

**Previous Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>
1	A/YL-TYST/716	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.3.2015 [revoked on 13.3.2016]
2	A/YL-TYST/939	Temporary Shop and Services (Convenience Store) for a Period of 3 Years	22.2.2019 [revoked on 22.5.2021]
3	A/YL-TYST/1158	Temporary Shop and Services for a Period of 3 Years	10.6.2022 [revoked on 10.12.2023]

**Government Departments' General Comments**

**1. Land Administration**

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

- no adverse comment on the application;
- the Site comprises Government Land (GL) and Old Schedule Agricultural Lot 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;
- no permission is given for occupation of GL (about 125m<sup>2</sup> as mentioned in the application form) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28; and
- the private lot is covered by Short Term Waiver No. 5640 for Temporary Shop and Services and Ancillary Uses as may be approved by his office.

**2. Traffic**

(a) Comments of the Commissioner for Transport (C for T):

No adverse comment from traffic engineering perspective.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

No adverse comment on the application.

**3. Environment**

Comments of the Director of Environmental Protection (DEP):

No adverse comment on the application.

**4. Drainage**

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no in-principle objection to the application from a drainage point of view provided that all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected;
- should the application be approved by the Town Planning Board (the Board), approval conditions requiring the submission of a revised drainage proposal, implementation and

maintenance of the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the Board should be stipulated; and

- the applicant should note his advisory comments on the submitted drainage proposal at **Appendix IV**.

## 5. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction; and
- the applicant should note his advisory comments on the FSI proposal at **Appendix IV**.

## 6. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application; and
- it is noted that three structures are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works under the Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

## 7. **District Officer's Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

No feedbacks from locals have been received.

## 8. **Other Departments**

The following departments have no comment on/no objection to the application:

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- Commissioner of Police (C of P).

**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Short Term Waiver (STW) holder will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to his office for Short Term Tenancy (STT) for the occupation of the Government Land (GL). The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STT and STW, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by his department. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
  - (i) his office should not be responsible for the maintenance of any access connecting between the Site and Fui Sha Wai South Road;
  - (ii) if the proposed access on Fui Sha Wai South Road is approved by Transport Department, the applicant should ensure a run-in/out is constructed in accordance with the latest version of HyD Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement; and
  - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Director of Environmental Protection (DEP) that:
  - (i) the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” should be followed to minimise any potential environmental nuisances on the surrounding area; and
  - (ii) adequate supporting infrastructure/facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of the ProPECC Practice Note 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorised Person;
- (g) to note the comments of the Director of Fire Services (D of FS) that:
  - (i) if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal

submission of general building plans; and

- (ii) regarding the fire services installation proposal submitted by the applicant, the applicant is advised that:
  - i. for enclosed structure with gross floor area not exceeding 230 m<sup>2</sup>, portable fire extinguisher and stand-alone fire detector shall be provided;
  - ii. in relation to item (i) above, if two or more stand-alone fire detectors are installed in an enclosed structure, all detectors shall be interconnected (either wired or wirelessly) such that when one of the detectors is triggered, all connected detectors shall sound an alarm simultaneously;
  - iii. stand-alone fire detectors shall be provided in accordance with the “Stand-alone Fire Detector General Guidelines on Purchase, Installation & Maintenance [Sep 2021]”;
  - iv. separation distance between each structure shall be clearly indicated on the plan;
  - v. in relation to item (iv) above, structures on the same site are regarded as adjoining structures if they are less than 1.8 m apart. In this regard, sprinkler system, wheeled type dry chemical fire extinguisher, stand-alone fire detector, emergency lighting and directional & exit signs shall be provided at Structure 1, 2 and 3 if the total floor area exceeds 230 m<sup>2</sup>;
  - vi. provision of Fire Services Installations (FSIs) shall be clearly indicated on the plan and demonstrated in form of FS Notes with all relevant standards and specifications; and
  - vii. all accessible areas on 1/F are GFA accountable. In this regard, detailed layout plans and section drawings of Structure 2 shall be provided for our further consideration;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) regarding the drainage proposal submitted by the applicant, the applicant is advised that:
    - i. please improved the scanned quality and scale of the proposed drainage plan;
    - ii. consideration should be given to provide grating for the surface channels and please indicate on the drainage plan;
    - iii. the cover levels and invert levels at the start of the proposed u-channels should be shown on the drainage plan;
    - iv. please indicate the invert level of the proposed u-channel at SCH1013920;
    - v. standard details should be provided to indicate the sectional details of the proposed catchpit/sand trap;
    - vi. the applicant should submit form HBP1 to his office for application of technical audit for any proposed connected connection to DSD’s drainage facilities;
    - vii. please advise if any site formation /leveling works to be carried out under this application. Cross sections showing the existing and proposed ground levels of the

