

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

**APPLICATION NO. A/YL/325**

- Applicants** : Mr. Lau Yue Sum and Mr. Lau Yue Ting represented by Metro Planning and Development Company Limited
- Site** : Lot 392 RP in D.D. 116 and Adjoining Government Land (GL), Yuen Lung Street, Yuen Long, New Territories
- Site Area** : About 470 m<sup>2</sup> (including GL of about 189 m<sup>2</sup> or 40.2%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/27
- Zoning** : “Comprehensive Development Area” (“CDA”)  
*[restricted to a maximum domestic plot ratio (PR) of 5 for a domestic building or a maximum non-domestic PR of 9.5 for a non-domestic building]*
- Application** : Temporary Shop and Services for a Period of 6 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for temporary shop and services for a period of six years at the application site (the Site) zoned “CDA” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “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 paved with structures and occupied by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site abuts on Yuen Lung Street with the ingress/egress at the south (**Plans A-2 and A-4a**). According to the applicants, the applied use is for selling vehicle parts such as global positioning systems (GPS) and audio video systems and providing car beauty services at the Site. The applied use comprises two temporary structures (both not exceeding 6m high) for shop and services, rain shelter and a toilet, with a total floor area of 295m<sup>2</sup>. The operation hours of the applied use is from 9:00 a.m. to 9:00 p.m. daily including Sundays and public holidays. Four parking spaces for private cars and one loading/unloading space for light goods vehicles are provided. The site plan and proposed layout plan submitted by the applicants are shown in **Drawings A-1 and A-2** respectively.

- 1.3 In support of the application, the applicants have submitted the Application Form with attachments received on 5.2.2025 (**Appendix I**).

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form at **Appendix I**. They are summarised as follows:

- (a) The adjoining comprehensive development (i.e. YOHO Midtown) was completed in 2010 and the Site is the left-over site. The applicants submit this application in order to regularise the current use at the Site (**Plans A-4a and A-4b**). This application is considered as a prudent use of scarce land resources to benefit the community.
- (b) The proposed development is considered not incompatible with the surrounding environment. In view of the nature and scale of the proposed development, it would generate insignificant impact to the surrounding environment. The traffic generation estimation is also submitted in this application to demonstrate that there would be insignificant traffic impact.

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

The applicants are not “current land owners” but have 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 posting site notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. 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. Previous Applications**

- 4.1 The Site, which falls within a large “CDA” site, is the subject of three previous applications for comprehensive commercial/residential development. Details of the previous applications are summarised at **Appendix II** and the locations are shown on **Plan A-1b**.
- 4.2 Applications No. A/YL/17, 25 and 46 for comprehensive commercial/residential development were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 1995 and 1998 and the planning permissions lapsed subsequently. Considerations of these previous applications are not relevant to the current application which involves a different use and is temporary in nature.

## **5. Similar Application**

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

**6. The Site and Its Surrounding Areas (Plans A-1a, A-1b, A-2, A-3, A-4a and A-4b)**

6.1 The Site is:

- (a) abutting Yuen Lung Street; and
- (b) currently occupied by the applied use without valid planning permission (**Plans A-4a and A-4b**).

6.2 The surrounding areas of the Site are predominantly residential in nature with the adjoining 'YOHO Midtown' in the north, east and west and 'YOHO Town' in the south across Yuen Lung Street. There are also a school, an open-air carpark, a temporary site office, a wholesale fishes market, a shop for car beauty service and vacant land in the vicinity (**Plan A-2**).

**7. Planning Intention**

The "CDA" zone is intended for comprehensive development/redevelopment of the area for residential and/or commercial uses with the provision of open space and other supporting facilities. 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.

**8. Comments from Relevant Government Departments**

8.1 Apart from the government department as set out in paragraph 8.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided in **Appendices III and IV** respectively.

8.2 The following 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 GL and Old Scheduled Agricultural Lot No. 392 RP in D.D. 116 held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) No permission is given for occupation of GL (about 189 m<sup>2</sup> as mentioned in the Application Form (**Appendix I**)) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28).

- (c) He pointed out that the following irregularities covered by this application:
- (i) LandsD has reservation on the planning application since there are unauthorised structures and uses on the private lot which are 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
  - (ii) if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT) to permit the structure(s) erected within the said private lot and the occupation of 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 STW and STT, if approved, will be subject to such terms and conditions, including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

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

On 14.2.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for temporary shop and services for a period of six years at the Site zoned “CDA” on the OZP. Although the applied use is not entirely in line with the planning intention of the “CDA” zone, the Site is adjoining a comprehensive commercial/residential development (i.e. YOHO Midtown) which was completed in 2010 (**Plans A-2 and A-3**) and there is no known development programme for the Site. Approval of the application on a temporary basis can meet any such demand for the shop and services use from the locals and would not jeopardise the long-term planning intention of the “CDA” zone.
- 10.2 The applied shop and services use comprises two structures (i.e. one single-storey and one two-storey structures; both not exceeding 6m high) with a total floor area of about 295 m<sup>2</sup> (**Drawing A-2**). Its nature and scale are considered not incompatible with the surrounding land uses which are predominately residential intermixed with a school, an open-air carpark and other temporary uses (**Plans A-2 and A-3**).
- 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 have no objection to or no adverse comment on the application from environmental, traffic, fire safety and drainage 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 applicants 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.

- 10.4 Regarding DLO/YL, LandsD's concern on the unauthorised structures and illegal occupation of GL at the Site, the applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 above, 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 28.3.2031. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.9.2025;
- (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 28.12.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the Site 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 28.9.2025;
- (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 28.12.2025;
- (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 conditions (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 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 and/or commercial uses with the provision of open space and other supporting facilities. 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 applicants.

## **13. Attachments**

<b>Appendix I</b>	Application form with attachments received on 5.2.2025
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2025**