

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/550

- Applicant** : Mr TANG Sheung Chai
- Site** : Lot 650 RP (Part) in D.D. 125 and adjoining Government Land (GL), Sik Kong Tsuen, Yuen Long, N.T.
- Site Area** : About 234m² (including GL of about 40m² or 17%)
- 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** : Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (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 structures and used for the applied use without valid planning permission.
- 1.2 The Site is accessible from San Sik Road (**Plans A-2 and A-3**). According to the applicant, a single-storey (4m high) structure with a floor area of not exceeding 128m² under a 4.5m high open shed (not exceeding 168m²) is proposed for real estate agency use. No parking facility is provided (**Drawing A-1**). The proposed operation hours are from 9:00 a.m. to 8:00 p.m. from Mondays to Sundays including public holidays. Plans showing the proposed layout and drainage facilities submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site was involved in three previous planning applications for temporary shop and services (real estate agency) approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2016 and 2022 (details at paragraph 5 below). Compared with the last application No. A/HSK/343 approved on 14.1.2022, the current application is submitted by the same applicant for the same use with the same layout and development parameters 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 24.1.2025 (Appendix I)
- (b) Further information (FI) received on 4.2.2025 (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 at **Appendix I**. They can be summarised as follows:

- (a) the applied use is primarily intended to cater for the demand for real estate services of the nearby villagers;
- (b) all time-limited approval conditions in relation to previous planning permission have been complied with; and
- (c) all temporary structures on the Site remain unchanged.

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 three previous applications (No. A/YL-HT/980, A/HSK/120 and 343) for temporary shop and services (real estate agency) which were submitted by the same applicant at the same site for the same use. All the applications were approved by the Committee between 2016 and 2022 mainly on considerations that the applied use was 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/343 for renewal of planning approval for temporary shop and services (real estate agency) was approved with conditions by the Committee on 14.1.2022 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 23.1.2025.

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/548 and 549 for proposed temporary shop and services (convenient store and real estate agency) and proposed temporary shop and services (real estate agency and interior design company) 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; and
 - (b) currently occupied by temporary structures and used for the applied use without valid planning permission.
- 7.2 The surrounding areas are predominantly occupied by residential dwellings intermixed with car parks and vacant/unused 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

All 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.

10. Public Comment Received During Statutory Publication Period

On 4.2.2025, 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 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, the proposal could help meet the demand for services of real estate agency in the area. The District Lands Officer/Yuen Long, Lands Department 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 applied use is considered not incompatible with the surrounding land uses which are predominantly residential dwellings intermixed with car parks and vacant/unused land (**Plan A-2**).
- 11.3 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.
- 11.4 Three previous applications for the same use at the Site were approved between 2016 and 2022 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 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 **14.9.2025**;

- (d) in relation to (c) above, the implementation of the 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**;
- (e) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 applied 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

Appendix I	Application Form received on 24.1.2025
Appendix Ia	FI received on 4.2.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**