

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1133

- Applicant** : Mr. CHAU Kam Ming represented by Lanbase Surveyors Limited
- Site** : Lot 4202 RP (Part) in D.D.104, Long Ha, Yuen Long, New Territories
- Site Area** : About 450m²
- Lease** : Tai Po New Grant No. 6206
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Comprehensive Development Area” (“CDA”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 4 storeys]
- Application** : Proposed Temporary Shop and Services (Vehicle Showrooms, 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 showrooms, 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-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 hard-paved, fenced-off, erected with some temporary structures and partly occupied by vehicle repair workshop and storage of vehicles without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from San Tam Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed use involves five single-storey structures with heights of not more than 5.5m and a total floor area of about 230.2m² for vehicle showrooms, ancillary storage, office and toilet (**Drawing A-1**). Not more than six private cars will be displayed within the showroom structures. One parking space and one loading/unloading space, both for private car, will be provided at the Site. No heavy vehicle or container vehicle, no open storage of unlicensed vehicles or vehicle parts, vehicle washing, repairing, dismantling, paint spraying or other workshop activities will be involved. 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 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 26.6.2025 (**Appendix I**)
- (b) Further Information (FI) received on 1.8.2025* (**Appendix Ia**)
- (c) FI received on 6.8.2025* (**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) There is currently no development proposal for the “CDA” zone and 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. There were similar applications approved in the vicinity of the Site.
- (b) Infrequent trip generation is anticipated and sufficient vehicular manoeuvring space will be provided within the Site. Adverse traffic, drainage and environmental impacts are not anticipated.
- (c) Regarding the Lands Department (LandsD)’s concern on lease breaches, the applicant will take appropriate follow-up actions including submission of Short Term Waiver (STW) application to LandsD. 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

The Site is currently subject to planning enforcement action (No. E/YL-KTN/724) 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 the UD still continued upon expiry of the notice, and prosecution is being considered.

5. Previous Application

There is no previous application involving the Site.

6. Similar Applications

There are five similar applications (No. A/YL-KTN/788, 832, 874, 1009 and 1102), involving three sites, for temporary retail shop or shop and services use (including two also with wholesale trade) within the same “CDA” zone in the vicinity of the Site in the past five years. These applications were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2022 and 2025 mainly on the considerations that the proposed use(s) on a temporary basis would not jeopardise the long-term planning intention of the “CDA” zone; the proposed use(s) was/were 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. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) hard-paved, fenced-off, erected with some temporary structures and partly occupied by vehicle repair workshop and storage of vehicles without valid planning permission; and
- (b) accessible from San Tam Road via a local track.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, parking of vehicles, hobby farm, plant nursery, residential structures, farmland and grassland to the north, east and south of the Site, whereas to the west are San Tam Road, which is about 60m 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 Lot No. 4202 RP in D.D. 104 held under Tai Po New Grant No. 6206 which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) there is/are unauthorized structure(s) within the said private lot covered by the subject application and within the said private lot not covered by the subject application. 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; and
- (d) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lot. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they 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.

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 authorized road scheme of the abovementioned public housing project might have possible interface issue with the existing track branching off San Tam Road and leading to the Site (**Plan A-2**). 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 4.7.2025, 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 proposed temporary shop and services (vehicle showrooms, 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-1**). 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 open storage/storage yards, parking of vehicles, hobby farm, plant nursery, residential structures, farmland 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 (**Plan A-2**), the 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 and Director of Fire Services, 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 structure(s) on the concerned lot within and outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are five 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.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 15.8.2028. 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 15.2.2026;
- (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 15.5.2026;
- (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 15.2.2026;
- (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 15.5.2026;
- (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 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 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 with attachments received on 26.6.2025
Appendix Ia	FI received on 1.8.2025
Appendix Ib	FI received on 6.8.2025
Appendix II	Similar applications
Appendix III	Government departments’ general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2025**