

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/330

- Applicant** : Chan Ka Kit represented by FiBi International Project Consultancy Co. Limited
- Site** : Lot 764 RP (Part) in D.D. 120 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 206m² (including GL of about 123m² or 59.7%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/28
- Zoning** : “Government, Institution or Community” (“G/IC”) (about 191m²) (92.7%); and
[Restricted to a maximum building height (BH) of 8 storeys (excluding basement(s))]
- “Residential (Group B)” (“R(B)”) (about 15m²) (7.3%)
[Restricted to a maximum plot ratio (PR) of 3.5 and a maximum BH of 25 storeys (excluding basement car park)]
- Application** : Temporary Shop and Services (Car Beauty and Auto Parts Retail) with Ancillary Facilities for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (car beauty and auto parts retail) with ancillary facilities for a period of six years (**Plan A-1**) at the application site (the Site) mainly zoned “G/IC” with a minor portion zoned “R(B)” on the OZP. According to the Notes of the OZP for the “G/IC” and “R(B)” zones, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading to Fung Yu Road with ingress/egress at the southeast (**Plans A-2 and A-3**). According to the applicant, the applied use comprises two single-storey temporary structures (not more than 3m high) under a canopy (not more than 4m high) with a total floor area of about 158.5m² for shop and services (car beauty and auto parts retail) and ancillary facilities including meeting room, staff lounge and toilet. Two private car parking spaces (5m x 2.5m each) for

visitors and staff are provided within the Site (**Drawing A-2**). The car beauty services provided at the Site will not involve car washing. No services will be provided to medium and heavy goods vehicles. The operation hours are from 9:00 a.m. to 7:00 p.m. daily. Plans showing the access leading to the Site and site layout as submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site was involved in a previous application (No. A/YL/314) for shop and services (real estate agency) use, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 5.7.2024 (details at paragraph 4 below). The planning permission was revoked on 5.1.2025. Compared with the previous application, the current application is submitted by the same applicant for a similar use with largely the same development parameters and similar layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 29.7.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 1.9.2025* (**Appendix Ia**)
 - (c) FI received on 3.10.2025* (**Appendix Ib**)
 - (d) FI received on 10.11.2025* (**Appendix Ic**)

**accepted and exempted from publication and recounting requirements*

- 1.5 On 19.9.2025, the Committee 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 at **Appendix I**. They are summarised as follows:

- (a) the applied use is compatible with the surrounding areas and would not cause adverse impacts on the nearby environment; and
- (b) the applicant has submitted a drainage proposal in support of the current application and is committed to comply with the approval conditions imposed by the Board.

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 notice to Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. **Previous Application**

The Site was involved in a previous application (No. A/YL/314) for proposed temporary shop and services with ancillary facilities for a period of six years. The application was approved by the Committee on 5.7.2024 mainly on the considerations that the applied use on a temporary basis would not jeopardise the long-term development of the area and was not incompatible with the surrounding land uses. However, the planning permission for this application was revoked on 5.1.2025 due to non-compliance with approval condition related to submission of drainage proposal. Details of the application is summarised at **Appendix II** and the boundary of the site is shown on **Plan A-1**.

5. **Similar Application**

There is a similar application (No. A/YL/323) for temporary shop and services (convenient store and real estate agency) within the subject “R(B)” zone on the OZP in the past five years. The application was approved with conditions by the Committee in 2025 mainly on the similar considerations as mentioned in paragraph 4 above. Details of this similar application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

6.1 The Site is:

- (a) accessible via a local track leading to Fung Yu Road; (**Plans A-2**);
- (b) paved, fenced off and occupied by the applied use without valid planning permission (**Plan A-4**); and
- (c) within the boundary of the proposed Yuen Long Tai Yuk Road public housing development.

6.2 The surrounding areas are predominantly occupied by residential developments (including Emerald Green, Covent Garden and Springdale Villas to its west, northwest and north respectively) intermixed with vehicle parks and unused/vacant land.

7. **Planning Intentions**

- 7.1 The planning intention of “G/IC” zone is primarily for the provision of Government, Institution or Community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 7.2 The planning intention of “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

8. Comments from Relevant Government Departments

8.1 Apart from the government department as set out in paragraph 8.2 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 are provided in **Appendices III and IV** respectively.

8.2 The following government department has adverse comment on the application:

Land Administration

8.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises GL and an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) his office has reservation on the application since there are unauthorized structures and uses on Lot 764 RP in D.D. 120 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (c) the GL within the Site has been fenced off/unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. He reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and
- (d) his detailed advisory comment is at **Appendix IV**.

9. Public Comment Received During the Statutory Publication Period

On 5.8.2025, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix V**) was received from an individual objecting to the application mainly on the grounds that the applicant failed to comply with the approval conditions under the previous application, and the applied use will generate toxic discharge from car washing activities.

10. Planning Considerations and Assessments

10.1 The application is for temporary shop and services (car beauty and auto parts retail) with ancillary facilities for a period of six years at the Site mainly zoned "G/IC" (about 92.7%) with a minor portion falling within "R(B)" zone (about 7.3%) on the OZP. Although the applied use is not entirely in line with the planning intentions of the "G/IC" and "R(B)" zones, it could serve the demand for such shop and services use in the area. Whilst the Site falls within the boundary of the proposed Yuen Long

Tai Yuk Road public housing development, the Chief Engineer/Housing Project 3 of the Civil Engineering and Development Department has no adverse comment on the application. Should the application be approved, it is recommended to advise the applicant that the Site might be resumed at any time during the planning approval for implementation of government project(s). Approval of the application on a temporary basis for a period of six years would not jeopardise the long-term development of the area.

- 10.2 The applied use comprises two single-storey temporary structures (not more than 3m high) under a canopy (not more than 4m high) with a total floor area of about 158.5m². The applied use is considered not entirely incompatible with the surrounding areas which comprise predominantly residential developments intermixed with vehicle parks and unused/vacant land.
- 10.3 Relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application from environmental, traffic, fire safety and drainage perspectives respectively. Relevant approval conditions are recommended in paragraph 11.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental impacts on the surrounding areas. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or uses on the private lot within the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 10.4 The Site is the subject of a previous planning application (No. A/YL/314) submitted by the same applicant of the current application for proposed shop and services with ancillary office for a period of six years approved with conditions by the Committee in 2024. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval condition regarding submission of drainage proposal. In the current application, the applicant has submitted a drainage proposal which is accepted by CE/MN, DSD. As such, sympathetic consideration may be given to the applicant. Notwithstanding this, should the application be approved, the applicant should be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further applications.
- 10.5 There is one approved similar application within the subject “R(B)” zone in the past five years as detailed in paragraph 5 above. Approval of the current application is in line with the previous decision of the Committee.
- 10.6 Regarding the public comment received objecting to the application as summarised in paragraph 9 above, the planning considerations and assessments in paragraphs 10.1 to 10.5 above are relevant. The applicant also clarifies that no car washing activities would be provided at the Site.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comment as mentioned in paragraph 9, the Planning Department has **no objection** to the application.
- 11.2 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 six years until 21.11.2031. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted 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 21.8.2026;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 21.5.2026;
- (d) in relation to (c) 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 21.8.2026;
- (e) if the above planning condition (b) is not complied with during the 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 condition (a), (c) or (d) is not complied with by the above 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 attached at **Appendix IV**.

- 11.3 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 intentions of the "G/IC" and "R(B)" zones which are primarily for the provision of Government, Institution or Community facilities serving the needs of the local residents and/or a wider district, region or the territory; and for medium-density residential developments respectively. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application form with attachments received on 29.7.2025
Appendix Ia	FI received on 1.9.2025
Appendix Ib	FI received on 3.10.2025
Appendix Ic	FI received on 10.11.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	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**