

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1362

<u>Applicant</u>	:	Bigfour Development Co. Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Lot 1586 in D.D. 121 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long
<u>Site Area</u>	:	355 m ² (about) (including GL of about 5m ² or 1.4%)
<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 (Real Estate Agency) and Associated Excavation of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (real estate agency) and associated excavation of land for a period of three years at the application site (the Site) falling within an area zoned “V” on the OZP (**Plan A-1**). 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, and excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and partly occupied by a single-storey structure for storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at its eastern part is accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use is for real estate agency service. A single-storey structure (not exceeding 4.5m in height) with a floor area of about 230m² will be provided for shop and services and toilet use. Two parking spaces for private cars will be provided. The operation hours are from 9 a.m. to 7 p.m. daily including Sundays and public holidays. The current application also seeks to regularise the excavation of land (at a depth of about 0.3m covering an area of about 16.65m²) which had already taken place for

provision of drainage facilities (i.e. surface U-channel) surrounding the Site. Plans showing the vehicular access leading to the Site, site layout, drainage proposal and extent of land excavation submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in a previous application for temporary shop and services and excavation of land which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2024 (details at paragraph 5 below). Compared with the last application (No. A/YL-TYST/1251), the current application is submitted by a different applicant for the same use at the same site with the same development parameters and layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 2.6.2026 (**Appendix I**)
 - (b) Further Information (FI) received on 29.6.2026* (**Appendix Ia**)
 - (c) FI received on 13.7.2026* (**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 and FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) the proposed shop and services use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone. It could benefit the nearby residents by meeting their demand for real estate agency service;
- (b) the proposed use is not incompatible with the surrounding environment. Similar applications for shop and services have been approved by the Board in the vicinity of the Site;
- (c) the Site was the subject of a previous planning permission (No. A/YL-TYST/1251) but it was subsequently revoked due to non-compliance with approval condition on the implementation of the drainage proposal due to discrepancies between the as-built drainage plan and the accepted drainage proposal. In support of the current application, the applicant has submitted an as-built drainage plan; and
- (d) there will be minimal traffic, environmental and drainage impacts arising from the proposed use.

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 Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’

inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. **Background**

The storage use on the Site is a suspected unauthorized development which would be subject to planning enforcement action.

5. **Previous Application**

The Site was involved in a previous application (No. A/YL-TYST/1251) submitted by a different applicant for temporary shop and services and excavation of land, which was approved with conditions for a period of three years by the Committee in 2024 mainly on the considerations that the proposed use 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. The planning permission was revoked on 1.12.2025 due to non-compliance with approval condition regarding the implementation of the accepted drainage proposal. Details of the previous application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. **Similar Applications**

There are 12 similar planning applications (No. A/YL-TYST/1113, 1115, 1134, 1188, 1219, 1222, 1228, 1328, 1336, 1340, 1343 and 1354) involving 11 sites for temporary shop and services with/without other uses within/straddling the subject “V” zone in the past five years. All of them were approved with conditions by the Committee mainly on similar considerations as mentioned in paragraph 5 above. Details of these similar applications are summarised in **Appendix III** 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) currently hard-paved, fenced-off and partly occupied by a single-storey structure for storage of miscellaneous items without valid planning permission (**Plans A-4**).

7.2 The surrounding areas comprise predominantly village houses of Shan Ha Tsuen and residential structures intermixed with open storage/storage yards, vehicle repair workshop, parking of vehicles, unused land and vacant land/structures (**Plans A-2**).

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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other 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 IV** and **V** respectively.

9.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) he has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) his department has reservation on the application since there are unauthorised structures and/or uses on the subject lot which is already subject to lease enforcement actions according case priority. The lot owners should rectify/apply for regularisation on the lease breaches as demanded by his department;
- (d) the GL within the Site (about 5m²) has been fenced off/ unlawfully occupied with unauthorised structure without any permission. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (e) there is no Small House application approved or under processing within the Site; and
- (f) the applicant should note his advisory comments at **Appendix V**.

9.3 The following government department conveys local objections to the application:

District Officer's Comments

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

His office has received a letter from one of the managers of the land owner, i.e. Cheng Kwan Yuet Tso (張君悅祖), objecting to the application (**Appendix VI**¹).

10. Public Comments Received During the Statutory Publication Period

On 9.6.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from one of the managers of Cheung Kwan Yuet Tso and the village representative of Shan Ha Tsuen and some members of the Tso. Both public comments raised objections to the application on the grounds that the Site is owned by a Tso that is the subject of an ongoing High Court litigation and the applicant has not obtained consent from all relevant stakeholders before submitting the current application. They reserve the right of taking legal action should the application be approved by the Committee (**Appendix VII**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services (real estate agency) and associated excavation of land 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 DLO/YL, LandsD, 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 Excavation of land within the “V” zone requires planning permission from the Board. In this regard, the applicant has provided justifications for the need for regularising the excavation of land at the Site for about 16.65m² and with a depth of about 0.3m for provision of drainage facilities. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from the drainage point of view.

11.3 The surrounding areas comprise predominantly village houses of Shan Ha Tsuen and residential structures intermixed with open storage/storage yards, vehicle repair workshop, parking of vehicles, unused land and vacant land/structures (**Plans A-2 and A-3**). The proposed use is generally not incompatible with the surrounding land uses.

¹ The same public comment conveyed by DO(YL), HAD was also received by the Secretariat of the Board during the statutory public inspection period.

- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental 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 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 possible environmental nuisance on the surrounding areas.
- 11.5 As for DLO/YL, LandsD’s concern on unauthorised structures and/or uses on the subject lot within the Site and unlawful occupation of GL, the applicant indicates that Short Term Waiver and Short Term Tenancy (STT) will be applied from LandsD upon approval of the Site. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.6 A previous application (No. A/YL-TYST/1251) for temporary shop and services and excavation of land at the Site was approved in 2024, and 12 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 paragraphs 5 and 6 above. Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments as mentioned in paragraphs 9.3.1 and 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant. Regarding the concern in relation to the land dispute matter, the applicant will be advised to resolve any land issues with the concerned owner(s) of the Site should the application be approved.

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 paragraphs 9.3.1 and 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 revised 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 revised 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 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 24.1.2027;
- (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 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; 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 V**.

- 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 excavation of land 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 applicant.

14. Attachments

Appendix I	Application Form with attachments received on 2.6.2026
Appendix Ia	FI received on 29.6.2026
Appendix Ib	FI received on 13.7.2026
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Local View conveyed by DO(YL), HAD
Appendix VII	Public Comments
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Land Excavation Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2026**