

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

APPLICATION NO. A/YL-TYST/1335

<u>Applicant</u>	:	Mr. CHAN Wah Tat represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	:	Lot 1075 (Part) in D.D. 121 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long
<u>Site Area</u>	:	680 m ² (about) (including GL of about 122 m ² (17.9%))
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Residential (Group B) 1” (“R(B)1”) <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>	:	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) 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, fenced-off and occupied by the applied use with valid planning permission under application No. A/YL-TYST/1186 until 11.11.2025 (**Plans A-1 to A-4b**).
- 1.2 The Site with the ingress/egress at the southeastern part is accessible from Sha Tseng Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for a temporary shop selling private cars to serve the nearby residents. Three two-storey structures (not exceeding 7m in height) with a total floor area of about 520m² are provided for shop and services, site offices, toilets and guard rooms uses. No public announcement systems, whistle blowing or portable loudspeaker will be used and no workshop activity will be carried out at the Site. Plans showing

the vehicular access leading to the Site, site layout, swept path analysis, as-built drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site was involved in a previous application (No. A/YL-TYST/1186) for the same temporary shop and services use approved by the Rural and New Town Planning Committee (the Committee) of the Board on 11.11.2022 (details at paragraph 6 below). Compared with the previous application, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters are summarised as follows:

Site Area	About 680 m ²
Total Floor Area (Non-domestic)	About 520 m ²
No. and Height of Structures	3 • for shop and services, site offices, toilets and guard rooms (7m, 2 storeys)
No. of Parking Spaces	4 (for private cars) (5m x 2.5m each)
No. of Loading/ Unloading Space	Nil
Operation Hours	9:00 a.m. to 7:00 p.m. daily

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

- (a) Application Form with attachments received on 9.9.2025 **(Appendix I)**
- (b) Further Information (FI) received on 17.10.2025 **(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 Site is the subject of a previous planning permission for the same temporary shop and services use. The current proposal is the same as the last application (No. A/YL-TYST/1186) and all the time-limited approval conditions of the last application have been complied with;
- (b) the applied use will meet the strong demand for private cars in the area;
- (c) the temporary use under application would not jeopardise the long-term planning intention of the “R(B)1” zone;
- (d) a number of similar applications for shop and services use have been approved by the Board in the vicinity of the Site. The applied use is not incompatible with the surrounding areas;

- (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) no vegetation clearance and tree felling will be carried out at the Site. There will be no adverse traffic, visual, landscape, environmental and noise 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. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

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 Application

The Site was involved in a previous application (No. A/YL-TYST/1186) for temporary shop and services use, which was approved with conditions for a period of three years by the Committee on 11.11.2022 mainly on the considerations that the development 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 implementation of approval conditions. All the time-limited approval conditions under the last application have been complied with and the planning permission is valid until 11.11.2025. Details of the previous application are summarised in **Appendix III** and the boundary of the site is shown on **Plan A-1**.

7. Similar Applications

There are seven similar planning applications (No. A/YL-TYST/1029, 1095, 1120, 1127, 1216, 1248 and 1294) involving four sites for temporary shop and services uses with/without other 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 similar considerations as those mentioned in paragraph 6 above. Details of these similar applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Sha Tseng Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently occupied by the applied use with valid planning permission (**Plans A-2 to A-4b**).

8.2 The surrounding areas comprise predominantly residential structures and developments (including The Eldorado and Kisland Villa) intermixed with storage yards, a temple, refuse collection point, unused land and vacant land/structures (**Plans A-2 and A-3**).

9. 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.

10. Comments from Relevant Government Departments

All 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.

11. Public Comment Received During the Statutory Publication Period

On 18.7.2025, 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 zoned “R(B)1” on the OZP. Although the applied 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 is also no known development programme or proposal 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 within an area zoned “Residential – Zone 5 (Existing Development Area)”. 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/no adverse comment on 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 areas comprise predominantly residential structures and developments intermixed with storage yards, a temple, refuse collection point, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land 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/1186; 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 Other 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 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” to minimise possible environmental nuisance on the surrounding areas.
- 12.5 A previous approval for the same use has been granted to the Site in 2022 and seven similar applications 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.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, PlanD has no objection to the application.
- 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 12.11.2025 to 11.11.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period; and
- (b) 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.

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 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.

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

Appendix I	Application Form with attachments received on 9.9.2025
Appendix Ia	FI received on 17.10.2025
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Swept Path Analysis
Drawing A-4	As-built Drainage Plan
Drawing A-5	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**