

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/FSS/300**

- Applicant** : Ms. Lina LIU represented by Mr. CHAN Kai Fai
- Premises** : Ground Floor, No. 20D 1st Lane, Po Sheung Tsuen, Sheung Shui Lot No. 14 in D.D. 52 (the Lot) and adjoining Government Land (GL), Sheung Shui, New Territories
- Premises Area** : About 40.2m<sup>2</sup> (including GL of about 3.64m<sup>2</sup> (9%))
- Lease** : Old Schedule House Lot
- Plan** : Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/28
- Zoning** : “Village Type Development” (“V”)  
*[restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Proposed Temporary Shop and Services for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of five years at the application premises (the Premises), which fall 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)) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises occupy the ground floor of an existing three-storey village house which is not a NTEH<sup>1</sup>, and are currently used for storage of sundries (**Plans A-2 to A-4**).
- 1.2 The Premises are accessible from Sheung Shui Tung Hing Road via local tracks (**Plans A-2 and A-3**). According to the applicant, the proposed use with a gross floor area of about 40.2m<sup>2</sup> is for fast food preparation and retail (**Drawing A-1**) and no dine-in services will be involved. The operations hours will be between

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<sup>1</sup> According to the covering Notes of the OZP, “NTEH” means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as ‘Shop and Services’ or ‘Eating Place’, the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). As advised by the District Lands Officer/North, Lands Department (DLO/N, LandsD), his Office has no available record showing that Building Licence or Certificate of Exemption under Cap. 121 had been issued in respect of the Lot of the village house.

8:00 a.m. and 7:00 p.m. from Mondays to Sundays, with no operation on public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

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

(a) Application Form with attachments received on (Appendix I)  
8.1.2025 and 15.1.2025

(b) Further Information (FI) received on 7.2.2025\* (Appendix Ia)

*\* 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 FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The proposed use of fast food preparation and retail is to serve the local neighbourhood. Approval of the current application is required before obtaining a food factory licence.
- (b) The proposed use will generate infrequent trips. Adverse traffic impact is not anticipated.
- (c) The applicant will remove the concerned unauthorized structures within GL.

## 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 posting site notice and sending notice to the Sheung Shui District Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection. For the GL portion, the ‘Owner’s Consent/Notification’ Requirements are not applicable.

## 4. **Previous Application**

There is no previous application at the Premises.

## 5. **Similar Application**

There is no similar application for temporary shop and services within the same “V” zone in the vicinity of the Premises in the past five years.

## **6. The Premises and Its Surrounding Areas (Plans A-1 to A-4)**

6.1 The Premises are:

- (a) located on the ground floor of an existing three-storey village house which is not a NTEH;
- (b) currently used for storage of sundries; and
- (c) accessible from Sheung Shui Tung Hing Road via local tracks.

6.2 The Premises fall within the village cluster of Sheung Shui Heung and the surrounding areas are rural in character with an intermix of village settlements, parking of vehicles and vacant land.

## **7. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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 the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

## **8. Comments from the Relevant Government Departments**

8.1 Apart from the government department as set out in paragraph 8.2 below, other 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 II** and **III** respectively.

8.2 The following government department has adverse comments on the application:

### **Land Administration**

Comments of the DLO/N, LandsD:

- (a) has adverse comments on the application;
- (b) the Premises comprise the Lot and the adjoining GL. The Lot is an Old Schedule House Lot held under the Block Government Lease. No right of access via GL is granted to the Premises;
- (c) there are two three-storey buildings erected on the Lot. His Office has no available record showing that Building Licence or Certificate of

Exemption under Cap. 121 had been issued in respect of the Lot and the marginal encroachment (i.e. 3.64m<sup>2</sup>) as mentioned in the Application Form is subject to the availability of survey data to be verified;

- (d) the GL adjoining the Premises has been illegally occupied with unauthorized structure (e.g. Porch) without permission. 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; and
- (e) detailed advisory comments are at **Appendix III**.

## **9. Public Comments Received During Statutory Publication Period**

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from a Member of the North District Council indicating no comment and one from an individual supporting the application (**Appendix IV**).

## **10. Planning Considerations and Assessments**

- 10.1 The application is for proposed temporary shop and services for a period of five years at the Premises zoned "V" (**Plan A-1**). The planning intention of the "V" zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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. In this regard, 'Shop and Services' use is always permitted on the ground floor of a NTEH in the "V" zone. Whilst the existing village house in which the Premises are located is not a NTEH, the proposed use on ground floor of the existing village house is considered similar in nature to that in a NTEH and generally in line with the planning intention of the "V" zone.
- 10.2 The proposed use at the Premises is considered not incompatible with the surrounding land uses which are rural in character with an intermix of village settlements, parking of vehicles and vacant land within the village cluster of Sheung Shui Heung.
- 10.3 Regarding DLO/N, LandsD's concern on the unauthorized structures on the GL outside the Premises, the applicant will be advised to liaise with LandsD on these land administration matters should the Rural and New Town Planning Committee (the Committee) of the Board approve the application. Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Food and Environmental Hygiene, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9 above, PlanD has no objection to the application.
- 11.2 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 28.2.2030. The recommended advisory clauses attached at **Appendix III** are suggested for Members' reference.
- 11.3 There is no strong reason to recommend rejection of the application.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

## **13. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 8.1.2025 and 15.1.2025
<b>Appendix Ia</b>	FI received 7.2.2025
<b>Appendix II</b>	Government departments' general comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Appendix IV</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos