

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

**APPLICATION NO. A/YL-KTN/1102**

<b><u>Applicant</u></b>	: Kam Fook Consultant Company represented by Lanbase Surveyors Limited
<b><u>Site</u></b>	: Lots 3307 RP (Part), 3308 RP (Part), 3312 RP and 3313 RP in D.D.104, Long Ha, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 962.8m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Comprehensive Development Area” (“CDA”) <i>[restricted to a maximum plot ratio of 0.4 and a maximum building height of 4 storeys]</i>
<b><u>Application</u></b>	: Proposed Temporary Shop and Services (Vehicle Showroom and Sales of Second-hand Private Cars, Vehicle Parts and Accessories) with Ancillary Facilities for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (vehicle showroom and sales of second-hand private cars, vehicle parts and accessories) with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “CDA” on the OZP (**Plan A-1a**). 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 hard-paved, fenced-off and erected with some temporary structures (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from San Tam Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use involves 10 single-storey structures with heights of not more than 5m and a total floor area of about 247.2m<sup>2</sup> for vehicle showroom, ancillary site office, storage and transformer room (**Drawing A-1**). All nine existing trees within the Site will be retained. Not more than eight private cars will be displayed within the structures, and no open storage of unlicensed vehicles or vehicle parts, vehicle washing, repairing, dismantling, paint spraying or other workshop activities will be involved at the Site. Five parking spaces for private car and one loading/unloading (L/UL) space for light

goods vehicle (LGV) will be provided within the Site. The operation hours will be between 11:00 a.m. and 6:00 p.m. daily including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

- 1.3 The Site is involved in seven previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/874 for temporary shop and services and wholesale trade of food products submitted by the same applicant approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023, and the planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions. Compared with the last application, the current application involves a different layout, and a comparison of the major development parameters of the two applications is summarised as follows:

<b>Major Development Parameters</b>	<b>Approved Application No. A/YL-KTN/874 (a)</b>	<b>Current Application No. A/YL-KTN/1102 (b)</b>	<b>Differences (b)-(a) (% change)</b>
Proposed Use	Temporary Shop and Services and Wholesale Trade of Food Products and Ancillary Storage Facilities	Temporary Shop and Services (Vehicle Showroom and Sales of Second-hand Private Cars, Vehicle Parts and Accessories) with Ancillary Facilities	Change of sales items and without wholesale trade
Site Area	962.8m <sup>2</sup>	962.8m <sup>2</sup>	No change
Total Floor Area	279.8m <sup>2</sup>	247.2m <sup>2</sup>	-32.6m <sup>2</sup> (-11.7%)
No. of Structures	3	10	+7 (+233%)
No. of Storey	1	1	No change
Building Height	Not more than 6m	Not more than 5m	-1m (-16.7%)
Parking Spaces for Private Car	5	5	No change
L/UL Space for LGV	1	1	

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

- (a) Application Form with attachments received on 28.3.2025 (**Appendix I**) and 2.4.2025
- (b) Further Information (FI) received on 15.4.2025\* (**Appendix Ia**)
- (c) FI received on 28.5.2025\* (**Appendix Ib**)
- (d) FI received on 7.7.2025\* (**Appendix Ic**)

- (e) FI received on 14.7.2025\* (Appendix Id)
- (f) FI received on 15.7.2025\* (Appendix Ie)

*\* accepted and exempted from publication and recounting requirements*

- 1.5 On 23.5.2025, the Committee 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 FIs at **Appendices I to Ie**, and can be summarised as follows:

- (a) The temporary nature of the application will not jeopardise the long-term planning intention of the “CDA” zone. The proposed use is compatible with the surrounding areas. Previous applications with similar nature were approved at the Site, and there were also similar applications approved in the vicinity of the Site.
- (b) Infrequent trip generation is anticipated and sufficient space will be provided for vehicle manoeuvring within the Site. Adverse impacts on the surrounding areas are not anticipated. In support of the application, the applicant has submitted record of existing drainage facilities and fire service installations (FSIs) proposal.
- (c) Regarding the Lands Department (LandsD)’s concern on lease breach, the applicant indicates that the unauthorized domestic use at the Site will be rectified. Regarding the potential interface issue between the road widening works along San Tam Road and the existing track connecting to the Site, the applicant will coordinate with relevant government departments as necessary upon implementation of the road works.

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

The applicant is not a ‘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’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing notices in local newspapers and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

Part of the Site is currently subject to active planning enforcement action (No. E/YL-KTN/723) against unauthorized development (UD) involving storage use and use for place for parking of vehicles (**Plan A-2**). Enforcement Notice was issued on 7.3.2025 requiring discontinuation of the UD by 7.6.2025. Site inspection on 9.6.2025 revealed that UD still continued, the planning authority is considering to instigate prosecution action.

