

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1213

- Applicant** : Ms. KONG Pui Shan represented by M&D Planning and Construction Consultant Limited
- Site** : Lot 331 RP in D.D. 128 and adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 635m² (including GL of about 143m² (about 22.5%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Vehicle Repair Workshop with Ancillary 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 with ancillary 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 or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). According to the Notes of the OZP for the “AGR” zone, filling of land also requires planning permission from the Board. The Site is currently formed/hard-paved and occupied for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress located at the western part of the Site (**Drawing A-2 and Plan A-3**). As shown on the layout plan (**Drawing A-1**), two single-storey structures (about 3 to 6m in height) with a total floor area of about 223m² will be erected for vehicle repair workshop and portable toilets. Besides, an area of about 140m² (22% of the Site) is designated for ancillary open storage of vehicles and vehicle parts. The remaining areas are mainly for vehicular circulation purpose. Two private car parking spaces (5m x 2.5m each) for staff and a loading/unloading space for

light goods vehicle (7m x 3.5m) are proposed at the Site. The applicant also seeks regularisation of the filling of land with gravel and lightweight concrete at a depth of 0.2m to 1.5m, which has already been undertaken within the entire Site. The layout plan, vehicular access plan and land filling plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 According to the applicant, the operation hours of the applied use are between 9 a.m. and 6 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The use of vehicles exceeding 5.5 tonnes will not be involved. A traffic warden will be deployed to manage and direct vehicles within the Site. No activities involving melting, paint spraying and handling of dangerous goods will be carried out at the Site. Besides, fencing of not more than 3m in height will be erected along the entire site boundary. “No-build zones” will also be designated within the Site to avoid adverse geotechnical impacts (**Drawing A-1**).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 31.8.2026 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 2.9.2026 (**Appendix Ia**)
 - (c) Further Information (FI) received on 14.10.2026* (**Appendix Ib**)

**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, SI and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the applied use is temporary in nature for a period of three years and will not frustrate the long-term planning intention of the “AGR” zone;
- (b) similar applications have been approved in the vicinity of the Site; and
- (c) no adverse traffic, drainage, environmental, visual, landscape and fire safety impacts are anticipated.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, 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) are not applicable.

4. Background

The Site is currently subject to planning enforcement action against an unauthorized development (UD) involving storage use and use for place for parking of vehicles (No. E/YL-HTF/968) (**Plan A-2**). Enforcement Notice (EN) was issued on 26.1.2026 requiring discontinuation of the UD and Compliance Notice in respect of the EN was issued on 31.8.2026. Reinstatement Notice (RN) was subsequently issued on the same day requiring reinstatement of the concerned land. If the RN is not complied with, prosecution action would be considered.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application involving vehicle repair workshop use within the “AGR” zone on the OZP in the last five years.

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

7.1 The Site is:

- (a) accessible from Deep Bay Road via a local track;
- (b) currently formed/hard-paved and occupied for the applied use without valid planning permission; and
- (c) located within the Ngau Hom Shek Site of Archaeological Interest (SAI).

7.2 The surrounding areas are rural in character predominated by vacant/unused land, scattered residential dwellings, as well as open storage, warehouse and parking of vehicles uses within the subject “AGR” zone and the “Coastal Protection Area” (“CPA”) zone across Deep Bay Road to the north. The permitted burial ground No. YL/57 is located to the south mainly within the “Green Belt” (“GB”) zone.

8. Planning Intention

8.1 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.

8.2 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.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau/departments 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 are provided in **Appendices II and III** respectively.

9.2 The following government departments object to/do not support the application:

Land Administration

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

- (a) he has objection to the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lot(s) 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;
- (c) no permission is given for occupation of GL (about 143m² subject to verification) included in the Site. Any occupation of GL without the Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (d) as the pre-clearance survey for the project "Roads (Works, Use and Compensation) Ordinance (Cap. 370) Public Works Programme Item No. 6878TH (Part) Upgrading of Deep Bay Road (Clearance No. YLL806)" has been conducted for the Site, his office will not process either regularisation or new applications for Short Term Waiver/Short Term Tenancy in this case;
- (e) LandsD has reservation on the planning application since there is/are unauthorized structure(s) on Lot 331 RP in D.D. 128 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify the lease breaches as demanded by LandsD; and
- (f) the applicant should note his advisory comments at **Appendix III**.

