

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

**APPLICATION NO. A/YL-PH/1076**

- Applicant** : Era Smart Limited represented by R-riches Property Consultants Limited
- Site** : Lot 1584 S.A ss.2 (Part) in D.D. 111, Pat Heung, Yuen Long
- Site Area** : About 368m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Open Storage” (“OS”)
- Application** : Proposed Temporary Shop and Services (Product Showroom) with Ancillary Facilities for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (product showroom) with ancillary facilities for a period of five years at the application site (the Site), which falls within an area zoned “OS” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “OS” zone, ‘Shop and Services’ other than those for ‘Service Trades’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced, hard-paved and erected with a temporary structure (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road (**Plan A-2**). According to the applicant, the proposed use involves one two-storey structure with a height of about 7.2m and total floor area of about 168m<sup>2</sup> for shop and services (product showroom), ancillary office and washroom, and the remaining open area will be for circulation (**Drawing A-1**). The product showroom is intended to showcase the products (such as different types of garage doors, entrance gates, etc.) for the nearby villagers and brownfield operators to try out before making online purchases. The ancillary office and washroom are intended to support the daily operation of the proposed use. No direct purchase of the products will be made and no workshop activities will be conducted at the Site. Three parking spaces for private cars will be provided within the Site, two for staff use and one for visitor use by advance reservation. It is estimated that there will be four staff members and about five visitors at maximum at the Site per day. No light, medium or heavy goods vehicles including container tractors or trailers will be allowed to enter or park at the Site. No car

washing, dismantling, painting, or other workshop activities will be conducted at the Site. The operation hours will be between 9:00 a.m. and 6:00 p.m. daily, including Sundays and public holidays. The layout plan submitted by the applicant is at **Drawings A-1**.

- 1.3 The Site, in part or in whole, is the subject of six previous planning applications for various uses (details in paragraph 5 below). The last three applications (No. A/YL-PH/750, 842 and 911) were submitted by the same applicant as the current application and were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board, each for a period of three years, in 2017, 2020 and 2022 respectively. Applications No. A/YL-PH/750 and 842 were for temporary shop and services uses, while application No. A/YL-PH/911 was for temporary office use. The planning permission(s) under these applications either lapsed or was revoked due to non-compliance with approval conditions.
- 1.4 In support of the application, the applicant has submitted the Application Form with Supplementary Statement and supporting documents which were received on 26.6.2025 and 4.7.2025 (**Appendix I**).

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and Supplementary Statement at **Appendix I**, and can be summarised as follows:

- (a) The proposed use on a temporary basis will not frustrate the long-term planning intention of the “OS” zone and is considered not incompatible with the surrounding land uses comprising mainly temporary structures for storage use, workshops, residential structures, village houses and vacant land. The proposed use is intended to serve the nearby villagers and brownfield operators and can better utilise land resources.
- (b) The current application is the subject of a number of previously approved applications for different uses, in which two applications, submitted by the same applicant, involves the same use as the current application. A similar application (No. A/YL-PH/921) for the same use as the current application was also approved within the same “OS” zone on the OZP. Approval of the current application is in line with the Board’s previous decisions and would not set an undesirable precedent.
- (c) The proposed use will not cause any adverse impacts on traffic, environmental, and drainage aspects. The Site is surrounded by various bus stops and minibus stops within walking distance. Visitors are encouraged to access the Site by public transport. All purchases will be made online. No direct purchase of the products will be made and no workshop activities will be conducted at the Site. The purchased doors and gates will be delivered, installed and maintained at the customer’s premises.
- (d) The applicant will also strictly follow the relevant environmental ordinances, guidelines and requirements in the ‘Code of Practice on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise potential environmental nuisance and the ‘Professional Persons Environmental Consultative Committee Practice Notes’ for sewage treatment. Besides, drainage and fire service installations (FSIs) proposals and swept path analysis have been submitted in support of the current application.

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

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

### **4. Background**

The Site is not subject to any active enforcement action.

