

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

**APPLICATION NO. A/HSK/551**

- Applicant** : Mr TANG Fook Chuen Joseph represented by Metro Planning and Development Company Limited
- Site** : Lot 650 RP (Part) in D.D.125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 171m<sup>2</sup>
- 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 (Convenience Store) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services (convenience store) 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’ (not being 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 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 via a local track (**Plans A-2 and A-3**). According to the applicant, four temporary structures (not more than 2-storeys and not more than 7.5m high) with a total floor area of not more than 200m<sup>2</sup> are used for convenience store, store room, pump room and water tank (**Drawing A-1**). No parking facility is provided. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Sundays including public holidays. Plans showing the site layout and as-built 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 (convenience store) 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/349 approved by the Committee on 28.1.2022, the current application is submitted by the same applicant for the same applied use with the same layout and development parameters at the same site.

- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 10.2.2025 (**Appendix I**).

## **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 to cater for the demand for grocery of the nearby villagers. Three previous applications for the same use at the Site have been approved by the Board since 2016. All approval conditions of the previous application No. A/HSK/349 have been complied with;
- (b) the applied use is not incompatible with the surrounding environment. Similar planning applications for shop and services have been approved by the Board in the adjoining areas; and
- (c) no traffic impact is anticipated as the applied use is intended to serve the nearby villagers. Noise and environmental impacts are expected to be insignificant. The applicant has implemented drainage proposal to mitigate drainage impact.

## **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.

## **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/998 and A/HSK/129 and 349) for temporary shop and services (convenience store). All the applications were approved by the Committee between 2016 and 2022 mainly on the considerations that the proposed/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/349 for renewal of planning approval for temporary shop and services (convenience store) was approved with conditions by the Committee on 28.1.2022 for a period of three years. All time-limited approval

conditions have been complied with and the planning permission lapsed on 23.2.2025.

## **6. Similar Applications**

There are 18 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 2025 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**.

## **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 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, 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 NTEH. 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 14.2.2025, 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 (convenience store) 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 convenience store 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 areas which are predominantly residential dwellings intermixed with car parks, shop and services and vacant 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 temporary shop and services (convenience store) at the Site were approved between 2016 and 2022 and 18 similar applications have been approved by the Committee between 2020 and 2025. 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 **28.3.2028**. 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 **28.6.2025**;
- (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 **28.9.2025**;

- (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 **28.12.2025**;
- (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**

<b>Appendix I</b>	Application Form received on 10.2.2025
<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>	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**