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and is generally vacant with some structures. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries etc. As the Site possesses potential for agricultural rehabilitation, the applied use is not supported from agricultural perspective;
- (b) he has no adverse comment on the application from nature conservation perspective; and
- (c) the applicant should note his advisory comments at **Appendix III**.

9.3 The following government bureau provides comment on the application:

Archaeological Aspect

9.3.1 Comments of the Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (CHE(AM), AMO, DEVB):

- (a) the Site is situated within the Ngau Hom Shek SAI. The applicant has confirmed that 500mm U-channels and catchpits may be proposed if drainage facilities are required for the applied use. In view of the potential impact on the SAI arising from the proposed drainage works, relevant approval conditions requiring the applicant to (i) submit a drainage proposal and (ii) implement and maintain the proposed drainage facilities to the satisfaction of the Director of Drainage Services and CHE(AM) of AMO should be incorporated should the application be approved; and
- (b) the applicant should note her advisory comments at **Appendix III**.

10. Public Comments Received During the Statutory Publication Period

On 4.9.2026, the application was published for public inspection. During the statutory public inspection period, two comments from World Wide Fund for Nature Hong Kong and an individual were received (**Appendix IV**). They express concerns about/object to the application mainly on grounds that there is no previous planning approval at the Site; regularisation of UD's through planning approval should not be encouraged; and the brownfield operation at the Site may cause adverse environmental impacts.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary vehicle repair workshop with ancillary open storage of vehicles and vehicle parts and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP (**Plan A-1**). While the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the Project Manager (West) of Civil Engineering and Development Department (CEDD) advises that the Site falls within the study area of Lau Fau Shan Development in which the implementation and land resumption/clearance programme is currently being reviewed under the relevant investigation study and subject to change. Should the application be approved, the applicant should be reminded that the Site may be resumed by the Government at any time during the planning approval period for potential development project and be advised not to carry out any substantial works therein. Taking into consideration the planning assessments below, there is no objection to the application on a temporary basis for a period of three years.
- 11.2 The applicant also seeks regularisation of the land filling works with gravel and lightweight concrete at a depth of 0.2m to 1.5m for the entire Site. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North, Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental 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 in paragraph 12.2 below should the Committee decide to approve the application.
- 11.3 The Site is located in an area predominated by vacant/unused land, scattered residential dwellings, as well as open storage, warehouse and parking of vehicles uses. The applied use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 11.4 Other concerned government bureau/departments consulted including the Commissioner for Transport, Director of Fire Services and Head of Geotechnical Engineering Office, CEDD have no objection to or no adverse comment on the application from traffic, fire safety and geotechnical perspectives respectively. The technical requirements of the concerned government bureau/departments could be addressed by implementation of approval conditions as recommended in paragraph 12.2 below. To minimise any possible environmental nuisance on the surrounding areas, the applicant will also be advised to adopt the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ should the application be approved.

- 11.5 Regarding the concerns of DLO/YL, LandsD on the unauthorised structure(s) and occupation of GL within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. **Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, 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 23.10.2029. The following conditions of approval 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 and the Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office, or of the Town Planning Board by 23.4.2027;
- (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 and the Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office, or of the Town Planning Board by 23.7.2027;
- (c) in relation to (b) above, the implemented drainage facilities 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 23.4.2027;
- (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 23.7.2027;
- (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;

- (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; and
- (h) upon expiry of the planning permission, the reinstatement of the Site, including the removal of 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 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 applied use with associated filling of land is not in line with the planning intention of the "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. 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 planning 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 31.8.2026
Appendix Ia	SI received on 2.9.2026
Appendix Ib	FI received on 14.10.2026
Appendix II	Government Bureau/Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3
Plan A-4

Aerial Photo
Site Photos

PLANNING DEPARTMENT
OCTOBER 2026