人。

4. 2024 年 11 月 8 日，區域法院林慧儀聆案官 (MASTER AMY LAM) 在 DCCJ 4099/2021 一案中按各方同意頒下命令 (「該命令」)，將梁偉福先生及本行三名客戶之間的案件暫緩，並命令梁偉福先生須與本行三名客戶簽署租約，將新界沙頭角丈量約份第 38 約地段第 175 號

PARTNERS

@ # Roy P. C. Leung LL.B. (HKG) & ACIAA
@ # Simon M. H. Siu LL.B.
@ # Joseph W. S. Wong LL.B. (HKG)
A # Sidney K. C. Ho BBA., LL.B. (HKG) & ACIAA
A @ Jenny C. Y. Wong BSc (GL), LL.B. (HKG) & ACIAA
A # Mathew P. H. Liu LL.B. (HKG)
Margaret Choi LL.B. (HKG)
@ # # Peter K. P. Sit LL.B.

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嚴文豪 + Tommy W. C. Tam LL.B.
黃永勝 Theresa L. P. Law LL.B.
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蔡小玲
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@ Ada C. M. Wu LL.B. (HKG)
Marco C. N. Chong LL.B.
A Koey W. S. Wong BBA, LL.B.
A Amanda L. C. Ng BSc (Hons), LL.B.

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吳安儀
陳玉傑
梁子健
林晉權
陳浩明
李潔江

* NOTARY PUBLIC
CHINA-APPOINTED ATTESTING OFFICER
@ GREATER BAY AREA LAWYER
A ACCREDITED MEDIATOR
+ CIVIL CELEBRANT OF MARRIAGES

公證人
中國委託公證人
粵港澳大灣區律師
認可調解員
婚姻監禮人

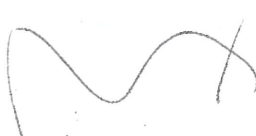
餘段（部分）（「DD38 Lot 175RP」）租予本行三名客戶，為期三年，由 2024 年 11 月 1 日起，2027 年 10 月 31 日止，月租港幣 30,000 元正。

5. 根據該命令，在租約完結後，本行三名客戶作為租客，有權行使自動續租權，續租三年即至 2030 年 10 月 31 日止。
6. 根據該命令，梁偉福先生本人及/或其代表，均不得阻礙本行三名客戶及/或其代表進出 DD38 Lot 175RP 的權利。
7. 按照該命令，梁偉福先生及本行三名客戶已簽署日期為 2024 年 11 月 1 日，有關 DD38 Lot 175RP 租約，為期三年（「該租約」），即該租約至今仍然有效。本行三名客戶亦一直接時繳租。
8. 該租約夾附圖則（「該圖則」），當中的紅色部分正是梁偉福先生租予本行三名客戶的 DD38 Lot 175RP。該圖則的紅色部分，與該申請中涉及的土地範圍，顯然有所重疊。同時，該申請中涉及的土地範圍，必然包括進出 DD38 Lot 175RP 的進出路徑，影響本行三名客戶的進出權。有關該圖則及該申請中涉及的土地範圍之對比，見本信件**附錄**。
9. 本行現附上該命令、該租約（同時是該命令的附件一）及該圖則（同時是該命令的附件二），供貴會參考。
10. 顯然，梁偉福先生及該申請人作為夫妻，梁偉福先生一邊明知須遵守該命令及該租約，該申請人卻一邊作出將違反該命令及該租約的該申請，全盤剝削本行客戶使用及/或進出 DD38 Lot 175RP 的權利，貴會絕對不應配合上述違法及藐視法庭之行為。
11. 同時，該租約是本行客戶當初與梁偉福先生就 DCCJ 4099/2021 一案和解的條件。梁偉福先生及該申請人作為夫妻，該申請顯然是協助梁偉福先生先誘導本行客戶和解，再違反和解條款，不法取得官司的好處。
12. 為免生疑問，即使該申請人修改該申請，將 DD38 Lot 175RP 排除在外，本行三名客戶仍然反對該申請，原因是該申請不論如何予以修改，擬議發展計劃看來均會無可避免地影響本行三名客戶及/或其代表進出 DD38 Lot 175RP 的權利，故將違反法庭命令及該租約。



