

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1040

- Applicant** : Tang Ying Pok represented by R-riches Property Consultants Limited
- Site** : Lots 564, 565 (Part) and 618 S.C (Part) in D.D. 106, Kam Sheung Road, Yuen Long, New Territories
- Site Area** : About 3,009m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Other Specified Uses” annotated “Rural Use” (“OU(RU)”)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]
- Application** : Proposed Temporary Shop and Services (Vehicle Showroom) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (vehicle showroom) for a period of three years at the application site (the Site), which falls within an area zoned “OU(RU)” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “OU(RU)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently largely hard-paved with tree clusters along the western boundary of the Site and occupied by open storage of vehicles and vehicle parts and vehicle repair workshop without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via a local access (**Plans A-2 and A-3**). According to the applicant, the proposed use involves four single-storey structures (about 4m to 7.5m in height) with a total floor area of about 607m² for shop and services (vehicle showroom), site office, washroom and rain shelter uses. A total of 30 vehicles, including private cars and light goods vehicles (LGVs), will be stored and displayed at the Site within the proposed structures. The Site will be used for retail purpose only. No workshop or open storage activity will be carried out and no vehicle parts will be stored at the Site at all time. All the existing trees

within the Site would be retained and maintained by the applicant. 10 private car parking spaces, one LGV parking space and one loading/unloading (L/UL) space for LGV will be provided within the Site. Sufficient manoeuvring space will also be provided within the Site to avoid vehicles turning back to the local access road. No vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to be parked/stored on or enter/exit the Site at all time. The operation hours are between 8:00 a.m. and 9:00 p.m. daily, including public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site, in part or in whole, is involved in 11 previous applications. The last application No. A/YL-KTS/889 submitted by the same applicant for the same use covering the same site as the current application was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 25.6.2021 and the planning permission was subsequently revoked on 25.12.2022 due to non-compliance of time-limited approval conditions (details at paragraph 6 below). Compared with the last application, the current application involves a similar layout and minor differences in development parameters, including slight reduction in total floor area (-58m² / -8.72%) and site coverage (-2% / -9.09%), as well as increase in number of structures (+2 / +100%).

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

- (a) Application Form with Supplementary Planning Statement (SPS) received on 13.11.2024 (**Appendix I**)
- (b) Further Information (FI) received on 4.3.2025* (**Appendix Ia**)
- (c) FI received on 6.5.2025* (**Appendix Ib**)
- (d) FI received on 20.6.2025* (**Appendix Ic**)

** accepted and exempted from publication and recounting requirements*

1.5 On 10.1.2025 and 2.5.2025, the Committee agreed to the applicant's requests to defer making a decision on the application for two months each.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form with SPS and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The proposed use is intended to serve nearby locals living in Kam Tin and Pat Heung. It is temporary in nature and will not frustrate the long-term planning intention of the "OU(RU)" zone.
- (b) Given that the height and forms of the proposed structures are similar to surrounding environment, the proposed use is not incompatible with the surrounding areas.
- (c) The Site involves two previously approved applications for the same use. Compared with the previously approved applications, there are minor changes in

the layout and development parameters to meet the operational needs. Approving the current application would not set an undesirable precedent.

- (d) The proposed use will not create significant nuisance to the surrounding areas. The applicant will employ licensed collectors to collect and dispose of sewage to ensure no overflowing of sewage at the Site. The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP') issued by the Environmental Protection Department (EPD) and other relevant statutory environmental requirements and practice notes to minimise possible adverse impacts and environmental nuisance to the nearby residents. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (e) The applicant will submit Short Term Waiver (STW) application to rectify the lease breaches upon planning approval was given by the Board.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not the "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on satisfying the "Owner's Consent/Notification" Requirement under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting notice at the Site and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for 'Designation of "OU(RU)" Zone and Application for Development within "OU(RU)" Zone under Section 16 of the Town Planning Ordinance' (TPB PG-No. 38) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of 11 previous applications (No. A/YL-KTS/36, 193, 340 416, 470, 479, 525, 569, 616, 734 and 889). Nine of the applications (No. A/YL-KTS/36, 193, 340, 416, 470, 479, 525, 569 and 616) were for temporary open storage of motor vehicles and/or new coaches and/or new vehicle parts with/without ancillary workshop and considerations of these applications are irrelevant to the current application due to different uses involved. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 The remaining two applications No. A/YL-KTS/734 and 889 for temporary shop and services uses for motor vehicles showroom/vehicle showroom were approved with conditions each for a period of three years by the Committee between 2017 and 2021 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding areas; and government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions. The planning permissions of the two applications were subsequently revoked in September 2019 and December 2022 respectively due to non-compliance with time-limited conditions in relation to the submission and/or the implementation of the drainage, FSIs and/or landscape proposals. Compared with the last approved application No. A/YL-KTS/889, the current application is submitted by the same applicant for the same use covering the same site with similar layout and minor differences in development parameters as mentioned in paragraph 1.3 above.

7. Similar Applications

There are four similar applications covering three sites (No. A/YL-KTS/851, 911, 967 and 970) for temporary shop and services uses with/without ancillary office within the same “OU(RU)” zone in the past five years. All the applications were approved with conditions by the Committee between 2020 and 2023 mainly on the considerations as mentioned in paragraph 6.2 above. Details of the similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1a**.

