

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

**APPLICATION NO. A/YL-TYST/1353**

- Applicant** : Group Hero Ltd. represented by Mr. LAM Kin Ning
- Site** : Lot 1890 RP in D.D. 121, No. 143 Tong Yan San Tsuen Road, Yuen Long
- Site Area** : 423.545 m<sup>2</sup> (about)
- Lease** : Lot 1890 RP in D.D. 121  
(a) New Grant No. 497 dated 9.4.1957 for the purpose of building and garden  
(b) subject to General and Special Conditions of Sales in Government Notification No. 364 of 1934 as amended by Government No. 50 of 1940  
(c) building erected thereon shall not exceed 2 storeys and 25 ft in height  
(d) not less than half area shall be used for a garden
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Residential (Group B)1” (“R(B)1”)  
*[Restricted to a maximum plot ratio (PR) of 1, a maximum site coverage (SC) of 40% and a maximum building height (BH) of 4 storeys over single-storey car park (15m)]*
- Application** : Proposed Minor Relaxation of Site Coverage for Permitted House Use

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of site coverage (SC) restriction for permitted house use from 40% to 50% at the application site (the Site) zoned “R(B)1” on the OZP (**Plan A-1**) to facilitate a proposed 2-storey house development. According to the Notes of the OZP for “R(B)1” zone, ‘House’ is a Column 1 use which is always permitted while development within this zone is subject to a maximum PR of 1, a maximum SC of 40% and a maximum BH of 4 storeys over single-storey carpark (15m) or the PR, SC and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area (DPA) plan (i.e. 18.6.1993), whichever is the greater. Minor relaxation of the PR, BH and SC restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance) based on the individual merits of the

development proposal. The Site is currently vacant, fenced off and covered with vegetation (**Plans A-2 to A-4**).

- 1.2 According to the applicant, the Site is a ‘building lot’ which is entitled for construction of a two-storey European type of house with a PR of 1 under the land lease. With reference to the lease entitlement, the applicant proposes to build a two-storey house with a gross floor area (GFA) of about 422.78 m<sup>2</sup>, a PR of about 1 (based on a site area of 423.545 m<sup>2</sup>) and a SC of about 50%. To facilitate the proposed development which would exceed the SC restriction stipulated under the OZP for the “R(B)1” zone, the applicant seeks planning permission to relax the SC restriction of the Site from 40% to 50% (+10% or 25%). The site plan, block plan and floor plans with elevations, sections of the proposed development scheme and landscape proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 A comparison of the major development parameters of the proposed house development and the development restrictions under the OZP for the “R(B)1” zone is provided below:

<b>Major Development Parameters</b>	<b>Development Restrictions under OZP for “R(B)1” zone (a)</b>	<b>Proposed Development (Current Application No. A/YL-TYST/1353) (b)</b>	<b>Difference (b)-(a)</b>
PR	Maximum 1	About 1	---
SC	Maximum 40%	About 50%	+10% or +25%
No. of Storeys	Maximum 4 storeys over single-storey carpark	2 storeys	-2
Building Height	Maximum 15m	7.3m	-7.7m

- 1.4 According to the applicant, in order to mitigate the potential visual impact, it is intended to provide set back with tree planting along Tong Yan San Tsuen Road and the side lane along the boundary walls and inner open courtyard (**Drawing A-4**).
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 23.4.2026 (**Appendix I**)
  - (b) Further Information (FI) received on 28.5.2026 (**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 with attachments and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the original lot (i.e. Lot 1890 in D.D. 121) has an area of 7,599 ft<sup>2</sup> (about 705.97m<sup>2</sup>). Under the lease conditions, the lot could be redeveloped into a two-storey house

and a minimum 50% at grade area of open space should be provided. The application is to facilitate the Site to be redeveloped to its full development potential under lease;

- (b) the original lot was subject to two land resumptions along Tong Yan San Tsuen Road and the road to the east of the Site initiated by the Government in 1989 and 2002 respectively, and was thus reduced to the current area of about 423.545m<sup>2</sup>. The original house located on the Site was built before the first exhibition of the draft Tong Yan San Tsuen DPA plan in 1993 and has subsequently collapsed due to age. Although the original house has collapsed, the applicant has the legitimate right to develop a house at the Site in accordance with the lease conditions;
- (c) the original house at the Site has a building footprint of about 270m<sup>2</sup>, which is larger than that currently proposed (i.e. about 211m<sup>2</sup>);
- (d) the residential buildings in the proximity to the Site are generally ranging from 4 to 5 storeys, the proposed two-storey development will provide a variation of BH along Tong Yan San Tsuen Road and create a more visually attractive environment in the area; and
- (e) the proposed minor relaxation of SC restriction for the permitted residential use would not cause any adverse impact to the neighbouring developments.

