

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

**APPLICATION NO. A/YL-TT/714**

- Applicant** : Mr. Pang Chun Yip (彭進業) represented by Metro Planning & Development Company Limited
- Site** : Lot 3100 (Part) in D.D. 116, Tai Kei Leng, Yuen Long, New Territories
- Site Area** : 130 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Shop and Services for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of three years at the application site (the Site) zoned “O” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “O” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is paved, fenced off and occupied by temporary structures for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Tai Shu Ha Road East via a local track with an ingress/egress point at the east (**Drawing A-1 and Plan A-2**). According to the applicant, the applied use involves two single-storey structures (not exceeding 3m in height) with a total floor area of not more than 59 m<sup>2</sup> for convenient store use selling grocery such as canned food and packed drinks. One parking space for private car is proposed and the operation hours are from 9:00 a.m. to 7:00 p.m. daily. Plans showing the vehicle access, site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 24.6.2025 (**Appendix I**)

- (b) Further Information (FI) received on 17.7.2025  
*accepted and exempted from publication and  
recounting requirements*

**(Appendix Ia)**

## **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 could serve the nearby residents and villagers to meet their demand for grocery;
- (b) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the “O” zone;
- (c) the applied use is not incompatible with the surrounding areas. No significant adverse traffic, environmental, noise and drainage impacts are anticipated; and
- (d) similar application (No. A/YL-TT/660) was approved with conditions within the same “O” zone.

## **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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining the consent of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The shop and services use on the Site would be subject to planning enforcement action.

## **5. Previous Application**

There is no previous application concerning the Site.

## **6. Similar Applications**

There are three similar applications (No. A/YL-TT/529, 546 and 660) for temporary shop and services within the subject “O” zone in the past five years. They were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three or five years between 2021 and 2024 mainly on considerations that the temporary use would not jeopardise the long-term planning intention of the “O” zone; being not incompatible with the surrounding uses and the departmental concerns could be addressed by implementation of approval conditions. Details of these similar applications are at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) paved, fenced off and occupied by temporary structures for the applied use without valid planning permission; and
- (b) accessible from Tai Shu Ha Road East via a local track.

7.2 The surrounding areas are rural residential in nature predominantly occupied by residential dwellings intermixed with storage/open storage yards, parking of vehicles and vacant land.

**8. Planning Intention**

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

**9. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

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

On 4.7.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received (**Appendix V**) from an individual objecting to the application mainly on the grounds that the applied use is not in line with the planning intention of the “O” zone and should not be allowed as the “O” zone serves as a buffer between residential areas and the busy highways nearby.

**11. Planning Considerations and Assessments**

11.1 The application is for temporary shop and services for a period of three years at the Site zoned “O” on the OZP. Although the applied use is not in line with the planning intention of the “O” zone, it could serve the needs of the nearby residents and villagers. In this regard, the Director of Leisure and Cultural Services has no in-principle objection to the application as there is no plan to develop the Site into public open space in the next three years and he has no objection to the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “O” zone.

11.2 The applied use is generally not incompatible with the surrounding areas which are rural residential in nature predominantly occupied by residential dwellings and intermixed with storage/open storage yards, parking of vehicles and vacant land (**Plan A-2**).

- 11.3 Concerned 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. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments and the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisances on the surrounding areas.
- 11.4 Three similar applications were approved by the Committee between 2021 and 2024 as mentioned in paragraph 6 above. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment as stated in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 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 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 15.8.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (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 15.2.2026;
- (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 15.5.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site 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 15.2.2026;
- (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 15.5.2026;

- (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 applied use is not line with the planning intention of the "Open Space" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justifications have 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 24.6.2025
<b>Appendix Ia</b>	FI received on 17.7.2025
<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>	Vehicle Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Plan A-1</b>	Location Plan with Similar applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
AUGUST 2025**