

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1310

<u>Applicant</u>	:	Blessline Company Limited represented by Metro Planning and Development Company Limited
<u>Site</u>	:	Lots 2526 (Part), 2530 (Part), 2531 (Part), 2532 RP (Part) and 2533 (Part) in D.D. 124, Hung Shui Kiu, Yuen Long
<u>Site Area</u>	:	610 m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Government, Institution or Community” (“G/IC”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services for a period of three years at the application site (the Site) zoned “G/IC” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “G/IC” zone, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved and occupied by the applied use with valid planning permission under application No. A/YL-TYST/1157 until 10.6.2025 (**Plans A-1b to A-4**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Hung Shun Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the applied use is for a temporary shop selling construction materials (i.e. styrofoam) and a parcel collection centre for the nearby residents. There are two single-storey structures (not exceeding 5.2m in height) with a total floor area of 450m² for shop and services and toilet uses. Only light goods vehicles (LGVs) not exceeding 5.5 tonnes are allowed to enter/park at the Site for operation needs, while customers would have to use the car parks in the vicinity. Plans showing the vehicular access leading to the Site, site layout, as-built drainage plan and fire

service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in a previous application (No. A/YL-TYST/1157) for the same temporary shop and services uses approved by the Rural and New Town Planning Committee (the Committee) of the Board on 10.6.2022 (details at paragraph 6 below). Compared with the previous application, the current application is submitted by the same applicant for similar temporary shop and services use¹ at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

Site Area	About 610 m ²
Total Floor Area (Non-domestic)	About 450 m ²
No. and Height of Structures	2 • for shop and services and toilet (5.2m, 1 storey)
No. of Parking Space	Nil
No. of Loading/ Unloading 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 application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 14.4.2025 (**Appendix I**)
- (b) Further Information (FI) received on 28.4.2025* (**Appendix Ia**)
- (c) FI received on 28.5.2025* (**Appendix Ib**)
* *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 (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site is the subject of previous planning permission for the same use;
- (b) approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “G/IC” zone;
- (c) similar applications for shop and services uses have been approved by the Board in other “G/IC” zones;
- (d) the development is compatible with the surrounding environment; and

¹ According to the applicant, application No. A/YL-TYST/1157 was intended for temporary shop selling household products (including floor wipers, buckets, scourers, rubber cloths and window wipes, etc.) to serve the nearby residents.

- (e) there will be minimal traffic, environmental, noise and drainage impacts arising from the applied use.

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 the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

The Site was involved in two previous applications, including an application (No. A/YL-TYST/455) for temporary warehouse with ancillary office and workshop use rejected by the Committee in 2009, and its considerations are not relevant to the current application which involves a different use. Another application (No. A/YL-TYST/1157) for proposed temporary shop and services use was approved with conditions for a period of three years by the Committee on 10.6.2022 mainly on the considerations that the development was not incompatible with the surrounding uses; approval of the application 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. All the time-limited approval conditions under the last approved application (No. A/YL-TYST/1157) have been complied with and the planning permission is valid until 10.6.2025. Details of the previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

7. Similar Applications

There are five similar planning applications (No. A/YL-TYST/1156, 1194, 1195, 1308 and 1309) involving three sites for temporary shop and services uses within/straddling the subject “G/IC” zone in the past five years. All the applications were approved by the Committee each for a period of three years mainly on similar considerations as those mentioned in paragraph 6 above. Details of the similar applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Hung Shun Road via a local track (**Plans A-2 and A-3**); and
- (b) paved and currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1157 (**Plans A-2 to A-4**).

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

9. Planning Intention

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.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

10.2 The following government department objects to the application:

Land Administration

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

- (a) he objects to the application;
- (b) the Site comprises 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) the following irregularities have been detected by his office:

Unauthorised structure(s) within the said private lot(s) covered by the planning application

- (i) there is/are unauthorised structure(s) on the Lots 2530, 2531, 2532 RP and 2533 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 the said private lot(s) not covered by the planning application

- (ii) there are unauthorised structure(s) within Lots 2530, 2531, 2532 RP and 2533 in D.D. 124 not covered by the current planning application. 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;
- (d) unless and until the unauthorised structure(s) are duly rectified by the lot owner(s)/applicant or entirely included in the current planning application, his office objects to the application which must be brought to the attention of the Board when it considers the application; and
- (e) the applicant should note his advisory comments at **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 25.4.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary shop and services for a period of three years at the Site zoned “G/IC” on the OZP. Although the applied use is not entirely in line with the planning intention of the “G/IC” zone, it could serve any such demand for shop and services in the area. There is also no known development programme or proposal for GIC use at the Site for the time being. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “G/IC” zone.
- 12.2 The surrounding area comprises predominantly residential developments intermixed with scattered residential structures, open storage/storage yards, warehouses, vehicle repair workshops, parking of vehicles, a school, restaurant, sitting-out area, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/1157; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.

- 12.4 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. 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 potential environmental nuisance on the surrounding areas.
- 12.5 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) on the Site which are already subject to lease enforcement actions and the unauthorised structure(s) outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 A previous approval for the same use has been granted to the Site in 2022 and five similar applications within/straddling the subject “G/IC” zone have been approved in the past five years. Approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 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 three years and be renewed from 11.6.2025 to 10.6.2028. 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 a condition record of the existing drainage facilities on the site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.9.2025;
- (c) 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
- (d) if the above planning condition (b) 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 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 "G/IC" zone which is primarily for the provision of Government, institution or community facilities. 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 14.4.2025
Appendix Ia	FI received on 28.4.2025
Appendix Ib	FI received on 28.5.2025
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**