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

8.1. The Site is:

- (a) accessible from Kam Sheung Road via a local access; and
- (b) currently largely hard-paved with tree clusters along the western boundary of the Site and occupied by open storage of vehicles and vehicle parts and vehicle repair workshop without valid planning permission.

8.2 The surrounding areas comprise predominantly a well-established residential development named Royal Gem, scattered residential structures, church, warehouses, storage yards, restaurant, vehicle showroom, dog kennel, hobby farm, car service, shops and woodland. To the immediate west of the Site is a construction site of a planned public housing development.

9. Planning Intention

The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on

application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other 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.

10.2 The following government department objects to the application:

Land Administration

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

- (a) unless and until the unauthorised structure(s) are duly rectified by the lot owner(s)/applicant or entirely included in the application, his office objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots 564, 565 and 618 S.C in D.D. 106 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;

Unauthorised structure(s) within the said private lot(s) covered by the planning application

- (c) LandsD has reservation on the planning application since there are unauthorised structures and uses on the said private lot(s) which are already subject to lease enforcement actions according to case priority. The lots owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;

Unauthorised structure(s) within the said private lot(s) not covered by the planning application

- (d) there are unauthorised structures within the said private lot(s) not covered by the planning application. The lot owner(s) should immediately rectify/apply for regularization on the the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (e) the lot owner(s)/applicant shall either remove the unauthorised structures not covered by the subject planning application immediately; or include the unauthorised structure(s) in the subject planning application for the further consideration by the relevant

departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for an STW to permit the structure(s) erected. 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 to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future; and

- (f) advisory comments are in **Appendix V**.

11 Public Comments Received During Statutory Publication Period

On 22.11.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from the Aviation Club of Hong Kong, China expressing concern on the height of the proposed structures from flight safety perspective for the Site; and one from an individual objecting to the application mainly on the ground that the Site is subject to repeated non-compliance of approval conditions (**Appendix VI**).

12 Planning Considerations and Assessments

- 12.1 The application is for proposed temporary shop and services (vehicle showroom) for a period of three years at the Site zoned “OU(RU)” (**Plan A-1**) on the OZP. While the proposed use is not entirely in line with the planning intention of the “OU(RU)” zone, the applicant claims that the proposed use is to serve the local neighbourhood. Besides, there is no known development programme involving the Site. Thus, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “OU(RU)” zone.
- 12.2 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly a well-established residential development named Royal Gem, scattered residential structures, church, warehouses, storage yards, restaurant, vehicle showroom, dog kennel, hobby farm, car service, shops, wood land and a construction site for planned public housing development (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department (PlanD) considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no adverse comment on the application from landscape planning perspective.
- 12.3 Regarding DLO/YL, LandsD’s concerns on the unauthorised structures erected within/outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The

applicant has also committed to applying for STW to rectify the lease breaches upon planning approval given. Other concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application from traffic, environmental, drainage and fire safety aspects respectively. In light of the above, the application is also considered not in conflict with TPB PG-No. 38 in that the proposed use would not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings, nor would it overstrain the capacity of existing and planned infrastructures. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the latest 'CoP' issued by EPD in order to minimise the potential environmental nuisance caused by the proposed use on the surrounding areas.

- 12.4 The Site is the subject of a previously approved application No. A/YL-KTS/889 submitted by the same applicant for the same use at the same site as mentioned in paragraph 6 above. The planning permission was subsequently revoked in December 2022 due to non-compliance with time-limited approval conditions on the submission and implementation of the drainage and FSIs proposals. In this regard, the applicant has submitted drainage and FSIs proposals in support of the current application which have been considered acceptable by CE/MN of DSD and D of FS respectively. As such, sympathetic consideration may be given to the current application. Should the Committee decide to approve the application, the applicant will be advised that should he 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.
- 12.5 Given that there are two approved previous applications and four approved similar applications in the past five years within the same "OU(RU)" zone as detailed in paragraphs 6 and 7 above respectively, approving the current application is in line with the Committee's previous decisions.
- 12.6 For the public comments mentioned in paragraph 11 above, Director-General of Civil Aviation advises that the maximum level of the proposed structures (i.e. below 10m) are in general compatible with the building heights in the surrounding areas and has no comment on the application. Besides, the departmental comments and planning considerations in paragraphs 12.1 to 12.5 above are also relevant.

13 Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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

4.7.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted 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 4.4.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 4.4.2026;
- (d) if the above planning condition (b) 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;
- (e) if any of the above planning condition (a) or (c) 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**.

- 13.3 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 "Other Specified Uses" annotated "Rural Use" zone which is primarily for the preservation of the character of the rural area and for uses or developments compatible with the rural landscape with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14 Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.

- 14.3 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.

15 Attachments

Appendix I	Application Form with SPS received on 13.11.2024
Appendix Ia	FI received on 4.3.2025
Appendix Ib	FI received on 6.5.2025
Appendix Ic	FI received on 20.6.2025
Appendix II	Relevant extract of TPB PG-No. 38
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**