

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1372**

|                           |   |                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Applicant</u></b>   | : | Exact Win Limited represented by Aikon Development Consultancy Limited                                                                                                                                                                                                                                                                                                              |
| <b><u>Site</u></b>        | : | Various Lots in D.D. 121, Tong Yan San Tsuen, Yuen Long                                                                                                                                                                                                                                                                                                                             |
| <b><u>Site Area</u></b>   | : | 2,140 m <sup>2</sup> (about)                                                                                                                                                                                                                                                                                                                                                        |
| <b><u>Lease</u></b>       | : | Block Government Lease (demised for agricultural use)                                                                                                                                                                                                                                                                                                                               |
| <b><u>Plan</u></b>        | : | Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14                                                                                                                                                                                                                                                                                                       |
| <b><u>Zoning</u></b>      | : | <p>“Residential (Group D)” (“R(D)”) (about 88.7%); and<br/><i>[Restricted to a maximum plot ratio of 0.2 and a maximum building (BH) height of 2 storeys (6m)]</i></p> <p>“Residential (Group B)1” (“R(B)1”) (about 11.3%)<br/><i>[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum BH of 4 storeys over single-storey car park (15m)]</i></p> |
| <b><u>Application</u></b> | : | Proposed Temporary Shop and Services for a Period of 3 Years                                                                                                                                                                                                                                                                                                                        |

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site) falling within an area largely zoned “R(D)” with a minor portion zoned “R(B)1” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “R(D)” and “R(B)1” zones, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced-off and partly occupied by temporary structures for storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the southern part is accessible from Long Hon Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposed use is for grocery store. Six single-storey structures (not exceeding 3m to 5m in height) with a total floor area of about 655m<sup>2</sup> are provided for shop and services, office, toilet and electricity room. Four parking spaces for

private cars and one loading/unloading (L/UL) space for light goods vehicle (LGV) will be provided. The operation hours are from 7 a.m. to 9 p.m. daily. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 The major development parameters of the application are summarised as follows:

|                                    |                                                                                    |
|------------------------------------|------------------------------------------------------------------------------------|
| Site Area                          | About 2,140 m <sup>2</sup>                                                         |
| Total Floor Area<br>(Non-domestic) | About 655 m <sup>2</sup>                                                           |
| No. and Height of<br>Structures    | 6<br>• shop and services, office, toilet and electricity room<br>(3-5 m, 1 storey) |
| No. of Parking<br>Spaces           | 4<br>(for private cars) (5m x 2.5m)                                                |
| No. of L/UL Space                  | 1<br>(for LGV) (11m x 3.5m)                                                        |
| Operation Hours                    | 7:00 a.m. to 9:00 p.m. daily                                                       |

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

- (a) Application Form with attachments received on 14.8.2026 (**Appendix I**)
- (b) Further Information (FI) received on 24.9.2026 (**Appendix Ia**)  
*[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 FI (**Appendices I** and **Ia**). They can be summarised as follows:

- (a) the proposed development will provide retail service to the nearby residents. The development is temporary in nature and would not jeopardise the long-term planning intentions of the “R(D)” and “R(B)1” zones;
- (b) similar applications for shop and services have been approved in the vicinity of the Site. The proposed use is not incompatible with the surrounding areas; and
- (c) there will be no adverse environmental, traffic and drainage impacts arising from the proposal.

## 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 published notice in local newspaper and sending notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

#### 4. **Background**

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

#### 5. **Previous Applications**

The eastern part of the Site was involved in three previous applications (No. DPA/A/YL-TYST/84, A/YL-TYST/6 and 13) for permanent/temporary open storage uses. Their considerations are not relevant to the current application which involves a different use. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

#### 6. **Similar Applications**

- 6.1 There are 15 similar applications for various temporary shop and services uses with/without other uses within/straddling the subject “R(D)” or “R(B)1” zones in the past five years. Details of these similar applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 Out of the 15 similar applications, 13 were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2026 mainly on the considerations that the applied/proposed use was not incompatible with the surrounding areas; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the departmental concerns could be addressed by implementation of approval conditions.
- 6.3 The remaining two applications (No. A/YL-TYST/1064 and 1116) were rejected by the Committee in 2021 mainly on the grounds that no strong planning justifications were provided for a departure from the planning intention of the “R(D)” zone; and the scale of the development was considered excessive.