### **5. Previous Applications**

5.1 The Site, in part or in whole, is the subject of six previous planning applications for various uses. Four applications (No. A/YL-PH/143, 144, 234 and 911) for temporary open storage and office uses were approved with conditions by the Committee from 1997 to 2022. The last application (No. A/YL-PH/911) was submitted by the same applicant as the current application and involved a smaller site area and different layout comparing with the current application. Considerations of these previous applications are not relevant to the current application due to different use involved.

5.2 Two applications (No. A/YL-PH/750 and 842) (including one renewal of planning approval granted) for temporary shop and services (real estate agency, car beauty product retail and auto parts retail) were submitted by the same applicant as the current application. They were approved with conditions by the Committee in 2017 and 2020 respectively, each for a period of three years, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “OS” zone; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-PH/842 was subsequently revoked in 2021 due to non-compliance with approval conditions on traffic and drainage aspects. Compared with these two previous applications, the current application involves a slightly smaller site area and a similar layout.

5.3 Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

### **6. Similar Application**

There is one similar application (No. A/YL-PH/921) for temporary shop and services use within the “OS” zone in the vicinity of the Site in the past five years. It was approved

with conditions by the Committee in 2022 mainly on the considerations as stated in paragraph 5.2 above. Details of the similar application are summarised in **Appendix III** and the location is shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Kam Tin Road; and
- (b) currently fenced and hard-paved with a temporary structure.

7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards, vehicle repair workshops, motor vehicle showrooms, car service, a vehicle park, a recycling workshop, residential structures, vacant land and grassland, village settlements of Leung Uk Tsuen and Wang Toi Shan Tsoi Yuen Tsuen to the south and west respectively, as well as Pat Heung Police Station to the east.

## **8. Planning Intention**

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

## **9. Comments from Relevant Government Departments**

All the 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.

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

On 8.7.2025, 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 (product showroom) for a period of five years at the Site zoned “OS” (**Plan A-1a**). Whilst the proposed use is not entirely in line with the planning intention of the “OS” zone, according to the applicant, the proposed product showroom is intended to showcase different types of garage doors, entrance gates etc. for the nearby villagers and brownfield

operators to try out before making online purchases. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of five years.

- 11.2 The proposed use is considered not incompatible with the surrounding land uses which comprise mainly open storage/storage yards, vehicle repair workshops, motor vehicle showrooms, car service, a vehicle park, a recycling workshop, residential structures, vacant land, grassland, village settlements and a police station. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the proposed use is not anticipated.
- 11.3 Other relevant government departments consulted including the Commissioner for Transport, Chief Highway Engineer/New Territories West of Highways Department, Chief Engineer/Mainland North of Drainage Services Department, who also considers the submitted drainage proposal acceptable, 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. 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' issued by the Environmental Protection Department to minimise the potential environmental nuisance on the surrounding areas.
- 11.4 There are two previously approved applications for the same applied use at the Site, and one approved similar application within the same "OS" zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5.2 and 6 above respectively. 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 five years until 15.8.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.11.2025;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (c) the submission of a run-in/out proposal at Kam Tin Road within **6** months from the date of planning approval to the satisfaction of the Director of Highways and Commissioner for Transport or of the Town Planning Board by 15.2.2026;
- (d) in relation to (c) above, the implementation the run-in/out proposal at Kam Tin Road within **9** months from the date of planning approval to the satisfaction of the Director of Highways and Commissioner for Transport or of the Town Planning Board by 15.5.2026;
- (e) the submission of a revised 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;
- (f) in relation to (e) above, the implementation of the revised 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;
- (g) 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; and
- (h) if any of the above planning condition (a), (c), (d), (e) or (f) 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**.

- 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 "OS" zone which is primarily for the provision of land for appropriate open storage uses, and to regularise the already haphazard proliferation of open storage uses and provide for orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. 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**

<b>Appendix I</b>	Application Form with Supplementary Statement and Supporting Documents received on 26.6.2025 and 4.7.2025
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	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  
AUGUST 2025**