

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1329

- Applicant** : On Gain Holdings Limited represented by Pinnacle Surveyors Limited
- Site** : Lots 1170, 1171, 1175 (Part), 1176, 1177, 1178 and 1179 in D.D. 121, Tong Yan San Tsuen, Yuen Long
- Site Area** : 1,942.32 m² (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, partly fenced-off and vacant (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the eastern part is accessible from Tong Yan San Tsuen Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use is for a temporary shop selling gardening tools and garden building materials. Five single-storey structures (not exceeding 3m to 6m in height) with a total floor area of about 516m² will be provided for shops, weather shelter, electric meter room and toilet uses. Two outdoor areas of about 50m² each will also be used for display of the selling products. Two parking spaces for private cars and a loading and unloading (L/UL) space for light goods vehicle (LGV) will be provided for visitors and goods suppliers. No medium or heavy goods vehicles, including container tractors/trailers, will be allowed to enter the Site. All staff and customers are encouraged to access the Site by public transport. Plans showing the vehicular

access leading to the Site and site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site was involved in a previous application (No. A/YL-TYST/1116) for temporary shop and services use which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 5 below). Compared with the last rejected application, the current application is submitted by a different applicant for similar use at a smaller site with different selling items¹, site layout and development parameters. A comparison of the major development parameters of the current application and the last application is summarised as follows:

Major Development Parameters	Last Application No. A/YL-TYST/1116 (a)	Current Application No. A/YL-TYST/1329 (b)	Difference (b)-(a)
Proposed Use	Proposed Temporary Shop and Services for a Period of 3 Years		Change in selling items ¹
Site Area	About 2,320 m ²	About 1,942.32 m ²	-377.68 m ² (-16.3%)
Total Floor Area (Non-domestic)	About 516 m ²		---
No. of Structures	4 • for shops, toilet and site office (3 – 4m, 1 storey)	5 • for shops, weather shelter, electric meter room and toilet (3 – 6m, 1 storey)	+1
No. of Parking Spaces	2 (for private cars) (5m x 2.5m each)		---
No. of L/UL Space	1 (for LGV) (7m x 3.5m)		---
Operation Hours	9:00 a.m. to 7:00 p.m. daily	8:00 a.m. to 7:00 p.m. daily	Longer operation hours

- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 21.8.2025 **(Appendix I)**
- (b) Further Information (FI) received on 5.11.2025 **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]

- 1.5 On 10.10.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

¹ Application No. A/YL-TYST/1116 was for a temporary shop selling building materials (including sanitary ware and hand tools).

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 (**Appendices I and Ia**). They can be summarised as follows:

- (a) the Site is in close proximity to some low-rise residential developments along Sha Tseng Road and Tong Yan San Tsuen Road. The proposed use could meet the local demand for gardening and garden building materials;
- (b) the applicant is the current land owner of the Site and it has no intention to develop the Site for residential use unless upon acquisition of additional land for a more sizable development. The development is temporary in nature and would not frustrate the long-term planning intention;
- (c) the built-over area of the application is minimised and a relatively large outdoor display area is required to accommodate the selling products (i.e. gardening tools and garden building materials) which are bulky in nature;
- (d) the proposed use is not incompatible with the surrounding areas and could serve as a buffer for mitigating the unpleasant impacts generated from the adjoining temporary warehouse and open storage uses under approved planning application No. A/YL-TYST/1234 (**Plan A-2**);
- (e) similar applications for temporary shop and services use have been approved within the subject “R(D)” zone. Approval of the current application is in line with the Board’s previous decisions;
- (f) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“CoP”). Licensed collectors will be arranged to collect and dispose the sewage and waste from the Site; and
- (g) there will be no adverse traffic, environmental, landscape and drainage impacts arising from the proposed use.

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 Site is currently not subject to planning enforcement action.

5. Previous Application

The Site was involved in a previous application (No. A/YL-TYST/1116) for temporary shop and services use, which was rejected by the Committee on 29.10.2021 mainly on the grounds that no strong justification was given for a departure from the planning intention

of the “R(D)” zone; the scale of the proposed development was considered excessive; and the applicant failed to justify the need for the large open areas of the application site. Details of the previous application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are seven similar planning applications (No. A/YL-TYST/998, 1047, 1064, 1127, 1219, 1294 and 1336) involving four sites for temporary shop and services use within/straddling the subject “R(D)” zone in the past five years. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Five of the seven applications (No. A/YL-TYST/998, 1127, 1219, 1294 and 1336) involving three sites² were approved by the Committee between 2020 and 2025 mainly on the considerations that the proposal was not incompatible with the surrounding areas; the proposed use would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by implementation of approval conditions.
- 6.3 The remaining two applications (No. A/YL-TYST/1047 and 1064) involving one site were rejected by the Committee in 2020 and 2021 respectively mainly on similar grounds as those mentioned in paragraph 5 above.

