

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/339

<u>Applicant</u>	: Cars Culture Development Limited represented by Allgain Land Planning Limited
<u>Site</u>	: Lots 725 (Part), 726 (Part), 727 RP (Part), 729, 730, 731 (Part), 758 (Part), 759 (Part), 760 (Part), 774 S.A (Part), 774 S.B and 775 (Part) in D.D. 115, Castle Peak Road-Yuen Long Section, Yuen Long
<u>Site Area</u>	: About 3,480 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Proposed Temporary Eating Place and Shop and Services (Sales of Private Cars) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary eating place and shop and services (sales of private cars) for a period of three years at the application site (the Site), which falls within an area zoned “U” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, all uses or developments in the “U” zone, except those specified as always permitted under the covering Notes, require planning permission from the Town Planning Board (the Board). The Site is currently used for sales of private cars (with a number of marquees erected) without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Castle Peak Road – Yuen Long via Yuen Long Tung Shing Lei Road (**Plans A-1 and A-2**), with an ingress/egress (8m in width) at the southern side of the Site (**Drawing A-1**). According to the applicant, the proposed uses involve six one-to-two storey structures with building heights ranging from 5m to 8m and a total gross floor area (GFA) of about 2,150m² for eating place, shop, vehicle showroom, vehicle customer service centre, site office and reception. 10 private car parking spaces for visitors (with ancillary EV charging facility) and one light goods vehicle loading/unloading space are

provided within the Site. The operation hours will be from 9:00 a.m. to 7:00 p.m. daily, including Sunday and public holidays. No car beauty, washing, repairing, dismantling or other workshop activities will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes including container trailer/tractor will be allowed to enter/park at the Site. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of two previous applications for temporary shop and services use (**Plan A-1**). The last application No. A/YL-NSW/315 submitted by the same applicant for the same use at the same site was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 23.6.2023. The planning permission was subsequently revoked on 23.12.2024 due to non-compliance with approval condition (details at paragraph 5 below). Compared with the last application, there is no change in site area while there are minor changes in the layout and development parameters, i.e. decrease in GFA from 2,260m² to 2,150m² (-110m² or -4.87%).

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

- (a) Application Form with attachments received on **(Appendix I)** 14.1.2025
- (b) Further Information (FI) received on 3.3.2025 and **(Appendix Ia)** 6.3.2025 *

** accepted and exempted from publication and recounting requirement*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and the FI at **Appendix I** and **Ia**. They are summarised as follows:

- (a) The Site is the subject of a previous application No. A/YL-NSW/315 for the same proposed uses which was approved by the Committee in 2023. The planning permission was subsequently revoked on 23.12.2024 due to non-compliance with approval conditions related to drainage and fire service installations (FSIs). The applicant thus submitted a new application to seek planning permission for the same use for a period of three years.
- (b) The Site is zoned “U” on the OZP. The proposed uses are temporary in nature and would not jeopardise the long-term planning intention of the area. The nature and layout of the proposed uses are compatible with the surrounding environment. There are similar applications for shop and services within the same “U” zone approved by the Committee. Approving this application is considered in line with previous decisions of the Committee.
- (c) The proposed operation hours are between 9:00 a.m. and 7:00 p.m. daily, including Sunday public holidays. The applicant has submitted drainage proposal, FSIs

proposal and trip generation report, and provided relevant mitigation measures. No tree felling would be involved. A septic tank will be provided for sewage disposal in accordance with relevant regulations. No car beauty, washing, repairing, dismantling or other workshop activities will be carried out at the Site. The applicant will follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' ('CoP') issued by the Environmental Protection Department (EPD) to mitigate any potential environmental nuisances on the surrounding areas. The proposed uses would not generate adverse impacts to the surrounding environment.

