

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1373

<u>Applicant</u>	:	Ming Wai Management Limited represented by R-riches Planning Limited
<u>Site</u>	:	Lot 2524 (Part) in D.D. 124, Yuen Long
<u>Site Area</u>	:	125 m ² (about)
<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>	:	“Government, Institution or Community” (“G/IC”) (about 63.7%); and “Residential (Group B)1” (“R(B)1”) (about 36.3%) <i>[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]</i>
<u>Application</u>	:	Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities for a period of three years at the application site (the Site) falling within an area partly zoned “G/IC” and partly zoned “R(B)1” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services (not elsewhere specified)’ within “G/IC” zone and ‘Shop and Services’ within “R(B)1” zone are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by a two-storey structure for office use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at its northern part is accessible from Hung Shun Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposed use is for real estate agency service. A two-storey structure (about 7.5m in height) with a floor area of about 228m² is provided for shop and services, office, toilet and washroom. The operation hours are from 9 a.m. to 7 p.m.

daily including Sundays and public holidays. No car parking spaces are provided within the Site. Staff and visitors are expected to access the Site on foot or by public transport. Plans showing the location, land status and site layout submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

- (a) Application Form with attachments received on 17.8.2026 (**Appendix I**)
- (b) Further Information (FI) received on 23.9.2026 (**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 real estate agency service to the nearby residents. The development is temporary in nature and would not jeopardise the long-term planning intentions of the “G/IC” 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;
- (c) the proposed use will not create significant nuisance to the surrounding areas; and
- (d) adequate mitigation measures will be provided upon approval of the application.

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.

4. **Background**

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

5. **Previous Application**

There is no previous planning application concerning the Site.

6. Similar Applications

There are seven similar planning applications for various temporary shop and services uses with/without other uses within/straddling the subject “G/IC” or “R(B)1” zones in the past five years. All of them were approved by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of three years mainly on the considerations that the proposed/applied uses were not incompatible with the surrounding uses; approval of the application on a temporary basis would not jeopardise the long-term development of the area; and the concerns of relevant departments could be addressed by the implementation of approval conditions. Details of these similar applications are summarised in **Appendix II** 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 Hung Shun Road via a local track (**Plans A-2 and A-3**); and
- (b) currently occupied by a two-storey structure for office use without valid planning permission (**Plans A-2 to A-4**).

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

8. Planning Intentions

8.1 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

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 III and IV** 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 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;
- (c) the following irregularities covered by the current application have been detected by his office:

Unauthorised structure(s) within said private lot(s) included the planning application

- (i) there is/are unauthorised structure(s) within Lot 2524 in D.D. 124 which is/are already 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; and
- (d) the applicant should note his advisory comments at **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 25.8.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concern on the need for the proposed use given the Site is partly zoned “G/IC” (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services with ancillary facilities for a period of three years at the Site zoned “G/IC” and “R(B)1” on the OZP. Although the proposed use is not entirely in line with the planning intentions of the “G/IC” 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 GIC use or residential development at the Site for the time being. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intentions of “G/IC” and “R(B)1” zones.

11.2 The surrounding areas comprise predominantly residential developments/structures intermixed with open storage/storage yards, warehouses, car park/parking of vehicles, sitting out area, school, vehicle repair 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 unauthorised structures within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are seven approved similar applications within/straddling the subject "G/IC" and "R(B)1" zones 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.
- 11.5 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment 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 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 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 is not in line with the planning intentions of the "G/IC" and "R(B)" zones, which are primarily for the provision of Government, institution or community facilities 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

Appendix I	Application Form with attachments received on 17.8.2026
Appendix Ia	FI received on 23.9.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses

Appendix V	Public Comment
Drawing A-1	Location Plan
Drawing A-2	Land Status Plan
Drawing A-3	Site Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**