

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/401

- Applicant** : Zhi Tian Group Company Limited (置天集團有限公司) represented by Miss HUI Hang Yu
- Site** : Lot 3250 S.B ss. 47 in D.D. 104, Mai Po, Yuen Long
- Site Area** : About 160m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
- Zoning** : “Residential (Group C)” (“R(C)”)
[restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)]
- Application** : Proposed Temporary Shop and Services for a Period of Three 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), which falls within an area zoned “R(C)” on the OZP (**Plan A-1**). According to the Notes of the OZP for “R(C)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is elongated in shape, with its northern portion being vacant and southern portion being occupied by a vacant temporary structure (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible on foot through the adjacent lot (i.e. Lot 3250 S.B ss. 22 in D.D. 104) located to its immediate south-east, which leads to a local access connecting to Fairview Park Boulevard (**Plan A-2**). According to the applicant, the proposed use with a total floor area of about 220m² involves two 2-storey structures (about 6m in height) for shops (for sales of metal hardware and building materials) and ancillary toilets (**Drawing A-1**). No car parking and loading/unloading spaces will be provided and no vehicle will be allowed to enter the Site. No open storage, repairing or workshop activities will be carried out at the Site at all times. The proposed use will operate from 8:00 a.m to 7:00 p.m daily (including public holidays). The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 30.10.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 5.12.2025 and 10.12.2025* (**Appendix Ia**)
**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 FI at **Appendices I to Ia**. They can be summarised as follows:

- (a) The proposed shop and services use is for sales of metal hardware and building materials such as tiles serving the local community. The applicant has consulted the local community regarding the proposed use and there is no objection from the stakeholders in the area.
- (b) No vehicle is allowed to enter the Site and visitors should access the Site on foot. Consensus has been sought from the owner of the adjoining lot (i.e. Lot 3250 S.B ss. 22 in D.D. 104) for relevant pedestrian access arrangement. Loading/unloading activities for the proposed use will be conducted off-site and commodities will be transported to the Site using trolleys. As such, no adverse traffic impact arising from the proposed use is anticipated.
- (c) The proposed use will not generate adverse environmental impacts. The applicant will strictly follow relevant statutory environmental and gas safety requirements as well as practice notes to minimise possible adverse impacts and environmental nuisance to nearby residents.
- (d) The applicant has committed to applying for Short Term Waiver (STW) to rectify the lease breaches upon planning approval given.

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

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

4. Town Planning Board Guidelines

The Site is located within the Wetland Buffer Area (WBA) of Deep Bay Area (**Plan A-1**). 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) is relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Applications

During the past five years, there are four similar applications (No. A/YL-MP/295, 324, 335 and 361) involving two sites for temporary ‘Shop and Services’ uses within the same “R(C)” zone in the close vicinity of the Site. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2020 to 2024 mainly on the considerations that the proposed/applied use would not frustrate the long-term planning intention of the “R(C)” zone; the proposed/applied use was not incompatible with the surrounding land uses; and adverse impacts on the surrounding areas were not anticipated. Planning permissions under applications No. A/YL-MP/295, 324 and 335 were revoked due to non-compliance with approval conditions. Details of the application are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) elongated in shape, with its northern portion being vacant and southern portion being occupied by a vacant temporary structure;
- (b) accessible on foot through the adjacent lot (i.e. Lot 3250 S.B ss. 22 in D.D. 104) to its immediate south-east, which leads to a local access connecting to Fairview Park Boulevard; and
- (c) located within WBA of Deep Bay Area.

8.2 The surrounding areas are sub-urban in character and occupied mainly by residential dwellings, shops (including the one with valid planning permission (No. A/YL-MP/361) to the immediate south of the Site), restaurant, school, gardening, grassland and vehicle parks. To the further north and west of the Site are low-rise residential developments of Yau Pok Road Light Public Housing and Fairview Park respectively.

9. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood 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 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, if any, are provided in **Appendices IV and V** respectively.

10.2 The following government department has reservation on the application:

Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lot No. 3250 S.B ss.47 in D.D. 104 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;
- (b) has reservation on the planning application since there is/are unauthorised structure(s) on the said private lot which is 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
- (c) advisory comments are at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 11.11.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on the potential impact on the pedestrian circulation along the nearby nullah and the feasibility of the proposed use (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “R(C)” (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “R(C)” zone, according to the applicant, the proposed shop and services use is intended to serve the local community. Besides, there is currently no known proposal for long-term development involving the Site. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 12.2 The proposed use is considered not incompatible with the surrounding areas which are sub-urban in character and occupied mainly by low-rise residential developments/dwellings (including Yau Pok Road Light Public Housing and Fairview Park), shops (including the one with valid planning permission to the immediate south of the Site), restaurant, school, gardening, grassland and vehicle parks (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considers that no significant impact arising from the proposed use on the existing landscape resources within the Site is anticipated.
- 12.3 The Site falls within the WBA in Deep Bay Area under the TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.

- 12.4 Regarding DLO/YL, LandsD's concerns on the unauthorised structure(s) at the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to applying for STW to rectify the lease breaches upon planning approval given. Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department to minimise any potential environmental nuisance caused by the proposed use on the surroundings areas.
- 12.5 Four similar applications for 'Shop and Services' uses within the same "R(C)" zone in the close vicinity of the Site were approved by the Committee between 2020 and 2024 as detailed in paragraph 7 above. Approving the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the public comment as stated in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comment mentioned in paragraph 11 above, PlanD 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 three years until 19.12.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 19.6.2026;
- (b) in relation to (b) 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 19.9.2026; and
- (c) if any of the above planning condition (a) or (b) 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 V**.

- 13.3 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 "Residential (Group C)" zone, which is primarily for low-rise, low-density residential developments. There is no strong planning justification 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 with attachments received on 30.10.2025
Appendix Ia	FI received on 5.12.2025 and 10.12.2025
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**