

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1340

<u>Applicant</u>	:	Mr. CHEUNG Kam Kwong represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	:	Lot 1543 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
<u>Site Area</u>	:	1,987.8 m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Renewal of Planning Approval for Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (motor-vehicle showroom) for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “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). The Site is currently paved, fenced-off and occupied by the applied use with valid planning permission under application No. A/YL-TYST/1188 until 9.12.2025 (**Plans A-1 to A-4**).
- 1.2 The Site with ingress/egress at the western part is accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied outdoor motor-vehicle showroom is for display of second-hand private cars. Eight single-storey structures (not exceeding 3m to 5m in height) with a total floor area of about 637.6m² are provided for open sheds, site offices, storeroom and toilet uses. Four parking spaces for private cars and one loading/unloading (L/UL) space for light goods vehicle (LGV) are provided for daily operation and weekly logistics. No medium or heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, are allowed to park at the Site. No public announcement systems,

whistle blowing or portable loudspeaker will be used and no car beauty, washing, repairing, dismantling or other workshop activities will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in two previous applications (No. A/YL-TYST/912 and 1188) for the same temporary shop and services (motor-vehicle showroom) use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2022 respectively (details at paragraph 6 below). Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters are summarised as follows:

Site Area	About 1,987.8 m ²
Total Floor Area (Non-domestic)	About 637.6 m ²
No. and Height of Structures	8 • for open sheds, site offices, storeroom and toilet (3 – 5m, 1 storey)
No. of Parking Spaces	4 (for private cars) (5m x 2.5m each)
No. of L/UL Space	1 (for LGV) (7m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 p.m. daily

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 15.10.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 24.11.2025 (**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 (**Appendices I and Ia**). They can be summarised as follows:

- (a) the Site is the subject of two previous planning permissions for the same temporary shop and services (motor-vehicle showroom) use. The current proposal is the same as the last application (No. A/YL-TYST/1188) and all the time-limited approval conditions of the last application have been complied with;
- (b) the temporary use under application would not jeopardise the long-term planning intention of the “V” zone;
- (c) the applied use is not incompatible with the surrounding areas;
- (d) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”);

- (e) septic tank and soakaway system will be provided in accordance with the requirements set out in the Practice Note for Professional Persons (ProPECC) PN 1/23; and
- (f) there will be no adverse traffic, visual, environmental, noise, drainage and fire safety impacts arising from the applied use.

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 publishing notices in local newspapers and sending notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

The Site was involved in two previous applications (No. A/YL-TYST/912 and 1188) for temporary shop and services (motor-vehicle showroom) use, which were approved with conditions each for a period of three years by the Committee in 2018 and 2022 respectively, mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone; and the concerns of relevant government departments could be addressed by implementation of approval conditions. All the time-limited approval conditions under the last application (No. A/YL-TYST/1188) have been complied with and the planning permission is valid until 9.12.2025. Details of the previous application are summarised in **Appendix III** and the boundary of the sites is shown on **Plan A-1**.

7. Similar Applications

There are 10 similar planning applications (No. A/YL-TYST/998, 1043, 1113, 1115, 1134, 1219, 1222, 1228, 1251 and 1328) involving eight sites for temporary shop and services uses with/without other uses within/straddling the subject “V” zone in the past

five years. All the applications were approved by the Committee each for a period of three years mainly on similar considerations as those mentioned in paragraph 6 above. Details of these similar applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently occupied by the applied use with valid planning permission (**Plans A-2 to A-4**).

8.2 The surrounding areas comprise predominantly village houses of Shan Ha Tsuen and residential structures intermixed with open storage/storage yards, warehouses, parking of vehicles, a Tsz Tong, public toilet, unused land and vacant land/structures (**Plans A-2 and A-3**).

9. 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 (SHs) by indigenous villagers. It is also intended to concentrate village type development within the 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.

10. 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 are provided in **Appendices IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 24.10.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary shop and services (motor-vehicle showroom) for a period of three years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of

the “V” zone, according to the District Lands Officer/Yuen Long of Lands Department, there is currently no SH application under processing/approved at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.

- 12.2 The surrounding areas comprise predominantly village houses of Shan Ha Tsuen and residential structures intermixed with open storage/storage yards, warehouses, parking of vehicles, a Tsz Tong, public toilet, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/1188; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 Other concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, 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 traffic, environmental, fire safety and drainage aspects respectively. Furthermore, relevant approval conditions are recommended in paragraph 13.2 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 relevant environmental mitigation measures in the latest “Code of Practice” to minimise possible environmental nuisance on the surrounding areas.
- 12.5 Two previous approvals for the same use have been granted to the Site in 2018 and 2022 respectively and 10 similar applications within/straddling the subject “V” zone have been approved in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the application.
- 13.2 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 and be renewed from 10.12.2025 to 9.12.2028. 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 commencement of the renewed planning

approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.3.2026;

- (c) 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
- (d) if the above planning condition (b) 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**.

- 13.3 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 "V" zone which 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 15.10.2025
Appendix Ia	FI received on 24.11.2025
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**