

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1368

<u>Applicant</u>	:	Pun Chun Sauce & Preserved Fruit Factory Limited represented by Allgain Land Planning Limited
<u>Site</u>	:	Lot 3927 S.A ss.4 (Part) in D.D. 124, Tan Kwai Tsuen, Hung Shui Kiu, Yuen Long
<u>Site Area</u>	:	360 m ² (about)
<u>Lease</u>	:	Tai Po New Grant No. 6364 (for agriculture and chicken farm purposes)
<u>Plan</u>	:	Approved Tong Yan San Tsuen (TYST) 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>	:	Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services 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-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 partly occupied by a two-storey structure for office use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the southern part is accessible from Tan Kwai Tsuen Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, two one to two-storey structures (not exceeding 7m in height) with a total floor area of about 235m² are provided for shop and services for retailing food products (including sauces) and groceries, and meter room. One loading/unloading (L/UL) space for van-type vehicle will be provided and L/UL activities will be carried out upon appointment with the staff. The operation hours are from 9 a.m. to 8 p.m. daily including Sundays and public holidays. There will be three to four staff members at the Site and no staff will be stationed at the Site overnight. Plans

showing the vehicular access leading to the Site, site layout, drainage proposal, fire service installations (FSIs) proposal and swept path analysis submitted by the applicant are at **Drawings A-1 to A-6** respectively.

- 1.3 The Site was involved in a previous application for temporary shop and services use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2024 (details at paragraph 5 below). Compared with the last application (No. A/YL-TYST/1277), the current application is submitted by the same applicant for the same use at the same site with similar development parameters and layout. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-TYST/1277 (a)	Current Application No. A/YL-TYST/1368 (b)	Difference (b)-(a)
Applied Use	Temporary Shop and Services for a Period of 3 Years		---
Site Area	About 360 m ²		---
Total Floor Area (Non-domestic)	About 220 m ²	About 235 m ²	+15m ² - (+6.8%)
No. and Height of Structures	1 • for shop and services (7m, 2 storeys)	2 • for shop and service, and meter room (3-7 m, 1-2 storeys)	+1
No. of Parking Space	Nil		---
No. of L/UL Space	1 (for van-type vehicle) (5m x 2.5m)		---
Operation Hours	9:00 a.m. to 8:00 p.m. daily		---

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

- (a) Application Form with attachments received on 21.7.2026 (**Appendix I**)
- (b) Supplementary Information (SI) received on 24.7.2026 (**Appendix Ia**)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the proposed development will provide retail service for the nearby residents. The development is temporary in nature and would not jeopardise the long-term planning intention of the “R(B)1” zone;
- (b) similar applications for shop and services have been approved in the vicinity of the Site. The proposed use is not incompatible with the surrounding areas;
- (c) no neon-light advertising sign will be installed and no broadcasting and advertising activity will be carried out at the Site; and

- (d) there will be no adverse environmental, noise, traffic, landscape and visual impacts arising from the proposal.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The office use on the Site is a suspected unauthorized development which would be subject to planning enforcement action.

5. **Previous Application**

The Site was involved in a previous application (No. A/YL-TYST/1277) for the same temporary shop and services use which was approved with conditions for a period of three years by the Committee in 2024 mainly on the considerations that the proposed 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. The planning permission was revoked on 20.3.2026 due to non-compliance with approval conditions regarding the submission and implementation of drainage proposal. Details of the previous application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. **Similar Applications**

There are nine similar planning applications for various temporary shop and services uses within/straddling the subject “R(B)1” zone in the past five years, which were all approved by the Committee mainly on similar considerations as mentioned in paragraph 5 above. Details of these applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tan Kwai Tsuen Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently partly occupied by a two-storey structure for office use without valid planning permission (**Plans A-2 to A-4**).

7.2 The surrounding areas comprise predominantly residential developments/structures intermixed with a school, factories, vehicle repair workshops, warehouse, open storage/storage yards and vacant land (**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 28.7.2026, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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(B)1” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “R(B)1” zone, it could serve any such demand for shop and services in the area. There is also no known proposal for residential development at the Site for the time being. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(B)1” zone.
- 11.2 The surrounding areas comprise predominantly residential developments/structures intermixed with a school, factories, vehicle repair workshops, warehouse, open storage/storage yards 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 (CE/MN, DSD) have no objection to or no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the planning application be approved, the applicant will 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 a previous application for temporary shop and services use which approved by the Committee in 2024. However, the planning permission was subsequently revoked in 2026 due to non-compliance with time-limited approval conditions regarding the submission and implementation of drainage proposal. The current application is submitted by the same applicant at the same

site with similar layout and development parameters compared with the last approved application. In support of the current application, the applicant has submitted a drainage proposal. In this regard, CE/MN, DSD has no objection to the application. 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 nine approved similar applications within/straddling the subject “R(B)1” zone in the past five years as mentioned in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, 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 11.9.2029. 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 11.3.2027;
- (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 11.6.2027;
- (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 11.3.2027;
- (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 11.6.2027;
- (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 V**.

- 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(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

Appendix I	Application Form with attachments received on 21.7.2026
Appendix Ia	SI received on 24.7.2026
Appendix II	Previous Application
Appendix III	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	Drainage Proposal
Drawing A-4	FSIs Proposal
Drawings A-5 to A-6	Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2026**