

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/463

<u>Applicant</u>	:	D.S. Motor Services
<u>Site</u>	:	Lot 1069 S.A RP (Part) in D.D. 106, Shek Kong, Yuen Long
<u>Site Area</u>	:	About 531m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/11
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Vehicle Repair Workshop and Open Storage of Vehicles and Vehicle Parts and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle repair workshop and open storage of vehicles and vehicle parts and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently fenced-off, hard-paved and occupied by the applied uses without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Shui South Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied uses comprise a single-storey temporary structure with a floor area of about 250m² and a height of about 5.5m for vehicle repair workshop, and an open area of about 281m² (about 53% of the Site) for open storage of vehicles and vehicle parts, parking of vehicles and circulation area. Seven parking spaces, including five for private car and two for light goods vehicle (LGV), are provided within the Site. Only private cars/LGVs not exceeding 5.5 tonnes are allowed to park/store on or enter/exit the Site (**Drawing A-1**). No more than 10 vehicles in total will be parked/stored/under maintenance within the Site at the same time, and sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will turn back onto the local access. No vehicle dismantling, material-breaking and paint spraying activities will be carried out within the Site, and no vehicle repair works will be carried

out at the open area of the Site at all times. A metal fencing of 5m in height has been erected along the site boundary to minimise potential nuisance to the surroundings. The operation hours are between 9:00 a.m. and 7:00 p.m. on Mondays to Fridays and between 10:00 a.m. and 7:00 p.m. on Saturdays, with no operation on Sunday and public holidays. The applicant also applies for regularisation of filling of land for the entire site with concrete of about 0.1m in depth to provide a solid and flat surface for erection of structure and vehicular circulation. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of a previous application (No. A/YL-SK/381) submitted by the same applicant for the same uses to facilitate the relocation of the applicant's business operation affected by the Second Phase of Yuen Long South Development (YLSO) which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024 for a period of three years. The planning permission was subsequently revoked in 2026 due to non-compliance with the time-limited approval conditions (details in paragraph 6 below) (**Plan A-1**). According to the applicant, the applied uses have been in place at the Site since March 2025 and the current application seeks to continue the same business operation at the Site. As compared with the previous application, the current application involves an increase in floor area from 156m² to 250m² (+94m² or +60%) and site coverage from 156m² / 29% to 250m² / 47% (+94m² or +18%), and consequential changes in the site layout.

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

- (a) Application Form with attachments received on 27.7.2026 (**Appendix I**)
- (b) Further Information (FI) received on 26.8.2026 * (**Appendix Ia**)
- (c) FI received on 2.9.2026 * (**Appendix Ib**)
- (d) FI received on 15.9.2026 * (**Appendix Ic**)

** 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 FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The vehicle repair workshop with three maintenance racks provides services such as engine and mechanical repairs, replace of engine oil, coolants and other vehicle spare parts, etc. Only one car will be repaired under the temporary structure for vehicle repair workshop use at a time due to manpower constraint and prior appointment has to be made. No more than 10 vehicles in total will be parked/stored/under maintenance within the Site at the same time, while sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will turn back onto the local access.
- (b) The Site falls within Category 2 areas under the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" (TPB PG-No. 13G).

- (c) The Site is subject to a previous application No. A/YL-SK/381 which was approved with conditions by the Committee in 2024 for the same uses in support of the relocation of the applicant's business operation of vehicle repair workshop and open storage of vehicles and vehicle parts affected by the Second Phase of YLSD. The applicant has complied with the approval conditions in relation to the provision of fire extinguisher(s) with a valid fire certificate, as well as the submission and implementation of fire service installations (FSIs) proposal under the last planning permission. The applicant has already relocated their business to the Site and the applied uses have been in place since March 2025.
- (d) As compared with application No. A/YL-SK/381, there are no changes in terms of the applied uses and site area, but increases in floor area and site coverage of the structure for vehicle repair workshop so as to provide more sheltered spaces for meeting the operation needs, enhancing working environment and storing new machineries and vehicle repair tools.
- (e) The applied uses will not induce adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas. The applicant will also follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP') issued by the Environmental Protection Department and relevant environmental protection/pollution control ordinances to minimise potential nuisance to the surrounding areas. The applicant has submitted drainage and FSIs proposals in support of the current application and commits to complying with all relevant approval conditions should the current application be approved.

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 obtaining consent of the 'current land owner'. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 2 areas under TPB PG-No. 13G and the relevant extracts of which are at **Appendix II**.

