

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/416

<u>Applicant</u>	:	Mr. KWOK Choi Tim represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 286 RP and 287 RP (Part) in D.D. 112, Kam Sheung Road, Shek Kong, Yuen Long, New Territories
<u>Site Area</u>	:	973m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Shop and Services with Ancillary Workshop and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services with ancillary workshop and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “AGR” 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). Filling of land in “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved, fenced-off, and used for the applied use with some temporary structures without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from a local access leading to Kam Sheung Road, with an ingress/egress (about 7m-wide) at the southern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the applied use comprises seven single-storey structures with a total floor area of about 193m², including one for shop and services (about 4m in height), one for ancillary workshop (about 4m in height), three for ancillary storage uses (about 3m in height), one for site office (about 3m in height) and a portable toilet (about 2.5m in height). The outdoor area of about 780m² will be used for display of about ten private vehicles for sale and circulation purposes. Three private car parking spaces are provided at the Site. According to the applicant, the applied use is for selling vehicle products and displaying of private vehicles for sale, and the ancillary workshop

is to provide a workspace for customers to install the vehicle products purchased at the Site and such installation activities will only be conducted within the enclosed workshop structure. Except for installing the vehicle products purchased at the Site, no maintenance, repairing, dismantling, paint spraying, cleansing and other workshop activities will be conducted at the Site. The Site will accommodate a maximum of 10 visitors per day and there will be two staff members working at the Site. The operation hours are from 9:00 a.m. to 7:00p.m. daily, including public holidays.

- 1.3 The applicant also applies for regularisation of filling of land for the entire Site with concrete of about 0.2m in depth (raising the site level from 24.3mPD to 24.5mPD) for site formation and erection of structures (**Drawing A-2**). No further filling of land will be carried out at the Site. The applicant also commits to reinstating the Site upon expiry of the application. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 2.5.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 4.6.2025* **(Appendix Ia)**
 - (c) FI received on 11.6.2025* **(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 at **Appendices I to Ib** and can be summarised as follows:

- (a) The applied use is for selling vehicle products, such as dashcam, car diffuser, polishing products, car accessories, etc., and displaying private vehicles for sale to serve the nearby residents and business operators. Temporary approval for a period of three years will not frustrate the long-term planning intention of the “AGR” zone.
- (b) The applied use is considered not incompatible with the surrounding land uses including shop and services with ancillary workshop approved under application No. A/YL-SK/404 to the immediate west of the Site, open storage yards and warehouses. Approval of the current application is in line with the previous decision of the Rural and New Town Planning Committee (the Committee) of the Board.
- (c) The ancillary workshop is only intended to provide a workspace for customers to install the vehicle products purchased at the Site and such activity will only be conducted at the enclosed structure for workshop use. There will also be no operation during sensitive hours to minimise nuisances to nearby residents. The applicant will also strictly follow the revised ‘Code of Practice on Handling on Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) issued by the Environmental Protection Department (EPD) and relevant regulations to minimise adverse environmental impact and nuisance to the surrounding areas. Besides, in support of the application, the applicant has submitted a fire services installations (FSIs) proposal which is considered acceptable by the Fire Services Department. The applicant also commits to complying with all relevant approval conditions including drainage aspects should the current application be approved.

- (d) Only three parking spaces will be provided at the Site for visitors and for transportation of goods, which will only be delivered during non-peak hours. Sufficient manoeuvring space is also provided at the Site to ensure that no vehicles will queue back to Kam Sheung Road, thus minimising traffic impacts on the surrounding road networks.
- (e) The applicant will remove the concerned unauthorised structures and submit Short Term Waiver (STW) application to the Lands Department (LandsD) for the applied use upon approval of the application.

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 Site is subject to a planning enforcement action (No. E/YL-SK/271) (**Plan A-2**) against unauthorized development (UD) involving storage use and use for place for parking of vehicles. Enforcement Notice was issued on 11.4.2025 requiring discontinuation of the UD.

5. Previous Application

The Site is the subject of one previous application (No. A/YL-SK/294) submitted by a different applicant for proposed temporary place of recreation, sports or culture (hobby farm) at a slightly larger site for a period of five years and filling of land approved with conditions by the Committee on 8.1.2021. The planning permission is valid until 8.1.2026 and all time-limited approval conditions have been complied with. The considerations of the previous application are not relevant to the current application which involves a different use. Details of the previous application are summarised in **Appendix II** and the location is shown on **Plans A-1 and A-2**.

