

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/355

<u>Applicant</u>	:	Ms. WONG Yee Yan represented by A-Tech Engineering Consultants Limited
<u>Site</u>	:	Lot 3614 RP in D.D. 104, Nam Sang Wai, Yuen Long, New Territories
<u>Site Area</u>	:	About 195.2m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/11 <i>(currently in force)</i> Approved Nam Sang Wai OZP No. S/YL-NSW/10 <i>(at the time of submission)</i>
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[restricted to a maximum building height of 3 storeys (8.23m)]</i> <i>(no change on the current OZP)</i>
<u>Application</u>	:	Proposed Temporary Shop and Services and Vehicle Repair Workshop for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and vehicle repair workshop for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Besides, according to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years also requires planning permission from the Board. The Site is currently hard-paved and

occupied by a vehicle repair workshop without valid planning permission (**Plans A-2 to A-4**).

- 1.2 The Site is accessible from Kam Pok Road East via an ingress/egress located at its north-eastern corner (**Plans A-2 and A-4**). According to the applicant, the proposed uses with a total floor area of about 92.9m² involve two single-storey structures (not more than 3.5m in height), including one for vehicle repair workshop and another for real estate agency, to serve the nearby villagers. The vehicle repair workshop will provide only simple repair services, such as replacing basic parts and repairing tires, for 5-seater private cars and only one car will normally be serviced in the workshop at a time by making appointment in advance. All vehicle repair activities will be carried out within an enclosed structure and no vehicle repair works will be carried out at the open area of the Site at all times. No vehicle dismantling or paint spraying works will be carried out at the Site at all times. No parking space and loading/unloading space will be provided within the Site. Sufficient manoeuvring space will be provided within the Site for private cars, with appointment made in advance, entering/leaving the Site to ensure that no vehicles will queue back to or reverse onto/from public road at all times. A signage showing the proposed traffic management measures, including the proposed pick-up/drop-off locations for visitors and taxi drivers and the left-in/left-out arrangement, will be placed at the ingress/egress of the Site. The proposed operation hours are from 9:00 a.m. to 7:00 p.m. daily, including public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is involved in two previous applications No. A/YL-NSW/289¹ and A/YL-NSW/323 for proposed temporary shop and services (real estate agency) without/with vehicle repair workshop which were approved with conditions for a period of five/three years by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 and 2024 respectively (details at paragraph 5 below) (**Plan A-1**). Planning permission under the last application No. A/YL-NSW/323 was revoked on 16.5.2025 due to non-compliance with time-limited approval condition. Compared with the last application No. A/YL-NSW/323, the current application is submitted by the same applicant for the same uses at the same site with the same development layout and parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments and Supplementary (**Appendix I**) Information (SI) received on 27.8.2025 and 3.9.2025
 - (b) Further Information (FI) received on 6.10.2025 [#] (**Appendix Ia**)
- [#] *accepted and exempted from publication and recounting requirements*

¹ Application No. A/YL-NSW/289 for proposed temporary shop and services (real estate agency) was approved with conditions by the Committee for a period of five years on 27.8.2021 and valid until 27.8.2026.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at the Application Form with SI and FI at **Appendices I and Ia** respectively. They can be summarised as follows:

- (a) The proposed uses which provide convenient services to the nearby villagers are compatible with the surrounding areas.
- (b) It is common to have real estate agencies and vehicle repair workshops in villages while Pok Wai does not have many of such businesses. No adverse traffic impact will be brought by the proposed uses.
- (c) In support of the current application, the applicant has submitted a set of condition record showing the existing drainage facilities on the Site.

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

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

4. Background

- 4.1 The Site was formed and partly occupied by structures before the gazettal of the Interim Development Permission Area Plan No. IDPA/YL-NSW/1 on 17.8.1990.
- 4.2 The Site is currently not subject to any active planning enforcement action.