Site with respect to the adjacent areas should be given;

- viii. please confirm if any walls or hoarding are/to be erected or laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. Please provide details for comment;
  - ix. the development should neither obstruct overland flow and nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
  - x. the applicant should resolve any conflict/disagreement with relevant lot owner(s) and seek permission from DLO/YL for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on GL, where required outside the Site; and
- (ii) all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected, for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, the applicant should be required to seek comment from relevant departments and submit technical assessment(s) as necessary; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
  - (ii) the Site abuts on a specified street (Fui Sha Wai South Road) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the B(P)R at building plan submission stage;
  - (iii) if the existing structure is erected on leased land without the approval of the Building Authority, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
  - (iv) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
  - (v) any temporary shelters or converted containers for office, storage, washroom or other uses considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
  - (vi) detailed checking under the BO will be carried out at building plan submission stage.

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**tpbpd/PLAND**

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寄件者: [REDACTED]  
寄件日期: 2026年02月01日星期日 23:00  
收件者: tpbpd/PLAND  
主旨: 有關的規劃申請編號: A/YL-TYST/1346 意見書  
類別: Internet Email

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致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/YL-TYST/1346

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

- 本人反對此申請，此地段多年來向城規會申請臨時房屋  
實則用作居住用途，及將此連申請之政府土地  
出租作停車場
- 多年來未見作商業營運用途，只見申請人用此  
地段用作住居。
- 故反對此申請，請貴署認真查証。

「提意見人」姓名/名稱 Name of person/company making this comment TANG WING FA

簽署 Signature

日期 Date

2026-02-01

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tpbpd/PLAND

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寄件者: [REDACTED]  
寄件日期: 2026年02月10日星期二 3:37  
收件者: tpbpd/PLAND  
主旨: A/YL-TYST/1346 DD 121 Fui Sha Wai South Road  
類別: Internet Email

Dear TPB Members,

1158 approved 10 June 2022I. Revoked 10 Dec 2023.

However it appears that the operation was not closed down as the applican is the same person.

Members are failing in their prime duty to prioritize the interests of the community if they again approve an operaiton with such a negative history.

Mary Mulvihill

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**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Thursday, 19 May 2022 2:55 AM HKT  
**Subject:** A/YL-TYST/1158 DD 121 Fui Sha Wai South Road

Dear TPB Members,

Again conditions have not been complied with - NINE extensions of time. But Applicant knows he can rely on PlanD's support.

"The Site was the subject of an approved application for temporary shop and services (real estate agency), but **was revoked due to non-compliance with the time-limited approval conditions**. Nonetheless, for the current application submitted by the same applicant, landscape, drainage and fire services installations proposals were submitted and were considered acceptable by the concerned departments. As such, **sympathetic consideration could be given to this application.**"

Members raised no questions and application was rolled over.

Is this 'sympathetic consideration' in line with the pronouncements of the government in recent years that Hong Kong is ruled by law and no one, even Cardinal Zen, is above the law?

It looks like some government depts have not got the message.

Mary Mulvihill

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**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Wednesday, 2 January 2019 10:48 PM CST  
**Subject:** A/YL-TYST/939 DD 121 Fui Sha Wai South Road

A/YL-TYST/939

Lot 388 RP in D.D. 121 and Adjoining Government Land, Fui Sha Wai South Road, Yuen Long  
Site area : About 310m<sup>2</sup> Includes Government Land of about 125m<sup>2</sup>  
Zoning : "Comprehensive Development Area"  
Applied Use : Convenience Store

Dear TPB Members,

Previous Application 716 for Real Estate Agency was not welcomed by local residents. Even PD, usually gung ho about such applications suggested limiting approval to one year. However members approved for three years.

However approval for revoked for failure to comply with multiple conditions:

"As the applicant had failed to comply with conditions (d), (f), (h) & (i) satisfactorily by 13.3.2016, the planning permission for the subject application had already been revoked on the same date"  
These conditions related to landscape, drainage and fire services.

Now the Applicant is proposing to run a convenience store. This type of activity is less benign than an RE agency, selling foodstuffs and drinks creates a lot of garbage, enviro issues, parking, etc.

Are members prepared to risk another failure to comply with what should be more stringent conditions this time around?

Happy New Year  
Mary Mulvihill