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

The applicant is the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

4.1 The Site was previously zoned “R(B)2” on the draft Tong Yan San Tsuen DPA Plan No. DPA/YL-TYST/1 which was gazetted on 18.6.1993. Development within the “R(B)2” zone was restricted to a maximum PR of 1, a maximum SC of 25% and a maximum BH of 4 storeys over single-storey carpark (15m). It was rezoned to “R(B)1” on the draft Tong Yan San Tsuen OZP No. S/YL-TYST/1 with the same development restrictions as imposed under the then “R(B)2” zone. On 24.3.2000, the Board agreed to relax the SC restriction for residential sites in rural areas throughout the territory. Subsequently, the SC restriction for the “R(B)1” zone was relaxed to 40% under the draft Tong Yan San Tsuen OZP No. S/YL-TYST/4 gazetted on 23.6.2000. The “R(B)1 zoning and development restrictions for the Site have remained unchanged since then.

4.2 The Site is currently not subject to planning enforcement action.

### **5. Previous Application**

There is no previous planning application concerning the Site.

## **6. Similar Application**

There is a similar application (No. A/YL-TYST/685) for minor relaxation of PR (from 1 to 1.998) and SC (from 40% to 96.38%) restrictions for permitted house within the same “R(B)1” zone the OZP. The application was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2014 on the considerations that the proposal was to reflect the building entitlement under the lease; adverse traffic, drainage, environment and landscape impacts arising from the proposed relaxation of PR and SC restrictions were not anticipated; and the proposed scale and intensity of the development were considered compatible with the surrounding developments. Details of the application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

## **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 (**Plans A-2 and A-3**);
- (b) adjacent to several residential developments, namely Greenville Residence and The Byrn to the east and The Parkhill to the south of the Site across Tong Yan San Tsuen Road; and
- (c) currently vacant, fenced off and covered with vegetation (**Plans A-2 to A-4**).

7.2 The surrounding areas comprise predominantly low-rise residential dwellings intermixed with car parks, open storage yards, warehouses, unused land and vacant land (**Plans A-2 and A-3**).

## **8. Planning Intention**

The planning intention of the “R(B)1” zone is for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) no adverse comment on the application;
- (b) the Site falls within Lot 1890 RP in D.D. 121 which is held under New Grant No. 497 dated 9.4.1957 (“the New Grant”) for the purposes of building and garden, and is subject to a number of special conditions in

Government Notification No. 364 of 1934 as amended by Government Notification No. 50 of 1940, and a set of Additional Special Conditions (“the Conditions”);

- (c) under the New Grant and the Conditions, the height of any building shall not exceed 25 feet nor shall any building exceed 2 storeys in height. No storey shall be less than 10 feet in height. Open space belonging to the owner shall be provided at the rear of every new building and such open space shall have an area at least equal to half the roof-over area of the building. Not less than half of the Site area shall be used for a garden; and
- (d) the applicant should note his advisory comments at **Appendix III**.

### **Traffic**

9.1.2 Comments of the Commissioner for Transport (C for T):

No adverse comment on the application from traffic engineering perspective.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) no adverse comment on the application; and
- (b) the applicant should note his advisory comments at **Appendix III**.

### **Environment**

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

- (a) no objection to the application;
- (b) the applicant should note his advisory comments at **Appendix III**.

### **Urban Design, Visual and Landscape**

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

#### *Urban Design and Visual*

- (a) the Site is located in a medium-rise residential neighbourhood in Tong Yan San Tsuen, and surrounded by residential developments of BHs ranging from about one to five storeys. The proposed development with a SC of 50% and a BH of two storeys and 7.3m in absolute BH is in keeping with the surrounding developments, and no significant adverse visual impact is anticipated.

### *Landscape*

- (b) the Site is largely covered by overgrown vegetations and abandoned structure. No distinctive landscape resources or mature trees were observed within the Site.

### **Fire Safety**

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to fire service installations being provided to his satisfaction; and
- (b) the applicant should note his advisory comments at **Appendix III**.

### **Drainage**

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the proposed development from the public drainage point of view provided that all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected; and
- (b) the applicant should note his advisory comments at **Appendix III**.

### **Building Matters**

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) no objection to the application; and
- (b) it is noted that one structure is proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works under the Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

### **Long-Term Development**

9.1.9 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” (the Study). The Site falls within the

development area of the Study and may be required for the implementation of Yuen Long South development.

