

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

**APPLICATION NO. A/HSK/548**

- Applicant** : 鄧運通先生 represented by 海願規劃發展公司
- Site** : Lot 1046 RP (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 275m<sup>2</sup> (including GL of about 104m<sup>2</sup> or 37.8%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Proposed Temporary Shop and Services (Convenient Store and Real Estate Agency) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (convenient store and real estate agency) for a period of three years at the application site (the Site) zoned “V” on the OZP (**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 occupied by temporary structure and used for domestic purpose without valid planning permission.
- 1.2 The Site is accessible from San Sik Road via a local track (**Plans A-2 and A-3**). According to the applicant, a single-storey (not more than 3.6m high) structure with a floor area of not exceeding 210m<sup>2</sup> is proposed for convenient store and real estate agency uses. No parking facility is provided. According to the applicant, hand trolley will be used to deliver goods by the operator(s) who live in the nearby residential dwellings to the Site (**Drawing A-1**). The proposed operation hours are from 8:00 a.m. to 10:00 p.m. from Mondays to Sundays including public holidays. Plans showing the proposed layout, fire service installations (FSIs) and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in six previous planning applications for temporary shop and services (convenient store and/or real estate agency) use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2005 and 2021 (details at paragraph 5 below). Compared with the last application No. A/HSK/292 approved by the Committee on 12.3.2021, the current application is submitted by a different applicant for the same use with a similar layout at the same site.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 17.1.2025 **(Appendix I)**
  - (b) Supplementary Information (SI) received on 22.1.2025 **(Appendix Ia)**

## **2. Justifications from the Applicant**

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

- (a) the proposed use is to provide convenient store and real estate services to serve the nearby residents. Previous applications for the same use at the Site have been approved by the Board. All approval conditions of the previous application No. A/HSK/292 have been complied with;
- (b) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone;
- (c) as the proposed use is to serve the nearby residents, the customers will access the Site on foot or by bicycle. There will be insignificant traffic impacts arising from the proposed development; and
- (d) the proposed use will not generate significant environmental impact to the surrounding areas as adequate mitigation measures will be provided. The applicant pledges to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisance.

## **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 Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31B are not applicable to the GL portion.

## **4. Background**

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

## **5. Previous Applications**

- 5.1 The Site was involved in six previous applications (No. A/YL-HT/418, 560, 739, 926 and A/HSK/58 and 292) for temporary shop and services (convenient store and/or real estate agency) use. All the applications were approved by the Committee between 2005 and 2021 mainly on considerations that the proposed/applied uses were not incompatible with the surrounding areas and there were 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**.
- 5.2 The last application No. A/HSK/292 for temporary shop and services (convenient store and real estate agency) was approved with conditions by the Committee on 12.3.2021 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 13.3.2024.

## **6. Similar Applications**

- 6.1 There are 15 similar applications involving shop and services use within the same “V” zone in the past five years. All of them were approved with conditions by the Committee between 2020 and 2023 on similar considerations as stated in paragraph 5.1 above. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 For members’ information, applications No. A/HSK/549 and 550 for proposed temporary shop and services (real estate agency and interior design company) and temporary shop and services (real estate agency) respectively within the same “V” zone will be considered at the same meeting (**Plan A-1**).

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

- 7.1 The Site is:
- (a) accessible from San Sik Road via a local track; and
  - (b) currently occupied by temporary structure and used for domestic purpose without valid planning permission.
- 7.2 The surrounding areas are predominantly occupied by residential dwellings intermixed with car parks, shop and services and vacant land, some of which are suspected unauthorized developments subject to planning enforcement action.

## **8. 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 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 New

Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

9.1 Apart from the government department as set out in paragraph 9.2 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 are provided in **Appendices III and IV** respectively.

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

### **Land Administration**

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

(a) the Site comprises GL and Old Schedule Agricultural Lot 1046 RP in D.D. 125 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;

(b) the private lot covered by Short Term Waivers (STW) is listed as below:

| <u>STW No.</u> | <u>Lot(s).<br/>in D.D.125</u> | <u>Purposes</u>                                    |
|----------------|-------------------------------|--|
| 4163           | 1046 RP                       | Temporary Shop and Services<br>(Convenience Store) |

(c) no permission is given for occupation of GL (about 104m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28);

(d) the following irregularities not covered by the subject planning application have been detected by his office:

#### Unauthorised structure(s) within the said private lot(s) not covered by the planning application

there are unauthorised structure(s) within private Lot 1046 RP in D.D. 125 which are not covered by the current application. The lot owner(s) should immediately rectify/apply for regularization on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

(e) the STW holder(s) should apply to his office for modification of the STW conditions where appropriate and lot owner(s) shall apply to his office for a Short Term Tenancy to permit occupation of the GL. The application(s) for STW will be considered by the Government in the capacity as a landlord and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be

subject to such terms and conditions, including among others the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered;

- (f) recent site inspection found that the existing structures within private lot were being used for domestic purpose. The lot owner(s) has to cease the domestic use and rectify the lease breach as soon as possible;
- (g) according to LandsD's prevailing policy, no STW application/modification will be considered for domestic use. Therefore, LandsD reserves the right to take enforcement action against domestic purpose structures in the Site;
- (h) according to his record, no Small House application approved/under processing within the Site; and
- (i) his advisory comments are at **Appendix IV**.

#### **10. Public Comment Received During Statutory Publication Period**

On 24.1.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

#### **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services (convenient store and real estate agency) for a period of three years at the Site zoned "V" on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the "V" zone, the proposal could help meet the demand for services of convenient store and real estate agency in the area. DLO/YL, LandsD advises that no Small House application has been approved or is under processing for the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the "V" zone.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are predominantly residential dwellings intermixed with car parks, shop and services and vacant land (**Plan A-2**).
- 11.3 Other relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment from environmental, traffic, fire safety and drainage perspectives respectively. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any potential environmental nuisances on the surrounding areas. Regarding DLO/YL, LandsD's comments on unauthorised structure(s) on Lot 1046 RP in D.D. 125, the

applicant will be advised to liaise with LandsD on these land administrative matters should the Committee approve the application.

- 11.4 Six previous applications for temporary shop and services (convenient store and/or real estate agency) use at the Site were approved between 2005 and 2021 and 15 similar applications have been approved by the Committee between 2020 and 2023. Approval of the current application is in line with the Committee's previous decisions.

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

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department 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 **14.3.2028**. 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 submission of a condition record of the existing drainage facilities on the site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **14.6.2025**;
- (c) the implementation of the accepted 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 **14.12.2025**;
- (d) if the above planning condition (a) 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
- (e) if any of the above planning condition (b) or (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.

### Advisory clauses

The Recommended Advisory Clauses are attached 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 "V" zone which is primarily for development of Small Houses by indigenous villagers. 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 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**

|                     |  |
|---------------------|--|
| <b>Appendix I</b>   | Application Form received on 17.1.2025   |
| <b>Appendix Ia</b>  | SI received on 22.1.2025                 |
| <b>Appendix II</b>  | Previous and Similar Applications        |
| <b>Appendix III</b> | Government Departments' General Comments |
| <b>Appendix IV</b>  | Recommended Advisory Clauses             |
| <b>Drawing A-1</b>  | Proposed Layout Plan                     |
| <b>Drawing A-2</b>  | FSIs Plan                                |
| <b>Drawing A-3</b>  | As-built Drainage 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                              |

**PLANNING DEPARTMENT  
MARCH 2025**