

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1255

<u>Applicant</u>	: Maxtop Sky Limited represented by Tensor Planning and Surveying Limited
<u>Site</u>	: Various Lots in D.D. 104, Long Ha, Yuen Long
<u>Site Area</u>	: About 3,722m 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>	: “Comprehensive Development Area” (“CDA”)
<u>Application</u>	: Temporary Shop and Services (Motor-vehicle Showroom) with Ancillary Parking of Vehicles for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (motor-vehicle showroom) with ancillary parking of vehicles for a period of five years at the application site (the Site), which falls within an area zoned “CDA” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “CDA” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is largely hard-paved, fenced-off, erected with some temporary structures and used for the applied use with valid planning permission under application No. A/YL-KTN/1009 (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from San Tam Road via a local track (**Plans A-1a, A2 to A-4**). According to the applicant, the applied use involves nine single-storey structures with height of not more than 3.5m and a total floor area of about 1,684m² for vehicle showrooms, site office and washroom, electrical and mechanical facility and electric meter rooms (**Drawing A-1**). About 130 unlicensed motor-vehicles could be displayed at the vehicle showrooms. Nine parking spaces for private cars (including seven equipped with electric vehicle (EV) charging facilities with power of 170kW) for test drive and serving the visitors, and two loading/unloading (L/UL) spaces for light goods vehicle will be provided at the Site. Peripheral fencing of 2.5m in height is erected along the site boundary on all sides. No vehicle exceeding 5.5 tonnes will be allowed to enter or be parked/stored/displayed at the Site at all times. No open storage, car beauty, car washing, car repairing, car dismantling or other workshop activities

will be involved and no public announcement system, whistle blowing, portable loud speaker or other form of audio amplification system will be used at the Site at all times. The operation hours will be between 9:00 a.m. and 7:00 p.m. daily, including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

- 1.3 The Site is involved in 11 previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/1009 for the same use submitted by the same applicant as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024, with the planning permission valid until 24.5.2029. Compared with the last application, the current application mainly involves decreases in site area (-241m²/-6%), building height (-6.5m/-65%) and parking spaces (-2/-18%); increases in number of structures (+3/+50%) and total floor area (+487m²/+41%); and addition of L/UL spaces (+2) and ancillary EV charging facilities.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 9.7.2026 (**Appendix I**) and 13.7.2026
 - (b) Further Information (FI) received on 4.8.2026* (**Appendix Ia**)
 - (c) FI received on 1.9.2026# (**Appendix Ib**)
 - (d) FI received on 7.10.2026* (**Appendix Ic**)
 - (e) FI received on 16.10.2026* (**Appendix Id**)
- * accepted and exempted from publication and recounting requirements
accepted but not exempted from publication and recounting requirements
- 1.5 On 28.8.2026, the Committee 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 Id**, and can be summarised as follows:

- (a) the applied use is mainly intended to display unlicensed EVs for sale and offer test drive for consumers upon appointment, which could serve any such demand from the villagers/residents nearby. The ancillary EV charging facilities at the parking spaces are provided to serve the need of visitors and vehicles for test drive.
- (b) the temporary nature of the application will not frustrate the long-term planning intention of the “CDA” zone. The applied use is not incompatible with the surrounding areas, and no tree felling will be involved. The Site is subject to a previously approved application No. A/YL-KTN/1009 for the same use submitted by the same applicant and there are similar applications approved in the vicinity of the Site within the same “CDA” zone;
- (c) sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the applied use will generate infrequent trips. Adverse traffic,

environmental, drainage and fire safety impacts are not anticipated. In support of the current application, the applicant has submitted the drainage and fire service installations proposals accepted under the previous application No. A/YL-KTN/1009; and

- (d) regarding the Lands Department (LandsD)'s concerns on the unauthorised structures within the Site, the applicant will submit Short Term Waiver (STW) to LandsD should the application be approved by the Committee.

