

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1302

- Applicant** : Kei Yip Investment Development Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1285 (Part) and 1287 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
- Site Area** : 810 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 C)” (“R(C)”)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park (9m)]
- Application** : 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) zoned “R(C)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(C)” 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, fenced off and occupied by vacant temporary structures (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the southwestern part is accessible from Kung Um Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposal is for selling vehicle parts (including GPS system and audio system) and construction materials (including sanitary ware and pipes). Three single-storey structures (not exceeding 3 to 5m in height) with a total floor area of about 440m² are proposed for shop and services and toilet uses. No workshop activity will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, proposed site layout and drainage proposal 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:

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|------------------------------------|---|
| Site Area | About 810 m ² |
| Total Floor Area (Non-domestic) | About 440 m ² |
| No. and Height of Structures | 3 • for shop and services and toilet (3 – 5m, 1 storey) |
| No. of Parking Spaces | 2 (for private cars) (5m x 2.5m each) |
| No. of Loading/ Unloading Space | 1 (for light goods vehicle) (7m x 3.5m) |
| Operation Hours | 9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays |

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

- (a) Application Form with attachments received on 27.1.2025 **(Appendix I)**
- (b) Further Information (FI) received on 3.3.2025 **(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) the proposed use would serve the need of the residents and benefit the local community;
- (b) the development is temporary in nature and would not jeopardise the long-term planning intention of the “R(C)” zone;
- (c) the nature, form, scale and layout of the proposal are not incompatible with the surrounding environment;
- (d) similar applications for shop and services have been approved in the vicinity of the Site. The proposed use is not incompatible with the surrounding area;
- (e) a short term waiver (STW) application will be submitted to regularise the proposed structures at the Site; and
- (f) there will be no adverse environmental, noise and traffic 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 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

There is no previous planning application concerning the Site.

6. Similar Applications

- 6.1 A total of three similar planning applications (No. A/YL-TYST/1087, 1091 and 1207) for various temporary shop and services uses within the subject “R(C)” zone were considered by the Rural and New Town Planning Committee (the Committee) of the Board in the past five years. Details of these similar applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Two of the above applications (No. A/YL-TYST/1087 and 1207) were approved by the Committee in 2021 and 2023 respectively mainly on the considerations that the proposal 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 concerns of relevant government departments could be addressed by imposing approval conditions.
- 6.3 The remaining application (No. A/YL-TYST/1091) was rejected by the Committee in 2021 mainly on the grounds that approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications for temporary uses, thus nullifying the statutory planning control mechanism.

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

7.1 The Site is:

- (a) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, fenced off and occupied by vacant temporary structures (**Plans A-2 to A-4**).

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

- 7.2.1 comprise predominantly open storage/storage yards and warehouses with scattered residential structures, vehicle repair workshops, graves, agricultural land and vacant land; and

- 7.2.2 some warehouses are covered with valid planning permissions while some other uses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments 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

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

he has reservation on the planning application since there is/are unauthorised structure(s) and/or uses on Lot 1285 in D.D. 119 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.

10. Public Comment Received During the Statutory Publication Period

On 7.2.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Chairman of the Yuen Long Town Centre & Rural East Area Committee who did not express any comment on the application (**Appendix V**).

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 zoned “R(C)” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “R(C)” zone, it could serve any such demand for shop and services in the area. The Site falls within the possible expansion of the Yuen Long South (YLS) Development Area which is currently under review together with YLS Third Phase Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department (PlanD) and Project Manager (West) of Civil Engineering and Development Department have no objection to the application. There are also no known development programme or proposals for residential development at the Site

for the time being. As such, 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 area comprises predominantly open storage/storage yards and warehouses with scattered residential structures, vehicle repair workshops, graves, agricultural 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 aspects respectively. Furthermore, 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 on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisance on the surrounding areas.
- 11.4 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site which is/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 proposed structures 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 Two similar applications for temporary shop and services uses within the subject “R(C)” 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.

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, 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 14.3.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 14.9.2025;
- (b) in relation to (a) above, the implementation of the revised 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 14.12.2025;

- (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 14.9.2025;
- (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 14.12.2025;
- (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(C)" zone, which is primarily for low-rise, low-density residential developments. 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
Appendix Ia

Application Form with attachments received on 27.1.2025
FI received on 3.3.2025

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| Appendix II | 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 | Proposed Drainage Plan |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
MARCH 2025**