其他反對理由

13. 該申請人在申請表格第 6 頁表示，擬議發展計劃不會對環境、交通、供水、排水、斜坡造成影響，或受斜坡影響、構成景觀影響、砍伐樹木、構成視影響，或造成其他影響。上述並不正確。
14. 第一，該申請中涉及的土地範圍正是鄰近地段通往沙頭角公路禾坑段的唯一進出人路與車路路徑，擬議發展計劃必然影響交通及進出。
15. 第二，該申請中涉及的土地用途/發展為臨時商店及服務行業（五金雜貨及建築材料零售店），必然招致貨物、垃圾、建築材料及廢水之棄置，必然影響環境。作為商店，較大機會需要供水及排水，故也有機會造成供水及排水之影響。
16. 第三，該申請中涉及的土地範圍面積合共 161.9 平方呎，樓高 5 米，必然影響景觀。
17. 第四，該申請人表達的申請理由僅是「因等地政豁免書需要時間 所以重新申請為期 3 年」。上述理由不充份，更絕不值得為了上述申請理由而違反法律，剝削本行客戶使用及/或進出 DD38 Lot 175RP 的權利，且對周遭交通、環境、景觀構成負面影響。
18. 為完整起見，現附上經本行客戶簽署的「就規劃申請提出意見」表格，供 貴處考慮。
19. 本行客戶重申，嚴正反對該申請。
20. 如 閣下有任何疑問，歡迎與本行合伙人廖柏匡律師聯絡。



薛馮鄺岑律師行

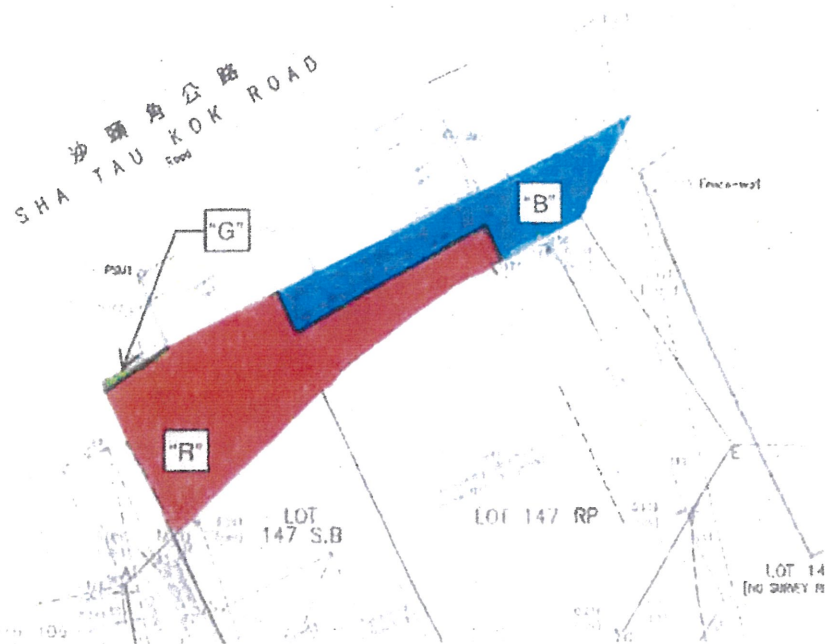
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附件如文

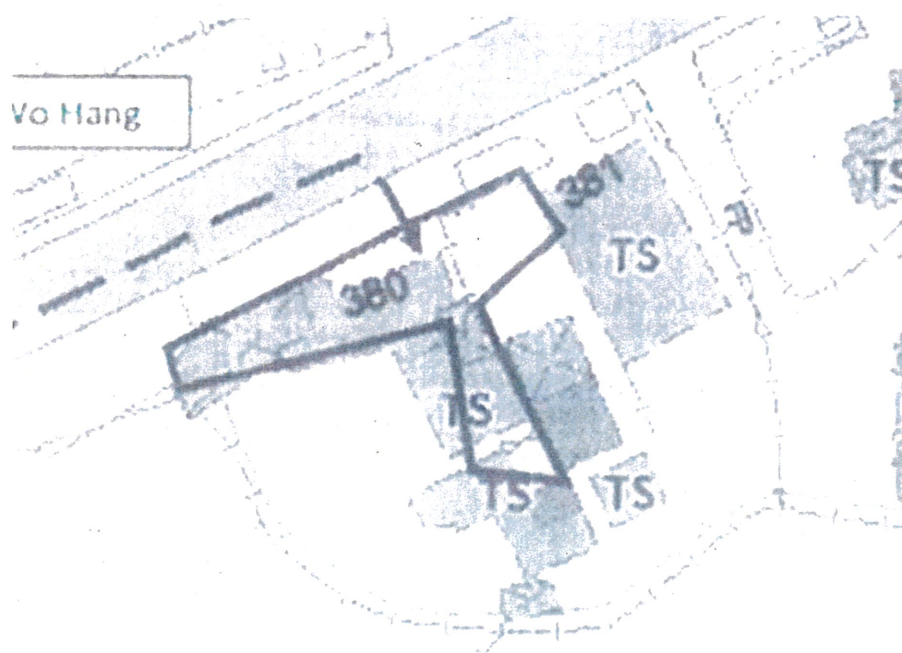
副本致：地政總署北區地政處
新界粉嶺璧峰路 3 號北區政府合署 6 樓
郵寄及傳真（2675 9224）

附錄

該圖則以紅色標示 DD38 Lot 175RP :



該申請夾附的草圖顯示的申請地點範圍及進出路徑：



致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245

電郵：tpbpd@pland.gov.hk

To: Secretary, Town Planning Board

By hand or post: 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax: 2877 0245

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號

The application no. to which the comment relates

A/NE-MUP/238

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

Please refer to the letter from my solicitors Messrs. Sit, Fung, Kwong & Shum for objection and details.

