

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/324

- Applicant** : Market Investment Limited represented by R-riches Property Consultants Limited
- Site** : Lot 234 RP (Part) in D.D. 115, Tung Tau Tsuen, Yuen Long, New Territories
- Site Area** : About 404m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/28 (currently in force)
- Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/27
(at the time of submission)
[no change to zoning of the application site]
- Zoning** : “Village Type Development” (“V”) *[restricted to a maximum building height of 3 storeys (8.23m) except for those developments/uses specified in the Notes]*
- Application** : Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities for a period of six years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” 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, partly occupied by parking of vehicles and a parcel pick-up point (**Plan A-4**).
- 1.2 The Site is accessible from Long Yat Road to its south via a local track (**Plan A-2**). The proposed use comprises two two-storey temporary structures (not more than 7m high) for shop and services, office and toilet uses, with a total floor area of 360m². The operation hours of the shop is from 8:00 a.m. to 10:00 p.m. daily including Sundays and public holidays. Staff and visitors can access the Site on foot. Temporary loading/unloading of goods for delivery to the proposed shop will be carried out at the local track outside the Site during non-peak hours. The Site access plan and layout

plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on 2.1.2025 (Appendix I)
- (b) Further Information (FI) received on 13.2.2025* (Appendix Ia)
- (c) FI received on 17.2.2025* (Appendix Ib)
- (d) FI received on 28.4.2025* (Appendix Ic)
- (e) FI received on 24.7.2025# (Appendix Id)

**accepted and exempted from publication and recounting requirements*

#accepted but not exempted from publication and recounting requirements

1.4 On 28.2.2025 and 20.6.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

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 at **Appendices I and Ia**. They are summarised as follows:

- (a) The applicant will rent out the Site for shop and services use. The proposed use can serve the local residents in the vicinity.
- (b) There will be minimal traffic, environmental and drainage impacts on the surrounding areas. The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, “Professional Persons Environmental Consultative Committee Practice Notes No. 1/23” and relevant statutory requirements and practice notes to minimise adverse impacts.
- (c) In terms of operations, the applicant will employ licensed collector to collect and dispose sewage regularly. Garbage or other form of waste will be taken away by staff to refuse collection point regularly to resolve any sewage and hygiene issues.
- (d) Similar planning applications for temporary shop and services located in the vicinity of the Site were approved. Approval of the application is in line with the Board’s previous decisions.

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. Previous Application

The Site is not involved in any previous application.

5. Similar Applications

There are two similar applications (No. A/YL/301 and 328) for temporary shop and services (motor-vehicle showroom) use at a site straddling the subject “V” zone on the OZP in the past five years. The applications were approved with conditions by the Committee between 2023 and 2025 mainly on the considerations that the application on temporary basis would not frustrate the long-term planning intention(s) of the zone(s); was not incompatible with the surrounding land uses; and was not subject to any adverse departmental comments. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

6.1 The Site is:

- (a) accessible from Long Yat Road to its south via a local track (**Plan A-3**); and
- (b) paved and partly occupied by parking of vehicles and a parcel pick-up point (**Plan A-4**).

6.2 The surrounding areas of the Site are predominantly occupied by village houses of Tsoi Uk Tsuen and Tung Tau Tsuen, shops at the G/F of village houses, open-air car parks and a vehicle repair workshop. To the south across Long Yat Road is MTR Yuen Long Station and a high-rise residential development namely The YOHO Hub.

7. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

8. Comments from Relevant Government Departments and MTR Corporation Limited (MTRCL)

8.1 Apart from the government department as set out in paragraph 8.2 below, other

departments consulted and MTRCL¹ have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

8.2 The follow government department has adverse comments on the application:

Land Administration

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

- (a) the Site comprises an Old Schedule Agricultural Lot 234 RP in D.D. 115 held under the Block Government Lease which contains the restriction that no structures area allowed to be erected without the prior approval of the Government;
- (b) his office has reservation on the application since there are unauthorized structures and uses on the lot which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (c) his detailed advisory comment is at **Appendix IV**.

9. Public Comments Received During the Statutory Publication Periods

The application and relevant FI were published for public inspection. During the statutory public inspection periods, two public comments (**Appendix V**) were received from the Village Representative of Tsoi Uk Tsuen and an individual, both raising objection to the application mainly on the following grounds:

- (a) the current operator(s) at the Site are alleged to have connected sewerage pipe to drainage channels and have generated excessive amount of rubbish, causing hygiene issues. The operations of current parcel pick-up point has attracted visitors to the Site and affected pedestrian access and security of Tsoi Uk Tsuen. The proposed use would worsen the hygiene and safety conditions of the area;
- (b) the proposed use will attract vehicular trips to the already congested access leading to Tsoi Uk Tsuen and result in adverse traffic impacts;
- (c) similar planning permissions for shop and services in village areas have poor record in complying with approval conditions; and
- (d) the Committee should consider approving the application for a shorter period of three years.

¹ The Site is within or close to the railway protection boundary of the Tuen Ma Line which has been fully commissioned. With reference to DEVB TC(W) No. 1/2019 and/or Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-24, MTRCL should be consulted with respect to operation, maintenance, safety and any future works required for the existing railway network.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed temporary shop and services for a period of six years at the Site zoned “V” on the OZP. Although the proposed use is not entirely in line with the planning intention of the “V” zone, approval of the application on a temporary basis can help meet any such demand for shop and services use from locals. DLO/YL, LandsD advises that there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for a period of six years would not frustrate the long-term planning intention of the “V” zone.
- 10.2 The proposed use, which comprises two two-storey structures with a total floor area of about 360m², is considered not incompatible with the surrounding land uses which are predominately village houses, shops at G/F of village houses and open-air car parks.
- 10.3 Relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, Director of Food and Environmental Hygiene and Commissioner of Police have no objection to or no adverse comment on the application from environmental, traffic, fire safety, drainage, environmental hygiene and public safety perspectives respectively. Relevant approval conditions are recommended in paragraph 11.2 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 latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance on the surrounding areas. Regarding the DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or uses within the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee decide to approve the application.
- 10.4 Regarding the public comments received objecting to the application as summarised in paragraph 9 above, the planning considerations and assessments in paragraphs 10.1 to 10.3 above are relevant. With regards to the concern on non-compliance with approval conditions, failure to comply with approval conditions will result in revocation of the planning permission.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comments as mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 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 six years until **19.9.2031**. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 19.3.2026;

- (b) in relation to (a) above, the implementation of the 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 19.6.2026;
- (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 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 19.3.2026;
- (e) in relation to (d) above, the implementation of the 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 19.6.2026;
- (f) if the above planning condition (c) is not complied with during the 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 above 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 attached at **Appendix IV**.

- 11.3 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 "V" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application form with attachments received on 2.1.2025
Appendix Ia	FI received on 13.2.2025
Appendix Ib	FI received on 17.2.2025
Appendix Ic	FI received on 28.4.2025
Appendix Id	FI received on 24.7.2025
Appendix II	Similar Applications
Appendix III	Government Departments' and MTRCL's General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Access Plan
Drawing A-2	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**