

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1351**

<b><u>Applicant</u></b>	:	Well Vision Holdings Limited represented by Aikon Development Consultancy Limited
<b><u>Site</u></b>	:	Various Lots in D.D. 121 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long
<b><u>Site Area</u></b>	:	325 m <sup>2</sup> (about) (including GL of about 63 m <sup>2</sup> (19.4%))
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<b><u>Zoning</u></b>	:	“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>
<b><u>Application</u></b>	:	Proposed Temporary Shop and Services and Eating Place for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services and eating place for a period of three years at the application site (the Site) falling within an area zoned “R(B)1” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “R(B)1” zone, ‘Shop and Services’ and ‘Eating Place’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently paved and occupied by a two-storey vacant structure and an open shed (**Plans A-2 to A-4b**).
- 1.2 The Site, which is bisected by a local track into two portions (i.e. western portion and eastern portion) with ingresses/egresses at the said local track, is accessible from Tong Yan San Tsuen Road and Sha Tseng Road (**Plans A-2 and A-3**). According to the applicant, a two-storey structure (not exceeding 7m in height) and three single-storey structures (not exceeding 4.8m to 5m) with a total floor area of about 244m<sup>2</sup> are provided for local provision store, eating place, water tank and pump room uses. One loading/unloading (L/UL) space for light goods vehicle (LGV) will be provided. The operation hours will be from 8:00 a.m. to 10:00 p.m. daily. Plans showing the vehicular access leading to the Site, land status, site layout,

drainage proposal, sewerage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-8** respectively.

- 1.3 The eastern portion of the Site was involved in four previous applications for temporary shop and services use which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2016 and 2023 (details at paragraph 5 below). Compared with the last relevant application (No. A/YL-TYST/1216), the current application is submitted by the same applicant at a larger site with inclusion of eating place use with different development parameters and layout. The major development parameters of the current application and the last relevant application No. A/YL-TYST/1216 are summarised as follows:

<b>Major Development Parameters</b>	<b>Last Application No. A/YL-TYST/1216 (a)</b>	<b>Current Application No. A/YL-TYST/1351 (b)</b>	<b>Difference (b)-(a)</b>
Proposed Use(s)	Temporary Shop and Services for a Period of 3 Years	Proposed Temporary Shop and Services and Eating Place for a Period of 3 Years	Inclusion of eating place use
Site Area	About 158 m <sup>2</sup>	About 325 m <sup>2</sup>	+167 m <sup>2</sup> (+105.7%)
Total Floor Area (Non-domestic)	About 144 m <sup>2</sup>	About 244 m <sup>2</sup>	+100 m <sup>2</sup> (+69.4%)
No. and Height of Structures	3 for shop and services, toilet, water tank and pump room (5 – 7m, 1 – 2 storey(s))	4 for shop and services, eating place, water tank and pump room (4.8m - 7m, 1 - 2 storey(s))	+1 (+33.3%)
No. of Parking Space	1 (for private car) (5m x 2.5m)	Nil	-1
No. of Loading/ Unloading Space	1 (for LGV) (7m x 3.5m)		---
Operation Hours	7:00 a.m. to 9:00 p.m. daily	8:00 a.m. to 10:00 p.m. daily	Different Operation Hours

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

- (a) Application Form with attachments received on 27.3.2026 (**Appendix I**)
- (b) Further Information (FI) received on 22.4.2026\* (**Appendix Ia**)
- (c) FI received on 11.5.2026\* (**Appendix Ib**)  
*\*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 FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site was the subject of previous applications for the same and similar uses. The applicant has complied with relevant approval conditions and implemented

drainage and FSIs at the Site. Approval of the application would not set an undesirable precedent for other similar applications;

- (b) the previous planning permission (No. A/YL-TYST/1216) was revoked due to non-compliance with the implementation of the accepted sewerage proposal. To support the current application, the applicant has submitted a sewerage proposal;
- (c) the Site is situated in a residential area, and it could provide additional catering facilities with shop and services to meet the daily needs of nearby residents. Compared to the previous applications, the current application should benefit a wider community; and
- (d) the proposed uses are temporary in nature which would not jeopardise the long-term planning intention of the area.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is one of the “current land owners” and 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 consent from the other “current land owner(s)”. 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**

The Site is currently not subject to planning enforcement action.

