

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/767

- Applicant** : Mr. LAM Kuen represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 1677 RP, 1678 (Part), 1679 (Part) and 1692 in D.D. 119, Yuen Long
- Site Area** : 3,058 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years, and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant and largely covered with lawn (**Plans A-4a and A-4b**).
- 1.2 According to the applicant, the current application is to facilitate the relocation of a shop and services business operated at Lots 1655 S.C, 1655 S.D, 1655 S.E, 1655 RP and 1677 (Part) in D.D. 119 in Tai Tong, Yuen Long which have been resumed by the Government for the implementation of the Second Phase Development of the Yuen Long South New Development Area (YLS NDA). The applicant has conducted a thorough site selection process before identifying the Site as the most suitable site for relocation. Although the size of the Site (i.e. about 3,058 m²) is 12.3% (or about 335m²) larger than its affected business in Yuen Long (i.e. about 2,723 m²), the applicant considers that the Site is the most suitable location due to operational needs for additional storage space and its proximity to the affected business operation.

- 1.3 The Site is accessible from Kiu Hing Road via a local track road with an ingress/egress point at the southwest (**Drawing A-1 and Plan A-2**). According to the applicant, six one to two-storey structures (ranging from 6m to 9m in height) with a total floor area of about 1,406 m² are proposed for shops selling hardware groceries and construction materials, and ancillary facilities including container storage, reception, office and meter room. Seven parking spaces are proposed, including three for private cars, two for light goods vehicles and two for medium goods vehicles. No workshop activities will be carried out at the Site. The operation hours are from 8:30 a.m. to 6:30 p.m. daily including Sundays and public holidays. No public announcement system, whistle blowing or portable loudspeaker will be used within the Site.
- 1.4 The applicant also seeks permission for land filling works at the entire Site, including (i) to regularise the land filling at the southern portion (about 1,626 m² or 53% of the Site) which has already been undertaken; and (ii) to fill the northern portion (about 1,431 m² or 47% of the Site) with concrete with depth of 0.2m for erection of temporary structures and vehicle manoeuvring (**Drawing A-3**). Plans showing the vehicular access, site layout and land filling works submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 13.1.2026 (**Appendix I**)
 - (b) Further Information (FI) received on 26.2.2026* (**Appendix Ia**)
 - (c) FI received on 16.4.2026* (**Appendix Ib**)
**accepted and exempted from publication and recounting requirements*
- 1.6 On 13.3.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 at **Appendices I to Ib**. They can be summarised as follows:

- (a) the current application is to facilitate the relocation of a shop and services business in Tai Tong, Yuen Long which the affected site has been resumed by the Government for the implementation of the Second Phase Development of the YLS NDA;
- (b) the applicant has spent efforts on identifying suitable sites for relocating the affected operation in Tai Tong. However, the alternative sites are considered not suitable or impracticable due to various shortcomings such as geographical constraints, environmental concerns and land use incompatibility etc;
- (c) the proposed use could meet the demand of local residents and operations in the vicinity for hardware groceries and construction materials;

- (d) the proposed use is not incompatible with the surrounding areas;
- (e) the applicant pledges to strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“CoP”) to minimise potential environmental nuisances on the surrounding areas;
- (f) the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (g) similar applications for the same use were approved by the Committee; and
- (h) adverse environmental, landscape, drainage and fire safety impacts on the surrounding areas are not anticipated;

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 the notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Part of the Site is the subject of a planning enforcement case (No. E/YL-TT/739) (**Plan A-2**) against unauthorized development (UD) involving storage use (including deposit of containers). A Reinstatement Notice (RN) was issued on 10.12.2025 requiring the reinstatement of the concerned land. If the RN is not complied with, prosecution action would be considered.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

There are two similar applications (No. A/YL-TT/522 and 678) for temporary shop and services for a period of three years within/straddling the same “AGR” zone in the past five years. Both of the applications were approved with conditions by the Committee between 2021 and 2024 mainly on considerations that the temporary use would not jeopardise the planning intention of the “AGR” zone; being not incompatible with the surrounding uses; and the departmental comments could be addressed by implementation of approval conditions. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

7. Planning Intention

- 7.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 7.2 According to the Explanatory Statement of the OZP, permission from the Board is required for filling of land within the “AGR” zone as such activity may cause adverse drainage and environmental impacts on the adjacent areas.