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

7.1 The Site is:

- (a) accessible from Long Hon Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently partly occupied by temporary structures for storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4b**).

7.2 The surrounding areas comprise predominantly residential developments/structures intermixed with open storage/storage yards, warehouses, car park/parking of vehicles, vehicle repair workshop, recycling workshop, unused land and vacant land (**Plans A-2 and A-3**).

## **8. Planning Intentions**

- 8.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.
- 8.2 The planning intention of the “R(B)” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

## **9. Comments from Relevant Government Departments**

- 9.1 Apart from the government department as set out in paragraph 9.2 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 objects to the application:

### **Land Administration**

- 9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) he objects to the application;
  - (b) 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; and
  - (c) the Site has been affected by the “Yuen Long South Development – Stage 4”. As the project pre-clearance survey has been conducted for the Site, his office will not process either regularisation or new applications for short term waiver (STW)/short term tenancy (STT) for this application.

## **10. Public Comment Received During the Statutory Publication Period**

On 21.8.2026, 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 for a period of three years at the Site largely zoned “R(D)” with a minor portion zoned “R(B)1” on the OZP. Although the proposed use is not entirely in line with the planning intentions

of the “R(D)” and “R(B)1” zones, it could serve any such demand for shop and services in the area. There is also no known development proposal for residential development at the Site for the time being. Under the Revised Recommended Outline Development Plan of Yuen Long South New Development Area (YLS NDA), the Site falls within an area zoned “Residential – Zone 5” and shown as road under the Third Phase Development of YLS NDA. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (PlanD) and Project Manager (West), Civil Engineering and Development Department have no objection to or no adverse comment on the application. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.

- 11.2 The surrounding areas comprise predominantly residential developments/structures intermixed with open storage/storage yards, warehouses, car park/parking of vehicles, vehicle repair workshop, recycling workshop, unused land and vacant land (**Plans A-2 and A-3**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the planning application be approved, the applicant will 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. As for DLO/YL, LandsD’s concern on the processing of STW/STT, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are 13 approved similar applications within/straddling the subject “R(D)” and “R(B)1” zones in the past five years as mentioned in paragraph 6.2 above. While two similar applications (No. A/YL-TYST/1064 and 1116) for temporary shop and services use were rejected by the Committee in 2021 as mentioned in paragraph 6.3 above, the planning circumstances of the current application are different that the applicant has provided justifications to substantiate the need for the proposed use. 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 9.10.2029. 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 9.4.2027;
- (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 9.7.2027;
- (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 9.4.2027;
- (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 9.7.2027;
- (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 is not in line with the planning intentions of the "R(B)" and "R(D)" zones, which are primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for sub-urban medium-density residential developments in rural areas respectively. No strong planning justification has 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**

|                          |                                                         |
|--------------------------|---------------------------------------------------------|
| <b>Appendix I</b>        | Application Form with attachments received on 14.8.2026 |
| <b>Appendix Ia</b>       | FI received on 24.9.2026                                |
| <b>Appendix II</b>       | Previous Applications                                   |
| <b>Appendix III</b>      | Similar Applications                                    |
| <b>Appendix IV</b>       | Government Departments' General Comments                |
| <b>Appendix V</b>        | Recommended Advisory Clauses                            |
| <b>Drawing A-1</b>       | Vehicular Access Plan                                   |
| <b>Drawing A-2</b>       | Site Layout Plan                                        |
| <b>Plan A-1a</b>         | Location Plan with Similar Applications                 |
| <b>Plan A-1b</b>         | Previous Applications Plan                              |
| <b>Plan A-2</b>          | Site Plan                                               |
| <b>Plan A-3</b>          | Aerial Photo                                            |
| <b>Plan A-4a to A-4b</b> | Site Photos                                             |

**PLANNING DEPARTMENT  
OCTOBER 2026**