

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1371

<u>Applicant</u>	:	Oriental Swan Motor Group Limited represented by Allgain Land Planning Limited
<u>Site</u>	:	Various Lots in D.D. 121 and Adjoining Government Land (GL), Ping Shan, Yuen Long
<u>Site Area</u>	:	2,050m ² (about) (including GL of about 184m ² or 9.0%)
<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>	:	Temporary Shop and Services (Motor-vehicle Showroom) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (motor-vehicle showroom) 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 which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced-off, partly vacant and partly occupied by applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Castle Peak Road – Ping Shan Section (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the applied use is for motor-vehicle showroom for private cars. Four single-storey structures (not exceeding 3m to 7m in height) with a total floor area of about 693m² are provided for vehicle showrooms, offices and meter room. Nine parking spaces for private cars are provided. The operation hours are from 9 a.m. to 8 p.m. daily. No car washing, repairing, dismantling, spraying or other workshop activities will be carried out at the Site. 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 Site was partly involved in a previous application for temporary shop and services use 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/1278), the current application is submitted by a different applicant covering a larger site for the same use with different development parameters and layout. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-TYST/1278 (a)	Current Application No. A/YL-TYST/1371 (b)	Difference (b)-(a)
Applied Use(s)	Temporary Shop and Services (Motor-vehicle Showroom) with Ancillary Facilities for a Period of 3 Years		No change
Site Area	About 1,736m ²	About 2,050m ²	+314m ² (+18.1%)
Total Floor Area (Non-domestic)	About 870m ²	About 693m ²	-177m ² (-20.3%)
No. and Height of Structures	4 • for vehicle showrooms and offices (7m, 1-2 storey(s))	4 • for vehicle showrooms, offices and meter room (3-7m, 1 storey)	---
No. of Parking Spaces	6 (for private cars) (5m x 2.5m each)	9 (for private cars) (5m x 2.5m each)	+3
No. of Loading/ Unloading Space	Nil	Nil	---
Operation Hours	9:00 a.m. to 6:00 p.m., no operation on Sundays and public holidays	9:00 a.m. to 8:00 p.m. daily, including Sundays and public holidays	Longer operation hours

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

- (a) Application Form with attachments received on 24.8.2026 (**Appendix I**)
- (b) Supplementary Information (SI) received on 26.8.2026 (**Appendix Ia**)
- (c) Further Information (FI) received on 9.10.2026 (**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, SI and FI (**Appendices I to Ib**). They can be summarised as follows:

- (a) the applied use is temporary in nature and would not jeopardise the long-term development of the Site;
- (b) similar applications for shop and services have been approved in the vicinity of the Site. The applied 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 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 “Owner’s Consent / Notification” Requirements are not applicable.

4. Background

The shop and services use (motor vehicles showroom) on the Site is suspected unauthorized development which would be subject to planning enforcement action.

5. Previous Application

The western part of the Site was involved in a previous application (No. A/A/YL-TYST/1278) submitted by a different applicant for temporary shop and services (motor-vehicle showroom), which was approved with conditions for a period of five 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 6.12.2025 due to non-compliance with approval condition regarding the submission and implementation of the drainage and fire service installations proposals. Details of the previous application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. Similar Application

There is a similar planning application (No. A/YL-TYST/1129) for temporary shop and services use within the subject “V” zone in the past five years. The application was approved by the Committee for a period of three years in 2022 mainly on similar considerations as mentioned in paragraph 5 above. Details of the application are summarised in **Appendix III** and the location of the site is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Castle Peak Road – Ping Shan Section (**Plans A-2 and A-3**); and
- (b) currently paved, fenced off, partly vacant and partly occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

7.2 The surrounding areas comprise predominantly village houses of Fui Sha Wai intermixed with parking of vehicles, open storage/storage yards, vehicle repair workshops, vehicle showroom, playground, toilet, open space and vacant/unused land (**Plans A-2 and A-3**).

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 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~~ **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 objects to~~ **has adverse comment on** the application;
- (b) the Site comprises **GL and** 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) portion of GL (about 138m²) in the Site is covered by Short Term Tenancy (STT) No. 1820 for the purpose of ‘Storage of vehicle and vehicle parts’;
- (d) the following irregularities covered by the current application have been detected by his office:

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

there is/are unauthorised structure(s) within Lot 103 S.C. RP in D.D. 121 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 his department;

Unlawful occupation of GL adjoining the said private lot(s) covered by the planning application

the GL within the Site (about 46m² as mentioned in the application form) has been fenced off/illegally occupied 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 the GL without further notice;

- (e) there is currently no SH application approved at the Site; and
- (f) the applicant should note his advisory comments at **Appendix V**.

10. Public Comment Received During the Statutory Publication Period

On 1.9.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds that the Site is the subject of previous revocation due to non-compliance with approval conditions (**Appendix VI**).

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services (motor-vehicle showroom) for a period of three years at the Site zoned “V” on the OZP. Although the applied 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 DLO/YL, LandsD, there is currently no SH application 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 The surrounding areas comprise predominantly village houses of Fui Sha Wai intermixed with parking of vehicles, open storage/storage yards, vehicle repair workshops, vehicle showroom, playground, toilet, open space, unused land and

vacant land (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.

- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage 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. As for DLO/YL, LandsD’s concern on the unauthorised structures and unlawful occupation of GL 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 A previous application for temporary shop and services (motor-vehicle showroom) at the western part of the Site was approved in 2024, and a similar application within the subject “V” zone was approved by the Committee in the past five years as stated in paragraphs 5 and 6 above respectively. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment as mentioned 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 and having taken into account the public comment mentioned in paragraph 10 above, PlanD 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 23.10.2029. 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 23.4.2027;
- (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 23.7.2027;
- (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 23.4.2027;
- (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 23.7.2027;
- (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 applied use 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 24.8.2026
Appendix Ia	SI received on 26.8.2026
Appendix Ib	FI received on 9.10.2026
Appendix II	Previous Application

Appendix III	Similar Application
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
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**