

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/773

- Applicant** : Ms. TANG Kit Che
- Site** : Lot 357 in D.D. 122, Ping Shan, Yuen Long
- Site Area** : About 283.3 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/21
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23 m)]
- Application** : Temporary Eating Place and Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place and shop and services for a period of three years at the application site (the Site) (**Plan A-1a**) falling within an area zoned “V” on the OZP. According to the Notes on the OZP for the “V” zone, ‘Eating Place’ and ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied uses without valid planning permission (**Plans A-2, A-4a to A-4b**).
- 1.2 The Site with ingress/egress at the eastern and southern sides are accessible from Tsui Sing Road via footpaths (**Drawing A-2, Plans A-2 and A-3**). According to the applicant, an existing single-storey structure (not more than 2.83m in height) with a total floor area of about 105m² is divided into four units for eating places and shop and services uses. No parking space would be provided within the Site. The operation hours for the eating places and shop and services are 10 a.m. to 10 p.m. and from 10 a.m. to 8 p.m. Mondays to Sundays respectively. The access plan and layout plan submitted by the applicant are at **Drawings A-1 to A-2** respectively.
- 1.3 The Site was, in whole or in part, involved in three previous applications for temporary eating place and/or shop and services uses approved by the Rural

and New Town Planning Committee (the Committee) of the Board between 2018 and 2022 (details at paragraph 5 below). Compared with the last application (No. A/YL-PS/671), the current application is submitted by a different applicant for the same use at the same site, with similar layout and development parameters. A comparison of the major development parameters between the last approved application and the current application is as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/673) (a)	Current Application (A/YL-PS/771) (b)	Difference (b) – (a)
Applied Uses	Temporary Eating Place and Shop and Services for a Period of 3 Years		No Change
Site Area	About 283.28 m ²		---
Total Floor Area	105 m ²		---
No. of Structures	1 for • Eating Places (Dessert Shop) • Shop and Services (Pet Grooming and Servicing and Shop)	1 for • Eating Places (Dessert Shop and Café) • Shop and Services (Pet Grooming and Servicing and Chinese Medicine Clinic)	Change in Internal Layout
Maximum Height of Structures	Not exceeding 2.83m (1 storey)		---
Operation Hours	Eating Place: 4p.m. to 11p.m. (Tuesdays to Sundays) Shop and Services: 10a.m. to 8p.m. (Mondays to Sundays)	Eating Place: 10a.m. to 10p.m. (Mondays to Sundays) Shop and Services: 10a.m. to 8p.m. (Mondays to Sundays)	Change in operation hours for Eating Place

1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 21.1.2026 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the applied uses could serve the nearby residents by providing pet service, eating place and medical service;
- (b) no adverse noise, traffic and environmental impacts to the surroundings are envisaged. Since the Site is located within a short walking distance (about

two minutes) from Tuen Ma Line Tin Shui Wai Station, no parking space will be provided; and

- (c) the site was subject to a previous planning permission under application No. A/YL-PS/671. The previous applicant had complied with all time-limited approval conditions imposed in the last planning permission but was not aware of the approval period and the previous planning permission lapsed on 24.12.2025. A fresh application is therefore submitted.

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. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Eating Place within “Village Type Development” zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) are relevant to this application. The relevant assessment criteria of the Guidelines are at **Appendix II**.

5. Background

The eating place and shop and services uses at the Site are suspected unauthorized developments which would be subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was, in whole or in part, involved in four previous applications (No. A/YL-PS/561, 576, 610 and 671). Details of the previous applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-PS/561 covering part of the Site for temporary vehicle park for private cars was approved by the Committee in 2018 and the considerations are not relevant to the current application which involves different applied uses.
- 6.3 The remaining three applications (No. A/YL-PS/576, 610 and 671) for temporary eating place and/or shop and services were approved with conditions by the Committee between 2018 and 2022 mainly on the considerations that approval of the application on a temporary basis would not jeopardise the long-term planning intention of the respective zoning; the applied uses were not incompatible with the surrounding areas; and consulted departments have no objection to/adverse comment on the application. For the last approved application No. A/YL-PS/671, all approval conditions have been complied with and the planning approval

lapsed on 24.12.2025.

7. Similar Applications

There are four similar applications (No. A/YL-PS/682, 693, 755 and 758) involving temporary shop and services with/without ancillary facilities within/straddling the same “V” zone, all of which were approved by the Committee in the past five years mainly on similar considerations as those mentioned in paragraph 6.3 above. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently occupied by the applied uses without valid planning permission (**Plans A-2, A-4a to 4b**); and
- (b) accessible via footpaths leading from Tsui Sing Road (**Plans A-2 and A-3**).

8.2 The surrounding areas comprise residential dwellings, village settlement of Sheung Cheung Wai, vehicle park, open storage yard, eating place, electricity substation, the Tat Tak Communal Hall and unused/vacant land (**Plan A-2**). Some of these uses are covered by valid planning permissions.

9. Planning Intention

The planning intention of “V” zone is to reflect existing recognised 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 (SHs) 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 a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. 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 V and VI** respectively.

11. Public Comment Received During the Statutory Publication Period

On 30.1.2026, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary eating place and shop and services for a period of three years at the Site zoned “V” on the OZP. Although the applied uses are not entirely in line with the planning intention of the “V” zone, they could serve the local residents and meet any such demand in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is no SH application approved or under processing at the Site. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone.

12.2 The surrounding areas comprise residential dwellings, village settlement of Sheung Cheung Wai, vehicle park, open storage yard, eating place, electrical substation, the Tat Tak Communal Hall and unused/vacant land (**Plan A-2**). The applied uses are considered not incompatible with the surrounding land uses.

12.3 The application is generally in line with the TPB PG-No. 15A. According to TPB PG-No. 15A, eating place use in the “V” zone should not cause any environmental nuisance or cause inconvenience to the residents nearby and should not have adverse traffic, drainage, sewerage or fire safety impacts on its surrounding areas. In this regard, relevant government departments consulted including the Commissioner for Transport, Director of Fire Services, Director of Environmental Protection and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application on traffic, fire safety, environmental and drainage aspects respectively. Relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning 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” in order to minimise possible environmental nuisance on the surrounding areas.

12.4 The Committee has approved three previous applications for the applied uses at the Site between 2018 and 2022, and four similar applications for shop and services use within/straddling the same “V” zone in the past five years. Approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

13.1 Based on the assessment made in paragraph 12 above, the Planning

Department 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 **13.3.2029**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of the condition record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **13.6.2026**;
- (c) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **13.9.2026**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **13.12.2026**;
- (e) if the above planning condition (a) 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 (b), (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 attached at **Appendix VI**.

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

the applied uses are not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. 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.

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 21.1.2026
Appendix II	Extract of TPB PG-No. 15A
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Access Plan
Drawing A-2	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2026**