

RNTPC Paper No. A/YL-NSW/323A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 16.8.2024

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NSW/323**

- Applicant** : WONG Yee Yan represented by A-Tech Engineering Consultants Limited
- Site** : Lot 3614 RP in D.D. 104, Pok Wai, Yuen Long
- Site Area** : About 195.2m<sup>2</sup>
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9  
(currently in force)
- Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8  
(at the time of submission)
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*  
*[no change on the current OZP]*
- Application** : Proposed Temporary Shop and Services and Vehicle Repair Workshop for a  
Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and vehicle repair workshop for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes for the “V” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board); while ‘Vehicle Repair Workshop’ is neither a Column 1 nor Column 2 uses of the “V” zone. 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 Board. The Site is currently partly fenced-off and occupied by two vacant temporary structures.
- 1.2 The Site is accessible to Kam Pok Road East via an ingress/egress located at its northeastern corner (**Plan A-2**). According to the applicant, the proposal is for a real estate agency and vehicle repair workshop to serve the nearby locals. The

proposed use comprises two existing single-storey structures (both not more than 3.5m in height) with a total floor area of about 92.9m<sup>2</sup> for real estate agency and vehicle repair workshop respectively (**Drawing A-1**). Only 5-seated private cars will be serviced at the vehicle repair workshop and normally only one car will be serviced in the workshop at the same time. No vehicle repair work will be carried out at the open area of the Site. The operation hours of the proposed uses are between 9:00 a.m. to 7:00 p.m. daily. 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-NSW/289 for proposed temporary shop and services (Real Estate Agency) for a period of 5 years which was approved by the Committee on 27.8.2021 and valid until 27.8.2026 (details under paragraph 5 below). Compared with the last application, the current application is submitted by one of the applicants of the previous application at the same site with similar layout and development parameters, with the addition of vehicle repair workshop use and change in operation hours.

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

- (a) Application form received on 15.3.2024. **(Appendix I)**
  - (b) Further Information (FI) received on 2.5.2024\* **(Appendix Ia)**
  - (c) FI received on 4.7.2024\* **(Appendix Ib)**
- \* accepted and exempted from publication and recounting requirements*

1.5 On 10.5.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed development is compatible with the surrounding areas. It would provide convenience service to the nearby villagers.
- (b) It is common to have real estate agencies and car repair workshops in villages and such services are limited in Pok Wai area.
- (c) No vehicle repair work will be carried out at the open area of the Site.

## **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.

#### **4. Background**

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

#### **5. Previous Application**

The Site is the subject of a previous application No. A/YL-NSW/289 for the proposed temporary shop and service use at the same site. The application was approved with conditions for a period of five years by the Committee on 27.8.2021 mainly on the considerations that the proposed use would not frustrate the long term planning intention of the “V” zone; it was not incompatible with the surrounding land uses; it would unlikely cause significant adverse impacts on the area, and there were no adverse departmental comments. As for the last application, all the time-limited approval conditions have been complied with and the planning permission is valid until 27.8.2026. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

#### **6. Similar Application**

There is no similar application for shop and services and/or vehicle repair workshop uses within the subject “V” zone on the OZP.

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

7.1 The Site is:

- (a) directly accessible to Kam Pok Road East to its north; and
- (b) currently partly fenced off and occupied by two vacant temporary structures.

7.2 The surrounding areas have the following characteristics:

Comprise predominantly open workshops, storage yards and vehicle parks which some of them are suspected unauthorized developments, plant nursery, pond, grassland and scattered residential dwellings. The Site is bounded by Kam Pok Road East to its immediate north and Castle Peak Road – Tam Mi and San Tin Highway to its east.

#### **8. Planning Intention**

The planning intention of “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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 New Territories Exempted House (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 are provided in **Appendices III** and **IV** respectively.

## **10. Public Comments Received During Statutory Publication Period**

On 22.3.2024, the application was published for public inspection. During the statutory public inspection period, one comment was received from an individual (**Appendix V**) providing views on the application that the proposed development may induce road safety problem, noise and pollution affecting the nearby residents.

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary shop and services and vehicle repair workshop for a period of three years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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. Whilst the proposed uses are not entirely in line with the planning intention of the “V” zone, it could serve any such demand for shop and services and vehicle repair workshop in the area. District Lands Officer/Yuen Long, Lands Department has no adverse comments on the application and advises that there is no Small House application approved/under processing at the Site. As such, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.

11.2 The Site is located at the fringe of the “V” zone immediate adjacent to the Kam Pok Road East near the junction with Castle Peak Road – Tam Mi. According to the applicant, the proposed real estate agency and vehicle repair workshop can provide services to the local residents. Besides, only one 5-seated private car would be serviced in the proposed temporary vehicle repair workshop at the same time. The applicant has committed that no vehicle repair work will be carried out at the open area of the Site. The proposed development is small in scale with operations within the structures, which are considered not incompatible with the surrounding land uses with a plant nursery, open storage yards, vehicle parks, ponds, grassland and scattered residential dwellings to the further north across Kam Pok Road East.

- 11.3 The proposed development would unlikely cause significant adverse impacts on the area. There are no adverse comments from the concerned departments including Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North, Drainage Services Department (CE/MN , DSD), Director of Fire Services (D of FS) and Chief Town Planner/Urban Design and Landscape of Planning Department from traffic, environmental, drainage, fire safety and landscape perspectives. Should the application be approved, technical requirements of CE/MN, DSD and D of FS can be addressed by imposing the approval conditions recommended in paragraph 12.2 below. Besides, the applicant will be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP.
- 11.4 Given that a previous application for similar shop and services use have been granted to the Site in 2021, approval of the current application is generally in line with the Committee’s previous decision.
- 11.5 Regarding the public comments received during the statutory public inspection period of the application as detailed under paragraph 10, the planning considerations and assessments in paragraphs 11.1. to 11.4 are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department considers that the proposed uses could be tolerated for a period of 3 years.
- 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 3 years until 16.8.2027. 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 records 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 16.11.2024;
- (c) 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 16.2.2025;
- (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 16.5.2025;

- (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 attached at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' consideration:

the proposed use is not in line with the planning intention of the "V" zone, which is to designate both existing recognised villages and areas of land considered suitable for village expansion. 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. No strong planning justification has been 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**

<b>Appendix I</b>	Application form received on 15.3.2024
<b>Appendix Ia</b>	FI received on 2.5.2024
<b>Appendix Ib</b>	FI received on 4.7.2024
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public comment
<b>Drawing A-1</b>	Layout Plan

<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2024**