

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1343

<u>Applicant</u>	:	Mr. Cheung Tsz Lung represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Lots 1552, 1553 RP & 1554 RP in D.D. 121, Shan Ha Tsuen, Yuen Long
<u>Site Area</u>	:	1,476 m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”) (about 87.2%); and <i>[Restricted to a maximum plot ratio of 0.2 and a maximum building height (BH) of 2 storeys (6m)]</i> “Village Type Development” (“V”) (about 12.8%) <i>[Restricted to a maximum BH of 3 storeys (8.23m)]</i>
<u>Application</u>	:	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 temporary shop and services and associated excavation of land for a period of three years at the application site (the Site) mainly zoned “R(D)” and partly zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “R(D)” and “V” zones, ‘Shop and Services’ other than 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). Any excavation of land within the “V” zone also requires planning permission from the Board. The Site is currently hard-paved, fenced-off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4c**).
- 1.2 The Site with the ingress/egress at the eastern part is accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for a temporary shop selling private cars and providing car beauty service. Three single-storey structures (not exceeding 3.5m to 3.8m in height) with a total floor

area of about 550m² are provided for rain shelter, site office and toilet uses. Four parking spaces for private cars will be provided. No vehicle dismantling or other workshop activities will be carried out at the Site. The current application also seeks planning permission for proposed excavation of land (at a depth of about 0.45m covering an area of about 18.9m²) at the “V” zone portion of the Site for provision of surface U-channel. Plans showing the proposed vehicular access leading to the Site, site layout, drainage proposal and extent of land excavation submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in two previous applications for temporary shop and services use which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 and 2023 respectively (details at paragraph 5 below). Compared with the last application (No. A/YL-TYST/1219), the current application is submitted by a different applicant for similar use at a larger site with different layout and development parameters. The major development parameters of the current application and the last approved application No. A/YL-TYST/1219 are summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-TYST/1219 (a)	Current Application No. A/YL-TYST/1343 (b)	Difference (b)-(a)
Applied Use	Temporary Shop and Services for a Period of 3 Years		---
Site Area	About 980 m ²	About 1,476 m ²	+496 m ² (+50.6%)
Total Floor Area (Non-domestic)	Not more than 430 m ²	Not more than 550 m ²	+120 m ² (+27.9 %)
No. and Height of Structures	3 • for car beauty services, rain shelter, site office and toilet (3.5 – 6m, 1-2 storey(s))	3 • for car beauty services, rain shelter, site office and toilet (3.5 – 3.8m, 1 storey)	Decrease in BH
No. of Parking Space(s)	3 (for private cars) (5m x 2.5m each)	4 (for private cars) (5 m x 2.5 m each)	+1
No. of L/UL Space(s)	1 (for light van) (7m x 3.5m)	Nil	-1
Operation Hours	9:00 a.m. to 5:00 p.m. daily	9:00a.m. to 7:00p.m. daily	Longer Operation Hours

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

- (a) Application Form with attachments received on 23.12.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 2.1.2026* **(Appendix Ia)**
 - (c) FI received on 22.1.2026* **(Appendix Ib)**
 - (d) FI received on 30.1.2026* **(Appendix Ic)**
- *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 FIs (**Appendices I to Ic**). They can be summarised as follows:

- (a) the Site is in close proximity to residential dwellings at Shan Ha Tsuen. The applied use could meet the local needs of the neighbourhood;
- (b) similar applications for shop and services use have been approved by the Board in the vicinity of the Site. The applied use is not incompatible with the surrounding areas;
- (c) petrol interceptor, septic tank and soakaway system will be provided in accordance with the requirements set out in the Practice Note for Professional Persons (ProPECC) PN 1/23; and
- (d) there will be minimal traffic and environmental impacts arising from the applied use.

