

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTY Y/482

<u>Applicant</u>	:	U-Meaty (Frozen Food) Limited represented by Mr. PANG Hing Yeun
<u>Site</u>	:	Lots 1150 S.B and 1150 RP in D.D.130, Wong Kong Wai Road, Lam Tei, Tuen Mun, New Territories
<u>Site Area</u>	:	About 407.26m ²
<u>Land Status</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/12
<u>Zonings</u>	:	“Residential (Group C)” (“R(C)”) (about 199.66m ² or 49%); and [Restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m)] “Residential (Group D)” (“R(D)”) (about 207.6m ² or 51%) [Restricted to a maximum PR of 0.2 and a maximum BH of 2 storeys (6m)]
<u>Application</u>	:	Temporary Vehicle Repair Workshop with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle repair workshop (for private cars only) with ancillary office for a period of three years at the application site (the Site) zoned “R(C)” and “R(D)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is occupied by a single-storey structure (about 4m in height) for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Wong Kong Wai Road (**Plan A-2**). According to the applicant, the existing structure at the Site will be demolished and a two-storey structure will be built for vehicle repairing workshop with ancillary office. The applicant also states that the applied use is for repairing private cars only, no car

washing service and no parking and loading/unloading spaces will be provided at the Site. Plans showing the site layout, ground floor and first floor uses, and vehicular routing plan of the Site submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.3 The major development parameters of the application are summarised as follows:

Total Floor Area	About 461.2m ²
No. of Structure	1
Building Height	2 storeys (about 7.62m) - G/F: Vehicle repair workshop and toilets - 1/F: Office
No. of Vehicle Repairing Bays	4 (Maximum)
Operation Hours	10:00 a.m. to 6:00 p.m. from Mondays to Saturdays (i.e. no operation on Sundays and public holidays)

* The applicant states that there will be a total of four employees including three car mechanics and one clerk for the applied use.

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

- (a) Application Form with attachments received on 19.11.2024 **(Appendix I)**
- (b) Further Information (FI) received on 10.3.2025 **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]

1.5 On 10.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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** respectively. They are summarised as follows:

- (a) a Short Term Waiver (STW) of the existing structure was issued by the Lands Department (LandsD) for factory and warehouse uses in 2000. Due to inactive operation and poor condition of the existing structure, the applicant intends to apply to LandsD to demolish it and rebuild a two-storey structure for the applied use;
- (b) the applied use is not incompatible with the surrounding areas which are predominantly occupied by logistic and warehouse uses;

- (c) the Site is located at Wong Kong Wai Road which is suitable for vehicle repair workshop; and
- (d) there is no residential use in the proximity, the applied use would not cause adverse impacts on the environment and local residents.

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

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

4. **Background**

The Site is currently not subject to any active planning enforcement action.

5. **Previous Applications**

The Site was the subject of two previous applications (No. A/TM-LTYT/304 and 364) submitted by the same applicant. The former application was for proposed temporary industrial use (food processing factory) for a period of three years while the latter application was for proposed house and minor relaxation of PR and BH restrictions. Both applications were rejected by the Committee on 12.8.2016 and 1.2.2019 respectively. The considerations of these previous applications are not relevant to the current application which involve a different use. Details of the previous applications are at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Application**

There is no similar application within the same “R(C)” or “R(D)” zones on the OZP for the past five years.

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

7.1 The Site is:

- (a) occupied by a single-storey structure for the applied use (**Plan A-4**) without valid planning permission; and
- (b) accessible from Wong Kong Wai Road (**Plan A-2**).

7.2 The surrounding areas are rural in character comprising mainly temporary structures for warehouses, open storage of construction materials and open-air vehicle parks intermixed with scattered residential dwellings. Some of these uses are suspected unauthorized developments subject to planning enforcement action. Wong Kong Wai Road and Kong Sham Western Highway are located to the south of the Site.

