

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/435

<u>Applicant</u>	:	夏佩娟
<u>Site</u>	:	Lots 377 (Part), 378 (Part), 380 (Part), 387 (Part), 388 (Part) in D.D. 112, Lin Fa Tei, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 1,085.22 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/10 <i>(currently in force)</i> Approved Shek Kong OZP No. S/YL-SK/9 <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 (Motor-vehicle Showroom) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (motor-vehicle showroom) with ancillary facilities and associated filling of land 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’ (being not on the ground floor of a New Territories Exempted House (NTEH)), which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by some vacant temporary structures and a structure for storage of motor vehicles and some miscellaneous items without valid planning permission (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track. According to the applicant, the proposed use involves ten single-storey structures (not more than 2.7m in height) with

a total floor area of about 512.66m² for shop and services use (motor-vehicle showroom for display of about 10 new and/or second-hand private cars at maximum), ancillary offices, storerooms, and shelters for staff and visitors (**Drawing A-1**). Two private car parking spaces and two light goods vehicle parking spaces will be provided at the Site for visitors. Spaces for car display will be accommodated within the showroom structures. No storage of dangerous goods and no car washing, car cleansing, paint-spraying, repairing, dismantling or other workshop activities will be allowed or carried out at the Site at all times. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container vehicles/tractors, or vehicles without valid license are allowed to enter/exit or to be parked at the Site at all times. The applicant also applies for regularisation of the associated filling of land for the entire Site with asphalt of about 0.1m in depth (up to a level ranging from +21.1mPD to +21.4mPD) for site formation and circulation of vehicles to meet operational need (**Drawing A-2**). No further land filling will be carried out at the Site. The operation hours will be between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. It is estimated that there will be a maximum of 10 visitors during weekdays and about 20 visitors on Saturdays. Also, there will be about six staff members working on site per operation day. The plans showing the site layout and land filling area submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 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 2.10.2025 and 8.10.2025
- (b) Further Information (FI) received on 14.11.2025 @ (**Appendix Ia**)
- (c) FI received on 21.1.2026 @ (**Appendix Ib**)
- (d) FI received on 3.3.2026 @ (**Appendix Ic**)
- (e) FI received on 20.4.2026 # (**Appendix Id**)
- (f) FI received on 20.5.2026 # (**Appendix Ie**)
- (g) FI received on 28.5.2026 # (**Appendix If**)

@ *accepted but not exempted from publication and recounting requirements*

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1.4 On 9.1.2026 and 17.4.2026, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's requests to defer making a decision on the application for two months each.

2. **Justifications from the Applicant**

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

- (a) The proposed motor-vehicle showroom at the Site will serve the needs of the nearby residents, including those living in Lin Fa Tei, Lotus Hill, Hoi Tong Garden, etc. The temporary nature of the proposed use at the Site would not jeopardise the long-term planning intention of the “V” zone. The application is also intended to regularise the current land filling at the Site. No further land filling will be carried out at the Site upon obtaining the planning approval.
- (b) The proposed use will not induce adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. In support of the application, the applicant has submitted a drainage proposal. The applicant also commits to removing the existing unauthorised structures and submitting Short Term Waiver (STW) applications to the Lands Department (LandsD) for permitting the structure(s) erected for the proposed use upon approval of the current application.

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

The applicant is not a ‘current land owner’ of the Site 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 the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

4. **Background**

The Site is currently not subject to any active planning enforcement action.

5. **Previous Application**

The Site is not involved in any previous application.

6. **Similar Applications**

There are three similar applications (No. A/YL-SK/405, 409 and 411) for temporary shop and services use with associated filling of land (one of which also involved public vehicle park) within the same “V” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee in 2025, mainly on the considerations that the approval of the application on temporary basis would not jeopardise the long-term planning intention of “V” zone; the applied/proposed use was not incompatible with the surrounding environment; and the relevant government departments consulted generally had no adverse comment on the application and/or that their concerns could be addressed by approval conditions. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible via a local track from Kam Sheung Road; and
- (b) currently hard-paved and occupied by some vacant temporary structures and a structure for storage of motor vehicles and some miscellaneous items without valid planning permission.

7.2 The surrounding areas are rural in character with mainly low-rise residential developments including the Lotus Hill, scattered residential structures, a public vehicle park (with valid planning permission), an animal boarding and dog training facilities (with valid planning permission), fallow agricultural land and vacant land.

8. **Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 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**

9.1 Apart from the government department as set out in paragraph 9.2 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, if any, are provided in **Appendices III** and **IV** respectively.

9.2 The following government department objects to the application:

Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lot Nos. 377, 378, 380, 387, 388 all in D.D. 112 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) the following irregularities covered by the subject planning application have been detected by his office:

Unauthorised structure(s) within the said private lot(s) covered by the planning application

- (i) there is/are unauthorised structure(s) and uses on Lot Nos. 380 and 387 both in D.D. 112 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 his office.

- (c) the following irregularities not covered by the subject planning application have been detected by his office:

Unauthorised structure(s) within the said private lot(s) not covered by the planning application

- (i) there are unauthorised structures on Lot Nos. 380, 387, 388 all in D.D. 112 which are not covered by the subject planning application. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (d) unless and until the unauthorised structure(s) are duly rectified by the lot owner(s)/applicant or entirely included in the subject planning application, his office objects to the application;
- (e) there is no Small House (SH) application approved or under processing at the Site; and
- (f) advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 10.10.2025, 21.11.2025, 30.1.2026 and 10.3.2026, the application and FIs were published for public inspections. During the statutory public inspection periods, two public comments were received from two individuals objecting to the application mainly on the grounds that the proposed use at the Site would bring potential adverse impacts on drainage, sewerage, as well as road safety issues as the access road is narrow; and the proposed use could only bring along minimal positive impact on the local economy. One individual also questions if planning enforcement action has been taken for the current use at the Site (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (motor-vehicle showroom) with ancillary facilities and associated filling of land for a period of three years at the Site zoned “V” (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “V” zone, according to the applicant, it is intended to serve nearby locals. Besides, DLO/YL, LandsD advises that there is no SH application approved or under processing at the Site. The proposed use of temporary nature would not adversely affect the land availability for NTEH/SH development 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 use with associated filling of land on a temporary basis of three years.
- 11.2 Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department, who also considers the submitted drainage proposal acceptable, and Director of Environmental Protection have no objection to the application from drainage and environment planning perspectives respectively.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with mainly low-rise residential developments, scattered residential structures, a public vehicle park (with valid planning permission), an animal boarding and dog training facilities (with valid planning permission), fallow agricultural land and vacant land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Regarding DLO/YL, LandsD’s concerns on the unauthorised structures on the concerned lots of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to applying for STW to rectify the lease breaches upon approval of the current application. Other concerned government departments consulted, including the Commissioner for Transport 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 latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 There are three approved similar applications 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 decisions.
- 11.6 For the public comments as mentioned in paragraph 10 above, the background mentioned in paragraph 4, departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments 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 5.6.2029. The following conditions of approval and advisory clauses are also 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 5.3.2027;
- (b) in relation to (a) above, the implemented drainage facilities on the Site 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 5.12.2026;
- (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 5.3.2027;
- (e) if the above planning condition (b) 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 condition (a), (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 use with associated filling of land is 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 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 and SI received on 2.10.2025 and 8.10.2025
Appendix Ia	FI received on 14.11.2025
Appendix Ib	FI received on 21.1.2026
Appendix Ic	FI received on 3.3.2026
Appendix Id	FI received on 20.4.2026
Appendix Ie	FI received on 20.5.2026
Appendix If	FI received on 28.5.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JUNE 2026**