

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1086

- Applicant** : Yatlee Investments Limited
- Site** : Lots 232 S.B ss.9 and 232 S.B RP (Part) in D.D.103, Ko Po Tsuen, Kam Tin, Yuen Long, New Territories
- Site Area** : About 229m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Village Type Development” (“V”)
[Maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Shop and Services (Wheelchair Accessible Vehicles Showroom) for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (wheelchair accessible vehicles showroom) for a period of five years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use in the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by a one-storey structure and used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves one single-storey structure with building height of not more than 4m and a total floor area of about 229m² for wheelchair accessible vehicles showroom and ancillary office. Not more than six wheelchair accessible vehicles will be displayed at the Site and no vehicle exceeding 5.5 tonnes will be involved. No parking and loading/unloading space will be provided at the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, including public holidays, with no operation on Sundays. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is the subject of three previous applications for the same use submitted by the same applicant as the current application (details at paragraph 5 below). Compared with the last approved application No. A/YL-KTN/950, the development parameters and layout under the current application remain unchanged. The planning permission under application No. A/YL-KTN/950 was revoked in December 2023 due to non-compliance with approval condition.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 13.1.2025 (Appendix I)
 - (b) Further Information (FI) received on 6.2.2025* (Appendix Ia)
 - (c) FI received on 11.2.2025* (Appendix Ib)
 - (d) FI received on 18.2.2025* (Appendix Ic)

** 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**, and can be summarised as follows:

- (a) In view of the limited affordable wheelchair accessible vehicles in the market, the applicant intends to provide retail services of this type of vehicles to meet the needs of the elderly and disabled in the public including local villagers.
- (b) There is no change in the applied use and layout between the current application and the last approved application No. A/YL-KTN/950. In support of the current application, a record of the existing drainage facilities within the Site and a certificate of fire service installation and equipment (FS 251) are submitted.
- (c) As there is increasing demand for the applied use, a longer period of five years is sought under the current application instead of three years under the previously approved applications.

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

The applicant is the sole ‘current land owner’. 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. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/YL-KTN/574, 718 and 950) for temporary shop and services (wheelchair accessible vehicles showroom) for a period of three years (including two renewals of temporary approval granted) submitted by the same applicant as the current application, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between September 2017 and September 2023 mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed/applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions. The planning permission under application No. A/YL-KTN/950 was subsequently revoked in December 2023 due to non-compliance with approval condition related to submission of existing drainage facilities record. Compared with the last approved application No. A/YL-KTN/950, the current application is the same in terms of the applied use, development parameters and layout, but the approval period sought is five years instead of three years in the last application.
- 5.2 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6. Similar Application

- 6.1 There is one similar application (No. A/YL-KTN/736) for temporary shop and services and eating place (outside seating accommodation) within the same “V” zone in the vicinity of the Site in the past five years, which was approved with conditions by the Committee in December 2020 on similar considerations as stated in paragraph 5.1 above. The planning permission was subsequently revoked in June 2022 due to non-compliance with approval conditions.
- 6.2 Details of the similar application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) currently occupied by a one-storey structure and used for the applied use without valid planning permission; and
 - (b) accessible from Kam Tin Road via a local track.
- 7.2 The surrounding areas are rural in character with an intermix of village settlements, shop and services, vehicle repair workshop and open storage/storage yards.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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 in **Appendices III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on revocation of the previous planning permission (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services (wheelchair accessible vehicles showroom) for a period of five years at the Site zoned “V” (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the applicant indicates that the applied use is intended to meet the needs of the public including local villagers. According to the District Lands Officer/Yuen Long, Lands Department, there is no Small House application approved or under processing within the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/Small House development within the “V” zone in the long term. It is considered that approval of the application on a temporary basis for five years would not frustrate the long-term planning intention of the “V” zone.

11.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of village settlements, shop and services, vehicle repair workshop and open storage/storage yards. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant landscape impact arising from the applied use is anticipated.

- 11.3 Other relevant departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) 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 12.2 below.
- 11.4 The Site is the subject of three previously approved applications for the same use submitted by the same applicant as the current application as detailed in paragraph 5.1 above. Whilst the planning permission under the last approved application No. A/YL-KTN/950 was revoked in December 2023 due to non-compliance with approval condition related to submission of existing drainage facilities record, the applicant has submitted the relevant drainage record under the current application which is accepted by CE/MN, DSD. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 Given that there are previously approved applications for the same applied use and one approved similar application within the same “V” zone in the vicinity of the Site, approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment as mentioned in paragraph 10 above, 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 comment as 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 28.2.2030. 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 existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (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.

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 "V" zone, which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification given 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 13.1.2025
Appendix Ia	FI received on 6.2.2025
Appendix Ib	FI received on 11.2.2025
Appendix Ic	FI received on 18.2.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	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
FEBRUARY 2025**