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 San Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

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

5. Previous Applications

- 5.1 The Site is involved in 11 previous applications, including eight applications No. A/YL-KTN/216 for temporary open storage of construction materials and machineries rejected by the Board on review in 2005, and No. A/YL-KTN/291, 325, 385, 479, 533, 661 and 846 for temporary private car park approved by the Board on review or by the Committee between 2005 and 2024 which are not relevant to the current application due to different use involved.
- 5.2 The remaining three applications No. A/YL-KTN/233, 249 and 1009, all covering a larger site area, for temporary sales of vehicles or vehicle showroom (application No. A/YL-KTN/249 also involving parking of private cars), were approved with conditions by the Board on review in 2005, or by the Committee in 2006 and 2024 respectively, mainly on the considerations that there was no known implementation programme for the "CDA" zone and the applied/proposed use on a temporary basis would not jeopardise the long-term planning intention of the "CDA" zone; the applied/proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or their concerns and public comments, if any, could be addressed by approval conditions. Compared with the last application No. A/YL-KTN/1009, the current application is submitted by the same applicant for the same use and involves decreases in site area, building height and parking spaces; increases in number of structures and total floor area; and addition of L/UL spaces and ancillary EV charging facilities as detailed in paragraph 1.3 above. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Applications

There are six similar applications (No. A/YL-KTN/788, 832, 874, 1102, 1133 and 1204) for various temporary shop and services uses (one also involving excavation of land) within/straddling the same “CDA” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2022 and 2026 mainly on the similar consideration as mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from San Tam Road via a local track; and
- (b) largely hard-paved, fenced-off, erected with some temporary structures and used for the applied use with valid planning permission under application No. A/YL-KTN/1009.

7.2 The surrounding areas are rural in character with an intermix of residential structures, car repair workshops, storage yards, plant nursery, farmland and grassland. To the west across San Tam Road is San Tin Highway.

8. Planning Intention

The “CDA” zone is intended primarily for comprehensive development/ redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. Comments from Relevant Government Bureau and Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other government bureau and 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.

9.2 The following government department has adverse comments on the application:

Land Administration

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

- (a) has adverse comment on the application;

- (b) the Site comprises Old Schedule Agricultural Lots No. 3316 RP, 3331 RP, 3337 RP, 3338 RP, 3339, 3340 RP, 3341 RP, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349 RP, 3350, 3351, 3359 RP and 3360 RP in D.D. 104 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) Lots No. 3342 and 3343 in D.D.104 are covered by a STW No. 1184 for the purpose of “Furniture and Iron Workshop and Temporary Private Car Park (Private Cars)”;
- (d) LandsD has reservation on the planning application since there is/are unauthorized structure(s) or uses on the Lot No. 3359 RP in D.D.104 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularize the lease breaches as demanded by LandsD; and
- (e) advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Periods

On 17.7.2026 and 4.9.2026, the application and FI were published for public inspection. During the statutory public inspection periods, two public comments were received from the same individual objecting to the application mainly on the grounds that the approval conditions imposed under the last previous application have yet to be complied with; and a shorter approval period should be granted (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (motor-vehicle showroom) with ancillary parking of vehicles for a period of five years at the Site zoned “CDA” on the OZP (**Plan A-1a**). While the applied use is not in line with the planning intention of the “CDA” zone, there is currently no known development proposal for the “CDA” zone, and approving the application on a temporary basis would not frustrate the long-term planning intention of the “CDA” zone. Moreover, according to the applicant, the applied use is intended to meet the demand of villagers/residents nearby for EV, and seven out of the nine ancillary parking spaces for private cars are also equipped with EV charging facilities to serve the visitors and test drive, on which the Secretary for Environment and Ecology has no adverse comment from EV policy perspective. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis for a period of five years.
- 11.2 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of residential structures, car repair workshops, storage yards, plant nursery, farmland and grassland. 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 use is not incompatible with the landscape setting in the

proximity and significant adverse landscape impact arising from the applied use is not anticipated.

- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, who also considers the submitted drainage proposal acceptable, 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 applied use. Regarding DLO/YL, LandsD's concerns on the unauthorized structures and/or uses on the concerned lot within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are three approved previous applications for the same or similar use and six approved similar applications within/straddling the same "CDA" zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5.2 and 6 above respectively. Approving the current application is in line with the previous decisions by the Committee and the Board.
- 11.5 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

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 23.10.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.1.2027;
- (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 23.4.2027;

- (d) in relation to (c) above, the implementation of the revised 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;
- (e) if the above planning condition (a) 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 (b), (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 applied use is not in line with the planning intention of the "CDA" zone which is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. 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 9.7.2026 and 13.7.2026
Appendix Ia	FI received on 4.8.2026
Appendix Ib	FI received on 1.9.2026
Appendix Ic	FI received on 7.10.2026
Appendix Id	FI received on 16.10.2026

Appendix II	Previous and similar applications
Appendix III	Government bureau and departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
OCTOBER 2026**