5. Background

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

6. Previous Application

The Site is the subject of a previous application (No. A/YL-SK/381) for the same use submitted by the same applicant as the current application. The previous application was approved with conditions by the Committee in 2024 for a period of three years, mainly on the considerations that policy support from the Secretary for Development (SDEV) was given to facilitate the

relocation of business operation displaced by government project; temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed uses were not incompatible with the surroundings; the application was generally in line with TPB PG-No. 13G; and relevant government bureau/departments consulted generally had no adverse comment and/or that their concerns and public comments could be addressed by approval conditions. The planning permission was subsequently revoked in 2026 due to non-compliance with the time-limited approval conditions related to the submission and implementation of drainage proposal. Compared with the last approved application, the current application involves changes in development parameters and site layout as set out in paragraph 1.3 above. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

While there is no similar application for vehicle repair workshop use within the same “AGR” zone in the past five years, there are six similar applications (No. A/YL-SK/350, 369, 371, 384, 395 and 426) for temporary open storage use within the same “AGR” zone in the vicinity of the Site in the past five years, and five of them involved filling of land and/or pond. All these similar applications were approved with conditions by the Committee between 2024 and 2026 mainly on the similar considerations mentioned in paragraph 6 above. Details of the similar applications are summarised at **Appendix III** and their locations 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 Kam Shui South Road via a local track; and
- (b) currently fenced-off, hard-paved and occupied by the applied uses without valid planning permission.

8.2 The surrounding areas are rural in character with mainly village settlements of Kam Tsin Wai, low-rise residential dwellings including The Scenicwoods and 錦江別墅, storage yard at the adjoining “Industrial (Group D)” zone, plant nursery, a nullah, tree clusters and vacant land (**Plans A-2 and A-3**).

9. Planning Intention

9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

10. Comments from Relevant Government Bureau and Departments

10.1 Apart from the government bureau and department as set out in paragraphs 10.2 and 10.3 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 IV and V** respectively.

10.2 The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate the relocation of brownfield operation which is affected by YLSD;
- (b) it is noted that the current application is a subsequent case of application No. A/YL-SK/381, submitted by the same applicant at the same location and the same site area; and
- (c) subject to no adverse comment on land use compatibility and technical aspects from concerned departments, their policy support on the previous application No. A/YL-SK/381 is still valid and is applicable to the current application.

10.3 The following government department does not support the application:

Agriculture and Nature Conservation

10.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) no comment on the planning application from nature conservation perspective as the majority of the Site has been paved; and
- (c) the Site falls within the “AGR” zone and is generally vacant with some sundries. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

11. Public Comment Received During Statutory Publication Period

On 4.8.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual providing views that the current mechanism with subsequent approval(s) after revocation allows the applicant to operate at the Site without having any pressure to timely comply with the approval conditions (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary vehicle repair workshop and open storage of vehicles and vehicle parts and regularisation of associated filling of land for a period of three years at the Site, which falls within an area zoned “AGR” (**Plan A-1**). Whilst the applied uses are not in line with the planning intention of “AGR” zone and DAFC does not support the application from agricultural perspective, according to the applicant, the current application seeks to continue the applied uses approved under the previous application (No. A/YL-SK/381) with SDEV’s policy support in facilitating the relocation of brownfield operators displaced by government project (i.e. Second Phase of YLSD). Taking into account the above and the planning assessments below, there is no objection to the applied uses with associated filling of land on a temporary basis for a period of three years.
- 12.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no in-principle objection to the application from public drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.3 The applied uses are considered not incompatible with the surrounding areas which are rural in character comprising mainly village settlements of Kam Tsin Wai, residential dwellings, storage yards, plant nursery, a nullah, tree clusters and vacant land (**Plans A-2 and A-3**). 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 applied uses are not entirely incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied uses is not anticipated.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that, except DAFC, other relevant government bureau/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 13.2 below. It is also recommended to advise the applicant to follow the latest ‘CoP’ to minimise any potential environmental nuisance caused by the applied uses.
- 12.5 The Site is subject of an approved previous application No. A/YL-SK/381 for the same applied uses at the same site submitted by the same applicant as mentioned in paragraph 6 above. Whilst the planning permission under the previous application was revoked in 2026 due to non-compliance with approval conditions related to the submission and implementation of drainage proposal, the applicant has submitted a drainage proposal, of which CE/MN, DSD has no adverse comment on, and a latest FSIs proposal reflecting the current layout in support of the current application. The applicant also commits to complying with all relevant approval conditions upon approval of the current application. In this regard, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should he fail to

comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 12.6 There are six approved similar applications for temporary open storage (without vehicle repair workshop) use within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment mentioned in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, PlanD 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 until 25.9.2029. 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 25.6.2027;
- (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 revised 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 25.3.2027;
- (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 25.6.2027;
- (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;
- (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; and
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

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 uses with associated filling of land are not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification 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 27.7.2026
Appendix Ia	FI received on 26.8.2026
Appendix Ib	FI received on 2.9.2026
Appendix Ic	FI received on 15.9.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
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
SEPTEMBER 2026**