

Previous Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>
1	A/YL-TYST/1251	Temporary Shop and Services for a Period of 3 Years and Excavation of Land	1.3.2024 [revoked on 1.12.2025]

Similar Applications within/straddling the same “V” Zone in the past 5 years

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-TYST/1113	Proposed Temporary Shop and Services for a Period of 3 Years	24.9.2021 [revoked on 24.3.2022]
2	A/YL-TYST/1115	Proposed Temporary Shop and Services for a Period of 3 Years	15.10.2021 [revoked on 15.4.2022]
3	A/YL-TYST/1134	Proposed Temporary Shop and Services for a Period of 3 Years	28.1.2022 [revoked on 28.7.2023]
4	A/YL-TYST/1188	Temporary Shop and Services (Motor-Vehicle Showroom) for a Period of 3 Years	9.12.2022
5	A/YL-TYST/1219*	Temporary Shop and Services for a Period of 3 Years	14.7.2023 [revoked on 14.4.2025]
6	A/YL-TYST/1222	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Shop and Services for a Period of 3 Years	28.7.2023 [revoked on 28.1.2025]
7	A/YL-TYST/1228	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle and Shop and Services (Real Estate Agency) for a Period of 3 Years	11.8.2023
8	A/YL-TYST/1328	Proposed Temporary Shop and Services and Associated Excavation of Land for a Period of 3 Years	19.9.2025
9	A/YL-TYST/1336*	Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 3 Years	7.11.2025
10	A/YL-TYST/1340	Renewal of Planning Approval for Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	5.12.2025
11	A/YL-TYST/1343*	Proposed Temporary Shop and Services and Associated Excavation of Land for a Period of 3 Years	6.2.2026
12	A/YL-TYST/1354	Proposed Temporary Shop and Services (Sales of Second-hand Private Car) with Ancillary Office for a Period of 3 Years	5.6.2026

Remarks:

* Straddling the adjacent “Residential (Group D)” zone.

Government Departments' General Comments

1. Traffic

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

No adverse comment on the application from traffic engineering perspective.

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

No comment from highways maintenance point of view.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- no adverse comment on the application; and
- no substantiated environmental complaint concerning the application site received in the past three years.

3. Drainage

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

- no in-principle objection to the application from a 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
- should the Town Planning Board (the Board) consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a revised drainage proposal and the implementation and maintenance on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated; and
- the applicant should note his advisory comments on the submitted drainage proposal at **Appendix V**.

4. Fire Safety

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

No in-principle objection to the application subject to fire service installations being provided to his satisfaction.

5. Building Matters

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

- no objection under the Buildings Ordinance (BO) on the application; and
- it is noted that one structure and associated excavation of land are 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 unauthorized building works under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

6. Other Departments

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

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Director of Electrical and Mechanical Services (DEMS); and
- Commissioner of Police (C of P).

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the planning permission is given to the development/uses under application. It does not condone any other development/uses (i.e. storage use) which currently exist on the Site but not covered by the application. Immediate action should be taken to discontinue such development/uses not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner(s) shall apply to his office for Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structure(s) erected within the said private lot and the occupation of the Government Land. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/ rent and administrative fee as considered appropriate by his department. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) consent of the owners/managing departments of the local track and footpath should be obtained for using it as the access to the Site; and
 - (ii) sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) his department shall not be responsible for the maintenance of any access connecting the Site and Shan Ha Road; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” should be followed to minimise any potential environmental nuisances on the surrounding areas; and
 - (ii) adequate supporting infrastructure/ facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of his department’s Practice Note for Professional Person (ProPECC) PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorised Person;

(g) to note the general comments of the Director of Fire Services (D of FS) that:

- (i) in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval;
- (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of proposed FSIs to be installed should be clearly marked on the layout plans; and
- (iii) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

(h) to note the general comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

- (i) regarding the drainage proposal submitted by the applicant, the applicant is advised that:
 - i. the latest Technical Note No. 1 issued by his department should be made reference to for more details in preparing the drainage proposal;
 - ii. Figure 4 – the applicant should improve the scale of the drainage plan for better legibility;
 - iii. Figure 4 – consideration should be given to provide grating for the surface channels;
 - iv. Figure 4 – the applicant should indicate the proposed u-channels in the cross sections;
 - v. Figure 4 – the cover level and invert level at the start of the proposed u-channel should be indicated on the drainage plan;
 - vi. Figure 4 – the applicant should clarify if the annotation “Proposed Connection Catchpit C.L. =+9.10, I.L.=+8.95 (Proposed 300UC) and I.L.=+8.40 (Existing 600UC)” at right hand side of the drawing refers to the connection details in Figure 6. It seems that the depth of the said 300UC is not achievable (i.e. $9.10 - 8.95 = 0.15\text{m}$), please review;
 - vii. Figure 4 – the applicant should clarify if the structure is constructed to the edge of the boundary fence and thus peripheral surface channels cannot be constructed at the northern side of the Site;
 - viii. standard details should be provided to indicate the sectional details of the proposed u-channel and the catch/ sand trap;
 - ix. the development should neither obstruct overland flow and nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
 - x. the applicant should indicate clearly the full alignment of the discharge point (e.g. a well-established stream course/public drainage system) on a separate plan as appropriate. You may refer to the GeoInfo Map (<http://www.map.gov.hk/gm/>) to obtain records of nearby drainage pipes and manhole facilities. If the existing