## 5. **Previous Applications**

- 5.1 The Site is involved in seven previous applications. Five applications (No. A/YL-KTN/292, 326, 393, 492 and 634) for temporary car park (including one renewal of temporary approval granted) were approved with conditions by the Committee between 2008 and 2018, and their considerations are not relevant to the current application due to different use involved.
- 5.2 Application No. A/YL-KTN/788 for temporary retail shop and wholesale trade and application No. A/YL-KTN/874 for temporary shop and services and wholesale trade of food products, both submitted by the same applicant as the current application, were approved with conditions by the Committee in 2022 and 2023 respectively, mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “CDA” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions. The two planning permissions were subsequently revoked in 2023 and 2024 respectively due to non-compliance with approval conditions related to submission of condition record of existing drainage facilities and submission/implementation of FSIs proposal. Compared with the last application No. A/YL-KTN/874, the current application involves the same site area/boundary and number of parking and L/UL spaces, but changes to layout, total floor area, number of structures and building heights as mentioned in paragraph 1.3 above.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

## 6. **Similar Applications**

There are two similar applications (No. A/YL-KTN/832 and 1009) for temporary shop and services within the same “CDA” zone in the vicinity of the Site in the past five years. These applications were approved with conditions by the Committee in 2022 and 2024 respectively mainly on the similar considerations as mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:
- (a) hard-paved, fenced-off and erected with some temporary structures; and
  - (b) accessible from San Tam Road via a local track.
- 7.2 The surrounding areas are rural in character with an intermix of parking of vehicles, vehicle repair workshop, storage yard, hobby farm, plant nursery, residential structures and grassland to the north, east and south of the Site,

whereas to the west are San Tam Road, which is about 50m from the Site, and San Tin Highway.

## **8. Planning Intention**

The “CDA” zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. 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.

## **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 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 at **Appendices III** and **IV** respectively.

9.2 The following government department has adverse comments on the application:

### **Land Administration**

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

- (a) has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lots No. 3307 RP (Part), 3308 RP (Part), 3312 RP and 3313 RP in D.D. 104 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) if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lots. The application 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 application, 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 proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) recent site inspection found that the existing structures within the private lot(s) were being used for domestic purpose. The lot owner(s) has to cease the domestic use and rectify the lease breach as soon as possible; and
- (e) according to the prevailing policy, no STW application/modification will be considered for domestic use. Therefore, LandsD reserves the right to

take enforcement action against such domestic purpose structures in the Site.

9.3 The following government department provides views on the application:

**Project Interface**

Comments of the Head of Civil Engineering Office, Civil Engineering and Development Department (Head of CEO, CEDD):

- (a) no adverse comment on the application;
- (b) the Site is located to the further north of the site of Sha Po public housing development under “Agreement No. CE8/2022 (CE) – Site Formation and Infrastructure Works for Public Housing Developments at Sha Po, Shap Pat Heung and Tai Kei Leng, Yuen Long – Investigation, Design and Construction”; and
- (c) the proposed road widening works along San Tam Road under the abovementioned public housing project might have possible interface issue with the existing track branching off San Tam Road and leading to the Site. It is noted that the applicant will coordinate with relevant government departments as necessary upon implementation of the road works.

**10. Public Comment Received During Statutory Publication Period**

On 8.4.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the approval conditions under the previous application were not complied with (**Appendix V**).

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services (vehicle showroom and sales of second-hand private cars, vehicle parts and accessories) with ancillary facilities for a period of three years at the Site zoned “CDA” (**Plan A-1a**). Whilst the proposed use is not in line with the planning intention of the “CDA” zone, there is currently no known comprehensive development proposal for the “CDA” zone. It is considered that approving the application on a temporary basis would not jeopardise the long-term planning intention of the “CDA” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of parking of vehicles, vehicle repair workshop, storage yard, hobby farm, plant nursery, residential structures and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape

planning perspective considering that significant adverse landscape impact arising from the proposed use is not anticipated.

- 11.3 In respect of the possible interface issue between the proposed road widening works along San Tam Road and the existing track connecting to the Site, Head of CEO, CEDD has no adverse comment on the application noting that the applicant will coordinate with relevant government departments as necessary upon implementation of the road works. Other relevant 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. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the proposed use. Regarding DLO/YL, LandsD's concern on the unauthorized use on the concerned lot(s) of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 The Site is the subject of two previously approved applications (No. A/YL-KTN/788 and 874) involving shop and services use submitted by the same applicant as the current application as detailed in paragraph 5.2 above. Whilst both planning permissions were subsequently revoked due to non-compliance with approval conditions related to submission of condition record of existing drainage facilities and submission/implementation of FSIs proposal resulting in two consecutive revocations, under the current application, the applicant has submitted record of existing drainage facilities and FSIs proposal which are considered acceptable by CE/MN of DSD and D of FS respectively. In this regard, sympathetic consideration may be given to the current application. Should the current application be approved, the applicant will be advised should he fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further application.
- 11.5 There are also two approved similar applications within the same "CDA" zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 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 18.7.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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 18.4.2026;
- (c) if the above planning condition (a) 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
- (d) if the above planning condition (b) 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 IV**.

- 12.3 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 "CDA" zone which is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. There is no strong planning justification 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**

<b>Appendix I</b>	Application Form with attachments received on 28.3.2025 and 2.4.2025
<b>Appendix Ia</b>	FI received on 15.4.2025
<b>Appendix Ib</b>	FI received on 28.5.2025
<b>Appendix Ic</b>	FI received on 7.7.2025
<b>Appendix Id</b>	FI received on 14.7.2025
<b>Appendix Ie</b>	FI received on 15.7.2025
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1a</b>	Location plan
<b>Plan A-1b</b>	Previous application plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JULY 2025**