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

7.1 The Site is:

- (a) accessible from Tong Yan San Tsuen Road via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, partly fenced-off and vacant (**Plans A-2 to A-4**).

7.2 The surrounding areas comprise predominantly residential developments within the adjoining “R(B)1” zone (namely Recours La Serre, The Parkhill and Park Villa) intermixed with scattered residential structures, open storage/storage yards, warehouses, parking of vehicles, a vehicle repair workshop, unused land and vacant land/structures, including a warehouse and open storage yard to the south of the Site covered by planning application No. A/YL-TYST/1234³ approved with conditions by the Committee in 2023 (**Plans A-2 and A-3**).

² The sites of applications No. A/YL-TYST/998, 1127, 1219 and 1294 are straddling the adjoining “Residential (Group B) 1” (“R(B)1”) or “Village Type Development” (“V”) zones.

³ Application No. A/YL-TYST/1234, with a site area of about 4,837m², is for proposed temporary warehouse and open storage of construction materials for a period of three years. A total of eight single or two-storey structures (not exceeding 3m to 9m in height) with a total floor area of about 3,194m² were proposed for warehouses and other ancillary uses.

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

All 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 III** and **IV** respectively.

10. Public Comments Received During the Statutory Publication Period

On 29.8.2025, the application was published for public inspection. During the statutory public inspection period, five public comments were received, including three comments from individuals supporting the application on the grounds that the proposed use could meet the local demand for gardening tools and garden building materials; the Site is currently vacant and the proposed use could improve the area which is predominantly brownfield operations; and the proposed use could create job opportunities for the local residents (**Appendix V-1**). The remaining two comments are from the village representatives of Tong Yan San Tsuen and an individual respectively objecting to the application on the grounds that the application would jeopardise the long-term planning intention for residential use under Yuen Long South New Development Area (YLS NDA); the proposed use would cause adverse traffic impact to the surrounding areas; and the current application is to legitimise suspected warehouse use which is incompatible with the nearby residential uses (**Appendix V-2**).

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, which is for a temporary shop selling gardening tools and garden building materials, is not entirely in line with the planning intention of the “R(D)” zone, it could serve any such need for shop and services in the area. There is also no known development programme or proposal for residential development at the Site for the time being. According to the YLS Revised Recommended Outline Development Plan, the Site falls within an area partly zoned “Residential – Zone 5” and partly shown as ‘Road’ under the Third Phase of YLS NDA. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department and Project Manager (West) of Civil Engineering and Development Department have no objection to the application. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.

11.2 The surrounding areas comprise predominantly residential developments intermixed with scattered residential structures, open storage/storage yards, warehouses, parking of vehicles, a vehicle repair workshop, unused land and vacant land/structures, including a warehouse and open storage yard to the south of the

Site approved under application No. A/YL-TYST/1234 in 2023 (**Plans A-2 and A-3**). The proposed use is generally not incompatible with the surrounding land uses.

- 11.3 Other 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 “CoP” to minimise potential environmental nuisance on the surrounding areas.
- 11.4 The Site was involved in a previous application (No. A/YL-TYST/1116) for temporary shop and services use submitted by a different application, which was rejected by the Committee in 2021 mainly on the grounds stated in paragraph 5 above. The circumstances of the current application are different from the previous application in that the site area of the current application (i.e. about 1,942.32m²) has been reduced; a shorter access (i.e. about 170m) connecting the Site to Tong Yan San Tsuen Road is proposed in the current application with a new ingress/egress point (**Plan A-3**); and the current applicant, who is the land owner of the Site, has provided justifications to substantiate the need for the proposed layout (**Appendix Ia**). Furthermore, a proposed temporary warehouse and open storage uses (application No. A/YL-TYST/1234) to the south of the Site was approved by the Committee in 2023 after rejection of the previous application. As such, there has been a change in planning context in the vicinity of the Site since the rejection of the previous application in 2021 and therefore the considerations of the previously rejected application are not applicable to the current application.
- 11.5 There are seven similar planning applications for temporary shop and services use within/straddling the subject “R(D)” zone in the past five years, including five applications (No. A/YL-TYST/998, 1127, 1219, 1294 and 1336) involving three sites approved by the Committee between 2020 and 2025. Although there are two similar applications (No. A/YL-TYST/1047 and 1064) involving one site rejected by the Committee in 2020 and 2021 respectively on similar grounds as mentioned in paragraph 5 above, the considerations of these rejected applications are not applicable to the current application as explained in paragraph 11.4 above. In view of the above, approval of the current application is not in conflict with the previous decisions of the Committee.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. Any unauthorized development at 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 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 19.12.2028. 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 19.6.2026;
- (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 19.9.2026;
- (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 19.6.2026;
- (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 19.9.2026;
- (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

Appendix I	Application Form with attachments received on 21.8.2025
Appendix Ia	FI received on 5.11.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**