

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/760

- Applicant** : Mr. LEE Yiu Hung
- Site** : Lot 136 RP (Part) in D.D. 123, Ping Shan, Yuen Long
- Site Area** : About 149 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Shop and Services and Associated Filling of Land for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services and associated filling of land for a period of five years at the application site (the Site) (**Plan A-1a**) zoned “V” on the OZP. According to the Notes for the “V” zone on the OZP, ‘Shop and Services’ (except those on the ground floor of a New Territories Exempted House (NTEH)) and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced off and occupied by a travel agency¹ without valid planning permission (**Plans A-1, 4a and 4b**).
- 1.2 According to the applicant, the Site with ingress/egress at the northern part is accessible from Fuk Shun Street (**Drawing A-1, Plans A-2 and A-3**). A two-storey structure (about 7m in height) with a floor area of about 150m² is provided for convenient store, ancillary office and storage of goods. The current application also seeks to regularise the filling of land for the entire site (i.e. 149m²) which has been hard-paved with concrete with a depth of not more than 0.1 to 0.2m for site formation and manoeuvring of vehicles. One parking space for private car (5m x 2.5m) is provided within the Site. The operation hours are from 9 a.m. to 8 p.m. every day (including public holidays). The plans showing the layout and extent of filling of land submitted by the applicant are at **Drawings A-1 and A-2**

¹ Travel agency is regarded as “Shop and Services” use.

respectively.

- 1.3 The Site was involved in a previous application for the same shop and services use with associated filling of land approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 and the planning permission lapsed on 11.7.2025 (details at paragraph 6 below). Compared with the previous application (No. A/YL-PS/609), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters.
- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 9.7.2025 (**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 at **Appendix I**. They can be summarised as follows:

The Site has previously been granted with a planning permission for the same use and there has been no major change in the building structure and planning circumstances since the last approval.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The shop and services use at the Site is a suspected unauthorized development which would be subject to planning enforcement action.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA) (**Plan A-1**). Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

The Site was involved in a previous planning application (No. A/YL-PS/609) for the same temporary shop and services uses with associated filling of land approved with conditions for a period of five years by the Committee of the Board in 2020 mainly on considerations that the applied use was not incompatible with the surrounding

areas; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the departmental concerns could be addressed by implementation of approval conditions. All the time-limited approval conditions of the approved application had been complied with and the planning permission lapsed on 11.7.2025. Details of the previous application are summarised at **Appendix III** and its boundary is shown on **Plan A-1**.

7. Similar Applications

There are two similar applications for temporary shop and services use within the same “V” zone which were both approved by the Committee in the past five years mainly on similar considerations as those mentioned in paragraph 6 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently hard-paved, fenced off and occupied by the applied use without valid planning permission; and
- (b) accessible from Fuk Shun Street (**Plans A-2 and A-3**);

8.2 The surrounding areas comprise predominantly residential dwellings intermixed with parking of vehicles, plant nursery, village office, sitting-out area, basketball court, football field, restaurant, open storage yard, grave, shrubland, grassland and vacant land (**Plan A-2**).

9. Planning Intention

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 this zone is primarily intended for development of Small Houses (SHs) by indigenous villagers. It is also intended to concentrate village type development within this 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other government 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 from land administration point of view;
- (b) the Site comprises Old Schedule Agricultural Lot held under 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 lot within the Site is covered by the Short Term Waiver (STW) listed below:

Lot No. (D.D. 123)	STW No.	Use
136 RP	5286	Temporary Shop and Services

- (d) the following irregularities not covered by the current application have been detected by his office:

Unlawful occupation of Government Land (GL) not covered by the current application

The GL adjoining the Site has been fenced off without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. LandsD reserves the rights to take land control action against the illegal occupation of GL without further notice. The lot owner/applicant shall remove the unauthorised structure(s) and cease the illegal occupation of GL and not covered by the current application immediately. In addition, LandsD reserves the rights to take land control action for any unlawful occupation of GL;

- (e) unless and until the unlawful occupation of GL are duly rectified by the lot owner/applicant, his office objects to the application which must be brought to the attention of the Board when it considers the application;
- (f) there is no SH application approved/under processing at the Site; and
- (g) the applicant should note his advisory comments at **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 18.7.2025, 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 temporary shop and services and associated filling of land for a period of five years at the Site zoned “V” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, it could meet any such demand for shop and services in the area. According to DLO/YL, LandsD, there is no SH application approved or under processing at the Site. Approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “V” zone.
- 12.2 The application also seeks to regularise the existing filling of land at the Site with concrete with a depth of not more than 0.1 to 0.2m, which is for site formation and manoeuvring of vehicle. Filling of land requires planning permission as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental points of view respectively.
- 12.3 The surrounding areas comprise predominately residential dwellings intermixed with parking of vehicles, plant nursesey, village office, sitting-out area, basketball court, football field, restaurant, open storage yard, grave, shrubland, grassland and vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 12.4 Although the Site falls within the WBA of the TPB PG-No. 12C, planning applications for local and minor uses (including temporary uses) are exempted from the requirement of ecological impact assessment. In this regard, the Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation perspective.
- 12.5 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application on traffic and fire safety aspects respectively. 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 possible environmental nuisance on the surrounding areas.
- 12.6 As for DLO/YL, LandsD’s concerns on the unlawful occupation of GL outside the Site, the applicant will be advised to liaise with LandsD on these

land administration matters should the Committee approve the application.

- 12.7 The Committee has approved a previous application for the same use at the Site in 2020 and two similar applications within the same “V” zone 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 assessment 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 five years until **5.9.2030**. 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 within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **5.12.2025**;
- (c) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **5.3.2026**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **5.6.2026**;
- (e) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 attached 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 with associated filling of land is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. 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 received on 9.7.2025
Appendix II	Extract of the TPB PG-No. 12C
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Plan showing the Extent of Filling of Land
Plan A-1a	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**