

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1296

- Applicant** : Mr. TANG Yu Hei Dennis represented by R-riches Property Consultants Limited
- Site** : Lot 2661 in D.D. 124, Hung Shui Kiu, Yuen Long
- Site Area** : 1,231 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Residential (Group B)1” (“R(B)1”)
[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)]
- Application** : Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities for a period of five years at the application site (the Site) zoned “R(B)1” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(B)1” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, partly fenced off and vacant (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the southern part is accessible from Tan Kwai Tsuen Road via an unnamed road (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, two single-storey structures (about 3m in height) with a total floor area of about 195m² are proposed for shop and services (courier services counter), guardroom and site office uses. There will be four staff members stationed at the Site during the operation hours between 9:00 a.m. and 9:00 p.m. every day and the maximum number of visitors is about 15 per day. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to enter/park at the Site. Plans showing the vehicular access leading to the Site, proposed site layout and swept path analysis submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

Site Area	About 1,231m ²
Total Floor Area (Non-domestic)	About 195 m ²
No. and Height of Structures	2 • for shop and services (courier services counter), guard room and site office (3m, 1 storey)
No. of Parking Spaces	4 (for private cars) (5m x 2.5m each) 1 (for light goods vehicle (LGV)) (7m x 3.5m)
No. of Loading/ Unloading Space	1 (for LGV) (7m x 3.5m)
Operation Hours	9:00 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 17.12.2024 (**Appendix I**)
- (b) Further Information (FI) received on 27.1.2025 (**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) there is a high demand for courier services counter in recent years. The proposed use will serve and bring convenience to the nearby residents;
- (b) the development is temporary in nature and would not jeopardise the long-term planning intention of the “R(B)1” zone;
- (c) the Site is surrounded by a medium-density residential development and similar applications for shop and services have been approved in the subject “R(B)1” zone. The proposed development with two single-storey structures is not incompatible with the surrounding area;
- (d) the unauthorised structure(s) at the Site will be demolished and a short term waiver (STW) application will be submitted for the proposed structures at the Site;
- (e) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”); and
- (f) the existing trees at the Site will be preserved and the applicant will submit drainage and fire service installations proposals upon approval of the planning application.

No adverse traffic and environmental impacts arising from the proposed use are envisaged.

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 registered mail to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

The Site was involved in a previous application (No. A/YL-TYST/523) for proposed temporary public vehicle park for private cars and light goods vehicles which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2011. The considerations are not relevant to the current application which involves a different use. Details of the previous application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. Similar Applications

There are six similar planning applications (No. A/YL-TYST/1092, 1160, 1194, 1195, 1250 and 1277) involving five sites for temporary shop and services uses within/straddling the subject “R(B)1” zone in the past five years. All the applications were approved by the Committee each for a period of three years mainly on the considerations that the proposals were not incompatible with the surrounding areas; the proposals would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the 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 Tan Kwai Tsuen Road via an unnamed road (**Plans A-2 and A-3**); and
- (b) currently paved, partly fenced off and vacant (**Plans A-2 to A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly residential developments (including Meadowlands, The Verdancy, Jubilee Gardens, Trafalgar Gardens, Arnold Gardens and Tan Kwai Villa) intermixed with open storage/storage yards, parking of vehicles, a sitting-out area, refuse collection point, graves and agricultural land; and
- (b) the open storage/storage yards and parking of vehicles in the vicinity are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intention

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 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 comments on the application:

Land Administration

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

- (a) he has reservation on the planning application since there is unauthorised structure(s) on the private Lot 2661 in D.D. 124 which is already subject to lease enforcement actions according to case priority. The lot owner should apply for regularisation on the lease breaches as demanded by LandsD; and
- (b) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing.

10. Public Comment Received During the Statutory Publication Period

On 24.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns that the current application is for suspected warehouse use and the proposed development will generate adverse traffic impacts on the surrounding area. (**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 five years at the Site zoned “R(B)1” on the OZP. Although the

proposed use is not entirely in line with the planning intention of the “R(B)” zone, it could serve any such demand for shop and services in the area. There are also no known development programme or proposal for residential development at the Site for the time being. Approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “R(B)1” zone.

- 11.2 The surrounding area comprises predominantly residential developments intermixed with open storage/storage yards, parking of vehicles, a sitting-out area, refuse collection point, graves and agricultural 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 aspects 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 relevant environmental mitigation measures in the latest “Code of Practice” to minimise potential environmental nuisance on the surrounding areas.
- 11.4 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) on the Site which is already subject to lease enforcement actions, the applicant indicates that the unauthorised structure(s) at the Site will be demolished and a STW will be applied from DLO/YL, LandsD upon approval of the application for the proposed structures erected at the Site (**Appendix Ia**). The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 Six similar applications for temporary shop and services uses within/straddling the subject “R(B)1” zone have been approved in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.6 There is one public comment raising concerns that the current application is for suspected warehouse use and the proposed development will generate adverse traffic impacts on the surrounding area. Any development/use not covered by valid planning permission might constitute an unauthorized development and would be subject to planning enforcement action. Regarding the concerns on adverse traffic impact, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 five years until

14.2.2030. 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 14.8.2025;
- (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 14.11.2025;
- (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 14.8.2025;
- (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 14.11.2025;
- (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 intention of the "R(B)" zone, which is primarily for sub-urban medium-density residential developments in rural areas. 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 17.12.2024
Appendix Ia	FI received on 27.1.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**