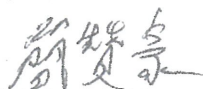
「提意見人」姓名／名稱

Name of person/company making this comment

簡贊豪 (Kan Tsan Ho)

簽署

Signature



日期

Date

- 9 SEP 2025

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245

電郵：tpbpd@pland.gov.hk

To: Secretary, Town Planning Board

By hand or post: 15/E, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax: 2877 0245

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號

The application no. to which the comment relates

A/NE-MUP/238

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

Please refer to the letter from my solicitors Messrs. Sit, Fung, Kwong & Shum for objection and details.

「提意見人」姓名／名稱

Name of person/company making this comment

李小芬 (Lee Siu Fan Michelle)

簽署

Signature



日期

Date

- 9 SEP 2025

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245

電郵：tpbpd@pland.gov.hk

To: Secretary, Town Planning Board

By hand or post: 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax: 2877 0245

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號

The application no. to which the comment relates A/NE-MUP/238

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

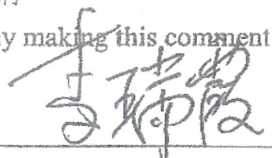
Please refer to the letter from my solicitors Messrs. Sit, Fung, Kwong & Shum for objection and details.

「提意見人」姓名／名稱

Name of person/company making this comment

簽署

Signature



李瑞霞 (Lee Sui Har Jessica)

日期

Date

- 9 SEP 2025

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy

2 "FY 10"

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年09月10日星期四 16:02
收件者: tpbpd/PLAND
副本: Gigi Li
主旨: RE: Town Planning application: A/NE-MUP/238
類別: Internet Email

Dear Sirs,

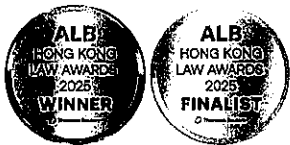
We are instructed to write to clarify that the amount of rent stated in paragraph 4 of our letter dated 9 September 2026 should be HK\$3,000 rather than HK\$30,000.

Best Regards,

Mathew Liu
Partner
Sit, Fung, Kwong & Shum

ELECTRONIC MAIL TRANSMISSION

This message is for the addressee only and may contain privileged and/or confidential information



From: Mathew Liu
Sent: Wednesday, September 9, 2026 3:29 PM
To: 'tpbpd@pland.gov.hk' <tpbpd@pland.gov.hk>
Cc: [REDACTED]
Subject: Town Planning application: A/NE-MUP/238

Dear Sirs,

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy

On behalf of our clients Madam **LEE SIU FAN MICHELLE**, Madam **LEE SUI HAR JESSICA** and Mr. **KAN TSAN HO**, we hereby submit a copy of our Letter of Opposition (in Chinese with enclosure), together with our clients' signed Comments on the captioned Town Planning Application, for your urgent attention.

Best Regards,

Mathew Liu
Partner
Sit, Fung, Kwong & Shum

ELECTRONIC MAIL TRANSMISSION

This message is for the addressee only and may contain privileged and/or confidential information



Best Regards,

Mathew Liu
Partner
Sit, Fung, Kwong & Shum

ELECTRONIC MAIL TRANSMISSION

This message is for the addressee only and may contain privileged and/or confidential information



3

致規劃署秘書處

本人陳少芬是DD83、144A
及144B業主反對A/NE-MUP/238
更改變用途。本人出口是
DD175必經唯一出入口。

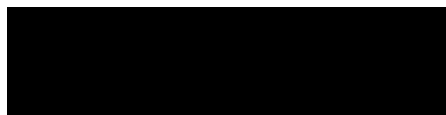
而該地帶DD38-175及
DD38-147SA法律程序

處理。

謝謝



陳少芬上 7/9



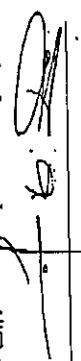
致城市規劃委員會秘書：
專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓
傳真：2877 0245 或 2522 8426
電郵：tpbd@pland.gov.hk

To : Secretary, Town Planning Board
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有關的規劃申請編號 The application no. to which the comment relates
ANE-MUP/238

意見詳情 (如有需要，請另頁說明)
Details of the Comment (use separate sheet if necessary)

沒有意見

「提意見人」姓名/名稱 Name of person/company making this comment
簽署 Signature  日期 Date 16/9/2024