

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/715

- Applicant** : Ming Fung Auto Car Limited represented by R-riches Planning Limited
- Site** : Lots 1012 S.A RP, 1037(A)&(B), 1038, 1039, 1040, 1041 and 1042 in D.D.115, Au Tau, Yuen Long, New Territories
- Site Area** : 1,708 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Residential (Group C)” (“R(C)”)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]
- Application** : Temporary Shop and Services for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of five years at the application site (the Site) zoned “R(C)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(C)” zone, ‘Shop and Services’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Castle Peak Road – Yuen Long via a local track with an ingress/egress point at the southwest (**Drawing A-1** and **Plan A-2**). According to the applicant, the applied use is for car showroom and sales of auto parts (**Drawing A-2**). No workshop activities will be conducted at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailer/tractor, will be allowed to access the Site. Plans showing the vehicular access, site layout, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is involved in seven previous applications for temporary showroom/wholesale centre of auto parts and car sales centre which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on review/the Committee between 2003 and 2022 (details at paragraph 5

below). The last application (No. A/YL-TT/534) for temporary wholesale centre of auto parts and car sales centre was approved with conditions for a period of three years by the Committee on 28.1.2022. All the time-limited approval conditions under the last application had been complied with and the planning permission lapsed on 28.1.2025. Compared with the last approved application (No. A/YL-TT/534), the current application is submitted by the same applicant for a similar use with same layout and development parameters.

1.4 The major development parameters of the application are summarised as follows:

Site Area	1,708 m ² (about)
Total Floor Area (non-domestic)	889 m ² (about)
No. and Height of Structures	9 (about 2.5 - 5.8m, 1-2 storey) - for site office and reception, vehicle showrooms, pump and control room, water tank, storage of auto parts/vehicles, toilet and covered parking space
No. of Parking Spaces	11 for private cars (5m x 2.5m each)
No. of Loading and Unloading Space	1 for light goods vehicle (7m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 p.m. daily

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

- (a) Application Form with attachments received on 18.6.2025 **(Appendix I)**
- (b) Further Information (FI) received on 28.7.2025 **(Appendix Ia)**
[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 FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) the applied use could serve the nearby residents and meet the demand for shop and services in the area; and
- (b) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the “R(C)” zone. The Site was involved a number of previous applications for similar/same uses. The previous application of the Site was approved with conditions by the Board in 2022 and all the approved time-limited conditions had been complied with.

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 posting site notice and sending the notice to the Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The shop and services use on the Site would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in seven previous applications (No. A/YL-TT/140, 203, 260, 314, 374, 454 and 534) for similar/same temporary use of the current application. Details of these previous applications are summarised in **Appendix II** and the boundaries of the Sites are shown on **Plan A-1**.
- 5.2 All these applications were approved with conditions by the Board on review/the Committee between 2003 and 2022 mainly on the considerations that approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “R(C)” zone; the applied use was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by implementation of approval conditions. However, two of the planning permissions (No. A/YL-TT/203 and 314) were subsequently revoked in 2009 and 2015 respectively due to non-compliance with the time-limited approval conditions. As for the last application (No. A/YL-TT/534) submitted by the same applicant, all the time-limited approval conditions had been complied with and the planning permission lapsed on 28.1.2025.

6. Similar Application

There is no similar planning application within the subject “R(C)” zone in the past five years.

7. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

8.1 The Site is:

- (a) currently paved, fenced and occupied by the applied use without valid planning permission; and
- (b) accessible from Castle Peak Road – Yuen Long via a local track.

8.2 The surrounding areas are mixed in nature comprising residential dwellings, vehicle repair workshops, open storage/storage yards, a residential care home for the elderly (RCHE) and a petrol filling station (PFS).

9. Comments from Relevant Government Departments

All 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 are provided in **Appendices III** and **IV** respectively.

10. Public Comments Received During the Statutory Publication Period

On 27.6.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received from individuals objecting to the application mainly on the ground that the vehicular access to Yeung Uk Tsuen is too narrow for a large amount of heavy goods vehicles to pass through (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services for a period of five years at the Site zoned “R(C)” on the OZP. Although the applied use is not entirely in line with the planning intention of the “R(C)” zone, it could meet the demand for shop and services in the area. Besides, there is no known development proposal for residential development at the Site. Approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “R(C)” zone.

11.2 The applied use is generally not incompatible with the surrounding areas, which are mixed in nature comprising residential dwellings, vehicle repair workshops, open storage/storage yards, a RCHE and a PFS (**Plan A-2**).

11.3 Concerned government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from environmental, traffic, fire safety and drainage aspects respectively. Should the application be approved, relevant approval conditions have been recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments and the applicant will be advised to follow the latest “Code of Practice on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisances on the surrounding areas.

- 11.4 The Site is the subject of seven previous applications (No. A/YL-TT/140, 203, 260, 314, 374, 454 and 534) for the similar/same use of the current application which were all approved by the Board on review/the Committee between 2003 and 2022. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.5 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. According to the applicant, no medium or heavy goods vehicles will be allowed to access the Site.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and taking into account the public comments mentioned in paragraph 10 above, the Planning Department 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 existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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;
- (c) in relation to (b) 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;
- (d) 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
- (e) if any of the above planning condition (b) 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the applied use is not in line with the planning intention of the "R(C)" zone which is primarily for low-rise, low-density residential developments. 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 with attachments received on 18.6.2025
Appendix Ia	FI received on 28.7.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**