

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

**APPLICATION NO. A/YL-SK/411**

<b><u>Applicant</u></b>	: Mr. CHOI Yuet Wing represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lot 593 in D.D. 112, Shek Kong, Yuen Long, New Territories
<b><u>Site Area</u></b>	: 2,438m <sup>2</sup> (about)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zonings</u></b>	: “Village Type Development” (“V”) <i>[Maximum building height of 3 storeys (8.23m)]</i>
<b><u>Application</u></b>	: Proposed Temporary Shop and Services and Public Vehicle Park (excluding Container Vehicle) and Associated Filling of Land for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and public vehicle park (excluding container vehicle) and associated filling of land for a period of five years 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)) and ‘Public Vehicle Park (excluding container vehicle)’, which are Column 2 uses, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently vacant, fenced and hard-paved (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local track from Shek Kong Airfield Road (**Plans A-1 to A-3**), with an ingress/egress at the northern boundary. According to the applicant, the proposed uses involve three two-storey structures of about 7m in height with a total floor area of about 462m<sup>2</sup> for temporary shop and services (including but not limited to real estate agency, service trade, retail shop etc.), site office and washroom, and an open-air vehicle park area with 35 private car parking spaces (eight for the proposed shop and services and 27 for the proposed public vehicle park) and one loading/unloading bay for light

goods vehicles for the proposed shop and services (**Drawing A-1**). Sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will queue back to or reverse onto/from the Site to the public road. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined under the Road Traffic Ordinance, will be allowed to park/stored on or enter/exit the Site, and a notice indicating such will be posted at a prominent location of the Site. No vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicle) Regulations are allowed to be parked/stored at the Site. The operation hours of the proposed shop and services are between 9:00 a.m. and 7:00 p.m. daily while the proposed public vehicle park would operate 24 hours daily, both including public holidays. No workshop activities will be carried out and no public announcement systems or any form of audio amplification system will be allowed in the Site.

- 1.3 The applicant also applies for regularisation of filling of land for the entire Site (i.e. about 2,438m<sup>2</sup>) to the formed levels ranging from +16.4mPD to +16.5mPD, and proposed filling of land for the entire Site with concrete of not more than 0.2m in depth with finished level of +16.6mPD on top of the formed levels for site formation of structures and circulation space (**Drawing A-2**). The applicant has committed to reinstate the Site to an amenity area upon expiry of the planning. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments and supplementary (**Appendix I**) information received on 19.2.2025 and 26.2.2025
  - (b) Further Information (FI) received on 20.3.2025\* (**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 and Ia**. They can be summarised as follows:

- (a) The proposed uses could alleviate the demand for retail shop, service trade, real estate agency and parking spaces in the area arising from the growing demand of the increasing local residents along Shek Kong Airfield Road. The proposed uses could also benefit the local economy by creating additional employment opportunities.
- (b) The proposed uses are in line with the planning intention of “V” zone and would better utilise the precious land resources as the proposed uses are to serve the residence and support village development and no Small House application is being processed at the Site. The proposed uses are also not incompatible with the surrounding land uses of village development, which the building height and form of structures are similar to the nearby NTEHs of 8.23m in height.

- (c) The applied filling of land for site formation and circulation is required to meet operation need.
- (d) A similar application (No. A/YL-SK/292) for proposed temporary shop and services was approved by the Rural and New Town Planning Committee (the Committee) of the Board for a period of five years in 2020, and hence, the current application would not set an undesirable precedent within the same “V” zone.
- (e) Sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will queue back to or reverse onto/from the Site to the public road and traffic arrangement mentioned in paragraph 1.2 above will be implemented. Also, the trips generated by the proposed uses would be minimal. Hence, adverse traffic impact to the surrounding road network is not anticipated.
- (f) The applicant will comply with all environmental protection/pollution control ordinances and follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) issued by the Environmental Protection Department to minimise adverse impacts and environmental nuisance to the surrounding area.
- (g) The applicant will submit and implement drainage and fire service installations proposals to mitigate any adverse impact arising from the proposed uses after planning approval has been granted.

