

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

**APPLICATION NO. A/YL-TYST/1312**

- Applicant** : Mr. YAU Ka Tak represented by Conrad Tang & Associates Limited
- Site** : Lot 2612 (Part) in D.D. 124, Yuen Long
- Site Area** : 404 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Residential (Group D)” (“R(D)”)  
*[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]*
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(D)” zone, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced off and occupied by some temporary structures for storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the eastern part is accessible from Shui Fu Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use is for a temporary shop selling pot plants and associated products. A total of 12 single-storey structures, including 11 converted containers (about 2.8m in height) and a canopy (about 3.05m in height), with a total floor area of about 274m<sup>2</sup> will be used for retail shops, ancillary storage, pantry, toilet, changing room and bathroom uses. No neon light advertisement boards will be used and no workshop activity will be carried out at the Site. A parking space for private car and a loading and unloading (L/UL) space for van-type light goods vehicle (LGV) will be provided for visitors upon appointment. Plans showing the vehicular access and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 404 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 274 m <sup>2</sup>
No. and Height of Structures	12 • for retail shops, ancillary storage, pantry, office, toilet, changing room and bathroom (2.8 – 3.05m, 1 storeys)
No. of Parking Space	1 (for private car) (5m x 2.5m)
No. of L/UL Space	1 (for van-type LGV) (5m x 2.5m)
Operation Hours	10:00 a.m. to 5:00 p.m., with no operation on 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 9.5.2025 (Appendix I)
- (b) Further Information (FI) received on 11.6.2025\* (Appendix Ia)
- (c) FI received on 25.6.2025\* (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 FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) the proposed use will benefit the nearby residents by meeting their demand for ornamental plants;
- (b) the development is temporary in nature and would not jeopardise the long-term planning intention of the “R(D)” zone;
- (c) a similar application for temporary shop and services use has been approved within the subject “R(D)” zone in 2024. The proposed use is not incompatible with the surrounding area;
- (d) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”). 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;
- (e) the applicant will apply for a short term waiver for the structures at the Site upon approval of the application; and

- (f) five peripheral plantings will be provided at the Site. No adverse traffic, environmental, drainage, visual and landscape impacts arising from the proposed use are envisaged.

### **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. Background**

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

### **5. Previous Application**

There is no previous planning application concerning the Site.

### **6. Similar Applications**

There are two similar planning applications (No. A/YL-TYST/1063 and 1254) involving a same site for temporary shop and services use within the subject “R(D)” zone in the past five years. The applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board mainly on the considerations that the proposals were not incompatible with the surrounding areas; the proposals would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Shui Fu Road via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, fenced off and occupied by some temporary structures for storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4b**).

7.2 The surrounding areas comprise predominantly residential developments within the adjoining “Residential (Group B) 1” zone (namely Osmanthus Gardens, Tan Kwai Garden and Casa Regalia), the Rosary Church and Muhammadia Ghosia Islamic Community Centre within the adjoining “Government, Institution or Community”

zone, intermixed with scattered residential structures, open storage/storage yards, a warehouse, parking of vehicles, grave and unused land (**Plans A-2 and A-3**).

## **8. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

## **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 application. Their general comments on the application and advisory comments are provided in **Appendices III** and **IV** respectively.

9.2 The following government department objects to the application:

### **Land Administration**

9.2.1 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 Lot 2612 in D.D. 124 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 Lot 2612 in D.D. 124 covered by the planning application**

- (i) there is/are unauthorised structure(s) on Lot 2612 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 2612 in D.D. 124 not covered by the planning application**

- (ii) there is/are unauthorised structure(s) within Lot 2612 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;
- (e) their recent site inspection found that the existing structures within private lot were being used for suspected domestic purposes. The lot owner(s) has to cease the suspected domestic use and rectify the lease breach as soon as possible; and
- (f) the applicant should note his advisory comments at **Appendix IV**.

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

On 16.5.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the ground that the Board should take into account the suspected unauthorised brownfield uses at the Site.

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

- 11.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “R(D)” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “R(D)” zone, it could serve any such demand for shop and services in the area. There is also no known development programme or proposal at the Site for the time being. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(D)” zone.
- 11.2 The surrounding areas comprise predominantly residential developments, the Rosary Church, the Muhammadia Ghosia Islamic Community Centre, intermixed with scattered residential structures, open storage/storage yards, a warehouse, parking of vehicles, grave and unused land (**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 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. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the application 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 permission does not condone any other development/use found on the Site (i.e. storage use) but not covered by the application.

- 11.4 As for DLO/YL, LandsD's concerns on the unauthorised structure(s) on the Site which is/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.
- 11.5 Given that two similar applications within the subject "R(D)" zone have been approved in the past five years, approval of the current application is generally in line with the previous decisions of the Committee.
- 11.6 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. Any UD found on the Site will be subject to planning enforcement action.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department 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 three years until 4.7.2028. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.1.2026;
- (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 4.4.2026;
- (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 proposal for fire service installations and water supplies for firefighting 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 4.1.2026;
- (e) in relation to (d) above, the implementation of the proposal for fire service installations and water supplies for firefighting 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 4.4.2026;
- (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 use is not in line with the planning intention of the "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low-density residential development. 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 received on 9.5.2025
<b>Appendix Ia</b>	FI received on 11.6.2025
<b>Appendix Ib</b>	FI received on 25.6.2025
<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>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2025**