

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1294**

- Applicant** : Exact Win Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1020 (Part), 1021 (Part) and 1024 (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
- Site Area** : 892 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Residential (Group B) 1” (“R(B)1”) (about 66.6%); and  
*[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)]*  
  
“Residential (Group D)” (“R(D)”) (about 33.4%)  
*[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]*
- Application** : Renewal of Planning Approval for Temporary Shop and Services for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services for a period of three years at the application site (the Site) mainly zoned “R(B)1” and partly zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within both the “R(B)” and “R(D)” zones which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced off and occupied by the applied use with valid planning permission under application No. A/YL-TYST/1127 until 14.1.2025 (**Plans A-1 to A-4**).
- 1.2 The Site with the ingress/egress at the northeastern part is accessible from Sha Tseng Road/Tong Yan San Tsuen Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the applied use is for a temporary shop

selling metal and home appliances to serve the nearby residents. There are eight one to two-storey(s) structures (not exceeding 6m in height) with a total floor area of about 226m<sup>2</sup> for retail shop, site office, toilet, electricity meter room, store room, water tank, pump room and rain shelter uses. No workshop activity will be carried out at the Site and no medium or heavy goods vehicles, including container tractors/trailers, will be allowed to enter/park at the Site. Plans showing the vehicular access leading to the Site and site layout, as-built drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in two previous applications (No. A/YL-TYST/820 and 1127) for the same temporary shop and services use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2016 and 2022 respectively (details at paragraph 6 below). Compared with the last application (No. A/YL-TYST/1127), the current application is submitted by the same applicant for the same use at the same site with the same site layout and development parameters. The major development parameters of the current application are summarised as follows:

Site Area	About 892 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 226 m <sup>2</sup>
No. and Height of Structures	8 • for retail shop, site office, toilet, electricity meter room, store room, water tank, pump room and rain shelter (3 – 6m, 1 – 2 storey(s))
No. of Parking Space	1 (for private car/light goods vehicle (LGV)) (5m x 2.5m)
No. of Loading/ Unloading Space	1 (for LGV) (7m x 3.5m)
Operation Hours	9:00 a.m. to 8:00 p.m. daily

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 12.11.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 4.12.2024\* (**Appendix Ia**)
  - (c) FI received on 19.12.2024\* (**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 Site was the subject of two previous planning permissions for the same applied use. All approval conditions imposed under the last planning application (No. A/YL-TYST/1127) have been complied with;

- (b) the applied use would benefit the residents in the vicinity by meeting their demand for metal and home appliances. The development is temporary in nature and would not jeopardise the long-term planning intentions of the “R(B)” and “R(D)” zones;
- (c) the applied 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;
- (d) the applicant will apply for a short term waiver (STW) to regularise the unauthorised structures at the Site; and
- (e) there will be minimal traffic, environmental, noise and drainage impacts arising from the applied 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 obtaining consents of the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

### **5. Background**

The Site is currently not subject to planning enforcement action.

### **6. Previous Applications**

The Site was involved in two previous applications (No. A/YL-TYST/820 and 1127) for the same use at the same site as the current application, which were both approved with conditions on a temporary basis for a period of three years by the Committee in 2016 and 2022 respectively mainly on the considerations that the approval of the application on a temporary basis would not frustrate the long-term development of the area; the development was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. All time-limited approval conditions under the last approved application No. A/YL-TYST/1127 have been complied with and the planning permission is valid until 14.1.2025. Details of the applications are summarised in **Appendix III** and the boundary of the site is shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 A total of 11 similar planning applications for various temporary shop and services uses within/straddling the subject “R(B)1” and “R(D)” zones were considered by the Committee in the past five years. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.
- 7.2 Out of the 11 similar applications, eight applications (No. A/YL-TYST/998, 1029, 1095, 1120, 1186, 1216, 1219 and 1248) were approved by the Committee mainly on similar considerations as those mentioned in paragraph 6 above.
- 7.3 The remaining three applications (No. A/YL-TYST/1047, 1064 and 1116) were rejected by the Committee between 2020 and 2021 mainly on the grounds that the proposal was not in line with the planning intention of the “R(D)” zone; and/or the scale of the development was excessive.

