

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/YL-TYST/1308 AND 1309

- Applicant** : Ming Wai Management Limited represented by Metro Planning and Development Company Limited
- Sites** : Lots 2535 (Part), 2536 (Part) and (Application No. A/YL-TYST/1308)
2537 (Part) in D.D. 124, Hung Shui Kiu, Yuen Long
Lots 2536 (Part) and 2537 (Part) in (Application No. A/YL-TYST/1309)
D.D. 124, Hung Shui Kiu, Yuen Long
- Site Areas** : 570 m² (about) (Application No. A/YL-TYST/1308)
462 m² (about) (Application No. A/YL-TYST/1309)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings**¹ : “Residential (Group B)1” (“R(B)1”); and
[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]
“Government, Institution or Community” (“G/IC”)
- Applications** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposals

- 1.1 The applicant seeks planning permissions for proposed temporary shop and services each for a period of three years at two application sites (the Sites) zoned “R(B)1” and “G/IC” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(B)” and “G/IC” zones, ‘Shop and Services’ and ‘Shop and Services (not elsewhere specified)’ are Column 2 uses respectively which require planning permission from the Town Planning Board (the Board). The Sites are currently paved, fenced off and occupied by storage of construction materials and miscellaneous items respectively without valid planning permission (**Plans A-2 to A-4b**).

¹ Application No. A/YL-TYST/1308 is zoned partly “R(B)1” (about 63%) and partly “G/IC” (about 37%); while application No. A/YL-TYST/1309 falls mainly within an area zoned “R(B)1” (about 88%) with a minor portion zoned “G/IC” (about 12%).

- 1.2 The Sites with the ingresses/egresses at the eastern part (A/YL-TYST/1308) and western part (A/YL-TYST/1309) respectively are accessible from Hung Shun Road via a local track (**Drawing A-1a, Plans A-2 and A-3**). For A/YL-TYST/1308, the proposal is for selling metal ware (including windows, doors and doors frame, etc.). There are a total of three structures, including two single-storey structures and a two-storey structure (not exceeding 3m to 6m in height) with a total floor area of about 302m² for shop, site office and toilet uses. One loading/unloading (L/UL) space for light goods vehicle (LGV) is provided. For A/YL-TYST/1309, the proposal is for selling building materials (including screws, PVC pipes and handy tools, etc.). There are a total of three structures, including two two-storey structures and a single-storey structure (not exceeding 4.5m to 6.5m in height) with a total floor area of about 420m² for shops, staff restroom, toilet and open shed uses. Two parking spaces for private cars and one L/UL space for LGV are provided. Plans showing the vehicular access leading to the Sites, site layouts with fire service installations (FSIs) and drainage proposals submitted by the applicant are at **Drawings A-1a to A-3b** respectively.
- 1.3 The Sites were each involved in a previous application (No. A/YL-TYST/1194 and 1195) for the same temporary shop and services use approved by the Rural and New Town Planning Committee (the Committee) of the Board on 3.2.2023 (details at paragraph 5 below). Compared with the last approved applications, the current applications are submitted by the same applicant for the same use at smaller sites² with the same layouts and development parameters. The major development parameters of the current applications are summarised as follows:

Major Development Parameters	Application No. A/YL-TYST/1308	Application No. A/YL-TYST/1309
Proposed Use	Proposed Temporary Shop and Services for a Period of 3 Years	
Site Area	About 570 m ²	About 462 m ²
Total Floor Area (Non-domestic)	About 302 m ²	About 420 m ²
No. and Height of Structures	3 • for shop, site office and toilet (3 – 6m, 1 – 2 storey(s))	3 • for shops, staff restroom, toilet and open shed (4.5 – 6.5m, 1 – 2 storey(s))
No. of Parking Space(s)	Nil	2 (for private cars) (5m x 2.5m each)
No. of L/UL Space	1 (for LGV) (7m x 3.5m)	
Operation Hours	9:00 a.m. to 7:00 p.m. daily	

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

For application No. A/YL-TYST/1308

- (a) Application Form with attachments received on 26.3.2025 (**Appendix I**)

² The site areas of the last approved applications (No. A/YL-TYST/1194 and 1195) are about 620m² and 500m² respectively.

