

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1354

<u>Applicants</u>	:	Mr. CHEUNG Lap Ming and Mr. CHEUNG Lap Tak represented by Lanbase Surveyors Limited
<u>Site</u>	:	Lot 320 RP in D.D. 119, Shan Ha Tsuen, Yuen Long
<u>Site Area</u>	:	170 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>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Proposed Temporary Shop and Services (Sales of Second-hand Private Car) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary shop and services (sales of second-hand private car) with ancillary office for a period of three years at the application site (the Site) falling within an area zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘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). The Site is currently hard-paved and vacant (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the western part is accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**). According to the applicants, the proposed shop and services use is for sale of second-hand private car. A single-storey open shed (not exceeding 5m in height) with a total floor area of about 170m² covering the entire Site is proposed and a removable 20ft container will be provided under the open shed for office use. Two parking spaces for private cars will be provided. The operation hours are from 11 a.m. to 6 p.m. daily including Sundays and public holidays. No medium or heavy goods vehicles, including container tractors/trailers, are allowed to park at the Site. No public announcement systems, portable loudspeaker or any form of audio amplification system will be used and no vehicle washing, repairing, dismantling, car beauty, or other workshop activities will be

carried out at the Site. Plans showing the location, site layout and swept path analysis submitted by the applicants are at **Drawings A-1 to A-4** respectively.

1.3 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 17.4.2026 (**Appendix I**)
- (b) Supplementary Information (SI) received on 24.4.2026 (**Appendix Ia**)
- (c) Further Information (FI) received on 20.5.2025 (**Appendix Ib**)
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form with attachments, SI and FI (**Appendices I to Ib**). They can be summarised as follows:

- (a) the proposed use will serve the nearby residential neighbourhood. Approval of the application on a temporary basis will not jeopardise the long-term planning of the area and is compatible with the surrounding areas;
- (b) there are similar planning applications approved for temporary shop and services use in the “V” zone in recent years; and
- (c) due to the small-scale operation, there will be insignificant adverse traffic, environmental and drainage impacts from the proposed use.

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

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

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous planning application concerning the Site.

6. Similar Applications

There are 12 similar planning applications (No. A/YL-TYST/1113, 1115, 1134, 1188, 1219, 1222, 1228, 1251, 1328, 1336, 1340 and 1343) involving eleven sites for temporary shop and services uses with/without other uses within/straddling the subject “V” zone in

the past five years. All applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board mainly on the considerations that the proposal 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. Details of these similar applications are summarised in **Appendix II** and the locations of the sites 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) accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**); and
- (b) hard-paved and vacant (**Plans A-4**).

7.2 The surrounding areas comprise predominantly open storage/storage yards, car service workshop, scattered residential structures and vacant land/structures (**Plans A-2**). Some of the uses are covered by valid planning permissions.

8. Planning Intention

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 (SHs) 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 New Territories Exempted House. 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 28.4.2026, 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 temporary shop and services (sales of second-hand private car) with ancillary office for a period of three years at the Site zoned “V”

on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone, it could serve any such demand for shop and services in the area. According to the District Lands Officer/Yuen Long of Lands Department, there is currently no SH application under processing or approved at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.

- 11.2 The surrounding areas comprise predominantly open storage/storage yards, car service workshop, scattered residential structures, and vacant land/structures (**Plans A-2 and A-3**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage 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 applicants 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.
- 11.4 11 similar applications for temporary shop and services uses with/without other uses within/straddling the subject “V” zone were approved by the Committee in the past five years as stated in paragraph 6 above. Approval of the current application is generally in line with the Committee’s previous decisions.

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 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 shall 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; and
- (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.

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 intention of the "V" zone which 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. No strong planning justification has been given 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 applicants.

14. Attachments

Appendix I	Application Form with attachments received on 17.4.2026
Appendix Ia	SI received on 24.4.2026
Appendix Ib	FI received on 20.5.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Site Layout Plan
Drawings A-3 to A-4	Swept Path Analysis
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**