5. Previous Applications

The Site is involved in two previous applications (No. A/YL-NSW/289 and 323) for temporary shop and services (real estate agency) use without/with vehicle repair workshop which were approved by the Committee in 2021 and 2024 for a period of five/three years respectively. Both applications were approved mainly on the considerations that the proposed use(s) would not frustrate the long-term planning intention of the “V” zone; the proposed use(s) were not incompatible with the surrounding land uses; and there was no adverse comment from the concerned government departments consulted and/or their concerns could be addressed by approval conditions. For application No. A/YL-NSW/289, all the time-limited approval conditions have been complied with and the planning permission is valid until 27.8.2026. Planning permission under application No. A/YL-NSW/323 was revoked on 16.5.2025 due to non-compliance with time-limited approval condition on the submission of records of the existing drainage facilities on the Site. Compared with the last application No. A/YL-NSW/323, details of the current application are the same as mentioned in paragraph 1.3 above. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is one similar application (No. A/YL-NSW/351) for temporary shop and services use within the same “V” zone in the vicinity of the Site in the past five years which was approved with conditions by the Committee on 5.9.2025 based on similar considerations as mentioned in paragraph 5 above. Details of the application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kam Pok Road East to its north; and
- (b) currently hard-paved and occupied by a vehicle repair workshop without valid planning permission.

7.2 The surrounding areas comprise predominately scattered residential structures, parking of vehicles (with valid planning permission under application No. A/YL-NSW/318), recycling workshop, open storage of construction materials, gardening area, grassland, ponds and vacant land. To the north and east of the Site are Kam Pok Road East and Castle Peak Road – Tam Mi and San Tin Highway.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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, if any, are provided in **Appendices III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 5.9.2025, 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 and vehicle repair workshop for a period of three years at the Site zoned “V” (**Plan A-1**). Whilst the proposed uses are not entirely in line with the planning intention of the “V” zone, the applicant stated that the proposed uses would provide the nearby villagers with convenient services of real estate agency and vehicle repair workshop in the area. The District Lands Officer/Yuen Long of Lands Department has no adverse comments on the application and advises that there is no Small House application approved/under processing at the Site. The proposed uses of temporary nature would not adversely affect the land availability for NTEH/Small house within the “V” zone in the long term. Taking into account the above and the planning assessments below, there is no objection to the proposed uses on a temporary basis for a period of three years.
- 11.2 The proposed uses are considered not incompatible with the surrounding areas, which are occupied predominantly by scattered residential structures, parking of vehicles, recycling workshop, open storage of construction materials, gardening area, grassland, ponds and vacant land, as well as Kam Pok Road East, Castle Peak Road – Tam Mi and San Tin Highway. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the proposed uses is not anticipated.
- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, the Director of Environmental Protection, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of the 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’ issued by the Environmental Protection Department in order to minimise the potential environmental nuisance caused by the proposed uses on the surrounding areas.
- 11.4 The Site was involved in two previous applications (No. A/YL-NSW/289 and 323) for temporary shop and services without/with vehicle repair workshop which were approved with conditions for a period of five/three years by the Committee in 2021 and 2024 respectively. The last application No. A/YL-NSW/323, which was submitted by the same applicant for the same uses at the same site with same layout and development parameters as mentioned in

paragraphs 1.3 and 5 above, was subsequently revoked on 16.5.2025 due to non-compliance with time-limited approval condition on the submission of a condition record of the existing drainage facilities on the Site. In this regard, the applicant has submitted a set of condition record showing the existing drainage facilities on the Site in support of the current application (**Appendix I**). 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 she 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.

- 11.5 In addition to the two approved previous applications for similar proposed uses at the Site, there is one approved similar application within the same “V” 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 decision.

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 24.10.2028. 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 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 24.1.2026;
- (c) 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 24.4.2026;
- (d) in relation to (c) 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 24.7.2026;

- (e) 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
- (f) if any of the above planning conditions (b), (c) or (d) 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 uses are not in line with the planning intention of the "V" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong 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 and SI received on 27.8.2025 and 3.9.2025
Appendix Ia	FI received on 6.10.2025
Appendix II	Previous and 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
OCTOBER 2025**