- (b) Supplementary Information (SI) received on 3.4.2025 (Appendix Ib)
- (c) Further Information (FI) received on 14.5.2025* (Appendix Id)

For application No. A/YL-TYST/1309

- (d) Application Form with attachments received on 2.4.2025 (Appendix Ia)
- (e) SI received on 7.4.2025 (Appendix Ic)
- (f) FI received on 14.5.2025* (Appendix Ie)
* *accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the applications are detailed in the Application Forms, SIs and FIs (**Appendices I to Ie**). They can be summarised as follows:

- (a) the Sites are the subject of previous planning applications No. A/YL-TYST/1194 and 1195 for the same use, which were revoked subsequently due to non-compliance with approval conditions on the submission and/or implementation of drainage and FSIs proposals. The applicant has commissioned another consultant for the preparation of drainage proposals and the implementation works of the drainage and FSIs proposals will be commenced upon approval;
- (b) the developments are temporary in nature and would not jeopardise the long-term planning intentions;
- (c) similar applications for shop and services have been approved by the Board in the vicinity of the Sites. The proposed use is not incompatible with the surrounding area;
- (d) for application No. A/YL-TYST/1308, licensed collectors will be arranged to collect the sewage and waste from the Site. For application No. A/YL-TYST/1309, septic tank and soakaway system will be provided, designed and constructed in accordance with the requirements set out in the Practice Note for Professional Persons (ProPECC) PN 1/23; and
- (e) there will be minimal traffic, environmental and drainage impacts arising from the proposed use.

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

The applicant is not a “current land owner” of the Sites 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 the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The storage uses at the Sites are suspected unauthorized developments (UDs) which would be subject to planning enforcement action.

5. Previous Applications

The Sites were each involved in a previous application (No. A/YL-TYST/1194 and 1195) for the same temporary shop and services use. The applications were approved with conditions each for a period of three years by the Committee on 3.2.2023 mainly on the considerations that the proposals were generally not incompatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions were subsequently revoked in 2024 due to non-compliance with time-limited approval conditions on the submission and/or implementation of drainage and FSIs proposals. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

6. Similar Applications

There are seven similar planning applications (No. A/YL-TYST/1092, 1156, 1157, 1160, 1250, 1277 and 1296) involving six sites for temporary shop and services uses within/straddling the subject “R(B)1” and “G/IC” zones in the past five years. All the applications were approved by the Committee each for a period of three or five years mainly on similar considerations as those mentioned in paragraph 5 above. Details of these similar applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

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

7.1 The Sites are:

- (a) accessible from Hung Shun Road via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, fenced off and occupied by storage of construction materials and miscellaneous items without valid planning permission (**Plans A-2 to A-4b**).

7.2 The surrounding areas comprise predominantly residential developments (namely The Woodsville, Ming Wai Court and Symphony Garden) intermixed with scattered residential structures, open storage/storage yards, warehouses, vehicle repair workshops, car parks, a school, restaurant, sitting-out area, shop, workshop, unused land and vacant land/structures (**Plans A-2 and A-3**). Some of these uses in the vicinity are suspected UD's subject to planning enforcement action.

8. Planning Intentions

- 8.1 The planning intention of the “R(B)” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 8.2 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

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 applications. Their general comments on the applications and advisory comments are provided in **Appendices III** and **IV** respectively.
- 9.2 The following government department objects to the applications:

Land Administration

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

- (a) he objects to the applications;
- (b) the Sites comprise Old Schedule Agricultural Lots 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) Lot 2536 in D.D. 124 is covered by Short Term Waiver (STW) No. 1117 for the purpose of knitting factory;
- (d) the following irregularities not covered by the current applications have been detected by his office:
 - (i) there is/are unauthorised structure(s) on the Lots 2535 and 2537 in D.D. 124 which is/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; and

Unauthorised structure(s) within Lot 2537 in D.D. 124 not covered by the planning applications

- (ii) there is unauthorised structure(s) within Lot 2537 in D.D. 124 not covered by the current planning applications. The lot owner(s) should immediately rectify/apply for regularisation on

the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (e) unless and until the unauthorised structure(s) are duly rectified by the lot owner(s)/applicant or entirely included in the current planning applications, his office objects to the applications which must be brought to the attention of the Board when it considers the applications; and
- (f) the applicant should note his advisory comments at **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 8.4.2025 and 11.4.2025, the applications were published for public inspection respectively. During the statutory public inspection period, one public comment was received from the same individual on each application objecting to the applications on the grounds that the approval conditions of the previous planning applications have not been complied with and such consideration should be taken into account by the Board (**Appendices V-1a and V-1b**).

