

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/431**

<b><u>Applicant</u></b>	: Sum Kwan Villa Limited
<b><u>Site</u></b>	: Lots 1028 S.A ss.1 (Part) and 1030 S.D in D.D. 125, Sik Kong Tsuen, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 98 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
<b><u>Zoning</u></b>	: “Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval at the application site (the Site) for temporary shop and services (real estate agency) for a period of three years (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 21.3.2023.
- 1.2 The Site is accessible from San Sik Road via a local track, and the ingress/egress point is at the southwestern part of the Site (**Plans A-2 and A-3**). According to the applicant, there is a temporary single-storey structure (not exceeding 3.5m high with a total floor area of 60m<sup>2</sup>) for real estate agency and conference room. No parking space and vehicular ingress/egress are provided. The operation hours are from 9:00 a.m. to 8:00 p.m. from Mondays to Sundays including public holidays. Plans showing the access leading to the Site, the proposed layout, as-built drainage facilities and proposed fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is involved in three previous planning applications approved by the Rural

and New Town Planning Committee (the Committee) of the Board between 2014 and 2020 (details at paragraph 6 below). Compared with the last approved application No. A/HSK/212, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters.

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

- (a) Application Form with attachments received on **(Appendix I)**  
27.1.2023
- (b) Supplementary Information (SI) received on 31.1.2023 **(Appendix Ia)**
- (c) Further Information (FI) received on 1.3.2023 **(Appendix Ib)**  
*[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 at **Appendix I**. They can be summarised as follows:

- (a) Three previous planning permissions have been approved by the Board since 2014 for the same use by the same applicant at the Site. The applied use and the development parameters are the same as the last approved application. All time-limited approval conditions for the three previous planning applications have been fulfilled.
- (b) The development meets the planning intention of the “V” zone which is intended to serve the residents as a commercial use.
- (c) The applied use is a Column 2 use in the “V” zone which is also always permitted on the ground floor of a New Territories Exempted House (NTEH). The Site is yet to apply for NTEH and is temporary in nature. The applied use would not jeopardise the planning intention of the “V” zone in the long term.
- (d) The applied use is compatible with the surrounding areas. Similar applications for shop and services (real estate agency) use in “V” zone were approved by the Board.
- (e) No parking space, loading/unloading bay or vehicular ingress/egress is proposed for the development. The development has no adverse traffic, environmental and drainage impacts.

## **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. 31A) by obtaining the owner’s consent. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of

Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

## **5. Background**

The Site is currently not subject to any planning enforcement action.

## **6. Previous Applications**

6.1 The Site is the subject of three previous applications (No. A/YL-HT/889 and 1069 and A/HSK/212) for the same applied use approved with conditions by the Committee between 2014 and 2020 on the considerations that the applied uses were not incompatible with the surrounding areas and no major adverse comments from concerned government departments. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6.2 The last application No. A/HSK/212 was approved with conditions by the Committee on 6.3.2020 for a period of three years with validity up to 21.3.2023. All time-limited approval conditions have been complied with.

## **7. Similar Applications**

There are 20 similar applications (No. A/HSK/58, 62, 97, 111, 120, 129, 130, 143, 205, 244, 248, 290, 292, 332, 335, 343, 349, 350, 364 and 382) for temporary shop and services use including real estate agency and convenience store within/straddling the subject “V” zone in the past five years. All of them were approved with conditions by the Committee between 2018 and 2022 on similar considerations as mentioned in paragraph 6.1 above. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from San Sik Road via a local track; and
- (b) currently used for the applied use with valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north and northwest are a store and a real estate agency under valid planning permissions, a number of residential dwellings, a pavilion and a refuse collection point;
- (b) to its east and further northeast are the village cluster of Sik Kong Tsuen, two real estate agencies under valid planning permissions, a village office, a toilet and some woodland;
- (c) to its south across the nullah are a number of residential dwellings, some vacant land, some parking of vehicles, a floodwater pond, an open storage yard

which is a suspected unauthorized development (UD) and a shop and services under valid planning permission; and

- (d) to its west and southwest are some residential dwellings, some vacant land, an open storage yard and a site for parking of vehicles under valid planning permission.

## **9. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses (SH) 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.

## **10. Comments from Relevant Government Departments**

All departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

## **11. Public Comment Received During the Statutory Publication Period**

On 3.2.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary shop and services (real estate agency) for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, it could provide real estate agency service to meet any such demand in the area. The District Lands Officer/Yuen Long, Lands Department advises that no SH application has been approved for the site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone.
- 12.2 The applied use is considered not incompatible with the surrounding areas which are predominately used for residential dwellings, real estate agency and shop and services covered by valid planning permissions (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application No. A/HSK/212 for three more years. The current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters, as compared with the approved previous application No. A/HSK/212. All time-limited conditions attached to the last approved application have been complied with. In view of the above, the renewal application is considered generally in line with TPB PG-No. 34D.
- 12.4 There is no adverse comment from the concerned government departments

including Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application. The applied use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding area. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.

- 12.5 Three previous applications for the same applied use on the Site (**Plan A-1**) were approved between 2014 and 2020 on the grounds that the applied/proposed uses were not incompatible with the surrounding areas and no major adverse comments from concerned government departments. In addition, there are 20 similar approvals for temporary shop and services use including real estate agency and convenience store within/straddling the subject “V” zone on the OZP (**Plan A-1**) between 2018 and 2022. Approval of the current application is generally in line with the Committee’s previous decisions.
- 12.6 No public comment on the application was received during the statutory public inspection period.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the temporary shop and services (real estate agency) for a further period of three years.
- 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 **from 22.3.2023 until 21.3.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### **Approval conditions**

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the existing trees on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **22.6.2023**;
- (d) the existing fire service installations implemented on the Site shall be maintained at all times during the planning approval period;
- (e) if any of the above planning condition (a), (b) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) if the above planning condition (c) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

*[Approval conditions (a), (b) and (c) are the same as those under the permission for application No. A/HSK/212; restrictions on operation hours has been removed as per the department's latest requirements; and approval conditions on the submission and implementation of FSIs proposal under the permission for application No. A/HSK/212 are replaced by approval condition (d).]*

#### Advisory clauses

The recommended advisory clauses are attached 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 applied use is not in line with the planning intention of the "V" zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no strong planning justification 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**

<b>Appendix I</b>	Application Form with Attachments received on 27.1.2023
<b>Appendix Ia</b>	SI received on 31.1.2023
<b>Appendix Ib</b>	FI received on 1.3.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 34D
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	Proposed FSIs Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2023**