

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/792

- Applicant** : Mr. Yeung Siu Fai represented by R-riches Planning Limited
- Site** : Lots 4042 and 4043 RP (Part) in D.D. 116, Tai Tong, Yuen Long
- Site Area** : 6,313m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Village Type Development” (“V”)
[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, Eating Place and Public Vehicle Park (PVP) (Private Cars Only) with Ancillary Electric Vehicle (EV) Charging Facilities and Office for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services, eating place and PVP (private cars only) with ancillary EV charging facilities and office for a period of five 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’ (being not on the ground floor of a New Territories Exempted House (NTEH)), ‘eating place’ and ‘public vehicle park (excluding container vehicle)’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, partly fenced off and occupied by parking of vehicles and some temporary structures without valid planning permission (**Plan A-4a and 4b**).
- 1.2 The Site is accessible from Tai Shu Ha Road West via a local track with an ingress/egress at the northeast (**Drawing A-1 and Plan A-2**). According to the applicant, 11 two-storey structures (about 7.5m in height) with a total floor area of about 2,464m² are proposed for eating place, shop and services (such as real estate agencies, retails shops and convenience stores etc.), ancillary office and toilet use. A PVP with a total of 22 parking spaces for private cars (5m x 2.5m) and two loading/unloading spaces for light goods vehicles (7m x 3.5m) are provided at the Site. All parking spaces will be equipped with medium-speed EV chargers with an output power of not less than 7kW. No vehicles without valid license issued

under the Road Traffic Ordinance and no medium or heavy goods vehicles, including container tractors/trailers, are allowed to access/park at the Site. No car beauty, washing, cleansing, paint-spaying, repairing, dismantling or other workshop activities will be carried out at the Site. No public announcement system or any form of audio amplification system will be used at the Site. The operation hours for the proposed shop and services and eating place are from 9:00 a.m. to 9:00 p.m. daily including public holidays, whilst the PVP will operate 24 hours daily. To mitigate any potential environmental nuisance to the surrounding settlements, a 2.5m high peripheral solid metal wall will be erected along the site boundary at all sides. Plans showing the vehicular access, site layout, swept path analyses and drainage 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 9.6.2026 (Appendix I)
- (b) Supplementary Information (SI) received on 15.6.2026 (Appendix Ia)
- (c) Further Information (FI) received on 4.8.2026* (Appendix Ib)
- (d) FI received on 7.9.2026* (Appendix Ic)
- (e) FI received on 17.9.2026* (Appendix Id)
- (f) FI received on 22.9.2026* (Appendix Ie)

**accepted and exempted from publication and recounting requirements*

1.4 On 24.7.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 FIs at **Appendices I to Ie**. They can be summarised as follows:

- (a) the proposed eating place, shop and services selling daily necessities and PVP could serve the local residents in Tai Tong area and on-site business operators;
- (b) in view of a lack of EV charging facilities in the area, all the proposed parking spaces will be equipped with EV charging facilities. The ancillary office is intended to support the daily operation of the proposed uses;
- (c) as the proposed uses are temporary in nature, they would not frustrate the long-term planning intention of the “V” zone. Similar applications within the same “V” zone for ‘shop and services’ and ‘public vehicle park’ uses were approved by the Committee in the past five years;

- (d) the building height of the proposed structures is comparable to the nearby village houses and not incompatible with the surrounding environment;
- (e) the applicant will provide 24-hour free access across the Site for nearby residents/ pedestrians to travel from Tai Shu Ha Road West to the surrounding villages. 1.2m high plastic fencing will be erected along part of the access road to ensure pedestrian safety (**Drawing A-2**);
- (f) the applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“CoP”) to minimise environmental impact and nuisance to the surrounding areas;
- (g) the applicant will provide septic tank for sewage treatment and engage licensed professional collectors to collect and dispose of the sewage and waste on a regular basis for further treatment; and
- (h) no adverse noise, traffic, drainage 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 Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Eating Place within “Village Type Development” Zone in the Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) is relevant to the application. The relevant planning criteria are summarised at **Appendix II**.

5. Background

The storage use and parking of vehicles on the Site would be subject to planning enforcement action.