- (d) Visitors and staff members could easily access the Site with public transport, including bus and minibus. No medium or heavy goods vehicles exceeding 5.5 tonnes including container trailer/tractor will be allowed to enter/park at the Site. The traffic impact generated by the proposed uses is insignificant.
- (e) The applicant will rectify the lease breaches by removing the unauthorised structures at the Site and apply for Short Term Waiver (STW) for the proposed structures.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" of the Site 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 posting site notice and sending the notice to relevant owners' corporation(s)/ owners' committee(s)/ mutual aid committee(s)/ management office(s) or rural committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

- 4.1 The Site falls within the "U" zone to south of the Yuen Long Highway (YLH) (**Plan A-1**) and has been zoned "U" on the draft Nam Sang Wai OZP No. S/YL-NSW/1 since 1994. The Site was designated for several major transport and drainage projects, including YLH, MTR Tuen Ma Line (TML) and Yuen Long Bypass Floodway (YLBFF) which were under planning at that time. According to the Explanatory Statement (ES) of the OZP, the "U" zone is within a transitional location between the urban and rural areas.
- 4.2 Following the completion of the infrastructure projects of YLH, TML and YLBFF, and upon preliminary review, the subject "U" zone is considered to have potential for housing developments and other uses. The detailed land use proposal and appropriate development parameters are being examined under the "Agreement No. CE 55/2020 (CE) – Site Formation and Infrastructure Works for Housing Developments at Tung Shing Lei, Au Tau, Kam Tin and Yuen Long Tai Yuk Road, Yuen Long – Feasibility Study" (the Study) undertaken by the Civil Engineering and Development Department (CEDD).

- 4.3 The Site is currently not subject to any active planning enforcement action. Should there be sufficient evidence to form an opinion that there is unauthorised development at the Site, planning enforcement would be undertaken.

5. Previous Applications

The Site is the subject of two previous applications, including No. A/YL-NSW/286 for temporary shop and services submitted by a different applicant and No. A/YL-NSW/315 for the same uses submitted by the same applicant as the current application. Both applications were approved by the Committee with conditions between 2021 and 2023 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “U” zone; the proposed use(s) would unlikely generate any adverse impacts; and there were no adverse departmental comments. Both planning permissions were subsequently revoked between 2022 and 2024 due to non-compliance with time-limited approval conditions. Compared with the last application No. A/YL-NSW/315, the current application is submitted by the same applicant for the same uses at the same site with minor changes in the layout and development parameters as stated in paragraph 1.3 above. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are eight similar applications (No. A/YL-NSW/278, 283, 285, 296, 304, 306, 320 and 325) covering six sites for similar uses (including temporary shop and services for sales of private cars or hardware accessories, eating place, retail shop for car components/accessories, convenience store, showroom and real estate agency) within the same “U” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2020 and 2024, mainly on the similar considerations as stated in paragraph 5 above. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**

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

7.1 The Site is:

- (a) accessible from Castle Peak Road – Yuen Long via Yuen Long Tung Shing Lei Road; and
- (b) currently occupied by sales of private cars (with a number of marquees erected) without valid planning permission.

7.2 The surrounding areas are predominated by village houses and residential structures intermixed with brownfield operations like storage yards and workshop, shop and services like car beauty (with planning permission under application No. A/YL-NSW/306) and retail shop, a church, a temple, a hotel and vacant land.

8. Planning Intention

According to the ES of the OZP, the “U” zone is subject to impacts from the existing Castle Peak Road, YLH, TML and YLBF. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardising the long-term planning intention of the areas. Under the “U” zone, any developments or redevelopments require planning permission from the Board so as to ensure the environment would not be adversely affected and that infrastructure, Government, institution or community facilities, and open space are adequately provided. The proposed development should also take into account the TML and YLBF. To realise a built-form which represents a transition from Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north.

9. Comments from Relevant Government Departments

9.1 Apart from the government department 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 in the Recommended Advisory Clauses, if any, are provided in **Appendices III** and **IV** respectively.