drainage facilities proposed to be included in your drainage network are not recorded on the website, please provide relevant site photos to demonstrate its existence and existing condition;

- xii. the existing 600mm surface channel, to which the applicant proposed to discharge the stormwater from the Site was not maintained by his office. The applicant shall resolve any conflict/disagreement arisen for discharging the runoff from the Site to the proposed discharge point(s). In the case that it is local village drainage, District Office, Yuen Long should be consulted. Moreover, the applicant should ensure that this drainage system and the existing downstream drains/channels/streams have adequate capacity to convey the additional runoff from the Site. Regular maintenance should be carried out by the applicant to avoid blockage of the system;
 - xiii. further to (xi) above, since there is no record of the said discharge path, please provide site photos demonstrates its presence and existing condition. The applicant should also indicate the location and direction of photo taking on the plan for ease of identification; and
 - xiii. the applicant should resolve any conflict/disagreement with relevant lot owner(s) and seek permission from District Lands Office/ Yuen Long for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government Land, where required, outside the Site;
- (ii) all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected; and
- (iii) for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, please submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with the Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - (ii) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses

considered as temporary buildings are subject to the control of Part VII of the B(P)R; and

- (vi) detailed checking under the BO will be carried out at building plan submission stage.



SOLAR WONG & CO.,
SOLICITORS
文明律師事務所

Our Reference : CL/030844/25/MM
本行檔案編號

Your Reference : (3) in 017-2811-045-040-
貴司檔案編號 003-1031-P001

Please reply to : M.M. Wong
請回覆

Date : 24-6-2026
日期

Planning Department
Tuen Mun and Yuen Long West District
Planning Office
14/F, Sha Tin Government Offices
1 Sheung Wo Che Road, Sha Tin,
New Territories
Attn: Mr. Fung Ka Lok

BY FAX (2449 4653) & BY POST

Town Planning Board Secretariat
15/F, North Point Government Offices
333 Java Road, North Point,
Hong Kong

BY FAX (2877 0245) & BY POST

Dear Sirs,

RE: Lot 1586, Demarcation District 121

Application Number: A/YL-TYST/1362 (the "Application")

We refer to a letter from the Yuen Long District Office dated 11th June 2026 addressed to Mr. Cheung Chi Yin, a village representative of Shan Ha Village in respect of the captioned Application. Mr. Cheung Chi Yin disseminated this letter to the villagers and stakeholders of the village.

We have instructions to act for Mr. Cheung Wing Cheong (張永昌) ("Mr. Cheung"), an indigenous villager of Shan Ha Village and one of the managers of the Cheung Kwan Yuet Tso (張君悅祖) (the "Tso"). The Tso is the registered owner of the Lot 1586 in Demarcation District 121 (the "Lot"), which is the subject land lot of the Application.

Mr. Cheung was not aware of the Application until the letter from the District Land Office. It was only after we received instructions to act for him that our firm discovered from public records that the applicant of the Application is

OFFICE 辦事處

PRINCIPAL

WONG Man Ming
王文明律師

ASSOCIATE

KONG Cheuk Chi
江卓姿律師

SUM Anika

沈靜雯律師

FOREIGN LAWYER

WANG Dan (PRC)
王丹律師 (中國)

**SOLAR WONG & CO.,**

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Bigfour Development Co., Limited ("Bigfour").

Lot 1586 is subject to High Court litigation

First, the Lot is currently subjected to an ongoing High Court litigation HCA 1638/2022 in which the Plaintiff (Mr. Cheung Chi Kai) – an indigenous villager of Shan Ha Village and a member of the Tso – claims against the managers of the Tso (specifically my co-manager Mr. Cheung Hing Cheung) for breach of fiduciary duties by leasing Tso's lands (including the Lot) at an undervalue to related parties and obtaining a secret profit.

Bigfour is also named as a defendant in the litigation as a provider of dishonest assistance in the secret profit scheme.