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

The applicant is not a “current land owner” but 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 publishing notices in local newspapers and sending notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Applications

- 5.1 Part of the Site was involved in two previous applications (No. A/YL-TYST/998 and 1219) for temporary shop and services use. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TYST/998 and 1219 were approved with conditions by the Committee each for a period of three years in 2020 and 2023 respectively mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by implementation of approval conditions. However, the planning permissions were subsequently revoked in 2022 and 2025 due to non-compliance with approval conditions. The planning

permission of the last application (No. A/YL-TYST/1219), which was submitted by a different applicant, was revoked on 14.4.2025 due to non-compliance with approval conditions regarding the implementation of drainage and fire service installations proposals. Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There are 15 similar planning applications involving 12 sites for various temporary shop and services uses with/without other uses within/straddling the subject “R(D)” or “V” zones 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-1a**.
- 6.2 13 applications (No. A/YL-TYST/1113, 1115, 1127, 1134, 1188, 1222, 1228, 1251, 1294, 1328, 1329, 1336 and 1340) were approved with conditions by the Committee between 2021 and 2025 mainly on similar considerations as mentioned in paragraph 5.2 above.
- 6.3 The remaining two applications (No. A/YL-TYST/1064 and 1116) were rejected by the Committee in 2021 mainly on the grounds that no strong planning justifications were provided for a departure from the planning intention of the “R(D)” zone; and the scale of the development was considered excessive.

7. The Site and Its Surrounding Areas (Plans A-1a to A-3)

- 7.1 The Site is:
 - (a) accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**); and
 - (b) currently hard-paved, fenced-off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4c**).
- 7.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, parking of vehicles, car servicing, a refuse collection point, a nullah, unused land and vacant land/structures (**Plans A-2 and A-3**).

8. Planning Intentions

- 8.1 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.
- 8.2 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 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

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 Comment Received During the Statutory Publication Period

On 2.1.2026, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual objecting to the application that the Site is the subject of previous revocation of planning permission due to non-compliance with approval conditions under application No. A/YL-TYST/1219 (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services and associated excavation of land for a period of three years at the Site zoned “R(D)” and “V” on the OZP. Although the applied use is not in line with the planning intentions of the “R(D)” and “V” zones, it could serve any such demand for shop and services in the area. There is no known development proposal for residential development at the Site. According to DLO/YL, LandsD, there is currently no SH application approved or under processing within the “V” zone at the Site. Under the Revised Recommended Outline Development Plan of Yuen Long South New Development Area (YLS NDA), part of the Site falls within an area zoned “Residential – Zone 5” under Third Phase Development of YLS NDA. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department have no objection to or no adverse comment on 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 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. 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 warehouses and open storage/storage yards with scattered residential structures, parking of vehicles, car servicing, a refuse collection point, a nullah, unused land and vacant land/structures (**Plan A-2**). The applied 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 and have no objection to or no adverse comment on the application from traffic, environmental and fire safety perspectives 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 possible environmental nuisance on the surrounding areas.
- 11.5 Two previous applications for temporary shop and services use at the Site were approved in 2020 and 2023 respectively, and 13 similar applications within/straddling the subject “R(D)” or “V” zones had been approved by the Committee in the past five years. While two similar applications (No. A/YL-TYST/1064 and 1116) for temporary shop and services use were rejected by the Committee in 2021 as mentioned in paragraph 6.3 above, the applicant has provided justifications to substantiate the need of the Site for the applied use. In view of the above, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. For the concern on non-compliance with previous approval conditions, the previous application (No. A/YL-TYST/1219) was submitted by a different applicant. The current applicant has submitted a drainage proposal in support of the application and concerned departments have no objection to the application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, 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 6.2.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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 6.11.2026;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 6.8.2026;

- (d) in relation to (c) 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 6.11.2026;
- (e) if the above planning condition (b) 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 (a), (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 at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection are suggested for Members' reference:

the applied use with associated excavation of land is not in line with the planning intentions of the "R(D)" and "V" zones, which are primarily for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low-density residential development, and for development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 23.12.2025
Appendix Ia	FI received on 2.1.2026
Appendix Ib	FI received on 22.1.2026
Appendix Ic	FI received on 30.1.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses

Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Plan
Drawing A-4	Excavation Plan
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**