9.2 The following government department has reservation on the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot Nos. 725, 726, 727 RP, 729, 730, 731, 758, 759, 760, 774 S.A, 774 S.B and 775 all in D.D. 115 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;

Unauthorised structure(s) within the said private lot(s) covered by the planning application

- (c) LandsD has reservation on the planning application since there is/are unauthorised structure(s) and/or uses on Lot Nos. 727 RP, 729, 730, 731, 758, 759, 760, 774 S.A and 774 S.B all in D.D. 115 which is/are already subject to lease enforcement actions according to case priority. The lots owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;

Unauthorised structure(s) within the said private lot(s) not covered by the planning application

- (d) there is/are unauthorised structure(s) within Lot Nos. 758 and 760 both in D.D. 115 not covered by the subject planning application. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and
- (e) if the planning application is approved, the lots owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lots. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

10. Public Comments Received During Statutory Publication Period

On 21.1.2025, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix V**). Three objecting comments were received from a resident of Tung Shing Lei (who is also a beneficiary and owner of nearby private lots), decedents of a resident of Tung Shing Lei and an individual mainly on the grounds that the applicant of the previous applications failed to comply with approval conditions; the proposed uses are not compatible with the surrounding village houses and heritage; the proposed uses are in conflict with the planning intention of “U” zone; and the proposed uses would bring adverse environmental, hygiene, drainage, noise and traffic impacts to nearby villagers and pedestrians. The remaining one from the Chairman of the Yuen Long Town Centre & Rural East Area Committee indicates no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary eating place and shop and services (sales of private cars) for a period of three years at the Site zoned “U” (**Plan A-1**). While the land use proposal and appropriate development parameters for the “U” zone are subject to further study as mentioned in paragraph 4.2 above, the proposed uses of temporary nature at the Site will not undermine the long-term development and planning of the “U” zone. In this regard, the Head of Civil Engineering Office, CEDD and Director of Housing have no comment on the application. In view of the above and taking into account the assessment below, there is no objection to the application on a temporary basis for a period of three years.

11.2 The proposed uses are considered not incompatible with the surrounding areas

which comprise mainly low-rise village houses and residential structures intermixing with brownfield operations, shop and services, church, temple, hotel and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no adverse comment on the application from landscape planning perspective.

- 11.3 Regarding DLO/YL, LandsD's concern on the unauthorised structures erected within/outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to rectify the lease breaches as demanded by LandsD upon approval given by the Committee (**Appendix Ia**). Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), Director of Fire Services (D of FS), Director of Environmental Protection and Director of Food and Environmental Hygiene have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will be advised to follow the relevant guidelines and requirement issued by EPD and comply with the statutory requirements set out in relevant pollution control ordinances to minimise potential environmental nuisance on the surrounding areas.
- 11.4 The Site is the subject of two previous approved applications as mentioned in paragraph 5 above. The planning permission under the last application No. A/YL-NSW/315 submitted by the same applicant for the same uses was subsequently revoked on 23.12.2024 due to non-compliance with the time-limited approval conditions related to the submission and implementation of the drainage proposal and the implementation of the FSIs proposal. In this regard, the applicant has submitted drainage and FSIs proposals for the current application and CE/MN of DSD and D of FS have no objection to the current application. As such, sympathetic consideration may be given to the current application. Should the Committee decide to approve the application, 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 applications.
- 11.5 There are eight similar applications approved by the Committee as mentioned in paragraph 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment in paragraph 11 above 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 three years until 14.3.2028. 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 or of the Town Planning Board by 14.9.2025;
- (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 or of the Town Planning Board by 14.12.2025;
- (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 14.9.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.12.2025;
- (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; and
- (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.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 12.3 There is no strong reason to recommend rejection of the application.

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 14.1.2025 and 21.1.2025
Appendix Ia	FI received on 3.3.2025 and 6.3.2025
Appendix II	Previous and Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout Plan
Plan A-1	Location Plan with previous and similar applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**