6. Similar Applications

During the past five years, there are four similar applications (No. 318, 348, 392 and 404) involving two sites for temporary shop and services and associated filling of land within the same “AGR” zone in the vicinity of the Site. The applications were approved with conditions by the Committee between 2021 and 2025 mainly on the considerations that the proposed/applied use would not frustrate the long-term planning intention of “AGR” zone; the proposed/applied use was not incompatible with the surrounding environment; and the government departments consulted generally had no objection to or no adverse comment on the application or their technical concerns could be addressed by approval conditions. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently hard-paved, fenced-off and used for the applied use with some temporary structures without valid planning permission; and
- (b) accessible from a local access leading to Kam Sheung Road.

7.2 The surrounding areas are rural in character and predominated by shop and services (with valid planning permission under planning application No. A/YL-SK/404), warehouses, open storage yards, residential structures, plant nurseries, vacant land and cultivated or fallow agricultural land.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities within the “AGR” zone.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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, if any, are provided in **Appendices IV and V** respectively.

9.2 The following government departments have adverse comments on or do not support the application:

Land Administration

9.2.1 Comments from the District Lands Officer/Yuen Long, LandsD (DLO/YL of LandsD):

- (a) he has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots 286 RP and 287 RP both in D.D. 112 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) Lot 287 RP in D.D. 112 is covered by STW No. 5424 for the purpose of Temporary Place of Recreation, Sports or Culture (Hobby Farm). If the planning application is approved, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved.

The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;

- (d) there is/are unauthorised structure(s) on Lot 286 RP in D.D. 112. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (e) the Government land (GL) adjoining the Site has been fenced off/unlawfully occupied without permission. The GL being unlawfully occupied is not included in the application. 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 unlawful occupation of GL without further notice; and
- (f) advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

9.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the "AGR" zone and is generally being used for car parking. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the planning application from nature conservation perspective.

9.3 The following government department conveys local objection to the application:

District Officer's Comments

9.3.1 Local comment conveyed by the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD) is as follows:

the village representatives of Lin Fa Tei Tsuen object to the application mainly on the grounds that the applied use may induce traffic and environmental hygiene concerns.

10. Public Comments Received During Statutory Publication Period

On 9.5.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). The comment received from the village representatives of Lin Fa Tei Tsuen objects to the application on the

same grounds as detailed in paragraph 9.3.1 above, whereas the other one from an individual objects to the application concerning the status of compliance with approval conditions of the previous application and that the current application may be intended for vehicle repair workshop. The remaining one was from Kadoorie Farm & Botanic Garden Corporation which objects to the application mainly on the grounds that the applied use is not in line with the planning intention of the “AGR” zone and approval of the application may affect the proposed Agricultural Priority Area in Shek Kong.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services with ancillary workshop and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). While the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the applicant claims that the applied use could serve the residents and business operators nearby. Taking into account the above and the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis for a period of three years.
- 11.2 Filling of land in “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North, Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are predominated by shop and services, warehouses, open storage yards, residential structures, plant nurseries, vacant land and cultivated or fallow agricultural land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considers the applied use is not entirely incompatible with the surrounding landscape setting of the area and significant adverse landscape impact on landscape resources arising from the applied use is not anticipated, and hence there is no adverse comment on the application from landscape planning perspective.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the CoP issued by EPD and other relevant environmental guidelines and legislation to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 11.5 Regarding DLO/YL of LandsD’s comments on the unauthorised structure(s) and uses on the concerned lots and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve

the application. The applicant also commits to removing the concerned unauthorised structures and applying to LandsD for STW for the applied use.

- 11.6 Four similar applications within the same “AGR” zone in the vicinity of the Site were approved in the past five years as detailed in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the local comment conveyed by DO/YL, HAD and the public comments as stated in paragraphs 9.3.1 and 10 above respectively, the planning considerations and departmental comments above are relevant. Regarding the concern that the applied use may be intended for vehicle repair workshop, any UD on the Site would be subject to planning enforcement action.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local comment conveyed by DO/YL, HAD and the public comments mentioned in paragraphs 9.3.1 and 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 20.6.2028. 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 20.12.2025;
- (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 20.3.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 20.3.2026;
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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; and
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site the satisfaction of

the Director of Planning or of the Town Planning Board.

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 applied use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 received on 2.5.2025
Appendix Ia	FI received on 4.6.2025
Appendix Ib	FI received on 11.6.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Area Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos