

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1137

- Applicant** : Mr. MAK Kam Cheung
- Site** : Lot 974 S.F (Part) in D.D. 103, Ha Ko Po Tsuen, Kam Tin, Yuen Long, New Territories
- Site Area** : About 210m²
- Lease** : Tai Po New Grant No. 7176 for agricultural purpose
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Residential (Group E)” (“R(E)”)
[restricted to a maximum plot ratio of 1.2 and a maximum building height of 13 storeys]
- Application** : Temporary Vehicle Repair Workshop with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle repair workshop with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “R(E)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is hard-paved and occupied by a temporary structure for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use involves a single-storey enclosed structure, which covers the entire site, with a height of not more than 5.5m and a total floor area of about 210m² for vehicle repair workshop, ancillary office and storeroom (**Drawing A-1**). No parking or loading/unloading space is provided at the Site. The vehicle repairing operation is confined within the enclosed structure. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on 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 30.6.2025 (**Appendix I**)
- (b) Further Information (FI) received on 17.9.2025* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

1.4 On 15.8.2025, the Rural and New Town Planning Committee (the Committee) of the Board 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 FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The applied use is intended to serve the nearby residents and villagers. The temporary nature of the application will not frustrate the long-term planning intention of the “R(E)” zone.
- (b) The applied use is small in scale and the vehicle repairing operation is confined within the enclosed structure. Adverse environmental impacts are not anticipated.

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

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

4. Background

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Application

There is no previous application covering the Site since it has been rezoned to “R(E)”¹,

6. Similar Application

There is no similar application within the “R(E)” zone in the vicinity of the Site in the past five years.

¹ The Site was rezoned from “Undetermined” (“U”) to “R(E)” in 2014. When the Site was zoned “U”, there were three previous applications (No. A/YL-KTN/138, 212 and 243), all for temporary open storage of vehicles and vehicle parts and vehicle repair workshop, approved by the Committee between 2001 and 2006.

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

7.1 The Site is:

- (a) hard-paved and occupied by a temporary structure for the applied use without valid planning permission; and
- (b) accessible from Kam Tin Road via a local track.

7.2 The surrounding areas are rural in character with an intermix of storage yard, site offices, residential structures, vacant land, and a works site for planned residential development approved under application No. A/YL-KTN/964 to the southeast with anticipated completion year in 2027 (**Plan A-2**). To the further northeast is the existing residential development namely Riva (**Plans A-2 and A-3**).

8. Planning Intention

The “R(E)” zone is intended for residential development with the provision of environmental mitigation measures. The zoning is to facilitate appropriate planning control over the scale, design and layout of development, taking account of various environmental constraints.

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 at **Appendices II and III** 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, one public comment was received from an individual raising concerns mainly on suspected unauthorized development at the Site and potential fire safety impact of the applied use (**Appendix IV**).

11. Planning Considerations and Assessments

11.1 The application is for temporary vehicle repair workshop with ancillary facilities for a period of three years at the Site zoned “R(E)” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “R(E)” zone, according to the applicant, the applied use is intended to serve the nearby residents and villagers. Besides, there is currently no known proposal for long-term development involving the Site, and approving the application on a temporary basis would not frustrate the long-term planning intention of the “R(E)” zone. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis of three years.

- 11.2 The applied use is small in scale with a site area of about 210m², and according to the applicant, the vehicle repairing operation is confined within the enclosed structure. The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of storage yard, site offices, residential structures, vacant land and a works site for a planned residential development. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated.
- 11.3 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 applied use.
- 11.4 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Moreover, any unauthorized development on the Site would be subject to planning enforcement action.

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 7.11.2028. 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 7.5.2026;
- (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 7.8.2026;
- (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 7.5.2026;

- (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 7.8.2026;
- (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 III**.

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

the applied use is not in line with the planning intention of the "R(E)" zone which is for residential development with the provision of environmental mitigation measures. 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 30.6.2025
Appendix Ia	FI received on 17.9.2025
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses

Appendix IV	Public comment
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
NOVEMBER 2025**