We are instructed that after the commencement of HCA 1638/2022, Mr. Cheung caused the Tso to pass a resolution at a general meeting on 29th January 2023 that all tenancy agreements of the Tso must be signed by all of the Tso managers to be valid.

We are further instructed that: -

- (1) Mr. Cheung Hing Cheung had caused the Tso to enter a tenancy agreement in respect of the Lot with his son Mr. Cheung Hin Yuen for a period from 1st January 2021 to 31st December 2023 at a rent of HK\$12,000 annually;
- (2) Throughout the term of the aforesaid lease, Mr. Cheung Hin Yuen sub-leased the Lot to a third party at a rent of HK\$12,000 to HK\$15,600 monthly and captured a sizable secret profit with his father;
- (3) Such an illegal scheme to abuse the assets of the Tso is one of the allegations of HCA 1638/2022 and the concerns of many members of the Tso;
- (4) Mr. Cheung did not sign any new tenancy agreements on behalf of the Tso after the expiry of the tenancy agreement between the Tso and Mr. Cheung Hin Yuen;



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- (5) To circumvent the Tso's resolution, Mr. Cheung Hing Cheung unilaterally allowed a related company Bigfour to occupy the Lot instead of entering into a tenancy agreement;
- (6) Since 2023, Mr. Cheung Hing Cheung unilaterally accepted an "occupation fee" of HK\$15,600 annually from Bigfour;
- (7) Bigfour is currently "leasing" the Lot to the same third party as Mr. Cheung Hin Yuen at the monthly rent of HK\$15,600 monthly;
- (8) Mr. Cheung's position is that Bigfour does not have any legal interest in the Lot, and that its occupation of the Lot is also illegal; and
- (9) Mr. Cheung Chi Kai had also reported the illegal profit scheme to the Hong Kong Police/ICAC.

While the identity of the applicant is now known as Bigfour, it is Mr. Cheung's opinion that the ultimate benefactor of the application is Mr. Cheung Hing Cheung.

We are also instructed by Mr. Cheung that the Application is intended by BigFour or Mr. Cheung Hing Cheung to create evidence for HCA 1638/2022. For example, the intermediaries' provision of land management services (i.e. to obtain licenses and permits from relevant authorities) to justify the charging of significantly higher rents to sub-tenants.

Furthermore, if any land use amendment application is necessary for Tso lands, it is Mr. Cheung's position that such applications should be made by the Tso itself so that the Tso can lease directly to third parties at higher rents.

For the above reasons, Mr. Cheung's position is that in the interest of the Tso, the Town Planning Board should deny any applications in respect of the Lot until the finality of HCA 1638/2023. It is also proper for the Town Planning Board to deny the application to preserve the *status quo* until the finality of HCA 1638/2022.

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Registered owner of the Lot did not know the identity of the applicant and was not made aware of the submission of the Application

Again, we are instructed that Mr. Cheung had no knowledge of the Application until the letter from the District Office and that the identity of the applicant was not known to him until our firm's engagement.

As a manager of the Tso, Mr. Cheung is a trustee of the Lot and is also named as a registered owner of the Lot.

The Application does not satisfy section 15(2)(a)(i)(A) of the Town Planning Ordinance (Cap. 131) as the applicant had not obtained the consent in writing of each person who is a current land owner in respect of the application or notified such person in writing of the application. For this reason, the Town Planning Board must deny the Application immediately.

We are instructed to assert that the Applicant has knowledge that Mr. Cheung is a manager of the Tso and did not fill out Section 5 (Statement on Owner's Consent/Notification) of the application in good faith. It ought to know to contact Mr. Cheung personally to fulfil its obligation to take reasonable steps to give notification to owner(s).

For the avoidance of doubt, this letter serves as an explicit notice that Mr. Cheung – as a manager of the Tso and thus a trustee and a registered owner of the Lot – do not consent to the Application.

Reservation of Mr. Cheung's legal rights

We kindly ask the Town Planning Board Secretariat and the Planning Office of Tuen Mun and Yuen Long West District to acknowledge receipt of this letter.

Under the circumstances identified above, Mr. Cheung fully expects the relevant government authorities to deny the Application immediately. However, if the Application continues to be considered or succeeds by the relevant authorities, we have standing instructions from Mr. Cheung to commence legal procedures against such authorities including judicial review and injunctive relief. We also expect other stakeholders of Shan Ha Village and the Tso to take legal action shall the Application continues or succeeds.



