

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

**APPLICATION NO. A/YL-TYST/1328**

<b><u>Applicant</u></b>	:	Mega Field Corporation Limited represented by Metro Planning & Development Company Limited
<b><u>Site</u></b>	:	Lots 312 S.A, 312 S.B, 312 S.C, 312 S.D, 312 S.E, 312 S.F and 312 RP in D.D. 119, Shan Ha Tsuen, Yuen Long
<b><u>Site Area</u></b>	:	943 m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<b><u>Zoning</u></b>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]</i>
<b><u>Application</u></b>	:	Proposed Temporary Shop and Services and Associated Excavation of Land for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and associated excavation of land for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) and excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently partly fenced-off and occupied by some temporary structures and open storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the western part is accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use is for a temporary shop selling building materials (including solar panels, CCTV, etc.) for the nearby NTEHs. Two single-storey structures (not exceeding 4.5m in height) with a total floor area of about 400m<sup>2</sup> will be provided for shop and services and toilet uses. Two loading/unloading (L/UL) spaces for light goods vehicles (LGVs) will be provided. The current application also seeks planning permission for proposed excavation of land (at a depth of about 0.375m covering an area of about 81m<sup>2</sup>) for provision of surface U-channel at the periphery of the Site. Plans

showing the vehicular access leading to the Site, the site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

Site Area	About 943 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 400 m <sup>2</sup>
No. and Height of Structures	2 • for shop and services and toilet (4.5m, 1 storey)
No. of Parking Space	Nil
No. of L/UL Spaces	2 (for LGVs) (7m x 3.5m each)
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 28.7.2025 (**Appendix I**)
- (b) Further Information (FI) received on 5.9.2025\* (**Appendix Ia**)
- (c) FI received on 11.9.2025\* (**Appendix Ib**)  
\* *accepted and exempted from publication and recounting requirement*

## 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 shop and services use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone. It could benefit the nearby residents by meeting their demand for building materials;
- (b) the proposed use is not incompatible with the surrounding environment. Similar applications for shop and services have been approved by the Board in the vicinity of the Site;
- (c) 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;
- (d) the applicant will apply for a short term waiver (STW) for the structures at the Site upon approval of the application; and
- (e) there will be minimal traffic, noise, environmental and drainage impacts arising from the proposed use.

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

The applicant is one of the “current land owners” and 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 obtaining consents of other “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

The storage use (including deposit of containers) at the Site is suspected unauthorized development 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 10 similar planning applications (No. A/YL-TYST/998, 1043, 1113, 1115, 1134, 1188, 1219, 1222, 1228 and 1251) involving eight sites for various temporary shop and services with/without other uses within/straddling the subject “V” zone in the past five years. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of three years mainly on the considerations that approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by implementation of approval conditions. Details of the similar applications are summarised in **Appendix II** and the locations of the sites are 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 Shan Ha Road via a local track (**Plans A-2 and A-3**); and
- (b) currently partly fenced-off and occupied by some temporary structures and open storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4b**).

7.2 The surrounding areas comprise predominantly village houses of Shan Ha Tsuen and residential structures intermixed with open storage/storage yards, warehouses, parking of vehicles, car servicing, a vehicle repair workshop and vacant land/structures (**Plans A-2 and A-3**).

#### **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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 the 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.

## **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 has adverse comments on the application:

### **Land Administration**

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

- (a) he has adverse comments on 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) there is/are unauthorised structure(s) and/or uses on Lots 312 S.A, 312 S.B, 312 S.E and 312 S.F all in D.D. 119. 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) there is no SH application approved or under processing at the Site; and
- (e) the applicant should note his advisory comments at **Appendix IV**.

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

On 5.8.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received from local villagers/ individuals objecting to the application on the grounds that the Site is currently occupied by open storage of construction materials and machinery without valid planning permission; the current application is to legitimise the existing brownfield operations at the Site; the development would block the existing access road of the local villagers; and the proposed use would result in adverse environmental, noise, traffic and drainage impacts to the surrounding areas (**Appendix V**).

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

- 11.1 The application is for proposed temporary shop and services and associated excavation of land for a period of three years at the Site zoned “V” on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, it could serve any such need for shop and services in the area. According to DLO/YL, LandsD, there is currently no SH application approved or under processing at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 Excavation of land within the “V” zone requires planning permission from the Board. In this regard, the applicant has provided justifications for the need of excavation of land for provision of drainage facilities at the Site. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from the drainage point of view.
- 11.3 The surrounding areas comprise predominantly village houses of Shan Ha Tsuen and residential structures intermixed with open storage/storage yards, warehouses, parking of vehicles, car servicing, a vehicle repair workshop and vacant land/structures (**Plans A-2 and A-3**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.4 Other concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental and fire safety 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 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 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.
- 11.5 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site, the applicant indicates that STW will be applied from DLO/YL, LandsD upon approval of this application. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.6 Given that 10 similar applications within/straddling the subject “V” 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.
- 11.7 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant. For the villagers’ concern in relation to the blockage of the existing local access road, the applicant is advised to liaise with the locals to address their concerns should the application be approved.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments 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 19.9.2028. 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 19.3.2026;
- (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 19.6.2026;
- (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 19.3.2026;
- (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 19.6.2026;
- (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 reasons for rejection is suggested for Members' reference:

the proposed use with associated excavation of land is not in line with the planning intention of the "V" zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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

### **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 28.7.2025
<b>Appendix Ia</b>	FI received on 5.9.2025
<b>Appendix Ib</b>	FI received on 11.9.2025
<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 Comments
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Drainage 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  
SEPTEMBER 2025**