

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/396

- Applicants** : Mr. Sze Chi Keung and Mr. Liu Hui Ru represented by Metro Planning & Development Company Limited
- Site** : Lot 878 (Part) in D.D. 114 and Adjoining Government Land (GL), Pat Heung, Yuen Long
- Site Area** : About 401m² (including GL of about 110m² (27.4%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Residential (Group D)” (“R(D)”)
[Maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
- Application** : Temporary Shop and Services (Retail Shop for Hardware Groceries) for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary shop and services (retail shop for hardware groceries) for a period of three years at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within the “R(D)” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from a local access leading to Kam Sheung Road (**Plan A-2**), with an ingress/egress (about 7.5m wide) at the northern part of the Site. According to the applicants, the applied use involves one two-storey structure (about 6m in height for shop and services use) and one single-storey structure (about 4m in height for site office, cashier and toilet), with a total floor area of not exceeding 316m² (**Drawing A-1**). One loading/unloading bay for light goods vehicle is provided at the Site. The operation hours are from 9:00 a.m. to 7:00 p.m. daily, including public holidays. The layout plan submitted by the applicants is at **Drawing A-1**.
- 1.3 The Site is the subject of two previous applications (No. A/YL-SK/248 and 328) (**Plan A-1**), which were approved by the Rural and New Town Planning Committee (the

Committee) of the Board on 17.5.2019 and 9.9.2022 respectively (detailed at paragraph 5 below). The planning permission under the last application No. A/YL-SK/328 was subsequently revoked in 2023 due to non-compliance with approval condition. Compared with the last application, the current application is submitted by different applicants for the same applied use at the same site with the same layout, development parameters and operation hours.

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form received on 26.11.2024 **(Appendix I)**
 - (b) Further Information (FI) received on 13.1.2025* **(Appendix Ia)**
- * accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicants

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

- (a) The applied use involves selling of hardware groceries such as handy tools, screws, nails and bearings, which would benefit the residents nearby by catering their demand for car accessories hence serving the local community.
- (b) The applied use is a Column 2 use in the “R(D)” zone. Temporary approval of the applied use will not jeopardise the long-term planning intention of the “R(D)” zone.
- (c) The applied use is not incompatible with the surrounding environment. The Site was the subject of two previously approved applications No. A/YL-SK/248 and 328 for shop and services use. There are also similar applications for shop and services use within the “R(D)” zone.
- (d) An as-built drainage plan and fire service installations (FSIs) proposal were submitted in support of the application. The applicants are committed to comply with all approval conditions. Besides, there are insignificant traffic, drainage and environmental impacts. The applied use is housed within an enclosed structure and no operations are held during sensitive hours.
- (e) The applicants will remove the unauthorized structure(s) and submit Short Term Waiver (STW) application to the Lands Department (LandsD).

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, 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) are not applicable.

4. Background

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

5. **Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/YL-SK/248 and 328) which were submitted by the same different applicant for the same temporary shop and services use. Application No. A/YL-SK/248 involved a slightly larger site area, while application No. A/YL-ST/328 involved the same site area, development parameters and layout of the applied use as the current application. The two previous applications were approved by the Committee on 17.5.2019 and 9.9.2022 respectively each for a period of three years mainly on the considerations that the applied use would not jeopardise the long-term planning intention of “R(D)” zone; the applied use was not incompatible with the surrounding environment; and the government departments consulted generally had no adverse comment on the application. All approval conditions of application No. A/YL-SK/248 were complied with, whereas the planning permission of application No. A/YL-SK/328 was revoked in 2023 due to non-compliance with the approval condition on the implementation of FSIs proposal.
- 5.2 Details of the previous applications are summarised at **Appendix II** and their location are shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 During the past five years, there are six similar applications (No. A/YL-SK/270, 271, 296, 303, 320 and 353) for temporary shop and services use within the same “R(D)” zone in the vicinity of the Site. These similar applications were approved with conditions by the Committee between 2020 and 2023, mainly on the similar considerations as stated in paragraph 5.1 above.
- 6.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.3 Other than the similar applications as stated in paragraph 6.1 above, application No. A/YL-SK/397 for the same use as the current application which is located to the immediate east of the Site within the same “R(D)” 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) currently occupied by the applied use without valid planning permission; and
 - (b) accessible from a local access leading to Kam Sheung Road.
- 7.2 The surrounding areas are rural in character predominated by residential structures, shop and services use, restaurants, car park, fallow/cultivated agricultural land, brassware manufactory, open storage/storage yard, workshops, warehouse and vacant/unused land.

8. **Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from 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, if any, are provided in **Appendices III and IV** respectively.
- 9.2 The following government department does not support the application:

Land Administration

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

- (a) objects to the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lot 878 in D.D. 114 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;
- (c) LandsD has reservation on the planning application since there are unauthorized structure(s) and uses on Lot 878 in D.D.114 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
- (d) the GL within the Site (about 110m² as mentioned in the application form) has been unlawfully occupied without any permission. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. LandsD objects to the application since there is illegal occupation of GL which regularization would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL and remove the unauthorized structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (e) there are unauthorized structure(s) within the said private lot(s) not covered by the planning application. The lot owner(s) should immediately regularize the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

- (f) the lot owner(s)/applicants shall remove the unauthorized structure(s) not covered by the planning application immediately; or include the unauthorized structure(s) in the planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a STW to permit the structure(s) erected. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s) for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future.

10. Public Comment Received During Statutory Publication Period

On 3.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concern that the previous planning permission was revoked without fulfilling the approval condition in relation to fire safety aspect (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (retail shop for hardware groceries) for a period of three years at the Site zoned “R(D)” (**Plan A-1**). While the applied use is not entirely in line with the planning intention of the “R(D)” zone, there is no known proposal for permanent development at the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(D)” zone.
- 11.2 The applied use is considered not incompatible with the surrounding areas which is rural in character predominated by residential structures, shop and services use, restaurants, car park, fallow/cultivated agricultural land, brassware manufactory, open storage/storage yard, workshops, warehouse and vacant/unused land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that no significant landscape impact arising from the applied use is anticipated.
- 11.3 Regarding DLO/YL of LandsD’s concern on the unauthorised structure(s) and uses on the concerned lot and the illegal occupation of GL, the applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant government departments consulted including the Commissioner for Transport, Director of Fire Services (D of FS), Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicants will also be advised to follow the revised “Code of Practice on

Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisance by the applied use on the surrounding areas.

- 11.4 The Site is the subject of two previously approved applications (No. A/YL-SK/248 and 328) submitted by the same different applicant for the same use of the current application as detailed in paragraph 5 above. Although the planning permission under the last previous application No. A/YL-SK/328 was subsequently revoked in 2023 due to non-compliance with the time-limited approval condition related to the implementation of FSIs proposal, the current application is submitted by different applicants who are committed to fulfilling all approval conditions. To support the current application, the applicants have submitted a revised FSIs proposal, which has been accepted by D of FS. Besides, there were six similar applications for temporary shop and services use within the same “R(D)” zone in the vicinity of the Site in the past five years as detailed in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, PlanD 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 24.1.2028. 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 records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.4.2025;
- (c) the implementation of the accepted fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.10.2025;
- (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 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 "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong planning justification has been given 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 applicants.

15. Attachments

Appendix I	Application Form received on 26.11.2024
Appendix Ia	FI received on 13.1.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**