

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1215

<u>Applicant</u>	: Mr. TANG Pak Kiu
<u>Site</u>	: Lots 129 RP and 134 (Part) in D.D. 110, Kam Tin North, Yuen Long
<u>Site Area</u>	: About 1,817.4m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Residential (Group C)2” (“R(C)2”) <i>[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]</i>
<u>Application</u>	: Proposed Temporary Shop and Services (Vehicle Showroom) with Ancillary Facilities for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (vehicle showroom) with ancillary facilities for a period of five years at the application site (the Site), which falls within an area zoned “R(C)2” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(C)2” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off, erected with some temporary structures and used for storage yard without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Tai Road via a local track (**Plans A-1 to A-4**). According to the applicant, the proposed use involves an outdoor area for display of not more than 15 vehicles (including private cars and light goods vehicles (LGVs) of not more than 5.5 tonnes), and two single-storey structures with height of not more than 4m and a total floor area of about 142m² for vehicle showroom, ancillary office and storage uses (**Drawing A-1**). Five parking spaces, including three for private cars and two for LGVs, will be provided at the Site and prior registration is required for customers who intend to drive to the Site. Peripheral fencing of 2m in height is erected along the site boundary on all sides. No open storage of vehicle parts, car washing, repairing, dismantling, paint spraying or other workshop activities will be involved and no loudspeaker or amplifier will be used at the Site at all times. The operation hours will be between 8:00 a.m.

and 10:00 p.m. daily, including 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 3.3.2026 (**Appendix I**) and 10.3.2026
 - (b) Further Information (FI) received on 2.6.2026* (**Appendix Ia**)
 - (c) FI received on 17.6.2026* (**Appendix Ib**)
- * accepted and exempted from publication and recounting requirements*
- 1.4 On 17.4.2026, 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 FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) the proposed use is mainly intended to display second-hand vehicles (including private cars and van-type LGVs of not more than 5.5 tonnes) for sale. The temporary nature of the application will not frustrate the long-term planning intention of the “R(C)2” zone; and
- (b) the proposed use is not incompatible with the surrounding areas, and no tree felling will be involved. Also, sufficient space is provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse environmental and traffic impacts are not anticipated. In support of the current application, the applicant has submitted a run-in/out proposal.

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

The applicant is not a ‘current land owner’ but has complied with the requirement 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 Members’ inspection.

4. Background

Part of the Site is currently subject to an active planning enforcement action (No. E/YL-KTN/756) against unauthorized development (UD) involving use for place for parking of vehicles (**Plan A-2**). Enforcement Notice was issued on 24.3.2026 requiring discontinuation of the UD by 24.6.2026. Site inspection on 26.6.2026 revealed that the

Site was generally vacant. The Site is currently under monitoring according to established procedures.

5. **Previous Application**

There is no previous application involving the Site.

6. **Similar Applications**

There are two similar applications (No. A/YL-KTN/784 and 942) for temporary shop and services (with the latter one also involved eating place and filling of land) covering the same site straddling the same “R(C)2” zone and the adjoining “Open Space” zone¹ in the vicinity of the Site in the past five years. The applications were approved with conditions by the Committee in 2021 and 2023 respectively, each for a period of three years, mainly on the considerations that the proposed use(s) on a temporary basis would not jeopardise the long-term planning intention of the respective zones; the proposed use(s) were not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns and public comments, if any, could be addressed by approval conditions. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kam Tai Road via a local track; and
- (b) currently hard-paved, fenced-off, erected with some temporary structures and used for storage yard without valid planning permission.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, residential dwellings, grassland and vacant land. To further east and south of the Site are a low-rise residential development namely Seasons Villas (四季雅苑) and the village settlement of Shek Kong San Tsuen respectively (**Plans A-1** and **A-3**). To the north of the Site across Kam Tai Road is Kam Tin North River (**Plans A-1** to **A-3**).

8. **Planning Intention**

The planning intention of the “R(C)2” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

¹ The sites of applications No. A/YL-KTN/784 and 942 also involved a minor portion of area zoned “Agriculture” on the Pat Heung OZP.

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 III and IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 13.3.2026, the application was published for public inspection. During the statutory public inspection period, 20 public comments in three standard letter formats were received from individuals objecting to the application mainly on the grounds that the Site involves suspected UD for parking of heavy vehicles; the Site is too close to the existing residential dwellings; and the proposed use may induce adverse fire safety, drainage, traffic and environmental impacts on the surrounding areas (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (vehicle showroom) with ancillary facilities for a period of five years at the Site zoned “R(C)2” on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the “R(C)2” zone. Nonetheless, 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(C)2” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of five years.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, residential dwellings, grassland and vacant land, and the low-rise residential development and major village settlement are located to the further east and south. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.3 Other relevant government departments consulted, including the Commissioner for Transport and Chief Highway Engineer/New Territories West of Highways Department, who also consider the submitted run-in/out proposal acceptable, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Fire Services 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 ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.

- 11.4 There are two approved similar applications involving temporary shop and services on a site straddling the same “R(C)2” zone and other zones 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.
- 11.5 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Besides, any UD at the Site would be subject to planning enforcement action.

12. Planning Department’s View

- 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 five years until 24.7.2031. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 24.4.2027;
- (b) 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 24.1.2027;
- (c) in relation to (b) 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 24.4.2027;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 24.1.2027;
- (f) in relation to (e) 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 24.4.2027;
- (g) if the above planning condition (d) 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

- (h) if any of the above planning condition (a), (b), (c), (e) or (f) 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 is not in line with the planning intention of the "R(C)2" zone which is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. 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 3.3.2026 and 10.3.2026
Appendix Ia	FI received on 2.6.2026
Appendix Ib	FI received on 17.6.2026
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
Plan A-1	Location plan
Plan A-2	Site plan

Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2026**