6. Previous Application

Part of the Site is the subject of a previous application (No. A/YL-TT/44) for pond filling which was approved with conditions by the Committee on 11.12.1998. The considerations of this application are not relevant to the current application which involves a different use. Details of the previous application are summarised in **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are 10 similar applications (No. A/YL-TT/533, 547, 557, 602, 656, 657, 662, 709, 711 and 750) for temporary shop and services with/without PVP for a period of three or five years within the same “V” zone on the OZP in the past five years. All the applications were approved with conditions by the Committee between 2022 and 2026 mainly on the considerations that the temporary use would not jeopardise the long-term planning intention of the “V” zone; being not incompatible with the surrounding uses and the departmental comments could be addressed by implementation of approval conditions. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 There is no similar application for eating place use within the same “V” zone in the past five years.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:
- (a) currently hard-paved, partly fenced off and occupied by parking of vehicles and some temporary structures without valid planning permission; and
 - (b) accessible from Tai Shu Ha Road West via a local track.
- 8.2 The surrounding areas are rural residential in character predominantly occupied by village houses/residential dwellings intermixed with sitting-out area, parking of vehicles, storage yards, warehouse, refuse collection point and vacant/unused land.

9. 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 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.

10. Comments from Relevant Government Bureau/Departments

- 10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 below, other bureau/departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV** and **V** respectively.

10.2 The following government department supports the application:

Traffic

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

- (a) she supports the proposed PVP use from traffic engineering point of view; and
- (b) advisory comments as detailed in **Appendix V**.

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

Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lots 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;
- (b) his office has detected irregularities on the application that there are unauthorized structure(s) and/or uses on the private lot(s) which has/have already been subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (c) if the planning application is approved, the lot owner(s) shall apply to LandsD for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lot(s). The application(s) for STW will be considered by LandsD in its capacity as a landlord and there is no guarantee that such application(s) will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed uses are temporary in nature, only erection of temporary structure(s) will be considered;
- (d) there is no Small House application approved or under processing at the Site; and
- (e) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

11. Public Comments Received During the Statutory Publication Period

On 23.6.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from two individuals, including one who claims to be a villager (**Appendix VI**), raising concerns about the application mainly on the grounds that the applicant should provide further information on the operational details and traffic, environmental, drainage, sewerage, pedestrian safety and waste management arrangements.

12. Planning Considerations and Assessments

- 12.1 The applicant seeks planning permission for proposed temporary shop and services, eating place and PVP (private cars only) with ancillary EV charging facilities and office for a period of five years at the Site zoned “V” on the OZP. Although the proposed uses are not entirely in line with the planning intention of the “V” zone, they could serve the local villagers nearby and meet their parking demands. In this regard, C for T supports the application from traffic engineering perspective. According to the DLO/YL of LandsD, there is no SH application approved or under processing at the Site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The proposed uses are considered not incompatible with the surrounding environment which is rural residential in character predominantly occupied by village houses/residential dwellings intermixed with sitting-out area, parking of vehicles, storage yards, warehouse, refuse collection point and vacant/unused land (**Plan A-2**).
- 12.3 Other relevant government bureau/departments consulted, including the Director of Environmental Protection, Director of Food and Environmental Hygiene, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment from environmental, food and environmental hygiene, fire safety and drainage perspectives respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. The applicant will also be advised to follow the latest “COP” and “Control of Oily Fume and Cooking Odour from Restaurant and Food Business” to minimise potential environmental nuisances on the surrounding areas. In view of above, the ‘eating place’ use is considered generally in line with the TPB PG-No. 15A for application for eating place within “V” zone. Nevertheless, in accordance with TPB PG-No.15A, an approval period of a maximum of three years, instead of five years sought, is recommended so as to retain planning control on the development at the Site and to cater for changing circumstances in future.
- 12.4 Regarding DLO/YL, LandsD’s concerns on the unauthorized structure(s) and/or uses on the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application. The applicant also undertakes to apply for the relevant STW application from LandsD upon approval of the planning application.
- 12.5 There are 10 approved similar applications for temporary shop and services with/without PVP for a period of three or five years within the same “V” zone as mentioned in paragraph 6 above. Approval of the current application involving shop and services and PVP uses is generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application for a period of 3 years, instead of 5 years sought by the applicant.
- 13.2 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 25.9.2029. 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 25.3.2027;
- (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 25.6.2027;
- (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 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 25.3.2027;
- (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 25.6.2027;
- (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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed uses are not in line with the planning intention of the "Village Type Development" zone which is primarily 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 9.6.2026
Appendix Ia	SI received on 15.6.2026
Appendix Ib	FI received on 4.8.2026
Appendix Ic	FI received on 7.9.2026
Appendix Id	FI received on 17.9.2026
Appendix Ie	FI received on 22.9.2026
Appendix II	Relevant extracts of TPB PG-No. 15A
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Swept Path Analyses
Drawing A-4	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a	Site Photos
Plan A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2026**