8. **Planning Intentions**

- 8.1 The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 8.2 The planning intention of the “R(D)” zone is primarily for improving and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. **Comments from Relevant Government Departments**

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other government departments consulted 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.
- 9.2 The following government department does not support the application:

Land Administration

- 9.2.1 Comments of the District Lands Officer/Tuen Mun, LandsD (DLO/TM, LandsD):
 - (a) he objects to the application from land administration point of view;
 - (b) the Site comprises an Old Schedule Agricultural Lots 1150 S.B and 1150 RP in D.D.130 (“the Lots”) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
 - (c) the Lots were divided from Lot 1150 RP in D.D.130 on 5.11.2020 by Memorial No. 20111201650013 registered in Land Registry. Prior to the above division, STW No. 560 (“the existing STW”) had been issued to Lot 1150 RP in D.D. 130 for the purpose of metalware manufactory. The STW may be terminated by giving three months prior notice;
 - (d) his on-site measurement revealed that the built-over area (B.O.A.) of the existing structures erected on the Site both exceeded the proposed B.O.A. of 230.6m² under the planning application and the permitted B.O.A. of 238.69m² under the existing STW. The Lots owner(s) should immediately rectify/regularise the irregularities and his office reserves the rights to take necessary enforcement action against the irregularities without further notice;
 - (e) the applicant should seek his professional advice on the proposed

rectification works and the B.O.A. of the structures, after the rectification works, shall comply with the terms and conditions of the existing STW. Notwithstanding the above, it is noted that the proposed temporary vehicle repair workshop with ancillary office under the planning application is totally different from the permitted use of the existing STW, i.e. a metalware manufactory;

- (f) the following irregularities not covered by the planning application have been detected by his office:

unlawful occupation of Government land (GL) adjoining the Lots with unauthorised structures not covered by the planning application

- (i) the GL adjoining Lot 1150 RP in D.D.130 has been illegally occupied with unauthorised structure without permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
 - (ii) his re-site inspection on 17.3.2025 revealed that illegal occupation of GL remained unchanged and had not been purged as claimed by the applicant; and
 - (iii) the Lots owner(s) shall rectify the irregularities by either demolishing unauthorised structures not covered by the planning application or including all unauthorised structures erected on the Lots in the planning application tallying with the layout plan and cease the illegal occupation of the GL immediately. Unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the Lots owner(s)/applicant, please take it as his office's objection to the application which must be brought to the attention of the Board when they consider the application;
- (g) the Site is accessible via Wong Kong Wai Road via a strip of GL and Lot 1150 S.A RP in D.D.130. According to Land Registry, the current ownership of Lot 1150 S.A RP in D.D.130 is not the same as the Lots. His office does not carry out maintenance works for the said GL nor guarantee that any right-of-way over the GL to the Site will be given; and
- (h) to note his advisory comments as detailed in **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 26.11.2024, 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 temporary vehicle repair workshop with ancillary office for a period of three years at the Site zoned “R(C)” and “R(D)” on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(C)” and “R(D)” zones, there is no known development proposal at the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intentions of the “R(C)” and “R(D)” zones.
- 11.2 The surrounding areas are rural in character comprising mainly temporary structures for warehouses, open storage of construction materials and open-air vehicle parks intermixed with scattered residential dwellings (**Plan A-2**). Wong Kong Wai Road and Kong Sham Western Highway are located to the south of the Site (**Plans A-3 and A-4**). The applied use is considered not incompatible with the surrounding areas.
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage and fire safety aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments. 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” issued by the Environmental Protection Department to minimise the potential environmental nuisance on the surrounding areas.
- 11.4 Regarding DLO/TM’s concerns that the applied use and B.O.A of the existing structures are not tally with the existing STW, and there is the unlawful occupation of GL adjoining the Lots with unauthorised structures not covered by the planning application, the applicant intends to apply to LandsD to demolish the existing structure and rebuild a two-storey structure for the applied use. Besides, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.

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 **2.5.2028**. The following conditions of approval and advisory clauses are also 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 **2.11.2025**;
- (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 **2.2.2026**;
- (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 **2.11.2025**;
- (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 **2.2.2026**;
- (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 be revoked on the same date 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 intentions of the "Residential (Group C)" and "Residential (Group D)" zones, which are primarily for low-rise and low-density residential developments. There is no strong planning justification in the submission for a departure from the planning intentions, 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 19.11.2024
Appendix Ia	FI received on 10.3.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Ground Floor Plan
Drawing A-3	First Floor Plan
Drawing A-4	Vehicular Routing Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**