### **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 Member’s inspection.

### **4. Background**

The Site is currently subject to planning enforcement action (No. E/YL-SK/268) against unauthorized development involving filling of land (**Plan A-2**). Reinstatement Notice was issued on 21.2.2025 requiring reinstatement of the concerned land by 21.5.2025.

### **5. Previous Application**

There is no previous application covering the Site.

## 6. **Similar Applications**

- 6.1 There are three similar applications, including one (No. A/YL-SK/276) for temporary public vehicle park and two (No. A/YL-SK/292 and 405) for temporary shop and services with associated filling of land within the same “V” zone in the vicinity of the Site in the past five years. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-SK/292 and 405 involving the same site for proposed temporary shop and services for a period of five years and associated filling of land were approved with conditions by the Committee in 2020 and 2025 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding areas; and relevant government departments consulted in general had no adverse comment and/or the concerns of relevant departments could be addressed by approval conditions. The planning permission for No. A/YL-SK/292 was subsequently revoked due to non-compliance with time-limited approval condition.
- 6.3 Application No. A/YL-SK/276 for proposed temporary public vehicle park (private cars only) for a period of three years was approved with conditions by the Committee in 2020, mainly on similar considerations as mentioned in paragraph 6.2 above.

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

- 7.1 The Site is:
  - (a) accessible via a local track from Shek Kong Airfield Road;
  - (b) currently vacant, fenced and hard-paved; and
  - (c) situated within the Shui Lau Tin Site of Archaeological Interest (**Plan A-1**).
- 7.2 The surrounding areas comprise predominantly village settlements of Shui Lau Tin intermixed with temporary shop and services, vehicle parking, fallow agricultural land and a nullah to the north of the Site. To the further 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 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 the 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 supports the application:

### **Traffic**

Comments of the Commissioner for Transport (C for T):

- (a) supports the application from traffic engineering perspective to address the local demand; and
- (b) advisory comments are in **Appendix IV**.

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

On 28.2.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual expressing concerns on whether planning considerations of a rejected application No. A/YL-SK/305 for a proposed (private) house would be applicable to the current application (**Appendix V**).

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

11.1 The applicant seeks planning permission for proposed temporary shop and services and public vehicle park (excluding container vehicle) and associated filling of land for a period of five years at the Site zoned “V” (**Plan A-1**). While the proposed uses are not entirely in line with the planning intention of the “V” zone, the applicant claims that the proposed uses could alleviate the demand for retail shop, service trade, real estate agency and parking spaces in the area and benefit the local economy by creating additional employment opportunities. C for T supports the application from traffic engineering perspective as it could help address the local parking demand. According to the District Lands Officer/Yuen Long of Lands Department, there is no Small House application approved/under processing at the Site. The proposed uses of temporary nature would not adversely affect the land availability for NTEH/Small House development within the “V” zone in the long term. In view of the above, 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 and proposed 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 and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively.
- 11.2 The proposed uses are considered not incompatible with the surrounding land uses which comprises predominantly village settlements of Shui Lau Tin intermixed with temporary shop and services, vehicle parking, fallow agricultural land and a nullah to the north of the Site (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant adverse landscape impact arising from the proposed uses is anticipated.
- 11.3 Other relevant government departments consulted, including the Director of Fire Services and Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office, Development Bureau 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. It is also recommended to advise the applicant to follow the latest CoP to minimise any potential environmental nuisance caused by the proposed uses on the surrounding areas.
- 11.4 Given three approved similar applications for temporary shop and services with filling of land or public vehicle park within the same “V” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above, approving the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment as mentioned in paragraph 10 above, the planning considerations on a proposed (private) house are not relevant to the current application which involves different use.

## **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 11.4.2030. The following conditions of approval and advisory clauses are suggested for Members’ reference:

### Approval Conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.10.2025;
- (b) in relation to (a) above, the implementation of the 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 11.1.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 11.10.2025;
- (e) in relation to (d) 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 11.1.2026;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 proposed uses with associated filling of land are 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 Small Houses 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**

<b>Appendix I</b>	Application Form with attachments and supplementary information received on 19.2.2025 and 26.2.2025
<b>Appendix Ia</b>	FI received on 20.3.2025
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Land Filling 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  
APRIL 2025**