11. Planning Considerations and Assessments

- 11.1 The applications are for proposed temporary shop and services each for a period of three years at the Sites zoned “R(B)1” and “G/IC” on the OZP. Although the proposed use is not entirely in line with the planning intentions of the “R(B)1” and “G/IC” zones, it could serve any such demand for shop and services in the area. There are also no known development programme or proposal for residential development or GIC use at the Sites for the time being. Approval of the applications on a temporary basis for a period of three years would not jeopardise the long-term planning intentions of the “R(B)1” and “G/IC” zones.
- 11.2 The surrounding areas comprise predominantly residential developments intermixed with scattered residential structures, open storage/storage yards, warehouses, vehicle repair workshops, car parks, a school, restaurant, sitting-out area, shop, workshop, unused land and vacant land/structures (**Plans A-2 and A-3**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the applications from traffic, environmental, fire safety and drainage aspects respectively. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the applications be approved, the applicant will also be advised to follow the relevant environmental mitigation measures in the latest “Code of Practice” to minimise potential environmental nuisance on the surrounding areas and that the planning permissions do not condone any other development/uses found on the Sites (i.e. storage uses) but not covered by the applications.

- 11.4 As for DLO/YL, LandsD's concerns on the unauthorised structure(s) on the Sites which are already subject to lease enforcement actions and the unauthorised structure(s) outside the Sites, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the applications.
- 11.5 The Sites were each involved in a previous application for the same temporary shop and services use approved by the Committee on 3.2.2023. However, the planning permissions for the previous applications (No. A/YL-TYST/1194 and 1195) were revoked in 2024 due to non-compliance with time-limited approval conditions regarding submission and/or implementation of drainage and FSIs proposals. The current applications are submitted by the same applicant as the last previous applications with the same layouts and development parameters. In this regard, the applicant has submitted drainage and FSIs proposals in support of the current applications (**Drawing A-2a to A-3b**), and D of FS and CE/MN, DSD have no objection to the current applications. As such, sympathetic consideration may be given to the current applications. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permissions, sympathetic consideration may not be given to any further applications.
- 11.6 Given that seven similar applications within/straddling the subject "R(B)1" and "G/IC" zones have been approved in the past five years, approval of the current applications is generally in line with the previous decisions of the Committee.
- 11.7 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.5 to 11.6 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the two applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis each for a period of three years until 23.5.2028. The following conditions of approval and advisory clauses for the two applications are also suggested for Members' reference:
- (a) the submission of a revised 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 23.11.2025;
 - (b) in relation to (a) above, the implementation of the revised 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 23.2.2026;
 - (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 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 23.11.2025;
- (e) in relation to (d) above, the implementation of the revised 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;
- (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 applications, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intentions of the "R(B)" and "G/IC" zones, which are primarily for sub-urban medium-density residential developments in rural areas and for the provision of Government, institution or community facilities respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the period of which the permissions should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 26.3.2025 (No. A/YL-TYST/1308)
Appendix Ia	Application Form with attachments received on 2.4.2025 (No. A/YL-TYST/1309)
Appendix Ib	SI received on 3.4.2025 (No. A/YL-TYST/1308)

Appendix Ic	SI received on 7.4.2025 (No. A/YL-TYST/1309)
Appendix Id	FI received on 14.5.2025 (No. A/YL-TYST/1308)
Appendix Ie	FI received on 14.5.2025 (No. A/YL-TYST/1309)
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1a and V-1b	Public Comments
Drawings A-1a and A-1b	Vehicular Access Plans
Drawings A-2a and A-2b	Site Layout Plans with FSIs
Drawings A-3a and A-3b	Drainage Proposals
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2025**