

RNTPC Paper No. A/YL-PS/750
For Consideration by
the Rural and New Town
Planning Committee
on 23.5.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/750

Applicant : Mr. TANG Fuk On

Site : Lot 289 S.B in D.D. 123, Yuen Long

Site Area : About 36.4 m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20

Zoning : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]

Application : Temporary Shop and Services (Convenient Store) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of five years at the application site (the Site) (**Plan A-1**) zoned “V” on the OZP. According to the Notes of “V” zone of the OZP, ‘Shop and Services’ other than 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 a temporary structure for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Fuk Shun Street (**Drawing A-1**). According to the applicant, a single-storey temporary structure with a height of 3.6m is erected for selling beverage and snacks. No parking space and loading/unloading space will be provided within the Site while the loading/unloading activity and visitor parking will take place at the carparks within Tai Tseng Wai. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site was involved in three previous applications for temporary shop and services use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2017 (details at paragraph 5 below). Compared with the last application No. A/YL-PS/524 approved in 2017, the current application is submitted by the same applicant for the same use on the

same site with the same layout and development parameters as follows:

Major Development Parameters	Current Application No. A/YL-PS/750
Applied Use	Temporary Shop and Services (Convenient Store) for a Period of 5 Years
Site Area	About 36.4 m ²
Total Floor Area (Non-domestic)	About 22.5 m ²
No. and Height of Structure	1 (3.6m, 1 storey)
No. of Parking Space	Nil
No. of Loading/ Unloading Space	Nil
Operation Hours	12:00 p.m. to 7:00 p.m. (Mondays to Saturdays) 10:00 a.m. to 8:00 p.m. (Sundays and Public Holidays)

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

- (a) Application Form with attachments received on **(Appendix I)**
31.3.2025
- (b) Further Information (FI) received on 29.4.2025 **(Appendix Ia)**
(accepted and exempted from publication and recounting requirement)

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 applied use is in line with the planning intention of the “V” zone for the convenience of villagers of Tai Tseng Wai and nearby residents.
- (b) No adverse traffic impact due to the type of business as a convenient store and no heavy loading/unloading activity is envisaged.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The shop and services use at the Site is a suspected unauthorized development (UD) which would be subject to planning enforcement action.

5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA) (**Plan A-1**). Relevant extract of the Guidelines is at **Appendix II**.

6. **Previous Applications**

The Site was involved in three previous planning applications (No. A/YL-PS/475, 517¹ and 542) for temporary shop and services (convenience store) for a period of three or five years. All three applications were approved by the Committee between 2015 and 2017 mainly on considerations that the applied use would not jeopardise the long-term planning intention; the applied use being not incompatible with the surrounding land uses; and there were no adverse comments from concerned government departments. All the time-limited approval conditions of the last approved application (No. A/YL-PS/542) had been complied with and the planning permission lapsed on 23.6.2022. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. **Similar Applications**

There are two similar applications for temporary shop and services within the same “V” zone approved by the Committee in the past five years mainly on similar considerations as those mentioned in paragraph 6 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) hard-paved and currently occupied by a temporary structure for the applied use without valid planning permission; and
- (b) directly accessible from Fuk Shun Street.

8.2 The surrounding areas comprise predominantly residential dwellings and the village settlements of Tai Tseng Wai and Ng Uk Tsuen intermixed with vehicle

¹ The planning permissions for applications No. A/YL-PS/475 and 517 were subsequently revoked on 27.9.2015 and 22.10.2016 due to non-compliance with approval condition.

parks, shop and services, open storage yard, village offices and unused land. Some of these uses are suspected UD subject to planning enforcement action.

9. Planning Intention

The planning intention of “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 the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

All government departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 8.4.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received expressing concerns on the application as previous planning approval was revoked due to non-compliance of fire service installations and drainage conditions (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for temporary shop and services (convenience store) for a period of five years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could meet any such demand for shop and services in the area. According to the District Lands Officer/Yuen Long of Lands Department, there is no SH application approved or under processing at the Site. Approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “V” zone.

12.2 The Site is mainly surrounded by residential dwellings intermixed with vehicle parks, shop and services, open storage yard, village offices and unused land. (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.

12.3 Although the Site falls within the WBA of the TPB PG-No. 12C, planning

applications for local and minor uses (including temporary uses) are exempted from the requirement of ecological impact assessment. In this regard, the Director of Agriculture, Fisheries and Conservation has no comment on the application.

- 12.4 Other relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Director of Food and Environmental Hygiene, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, hygiene, fire safety and drainage aspects respectively. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise possible environmental nuisance on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 12.5 The Committee has approved three previous applications for the same use at the Site between 2015 and 2017 as well as two similar applications within the same “V” zone in the past five years. Approval of the application is in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment expressing concerns on the application as stated in paragraph 11 above, all the time-limited approval conditions of the last approved application (No. A/YL-PS/542) had been complied with and the planning permission lapsed on 23.6.2022.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 **23.5.2030**. 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 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 **23.8.2025**;
- (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 **23.11.2025**;

- (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 **23.2.2026**;
- (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 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 V**.

- 13.3 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. 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.

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 applicant.

15. Attachments

Appendix I	Application form with attachments received on 31.3.2025
Appendix Ia	FI received on 29.4.2025
Appendix II	Extract of the TPB PG-No. 12C
Appendix III	Previous Applications and Similar Applications
Appendix IV	Government Departments' General Comments

Appendix V	Recommended Advisory Clauses
Appendix VI	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
MAY 2025