### **5. Previous Applications**

5.1 The Site was involved in six previous applications including four applications (No. A/YL-TYST/785, 859, 1029 and 1216) for temporary shop and services use covering its eastern portion. The remaining two applications (No. A/YL-TYST/900 and 1218) covering the western portion of the Site were for temporary place of recreation and sports, the considerations of which are not relevant to the current application which involves different uses. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

5.2 All four applications for shop and services use were approved with conditions each for a period of three years by the Committee between 2016 and 2023 mainly on the considerations that the proposed/applied use was not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise 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 relevant application (No. A/YL-TYST/1216) submitted by the same applicant as the current application, the planning permission was

revoked in 2024 due to non-compliance with approval condition regarding the implementation of the accepted sewerage proposal.

## **6. Similar Applications**

There are seven similar planning applications for various temporary shop and services uses with/without other uses within/straddling the subject “R(B)1” zone in the past five years. All seven applications were approved by the Committee mainly on the considerations as mentioned in paragraph 5.2 above. Details of these applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Tong Yan San Tsuen Road and Sha Tseng Road to its north via a local track (**Plans A-2 and A-3**); and
- (b) paved and currently occupied by a two-storey vacant structure and an open shed (**Plans A-4a and A-4b**).

7.2 The surrounding areas comprise predominantly residential developments/structures intermixed with open storage/storage yards, warehouses, car park/parking of vehicles, ruin, unused land and vacant land/structures (**Plans A-2 and A-3**).

## **8. Planning Intention**

The planning intention of the “R(B)” zone is 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**

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.

## **10. Public Comment Received During the Statutory Publication Period**

On 10.4.2026, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual objecting to the application on the ground that the Site is the subject of previous revocation of planning permission due to non-compliance with approval conditions under application No. A/YL-TYST/1218 (**Appendix VI**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services and eating place for a period of three years at the Site zoned “R(B)1” on the OZP. Although the proposed uses are not entirely in line with the planning intention of the “R(B)1” zone, they could serve any such demand for shop and services and eating place in the area. There is no known development proposal for residential development at the Site for the time being. Under the Revised Recommended Outline Development Plan of Yuen Long South New Development Area (YLS NDA), the Site falls partly within an area zoned “Residential – Zone 5” and partly within an area shown as ‘Road’ under Third Phase Development of YLS NDA. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (PlanD) and Project Manager (West), Civil Engineering and Development Department have no objection to or 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.
- 11.2 The surrounding areas comprise predominantly residential developments/structures intermixed with open storage/storage yards, warehouses, car park/parking of vehicles, ruin, unused land and vacant land/structures (**Plan A-2**). The proposed uses are generally not incompatible with the surrounding land uses.
- 11.3 Other concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), Director of Food and Environmental Hygiene and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage, environmental hygiene and fire safety perspectives 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 latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise possible environmental nuisance on the surrounding areas.
- 11.4 The Site was involved in four previous applications for shop and services use which were all approved by the Committee between 2016 and 2023. However, the planning permission of the last relevant application No. A/YL-TYST/1216 was subsequently revoked in 2024 due to non-compliance with time-limited approval condition on implementation of accepted sewerage proposal. The current application is submitted by the same applicant at a larger site with different layout and development parameters compared with the last relevant application. In support of the current application, the applicant has submitted a sewerage proposal. While both DEP and CE/MN, DSD have no objection to or no adverse comment on the current application as mentioned in paragraph 11.3 above, relevant approval conditions regarding the submission of a revised sewerage impact assessment, implementation and maintenance of the sewerage works/ facilities identified therein are recommended as per their request. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should it 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 There are seven similar applications within/straddling the subject “R(B)1” zone approved by the Committee in the past five years as stated in paragraph 6 above. Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment as summarised in paragraph 10 above, 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 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 22.5.2029. 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;
- (b) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.8.2026;
- (c) the submission of a revised sewerage impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 22.11.2026;
- (d) the implementation of sewerage works identified in the revised sewerage impact assessment 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 22.2.2027;
- (e) in relation to (d) above, the implemented sewerage facilities shall be maintained at all times during the planning approval period;
- (f) the implementation of the accepted 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 22.2.2027;
- (g) if any of the above planning condition (a) or (e) 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

- (h) if any of the above planning condition (b), (c), (d) or (f) 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 V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed uses are 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**

<b>Appendix I</b>	Application Form with attachments received on 27.3.2026
<b>Appendix Ia</b>	FI received on 22.4.2026
<b>Appendix Ib</b>	FI received on 11.5.2026
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Land Status Plan
<b>Drawing A-3</b>	Site Layout Plan
<b>Drawings A-4 to A-5</b>	Drainage Proposal
<b>Drawing A-6</b>	Sewerage Proposal
<b>Drawings A-7 to A-8</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo

**Plans A-4a to A-4b**      Site Photos

**PLANNING DEPARTMENT  
MAY 2026**