

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/238

<u>Applicant</u>	:	Ms. XIONG Jinying (熊錦英女士)
<u>Site</u>	:	Lots 147 S.A, 175 RP (Part) and 176 S.B ss. 2 in D.D. 38, Sha Tau Kok, New Territories
<u>Site Area</u>	:	About 290m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”)
<u>Application</u>	:	Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries and Construction Materials) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (retail shop for hardware groceries and construction materials) for a period of three years at the application site (the Site) falling within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is largely vacant.
- 1.2 The Site is accessible via Sha Tau Kok Road – Wo Hang (**Plan A-2**). A 5m-wide ingress/egress is proposed at the northern boundary of the Site. According to the applicant, the proposed shop and services aims to provide hardware groceries and construction materials to the local community. It comprises two single-storey structures (about 5m in height) with a total floor area of about 128.1m² for shop and storeroom. A private car parking space (2.6m (W) x 5m (L)) and a loading/unloading (L/UL) space for van-type light goods vehicle (LGV) (2.8m (W) x 6.5m (L)) will be provided at the Site. The operation hours of the proposed use are between 8:00a.m. to 6:00p.m. from Mondays to Sundays, including public holidays. Warning signs will be provided at the Site to prevent illegal parking and ensure pedestrian safety, and staff will be deployed to manage traffic when necessary. The applicant has submitted drainage and fire service installations (FSIs) proposals in support of the application. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of a previous planning application No. A/NE-MUP/205 for the same use submitted by the same applicant as the current application, which was approved

with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.12.2024. The planning approval was subsequently revoked on 6.9.2026 due to non-compliance with approval conditions. Details of the previous application are set out in paragraph 5 below. Compared with the previous application, the major development parameters of the current application generally remain unchanged, except for a minor reduction in the total floor area (-28.9m²/ -18%)

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

- (a) Application Form with attachments received on 19.8.2026 (Appendix I)
 - (b) Supplementary Information Received on 25.8.2026 (Appendix Ia)
 - (c) Further Information (FI) received on 23.9.2026 and 24.9.2026[#] (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, Supplementary Information and FI at **Appendices I to Ib**, as summarised below:

- (a) the proposed use is not incompatible with the surrounding areas; and
- (b) under the previously approved application, the applicant had already complied with the approval conditions on the submission of drainage and FSIs proposals. Since the Short Term Waiver application is still being processed by the Lands Department (LandsD) and no structures could be erected, the approval conditions in relation to the implementation of drainage and FSIs proposals could not be complied with. The applicant advises that she has liaised with relevant contractor, and commits to comply with all approval conditions should the application be approved.

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

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 obtaining consents of the “current land owners”. 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**

- 5.1 The Site is the subject of a previous application No. A/NE-MUP/205 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Committee on 6.12.2024 mainly on the considerations that the proposed use was considered not entirely incompatible with the surrounding areas; and there was no major adverse departmental comment received or the concerns of the relevant departments

could be addressed through imposition of approval conditions. While the applicant complied with the approval conditions on the submission of drainage and FSIs proposals, the planning approval was subsequently revoked on 6.9.2026 due to non-compliance with approval conditions on the implementation of drainage and FSIs proposals.

- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Application**

There is no similar application within the same “R(D)” zone in the vicinity of the Site 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; and
- (b) accessible via Sha Tau Kok Road – Wo Hang.

- 7.2 The surrounding areas are of rural character mainly comprising residential dwellings, workshops, open storage yards, parking of vehicles and vacant land.

8. **Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. **Comments from Relevant Government Departments**

- 9.1 Apart from the government department as set out in paragraphs 9.2 below, all government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the recommended advisory clauses are provided at **Appendices III** and **IV** respectively.

- 9.2 The following government department provides views on the application:

Traffic

- 9.2.1. Comments of the Commissioner for Transport (C for T):

- (a) she has no comment on the application;
- (b) considering the road safety and road management, approval conditions on the submission and implementation of traffic management measures should

be included. Also, the implemented traffic management measures should be maintained during the planning approval period; and

- (c) her advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 28.8.2026, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix V**). Two comments from a representative of individuals and a nearby lot owner object to the application mainly on the grounds that the proposed use would induce adverse traffic, environmental, water supply, sewerage and visual impacts and access issue; and as part of the Site is subject to a valid tenancy agreement in accordance with a court order, the application would contravene the court order and the tenancy agreement, as well as affecting the access right of the concerned tenants. The remaining two comments from a member of the North District Council and an individual indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (retail shop for hardware groceries and construction materials) for a period of three years at the Site falling within an area zoned “R(D)” on the OZP. While the proposed use is not in line with the planning intention of the “R(D)” zone, there is currently no known development proposal at the Site. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.
- 11.2 The Site is situated in an area of rural character mainly comprising residential dwellings, workshops, open storage yards, parking of vehicles and vacant land. 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 considers that the proposed use is compatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.3 Other government departments consulted, including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services have no objection to or no adverse comment on the application. While C for T has no comment on the application, she recommends imposing approval conditions on the submission, implementation and maintenance of traffic management measures in consideration of road safety and road management. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any possible environmental impact on the surrounding area.
- 11.4 The Site is the subject of a previous application No. A/NE-MUP/205 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Committee in 2024 as detailed in paragraph 5.1 above. The planning approval was subsequently revoked on 6.9.2026 due to non-compliance with approval conditions in relation to the implementation of drainage and FSIs proposals. Compared with the approved previous application (No. A/NE-MUP/205), the development

parameters in the current application generally remain unchanged, except for a minor reduction in the total floor area (-28.9m²/ -18%). In support of the current application, the applicant has submitted drainage and FSIs proposals and CE/MN, DSD considers the drainage proposal acceptable. The applicant also commits to comply with all the approval conditions. Should the Committee decide to approve the application, the applicant will be advised that should there be failure to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.5 Regarding the public comments as detailed in paragraph 10, the government departments' comments and planning assessments above are relevant. For the concern on the tenancy agreement in relation to part of the Site, the applicant has complied with the "Owner's Consent/Notification" Requirements under TPB PG-No. 31B as mentioned in paragraph 3 above. Also, should the application be approved, the applicant will be advised to resolve any land issues with the concerned owner(s) of the Site.

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 three years until 9.10.2029. The following conditions of approval and advisory clauses are 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 9.7.2027;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 9.4.2027;
- (d) in relation to (c) 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 9.7.2027;
- (e) the submission of traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.4.2027;
- (f) in relation to (e) above, the implementation of the traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.7.2027;

- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any the above planning condition (b) or (g) 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
- (i) if any of the above planning condition (a), (c), (d), (e) or (f) 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 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 the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. 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 attachments received on 19.8.2026
Appendix Ia	Supplementary Information received on 25.8.2026
Appendix Ib	FI received on 23.9.2026 and 24.9.2026
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	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