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Lastly, it is observed that the Application was filed by a Mr. Patrick Tsui, consultant of authorized agent Metro Planning & Development Company Limited ("Metro"). We are instructed that Metro has made similar applications under section 16 of the Town Planning Ordinance (Cap. 131) for lands of Shan Ha Village including lands of the Tso. We put on record that the authorized agent ought to know that its obligations under Section 5 of the Application must involve obtaining consent/giving notification to Mr. Cheung particularly and that Mr. Tsui's declaration under Section 8 of the Application is untrue. Mr. Cheung reserves his rights to take civil and criminal actions against Mr. Tsui and Metro personally. It is also expected that your Department will also investigate any criminal liability on the part of Mr. Tsui and Metro.

Your kind attention in this matter is much appreciated.

All of Mr. Cheung's rights are expressly reserved.

Yours faithfully,

Solar Wong & Co.

c.c. Client



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We are further instructed that: -

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While the identity of the applicant is now known as Bigfour, it is Mr. Cheung's opinion that the ultimate benefactor of the application is Mr. Cheung Hing Cheung.

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We are instructed to assert that the Applicant has knowledge that Mr. Cheung is a manager of the Tso and did not fill out Section 5 (Statement on Owner's Consent/Notification) of the application in good faith. It ought to know to contact Mr. Cheung personally to fulfil its obligation to take reasonable steps to give notification to owner(s).

For the avoidance of doubt, this letter serves as an explicit notice that Mr. Cheung – as a manager of the Tso and thus a trustee and a registered owner of the Lot – do not consent to the Application.

Reservation of Mr. Cheung's legal rights

We kindly ask the Town Planning Board Secretariat and the Planning Office of Tuen Mun and Yuen Long West District to acknowledge receipt of this letter.

Under the circumstances identified above, Mr. Cheung fully expects the relevant government authorities to deny the Application immediately. However, if the Application continues to be considered or succeeds by the relevant authorities, we have standing instructions from Mr. Cheung to commence legal procedures against such authorities including judicial review and injunctive relief. We also expect other stakeholders of Shan Ha Village and the Tso to take legal action shall the Application continues or succeeds.

A handwritten signature in black ink, appearing to be 'Shan Ha'.



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Your kind attention in this matter is much appreciated.

All of Mr. Cheung's rights are expressly reserved.

Yours faithfully,

Solar Wong & Co.

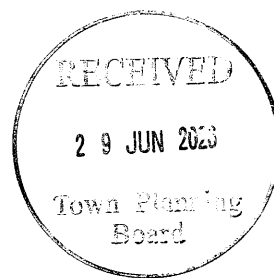
c.c. Client

日期：2026年6月26日

城市規劃委員會

元朗民政事務處

元朗地政處



主旨：反對山下村丈量約份第121約地段第1586號和毗連政府土地臨時

商店及服務行業(地產代理)及相關挖土工程(為期3年)

(申請編號：A/YL-TYST/1362)

敬啟者：

上述申請地段的業權人是張君悅祖，張君悅祖現有2位司理人，本人張永昌就是其中的一位司理。另一位司理叫張慶祥。

張慶祥司理將上述地段，以低於市場價值租予他的兒子張軒源，由2021年1月1日至2023年12月31日止，在2024年2月2日收到地政署寄來的警告信，要求28天內清拆該地段上的構築物。租客張軒源一直不肯交還該地段給張君悅祖，在沒有租約下，霸佔該地段，繼續收租。

最近，有一間名叫(四大發展有限公司)向城市規劃委員申請臨時商店及服務行業(地產代理)為期3年。

本人現來信投訴及反對，上述申請地段是沒有租約及得不到土地擁有人的同意下去申請。(四大發展有限公司)是非法霸佔上述地段，並未取得合理步驟及得到土地擁有人的同意，本人並未有收到任何通知。申請人在申請表格填上虛假陳述，觸犯刑事。(本祖堂已在2026年6月27日到元朗警署報案，案件號碼：XXXXXXXXXX)

希望貴會否決四大發展有限公司的申請。

此致

祝工作愉快，身體健康！

簽署：張永昌

張君悅祖司理人：張永昌

簽署：張志賢
山下村村代表兼土地持份者
一群張君悅祖持分者

日期：2026年6月26日

Tel:

回郵地址:

日期：2026年6月26日

城市規劃委員會

元朗民政事務處

元朗地政處

2 附加



主旨：反對山下村丈量約份第 121 約地段第 1586 號和毗連政府土地臨時

商店及服務行業(地產代理)及相關挖土工程(為期 3 年)

(申請編號：A/YL-TYST/1362)

敬啟者：

上述申請地段的業權人是張君悅祖，張君悅祖現有 2 位司理人，本人張永昌就是其中的一位司理。另一位司理叫張慶祥。

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~~12/11/20~~