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

- 8.1 The Site is:
- (a) currently vacant and largely covered with lawn; and
 - (b) accessible from Kiu Hing Road via a local track road.
- 8.2 The surrounding areas are predominantly rural in character comprising warehouses, shop and services, pigsty farms, farmland and vacant/unused land.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau and departments as set out in paragraphs 9.2 and 9.3 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 are provided in **Appendices III** and **IV** respectively.
- 9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a shop and services business operation at Lots 1655 S.C, 1655 S.D, 1655 S.E, 1655 RP and 1677 (Part) in D.D. 119, which is affected by the Second Phase Development of the YLS NDA. The original premises of the affected business operation was the subject of a previously approved application A/YL-TT/594;
- (b) according to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of the affected business operation, and the Site under the current application is considered the most suitable relocation site. The applicant also claims that the Site, which is larger than their original premises, is considered necessary to accommodate their operational needs for additional storage space; and

- (c) in view of the above and subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

9.3 The following government departments do not support the application:

Agriculture and Nature Conservation

9.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the “AGR” zone and is generally vacant with some structures. There are active agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and
- (b) no comment from nature conservation point of view.

Environment

9.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located to its immediate southwest of the Site) (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles and environmental nuisance is expected;
- (b) however, there was no environmental complaint concerning the Site received in the past three years;
- (c) no adverse comment on the filling of land from environment perspective; and
- (d) should the application be approved, the applicant should note his advisory comments in **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 20.1.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation and an individual (**Appendix V**). They object to the application mainly on the grounds that the proposal is a suspected brownfield use and the Site may fall within the Agricultural Priority Area.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, according to the applicant, the application is to facilitate the relocation of the shop and services business affected by the Second Phase Development of the YLS NDA. Although the size of the Site (i.e. about 3,058 m²) is 12.3% (or about 335m²) larger than its affected business in Yuen Long (i.e. about 2,723 m²), the applicant considers the Site as the most suitable location for relocating the affected business and in this regard, SDEV supports the application from the policy perspective. Taking into account the above and the planning assessments below, there is no objection to the application on a temporary basis of three years.
- 11.2 The applicant also seeks permission for land filling works at the entire Site for erection of temporary structures and vehicle manoeuvring (**Drawing A-3**). Filling of land within “AGR” zone requires planning permission as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from drainage perspective and DEP has no adverse comment on the filling of land from environmental perspective. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are predominantly rural in character comprising warehouses, shop and services, pigsty farms, farmland and vacant/unused land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment from traffic and fire safety perspectives respectively. While DEP does not support the application as there are residential use in the vicinity (with the nearest one located to its immediate west) and the proposed use will cause traffic of heavy vehicles therefore environmental nuisance is expected, no environmental complaint concerning the Site was received in the past three years. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments. Furthermore, the applicant will be advised to follow the latest “CoP” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 The Committee has approved two similar applications within the same “AGR” zone in the past five years. Approval of the current application is in line with the Committee’s previous decisions.

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 would be subject to planning enforcement action.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments detailed 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 5.6.2029. 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 5.12.2026;
- (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 5.3.2027;
- (c) in relation to (b) above, the implemented drainage facilities on the site should 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 5.12.2026;
- (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 5.3.2027;
- (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;
- (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; and
- (h) upon expiry of the planning permission, the reinstatement of the application site, including the removal of fill materials and hard paving and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

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 with associated filling of land is not in line with the planning intention of the "Agriculture" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such 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 13.1.2026
Appendix Ia	FI received on 26.2.2026
Appendix Ib	FI received on 16.4.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Land Filling 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
JUNE 2026**