

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/791

- Applicant** : Mr. Tam Man Shing
- Site** : Various Lots in D.D. 119, Tai Tong, Yuen Long
- Site Area** : 1,410 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”) (about 1,155 m² or 81.9%) and
“Village Type Development” (“V”) (about 255 m² or 18.1%)
[*Restricted to a maximum building height of 3 storeys (8.23m) except for those developments/uses specified in the Notes*]
- Application** : Proposed Temporary Shop and Services 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 and associated filling of land for a period of three years at the application site (the Site) falling within an area mainly zoned “AGR” (about 81.9%) and partly zoned “V” (about 18.1%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use within the “V” zone which requires planning permission from the Town Planning Board (the Board) ¹, while temporary use or development of any land or buildings not exceeding a period of three years and filling of land within the “AGR” zone also require planning permission. The Site is partly hard-paved and partly covered with overgrown, generally vacant with a few temporary structures and open storage of miscellaneous items without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Kiu Hing Road via a track road with an ingress/egress at the west (**Drawing A-1 and Plan A-2**). According to the applicant, four single-storey structures (not exceeding 6m in height) with a total floor area of about

¹ There is no requirement for planning permission for filling of land within “V” zone on the OZP.

700 m² are proposed, including three structures for retail sale of beverages, daily necessities and groceries (such as cooking oil, rice and noodles etc.) respectively and one structure for storage use. A total of five parking spaces, including two for private cars (5m x 2.5m) and three for light goods vehicles (7m x 3.5m) will be provided at the Site. The applicant also proposes to regularise the filling of land which has already been undertaken at the “AGR” portion of the Site (i.e. about 81.9% of the Site or 1,155 m² with concrete of about 0.2m in depth) for erection of structures (**Drawing A-3**)². The operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plans showing the vehicular access, site layout, land filling extent and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

- (a) Application Form with attachments received on 1.6.2026 (**Appendix I**)
- (b) Supplementary Information (SI) received on 10.6.2026 (**Appendix Ia**)
- (c) Further Information (FI) received on 14.7.2026* (**Appendix Ib**)

**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, SI and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the applicant is a resident of Pak Sha Tsuen. As there is no shop selling similar goods in the vicinity, the proposed use could meet the local community’s demand for daily necessities and groceries;
- (b) similar applications for ‘shop and services’ were approved with conditions within the “AGR” zone on the same OZP. As there are no major changes in the planning circumstances, the considerations of the similar approved applications should apply to the current application; and
- (c) no adverse traffic, drainage, fire safety and environmental impacts are 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 posting site notice and sending notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for

² According to the applicant, the entire Site (1,410 m²) will be filled with the same material and to the same depth for erection of structures.

Members' inspection.

4. **Background**

Part of the Site is the subject of a planning enforcement case (No. E/YL-TT/719) against unauthorized development (UD) (**Plan A-2**). The Reinstatement Notice (RN) was issued on 18.2.2025 requiring reinstatement of the concerned land by 18.5.2025. As the concerned land had not been reinstated upon expiry of the RN, prosecution action has been instigated.

5. **Previous Application**

There is no previous application concerning the Site.

6. **Similar Applications**

6.1 There are 16 similar applications for temporary shop and services for a period of three or five years within or straddling the same "V" zone and/or the same "AGR" zone in the past five years. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2026 mainly on similar considerations that the temporary use would not jeopardise the long-term planning intention(s) of the area; being not incompatible with the surrounding uses; having policy support from the Secretary for Development (for application No. A/YL-TT/767) and the departmental concerns could be addressed by implementation of approval conditions. Details of these applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6.2 For Members' information, planning application No. A/YL-TT/789 for shop and services use within the subject "V" zone will also be considered at this meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) partly hard-paved and partly covered with overgrown, generally vacant with a few temporary structures and open storage of miscellaneous items without valid planning permission; and
- (b) accessible from Kiu Hing Road via a local track road.

7.2 The surrounding areas are rural residential in character predominantly occupied by village houses/residential dwellings and farmland/vacant land intermixed with shop and services, storage/open storage yards, vehicle repair workshop, warehouse and vehicle park.

8. Planning Intention

- 8.1 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 the 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 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.
- 8.3 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the “AGR” zone.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other 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.
- 9.2 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” and “V” zones and is generally vacant. 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 adverse comment from nature conservation point of view.

10. Public Comments Received During the Statutory Publication Period

On 12.6.2026, the application was published for public inspection. During the statutory public inspection period, five public comments from the village representative of Pak Sha Tsuen and four individuals were received (**Appendix V**) objecting to the application mainly on the grounds that the proposed use is not in line with the planning intentions of “AGR” and “V” zones; the risk of fire and flooding would be increased; adverse traffic

and road safety impacts would be generated to the surrounding residential areas; and there are suspected UD's in the vicinity.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services and associated filling of land for a period of three years at the Site, which is mainly zoned "AGR" (about 81.9%) and partly zoned "V" (about 18.1%) on the OZP. Although the proposed use is not in line with the planning intentions of the "AGR" and "V" zone and DAFC does not support the application from agricultural perspective mainly on consideration that the Site possesses potential for agricultural rehabilitation, it could serve the demand from local villagers nearby. According to the District Lands Officer/Yuen Long of Lands Department, there is no SH application approved or under processing at the Site. Taking into account the above and the planning assessments below, there is no objection to the application on a temporary basis for a period of three years.
- 11.2 The applicant also proposes to regularise the filling of land which has already been undertaken at the "AGR" portion of the Site (i.e. about 81.9% of the Site or 1,155 m²) with concrete of about 0.2m in depth for erection of structures. Filling of land within the "AGR" zone requires planning permission from the Board 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 (CE/MN, DSD) and Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives respectively. As part of the Site is zoned "AGR", an approval condition requiring reinstatement of the "AGR" portion 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 rural residential in character predominantly occupied by village houses/residential dwellings and farmland/vacant land intermixed with shop and services, storage/open storage yards, vehicle repair workshop and warehouse vehicle park (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department also considers that no significant adverse landscape impact arising from the proposed use is anticipated.
- 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 on the application from traffic and fire safety perspectives respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. 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 potential environmental nuisances on the surrounding areas.
- 11.5 There are 16 approved similar applications within or straddling the same "V" zone and/or the same "AGR" zone in the past five years as mentioned in paragraph 6 above. Approval of the current application is in line with the previous decisions of the Committee.

- 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. Besides, any UD 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 mentioned in paragraph 10 above, 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 24.7.2029. 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 24.1.2027;
- (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 24.4.2027;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 24.1.2027;
- (e) in relation to (d) above, the implementation of the revised 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 24.4.2027;
- (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 "Agriculture" portion of the Site, including the removal of fill materials and hard paving, and grassing of the "Agriculture" portion of the 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 intentions of the "Village Type Development" and "Agriculture" zones which are primarily for development of Small Houses by indigenous villagers and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes respectively. No strong planning justifications have 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 1.6.2026
Appendix Ia	SI received on 10.6.2026
Appendix Ib	FI received on 14.7.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Land Filling Plan
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos