

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1346

- Applicant** : Ms. WONG Chun Yim
- Site** : Lot 388 RP in D.D. 121 and Adjoining Government Land (GL), Fui Sha Wai South Road, Yuen Long
- Site Area** : 310 m² (about) (including GL of about 125 m² or 40.3%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Comprehensive Development Area” (“CDA”)
[restricted to a maximum gross floor area of 69,000m² and a maximum building height of 17 storeys]
- Application** : Temporary Shop and Services (Convenience Store) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (convenience store) for a period of three years at the application site (the Site) (**Plan A-1**) falling within an area zoned “CDA” on the OZP. According to the Notes of the OZP for “CDA” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, partly fenced off and occupied by the applied use without valid planning permission (**Plans A-2** and **A-4**).
- 1.2 The Site with ingress/egress at the northeastern part is abutting Fui Sha Wai South Road (**Drawing A-1, Plans A-2** and **A-3**). According to the applicant, the applied temporary shop will be selling beverages, packed food and daily necessities such as rice, cooking oil and toilet paper, etc. to serve the nearby residents. Three structures, including two single-storey structures (not exceeding 3 to 6.5m in height) and a two-storey structure (not exceeding 5.5m in height), with a total floor area of about 255m² for shop and services, store room, site offices and toilet uses are erected at the Site. Two parking spaces for private cars and light goods vehicle (LGV) are provided at the outdoor area at the eastern part of the Site. The site layout plan, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1** to **A-3** respectively.

- 1.3 The Site was involved in three previous applications for various temporary shop and service uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2022 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1158), the current application is submitted by the same applicant for similar applied use (with specification of convenience store) at the same site with the same layout and development parameters albeit shorter operation hours¹. The major development parameters of the current application are summarised as follows:

Site Area	About 310 m ²
Total Floor Area (Non-domestic)	Not more than 255 m ²
No. and Height of Structures	3 • for open shed, store room, site office and toilet (3-6.5m, 1-2 storeys)
No. of Parking Spaces	2 (for private car/LGV) (5m x 2.5m each)
No. of Loading/Unloading Space	Nil
Operation Hours	12:00 noon to 8:00 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 15.1.2026 (Appendix I)
 - (b) Supplementary Information (SI) received on 19.1.2026 (Appendix Ia)
 - (c) Further Information (FI) received on 6.3.2026 (Appendix Ib)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I** to **Ib**. They can be summarised as follows:

- (a) The proposal can support the daily needs of the nearby residents and provide job opportunities to the residents nearby.
- (b) The proposal can put the Site into better use.
- (c) The applicant fails to source contractors for the compliance of the approval conditions of the last application.

¹ Operation hours under application No. A/YL-TYST/1158 are between 9:00 a.m. to 8:00 p.m., with no operation on Sundays and public holidays.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents of all “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No.31B are not applicable.

4. Background

4.1 The Site is currently not subject to planning enforcement action.

4.2 The Site is a piece of residual land that was not acquired for the development of the existing comprehensive residential development (Uptown) covering the majority of the subject “CDA” zone and is not covered by the Master Layout Plan (MLP) of the said development.

5. Previous Applications

The Site involves in three previous applications (No. A/YL-TYST/716, 939 and 1158) for various temporary shop and service uses covering the same site, with the former two submitted by different applicants and the last one by the same applicant of the current application. All three previous applications were approved with conditions by the Committee between 2015 and 2022 mainly on the considerations that the proposals were not incompatible with the surrounding uses; the applied use 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. As for the last application (No. A/YL-TYST/1158), the planning permission was revoked on 10.12.2023 due to non-compliance with approval conditions regarding submission of revised drainage proposal and run-in/out proposal, and implementation of the run-in/out proposal. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

6. Similar Application

There is no similar application within the subject “CDA” zone in the past five years.

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

7.1 The Site is:

- (a) abutting Fui Sha Wai South Road to its northeast (**Plan A-2**); and
- (b) currently hard-paved, partly fenced off and occupied by the applied use without valid planning permission (**Plans A-2** and **A-4**).

7.2 The surrounding areas comprise predominately residential developments. An electricity substation, open storage/storage yards, parking of vehicles and vacant land can also be found in the vicinity (**Plans A-2 and A-3**).

8. Planning Intention

The planning intention of the “CDA” zone is for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. 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 the advisory comments are provided in **Appendices III and IV** respectively.

10. Public Comments Received During the Statutory Publication Period

On 23.1.2026, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received objecting to the application mainly on the grounds that the previous planning permission under application No. A/YL-TYST/1158 was revoked due to non-compliance with approval conditions and the applicant has occupied the Site for residential use (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services (convenience store) at the Site which is zoned “CDA” on the OZP. The Site is a piece of residual land that was not acquired for the development of the completed comprehensive residential development (Uptown) covering the majority of the subject “CDA” zone and the Site is not covered by the MLP of the said development. Although the applied use is not in line with the planning intention of the “CDA” zone which is for comprehensive development/redevelopment of the area, there is currently no known development proposal or programme for long-term development on the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “CDA” zone.

11.2 The surrounding areas comprise predominately residential developments. An electricity substation, open storage/storage yards, parking of vehicles and vacant land can also be found in the vicinity (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.

11.3 Relevant 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 (CE/MN, DSD) 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 be also advised to follow 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 The Site was involved in three previous applications for various temporary shop and service uses approved with conditions by the Committee between 2015 and 2022. The former two applications were submitted by different applicants. However, the planning permission of the last application No. A/YL-TYST/1158, submitted by the same applicant as the current application, was subsequently revoked in 2023 due to non-compliance with time-limited approval conditions on submission of revised drainage proposal and run-in/out proposal, and implementation of the run-in/out proposal. The applicant has provided explanation of previous non-compliance and has submitted drainage proposal in support of the current application (**Drawing A-2**). In this regard, CE/MN, DSD has no in-principle objection to the current application. As such, sympathetic consideration may be given to the current application. However, the applicant should be advised that should she fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. As for the concern on suspected residential use at the Site, any unauthorized development at the Site will be subject to planning enforcement action.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments 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 three years until 13.3.2029. 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 **13.9.2026**;
- (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 **13.12.2026**;

- (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 revised 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 **13.9.2026**;
- (e) in relation to (d) above, the implementation of the revised 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 **13.12.2026**;
- (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 Member's reference:

the applied use is not in line with the planning intention of the "CDA" zone which is for comprehensive development/redevelopment of the area for residential use with the provision of open space, commercial and other supporting facilities, if any. No strong planning justification had 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 15.1.2026
- Appendix Ia** SI received on 19.1.2026

Appendix Ib	FI received on 6.3.2026
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2026**