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

- 8.1 The Site is:
- (a) accessible from Sha Tseng Road/Tong Yan San Tsuen Road via a local track (**Drawing A-1, Plans A-2 and A-3**); and
  - (b) paved, fenced off and currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1127 (**Plans A-2 to A-4**).
- 8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):
- (a) comprise predominantly low-rise residential developments (namely Windsor Villa) intermixed with open storage/storage yards, warehouses, parking of vehicles, car servicing, workshop, agricultural land, unused land and vacant land/structures; and
  - (b) the open storage yards, warehouses, parking of vehicles, car servicing and workshop in the vicinity are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intentions**

- 9.1 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.
- 9.2 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.

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

10.1 Apart from the government department as set out in paragraph 10.2 below, other 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.

10.2 The following government department has reservation on the application:

### **Land Administration**

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

- (a) he has reservation on the planning application since there is/are unauthorised structure(s) and/or uses on Lot 1021 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 LandsD; and
- (b) his recent site inspection found that the existing structure within Lot 1024 in D.D. 121 was being used for domestic purposes. The lot owner(s) have to cease the domestic use and rectify the lease breach as soon as possible.

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

On 19.11.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval for temporary shop and services for a period of three years at the Site mainly zoned “R(B)1” and partly zoned “R(D)” on the OZP. Although the applied use is not entirely in line with the planning intentions of the “R(B)” and “R(D)” zones, it could serve any such need for shop and services in the area. There are also no known development programme or proposals for residential development at the Site for the time being. Under the Revised Recommended Outline Development Plan of Yuen Long South (YLS) Development, the Site falls partly within an area zoned “Local Open Space” and “Green Belt (1)” under the Third Phase of YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department have no objection to 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.

12.2 The surrounding area comprises predominantly low-rise residential developments intermixed with open storage/storage yards, warehouses, parking of vehicles, car servicing, workshop, agricultural land, unused land and vacant land/structures

(**Plan A-2**). The applied use is generally not incompatible with the surrounding uses.

- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/1127; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to or no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also be advised to follow the relevant environmental mitigation measures in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisance on the surrounding areas.
- 12.5 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site which are already subject to lease enforcement actions, the applicant indicates that a STW will be applied from DLO/YL, LandsD upon approval of the application to regularise the unauthorised structures at the Site (**Appendix Ib**). The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 Given that two previous approval for the same use have been granted to the Site between 2016 and 2022 and eight similar applications within/straddling the subject “R(B)1” and “R(D)” zones have been approved in the past five years, approval of the current application is in line with the Committee’s previous decisions. Although there are three similar applications rejected by the Committee between 2020 and 2021 mainly on the grounds of excessive scale and not in line with the planning intention of “R(D)” zone, such considerations are generally not applicable to the current application which is relatively smaller in scale and covers a smaller area<sup>1</sup> (i.e. about 892m<sup>2</sup>).

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the applied use for a further period of three years.
- 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 and be renewed from 15.1.2025 to 14.1.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

---

<sup>1</sup> The site area of applications No. A/YL-TYST/1047 and 1064 is about 1,600m<sup>2</sup> and the site area of application No. A/YL-TYST/1116 is about 2,320m<sup>2</sup>.

### Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.4.2025;
- (c) if the above planning condition (a) 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
- (d) if the above planning condition (b) 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 applied use is not in line with the planning intentions of the "R(B)" and "R(D)" zones which are primarily for sub-urban medium-density residential developments in rural areas, and for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low-density residential development respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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**

<b>Appendix I</b>	Application Form with attachments received on 12.11.2024
<b>Appendix Ia</b>	FI received on 4.12.2024
<b>Appendix Ib</b>	FI received on 19.12.2024

<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 34D
<b>Appendix III</b>	Previous and 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>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2025**