

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

APPLICATION NO. A/YL-MP/402

Applicant : 金泰投資(集團)有限公司 represented by Miss HUI Hang Yu

Site : Lot 3250 S.B ss.43 S.A (Part) in D.D. 104, Mai Po, Yuen Long

Site Area : About 251m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8

Zonings : “Village Type Development” (“V”) (88%)
[restricted to a maximum building height (BH) of 3 storeys (8.23m)]

“Residential (Group D)” (“R(D)”) (12%)
[restricted to a maximum plot ratio (PR) of 0.2 and a maximum BH of 2 storeys (6m)]

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 mainly zoned “V” with a minor portion zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” and “R(D)” zones, ‘Shop and Services’ other than those on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is elongated in shape, vacant and partly paved (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local access connecting to Ha Chuk Yuen Road (**Plan A-2**). According to the applicant, the proposed use involves one single-storey structure with height of about 5m and floor area of about 180m² for shop (sales of metal hardwares and building materials) and ancillary toilet (**Drawing A-1**). No car parking or loading/unloading (L/UL) spaces will be provided. No vehicle will be allowed to enter the Site, and 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 Sundays and 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 19.11.2025 and (Appendix I)
Supplementary Information (SI) received on 26.11.2025
- (b) Further Information (FI) received on 5.1.2026* (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 and Ia**, and can be summarised as follows:

- (a) The proposed use is for sales of metal hardwares and building materials to serve the local community. The applicant has consulted the local community regarding the proposed use and there is no objection from stakeholders in the area.
- (b) No vehicle is allowed to enter the Site and visitors should access the Site on foot. L/UL activities for the proposed use will be conducted off-site and commodities will be transported to the Site by trolleys. 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 requirements as well as Practice Notes to minimise possible 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. **Background**

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

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Applications**

There are two similar applications (No. A/YL-MP/354 and 379) involving temporary shop and services use (including one also involving public vehicle park) within/straddling the same “V” and “R(D)” zones in the vicinity of the Site in the past five years, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in

2023 and 2025 respectively mainly on the considerations that the proposed/applied use would not frustrate the long-term planning intention of the “V” and/or “R(D)” zones; the proposed/applied use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns and public comments, if any, could be addressed by approval conditions. Planning permission under application No. A/YL-MP/354 was revoked due to non-compliance with approval conditions. Details of the similar applications are summarised 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) elongated in shape, vacant and partly paved; and
- (b) accessible on foot via a local access connecting to Ha Chuk Yuen Road;

7.2 The surrounding areas are sub-urban in character with an intermix of vehicle parks (including a site with valid planning permission (No. A/YL-MP/381)), open storage yards/warehouse and residential structures.

8. Planning Intentions

8.1 The planning intention of the “V” zone is to reflect existing recognized 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 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 an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

8.2 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

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 in the Recommended Advisory Clauses, if any, are provided at **Appendices III and IV** respectively.

9.2 The following government department has adverse comments on the application:

Land Administration

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

- (a) has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lot No. 3250 S.B ss.43 S.A 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;
- (c) according to his record, there is no Small House application under processing or approved at the Site;
- (d) LandsD has reservation on the application since there is/are unauthorised structure(s) on the private lot covered by the application 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
- (e) advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 2.12.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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 mainly zoned “V” (88%) with a minor portion zoned “R(D)” (12%) (**Plan A-1**). Whilst the proposed use is not in line with the planning intentions of the “V” and “R(D)” zones, according to the applicant, the proposed use is intended to serve the local community. DLO/YL, LandsD advises that there is no outstanding or approved Small House application at the Site. Besides, there is currently no known proposal for long-term development within the “R(D)” zone involving the Site. It is considered that approving the application on a temporary basis would not frustrate the long-term planning intentions of the “V” and “R(D)” zones. 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.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which are sub-urban in character with an intermix of vehicle parks, open storage yards/warehouse and residential structures. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the proposed use from landscape planning perspective.

11.3 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 concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised '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.

11.4 There are two approved similar applications involving temporary shop and services use within/straddling the same "V" and "R(D)" zones in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee's previous decisions.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 10, PlanD 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 9.1.2029. 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 9.7.2026;
- (b) in relation to (a) 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 9.10.2026; 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 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 intentions of the "Village Type Development" and "Residential (Group D)" zones. The planning intention of the "Village

Type Development” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, whilst the planning intention of the “Residential (Group D)” zone is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification 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

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| Appendix I | Application Form with attachments received on 19.11.2025 and SI received on 26.11.2025 |
| Appendix Ia | FI received on 5.1.2026 |
| Appendix II | Similar Applications |
| Appendix III | Government Departments’ General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Drawing A-1 | Site Layout Plan |
| Plan A-1 | Location Plan with Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
JANUARY 2026**