

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/327

- Applicant** : Mr. Lam Ting Him represented by Mr. Lam Ting Hong
- Site** : Lots 825RP (Part), 839, 840 and 843 in D.D. 116 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 860 m² (including GL of about 120 m² or 14%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/27
- Zoning** : “Residential (Group B)” (“R(B)”) (about 718.6 m²) (about 83.6%); and
[Restricted to a maximum plot ratio (PR) of 3.5 and a maximum building height (BH) of 25 storeys (excluding basement car park)]

“Village Type Development” (“V”) (about 141.4 m²) (about 16.4%)
[Restricted to a maximum BH of 3 storeys (8.23m) except for those developments/ uses specified in the Notes of the OZP]
- Application** : Proposed Temporary Shop and Services and Eating Place with Ancillary Facilities for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and eating place with ancillary facilities for a period of six years at the application site (the Site) zoned “R(B)” and “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(B)” and “V” zones, ‘Shop and Services’ and ‘Eating Place’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently mostly vacant and covered with vegetation and partly paved with concrete and occupied by open storage of construction materials without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Fung Cheung Road via a local track to its immediate east (**Plans A-2 and A-4a**). According to the applicant, the proposed uses comprise two two-storey temporary structures (both not exceeding 8m high) for shop and services and eating place uses, with a total floor area of about 460m². The operation hours of the proposed uses are from 9:00 a.m. to 10:00 p.m. daily including Sundays and

public holidays. Four parking spaces for private cars and one loading/unloading space for light goods vehicles are provided. There will be no storage of dangerous goods or workshop activities at the Site. The site plan, proposed layout plan, floor plans, plan showing the swept path analysis and proposed drainage plan submitted by the applicant are shown in **Drawings A-1 to A-6** respectively.

- 1.3 In support of the application, the applicant has submitted the Application Form with attachments received on 23.4.2025 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form with attachments at **Appendix I**. They are summarised as follows:

- (a) The proposed uses are temporary in nature and would not jeopardise the long-term planning intention of “R(B)” and “V” zones. As most of the Site is currently vacant (**Plans A-4a and A-4b**), the applicant intends to optimise land resources by introducing the proposed uses in order to benefit the local residents and the neighbourhood in the vicinity.
- (b) The nature, layout, form and scale of the proposed development is considered not incompatible with the surrounding environment.
- (c) In view of the nature and scale of the proposed development, it would generate insignificant impact to the surrounding environment.
- (d) Similar applications (Nos. A/YL/250 and A/YL/274) have been approved by the Board within the same “V” zone and the same “R(B)” zone respectively.

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

The applicant is not the “current land owners” but have 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 obtaining consents of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. Previous Application

There is no previous application covering the Site.

5. Similar Application

There is one similar application (No. A/YL/274) for proposed temporary shop and services for a period of six years within the same “R(B)” zone approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 while there is no similar application within the same “V” zone in the past five years. Details of the application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

6. The Site and Its Surrounding Areas (Plans A-1 to A-3, A-4a and A-4b)

6.1 The Site is:

- (a) accessible from Fung Cheung Road via a local track located to the immediate east of the Site (**Plan A-2**); and
- (b) currently mostly vacant and covered with vegetation, except a strip of land along the eastern boundary paved with concrete and partly occupied by open storage of construction materials (**Plans A-2 and A-4a**).

6.2 The surrounding areas of the Site are predominantly residential in nature with ‘Grand Del Sol’ in the northwest, ‘The Reach’ in the southwest across Shap Pat Heung Road and the village settlements of Sheung Yau Tin Tsuen in the north, northeast and east. There are also some open-air carparks, a shop for car beauty service and some unused/vacant land in the vicinity (Plans A-2 and A-3**).**

7. Planning Intentions

- 7.1 The “R(B)” zone is primarily intended for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 7.2 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 “V” zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within “V” 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

8. Comments from Relevant Government Departments

8.1 Apart from the government department as set out in paragraph 8.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided in **Appendices III and IV respectively.**

8.2 The following government department objects to the application:

Land Administration

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

- (a) The Site comprises GL and Old Scheduled Agricultural Lots No. 825RP, 839, 840 and 843 all in D.D. 116 held under Block

Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.

- (b) He pointed out the following irregularities covered by this application. The GL within the Site (about 120 m² as mentioned in the Application form (**Appendix I**)) has been unlawfully occupied with unauthorised structure(s) on or after 28.3.2017 without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD objects to the application since there is unlawful occupation of GL and regularisation would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the unlawful occupation of GL as demanded by LandsD. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice.
- (c) The lot owner(s)/applicant shall cease the unlawful occupation of GL and, subject to the approval of the Board to the application which shall have reflected the rectification as aforesaid required, apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structure(s) erected and the occupation of GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL.
- (d) Unless and until the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, his office's objection to the application must be brought to the Board's attention when the Board considers the application.
- (e) There is no Small House application approved or under processing within the Site.

9. Public Comment Received During the Statutory Publication Period

On 29.4.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix V**) objecting to the application mainly on the grounds that there is no previous approval; most similar operators of the applied uses fail to comply with approval conditions; close proximity to a large number of residential units; posing public health, hygiene, fire risk and safety concerns to the community; and approval period of the proposed uses should only be limited to three years instead of six years.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed temporary shop and services and eating place with ancillary facilities for a period of six years at the Site zoned “R(B)” and “V” on the OZP. Although the proposed uses are not entirely in line with the planning intentions of the “R(B)” and “V” zones, approval of the application on a temporary basis can help meet any such demand for shop and services and eating place uses from the locals. Furthermore, there is no known development programme for the Site. DLO/YL of LandsD also advises that there is no Small House application approved or under processing within the Site. Approval of the application on a temporary basis would not jeopardise the long-term planning intentions of the “R(B)” and “V” zones.
- 10.2 The proposal comprises two two-storey structures (both not exceeding 8m in height) with a total floor area of about 460 m² (**Drawings A-2 to A-4**). It is considered not incompatible with the surrounding land uses which are predominantly residential intermixed with some open-air carparks and a shop for car beauty service (**Plans A-2 and A-3**).
- 10.3 Relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, 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 environmental, traffic, fire safety and drainage perspectives respectively. Relevant approval conditions are recommended in paragraph 11.2 below to address the technical requirements of the 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 any potential environmental nuisance on the surrounding areas.
- 10.4 As for DLO/YL of LandsD’s concerns on the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 10.5 The Committee has approved a similar application within the same “R(B)” zone for shop and services use in the past five years. Approval of the application is in line with the previous decision of the Committee.
- 10.6 Regarding the public comment as summarised in paragraph 9 above, the planning considerations and assessments in paragraphs 10.1 to 10.5 above are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 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 six years until 20.6.2031. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.12.2025;
- (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 20.3.2026;
- (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 20.12.2025;
- (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 20.3.2026;
- (f) if the above planning condition (c) is not complied with during the 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 conditions (a), (b), (d) or (e) is not complied with by the above 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 IV**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the ***applied proposed*** use is not in line with the planning intentions of the "R(B)" and "V" zones which are for medium-density residential developments and for development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 12.2 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.

12.3 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.

13. Attachments

Appendix I	Application Form with attachments received on 23.4.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Site Plan
Drawing A-2	Proposed Layout Plan
Drawings A-3 and A-4	Floor Plans
Drawing A-5	Plan showing Swept Path Analysis
Drawing A-6	Proposed Drainage Plan
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
JUNE 2025**