

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/577

<u>Applicant</u>	: Autoplus Spare Parts Co. Limited represented by Allgain Land Planning Limited
<u>Site</u>	: Lot 433 RP (Part) in D.D. 95 and Adjoining Government Land (GL), Kwu Tung South, Sheung Shui
<u>Site Area</u>	: About 240m ² (including GL of about 25m ² (about 10.42%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/22
<u>Zonings</u>	: “Government, Institution or Community” (“G/IC”) (about 92.8%) and area shown as ‘Road’ (about 7.2%)
<u>Application</u>	: Proposed Temporary Shop and Services for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site), which falls within an area mainly zoned “G/IC” (about 92.8% of the Site) and partly shown as ‘Road’ (about 7.2% of the Site) on the OZP (**Plan A-1**). According to the Notes of the OZP for the “G/IC” zone, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board), and all uses or developments except those specified in the covering Notes of the OZP in area shown as ‘Road’ also require planning permission from the Board. The Site is currently vacant, fenced-off and hard-paved without any tree (**Plan A-4**).
- 1.2 The Site is accessible from Kwu Tung Road via Kwu Tung South Road (**Plans A-2 to A-4**), with a proposed ingress/egress of about 5m wide at the north-western corner of the Site. According to the applicant, the proposed use involves one two-storey structure (not exceeding 7m in height) with a total floor area of about 230m² (**Drawing A-1**) for a grocery store or a real estate agency to serve the nearby

residents. No parking or loading/unloading (L/UL) space will be provided within the Site and the L/UL activities for goods will take place at the L/UL area at the nearby Kwu Tung Market Shopping Centre (**Plan A-2**) and the goods will be delivered to the shop by trolleys one to two times a week. Besides, the staff and visitors are expected to access the Site on foot and/or via public transport. The proposed use will involve two to four staff and they will not stay overnight at the Site. No open storage, eateries or workshop activities will be operated and no public announcement system or loudspeakers will be used at the Site at all times. No toilet will be provided at the Site, and the staff/customers can use the nearby public toilet which is at a distance of about 4-minute walk. The operation hours will be between 9:00 a.m. and 6:00 p.m. daily, including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (Appendix I)
11.5.2026
- (b) Further Information (FI) received on 3.7.2026* (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 Application Form and FI at **Appendices I and Ia**, and can be summarised below:

- (a) The proposed use on a temporary basis for a period of three years will not jeopardise the long-term planning intention of the Site. The applicant is committed to observing relevant regulations as imposed by the Government and to reinstating the Site upon expiry of the planning permission.
- (b) The proposed use, intended for grocery store or real estate agency to serve the nearby residents, comprises only a two-storey temporary structure which is small in scale. The proposed use would not cause any adverse environment, traffic, landscape and visual impacts on the surrounding areas. No illuminated signs, loudspeakers and commercial promotion activities will be allowed at the Site.
- (c) The Site is not served with vehicular access, and the staff and visitors are expected to access the Site on foot and/or via public transport.
- (d) L/UL activities will take place at the L/UL area at the nearby Kwu Tung Market Shopping Centre. Staff members would use trolleys to transport goods to the Site with a walking distance of about three to four minutes.
- (e) The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Use and Open Storage Sites' ('CoP') issued by the Environmental Protection Department and implement the mitigation measures required to minimize adverse environmental impacts and nuisance to the

surrounding areas. The applicant will also strictly follow all necessary requirements to ensure good hygienic conditions at the Site.

- (f) Upon approval of the application, the applicant will take appropriate follow-up actions including submission of applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department (LandsD) as appropriate for implementing the proposed 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 posting site notice and sending notice to the Sheung Shui Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Background

- 4.1 The Site is currently not subject to any active planning enforcement action.
- 4.2 The subject “G/IC” zone was first designated on the draft Kwu Tung South Development Permission Area Plan No. DPA/NE-KTS/1 gazetted on 12.7.1991 and since then, there has not been any planned government, institution or community (GIC) use for the Site.

5. Previous Application

There is no previous application involving the Site.

6. Similar Application

There is no similar application within the same “G/IC” zone in the vicinity of the Site in the past five years.

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

- 7.1 The Site is:
 - (a) currently vacant, fenced off and hard-paved without any tree; and
 - (b) accessible from Kwu Tung Road via Kwu Tung South Road.

- 7.2 The immediate surroundings to the east, south and west are rural in character with an intermix of residential dwellings, workshop, parking of vehicles, office, temporary structures and unused land. To the immediate north is the Tung Koon District General Association (San Tin Koo Tung Branch) and across Kwu Tung Road to the further north and northeast are Kwu Tung Market Shopping Centre and Lady Ho Tung Welfare Centre Eco-Learn Institute within another “G/IC” zone, and low-rise residential development namely Valais within the “Residential (Group C)2” (“R(C)2”) zone respectively. To the further east is another low-rise residential development namely Eden Place within the “R(C)2” zone (**Plan A-2**).

8. Planning Intentions

- 8.1 The planning intention of the “G/IC” zone is primarily for the provision of GIC 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, organizations providing social services to meet community needs, and other institutional establishments.
- 8.2 The area shown as ‘Road’ on the OZP is intended to reflect the existing Kwu Tung South Road.

9. Comments from Relevant Government Bureau/Departments

Relevant 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 II and III** respectively.

10. Public Comments Received During Statutory Publication Period

On 19.5.2026, the application was published for public inspection. During the statutory public inspection period, two comments were received, including one from a North District Council Member indicating no comment and one from an individual objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “G/IC” zone, and that a sink with running water should be provided at the proposed use to ensure minimal hygiene conditions for the selling of food and drinks (**Appendix IV**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services for a period of three years at the Site mainly zoned “G/IC” (about 92.8%) with a minor portion within an area shown as ‘Road’ (about 7.2%) (**Plan A-1**). Whilst the proposed use is not

in line with the planning intention of the “G/IC” zone, there has not been any planned GIC use for the Site. As regard the area shown as ‘Road’, the proposed use would not affect any existing road. The Commissioner for Transport and Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) have no comment on the application and CHE/NTE, HyD also advises that there is no planned road project involving the Site. Besides, according to the applicant, the proposed use (a grocery store or a real estate agency) is intended to serve the nearby locals. Taking into account the above and the planning assessments below, it is considered that approval of the application on a temporary basis would not jeopardise the long-term planning intentions of the Site and there is no objection to the proposed use on a temporary basis of three years.

- 11.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of residential dwellings, workshop, parking of vehicles, office, temporary structures and unused land to the immediate east, south and west, as well as various GIC uses and low-rise residential developments to the north and east as detailed in paragraph 7.2 above.
- 11.3 Relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Environmental Protection, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘CoP’ to minimise possible environmental nuisance generated by the proposed use on the surrounding areas. The applicant also commits to submitting to LandsD the relevant STW and STT applications upon approval of the planning application.
- 11.4 Regarding the objecting public comment mentioned in paragraph 10, the 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, the Planning Department 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 10.7.2029. The following approval conditions 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 10.1.2027;

- (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 10.4.2027;
- (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 10.1.2027;
- (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 10.4.2027;
- (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 attached 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 proposed use is not in line with the planning intention of the "Government, Institution or Community" zone which 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. There is no strong planning justification in the submission for a departure from such 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 11.5.2026
Appendix Ia	FI received on 3.7.2026
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2026**