9.1.10 Comments of the Project Manager (West) (PM(W)), CEDD:

No objection to the application.

**District Officer's Comments**

9.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD):

His office has not received any feedback from locals.

9.2 The following government departments have no objection to/no adverse comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (d) Commissioner of Police (C of P).

**10. Public Comment Received During the Statutory Publication Period**

On 5.5.2026, 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 minor relaxation of SC restriction from 40% to 50% (+10% or 25%) for permitted house use at the Site zoned "R(B)1" on the OZP. According to the Notes of the OZP for "R(B)1" zone, 'House' is a Column 1 use which is always permitted and any development is subject to a maximum PR of 1, a maximum SC of 40% and a maximum BH of 4 storeys over single-storey carpark (15m) or the PR, SC and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA plan (i.e. 18.6.1993), whichever is the greater. Minor relaxation of the SC restriction may be considered by the Board on application under section 16 of the Ordinance based on the individual merits of the development proposal. According to the applicant, the proposal is to build a two-storey house with a GFA of 422.78m<sup>2</sup> (i.e. a PR of about 1), a SC of about 50% and a BH of 7.3m at the Site (**Plan A-1**). While the PR and BH of the proposed development conform with the OZP, the current application is submitted as the proposed SC would exceed the restriction as stipulated under the "R(B)1" zone of the OZP.

**Building Entitlement**

11.2 According to DLO/YL of LandsD, the Site is held under the New Grant and the Conditions mentioned in paragraph 9.1.1 above. Under the New Grant and the

Conditions, the height of any building shall not exceed 25ft nor shall any building exceed 2 storeys in height, and no storey shall be less than 10 feet in height, while open space belonging to the owner shall be provided at the rear of every new building and such open space shall have an area at least equal to half the roof-over area of the building, and not less than half of the Site shall be used for a garden. In this regard, the development parameters of the proposed development as submitted by the applicant is apparently in line with the lease entitlement mentioned above. It has been an established practice of the Committee to take into account building entitlement under the lease in considering such applications. The proposed minor relaxation of SC restriction from 40% to 50% for permitted house development is considered not unacceptable taking account into the planning circumstances of the Site.

*Land Use Compatibility and Development Intensity*

- 11.3 The Site forms part of the subject “R(B)1” zone and is adjacent to several residential developments within the same “R(B)1” zone which have a PR of 1, BHs ranging from 1 to 5 storeys and SCs ranging from 24.969% to 35.17%. The surrounding areas comprise predominantly low-rise residential dwellings intermixed with car parks, open storage yards, warehouses, unused land and vacant land (**Plans A-2 and A-3**). The applicant proposes to provide tree planting along Tong Yan San Tsuen Road and the road to the east of the Site in order to mitigate the potential visual impact to the surrounding areas. The proposed scale and intensity are considered not excessive with reference to those of the surrounding residential developments. In view of the above, the proposed minor relaxation of SC restriction from 40% to 50% for permitted house development is considered not incompatible with the surroundings developments.
- 11.4 While each application should be considered based on its individual merits, the proposed development parameters including the relaxation of SC from 40% to 50% are mainly to reflect the full development potential of the Site permitted under the lease conditions which may be considered as exceptional circumstances. CTP/UD&L, PlanD has no objection to the application from visual and landscape planning points of view and considers that significant adverse visual impact on the surrounding areas resulting from the proposed house development is not anticipated. Noting that the Site has building status under the land lease and based on the assessments as detailed in the above paragraphs, there is no objection to the proposed minor relaxation of SC restriction to facilitate the permitted house development at the Site.

*Technical Aspects*

- 11.5 Relevant 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.

Similar Application

11.6 A similar application for minor relaxation of PR and SC restrictions for permitted house use was approved in 2014 as mentioned in paragraph 6 above. Approval of the current application is in line with the previous decision of the Committee.

**12. Planning Department's Views**

12.1 Based on the assessments made in paragraph 11, 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 until 5.6.2030, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The recommended advisory clauses are attached at **Appendix III**.

12.3 There is no strong reason to recommend rejection of the application.

**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 date when the validity of the permission should expire.

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**

<b>Appendix I</b>	Application Form with attachments received on 23.4.2026
<b>Appendix Ia</b>	FI received on 28.5.2026
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Block Plan
<b>Drawing A-3</b>	Floor Plans with Elevations and Sections
<b>Drawing A-4</b>	Landscape Proposal
<b>Plan A-1</b>	Location Plan with Similar Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos