

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/405

<u>Applicant</u>	:	Mr. CHOI Yuet Wing represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lot 591 RP (Part) in D.D. 112, Shek Kong, Yuen Long, New Territories
<u>Site Area</u>	:	431m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Temporary Shop and Services (Solar Power System Shop) for a Period of 5 years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (solar power system shop) for a period of five years and associated filling of land at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ (being not 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). Filling of land also requires permission from the Board. The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible via a local track from Shek Kong Airfield Road (**Plans A-1 to A-3**). According to the applicant, the applied use involves six single-storey structures (range from about 3.3m to 3.8m in height) with a total floor area of about 234m² for solar panel shop, site office, meeting room, rain shelter, and storage uses. The applicant also applies for regularisation of associated filling of land with concrete of about 0.1m in depth (up to 15.3mPD) at the entire Site for site formation and circulation (**Drawing A-2**), and no further filling of land will be carried out at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays.

Two private car parking spaces and one loading/unloading space for light goods vehicles are provided. No medium or heavy goods vehicles, including container tractors/trailers are allowed in the Site. The plans showing the site layout and land filling area submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 The Site is involved in one previous application (No. A/YL-SK/292) submitted by the same applicant for the same use (including filling of land), development parameters as well as depth and extent of land filling, with similar layout. The application was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 4.12.2020, and the planning permission was subsequently revoked in 2024 due to non-compliance of approval condition (details at paragraph 5 below).

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

(a) Application Form with Planning Statement and (**Appendix I**) supplementary information received on 8.1.2025 and 17.1.2025

(b) Further Information (FI) received on 19.2.2025* (**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 and FI at **Appendices I to Ia**. They can be summarised as follows:

- (a) The applied use is a Column 2 use in the “V” zone of the OZP, which involves a retail shop of solar panels and provision of installation and maintenance services of solar power system to serve nearby locals.
- (b) The applied use is on a temporary basis and therefore would not frustrate the long-term planning intention of the “V” zone.
- (c) The Site is the subject of a previously approved application (No. A/YL-SK/292). There is no change in all major development parameters (e.g. site area, structures), operation mode and site formation level in the current application. Approval of the current application is in line with the Board’s previous decision.
- (d) The applied use would not create significant nuisance and adverse traffic impact to the surrounding areas.
- (e) The applicant has submitted drainage and fire service installations (FSIs) proposals, and FS 251 certificates accepted in the previous application to demonstrate sincerity to comply with planning conditions. With new source of funding, the applicant will implement the drainage facilities during the approval period of the current application.

- (f) The applicant will follow relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (the CoP) issued by the Environmental Protection Department (EPD) to minimise adverse environmental impacts and nuisance to the surrounding area. Relevant environmental protection/pollution control ordinances, i.e. Water Pollution Control Ordinance, Air Pollution Control Ordinance, Noise Control Ordinance etc. will also be strictly complied with at all times during the planning approval period.
- (g) The applicant will submit Short Term Waiver (STW) application to rectify the structures erected at the Site with LandsD. The applicant also confirms that the structures and their uses on the Site will tally with the proposed layout upon obtaining approval on this application.

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 the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

The Site is involved in one previous application (No. A/YL-SK/292) for the same use (including filling of land) by the same applicant approved with conditions by the Committee in 2020. The planning permission was subsequently revoked due to non-compliance with approval condition on the implementation of the drainage proposal. Compared with the previous application, the current application involves the same use (including filling of land), development parameters as well as depth and extent of land filling, with similar layout. Details of the application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is no similar application for ‘Shop and Services’ use within the same “V” zone on the OZP in the past five years.

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

7.1 The Site is:

- (a) accessible via a local track from Shek Kong Airfield Road;
- (b) currently fenced, hard-paved and occupied by the applied use without valid planning permission; and
- (c) situated within the Shui Lau Tin Site of Archaeological Interest (**Plan A-1**)

7.2 The surrounding areas comprise predominantly village houses/residential dwellings, vehicle parking, fallow agricultural land, and a nullah. Area to the north across the nullah and Shek Kong Airfield Road is the Shek Kong Barracks.

8. **Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses (SHs) 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 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**

9.1 Apart from the government department as set out in 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 has reservation on the application:

Land Administration

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

- (a) has reservation on the application;
- (b) the Site comprises an Old Schedule Agricultural Lot No. 591 RP in D.D. 112 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) there are unauthorised structure(s) on the private lot which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (d) should planning approval be given to the application, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lot. The applications for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it 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 by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structures(s) will be considered;
- (e) there is no SH application approved or under processing for the Site; and
- (f) detailed advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 21.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual expressing concerns on the non-compliance with approval condition on drainage aspect for the previous application at the Site (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for temporary shop and services (solar power system shop) for a period of five years and associated filling of land at the Site zoned “V” (**Plan A-1**). While the applied use is not entirely in line with the planning intention of the “V” zone, the applicant claims that the applied use would serve the neighbourhood. According to DLO/YL, LandsD, there is no SH application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. Approval of the application on a temporary basis for five years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 Filling of land within the “V” zone requires planning permission from the Board. The applicant applies for regularisation of the filling of land at the Site which is required, according to the applicant, for site formation and circulation of vehicles. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no

objection to the application from drainage and environment perspectives respectively.

- 11.3 The applied use is considered not incompatible with the surrounding land uses which comprise predominantly village houses/residential dwellings, vehicle parking, fallow agricultural land and a nullah. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant landscape impact arising from the applied use is anticipated.
- 11.4 Concerned government departments consulted, including the Commissioner for Transport, Director of Fire Services, and Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office, Development Bureau have no objection to/no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the latest “CoP” to minimise any potential environmental nuisance on the surrounding areas. Regarding DLO/YL, LandsD’s concern on the unauthorised structure(s) on the concerned lot within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 The Site is the subject of a previously approved application No. A/YL-SK/292 submitted by the same applicant for the same applied use. The planning permission was subsequently revoked due to the non-compliance with approval condition on the implementation of the drainage proposal. In this regard, the applicant has submitted drainage and FSIs proposals in the current application and CE/MN, DSD considers the drainage proposal acceptable. Should the application be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further application.
- 11.6 Given the previous approval for the same use at the Site in 2020 as mentioned in paragraphs 5 above, approving the current application is in line with the Committee’s previous decision.
- 11.7 Regarding the public comment expressing concern mentioned in paragraph 10 above, the departmental comments and planning considerations 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 above, 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 five years until 28.2.2030. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the implementation of the accepted drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.11.2025;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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 28.8.2025;
- (d) in relation to (c) above, the implementation of the 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 28.11.2025;
- (e) if the above planning condition (b) 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 (a), (c), or (d) 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 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 with associated filling of land is not in line with the planning intention of the "V" zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of SHs by indigenous villagers. No strong planning justification has been given 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 with Planning Statement and supplementary information received on 8.1.2025 and 17.1.2025
Appendix Ia	FI received on 19.2.2025
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Filling of Land Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**